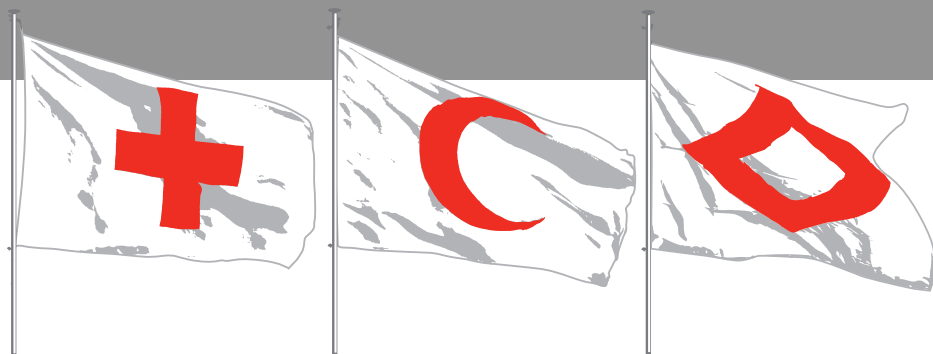


INTERNATIONAL COMMITTEE OF THE RED CROSS

INTERNATIONAL FEDERATION OF
RED CROSS AND RED CRESCENT SOCIETIES

HANDBOOK OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT



“Distinctive emblems of the International Red Cross and Red Crescent Movement”

FOURTEENTH EDITION

2008

The Fundamental Principles of the International Red Cross and Red Crescent Movement

Humanity The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

Impartiality It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

Neutrality In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

Independence The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

Voluntary service It is a voluntary relief movement not prompted in any manner by desire for gain.

Unity There can be only one Red Cross or one Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

Universality The International Red Cross and Red Crescent Movement, in which all Societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.

The Fundamental Principles were proclaimed by the 20th International Conference of the Red Cross, Vienna, 1965. This is the revised text contained in the Statutes of the International Red Cross and Red Crescent Movement, adopted by the 25th International Conference of the Red Cross, Geneva, 1986.

HANDBOOK
OF THE INTERNATIONAL RED CROSS
AND RED CRESCENT MOVEMENT



INTERNATIONAL COMMITTEE OF THE RED CROSS

INTERNATIONAL FEDERATION OF
RED CROSS AND RED CRESCENT SOCIETIES

Handbook

of the International Red Cross
and Red Crescent Movement

International humanitarian law

Statutes and Regulations

Main policies of the International Red Cross and Red Crescent Movement

*Selected Resolutions of the International Conference
of the Red Cross and Red Crescent,
the Council of Delegates and the
General Assembly of the Federation*

FOURTEENTH EDITION
GENEVA, 2008

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1202 GENEVA

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- Geneva Convention of 22 August 1864 for the Amelioration of the Condition of the Wounded in Armies in the Field
- International Committee of the Red Cross
- International Federation of Red Cross and Red Crescent Societies
- National Red Cross and Red Crescent Societies
- Statutory bodies of the International Red Cross and Red Crescent Movement
- History of the International Red Cross and Red Crescent Movement and of international humanitarian law

FOREWORD

Since 1889, when it was first published, the Handbook of the International Red Cross and Red Crescent Movement has been intended both as a compilation of the principles and rules that have directed the activities of the Movement since its foundation and a practical guide for all those interested in the life of the Red Cross and Red Crescent.

It therefore contains the international conventions and agreements that govern the mission of the Movement's components in time of conflict, the Statutes and Regulations connected with the organization and work of those institutions – the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, and the National Red Cross and Red Crescent Societies – and, finally, the main resolutions adopted by the Movement's statutory bodies.

Originally published by the International Committee of the Red Cross, the Handbook took the form of a twenty-two page pamphlet containing the substance of the resolutions of the first International Conferences of the Red Cross. Increasing considerably in size with each successive issue, the Handbook was most recently reissued in 1951, 1953, 1971, 1983 and 1994. From 1930, it became the International Red Cross Handbook, a joint publication of the International Committee of the Red Cross and the League of Red Cross Societies.¹ Its layout remained unchanged in later editions. The first part contained the Geneva Conventions and several other international conventions with a bearing on Red Cross and Red Crescent work; the second part was devoted to the Statutes and Regulations of the Movement's international institutions; and the third part assembled the main resolutions of International Conferences, the Council of Delegates and the Board of Governors of the League – now the General Assembly of the Federation. This layout has been maintained to a great extent in the current edition, however a fourth part with the main policies of the International Red Cross and Red Crescent Movement has been added.

The ninth edition, in 1951, represented an important step in the development of this publication. It was at that time supplemented by the four Geneva Conventions of 1949, to which the Additional Protocols of 1977 have now been appended. Since 1971, on the other hand, the Handbook no longer gives the texts of the Conventions prior to those of 1949, with the exception of the “mother” Convention of 1864 which, in the present edition, will be found as an inset. A summary of the fundamental rules of international humanitarian law applicable in armed conflicts has been inserted at the end of the work, which makes for easier consultation.

¹ On 28 November 1991 the League changed its name to “International Federation of Red Cross and Red Crescent Societies”.

Part One which deals with international humanitarian law, gives the complete text of the Geneva Conventions of 1949, their 1977 Additional Protocols and the 2005 Additional Protocol. Also included, as in the earlier editions, are other international texts of general interest for the Movement and its work. These additions to the Handbook have been successively introduced. In point of fact, the 1977 Additional Protocols concern the law regulating the conduct of hostilities. The 2005 Additional Protocol (Protocol III) concerns the adoption of an additional distinctive emblem. This part also includes other texts of international law (previously listed under the law of the Hague) Therefore, since the twelfth edition more space has been given to other conventions and agreements of this type. The following will be found in this edition: the Declaration of St. Petersburg of 1868, covering the prohibition of certain explosive projectiles in time of war; the Declaration of The Hague of 1899 prohibiting the use of bullets which expand or flatten easily in the human body; the 1907 Hague Convention No. IV respecting the laws and customs of war on land; , the 1972 Convention on the prohibition of the development, production and stockpiling of bacteriological (biological) and toxin weapons and on their destruction; the 1976 Convention on the prohibition of military or any other hostile use of environmental modification techniques; the Convention and Protocols of 1980 on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects; subsequent Protocols to this Convention such as the Protocol on blinding laser weapons and the Protocol on explosive remnants of war ; extracts of the Rome Statute of the International Criminal Court . Finally, this part contains a Resolution adopted by the United Nations General Assembly in 1968, relating to respect for human rights in armed conflict and the Final Declaration of the International Conference for the protection of war victims.

Two of the texts quoted in the Handbook are not part of international humanitarian law as such. The texts in question, an extract from the 1989 United Nations Convention on the rights of the child and the Optional Protocol to the Convention on the rights of the child (25 May 2000) belong in fact to human rights law. Readers interested in this branch of law should consult collections published by the international organizations directly concerned (one such publication is “Human rights - Collection of international instruments”, published by the United Nations and regularly updated).

Part Two of the Handbook, traditionally devoted to statutes, regulations and other normative texts in force within the Movement, has been almost entirely revised from the previous edition. Most of the changes are the result of amendments of the Statutes and Rules of Procedures of the Movement after the adoption of Protocol III additional to the Geneva Conventions in 2005, the revision by the governing bodies of the ICRC and the Federation of their institutions’ respective statutes and the adoption in 1997 of the Agreement on the organization of the international activities of the components of the International Red Cross and Red Crescent Movement (Seville Agreement) and in 2005 of the supplementary measures to enhance the implementation of the Seville Agreement.

In addition, the texts relating to the use of the emblem by the National Societies and to relief operations in disaster situations have been expanded, taking into account recent experience and the needs that have become apparent over the past decade.

Part Three of this Handbook covers the main policies, strategies and plan of action of the International Red Cross and Red Crescent Movement. This part contains normative texts such as those relative to the Fundamental Principles, to the promotion of non-discrimination, to the organization of National Societies and their relations with actors outside the Movement. It also includes the Strategy for the International Red Cross and Red Crescent Movement, updated in 2005. Texts on National Societies as auxiliaries to the public authorities in the humanitarian field and others on the guidance of relations with other actors outside the Movement such as corporate sector partnerships and military bodies can be found here.

Finally this part includes plans of action to strengthen humanitarian activities of the components of the Movement in specific areas such as the restoring family links strategy.

As in previous editions, **Part Four** (formerly Part Three), contains a revised and updated selection of the main resolutions of the International Conference, the Council of Delegates and the Federation's General Assembly..

Generally speaking, these are important resolutions of the past few decades relating to the Movement's organization, activities, policy guidelines and humanitarian concerns. Also included are some resolutions adopted before the 20th International Conference (Vienna, 1965) that have lost none of their validity and topical interest, and a number of landmark resolutions in Red Cross and Red Crescent work.

As in the previous editions, the resolutions have been classified according to subject. To take into account recent developments in a number of areas, several chapters have been added to the sections devoted to international humanitarian law and to the activities of the components of the Movement in conflict and natural disaster situations.

Ultimately, a complete version of all the resolutions adopted within the Movement will be put on a CD-ROM to facilitate easy reference at all times. A special pocket at the back of the Handbook has been provided for this.

The **Annexes** include a chronological list of resolutions contained in Part Three and Part Four and provide brief information on the Movement's statutory meetings, successive leaders, and the medals and prizes awarded.

Geneva Convention of 22 August 1864

for the Amelioration of the Condition of the Wounded in Armies in the Field

- ARTICLE 1** Ambulances and military hospitals shall be recognized as neutral and, as such, protected and respected by the belligerents as long as they accommodate wounded and sick. Neutrality shall end if the said ambulances or hospitals should be held by a military force.
- ARTICLE 2** Hospital and ambulance personnel, including the quartermaster's staff, the medical, administrative and transport services, and the chaplains, shall have the benefit of the same neutrality when on duty, and while there remain any wounded to be brought in or assisted.
- ARTICLE 3** The persons designated in the preceding Article may, even after enemy occupation, continue to discharge their functions in the hospital or ambulance with which they serve, or may withdraw to rejoin the units to which they belong. When in these circumstances they cease their functions, such persons shall be delivered to the enemy outposts by the occupying forces.
- ARTICLE 4** The material of military hospitals being subject to the laws of war, the persons attached to such hospitals may take with them, on withdrawing, only the articles which are their own personal property. Ambulances, on the contrary, under similar circumstances, shall retain their equipment.
- ARTICLE 5** Inhabitants of the country who bring help to the wounded shall be respected and shall remain free. Generals of the belligerent Powers shall make it their duty to notify the inhabitants of the appeal made to their humanity, and of the neutrality which humane conduct will confer. The presence of any wounded combatant receiving shelter and care in a house shall ensure its protection. An inhabitant who has given shelter to the wounded shall be exempted from billeting and from a portion of such war contributions as may be levied.

- ARTICLE 6** Wounded or sick combatants, to whatever nation they may belong, shall be collected and cared for.
Commanders-in-Chief may hand over immediately to the enemy outposts enemy combatants wounded during an engagement, when circumstances allow and subject to the agreement of both parties.
Those who, after their recovery, are recognized as being unfit for further service, shall be repatriated.
The others may likewise be sent back, on condition that they shall not again, for the duration of hostilities, take up arms.
Evacuation parties, and the personnel conducting them, shall be considered as being absolutely neutral.
- ARTICLE 7** A distinctive and uniform flag shall be adopted for hospitals, ambulances and evacuation parties. It should in all circumstances be accompanied by the national flag.
An armlet may also be worn by personnel enjoying neutrality but its issue shall be left to the military authorities.
Both flag and armlet shall bear a red cross on a white ground.
- ARTICLE 8** The implementing of the present Convention shall be arranged by the Commanders-in-Chief of the belligerent armies following the instructions of their respective Governments and in accordance with the general principles set forth in this Convention.
- ARTICLE 9** The High Contracting Parties have agreed to communicate the present Convention with an invitation to accede thereto to Governments unable to appoint Plenipotentiaries to the International Conference at Geneva. The Protocol has accordingly been left open.
- ARTICLE 10** The present Convention shall be ratified and the ratifications exchanged at Berne, within the next four months, or sooner if possible.
In faith whereof, the respective Plenipotentiaries have signed the Convention and thereto affixed their seals.
Done at Geneva, this twenty-second day of August, in the year one thousand eight hundred and sixty-four.

International Committee of the Red Cross

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance.

The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles.

Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.



ICRC

International Federation of Red Cross and Red Crescent Societies

The International Federation of Red Cross and Red Crescent Societies is a global humanitarian organization, established by and comprised of National Red Cross and Red Crescent Societies, which coordinates and directs international assistance following natural and technological disasters. Its mission is to improve the lives of vulnerable people by mobilizing the power of humanity.

The International Federation works with National Societies in responding to catastrophes around the world. Its relief operations are combined with development work, including disaster preparedness programmes, health and care activities, and the promotion of humanitarian values.

In particular, it supports programmes on risk reduction and fighting the spread of diseases, such as HIV, tuberculosis, avian influenza and malaria. The organization also works to combat discrimination and violence, and promote human rights and assistance for migrants.



International Federation
of Red Cross and Red Crescent Societies

National Red Cross and Red Crescent Societies

National Red Cross and Red Crescent Societies embody the work and principles of the International Red Cross and Red Crescent Movement in more than 186 countries. National Societies act as auxiliaries to the public authorities of their own countries in the humanitarian field and provide a range of services including disaster relief, health and social programmes. During wartime, National Societies assist the affected civilian population and support the army medical services where appropriate.



Statutory bodies of the International Red Cross and Red Crescent Movement

The **statutory bodies** of the International Red Cross and Red Crescent Movement are:

1. The International Conference of the Red Cross and Red Crescent

The International Conference brings together delegations of:

- the National Societies;
- the ICRC;
- the Federation;
- the States party to the Geneva Conventions.

Each delegation has one vote.

The Conference normally meets every four years.

2. The Council of Delegates of the International Red Cross and Red Crescent Movement

The Council of Delegates is composed of delegations of:

- the National Societies;
- the ICRC;
- the Federation.

Therefore, the Council of Delegates is the assembly of the Movement's components.

It meets on the occasion of every International Conference and usually also on the occasion of every General Assembly of the Federation.

3. The Standing Commission of the Red Cross and Red Crescent

The Standing Commission comprises nine members:

- five members elected by the International Conference of the Red Cross and Red Crescent;
- two representatives of the ICRC, one of whom is the President;
- two representatives of the Federation, one of whom is the President.

It usually meets every six months.

History of the International Red Cross and Red Crescent Movement and of international humanitarian law

Movement IHL

1859 Battle of Solferino – Henry Dunant

1863 International Committee for the relief of military wounded: as from 1876, International Committee of the Red Cross (ICRC)
International Conference convened in Geneva
Establishment of national committees for the relief of military wounded

1864 Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field

1867 First International Conference of the Red Cross

1899 The Hague Conventions
– Laws and Customs of War on Land (Convention No. II)
– Adaptation to Maritime Warfare of the Principles of the 1864 Geneva Convention (Convention No. III)

1906 Revision and development of the 1864 Geneva Convention

1907 The Hague Conventions
– Laws and Customs of War on Land (Convention No. IV)
– Adaptation to Maritime Warfare of the Principles of the 1906 Geneva Convention (Convention No. X)

1919 League of Red Cross Societies:
as from 1983, League of Red Cross and Red Crescent Societies
as from 1991, International Federation of Red Cross and Red Crescent Societies

1925 Geneva Protocol on the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases and of Bacterio-logical Methods of Warfare

Movement IHL

1928 Statutes of the International Red Cross (revised in 1952 and in 1986)

1929 Geneva Conventions

- Wounded and Sick in Armed Forces in the Field [revision of the 1906 Geneva Convention] (First Convention)
 - Prisoners of War [supplements the 1899 Hague Convention No. II and the 1907 Hague Convention No. IV] (Second Convention)
 - Official recognition of the red crescent emblem (first used in 1876)
-

1949 Geneva Conventions

- Wounded and Sick in Armed Forces in the Field [revision and development of the 1929 Geneva Convention] (First Convention)
 - Wounded, Sick and Shipwrecked Members of Armed Forces at Sea [revision and development of the 1907 Hague Convention No. X] (Second Convention)
 - Prisoners of War [revision and development of the 1929 Geneva Convention] (Third Convention)
 - Civilian persons [supplements the 1899 Hague Convention No. II and the 1907 Hague Convention No. IV] (Fourth Convention)
-

1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict

- Protocol I (1954)
 - Protocol II (1999)
-

Movement IHL

1965 Proclamation of the Fundamental Principles of the Red Cross: humanity, impartiality, neutrality, independence, voluntary service, unity, universality (incorporated in 1986 into the Statutes of the International Red Cross and Red Crescent Movement)

1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction

1976 Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD)

1977 Protocols additional to the 1949 Geneva Conventions

- Protocol I: Protection of Victims of International Armed Conflicts
- Protocol II: Protection of Victims of Non-International Armed Conflicts

1980 Convention on Prohibitions and Restrictions of Certain Conventional Weapons

- Amended Article 1 (2001)
- Protocol I (1980) on Non-Detectable Fragments
- Protocol II (1980) on Mines, Booby-Traps and Other Devices
- Amended Protocol II (1996) on Mines, Booby-Traps and Other Devices
- Protocol III (1980) on Incendiary Weapons
- Protocol IV (1995) on Blinding Laser Weapons
- Protocol V (2003) on Explosive Remnants of War

Movement IHL

1986 Statutes of the International Red Cross and Red Crescent Movement

1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction

1997 Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on their Destruction

1998 Rome Statute of the International Criminal Court

2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

2005 Protocol additional to the Geneva Conventions relating to the Adoption of an Additional Distinctive Emblem (Protocol III)

2006 29th International Conference of the Red Cross and Red Crescent: amending the Statutes of the Movement taking into account the adoption of the Additional Protocol to the Geneva Conventions (Protocol III).

PART ONE

INTERNATIONAL HUMANITARIAN LAW

I

GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN ARMED FORCES IN THE FIELD OF 12 AUGUST 1949

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A. GENEVA CONVENTIONS AND ADDITIONAL PROTOCOLS

I

GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN ARMED FORCES IN THE FIELD OF 12 AUGUST 1949

CHAPTER I

General Provisions

*Respect
for the
Convention¹*

ARTICLE 1. — The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

*Application
of the
Convention*

ART 2. — In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

*Conflicts not
of an
international
character*

ART. 3. — In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- 1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those

¹ The marginal notes or titles of articles have been drafted by the Swiss Federal Department of Foreign Affairs.

placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- b) taking of hostages;
- c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

ART. 4. — Neutral Powers shall apply by analogy the provisions of the present Convention to the wounded and sick, and to members of the medical personnel and to chaplains of the armed forces of the Parties to the conflict, received or interned in their territory, as well as to dead persons found.

*Application
by neutral
Powers*

ART. 5. — For the protected persons who have fallen into the hands of the enemy, the present Convention shall apply until their final repatriation.

*Duration of
application*

ART. 6. — In addition to the agreements expressly provided for in Articles 10, 15, 23, 28, 31, 36, 37 and 52, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of the wounded and sick, of members of the medical personnel or of

*Special
agreements*

chaplains, as defined by the present Convention, nor restrict the rights which it confers upon them.

Wounded and sick, as well as medical personnel and chaplains, shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

*Non-
renunciation
of rights*

ART. 7. — Wounded and sick, as well as members of the medical personnel and chaplains, may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

*Protecting
Powers*

ART. 8. — The present Convention shall be applied with the co-operation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate, to the greatest extent possible, the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties. Their activities shall only be restricted, as an exceptional and temporary measure, when this is rendered necessary by imperative military necessities.

*Activities
of the
International
Committee of
the Red Cross*

ART. 9. — The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of wounded and sick, medical personnel and chaplains, and for their relief.

*Substitutes for
Protecting
Powers*

ART. 10. — The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When wounded and sick, or medical personnel and chaplains do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power, or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention also applies to substitute organizations in the sense of the present Article.

ART. 11. — In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

*Conciliation
procedure*

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, in particular of the authorities responsible for the wounded and sick, members of medical personnel and chaplains, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict a person belonging to a neutral Power or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

CHAPTER II

Wounded and Sick*Protection
and care*

ART. 12. — Members of the armed forces and other persons mentioned in the following Article, who are wounded or sick, shall be respected and protected in all circumstances.

They shall be treated humanely and cared for by the Party to the conflict in whose power they may be, without any adverse distinction founded on sex, race, nationality, religion, political opinions, or any other similar criteria. Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated, subjected to torture or to biological experiments; they shall not wilfully be left without medical assistance and care, nor shall conditions exposing them to contagion or infection be created.

Only urgent medical reasons will authorize priority in the order of treatment to be administered.

Women shall be treated with all consideration due to their sex.

The Party to the conflict which is compelled to abandon wounded or sick to the enemy shall, as far as military considerations permit, leave with them a part of its medical personnel and material to assist in their care.

*Protected
persons*

ART. 13. — The Present Convention shall apply to the wounded and sick belonging to the following categories:

- 1) Members of the armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces.
- 2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:
 - a) that of being commanded by a person responsible for his subordinates;
 - b) that of having a fixed distinctive sign recognizable at a distance;
 - c) that of carrying arms openly;
 - d) that of conducting their operations in accordance with the laws and customs of war.

- 3) Members of regular armed forces who profess allegiance to a Government or an authority not recognized by the Detaining Power.
- 4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany.
- 5) Members of crews including masters, pilots and apprentices of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions in international law.
- 6) Inhabitants of a non-occupied territory who, on the approach of the enemy, spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

ART. 14. — Subject to the provisions of Article 12, the wounded and sick of a belligerent who fall into enemy hands shall be prisoners of war, and the provisions of international law concerning prisoners of war shall apply to them.

Status

ART. 15. — At all times, and particularly after an engagement, Parties to the conflict shall, without delay, take all possible measures to search for and collect the wounded and sick, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead and prevent their being despoiled.

*Search for
casualties.
Evacuation*

Whenever circumstances permit, an armistice or a suspension of fire shall be arranged, or local arrangements made, to permit the removal, exchange and transport of the wounded left on the battlefield.

Likewise, local arrangements may be concluded between Parties to the conflict for the removal or exchange of wounded and sick from a besieged or encircled area, and for the passage of medical and religious personnel and equipment on their way to that area.

ART. 16. — Parties to the conflict shall record as soon as possible, in respect of each wounded, sick or dead person of the adverse Party falling into their hands, any particulars which may assist in his identification.

*Recording and
forwarding of
information*

These records should if possible include:

- a) designation of the Power on which he depends;
- b) army, regimental, personal or serial number;
- c) surname;
- d) first name or names;
- e) date of birth;
- f) any other particulars shown on his identity card or disc;
- g) date and place of capture or death;
- h) particulars concerning wounds or illness, or cause of death.

As soon as possible the above mentioned information shall be forwarded to the Information Bureau described in Article 122 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, which shall transmit this information to the Power on which these persons depend through the intermediary of the Protecting Power and of the Central Prisoners of War Agency.

Parties to the conflict shall prepare and forward to each other through the same bureau, certificates of death or duly authenticated lists of the dead. They shall likewise collect and forward through the same bureau one half of a double identity disc, last wills or other documents of importance to the next of kin, money and in general all articles of an intrinsic or sentimental value, which are found on the dead. These articles, together with unidentified articles, shall be sent in sealed packets, accompanied by statements giving all particulars necessary for the identification of the deceased owners, as well as by a complete list of the contents of the parcel.

*Prescriptions
regarding the
dead. Graves
Registration
Service*

ART. 17. — Parties to the conflict shall ensure that burial or cremation of the dead, carried out individually as far as circumstances permit, is preceded by a careful examination, if possible by a medical examination, of the bodies, with a view to confirming death, establishing identity and enabling a report to be made. One half of the double identity disc, or the identity disc itself if it is a single disc, should remain on the body.

Bodies shall not be cremated except for imperative reasons of hygiene or for motives based on the religion of the deceased. In case of cremation, the circumstances and reasons for cremation shall be stated in detail in the death certificate or on the authenticated list of the dead.

They shall further ensure that the dead are honourably interred, if possible according to the rites of the religion to which they belonged, that their graves are respected, grouped if possible according to the nationality of the deceased, properly maintained and marked so that they may always be found. For this purpose,

they shall organize at the commencement of hostilities an Official Graves Registration Service, to allow subsequent exhumations and to ensure the identification of bodies, whatever the site of the graves, and the possible transportation to the home country. These provisions shall likewise apply to the ashes, which shall be kept by the Graves Registration Service until proper disposal thereof in accordance with the wishes of the home country.

As soon as circumstances permit, and at latest at the end of hostilities, these Services shall exchange, through the Information Bureau mentioned in the second paragraph of Article 16, lists showing the exact location and markings of the graves together with particulars of the dead interred therein.

ART. 18. — The military authorities may appeal to the charity of the inhabitants voluntarily to collect and care for, under their direction, the wounded and sick, granting persons who have responded to this appeal the necessary protection and facilities. Should the adverse Party take or retake control of the area, it shall likewise grant these persons the same protection and the same facilities.

*Role of the
population*

The military authorities shall permit the inhabitants and relief societies, even in invaded or occupied areas, spontaneously to collect and care for wounded or sick of whatever nationality. The civilian population shall respect these wounded and sick, and in particular abstain from offering them violence.

No one may ever be molested or convicted for having nursed the wounded or sick.

The provisions of the present Article do not relieve the occupying Power of its obligation to give both physical and moral care to the wounded and sick.

CHAPTER III

Medical Units and Establishments

ART. 19. — Fixed establishments and mobile medical units of the Medical Service may in no circumstances be attacked, but shall at all times be respected and protected by the Parties to the conflict. Should they fall into the hands of the adverse Party, their personnel shall be free to pursue their duties, as long as the capturing Power has not itself ensured the necessary care of the wounded and sick found in such establishments and units.

Protection

The responsible authorities shall ensure that the said medical establishments and units are, as far as possible, situated in such a manner that attacks against military objectives cannot imperil their safety.

*Protection
of hospital
ships*

ART. 20. — Hospital ships entitled to the protection of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, shall not be attacked from the land.

*Discontinu-
ance of
protection of
medical
establish-
ments and
units*

ART. 21. — The protection to which fixed establishments and mobile medical units of the Medical Service are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after a due warning has been given, naming, in all appropriate cases, a reasonable time limit and after such warning has remained unheeded.

*Conditions
not depriving
medical units
and establish-
ments of
protection*

ART. 22. — The following conditions shall not be considered as depriving a medical unit or establishment of the protection guaranteed by Article 19:

1. That the personnel of the unit or establishment are armed, and that they use the arms in their own defence, or in that of the wounded and sick in their charge.
2. That in the absence of armed orderlies, the unit or establishment is protected by a picket or by sentries or by an escort.
3. That small arms and ammunition taken from the wounded and sick and not yet handed to the proper service, are found in the unit or establishment.
4. That personnel and material of the veterinary service are found in the unit or establishment, without forming an integral part thereof.
5. That the humanitarian activities of medical units and establishments or of their personnel extend to the care of civilian wounded or sick.

*Hospital zones
and localities*

ART. 23. — In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties to the conflict, may establish in their own territory and, if the need arises, in occupied areas, hospital zones and localities so organized as to protect the wounded and sick from the effects of war, as well as the personnel entrusted with the organization and administration of these zones and localities and with the care of the persons therein assembled.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the hospital zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are invited to lend their good offices in order to facilitate the institution and recognition of these hospital zones and localities.

CHAPTER IV

Personnel

ART. 24. — Medical personnel exclusively engaged in the search for, or the collection, transport or treatment of the wounded or sick, or in the prevention of disease, staff exclusively engaged in the administration of medical units and establishments, as well as chaplains attached to the armed forces, shall be respected and protected in all circumstances.

*Protection of
permanent
personnel*

ART. 25. — Members of the armed forces specially trained for employment, should the need arise, as hospital orderlies, nurses or auxiliary stretcher-bearers, in the search for or the collection, transport or treatment of the wounded and sick shall likewise be respected and protected if they are carrying out these duties at the time when they come into contact with the enemy or fall into his hands.

*Protection of
auxiliary
personnel*

ART. 26. — The staff of National Red Cross Societies and that of other Voluntary Aid Societies, duly recognized and authorized by their Governments, who may be employed on the same duties as the personnel named in Article 24, are placed on the same footing as the personnel named in the said Article, provided that the staff of such societies are subject to military laws and regulations.

*Personnel of
aid societies*

Each High Contracting Party shall notify to the other, either in time of peace or at the commencement of or during hostilities, but in any case before actually employing them, the names of the societies which it has authorized, under its responsibility, to render assistance to the regular medical service of its armed forces.

*Societies of
neutral
countries*

ART. 27. — A recognized Society of a neutral country can only lend the assistance of its medical personnel and units to a Party to the conflict with the previous consent of its own Government and the authorization of the Party to the conflict concerned. That personnel and those units shall be placed under the control of that Party to the conflict.

The neutral Government shall notify this consent to the adversary of the State which accepts such assistance. The Party to the conflict who accepts such assistance is bound to notify the adverse Party thereof before making any use of it.

In no circumstances shall this assistance be considered as interference in the conflict.

The members of the personnel named in the first paragraph shall be duly furnished with the identity cards provided for in Article 40 before leaving the neutral country to which they belong.

*Retained
personnel*

ART. 28. — Personnel designated in Articles 24 and 26 who fall into the hands of the adverse Party, shall be retained only in so far as the state of health, the spiritual needs and the number of prisoners of war require.

Personnel thus retained shall not be deemed prisoners of war. Nevertheless they shall at least benefit by all the provisions of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949. Within the framework of the military laws and regulations of the Detaining Power, and under the authority of its competent service, they shall continue to carry out, in accordance with their professional ethics, their medical and spiritual duties on behalf of prisoners of war, preferably those of the armed forces to which they themselves belong. They shall further enjoy the following facilities for carrying out their medical or spiritual duties:

- a) They shall be authorized to visit periodically the prisoners of war in labour units or hospitals outside the camp. The Detaining Power shall put at their disposal the means of transport required.
- b) In each camp the senior medical officer of the highest rank shall be responsible to the military authorities of the camp for the professional activity of the retained medical personnel. For this purpose, from the outbreak of hostilities, the Parties to the conflict shall agree regarding the corresponding seniority of the ranks of their medical personnel, including those of the societies designated in Article 26. In all questions arising out of their duties, this medical officer, and the chaplains, shall have direct access to the military and medical authorities of the camp who shall grant them the facilities they may require for correspondence relating to these questions.

- c) Although retained personnel in a camp shall be subject to its internal discipline, they shall not, however, be required to perform any work outside their medical or religious duties.

During hostilities the Parties to the conflict shall make arrangements for relieving where possible retained personnel, and shall settle the procedure of such relief.

None of the preceding provisions shall relieve the Detaining Power of the obligations imposed upon it with regard to the medical and spiritual welfare of the prisoners of war.

ART. 29. — Members of the personnel designated in Article 25 who have fallen into the hands of the enemy, shall be prisoners of war, but shall be employed on their medical duties in so far as the need arises.

*Status of
auxiliary
personnel*

ART. 30. — Personnel whose retention is not indispensable by virtue of the provisions of Article 28 shall be returned to the Party to the conflict to whom they belong, as soon as a road is open for their return and military requirements permit.

*Return of
medical and
religious
personnel*

Pending their return, they shall not be deemed prisoners of war. Nevertheless they shall at least benefit by all the provisions of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949. They shall continue to fulfil their duties under the orders of the adverse Party and shall preferably be engaged in the care of the wounded and sick of the Party to the conflict to which they themselves belong.

On their departure, they shall take with them the effects, personal belongings, valuables and instruments belonging to them.

ART. 31. — The selection of personnel for return under Article 30 shall be made irrespective of any consideration of race, religion or political opinion, but preferably according to the chronological order of their capture and their state of health.

*Selection of
personnel for
return*

As from the outbreak of hostilities, Parties to the conflict may determine by special agreement the percentage of personnel to be retained, in proportion to the number of prisoners and the distribution of the said personnel in the camps.

ART. 32. — Persons designated in Article 27 who have fallen into the hands of the adverse Party may not be detained.

Unless otherwise agreed, they shall have permission to return to their country, or if this is not possible, to the territory of the Party to the conflict in whose service they were, as soon as a route for their return is open and military considerations permit.

*Return of
personnel
belonging to
neutral
countries*

Pending their release, they shall continue their work under the direction of the adverse Party; they shall preferably be engaged in the care of the wounded and sick of the Party to the conflict in whose service they were.

On their departure, they shall take with them their effects, personal articles and valuables and the instruments, arms and if possible the means of transport belonging to them.

The Parties to the conflict shall secure to this personnel, while in their power, the same food, lodging, allowances and pay as are granted to the corresponding personnel of their armed forces. The food shall in any case be sufficient as regards quantity, quality and variety to keep the said personnel in a normal state of health.

CHAPTER V

Buildings and Material

Buildings and stores

ART. 33. — The material of mobile medical units of the armed forces which fall into the hands of the enemy, shall be reserved for the care of wounded and sick.

The buildings, material and stores of fixed medical establishments of the armed forces shall remain subject to the laws of war, but may not be diverted from that purpose as long as they are required for the care of wounded and sick. Nevertheless, the commanders of forces in the field may make use of them, in case of urgent military necessity, provided that they make previous arrangements for the welfare of the wounded and sick who are nursed in them.

The material and stores defined in the present Article shall not be intentionally destroyed.

Property of aid societies

ART. 34. — The real and personal property of aid societies which are admitted to the privileges of the Convention shall be regarded as private property.

The right of requisition recognized for belligerents by the laws and customs of war shall not be exercised except in case of urgent necessity, and only after the welfare of the wounded and sick has been ensured.

CHAPTER VI

Medical Transports

ART. 35. — Transports of wounded and sick or of medical equipment shall be respected and protected in the same way as mobile medical units.

Protection

Should such transports or vehicles fall into the hands of the adverse Party, they shall be subject to the laws of war, on condition that the Party to the conflict who captures them shall in all cases ensure the care of the wounded and sick they contain.

The civilian personnel and all means of transport obtained by requisition shall be subject to the general rules of international law.

ART. 36. — Medical aircraft, that is to say, aircraft exclusively employed for the removal of wounded and sick and for the transport of medical personnel and equipment, shall not be attacked, but shall be respected by the belligerents, while flying at heights, times and on routes specifically agreed upon between the belligerents concerned.

*Medical
aircraft*

They shall bear, clearly marked, the distinctive emblem prescribed in Article 38, together with their national colours, on their lower, upper and lateral surfaces. They shall be provided with any other markings or means of identification that may be agreed upon between the belligerents upon the outbreak or during the course of hostilities.

Unless agreed otherwise, flights over enemy or enemy-occupied territory are prohibited.

Medical aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

In the event of an involuntary landing in enemy or enemy-occupied territory, the wounded and sick, as well as the crew of the aircraft shall be prisoners of war. The medical personnel shall be treated according to Article 24 and the Articles following.

ART. 37. — Subject to the provisions of the second paragraph, medical aircraft of Parties to the conflict may fly over the territory of neutral Powers, land on it in case of necessity, or use it as a port of call. They shall give the neutral Powers previous notice of their passage over the said territory and obey all summons to alight, on land or water. They will be immune from attack only when flying on routes, at heights and at times specifically agreed upon between the Parties to the conflict and the neutral Power concerned.

*Flight over
neutral
countries.
Landing of
wounded*

The neutral Powers may, however, place conditions or restrictions on the passage or landing of medical aircraft on their territory. Such possible conditions or restrictions shall be applied equally to all Parties to the conflict.

Unless agreed otherwise between the neutral Power and the Parties to the conflict, the wounded and sick who are disembarked, with the consent of the local authorities, on neutral territory by medical aircraft, shall be detained by the neutral Power, where so required by international law, in such a manner that they cannot again take part in operations of war. The cost of their accommodation and internment shall be borne by the Power on which they depend.

CHAPTER VII

The Distinctive Emblem

Emblem of the Convention

ART. 38. — As a compliment to Switzerland, the heraldic emblem of the red cross on a white ground, formed by reversing the Federal colours, is retained as the emblem and distinctive sign of the Medical Service of armed forces.

Nevertheless, in the case of countries which already use as emblem, in place of the red cross, the red crescent or the red lion and sun¹ on a white ground, those emblems are also recognized by the terms of the present Convention.

Use of the emblem

ART. 39. — Under the direction of the competent military authority, the emblem shall be displayed on the flags, armlets and on all equipment employed in the Medical Service.

Identification of medical and religious personnel

ART. 40. — The personnel designated in Article 24 and in Articles 26 and 27 shall wear, affixed to the left arm, a water-resistant armlet bearing the distinctive emblem, issued and stamped by the military authority.

Such personnel, in addition to wearing the identity disc mentioned in Article 16, shall also carry a special identity card bearing the

¹ The Government of Iran, the only country using the red lion and sun emblem on a white ground, advised Switzerland, depositary State of the Geneva Conventions, on 4 September 1980, of the adoption of the red crescent in lieu and place of its former emblem. This was duly communicated by the depositary on 20 October 1980 to the States party to the Geneva Conventions.

distinctive emblem. This card shall be water-resistant and of such size that it can be carried in the pocket. It shall be worded in the national language, shall mention at least the surname and first names, the date of birth, the rank and the service number of the bearer, and shall state in what capacity he is entitled to the protection of the present Convention. The card shall bear the photograph of the owner and also either his signature or his finger-prints or both. It shall be embossed with the stamp of the military authority.

The identity card shall be uniform throughout the same armed forces and, as far as possible, of a similar type in the armed forces of the High Contracting Parties. The Parties to the conflict may be guided by the model which is annexed, by way of example, to the present Convention. They shall inform each other, at the outbreak of hostilities, of the model they are using. Identity cards should be made out, if possible, at least in duplicate, one copy being kept by the home country.

In no circumstances may the said personnel be deprived of their insignia or identity cards nor of the right to wear the armlet. In case of loss, they shall be entitled to receive duplicates of the cards and to have the insignia replaced.

ART. 41. — The personnel designated in Article 25 shall wear, but only while carrying out medical duties, a white armlet bearing in its centre the distinctive sign in miniature; the armlet shall be issued and stamped by the military authority.

*Identification
of auxiliary
personnel*

Military identity documents to be carried by this type of personnel shall specify what special training they have received, the temporary character of the duties they are engaged upon, and their authority for wearing the armlet.

ART. 42. — The distinctive flag of the Convention shall be hoisted only over such medical units and establishments as are entitled to be respected under the Convention, and only with the consent of the military authorities.

*Marking of
medical units
and
establish-
ments*

In mobile units, as in fixed establishments, it may be accompanied by the national flag of the Party to the conflict to which the unit or establishment belongs.

Nevertheless, medical units which have fallen into the hands of the enemy shall not fly any flag other than that of the Convention.

Parties to the conflict shall take the necessary steps, in so far as military considerations permit, to make the distinctive emblems indicating medical units and establishments clearly visible to the enemy land, air or naval forces, in order to obviate the possibility of any hostile action.

*Marking of
units of
neutral
countries*

ART. 43. — The medical units belonging to neutral countries, which may have been authorized to lend their services to a belligerent under the conditions laid down in Article 27, shall fly, along with the flag of the Convention, the national flag of that belligerent, wherever the latter makes use of the faculty conferred on him by Article 42.

Subject to orders to the contrary by the responsible military authorities, they may, on all occasions, fly their national flag, even if they fall into the hands of the adverse Party.

*Restrictions
in the use of
the emblem.
Exceptions*

ART. 44. — With the exception of the cases mentioned in the following paragraphs of the present Article, the emblem of the red cross on a white ground and the words “Red Cross”, or “Geneva Cross” may not be employed, either in time of peace or in time of war, except to indicate or to protect the medical units and establishments, the personnel and material protected by the present Convention and other Conventions dealing with similar matters. The same shall apply to the emblems mentioned in Article 38, second paragraph, in respect of the countries which use them. The National Red Cross Societies and other Societies designated in Article 26 shall have the right to use the distinctive emblem conferring the protection of the Convention only within the framework of the present paragraph.

Furthermore, National Red Cross (Red Crescent, Red Lion and Sun) Societies may, in time of peace, in accordance with their national legislation, make use of the name and emblem of the Red Cross for their other activities which are in conformity with the principles laid down by the International Red Cross Conferences. When those activities are carried out in time of war, the conditions for the use of the emblem shall be such that it cannot be considered as conferring the protection of the Convention; the emblem shall be comparatively small in size and may not be placed on armlets or on the roofs of buildings.

The international Red Cross organizations and their duly authorized personnel shall be permitted to make use, at all times, of the emblem of the red cross on a white ground.

As an exceptional measure, in conformity with national legislation and with the express permission of one of the National Red Cross (Red Crescent, Red Lion and Sun) Societies, the emblem of the Convention may be employed in time of peace to identify vehicles used as ambulances and to mark the position of aid stations exclusively assigned to the purpose of giving free treatment to the wounded or sick.

CHAPTER VIII

Execution of the Convention

ART. 45. — Each Party to the conflict, acting through its commanders-in-chief, shall ensure the detailed execution of the preceding Articles, and provide for unforeseen cases, in conformity with the general principles of the present Convention.

*Detailed
execution.
Unforeseen
cases*

ART. 46. — Reprisals against the wounded, sick, personnel, buildings or equipment protected by the Convention are prohibited.

*Prohibition
of reprisals*

ART. 47. — The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains.

*Dissemination
of the
Convention*

ART. 48. — The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

*Translations.
Rules of
application*

CHAPTER IX

Repression of Abuses and Infractions

ART. 49. — The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

*Penal
sanctions
I.
General
observations*

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation,

hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

II.
*Grave
breaches*

ART. 50. — Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

III.
*Responsibilities
of the
Contracting
Parties*

ART. 51. — No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

*Enquiry
procedure*

ART. 52. — At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

*Misuse of
the emblem*

ART. 53. — The use by individuals, societies, firms or companies either public or private, other than those entitled thereto under the present Convention, of the emblem or the designation “Red Cross” or “Geneva Cross”, or any sign or designation constituting an imitation thereof, whatever the object of such use, and irrespective of the date of its adoption, shall be prohibited at all times.

By reason of the tribute paid to Switzerland by the adoption of the reversed Federal colours, and of the confusion which may arise

between the arms of Switzerland and the distinctive emblem of the Convention, the use by private individuals, societies or firms, of the arms of the Swiss Confederation, or of marks constituting an imitation thereof, whether as trademarks or commercial marks, or as parts of such marks, or for a purpose contrary to commercial honesty, or in circumstances capable of wounding Swiss national sentiment, shall be prohibited at all times.

Nevertheless, such High Contracting Parties as were not party to the Geneva Convention of July 27, 1929, may grant to prior users of the emblems, designations, signs or marks designated in the first paragraph, a time limit not to exceed three years from the coming into force of the present Convention to discontinue such use, provided that the said use shall not be such as would appear, in time of war, to confer the protection of the Convention.

The prohibition laid down in the first paragraph of the present Article shall also apply, without effect on any rights acquired through prior use, to the emblems and marks mentioned in the second paragraph of Article 38.

ART. 54. — The High Contracting Parties shall, if their legislation is not already adequate, take measures necessary for the prevention and repression, at all times, of the abuses referred to under Article 53.

*Prevention of
misuse*

Final Provisions

ART. 55. — The present Convention is established in English and in French. Both texts are equally authentic.

Languages

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

ART. 56. — The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference but which are parties to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick in Armies in the Field.

Signature

ART. 57. — The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

Ratification

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted

by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

*Coming into
force*

ART. 58. — The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

*Relation to
previous
Conventions*

ART. 59. — The present Convention replaces the Conventions of August 22, 1864, July 6, 1906 and July 27, 1929, in relations between the High Contracting Parties.

Accession

ART. 60. — From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

*Notification
of accessions*

ART. 61. — Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

*Immediate
effect*

ART. 62. — The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

Denunciation

ART. 63. — Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

ART. 64. — The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

*Registration
with the
United
Nations*

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

ANNEX I

DRAFT AGREEMENT RELATING TO HOSPITAL ZONES AND LOCALITIES

ARTICLE 1. — Hospital zones shall be strictly reserved for the persons named in Article 23 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in the Armed Forces in the Field of August 12, 1949, and for the personnel entrusted with the organization and administration of these zones and localities, and with the care of the persons therein assembled.

Nevertheless, persons whose permanent residence is within such zones shall have the right to stay there.

ART. 2. — No persons residing, in whatever capacity, in a hospital zone shall perform any work, either within or without the zone, directly connected with military operations or the production of war material.

ART. 3. — The Power establishing a hospital zone shall take all necessary measures to prohibit access to all persons who have no right of residence or entry therein.

ART. 4. — Hospital zones shall fulfil the following conditions:

- a) They shall comprise only a small part of the territory governed by the Power which has established them.
- b) They shall be thinly populated in relation to the possibilities of accommodation.
- c) They shall be far removed and free from all military objectives, or large industrial or administrative establishments.
- d) They shall not be situated in areas which, according to every probability, may become important for the conduct of the war.

ART. 5. — Hospital zones shall be subject to the following obligations:

- a) The lines of communication and means of transport which they possess shall not be used for the transport of military personnel or material, even in transit.
- b) They shall in no case be defended by military means.

ART. 6. — Hospital zones shall be marked by means of red crosses (red crescents, red lions and suns) on a white background placed on the outer precincts and on the buildings. They may be similarly marked at night by means of appropriate illumination.

ART. 7. — The Powers shall communicate to all the High Contracting Parties in peacetime or on the outbreak of hostilities, a list of the hospital zones in the territories governed by them. They shall also give notice of any new zones set up during hostilities.

As soon as the adverse Party has received the above-mentioned notification, the zone shall be regularly constituted.

If, however, the adverse Party considers that the conditions of the present agreement have not been fulfilled, it may refuse to recognize the zone by giving immediate notice thereof to the Party responsible for the said zone, or may make its recognition of such zone dependent upon the institution of the control provided for in Article 8.

ART. 8. — Any Power having recognized one or several hospital zones instituted by the adverse Party shall be entitled to demand control by one or more Special Commissions, for the purpose of ascertaining if the zones fulfil the conditions and obligations stipulated in the present agreement.

For this purpose, the members of the Special Commissions shall at all times have free access to the various zones and may even reside there permanently. They shall be given all facilities for their duties of inspection.

ART. 9. — Should the Special Commissions note any facts which they consider contrary to the stipulations of the present agreement, they shall at once draw the attention of the Power governing the said zone to these facts, and shall fix a time limit of five days within which the matter should be rectified. They shall duly notify the Power who has recognized the zone.

If, when the time limit has expired, the Power governing the zone has not complied with the warning, the adverse Party may declare that it is no longer bound by the present agreement in respect of the said zone.

ART. 10. — Any Power setting up one or more hospital zones and localities, and the adverse Parties to whom their existence has been notified, shall nominate or have nominated by neutral Powers, the persons who shall be members of the Special Commissions mentioned in Articles 8 and 9.

ART. 11. — In no circumstances may hospital zones be the object of attack. They shall be protected and respected at all times by the Parties to the conflict.



ART. 12. — In the case of occupation of a territory, the hospital zones therein shall continue to be respected and utilized as such.

Their purpose may, however, be modified by the Occupying Power, on condition that all measures are taken to ensure the safety of the persons accommodated.

ART. 13. — The present agreement shall also apply to localities which the Powers may utilize for the same purposes as hospital zones.

ANNEX II

Front

(Space reserved for the name of the country and military authority issuing this card)

IDENTITY CARD

for members of medical and religious personnel attached to the armed forces

Surname.....

First names.....

Date of birth.....

Rank.....

Army Number.....


The bearer of this card is protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, in his capacity as

.....

Date of issue Number of Card

.....

Reverse side



Signature of bearer or finger-prints or both

Embossed stamp of military authority issuing card

Height	Eyes	Hair
.....

Other distinguishing marks:

.....

.....

.....

.....

.....

II

GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF WOUNDED, SICK AND SHIPWRECKED MEMBERS OF ARMED FORCES AT SEA OF 12 AUGUST 1949

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II

GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF WOUNDED, SICK AND SHIPWRECKED MEMBERS OF ARMED FORCES AT SEA OF 12 AUGUST 1949

CHAPTER I

General Provisions

*Respect
for the
Convention¹*

ARTICLE 1. — The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

*Application of
the Convention*

ART. 2. — In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

*Conflicts not of
an international
character*

ART. 3. — In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- 1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and

¹ The marginal notes or titles of articles have been drafted by the Swiss Federal Department of Foreign Affairs.

those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - b) taking of hostages;
 - c) outrages upon personal dignity, in particular, humiliating and degrading treatment;
 - d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
- 2) The wounded, sick and shipwrecked shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

ART. 4. — In case of hostilities between land and naval forces of Parties to the conflict, the provisions of the present Convention shall apply only to forces on board ship.

*Field of
application*

Forces put ashore shall immediately become subject to the provisions of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

ART. 5. — Neutral Powers shall apply by analogy the provisions of the present Convention to the wounded, sick and shipwrecked, and to members of the medical personnel and to chaplains of the armed forces of the Parties to the conflict received or interned in their territory, as well as to dead persons found.

*Application
by neutral
Powers*

*Special
agreements*

ART. 6. — In addition to the agreements expressly provided for in Articles 10, 18, 31, 38, 39, 40, 43 and 53, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of wounded, sick and shipwrecked persons, of members of the medical personnel or of chaplains, as defined by the present Convention, nor restrict the rights which it confers upon them.

Wounded, sick, and shipwrecked persons, as well as medical personnel and chaplains, shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

*Non-
renunciation
of rights*

ART. 7. — Wounded, sick and shipwrecked persons, as well as members of the medical personnel and chaplains, may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

*Protecting
Powers*

ART. 8. — The present Convention shall be applied with the co-operation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties. Their activities shall only be restricted as an exceptional and temporary measure when this is rendered necessary by imperative military necessities.

*Activities
of the
International
Committee of
the Red Cross*

ART. 9. — The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict

concerned, undertake for the protection of wounded, sick and shipwrecked persons, medical personnel and chaplains, and for their relief.

ART. 10. — The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

*Substitutes
for Protecting
Powers*

When wounded, sick and shipwrecked, or medical personnel and chaplains do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power, or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever, in the present Convention, mention is made of a Protecting Power, such mention also applies to substitute organizations in the sense of the present Article.

ART. 11. — In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

*Conciliation
procedure*

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the

Parties to the conflict a meeting of their representatives, in particular of the authorities responsible for the wounded, sick and shipwrecked, medical personnel and chaplains, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict, a person belonging to a neutral Power or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

CHAPTER II

Wounded, Sick and Shipwrecked

Protection and care

ART. 12. — Members of the armed forces and other persons mentioned in the following Article, who are at sea and who are wounded, sick or shipwrecked, shall be respected and protected in all circumstances, it being understood that the term “shipwreck” means shipwreck from any cause and includes forced landings at sea by or from aircraft.

Such persons shall be treated humanely and cared for by the Parties to the conflict in whose power they may be, without any adverse distinction founded on sex, race, nationality, religion, political opinions, or any other similar criteria. Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated, subjected to torture or to biological experiments; they shall not wilfully be left without medical assistance and care, nor shall conditions exposing them to contagion or infection be created.

Only urgent medical reasons will authorize priority in the order of treatment to be administered.

Women shall be treated with all consideration due to their sex.

Protected persons

ART. 13. — The present Convention shall apply to the wounded, sick and shipwrecked at sea belonging to the following categories:

- 1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.
- 2) Members of other militias and members of other volunteer corps, including those of organized resistance movements,

belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:

- a) that of being commanded by a person responsible for his subordinates;
 - b) that of having a fixed distinctive sign recognizable at a distance;
 - c) that of carrying arms openly;
 - d) that of conducting their operations in accordance with the laws and customs of war.
- 3) Members of regular armed forces who profess allegiance to a Government or an authority not recognized by the Detaining Power.
 - 4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany.
 - 5) Members of crews, including masters, pilots and apprentices of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.
 - 6) Inhabitants of a non-occupied territory who, on the approach of the enemy, spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

ART. 14. — All warships of a belligerent Party shall have the right to demand that the wounded, sick or shipwrecked on board military hospital ships, and hospital ships belonging to relief societies or to private individuals, as well as merchant vessels, yachts and other craft shall be surrendered, whatever their nationality, provided that the wounded and sick are in a fit state to be moved and that the warship can provide adequate facilities for necessary medical treatment.

*Handing
over to a
belligerent*

ART. 15. — If wounded, sick or shipwrecked persons are taken on board a neutral warship or a neutral military aircraft, it shall be ensured, where so required by international law, that they can take no further part in operations of war.

*Wounded
taken on
board a
neutral
warship*

*Wounded
falling into
enemy hands*

ART. 16. — Subject to the provisions of Article 12, the wounded, sick and shipwrecked of a belligerent who fall into enemy hands shall be prisoners of war, and the provisions of international law concerning prisoners of war shall apply to them. The captor may decide, according to circumstances, whether it is expedient to hold them, or to convey them to a port in the captor's own country, to a neutral port or even to a port in enemy territory. In the last case, prisoners of war thus returned to their home country may not serve for the duration of the war.

*Wounded
landed in a
neutral port*

ART. 17. — Wounded, sick or shipwrecked persons who are landed in neutral ports with the consent of the local authorities, shall, failing arrangements to the contrary between the neutral and the belligerent Powers, be so guarded by the neutral Power, where so required by international law, that the said persons cannot again take part in operations of war.

The costs of hospital accommodation and internment shall be borne by the Power on whom the wounded, sick or shipwrecked persons depend.

*Search for
casualties
after an
engagement*

ART. 18. — After each engagement, Parties to the conflict shall, without delay, take all possible measures to search for and collect the shipwrecked, wounded and sick, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead and prevent their being despoiled.

Whenever circumstances permit, the Parties to the conflict shall conclude local arrangements for the removal of the wounded and sick by sea from a besieged or encircled area and for the passage of medical and religious personnel and equipment on their way to that area.

*Recording
and
forwarding of
information*

ART. 19. — The Parties to the conflict shall record as soon as possible, in respect of each shipwrecked, wounded, sick or dead person of the adverse Party falling into their hands, any particulars which may assist in his identification. These records should if possible include:

- a) designation of the Power on which he depends;
- b) army, regimental, personal or serial number;
- c) surname;
- d) first name or names;
- e) date of birth;
- f) any other particulars shown on his identity card or disc;

- g) date and place of capture or death;
- h) particulars concerning wounds or illness, or cause of death.

As soon as possible the above-mentioned information shall be forwarded to the Information Bureau described in Article 122 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, which shall transmit this information to the Power on which these persons depend through the intermediary of the Protecting Power and of the Central Prisoners of War Agency.

Parties to the conflict shall prepare and forward to each other through the same bureau, certificates of death or duly authenticated lists of the dead. They shall likewise collect and forward through the same bureau one half of the double identity disc, or the identity disc itself if it is a single disc, last wills or other documents of importance to the next of kin, money and in general all articles of an intrinsic or sentimental value, which are found on the dead. These articles together with unidentified articles, shall be sent in sealed packets, accompanied by statements giving all particulars necessary for the identification of the deceased owners, as well as by a complete list of the contents of the parcel.

ART. 20. — Parties to the conflict shall ensure that burial at sea of the dead, carried out individually as far as circumstances permit, is preceded by a careful examination, if possible by a medical examination, of the bodies, with a view to confirming death, establishing identity and enabling a report to be made. Where a double identity disc is used, one half of the disc should remain on the body.

*Prescriptions
regarding
the dead*

If dead persons are landed, the provisions of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, shall be applicable.

ART. 21. — The Parties to the conflict may appeal to the charity of commanders of neutral merchant vessels, yachts or other craft, to take on board and care for wounded, sick or shipwrecked persons, and to collect the dead.

*Appeals to
neutral
vessels*

Vessels of any kind responding to this appeal, and those having of their own accord collected wounded, sick or shipwrecked persons, shall enjoy special protection and facilities to carry out such assistance.

They may, in no case, be captured on account of any such transport; but, in the absence of any promise to the contrary, they shall remain liable to capture for any violations of neutrality they may have committed.

CHAPTER III

Hospital Ships

*Notification
and
protection of
military
hospital ships*

ART. 22. — Military hospital ships, that is to say, ships built or equipped by the Powers specially and solely with a view to assisting the wounded, sick and shipwrecked, to treating them and to transporting them, may in no circumstances be attacked or captured, but shall at all times be respected and protected, on condition that their names and descriptions have been notified to the Parties to the conflict ten days before those ships are employed.

The characteristics which must appear in the notification shall include registered gross tonnage, the length from stem to stern and the number of masts and funnels.

*Protection of
medical
establishments
ashore*

ART. 23. — Establishments ashore entitled to the protection of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, shall be protected from bombardment or attack from the sea.

*Hospital
ships utilized
by relief
societies and
private
individuals of*

ART. 24. — Hospital ships utilized by National Red Cross Societies, by officially recognized relief societies or by private persons shall have the same protection as military hospital ships and shall be exempt from capture, if the Party to the conflict on which they depend has given them an official commission and in so far as the provisions of Article 22 concerning notification have been complied with.

*I.
Parties to
the conflict*

These ships must be provided with certificates from the responsible authorities, stating that the vessels have been under their control while fitting out and on departure.

*II.
Neutral
countries*

ART. 25. — Hospital ships utilized by National Red Cross Societies, officially recognized relief societies, or private persons of neutral countries shall have the same protection as military hospital ships and shall be exempt from capture, on condition that they have placed themselves under the control of one of the Parties to the conflict, with the previous consent of their own governments and with the authorization of the Party to the conflict concerned, in so far as the provisions of Article 22 concerning notification have been complied with.

Tonnage

ART. 26. — The protection mentioned in Articles 22, 24 and 25 shall apply to hospital ships of any tonnage and to their lifeboats, wherever they are operating. Nevertheless, to ensure the maximum

comfort and security, the Parties to the conflict shall endeavour to utilize, for the transport of wounded, sick and shipwrecked over long distances and on the high seas, only hospital ships of over 2,000 tons gross.

ART. 27. — Under the same conditions as those provided for in Articles 22 and 24, small craft employed by the State or by the officially recognized lifeboat institutions for coastal rescue operations, shall also be respected and protected, so far as operational requirements permit.

*Coastal
rescue craft*

The same shall apply so far as possible to fixed coastal installations used exclusively by these craft for their humanitarian missions.

ART. 28. — Should fighting occur on board a warship, the sick-bays shall be respected and spared as far as possible. Sick-bays and their equipment shall remain subject to the laws of warfare, but may not be diverted from their purpose so long as they are required for the wounded and sick. Nevertheless, the commander into whose power they have fallen may, after ensuring the proper care of the wounded and sick who are accommodated therein, apply them to other purposes in case of urgent military necessity.

*Protection of
sick-bays*

ART. 29. — Any hospital ship in a port which falls into the hands of the enemy shall be authorized to leave the said port.

*Hospital ships
in occupied
ports*

ART. 30. — The vessels described in Articles 22, 24, 25 and 27 shall afford relief and assistance to the wounded, sick and shipwrecked without distinction of nationality.

*Employment
of hospital
ships and
small craft*

The High Contracting Parties undertake not to use these vessels for any military purpose.

Such vessels shall in no wise hamper the movements of the combatants.

During and after an engagement, they will act at their own risk.

ART. 31. — The Parties to the conflict shall have the right to control and search the vessels mentioned in Articles 22, 24, 25 and 27. They can refuse assistance from these vessels, order them off, make them take a certain course, control the use of their wireless and other means of communication, and even detain them for a period not exceeding seven days from the time of interception, if the gravity of the circumstances so requires.

*Right of
control and
search*

They may put a commissioner temporarily on board whose sole task shall be to see that orders given in virtue of the provisions of the preceding paragraph are carried out.

As far as possible, the Parties to the conflict shall enter in the log of the hospital ship, in a language he can understand, the orders they have given the captain of the vessel.

Parties to the conflict may, either unilaterally or by particular agreements, put on board their ships neutral observers who shall verify the strict observation of the provisions contained in the present Convention.

*Stay in a
neutral port*

ART. 32. — Vessels described in Articles 22, 24, 25 and 27 are not classed as warships as regards their stay in a neutral port.

*Converted
merchant
vessels*

ART. 33. — Merchant vessels which have been transformed into hospital ships cannot be put to any other use throughout the duration of hostilities.

*Discontinu-
ance of
protection*

ART. 34. — The protection to which hospital ships and sick-bays are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming in all appropriate cases a reasonable time limit, and after such warning has remained unheeded.

In particular, hospital ships may not possess or use a secret code for their wireless or other means of communication.

*Conditions
not depriving
hospital ships
of protection*

ART. 35. — The following conditions shall not be considered as depriving hospital ships or sick-bays of vessels of the protection due to them:

- 1) The fact that the crews of ships or sick-bays are armed for the maintenance of order, for their own defence or that of the sick and wounded.
- 2) The presence on board of apparatus exclusively intended to facilitate navigation or communication.
- 3) The discovery on board hospital ships or in sick-bays of portable arms and ammunition taken from the wounded, sick and shipwrecked and not yet handed to the proper service.
- 4) The fact that the humanitarian activities of hospital ships and sick-bays of vessels or of the crews extend to the care of wounded, sick or shipwrecked civilians.
- 5) The transport of equipment and of personnel intended exclusively for medical duties, over and above the normal requirements.

CHAPTER IV

Personnel

ART. 36. — The religious, medical and hospital personnel of hospital ships and their crews shall be respected and protected; they may not be captured during the time they are in the service of the hospital ship, whether or not there are wounded and sick on board.

*Protection of
the personnel
of hospital
ships*

ART. 37. — The religious, medical and hospital personnel assigned to the medical or spiritual care of the persons designated in Articles 12 and 13 shall, if they fall into the hands of the enemy, be respected and protected; they may continue to carry out their duties as long as this is necessary for the care of the wounded and sick. They shall afterwards be sent back as soon as the Commander-in-Chief, under whose authority they are, considers it practicable. They may take with them, on leaving the ship, their personal property.

*Medical and
religious
personnel of
other ships*

If, however, it proves necessary to retain some of this personnel owing to the medical or spiritual needs of prisoners of war, everything possible shall be done for their earliest possible landing.

Retained personnel shall be subject, on landing, to the provisions of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

CHAPTER V

Medical Transports

ART. 38. — Ships chartered for that purpose shall be authorized to transport equipment exclusively intended for the treatment of wounded and sick members of armed forces or for the prevention of disease, provided that the particulars regarding their voyage have been notified to the adverse Power and approved by the latter. The adverse Power shall preserve the right to board the carrier ships, but not to capture them or to seize the equipment carried.

*Ships used
for the
conveyance
of medical
equipment*

By agreement amongst the Parties to the conflict, neutral observers may be placed on board such ships to verify the equipment carried. For this purpose, free access to the equipment shall be given.

*Medical
aircraft*

ART. 39. — Medical aircraft, that is to say, aircraft exclusively employed for the removal of wounded, sick and shipwrecked, and for the transport of medical personnel and equipment, may not be the object of attack, but shall be respected by the Parties to the conflict, while flying at heights, at times and on routes specifically agreed upon between the Parties to the conflict concerned.

They shall be clearly marked with the distinctive emblem prescribed in Article 41, together with their national colours, on their lower, upper and lateral surfaces. They shall be provided with any other markings or means of identification which may be agreed upon between the Parties to the conflict upon the outbreak or during the course of hostilities.

Unless agreed otherwise, flights over enemy or enemy-occupied territory are prohibited.

Medical aircraft shall obey every summons to alight on land or water. In the event of having thus to alight, the aircraft with its occupants may continue its flight after examination, if any.

In the event of alighting involuntarily on land or water in enemy or enemy-occupied territory, the wounded, sick and shipwrecked, as well as the crew of the aircraft shall be prisoners of war. The medical personnel shall be treated according to Articles 36 and 37.

*Flight over
neutral
countries.
Landing of
wounded*

ART. 40. — Subject to the provisions of the second paragraph, medical aircraft of Parties to the conflict may fly over the territory of neutral Powers, land thereon in case of necessity, or use it as a port of call. They shall give neutral Powers prior notice of their passage over the said territory, and obey every summons to alight, on land or water. They will be immune from attack only when flying on routes, at heights and at times specifically agreed upon between the Parties to the conflict and the neutral Power concerned.

The neutral Powers may, however, place conditions or restrictions on the passage or landing of medical aircraft on their territory. Such possible conditions or restrictions shall be applied equally to all Parties to the conflict.

Unless otherwise agreed between the neutral Powers and the Parties to the conflict, the wounded, sick or shipwrecked who are disembarked with the consent of the local authorities on neutral territory by medical aircraft shall be detained by the neutral Power, where so required by international law, in such a manner that they cannot again take part in operations of war. The cost of their accommodation and internment shall be borne by the Power on which they depend.

CHAPTER VI

The Distinctive Emblem

ART. 41. — Under the direction of the competent military authority, the emblem of the red cross on a white ground shall be displayed on the flags, armlets and on all equipment employed in the Medical Service.

Use of the emblem

Nevertheless, in the case of countries which already use as emblem, in place of the red cross, the red crescent or the red lion and sun on a white ground, these emblems are also recognized by the terms of the present Convention.

ART. 42. — The personnel designated in Articles 36 and 37 shall wear, affixed to the left arm, a water-resistant armlet bearing the distinctive emblem, issued and stamped by the military authority.

Identification of medical and religious personnel

Such personnel, in addition to wearing the identity disc mentioned in Article 19, shall also carry a special identity card bearing the distinctive emblem. This card shall be water-resistant and of such size that it can be carried in the pocket. It shall be worded in the national language, shall mention at least the surname and first names, the date of birth, the rank and the service number of the bearer, and shall state in what capacity he is entitled to the protection of the present Convention. The card shall bear the photograph of the owner and also either his signature or his fingerprints or both. It shall be embossed with the stamp of the military authority.

The identity card shall be uniform throughout the same armed forces and, as far as possible, of a similar type in the armed forces of the High Contracting Parties. The Parties to the conflict may be guided by the model which is annexed, by way of example, to the present Convention. They shall inform each other, at the outbreak of hostilities, of the model they are using. Identity cards should be made out, if possible, at least in duplicate, one copy being kept by the home country.

In no circumstances may the said personnel be deprived of their insignia or identity cards nor of the right to wear the armlet. In cases of loss they shall be entitled to receive duplicates of the cards and to have the insignia replaced.

ART. 43. — The ships designated in Articles 22, 24, 25 and 27 shall be distinctively marked as follows:

- a) All exterior surfaces shall be white.

Marking of hospital ships and small craft

b) One or more dark red crosses, as large as possible, shall be painted and displayed on each side of the hull and on the horizontal surfaces, so placed as to afford the greatest possible visibility from the sea and from the air.

All hospital ships shall make themselves known by hoisting their national flag and further, if they belong to a neutral state, the flag of the Party to the conflict whose direction they have accepted. A white flag with a red cross shall be flown at the mainmast as high as possible.

Lifeboats of hospital ships, coastal lifeboats and all small craft used by the Medical Service shall be painted white with dark red crosses prominently displayed and shall, in general, comply with the identification system prescribed above for hospital ships.

The above-mentioned ships and craft, which may wish to ensure by night and in times of reduced visibility the protection to which they are entitled, must, subject to the assent of the Party to the conflict under whose power they are, take the necessary measures to render their painting and distinctive emblems sufficiently apparent.

Hospital ships which, in accordance with Article 31, are provisionally detained by the enemy, must haul down the flag of the Party to the conflict in whose service they are or whose direction they have accepted.

Coastal lifeboats, if they continue to operate with the consent of the Occupying Power from a base which is occupied, may be allowed, when away from their base, to continue to fly their own national colours along with a flag carrying a red cross on a white ground, subject to prior notification to all the Parties to the conflict concerned.

All the provisions in this Article relating to the red cross shall apply equally to the other emblems mentioned in Article 41.

Parties to the conflict shall at all times endeavour to conclude mutual agreements, in order to use the most modern methods available to facilitate the identification of hospital ships.

*Limitation in
the use of
markings*

ART. 44. — The distinguishing signs referred to in Article 43 can only be used, whether in time of peace or war, for indicating or protecting the ships therein mentioned, except as may be provided in any other international Convention or by agreement between all the Parties to the conflict concerned.

*Prevention of
misuse*

ART. 45. — The High Contracting Parties shall, if their legislation is not already adequate, take the measures necessary for the prevention and repression, at all times, of any abuse of the distinctive signs provided for under Article 43.

CHAPTER VII

Execution of the Convention

ART. 46. — Each Party to the conflict, acting through its Commanders-in-Chief, shall ensure the detailed execution of the preceding Articles and provide for unforeseen cases, in conformity with the general principles of the present Convention.

*Detailed
execution.
Unforeseen
cases*

ART. 47. — Reprisals against the wounded, sick and shipwrecked persons, the personnel, the vessels or the equipment protected by the Convention are prohibited.

*Prohibition
of reprisals*

ART. 48. — The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains.

*Dissemination
of the
Convention*

ART. 49. — The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

*Translations.
Rules of
application*

CHAPTER VIII

Repression of Abuses and Infractions

ART. 50. — The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

*Penal
sanctions*

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it

*I.
General
observations*

prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

II.
Grave
breaches

ART. 51. — Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

III.
Responsi-
bilities of the
Contracting
Parties

ART. 52. — No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

Enquiry
procedure

ART. 53. — At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire, who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

Final Provisions

Languages

ART. 54. — The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

ART. 55. — The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference, but which are parties to the Xth Hague Convention of October 18, 1907, for the adaptation to Maritime Warfare of the principles of the Geneva Convention of 1906, or to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick in Armies in the Field.

Signature

ART. 56. — The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

Ratification

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ART. 57. — The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

Coming into force

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instruments of ratification.

ART. 58. — The present Convention replaces the Xth Hague Convention of October 18, 1907, for the adaptation to Maritime Warfare of the principles of the Geneva Convention of 1906, in relations between the High Contracting Parties.

Relation to the 1907 Convention

ART. 59. — From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

Accession

ART. 60. — Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

Notification of accessions

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ART. 61. — The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

Immediate effect

Denunciation

ART. 62. — Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

*Registration
with the
United
Nations*



ART. 63. — The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

ANNEX

Front



(Space reserved for the name of the country and military authority issuing this card)

IDENTITY CARD

for members of medical and religious personnel attached to the armed forces at sea _____

Surname.....

First names.....

Date of birth.....

Rank.....

Army Number.....

The bearer of this card is protected by the Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, in his capacity as

Date of issue Number of Card

.....

Reverse side

Photo of bearer

Signature of bearer or finger-prints or both

Embossed stamp of military authority issuing card

Height	Eyes	Hair
.....

Other distinguishing marks:

.....

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III

GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR OF 12 AUGUST 1949

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III

GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR OF 12 AUGUST 1949

PART I

GENERAL PROVISIONS

ARTICLE 1. — The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

*Respect
for the
Convention¹*

ART. 2. — In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

*Application
of the
Convention*

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

ART. 3. — In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

*Conflicts
not of an
international
character*

- 1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely,

¹ The marginal notes or titles of articles have been drafted by the Swiss Federal Department of Foreign Affairs.

without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- b) taking of hostages;
- c) outrages upon personal dignity, in particular, humiliating and degrading treatment;
- d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

*Prisoners
of war*

ART. 4. — A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:

- 1) Members of the armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces.
- 2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:
 - a) that of being commanded by a person responsible for his subordinates;
 - b) that of having a fixed distinctive sign recognizable at a distance;

- c) that of carrying arms openly;
 - d) that of conducting their operations in accordance with the laws and customs of war.
- 3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.
 - 4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model.
 - 5) Members of crews, including masters, pilots and apprentices of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.
 - 6) Inhabitants of a non-occupied territory who, on the approach of the enemy, spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

B. The following shall likewise be treated as prisoners of war under the present Convention:

- 1) Persons belonging, or having belonged, to the armed forces of the occupied country, if the occupying Power considers it necessary by reason of such allegiance to intern them, even though it has originally liberated them while hostilities were going on outside the territory it occupies, in particular where such persons have made an unsuccessful attempt to rejoin the armed forces to which they belong and which are engaged in combat, or where they fail to comply with a summons made to them with a view to internment.
- 2) The persons belonging to one of the categories enumerated in the present Article, who have been received by neutral or non-belligerent Powers on their territory and whom these Powers are required to intern under international law, without prejudice to any more favourable treatment which these Powers may choose to give and with the exception of Articles 8, 10, 15, 30, fifth paragraph, 58-67, 92, 126 and,

where diplomatic relations exist between the Parties to the conflict and the neutral or non-belligerent Power concerned, those Articles concerning the Protecting Power. Where such diplomatic relations exist, the Parties to a conflict on whom these persons depend shall be allowed to perform towards them the functions of a Protecting Power as provided in the present Convention, without prejudice to the functions which these Parties normally exercise in conformity with diplomatic and consular usage and treaties.

C. This Article shall in no way affect the status of medical personnel and chaplains as provided for in Article 33 of the present Convention.

*Beginning
and end of
application*

ART. 5. — The present Convention shall apply to the persons referred to in Article 4 from the time they fall into the power of the enemy and until their final release and repatriation.

Should any doubt arise as to whether persons having committed a belligerent act and having fallen into the hands of the enemy belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.

*Special
agreements*

ART. 6. — In addition to the agreements expressly provided for in Articles 10, 23, 28, 33, 60, 65, 66, 67, 72, 73, 75, 109, 110, 118, 119, 122 and 132, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of prisoners of war, as defined by the present Convention, nor restrict the rights which it confers upon them.

Prisoners of war shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

*Non-
renunciation
of rights*

ART. 7. — Prisoners of war may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

ART. 8. — The present Convention shall be applied with the co-operation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

*Protecting
Powers*

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

ART. 9. — The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of prisoners of war and for their relief.

*Activities
of the
International
Committee of
the Red Cross*

ART. 10. — The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

*Substitutes
for Protecting
Powers*

When prisoners of war do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and

shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

*Conciliation
procedure*

ART. 11. — In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for prisoners of war, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict a person belonging to a neutral Power, or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

PART II

GENERAL PROTECTION OF PRISONERS OF WAR

*Responsibility
for the
treatment
of prisoners*

ART. 12. — Prisoners of war are in the hands of the enemy Power, but not of the individuals or military units who have captured them. Irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them.

Prisoners of war may only be transferred by the Detaining Power to a Power which is a party to the Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the Convention. When prisoners of

war are transferred under such circumstances, responsibility for the application of the Convention rests on the Power accepting them while they are in its custody.

Nevertheless if that Power fails to carry out the provisions of the Convention in any important respect, the Power by whom the prisoners of war were transferred shall, upon being notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the prisoners of war. Such requests must be complied with.

ART. 13. — Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.

*Humane
treatment
of prisoners*

Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.

Measures of reprisal against prisoners of war are prohibited.

ART. 14. — Prisoners of war are entitled in all circumstances to respect for their persons and their honour.

*Respect for
the person
of prisoners*

Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favourable as that granted to men.

Prisoners of war shall retain the full civil capacity which they enjoyed at the time of their capture. The Detaining Power may not restrict the exercise, either within or without its own territory, of the rights such capacity confers except in so far as the captivity requires.

ART. 15. — The Power detaining prisoners of war shall be bound to provide free of charge for their maintenance and for the medical attention required by their state of health.

*Maintenance
of prisoners*

ART. 16. — Taking into consideration the provisions of the present Convention relating to rank and sex, and subject to any privileged treatment which may be accorded to them by reason of their state of health, age or professional qualifications, all prisoners of war shall be treated alike by the Detaining Power, without any adverse distinction based on race, nationality, religious belief or political opinions, or any other distinction founded on similar criteria.

*Equality of
treatment*

PART III

CAPTIVITY

SECTION I

BEGINNING OF CAPTIVITY

*Questioning
of prisoners*

ART. 17. — Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information.

If he wilfully infringes this rule, he may render himself liable to a restriction of the privileges accorded to his rank or status.

Each Party to a conflict is required to furnish the persons under its jurisdiction who are liable to become prisoners of war, with an identity card showing the owner's surname, first names, rank, army, regimental, personal or serial number or equivalent information, and date of birth. The identity card may, furthermore, bear the signature or the finger-prints, or both, of the owner, and may bear, as well, any other information the Party to the conflict may wish to add concerning persons belonging to its armed forces. As far as possible the card shall measure 6.5 x 10 cm and shall be issued in duplicate. The identity card shall be shown by the prisoner of war upon demand, but may in no case be taken away from him.

No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind.

Prisoners of war who, owing to their physical or mental condition, are unable to state their identity, shall be handed over to the medical service. The identity of such prisoners shall be established by all possible means, subject to the provisions of the preceding paragraph.

The questioning of prisoners of war shall be carried out in a language which they understand.

*Property of
prisoners*

ART. 18. — All effects and articles of personal use, except arms, horses, military equipment and military documents, shall remain in the possession of prisoners of war, likewise their metal helmets and

gas masks and like articles issued for personal protection. Effects and articles used for their clothing or feeding shall likewise remain in their possession, even if such effects and articles belong to their regulation military equipment.

At no time should prisoners of war be without identity documents. The Detaining Power shall supply such documents to prisoners of war who possess none.

Badges of rank and nationality, decorations and articles having above all a personal or sentimental value may not be taken from prisoners of war.

Sums of money carried by prisoners of war may not be taken away from them except by order of an officer, and after the amount and particulars of the owner have been recorded in a special register and an itemized receipt has been given, legibly inscribed with the name, rank and unit of the person issuing the said receipt. Sums in the currency of the Detaining Power, or which are changed into such currency at the prisoner's request, shall be placed to the credit of the prisoner's account as provided in Article 64.

The Detaining Power may withdraw articles of value from prisoners of war only for reasons of security; when such articles are withdrawn, the procedure laid down for sums of money impounded shall apply.

Such objects, likewise the sums taken away in any currency other than that of the Detaining Power and the conversion of which has not been asked for by the owners, shall be kept in the custody of the Detaining Power and shall be returned in their initial shape to prisoners of war at the end of their captivity.

ART. 19. — Prisoners of war shall be evacuated, as soon as possible after their capture, to camps situated in an area far enough from the combat zone for them to be out of danger.

*Evacuation
of prisoners*

Only those prisoners of war who, owing to wounds or sickness, would run greater risks by being evacuated than by remaining where they are, may be temporarily kept back in a danger zone.

Prisoners of war shall not be unnecessarily exposed to danger while awaiting evacuation from a fighting zone.

ART. 20. — The evacuation of prisoners of war shall always be effected humanely and in conditions similar to those for the forces of the Detaining Power in their changes of station.

*Conditions of
evacuation*

The Detaining Power shall supply prisoners of war who are being evacuated with sufficient food and potable water, and with the necessary clothing and medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during

evacuation, and shall establish as soon as possible a list of the prisoners of war who are evacuated.

If prisoners of war must, during evacuation, pass through transit camps, their stay in such camps shall be as brief as possible.

SECTION II

INTERNMENT OF PRISONERS OF WAR

CHAPTER I

General Observations

*Restriction of
liberty of
movement*

ART. 21. — The Detaining Power may subject prisoners of war to internment. It may impose on them the obligation of not leaving, beyond certain limits, the camp where they are interned, or if the said camp is fenced in, of not going outside its perimeter. Subject to the provisions of the present Convention relative to penal and disciplinary sanctions, prisoners of war may not be held in close confinement except where necessary to safeguard their health and then only during the continuation of the circumstances which make such confinement necessary.

Prisoners of war may be partially or wholly released on parole or promise, in so far as is allowed by the laws of the Power on which they depend. Such measures shall be taken particularly in cases where this may contribute to the improvement of their state of health. No prisoner of war shall be compelled to accept liberty on parole or promise.

Upon the outbreak of hostilities, each Party to the conflict shall notify the adverse Party of the laws and regulations allowing or forbidding its own nationals to accept liberty on parole or promise. Prisoners of war who are paroled or who have given their promise in conformity with the laws and regulations so notified, are bound on their personal honour scrupulously to fulfil, both towards the Power on which they depend and towards the Power which has captured them, the engagements of their paroles or promises. In such cases, the Power on which they depend is bound neither to require nor to accept from them any service incompatible with the parole or promise given.

ART. 22. — Prisoners of war may be interned only in premises located on land and affording every guarantee of hygiene and healthfulness. Except in particular cases which are justified by the interest of the prisoners themselves, they shall not be interned in penitentiaries.

*Places and
conditions of
internment*

Prisoners of war interned in unhealthy areas, or where the climate is injurious for them, shall be removed as soon as possible to a more favourable climate.

The Detaining Power shall assemble prisoners of war in camps or camp compounds according to their nationality, language and customs, provided that such prisoners shall not be separated from prisoners of war belonging to the armed forces with which they were serving at the time of their capture, except with their consent.

ART. 23. — No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations.

*Security of
prisoners*

Prisoners of war shall have shelters against air bombardment and other hazards of war, to the same extent as the local civilian population. With the exception of those engaged in the protection of their quarters against the aforesaid hazards, they may enter such shelters as soon as possible after the giving of the alarm. Any other protective measure taken in favour of the population shall also apply to them.

Detaining Powers shall give the Powers concerned, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of prisoner of war camps.

Whenever military considerations permit, prisoner of war camps shall be indicated in the day-time by the letters PW or PG, placed so as to be clearly visible from the air. The Powers concerned may, however, agree upon any other system of marking. Only prisoner of war camps shall be marked as such.

ART. 24. — Transit or screening camps of a permanent kind shall be fitted out under conditions similar to those described in the present Section, and the prisoners therein shall have the same treatment as in other camps.

*Permanent
transit camps*

CHAPTER II

Quarters, Food and Clothing of Prisoners of War*Quarters*

ART. 25. — Prisoners of war shall be quartered under conditions as favourable as those for the forces of the Detaining Power who are billeted in the same area. The said conditions shall make allowance for the habits and customs of the prisoners and shall in no case be prejudicial to their health.

The foregoing provisions shall apply in particular to the dormitories of prisoners of war as regards both total surface and minimum cubic space, and the general installations, bedding and blankets.

The premises provided for the use of prisoners of war individually or collectively, shall be entirely protected from dampness and adequately heated and lighted, in particular between dusk and lights out. All precautions must be taken against the danger of fire.

In any camps in which women prisoners of war, as well as men, are accommodated, separate dormitories shall be provided for them.

Food

ART. 26. — The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies. Account shall also be taken of the habitual diet of the prisoners.

The Detaining Power shall supply prisoners of war who work with such additional rations as are necessary for the labour on which they are employed.

Sufficient drinking water shall be supplied to prisoners of war. The use of tobacco shall be permitted.

Prisoners of war shall, as far as possible, be associated with the preparation of their meals; they may be employed for that purpose in the kitchens. Furthermore, they shall be given the means of preparing, themselves, the additional food in their possession.

Adequate premises shall be provided for messing.

Collective disciplinary measures affecting food are prohibited.

Clothing

ART. 27. — Clothing, underwear and footwear shall be supplied to prisoners of war in sufficient quantities by the Detaining Power, which shall make allowance for the climate of the region where the prisoners are detained. Uniforms of enemy armed forces captured by the Detaining Power should, if suitable for the climate, be made available to clothe prisoners of war.

The regular replacement and repair of the above articles shall be assured by the Detaining Power. In addition, prisoners of war who work shall receive appropriate clothing, wherever the nature of the work demands.

ART. 28. — Canteens shall be installed in all camps, where prisoners of war may procure foodstuffs, soap and tobacco and ordinary articles in daily use. The tariff shall never be in excess of local market prices.

Canteens

The profits made by camp canteens shall be used for the benefit of the prisoners; a special fund shall be created for this purpose. The prisoners' representative shall have the right to collaborate in the management of the canteen and of this fund.

When a camp is closed down, the credit balance of the special fund shall be handed to an international welfare organization, to be employed for the benefit of prisoners of war of the same nationality as those who have contributed to the fund. In case of a general repatriation, such profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

CHAPTER III

Hygiene and Medical Attention

ART. 29. — The Detaining Power shall be bound to take all sanitary measures necessary to ensure the cleanliness and healthfulness of camps, and to prevent epidemics.

Hygiene

Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness. In any camps in which women prisoners of war are accommodated, separate conveniences shall be provided for them.

Also, apart from the baths and showers with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their personal laundry; the necessary installations, facilities and time shall be granted them for that purpose.

ART. 30. — Every camp shall have an adequate infirmary where prisoners of war may have the attention they require, as well as

*Medical
attention*

appropriate diet. Isolation wards shall, if necessary, be set aside for cases of contagious or mental disease.

Prisoners of war suffering from serious disease, or whose condition necessitates special treatment, a surgical operation or hospital care, must be admitted to any military or civilian medical unit where such treatment can be given, even if their repatriation is contemplated in the near future. Special facilities shall be afforded for the care to be given to the disabled, in particular to the blind, and for their rehabilitation, pending repatriation.

Prisoners of war shall have the attention, preferably, of medical personnel of the Power on which they depend and, if possible, of their nationality.

Prisoners of war may not be prevented from presenting themselves to the medical authorities for examination. The detaining authorities shall, upon request, issue to every prisoner who has undergone treatment, an official certificate indicating the nature of his illness or injury, and the duration and kind of treatment received. A duplicate of this certificate shall be forwarded to the Central Prisoners of War Agency

The costs of treatment, including those of any apparatus necessary for the maintenance of prisoners of war in good health, particularly dentures and other artificial appliances, and spectacles, shall be borne by the Detaining Power.

*Medical
inspections*

ART. 31. — Medical inspections of prisoners of war shall be held at least once a month. They shall include the checking and the recording of the weight of each prisoner of war. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of prisoners and to detect contagious diseases, especially tuberculosis, malaria and venereal disease. For this purpose the most efficient methods available shall be employed, e.g. periodic mass miniature radiography for the early detection of tuberculosis.

*Prisoners
engaged
on medical
duties*

ART. 32. — Prisoners of war who, though not attached to the medical service of their armed forces, are physicians, surgeons, dentists, nurses or medical orderlies, may be required by the Detaining Power to exercise their medical functions in the interests of prisoners of war dependent on the same Power. In that case they shall continue to be prisoners of war, but shall receive the same treatment as corresponding medical personnel retained by the Detaining Power. They shall be exempted from any other work under Article 49.

CHAPTER IV

**Medical Personnel and Chaplains Retained
to Assist Prisoners of War**

ART. 33. — Members of the medical personnel and chaplains while retained by the Detaining Power with a view to assisting prisoners of war, shall not be considered as prisoners of war. They shall, however, receive as a minimum the benefits and protection of the present Convention, and shall also be granted all facilities necessary to provide for the medical care of, and religious ministrations to prisoners of war.

*Rights and
privileges of
retained
personnel*

They shall continue to exercise their medical and spiritual functions for the benefit of prisoners of war, preferably those belonging to the armed forces upon which they depend, within the scope of the military laws and regulations of the Detaining Power and under the control of its competent services, in accordance with their professional etiquette. They shall also benefit by the following facilities in the exercise of their medical or spiritual functions:

- a) They shall be authorized to visit periodically prisoners of war situated in working detachments or in hospitals outside the camp. For this purpose, the Detaining Power shall place at their disposal the necessary means of transport.
- b) The senior medical officer in each camp shall be responsible to the camp military authorities for everything connected with the activities of retained medical personnel. For this purpose, Parties to the conflict shall agree at the outbreak of hostilities on the subject of the corresponding ranks of the medical personnel, including that of societies mentioned in Article 26 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949. This senior medical officer, as well as chaplains, shall have the right to deal with the competent authorities of the camp on all questions relating to their duties. Such authorities shall afford them all necessary facilities for correspondence relating to these questions.
- c) Although they shall be subject to the internal discipline of the camp in which they are retained, such personnel may not be compelled to carry out any work other than that concerned with their medical or religious duties.

During hostilities, the Parties to the conflict shall agree concerning the possible relief of retained personnel and shall settle the procedure to be followed.

None of the preceding provisions shall relieve the Detaining Power of its obligations with regard to prisoners of war from the medical or spiritual point of view.

CHAPTER V

Religious, Intellectual and Physical Activities

Religious duties

ART. 34. — Prisoners of war shall enjoy complete latitude in the exercise of their religious duties, including attendance at the service of their faith, on condition that they comply with the disciplinary routine prescribed by the military authorities.

Adequate premises shall be provided where religious services may be held.

Retained chaplains

ART. 35. — Chaplains who fall into the hands of the enemy Power and who remain or are retained with a view to assisting prisoners of war, shall be allowed to minister to them and to exercise freely their ministry amongst prisoners of war of the same religion, in accordance with their religious conscience. They shall be allocated among the various camps and labour detachments containing prisoners of war belonging to the same forces, speaking the same language or practising the same religion. They shall enjoy the necessary facilities, including the means of transport provided for in Article 33, for visiting the prisoners of war outside their camp. They shall be free to correspond, subject to censorship, on matters concerning their religious duties with the ecclesiastical authorities in the country of detention and with international religious organizations. Letters and cards which they may send for this purpose shall be in addition to the quota provided for in Article 71.

Prisoners who are ministers of religion

ART. 36. — Prisoners of war who are ministers of religion, without having officiated as chaplains to their own forces, shall be at liberty, whatever their denomination, to minister freely to the members of their community. For this purpose, they shall receive the same treatment as the chaplains retained by the Detaining Power. They shall not be obliged to do any other work.

Prisoners without a minister of their religion

ART. 37. — When prisoners of war have not the assistance of a retained chaplain or of a prisoner of war minister of their faith, a minister belonging to the prisoners' or a similar denomination, or in

his absence a qualified layman, if such a course is feasible from a confessional point of view, shall be appointed, at the request of the prisoners concerned, to fill this office. This appointment, subject to the approval of the Detaining Power, shall take place with the agreement of the community of prisoners concerned and, wherever necessary, with the approval of the local religious authorities of the same faith. The person thus appointed shall comply with all regulations established by the Detaining Power in the interests of discipline and military security.

ART. 38. — While respecting the individual preferences of every prisoner, the Detaining Power shall encourage the practice of intellectual, educational, and recreational pursuits, sports and games amongst prisoners, and shall take the measures necessary to ensure the exercise thereof by providing them with adequate premises and necessary equipment.

*Recreation,
study, sports
and games*

Prisoners shall have opportunities for taking physical exercise, including sports and games and for being out of doors. Sufficient open spaces shall be provided for this purpose in all camps.

CHAPTER VI

Discipline

ART. 39. — Every prisoner of war camp shall be put under the immediate authority of a responsible commissioned officer belonging to the regular armed forces of the Detaining Power. Such officer shall have in his possession a copy of the present Convention; he shall ensure that its provisions are known to the camp staff and the guard and shall be responsible, under the direction of his government, for its application.

*Administra-
tion. Saluting*

Prisoners of war, with the exception of officers, must salute and show to all officers of the Detaining Power the external marks of respect provided for by the regulations applying in their own forces.

Officer prisoners of war are bound to salute only officers of a higher rank of the Detaining Power; they must, however, salute the camp commander regardless of his rank.

ART. 40. — The wearing of badges of rank and nationality, as well as of decorations, shall be permitted.

*Badges and
decorations*

*Posting of the
Convention,
and of
regulations
and orders
concerning
prisoners*

ART. 41. — In every camp the text of the present Convention and its Annexes and the contents of any special agreement provided for in Article 6, shall be posted, in the prisoners' own language, at places where all may read them. Copies shall be supplied, on request, to the prisoners who cannot have access to the copy which has been posted.

Regulations, orders, notices and publications of every kind relating to the conduct of prisoners of war shall be issued to them in a language which they understand. Such regulations, orders and publications shall be posted in the manner described above and copies shall be handed to the prisoners' representative. Every order and command addressed to prisoners of war individually must likewise be given in a language which they understand.

*Use of
weapons*

ART. 42. — The use of weapons against prisoners of war, especially against those who are escaping or attempting to escape, shall constitute an extreme measure, which shall always be preceded by warnings appropriate to the circumstances.

CHAPTER VII

Rank of Prisoners of War

*Notification
of ranks*

ART. 43. — Upon the outbreak of hostilities, the Parties to the conflict shall communicate to one another the titles and ranks of all the persons mentioned in Article 4 of the present Convention, in order to ensure equality of treatment between prisoners of equivalent rank. Titles and ranks which are subsequently created shall form the subject of similar communications.

The Detaining Power shall recognize promotions in rank which have been accorded to prisoners of war and which have been duly notified by the Power on which these prisoners depend.

*Treatment of
officers*

ART. 44. — Officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

In order to ensure service in officers' camps, other ranks of the same armed forces who, as far as possible, speak the same language, shall be assigned in sufficient numbers, account being taken of the rank of officers and prisoners of equivalent status. Such orderlies shall not be required to perform any other work.

Supervision of the mess by the officers themselves shall be facilitated in every way.

ART. 45. — Prisoners of war other than officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

*Treatment
of other
prisoners*

Supervision of the mess by the prisoners themselves shall be facilitated in every way.

CHAPTER VIII

Transfer of Prisoners of War after their Arrival in Camp

ART. 46. — The Detaining Power, when deciding upon the transfer of prisoners of war, shall take into account the interests of the prisoners themselves, more especially so as not to increase the difficulty of their repatriation.

Conditions

The transfer of prisoners of war shall always be effected humanely and in conditions not less favourable than those under which the forces of the Detaining Power are transferred. Account shall always be taken of the climatic conditions to which the prisoners of war are accustomed and the conditions of transfer shall in no case be prejudicial to their health.

The Detaining Power shall supply prisoners of war during transfer with sufficient food and drinking water to keep them in good health, likewise with the necessary clothing, shelter and medical attention. The Detaining Power shall take adequate precautions especially in case of transport by sea or by air, to ensure their safety during transfer, and shall draw up a complete list of all transferred prisoners before their departure.

ART. 47. — Sick or wounded prisoners of war shall not be transferred as long as their recovery may be endangered by the journey, unless their safety imperatively demands it.

*Circumstances
precluding
transfer*

If the combat zone draws closer to a camp, the prisoners of war in the said camp shall not be transferred unless their transfer can be carried out in adequate conditions of safety, or if they are exposed to greater risks by remaining on the spot than by being transferred.

ART. 48. — In the event of transfer, prisoners of war shall be officially advised of their departure and of their new postal address.

*Procedure for
transfer*

Such notifications shall be given in time for them to pack their luggage and inform their next of kin.

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of transfer so require, to what each prisoner can reasonably carry, which shall in no case be more than twenty-five kilograms per head.

Mail and parcels addressed to their former camp shall be forwarded to them without delay. The camp commander shall take, in agreement with the prisoners' representative, any measures needed to ensure the transport of the prisoners' community property and of the luggage they are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph of this Article.

The costs of transfers shall be borne by the Detaining Power.

SECTION III

LABOUR OF PRISONERS OF WAR

*General
observations*

ART. 49. — The Detaining Power may utilize the labour of prisoners of war who are physically fit, taking into account their age, sex, rank and physical aptitude, and with a view particularly to maintaining them in a good state of physical and mental health.

Non-commissioned officers who are prisoners of war shall only be required to do supervisory work. Those not so required may ask for other suitable work which shall, so far as possible, be found for them.

If officers or persons of equivalent status ask for suitable work, it shall be found for them, so far as possible, but they may in no circumstances be compelled to work.

*Authorized
work*

ART. 50. — Besides work connected with camp administration, installation or maintenance, prisoners of war may be compelled to do only such work as is included in the following classes:

- a) agriculture;
- b) industries connected with the production or the extraction of raw materials, and manufacturing industries, with the exception of metallurgical, machinery and chemical industries; public works and building operations which have no military character or purpose;

- c) transport and handling of stores which are not military in character or purpose;
- d) commercial business, and arts and crafts;
- e) domestic service;
- f) public utility services having no military character or purpose.

Should the above provisions be infringed, prisoners of war shall be allowed to exercise their right of complaint, in conformity with Article 78.

ART. 51. — Prisoners of war must be granted suitable working conditions, especially as regards accommodation, food, clothing and equipment; such conditions shall not be inferior to those enjoyed by nationals of the Detaining Power employed in similar work; account shall also be taken of climatic conditions.

*Working
conditions*

The Detaining Power, in utilizing the labour of prisoners of war, shall ensure that in areas in which prisoners are employed, the national legislation concerning the protection of labour, and, more particularly, the regulations for the safety of workers, are duly applied.

Prisoners of war shall receive training and be provided with the means of protection suitable to the work they will have to do and similar to those accorded to the nationals of the Detaining Power. Subject to the provisions of Article 52, prisoners may be submitted to the normal risks run by these civilian workers.

Conditions of labour shall in no case be rendered more arduous by disciplinary measures.

ART. 52. — Unless he be a volunteer, no prisoner of war may be employed on labour which is of an unhealthy or dangerous nature.

*Dangerous
or
humiliating
labour*

No prisoner of war shall be assigned to labour which would be looked upon as humiliating for a member of the Detaining Power's own forces.

The removal of mines or similar devices shall be considered as dangerous labour.

ART. 53. — The duration of the daily labour of prisoners of war, including the time of the journey to and from, shall not be excessive, and must in no case exceed that permitted for civilian workers in the district, who are nationals of the Detaining Power and employed on the same work.

*Duration
of labour*

Prisoners of war must be allowed, in the middle of the day's work, a rest of not less than one hour. This rest will be the same as that to which workers of the Detaining Power are entitled, if the latter is of longer duration. They shall be allowed in addition a rest of

twenty-four consecutive hours every week, preferably on Sunday or the day of rest in their country of origin. Furthermore, every prisoner who has worked for one year shall be granted a rest of eight consecutive days, during which his working pay shall be paid him.

If methods of labour such as piece work are employed, the length of the working period shall not be rendered excessive thereby.

*Working pay.
Occupational
accidents
and diseases*

ART. 54. — The working pay due to prisoners of war shall be fixed in accordance with the provisions of Article 62 of the present Convention.

Prisoners of war who sustain accidents in connection with work, or who contract a disease in the course, or in consequence of their work, shall receive all the care their condition may require. The Detaining Power shall furthermore deliver to such prisoners of war a medical certificate enabling them to submit their claims to the Power on which they depend, and shall send a duplicate to the Central Prisoners of War Agency provided for in Article 123.

*Medical
supervision*

ART. 55. — The fitness of prisoners of war for work shall be periodically verified by medical examinations at least once a month. The examinations shall have particular regard to the nature of the work which prisoners of war are required to do.

If any prisoner of war considers himself incapable of working, he shall be permitted to appear before the medical authorities of his camp. Physicians or surgeons may recommend that the prisoners who are, in their opinion, unfit for work, be exempted therefrom.

*Labour
detachments*

ART. 56. — The organization and administration of labour detachments shall be similar to those of prisoner of war camps.

Every labour detachment shall remain under the control of and administratively part of a prisoner of war camp. The military authorities and the commander of the said camp shall be responsible, under the direction of their government, for the observance of the provisions of the present Convention in labour detachments.

The camp commander shall keep an up-to-date record of the labour detachments dependent on his camp, and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross, or of other agencies giving relief to prisoners of war, who may visit the camp.

*Prisoners
working for
private
employers*

ART. 57. — The treatment of prisoners of war who work for private persons, even if the latter are responsible for guarding and protecting them, shall not be inferior to that which is provided for by the present Convention. The Detaining Power, the military

authorities and the commander of the camp to which such prisoners belong shall be entirely responsible for the maintenance, care, treatment, and payment of the working pay of such prisoners of war.

Such prisoners of war shall have the right to remain in communication with the prisoners' representatives in the camps on which they depend.

SECTION IV

FINANCIAL RESOURCES OF PRISONERS OF WAR

ART. 58. — Upon the outbreak of hostilities, and pending an arrangement on this matter with the Protecting Power, the Detaining Power may determine the maximum amount of money in cash or in any similar form, that prisoners may have in their possession. Any amount in excess, which was properly in their possession and which has been taken or withheld from them, shall be placed to their account, together with any monies deposited by them, and shall not be converted into any other currency without their consent.

Ready money

If prisoners of war are permitted to purchase services or commodities outside the camp against payment in cash, such payments shall be made by the prisoner himself or by the camp administration who will charge them to the accounts of the prisoners concerned. The Detaining Power will establish the necessary rules in this respect.

ART. 59. — Cash which was taken from prisoners of war, in accordance with Article 18, at the time of their capture, and which is in the currency of the Detaining Power, shall be placed to their separate accounts, in accordance with the provisions of Article 64 of the present Section.

Amounts in cash taken from prisoners

The amounts, in the currency of the Detaining Power, due to the conversion of sums in other currencies that are taken from the prisoners of war at the same time, shall also be credited to their separate accounts.

ART. 60. — The Detaining Power shall grant all prisoners of war a monthly advance of pay, the amount of which shall be fixed by

Advances of pay

conversion, into the currency of the said Power, of the following amounts:

- Category I : Prisoners ranking below sergeants: eight Swiss francs.
- Category II : Sergeants and other non-commissioned officers, or prisoners of equivalent rank: twelve Swiss francs.
- Category III : Warrant officers and commissioned officers below the rank of major or prisoners of equivalent rank: fifty Swiss francs.
- Category IV : Majors, lieutenant-colonels, colonels or prisoners of equivalent rank: sixty Swiss francs.
- Category V : General officers or prisoners of war of equivalent rank: seventy-five Swiss francs.

However, the Parties to the conflict concerned may by special agreement modify the amount of advances of pay due to prisoners of the preceding categories.

Furthermore, if the amounts indicated in the first paragraph above would be unduly high compared with the pay of the Detaining Power's armed forces or would, for any reason, seriously embarrass the Detaining Power, then, pending the conclusion of a special agreement with the Power on which the prisoners depend to vary the amounts indicated above, the Detaining Power:

- a) shall continue to credit the accounts of the prisoners with the amounts indicated in the first paragraph above;
- b) may temporarily limit the amount made available from these advances of pay to prisoners of war for their own use, to sums which are reasonable, but which, for Category I, shall never be inferior to the amount that the Detaining Power gives to the members of its own armed forces.

The reasons for any limitations will be given without delay to the Protecting Power.

Supplementary pay

ART. 61. — The Detaining Power shall accept for distribution as supplementary pay to prisoners of war sums which the Power on which the prisoners depend may forward to them, on condition that the sums to be paid shall be the same for each prisoner of the same category, shall be payable to all prisoners of that category depending on that Power, and shall be placed in their separate accounts, at the earliest opportunity, in accordance with the provisions of Article 64. Such supplementary pay shall not relieve the Detaining Power of any obligation under this Convention.

ART. 62. — Prisoners of war shall be paid a fair working rate of pay by the detaining authorities direct. The rate shall be fixed by the said authorities, but shall at no time be less than one-fourth of one Swiss franc for a full working day. The Detaining Power shall inform prisoners of war, as well as the Power on which they depend, through the intermediary of the Protecting Power, of the rate of daily working pay that it has fixed.

Working pay

Working pay shall likewise be paid by the detaining authorities to prisoners of war permanently detailed to duties or to a skilled or semi-skilled occupation in connection with the administration, installation or maintenance of camps, and to the prisoners who are required to carry out spiritual or medical duties on behalf of their comrades.

The working pay of the prisoners' representative, of his advisers, if any, and of his assistants, shall be paid out of the fund maintained by canteen profits. The scale of this working pay shall be fixed by the prisoners' representative and approved by the camp commander. If there is no such fund, the detaining authorities shall pay these prisoners a fair working rate of pay.

ART. 63. — Prisoners of war shall be permitted to receive remittances of money addressed to them individually or collectively.

*Transfer
of funds*

Every prisoner of war shall have at his disposal the credit balance of his account as provided for in the following Article, within the limits fixed by the Detaining Power, which shall make such payments as are requested. Subject to financial or monetary restrictions which the Detaining Power regards as essential, prisoners of war may also have payments made abroad. In this case payments addressed by prisoners of war to dependents shall be given priority.

In any event, and subject to the consent of the Power on which they depend, prisoners may have payments made in their own country, as follows: the Detaining Power shall send to the aforesaid Power through the Protecting Power, a notification giving all the necessary particulars concerning the prisoners of war, the beneficiaries of the payments, and the amount of the sums to be paid, expressed in the Detaining Power's currency. The said notification shall be signed by the prisoners and countersigned by the camp commander. The Detaining Power shall debit the prisoners' account by a corresponding amount; the sums thus debited shall be placed by it to the credit of the Power on which the prisoners depend.

To apply the foregoing provisions, the Detaining Power may usefully consult the Model Regulations in Annex V of the present Convention.

*Prisoners'
accounts*

ART. 64. — The Detaining Power shall hold an account for each prisoner of war, showing at least the following:

- 1) The amounts due to the prisoner or received by him as advances of pay, as working pay or derived from any other source; the sums in the currency of the Detaining Power which were taken from him; the sums taken from him and converted at his request into the currency of the said Power.
- 2) The payments made to the prisoner in cash, or in any other similar form; the payments made on his behalf and at his request; the sums transferred under Article 63, third paragraph.

*Management
of prisoners'
accounts*

ART. 65. — Every item entered in the account of a prisoner of war shall be countersigned or initialled by him, or by the prisoners' representative acting on his behalf.

Prisoners of war shall at all times be afforded reasonable facilities for consulting and obtaining copies of their accounts, which may likewise be inspected by the representatives of the Protecting Powers at the time of visits to the camp.

When prisoners of war are transferred from one camp to another, their personal accounts will follow them. In case of transfer from one Detaining Power to another, the monies which are their property and are not in the currency of the Detaining Power will follow them. They shall be given certificates for any other monies standing to the credit of their accounts.

The Parties to the conflict concerned may agree to notify to each other at specific intervals through the Protecting Power, the amount of the accounts of the prisoners of war.

*Winding up
of accounts*

ART. 66. — On the termination of captivity, through the release of a prisoner of war or his repatriation, the Detaining Power shall give him a statement, signed by an authorized officer of that Power, showing the credit balance then due to him. The Detaining Power shall also send through the Protecting Power to the government upon which the prisoner of war depends, lists giving all appropriate particulars of all prisoners of war whose captivity has been terminated by repatriation, release, escape, death or any other means, and showing the amount of their credit balances. Such lists shall be certified on each sheet by an authorized representative of the Detaining Power.

Any of the above provisions of this Article may be varied by mutual agreement between any two Parties to the conflict.

The Power on which the prisoner of war depends shall be responsible for settling with him any credit balance due to him from the Detaining Power on the termination of his captivity.

ART. 67. — Advances of pay, issued to prisoners of war in conformity with Article 60, shall be considered as made on behalf of the Power on which they depend. Such advances of pay, as well as all payments made by the said Power under Article 63, third paragraph, and Article 68, shall form the subject of arrangements between the Powers concerned, at the close of hostilities.

*Adjustments
between
Parties to the
conflict*

ART. 68. — Any claim by a prisoner of war for compensation in respect of any injury or other disability arising out of work shall be referred to the Power on which he depends, through the Protecting Power. In accordance with Article 54, the Detaining Power will, in all cases, provide the prisoner of war concerned with a statement showing the nature of the injury or disability, the circumstances in which it arose and particulars of medical or hospital treatment given for it. This statement will be signed by a responsible officer of the Detaining Power and the medical particulars certified by a medical officer.

*Claims for
compensation*

Any claim by a prisoner of war for compensation in respect of personal effects, monies or valuables impounded by the Detaining Power under Article 18 and not forthcoming on his repatriation, or in respect of loss alleged to be due to the fault of the Detaining Power or any of its servants, shall likewise be referred to the Power on which he depends. Nevertheless, any such personal effects required for use by the prisoners of war whilst in captivity shall be replaced at the expense of the Detaining Power. The Detaining Power will, in all cases, provide the prisoner of war with a statement, signed by a responsible officer, showing all available information regarding the reasons why such effects, monies or valuables have not been restored to him. A copy of this statement will be forwarded to the Power on which he depends through the Central Prisoners of War Agency provided for in Article 123.

SECTION V

RELATIONS OF PRISONERS OF WAR WITH THE EXTERIOR

ART. 69. — Immediately upon prisoners of war falling into its power, the Detaining Power shall inform them and the Powers on which they depend, through the Protecting Power, of the measures taken to carry out the provisions of the present Section. They shall

*Notification
of measures
taken*

likewise inform the parties concerned of any subsequent modifications of such measures.

Capture card

ART. 70. — Immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or another camp, every prisoner of war shall be enabled to write direct to his family, on the one hand, and to the Central Prisoners of War Agency provided for in Article 123, on the other hand, a card similar, if possible, to the model annexed to the present Convention, informing his relatives of his capture, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any manner.

Correspondence

ART. 71. — Prisoners of war shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each prisoner of war, the said number shall not be less than two letters and four cards monthly, exclusive of the capture cards provided for in Article 70, and conforming as closely as possible to the models annexed to the present Convention. Further limitations may be imposed only if the Protecting Power is satisfied that it would be in the interests of the prisoners of war concerned to do so owing to difficulties of translation caused by the Detaining Power's inability to find sufficient qualified linguists to carry out the necessary censorship. If limitations must be placed on the correspondence addressed to prisoners of war, they may be ordered only by the Power on which the prisoners depend, possibly at the request of the Detaining Power. Such letters and cards must be conveyed by the most rapid method at the disposal of the Detaining Power; they may not be delayed or retained for disciplinary reasons.

Prisoners of war who have been without news for a long period, or who are unable to receive news from their next of kin or to give them news by the ordinary postal route, as well as those who are at a great distance from their homes, shall be permitted to send telegrams, the fees being charged against the prisoners of war's accounts with the Detaining Power or paid in the currency at their disposal. They shall likewise benefit by this measure in cases of urgency.

As a general rule, the correspondence of prisoners of war shall be written in their native language. The Parties to the conflict may allow correspondence in other languages.

Sacks containing prisoner of war mail must be securely sealed and labelled so as clearly to indicate their contents, and must be addressed to offices of destination.

ART. 72. — Prisoners of war shall be allowed to receive by post or by any other means individual parcels or collective shipments containing, in particular, foodstuffs, clothing, medical supplies and articles of a religious, educational or recreational character which may meet their needs, including books, devotional articles scientific equipment, examination papers, musical instruments, sports outfits and materials allowing prisoners of war to pursue their studies or their cultural activities.

Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

The only limits which may be placed on these shipments shall be those proposed by the Protecting Power in the interest of the prisoners themselves, or by the International Committee of the Red Cross or any other organization giving assistance to the prisoners, in respect of their own shipments only, on account of exceptional strain on transport or communications.

The conditions for the sending of individual parcels and collective relief shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the prisoners of relief supplies. Books may not be included in parcels of clothing and foodstuffs. Medical supplies shall, as a rule, be sent in collective parcels.

ART. 73. — In the absence of special agreements between the Powers concerned on the conditions for the receipt and distribution of collective relief shipments, the rules and regulations concerning collective shipments, which are annexed to the present Convention, shall be applied.

The special agreements referred to above shall in no case restrict the right of prisoners' representatives to take possession of collective relief shipments intended for prisoners of war, to proceed to their distribution or to dispose of them in the interest of the prisoners.

Nor shall such agreements restrict the right of representatives of the Protecting Power, the International Committee of the Red Cross or any other organization giving assistance to prisoners of war and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

ART. 74. — All relief shipments for prisoners of war shall be exempt from import, customs and other dues.

Correspondence, relief shipments and authorized remittances of money addressed to prisoners of war or despatched by them through the post office, either direct or through the Information

*Relief
shipments*

*I.
General
principles*

*II.
Collective
relief*

*Exemption
from postal
and
transport
charges*

Bureaux provided for in Article 122 and the Central Prisoners of War Agency provided for in Article 123, shall be exempt from any postal dues, both in the countries of origin and destination, and in intermediate countries.

If relief shipments intended for prisoners of war cannot be sent through the post office by reason of weight or for any other cause, the cost of transportation shall be borne by the Detaining Power in all the territories under its control. The other Powers party to the Convention shall bear the cost of transport in their respective territories.

In the absence of special agreements between the Parties concerned, the costs connected with transport of such shipments, other than costs covered by the above exemption, shall be charged to the senders.

The High Contracting Parties shall endeavour to reduce, so far as possible, the rates charged for telegrams sent by prisoners of war, or addressed to them.

*Special
means of
transport*

ART. 75. — Should military operations prevent the Powers concerned from fulfilling their obligation to assure the transport of the shipments referred to in Articles 70, 71, 72 and 77, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake to ensure the conveyance of such shipments by suitable means (railway wagons, motor vehicles, vessels or aircraft, etc.). For this purpose, the High Contracting Parties shall endeavour to supply them with such transport and to allow its circulation, especially by granting the necessary safe-conducts.

Such transport may also be used to convey:

- a) correspondence, lists and reports exchanged between the Central Information Agency referred to in Article 123 and the National Bureaux referred to in Article 122;
- b) correspondence and reports relating to prisoners of war which the Protecting Power, the International Committee of the Red Cross or any other body assisting the prisoners, exchange either with their own delegates or with the Parties to the conflict.

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport, if it should so prefer, nor preclude the granting of safe-conducts, under mutually agreed conditions, to such means of transport.

In the absence of special agreements, the costs occasioned by the use of such means of transport shall be borne proportionally by the Parties to the conflict whose nationals are benefited thereby.

ART. 76. — The censoring of correspondence addressed to prisoners of war or despatched by them shall be done as quickly as possible. Mail shall be censored only by the despatching State and the receiving State, and once only by each.

*Censorship
and
examination*

The examination of consignments intended for prisoners of war shall not be carried out under conditions that will expose the goods contained in them to deterioration; except in the case of written or printed matter, it shall be done in the presence of the addressee, or of a fellow-prisoner duly delegated by him. The delivery to prisoners of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

Any prohibition of correspondence ordered by Parties to the conflict, either for military or political reasons, shall be only temporary and its duration shall be as short as possible.

ART. 77. — The Detaining Power shall provide all facilities for the transmission, through the Protecting Power or the Central Prisoners of War Agency provided for in Article 123, of instruments, papers or documents intended for prisoners of war or despatched by them, especially powers of attorney and wills.

*Preparation,
execution
and
transmission
of legal
documents*

In all cases they shall facilitate the preparation and execution of such documents on behalf of prisoners of war; in particular, they shall allow them to consult a lawyer and shall take what measures are necessary for the authentication of their signatures.

SECTION VI

RELATIONS BETWEEN PRISONERS OF WAR AND THE AUTHORITIES

CHAPTER I

Complaints of Prisoners of War Respecting the Conditions of Captivity

ART. 78. — Prisoners of war shall have the right to make known to the military authorities in whose power they are, their requests regarding the conditions of captivity to which they are subjected.

*Complaints
and requests*

They shall also have the unrestricted right to apply to the representatives of the Protecting Powers either through their prisoners' representative or, if they consider it necessary, direct, in order to draw their attention to any points on which they may have complaints to make regarding their conditions of captivity.

These requests and complaints shall not be limited nor considered to be a part of the correspondence quota referred to in Article 71. They must be transmitted immediately. Even if they are recognized to be unfounded, they may not give rise to any punishment.

Prisoners' representative may send periodic reports on the situation in the camps and the needs of the prisoners of war to the representatives of the Protecting Powers.

CHAPTER II

Prisoner of War Representatives

Election

ART. 79. — In all places where there are prisoners of war, except in those where there are officers, the prisoners shall freely elect by secret ballot, every six months, and also in case of vacancies, prisoners' representatives entrusted with representing them before the military authorities, the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them. These prisoners' representatives shall be eligible for re-election.

In camps for officers and persons of equivalent status or in mixed camps, the senior officer among the prisoners of war shall be recognized as the camp prisoners' representative. In camps for officers, he shall be assisted by one or more advisers chosen by the officers; in mixed camps, his assistants shall be chosen from among the prisoners of war who are not officers and shall be elected by them.

Officer prisoners of war of the same nationality shall be stationed in labour camps for prisoners of war, for the purpose of carrying out the camp administration duties for which the prisoners of war are responsible. These officers may be elected as prisoners' representatives under the first paragraph of this Article. In such a case the assistants to the prisoners' representatives shall be chosen from among those prisoners of war who are not officers.

Every representative elected must be approved by the Detaining Power before he has the right to commence his duties. Where the

Detaining Power refuses to approve a prisoner of war elected by his fellow prisoners of war, it must inform the Protecting Power of the reason for such refusal.

In all cases the prisoners' representative must have the same nationality, language and customs as the prisoners of war whom he represents. Thus, prisoners of war distributed in different sections of a camp, according to their nationality, language or customs, shall have for each section their own prisoners' representative, in accordance with the foregoing paragraphs.

ART. 80. — Prisoners' representatives shall further the physical, spiritual and intellectual well-being of prisoners of war.

Duties

In particular, where the prisoners decide to organize amongst themselves a system of mutual assistance, this organization will be within the province of the prisoners' representative, in addition to the special duties entrusted to him by other provisions of the present Convention.

Prisoners' representatives shall not be held responsible, simply by reason of their duties, for any offences committed by prisoners of war.

ART. 81. — Prisoners' representatives shall not be required to perform any other work, if the accomplishment of their duties is thereby made more difficult.

Prerogatives

Prisoners' representatives may appoint from amongst the prisoners such assistants as they may require. All material facilities shall be granted them, particularly a certain freedom of movement necessary for the accomplishment of their duties (inspection of labour detachments, receipt of supplies, etc.).

Prisoners' representatives shall be permitted to visit premises where prisoners of war are detained, and every prisoner of war shall have the right to consult freely his prisoners' representative.

All facilities shall likewise be accorded to the prisoners' representatives for communication by post and telegraph with the detaining authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, the Mixed Medical Commissions and with the bodies which give assistance to prisoners of war. Prisoners' representatives of labour detachments shall enjoy the same facilities for communication with the prisoners' representatives of the principal camp. Such communications shall not be restricted, nor considered as forming a part of the quota mentioned in Article 71.

Prisoners' representatives who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

In case of dismissal, the reasons therefor shall be communicated to the Protecting Power.

CHAPTER III

Penal and Disciplinary Sanctions*I. General Provisions**Applicable
legislation*

ART. 82. — A prisoner of war shall be subject to the laws, regulations and orders in force in the armed forces of the Detaining Power; the Detaining Power shall be justified in taking judicial or disciplinary measures in respect of any offence committed by a prisoner of war against such laws, regulations or orders. However, no proceedings or punishments contrary to the provisions of this Chapter shall be allowed.

If any law, regulation or order of the Detaining Power shall declare acts committed by a prisoner of war to be punishable, whereas the same acts would not be punishable if committed by a member of the forces of the Detaining Power, such acts shall entail disciplinary punishments only.

*Choice of
disciplinary
or judicial
proceedings*

ART. 83. — In deciding whether proceedings in respect of an offence alleged to have been committed by a prisoner of war shall be judicial or disciplinary, the Detaining Power shall ensure that the competent authorities exercise the greatest leniency and adopt, wherever possible, disciplinary rather than judicial measures.

Courts

ART. 84. — A prisoner of war shall be tried only by a military court, unless the existing laws of the Detaining Power expressly permit the civil courts to try a member of the armed forces of the Detaining Power in respect of the particular offence alleged to have been committed by the prisoner of war.

In no circumstances whatever shall a prisoner of war be tried by a court of any kind which does not offer the essential guarantees of independence and impartiality as generally recognized, and, in particular, the procedure of which does not afford the accused the rights and means of defence provided for in Article 105.

*Offences
committed
before
capture*

ART. 85. — Prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall retain, even if convicted, the benefits of the present Convention.

*“Non bis
in idem”*

ART. 86. — No prisoner of war may be punished more than once for the same act, or on the same charge.

ART. 87. — Prisoners of war may not be sentenced by the military authorities and courts of the Detaining Power to any penalties except those provided for in respect of members of the armed forces of the said Power who have committed the same acts.

Penalties

When fixing the penalty, the courts or authorities of the Detaining Power shall take into consideration, to the widest extent possible, the fact that the accused, not being a national of the Detaining Power, is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will. The said courts or authorities shall be at liberty to reduce the penalty provided for the violation of which the prisoner of war is accused, and shall therefore not be bound to apply the minimum penalty prescribed.

Collective punishment for individual acts, corporal punishment, imprisonment in premises without daylight and, in general, any form of torture or cruelty, are forbidden.

No prisoner of war may be deprived of his rank by the Detaining Power, or prevented from wearing his badges.

ART. 88. — Officers, non-commissioned officers and men who are prisoners of war undergoing a disciplinary or judicial punishment, shall not be subjected to more severe treatment than that applied in respect of the same punishment to members of the armed forces of the Detaining Power of equivalent rank.

*Execution
of penalties*

A woman prisoner of war shall not be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a woman member of the armed forces of the Detaining Power dealt with for a similar offence.

In no case may a woman prisoner of war be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a male member of the armed forces of the Detaining Power dealt with for a similar offence.

Prisoners of war who have served disciplinary or judicial sentences may not be treated differently from other prisoners of war.

II. Disciplinary Sanctions

ART. 89. — The disciplinary punishments applicable to prisoners of war are the following:

*General
observations*

- 1) A fine which shall not exceed 50 per cent of the advances of pay and working pay which the prisoner of war would otherwise receive under the provisions of Articles 60 and 62 during a period of not more than thirty days.

*I.
Forms of
punishment*

- 2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.
- 3) Fatigue duties not exceeding two hours daily.
- 4) Confinement.

The punishment referred to under 3) shall not be applied to officers.

In no case shall disciplinary punishments be inhuman, brutal or dangerous to the health of prisoners of war.

*II.
Duration of
punishments*

ART. 90. — The duration of any single punishment shall in no case exceed thirty days. Any period of confinement awaiting the hearing of a disciplinary offence or the award of disciplinary punishment shall be deducted from an award pronounced against a prisoner of war.

The maximum of thirty days provided above may not be exceeded, even if the prisoner of war is answerable for several acts at the same time when he is awarded punishment, whether such acts are related or not.

The period between the pronouncing of an award of disciplinary punishment and its execution shall not exceed one month.

When a prisoner of war is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

Escapes

ART. 91. — The escape of a prisoner of war shall be deemed to have succeeded when:

*I.
Successful
escape*

- 1) he has joined the armed forces of the Power on which he depends, or those of an allied Power;
- 2) he has left the territory under the control of the Detaining Power, or of an ally of the said Power;
- 3) he has joined a ship flying the flag of the Power on which he depends, or of an allied Power, in the territorial waters of the Detaining Power, the said ship not being under the control of the last named Power.

Prisoners of war who have made good their escape in the sense of this Article and who are recaptured, shall not be liable to any punishment in respect of their previous escape.

*II.
Unsuccessful
escape*

ART. 92. — A prisoner of war who attempts to escape and is recaptured before having made good his escape in the sense of Article 91 shall be liable only to a disciplinary punishment in respect of this act, even if it is a repeated offence.

A prisoner of war who is recaptured shall be handed over without delay to the competent military authority.

Article 88, fourth paragraph, notwithstanding, prisoners of war punished as a result of an unsuccessful escape may be subjected to special surveillance. Such surveillance must not affect the state of their health, must be undergone in a prisoner of war camp, and must not entail the suppression of any of the safeguards granted them by the present Convention.

ART. 93. — Escape or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance if the prisoner of war is subjected to trial by judicial proceedings in respect of an offence committed during his escape or attempt to escape.

In conformity with the principle stated in Article 83, offences committed by prisoners of war with the sole intention of facilitating their escape and which do not entail any violence against life or limb, such as offences against public property, theft without intention of self-enrichment, the drawing up or use of false papers, the wearing of civilian clothing, shall occasion disciplinary punishment only.

Prisoners of war who aid or abet an escape or an attempt to escape shall be liable on this count to disciplinary punishment only.

ART. 94. — If an escaped prisoner of war is recaptured, the Power on which he depends shall be notified thereof in the manner defined in Article 122, provided notification of his escape has been made.

ART. 95. — A prisoner of war accused of an offence against discipline shall not be kept in confinement pending the hearing unless a member of the armed forces of the Detaining Power would be so kept if he were accused of a similar offence, or if it is essential in the interests of camp order and discipline.

Any period spent by a prisoner of war in confinement awaiting the disposal of an offence against discipline shall be reduced to an absolute minimum and shall not exceed fourteen days.

The provisions of Articles 97 and 98 of this Chapter shall apply to prisoners of war who are in confinement awaiting the disposal of offences against discipline.

ART. 96. — Acts which constitute offences against discipline shall be investigated immediately.

Without prejudice to the competence of courts and superior military authorities, disciplinary punishment may be ordered only by an officer having disciplinary powers in his capacity as camp

*III.
Connected
offences*

*IV.
Notification
of recapture*

Procedure

*I.
Confinement
awaiting
hearing*

*II.
Competent
authorities
and right of
defence*

commander, or by a responsible officer who replaces him or to whom he has delegated his disciplinary powers.

In no case may such powers be delegated to a prisoner of war or be exercised by a prisoner of war.

Before any disciplinary award is pronounced, the accused shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. The decision shall be announced to the accused prisoner of war and to the prisoners' representative.

A record of disciplinary punishments shall be maintained by the camp commander and shall be open to inspection by representatives of the Protecting Power.

*Execution of
punishment*

*I.
Premises*

ART. 97. — Prisoners of war shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein.

All premises in which disciplinary punishments are undergone shall conform to the sanitary requirements set forth in Article 25. A prisoner of war undergoing punishment shall be enabled to keep himself in a state of cleanliness, in conformity with Article 29.

Officers and persons of equivalent status shall not be lodged in the same quarters as non-commissioned officers or men.

Women prisoners of war undergoing disciplinary punishment shall be confined in separate quarters from male prisoners of war and shall be under the immediate supervision of women.

*II.
Essential
safeguards*

ART. 98. — A prisoner of war undergoing confinement as a disciplinary punishment, shall continue to enjoy the benefits of the provisions of this Convention except in so far as these are necessarily rendered inapplicable by the mere fact that he is confined. In no case may he be deprived of the benefits of the provisions of Articles 78 and 126.

A prisoner of war awarded disciplinary punishment may not be deprived of the prerogatives attached to his rank.

Prisoners of war awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, on their request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the camp infirmary or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money, however, may

be withheld from them until the completion of the punishment; they shall meanwhile be entrusted to the prisoners' representative, who will hand over to the infirmary the perishable goods contained in such parcels.

III. Judicial Proceedings

ART. 99. — No prisoner of war may be tried or sentenced for an act which is not forbidden by the law of the Detaining Power or by international law, in force at the time the said act was committed.

No moral or physical coercion may be exerted on a prisoner of war in order to induce him to admit himself guilty of the act of which he is accused.

No prisoner of war may be convicted without having had an opportunity to present his defence and the assistance of a qualified advocate or counsel.

ART. 100. — Prisoners of war and the Protecting Powers shall be informed as soon as possible of the offences which are punishable by the death sentence under the laws of the Detaining Power.

Other offences shall not thereafter be made punishable by the death penalty without the concurrence of the Power upon which the prisoners of war depend.

The death sentence cannot be pronounced on a prisoner of war unless the attention of the court has, in accordance with Article 87, second paragraph, been particularly called to the fact that since the accused is not a national of the Detaining Power, he is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will.

ART. 101. — If the death penalty is pronounced on a prisoner of war, the sentence shall not be executed before the expiration of a period of at least six months from the date when the Protecting Power receives, at an indicated address, the detailed communication provided for in Article 107.

ART. 102. — A prisoner of war can be validly sentenced only if the sentence has been pronounced by the same courts according to the same procedure as in the case of members of the armed forces of the Detaining Power, and if, furthermore, the provisions of the present Chapter have been observed.

*Essential
rules*

*I.
General
principles*

*II.
Death
penalty*

*III.
Delay in
execution of
the death
penalty*

Procedure

*I.
Conditions
for validity of
sentence*

*II.
Confinement
awaiting trial
(Deduction
from
sentence,
treatment)*

ART. 103. — Judicial investigations relating to a prisoner of war shall be conducted as rapidly as circumstances permit and so that his trial shall take place as soon as possible. A prisoner of war shall not be confined while awaiting trial unless a member of the armed forces of the Detaining Power would be so confined if he were accused of a similar offence, or if it is essential to do so in the interests of national security. In no circumstances shall this confinement exceed three months.

Any period spent by a prisoner of war in confinement awaiting trial shall be deducted from any sentence of imprisonment passed upon him and taken into account in fixing any penalty.

The provisions of Articles 97 and 98 of this Chapter shall apply to a prisoner of war whilst in confinement awaiting trial.

*III.
Notification
of
proceedings*

ART. 104. — In any case in which the Detaining Power has decided to institute judicial proceedings against a prisoner of war, it shall notify the Protecting Power as soon as possible and at least three weeks before the opening of the trial. This period of three weeks shall run as from the day on which such notification reaches the Protecting Power at the address previously indicated by the latter to the Detaining Power.

The said notification shall contain the following information:

- 1) surname and first names of the prisoner of war, his rank, his army, regimental, personal or serial number, his date of birth, and his profession or trade, if any;
- 2) place of internment or confinement;
- 3) specification of the charge or charges on which the prisoner of war is to be arraigned, giving the legal provisions applicable;
- 4) designation of the court which will try the case, likewise the date and place fixed for the opening of the trial.

The same communication shall be made by the Detaining Power to the prisoners' representative.

If no evidence is submitted, at the opening of a trial, that the notification referred to above was received by the Protecting Power, by the prisoner of war and by the prisoners' representative concerned, at least three weeks before the opening of the trial, then the latter cannot take place and must be adjourned.

*IV.
Rights and
means of
defence*

ART. 105. — The prisoner of war shall be entitled to assistance by one of his prisoner comrades, to defence by a qualified advocate or counsel of his own choice, to the calling of witnesses and, if he deems necessary, to the services of a competent interpreter. He shall

be advised of these rights by the Detaining Power in due time before the trial.

Failing a choice by the prisoner of war, the Protecting Power shall find him an advocate or counsel, and shall have at least one week at its disposal for the purpose. The Detaining Power shall deliver to the said Power, on request, a list of persons qualified to present the defence. Failing a choice of an advocate or counsel by the prisoner of war or the Protecting Power, the Detaining Power shall appoint a competent advocate or counsel to conduct the defence.

The advocate or counsel conducting the defence on behalf of the prisoner of war shall have at his disposal a period of two weeks at least before the opening of the trial, as well as the necessary facilities to prepare the defence of the accused. He may, in particular, freely visit the accused and interview him in private. He may also confer with any witnesses for the defence, including prisoners of war. He shall have the benefit of these facilities until the term of appeal or petition has expired.

Particulars of the charge or charges on which the prisoner of war is to be arraigned, as well as the documents which are generally communicated to the accused by virtue of the laws in force in the armed forces of the Detaining Power, shall be communicated to the accused prisoner of war in a language which he understands, and in good time before the opening of the trial. The same communication in the same circumstances shall be made to the advocate or counsel conducting the defence on behalf of the prisoner of war.

The representatives of the Protecting Power shall be entitled to attend the trial of the case, unless, exceptionally, this is held *in camera* in the interest of State security. In such a case the Detaining Power shall advise the Protecting Power accordingly.

ART. 106. — Every prisoner of war shall have, in the same manner as the members of the armed forces of the Detaining Power, the right of appeal or petition from any sentence pronounced upon him, with a view to the quashing or revising of the sentence or the reopening of the trial. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

V.
Appeals

ART. 107. — Any judgment and sentence pronounced upon a prisoner of war shall be immediately reported to the Protecting Power in the form of a summary communication, which shall also indicate whether he has the right of appeal with a view to the quashing of the sentence or the reopening of the trial. This communication shall likewise be sent to the prisoners' representative concerned. It shall also be sent to the accused

VI.
*Notification
of findings
and sentence*

prisoner of war in a language he understands, if the sentence was not pronounced in his presence. The Detaining Power shall also immediately communicate to the Protecting Power the decision of the prisoner of war to use or to waive his right of appeal.

Furthermore, if a prisoner of war is finally convicted or if a sentence pronounced on a prisoner of war in the first instance is a death sentence, the Detaining Power shall as soon as possible address to the Protecting Power a detailed communication containing:

- 1) the precise wording of the finding and sentence;
- 2) a summarized report of any preliminary investigation and of the trial, emphasizing in particular the elements of the prosecution and the defence;
- 3) notification, where applicable, of the establishment where the sentence will be served.

The communications provided for in the foregoing subparagraphs shall be sent to the Protecting Power at the address previously made known to the Detaining Power.

*Execution
of penalties.
Penal
regulations*

ART. 108. — Sentence pronounced on prisoners of war after a conviction has become duly enforceable shall be served in the same establishments and under the same conditions as in the case of members of the armed forces of the Detaining Power. These conditions shall in all cases conform to the requirements of health and humanity.

A woman prisoner of war on whom such a sentence has been pronounced shall be confined in separate quarters and shall be under the supervision of women.

In any case, prisoners of war sentenced to a penalty depriving them of their liberty shall retain the benefit of the provisions of Articles 78 and 126 of the present Convention. Furthermore, they shall be entitled to receive and despatch correspondence, to receive at least one relief parcel monthly, to take regular exercise in the open air, to have the medical care required by their state of health, and the spiritual assistance they may desire. Penalties to which they may be subjected shall be in accordance with the provisions of Article 87, third paragraph.

PART IV

TERMINATION OF CAPTIVITY

SECTION I

DIRECT REPATRIATION AND ACCOMMODATION
IN NEUTRAL COUNTRIES

ART. 109. — Subject to the provisions of the third paragraph of this Article, Parties to the conflict are bound to send back to their own country, regardless of number or rank, seriously wounded and seriously sick prisoners of war, after having cared for them until they are fit to travel, in accordance with the first paragraph of the following Article.

*General
observations*

Throughout the duration of hostilities, Parties to the conflict shall endeavour, with the co-operation of the neutral Powers concerned, to make arrangements for the accommodation in neutral countries of the sick and wounded prisoners of war referred to in the second paragraph of the following Article.

They may, in addition, conclude agreements with a view to the direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity.

No sick or injured prisoner of war who is eligible for repatriation under the first paragraph of this Article, may be repatriated against his will during hostilities.

ART. 110. — The following shall be repatriated direct;

- 1) Incurably wounded and sick whose mental or physical fitness seems to have been gravely diminished.
- 2) Wounded and sick who, according to medical opinion, are not likely to recover within one year, whose condition requires treatment and whose mental or physical fitness seems to have been gravely diminished.
- 3) Wounded and sick who have recovered, but whose mental or physical fitness seems to have gravely and permanently diminished.

*Cases of
repatriation
and
accommo-
dation*

The following may be accommodated in a neutral country:

- 1) Wounded and sick whose recovery may be expected within one year of the date of the wound or the beginning of the illness, if treatment in a neutral country might increase the prospects of a more certain and speedy recovery.
- 2) Prisoners of war whose mental or physical health, according to medical opinion, is seriously threatened by continued captivity, but whose accommodation in a neutral country might remove such a threat.

The conditions which prisoners of war accommodated in a neutral country must fulfil in order to permit their repatriation shall be fixed, as shall likewise their status, by agreement between the Powers concerned. In general, prisoners of war who have been accommodated in a neutral country, and who belong to the following categories, should be repatriated:

- 1) those whose state of health has deteriorated so as to fulfil the conditions laid down for direct repatriation;
- 2) those whose mental or physical powers remain, even after treatment, considerably impaired.

If no special agreements are concluded between the Parties to the conflict concerned, to determine the cases of disablement or sickness entailing direct repatriation or accommodation in a neutral country, such cases shall be settled in accordance with the principles laid down in the Model Agreement concerning direct repatriation and accommodation in neutral countries of wounded and sick prisoners of war and in the Regulations concerning Mixed Medical Commissions annexed to the present Convention.

*Internment
in a neutral
country*

ART. 111. — The Detaining Power, the Power on which the prisoners of war depend, and a neutral Power agreed upon by these two Powers, shall endeavour to conclude agreements which will enable prisoners of war to be interned in the territory of the said neutral Power until the close of hostilities.

*Mixed
Medical
Commissions*

ART. 112. — Upon the outbreak of hostilities, Mixed Medical Commissions shall be appointed to examine sick and wounded prisoners of war, and to make all appropriate decisions regarding them. The appointment, duties and functioning of these Commissions shall be in conformity with the provisions of the Regulations annexed to the present Convention.

However, prisoners of war who, in the opinion of the medical authorities of the Detaining Power, are manifestly seriously injured

or seriously sick, may be repatriated without having to be examined by a Mixed Medical Commission.

ART. 113. — Besides those who are designated by the medical authorities of the Detaining Power, wounded or sick prisoners of war belonging to the categories listed below shall be entitled to present themselves for examination by the Mixed Medical Commissions provided for in the foregoing Article:

*Prisoners
entitled to
examination
by Mixed
Medical
Commissions*

- 1) Wounded and sick proposed by a physician or surgeon who is of the same nationality, or a national of a Party to the conflict allied with the Power on which the said prisoners depend, and who exercises his functions in the camp.
- 2) Wounded and sick proposed by their prisoners' representative.
- 3) Wounded and sick proposed by the Power on which they depend, or by an organization duly recognized by the said Power and giving assistance to the prisoners.

Prisoners of war who do not belong to one of the three foregoing categories may nevertheless present themselves for examination by Mixed Medical Commissions, but shall be examined only after those belonging to the said categories.

The physician or surgeon of the same nationality as the prisoners who present themselves for examination by the Mixed Medical Commission, likewise the prisoners' representative of the said prisoners, shall have permission to be present at the examination.

ART. 114. — Prisoners of war who meet with accidents shall, unless the injury is self-inflicted, have the benefit of the provisions of this Convention as regards repatriation or accommodation in a neutral country.

*Prisoners
meeting with
accidents*

ART. 115. — No prisoner of war on whom a disciplinary punishment has been imposed and who is eligible for repatriation or for accommodation in a neutral country, may be kept back on the plea that he has not undergone his punishment.

*Prisoners
serving a
sentence*

Prisoners of war detained in connection with a judicial prosecution or conviction and who are designated for repatriation or accommodation in a neutral country, may benefit by such measures before the end of the proceedings or the completion of the punishment, if the Detaining Power consents.

Parties to the conflict shall communicate to each other the names of those who will be detained until the end of the proceedings or the completion of the punishment.

*Costs of
repatriation*

ART. 116. — The costs of repatriating prisoners of war or of transporting them to a neutral country shall be borne, from the frontiers of the Detaining Power, by the Power on which the said prisoners depend.

*Activity after
repatriation*

ART. 117. — No repatriated person may be employed on active military service.

SECTION II

RELEASE AND REPATRIATION OF PRISONERS OF WAR AT THE CLOSE OF HOSTILITIES

*Release and
repatriation*

ART. 118. — Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities.

In the absence of stipulations to the above effect in any agreement concluded between the Parties to the conflict with a view to the cessation of hostilities, or failing any such agreement, each of the Detaining Powers shall itself establish and execute without delay a plan of repatriation in conformity with the principle laid down in the foregoing paragraph.

In either case, the measures adopted shall be brought to the knowledge of the prisoners of war.

The costs of repatriation of prisoners of war shall in all cases be equitably apportioned between the Detaining Power and the Power on which the prisoners depend. This apportionment shall be carried out on the following basis:

- a) If the two Powers are contiguous, the Power on which the prisoners of war depend shall bear the costs of repatriation from the frontiers of the Detaining Power.
- b) If the two Powers are not contiguous, the Detaining Power shall bear the costs of transport of prisoners of war over its own territory as far as its frontier or its port of embarkation nearest to the territory of the Power on which the prisoners of war depend. The Parties concerned shall agree between themselves as to the equitable apportionment of the remaining costs of the repatriation. The conclusion of this agreement shall in no circumstances justify any delay in the repatriation of the prisoners of war.

ART. 119. — Repatriation shall be effected in conditions similar to those laid down in Articles 46 to 48 inclusive of the present Convention for the transfer of prisoners of war, having regard to the provisions of Article 118 and to those of the following paragraphs.

*Details of
procedure*

On repatriation, any articles of value impounded from prisoners of war under Article 18, and any foreign currency which has not been converted into the currency of the Detaining Power, shall be restored to them. Articles of value and foreign currency which, for any reason whatever, are not restored to prisoners of war on repatriation, shall be despatched to the Information Bureau set up under Article 122.

Prisoners of war shall be allowed to take with them their personal effects, and any correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of repatriation so require, to what each prisoner can reasonably carry. Each prisoner shall in all cases be authorized to carry at least twenty-five kilograms.

The other personal effects of the repatriated prisoner shall be left in the charge of the Detaining Power which shall have them forwarded to him as soon as it has concluded an agreement to this effect, regulating the conditions of transport and the payment of the costs involved, with the Power on which the prisoner depends.

Prisoners of war against whom criminal proceedings for an indictable offence are pending may be detained until the end of such proceedings, and, if necessary, until the completion of the punishment. The same shall apply to prisoners of war already convicted for an indictable offence.

Parties to the conflict shall communicate to each other the names of any prisoners of war who are detained until the end of the proceedings or until punishment has been completed.

By agreement between the Parties to the conflict, commissions shall be established for the purpose of searching for dispersed prisoners of war and of assuring their repatriation with the least possible delay.

SECTION III

DEATH OF PRISONERS OF WAR

ART. 120. — Wills of prisoners of war shall be drawn up so as to satisfy the conditions of validity required by the legislation of their country of origin, which will take steps to inform the Detaining Power of its requirements in this respect. At the request of the

*Wills, death
certificates,
burial,
cremation*

prisoner of war and, in all cases, after death, the will shall be transmitted without delay to the Protecting Power; a certified copy shall be sent to the Central Agency.

Death certificates, in the form annexed to the present Convention, or lists certified by a responsible officer, of all persons who die as prisoners of war shall be forwarded as rapidly as possible to the Prisoner of War Information Bureau established in accordance with Article 122. The death certificates or certified lists shall show particulars of identity as set out in the third paragraph of Article 17, and also the date and place of death, the cause of death, the date and place of burial and all particulars necessary to identify the graves.

The burial or cremation of a prisoner of war shall be preceded by a medical examination of the body with a view to confirming death and enabling a report to be made and, where necessary, establishing identity.

The detaining authorities shall ensure that prisoners of war who have died in captivity are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, suitably maintained and marked so as to be found at any time. Wherever possible, deceased prisoners of war who depended on the same Power shall be interred in the same place.

Deceased prisoners of war shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his express wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased.

In order that graves may always be found, all particulars of burials and graves shall be recorded with a Graves Registration Service established by the Detaining Power. Lists of graves and particulars of the prisoners of war interred in cemeteries and elsewhere shall be transmitted to the Power on which such prisoners of war depended. Responsibility for the care of these graves and for records of any subsequent moves of the bodies shall rest on the Power controlling the territory, if a Party to the present Convention. These provisions shall also apply to the ashes, which shall be kept by the Graves Registration Service until proper disposal thereof in accordance with the wishes of the home country.

*Prisoners
killed or
injured in
special
circumstances*

ART. 121. — Every death or serious injury of a prisoner of war caused or suspected to have been caused by a sentry, another prisoner of war, or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

A communication on this subject shall be sent immediately to the Protecting Power. Statements shall be taken from witnesses, especially from those who are prisoners of war, and a report including such statements shall be forwarded to the Protecting Power.

If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all measures for the prosecution of the person or persons responsible.

PART V

INFORMATION BUREAUX AND RELIEF SOCIETIES FOR PRISONERS OF WAR

ART. 122. — Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall institute an official Information Bureau for prisoners of war who are in its power. Neutral or non-belligerent Powers who may have received within their territory persons belonging to one of the categories referred to in Article 4, shall take the same action with respect to such persons. The Power concerned shall ensure that the Prisoners of War Information Bureau is provided with the necessary accommodation, equipment and staff to ensure its efficient working. It shall be at liberty to employ prisoners of war in such a Bureau under the conditions laid down in the Section of the present Convention dealing with work by prisoners of war.

*National
Bureaux*

Within the shortest possible period, each of the Parties to the conflict shall give its Bureau the information referred to in the fourth, fifth and sixth paragraphs of this Article regarding any enemy person belonging to one of the categories referred to in Article 4, who has fallen into its power. Neutral or non-belligerent Powers shall take the same action with regard to persons belonging to such categories whom they have received within their territory.

The Bureau shall immediately forward such information by the most rapid means to the Powers concerned, through the intermediary of the Protecting Powers and likewise of the Central Agency provided for in Article 123.

This information shall make it possible quickly to advise the next of kin concerned. Subject to the provisions of Article 17, the information shall include, in so far as available to the Information Bureau, in respect of each prisoner of war, his surname, first names,

rank, army, regimental, personal or serial number, place and full date of birth, indication of the Power on which he depends, first name of the father and maiden name of the mother, name and address of the person to be informed and the address to which correspondence for the prisoner may be sent.

The Information Bureau shall receive from the various departments concerned information regarding transfers, releases, repatriations, escapes, admissions to hospital, and deaths, and shall transmit such information in the manner described in the third paragraph above.

Likewise, information regarding the state of health of prisoners of war who are seriously ill or seriously wounded shall be supplied regularly, every week if possible.

The Information Bureau shall also be responsible for replying to all enquiries sent to it concerning prisoners of war, including those who have died in captivity; it will make any enquiries necessary to obtain the information which is asked for if this is not in its possession.

All written communications made by the Bureau shall be authenticated by a signature or a seal.

The Information Bureau shall furthermore be charged with collecting all personal valuables, including sums in currencies other than that of the Detaining Power and documents of importance to the next of kin, left by prisoners of war who have been repatriated or released, or who have escaped or died, and shall forward the said valuables to the Powers concerned. Such articles shall be sent by the Bureau in sealed packets which shall be accompanied by statements giving clear and full particulars of the identity of the person to whom the articles belonged, and by a complete list of the contents of the parcel. Other personal effects of such prisoners of war shall be transmitted under arrangements agreed upon between the Parties to the conflict concerned.

*Central
Agency*

ART. 123. — A Central Prisoners of War Information Agency shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organization of such an Agency.

The function of the Agency shall be to collect all the information it may obtain through official or private channels respecting prisoners of war, and to transmit it as rapidly as possible to the country of origin of the prisoners of war or to the Power on which they depend. It shall receive from the Parties to the conflict all facilities for effecting such transmissions.

The High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross, or of the relief Societies provided for in Article 125.

ART. 124. — The national Information Bureaux and the Central Information Agency shall enjoy free postage for mail, likewise all the exemptions provided for in Article 74, and further, so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates.

*Exemption
from charges*

ART. 125. — Subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organizations, relief societies, or any other organization assisting prisoners of war, shall receive from the said Powers, for themselves and their duly accredited agents, all necessary facilities for visiting the prisoners, distributing relief supplies and material, from any source, intended for religious, educational or recreative purposes, and for assisting them in organizing their leisure time within the camps. Such societies or organizations may be constituted in the territory of the Detaining Power or in any other country, or they may have an international character.

*Relief
societies
and other
organizations*

The Detaining Power may limit the number of societies and organizations whose delegates are allowed to carry out their activities in its territory and under its supervision, on condition, however, that such limitation shall not hinder the effective operation of adequate relief to all prisoners of war.

The special position of the International Committee of the Red Cross in this field shall be recognized and respected at all times.

As soon as relief supplies or material intended for the above-mentioned purposes are handed over to prisoners of war, or very shortly afterwards, receipts for each consignment, signed by the prisoners' representative, shall be forwarded to the relief society or organization making the shipment. At the same time, receipts for these consignments shall be supplied by the administrative authorities responsible for guarding the prisoners.

PART VI

EXECUTION OF THE CONVENTION

SECTION I

GENERAL PROVISIONS

Supervision

ART. 126. — Representatives or delegates of the Protecting Powers shall have permission to go to all places where prisoners of war may be, particularly to places of internment, imprisonment and labour, and shall have access to all premises occupied by prisoners of war; they shall also be allowed to go to the places of departure, passage and arrival of prisoners who are being transferred. They shall be able to interview the prisoners, and in particular the prisoners' representatives, without witnesses, either personally or through an interpreter.

Representatives and delegates of the Protecting Powers shall have full liberty to select the places they wish to visit. The duration and frequency of these visits shall not be restricted. Visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure.

The Detaining Power and the Power on which the said prisoners of war depend may agree, if necessary, that compatriots of these prisoners of war be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall enjoy the same prerogatives. The appointment of such delegates shall be submitted to the approval of the Power detaining the prisoners of war to be visited.

*Dissemination
of the
Convention*

ART. 127. — The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to all their armed forces and to the entire population.

Any military or other authorities, who in time of war assume responsibilities in respect of prisoners of war, must possess the text of the Convention and be specially instructed as to its provisions.

ART. 128. — The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

*Translations.
Rules of
application*

ART. 129. — The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

*Penal
sanctions*

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

*I.
General
observations*

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the present Convention.

ART. 130. — Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention.

*II
Grave
breaches*

ART. 131. — No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

*III.
Responsi-
bilities of the
Contracting
Parties*

ART. 132. — At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

*Enquiry
procedure*

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

SECTION II

FINAL PROVISIONS

Languages

ART. 133. — The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

Relation to the 1929 Convention

ART. 134. — The present Convention replaces the Convention of July 27, 1929, in relations between the High Contracting Parties.

Relation to the Hague Convention

ART. 135. — In the relations between the Powers which are bound by the Hague Convention respecting the Laws and Customs of War on Land, whether that of July 29, 1899, or that of October 18, 1907, and which are parties to the present Convention, this last Convention shall be complementary to Chapter II of the Regulations annexed to the above-mentioned Conventions of the Hague.

Signature

ART. 136. — The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference, but which are parties to the Convention of July 27, 1929.

Ratification

ART. 137. — The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ART. 138. — The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

*Coming
into force*

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

ART. 139. — From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

Accession

ART. 140. — Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

*Notification
of accessions*

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ART. 141. — The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

*Immediate
effect*

ART. 142. — Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

Denunciation

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

*Registration
with the
United
Nations*

ART. 143. — The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

ANNEX I

MODEL AGREEMENT CONCERNING DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES OF WOUNDED AND SICK PRISONERS OF WAR (see Article 110)

I. PRINCIPLES FOR DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES

A. DIRECT REPATRIATION

The following shall be repatriated direct:

- 1) All prisoners of war suffering from the following disabilities as the result of trauma: loss of limb, paralysis, articular or other disabilities, when this disability is at least the loss of a hand or a foot, or the equivalent of the loss of a hand or a foot.

Without prejudice to a more generous interpretation, the following shall be considered as equivalent to the loss of a hand or a foot:

- a) Loss of a hand or of all the fingers, or of the thumb and forefinger of one hand; loss of a foot, or of all the toes and metatarsals of one foot.
 - b) Ankylosis, loss of osseous tissue, cicatricial contracture preventing the functioning of one of the large articulations or of all the digital joints of one hand.
 - c) Pseudarthrosis of the long bones.
 - d) Deformities due to fracture or other injury which seriously interfere with function and weight-bearing power.
- 2) All wounded prisoners of war whose condition has become chronic, to the extent that prognosis appears to exclude recovery—in spite of treatment—within one year from the date of the injury, as, for example, in case of:
 - a) Projectile in the heart, even if the Mixed Medical Commission should fail, at the time of their examination, to detect any serious disorders.
 - b) Metallic splinter in the brain or the lungs, even if the Mixed Medical Commission cannot, at the time of examination, detect any local or general reaction.
 - c) Osteomyelitis, when recovery cannot be foreseen in the course of the year following the injury, and which seems likely to result in ankylosis of a joint, or other impairments equivalent to the loss of a hand or a foot.
 - d) Perforating and suppurating injury to the large joints.
 - e) Injury to the skull, with loss or shifting of bony tissue.
 - f) Injury or burning of the face with loss of tissue and functional lesions.

- g) Injury to the spinal cord.
 - h) Lesion of the peripheral nerves, the sequelae of which are equivalent to the loss of a hand or foot, and the cure of which requires more than a year from the date of injury, for example: injury to the brachial or lumbosacral plexus, the median or sciatic nerves, likewise combined injury to the radial and cubital nerves or to the lateral popliteal nerve (N. peroneus communis) and medial popliteal nerve (N. tibialis); etc. The separate injury of the radial (musculo-spiral), cubital, lateral or medial popliteal nerves shall not, however, warrant repatriation except in case of contractures or of serious neurotrophic disturbance.
 - i) Injury to the urinary system, with incapacitating results.
- 3) All sick prisoners of war whose condition has become chronic to the extent that prognosis seems to exclude recovery—in spite of treatment—within one year from the inception of the disease, as, for example, in case of:
- a) Progressive tuberculosis of any organ which, according to medical prognosis, cannot be cured, or at least considerably improved by treatment in a neutral country.
 - b) Exudate pleurisy.
 - c) Serious diseases of the respiratory organs of non-tubercular etiology, presumed incurable, for example: serious pulmonary emphysema, with or without bronchitis; chronic asthma;* chronic bronchitis* lasting more than one year in captivity; bronchiectasis;* etc.
 - d) Serious chronic affections of the circulatory system, for example: valvular lesions and myocarditis,* which have shown signs of circulatory failure during captivity, even though the Mixed Medical Commission cannot detect any such signs at the time of examination; affections of the pericardium and the vessels (Buerger's disease, aneurism of the large vessels); etc.
 - e) Serious chronic affections of the digestive organs, for example: gastric or duodenal ulcer; sequelae of gastric operations performed in captivity; chronic gastritis enteritis or colitis, having lasted more than one year and seriously affecting the general condition; cirrhosis of the liver; chronic cholecystopathy;* etc.
 - f) Serious chronic affections of the genito-urinary organs, for example: chronic diseases of the kidney with consequent disorders; nephrectomy because of a tubercular kidney; chronic pyelitis or chronic cystitis; hydronephrosis or pyonephrosis; chronic grave gynaecological conditions; normal pregnancy and obstetrical disorder, where it is impossible to accommodate in a neutral country; etc.

* The decision of the Mixed Medical Commission shall be based to a great extent on the records kept by camp physicians and surgeons of the same nationality as the prisoners of war, or on an examination by medical specialists of the Detaining Power.

- g) Serious chronic diseases of the central and peripheral nervous system, for example: all obvious psychoses and psychoneuroses, such as serious hysteria, serious captivity psychoneurosis, etc., duly verified by a specialist;* any epilepsy duly verified by the camp physician;* cerebral arteriosclerosis; chronic neuritis lasting more than one year; etc.
- h) Serious chronic diseases of the neuro-vegetative system, with considerable diminution of mental or physical fitness, noticeable loss of weight and general asthenia.
- i) Blindness of both eyes, or of one eye when the vision of the other is less than 1 in spite of the use of corrective glasses; diminution of visual acuity in cases where it is impossible to restore it by correction to an acuity of 1/2 in at least one eye;* other grave ocular affections, for example: glaucoma, iritis, choroiditis; trachoma; etc.
- k) Auditive disorders, such as total unilateral deafness, if the other ear does not discern the ordinary spoken word at a distance of one metre;* etc.
- l) Serious affections of metabolism, for example: diabetes mellitus requiring insulin treatment; etc.
- m) Serious disorders of the endocrine glands, for example: thyrotoxicosis; hypothyrosis; Addison's disease; Simmonds' cachexia; tetany; etc.
- n) Grave and chronic disorders of the blood-forming organs.
- o) Serious case of chronic intoxication, for example: lead poisoning, mercury poisoning, morphinism, cocaineism, alcoholism; gas or radiation poisoning; etc.
- p) Chronic affections of locomotion, with obvious functional disorders, for example: arthritis deformans; primary and secondary progressive chronic polyarthritis; rheumatism with serious clinical symptoms; etc.
- q) Serious chronic skin diseases, not amenable to treatment.
- r) Any malignant growth.
- s) Serious chronic infectious diseases, persisting for one year after their inception, for example: malaria with decided organic impairment, amoebic or bacillary dysentery with grave disorders; tertiary visceral syphilis resistant to treatment; leprosy; etc.
- t) Serious avitaminosis or serious inanition.

* The decision of the Mixed Medical Commission shall be based to a great extent on the records kept by camp physicians and surgeons of the same nationality as the prisoners of war, or on an examination by medical specialists of the Detaining Power.

B. ACCOMMODATION IN NEUTRAL COUNTRIES

The following shall be eligible for accommodation in a neutral country:

- 1) All wounded prisoners of war who are not likely to recover in captivity, but who might be cured or whose condition might be considerably improved by accommodation in a neutral country.
- 2) Prisoners of war suffering from any form of tuberculosis, of whatever organ, and whose treatment in a neutral country would be likely to lead to recovery or at least to considerable improvement, with the exception of primary tuberculosis cured before captivity.
- 3) Prisoners of war suffering from affections requiring treatment of the respiratory, circulatory, digestive, nervous, sensory, genito-urinary, cutaneous, locomotive organs, etc., if such treatment would clearly have better results in a neutral country than in captivity.
- 4) Prisoners of war who have undergone a nephrectomy in captivity for a non-tubercular renal affection; cases of osteomyelitis, on the way to recovery or latent; diabetes mellitus not requiring insulin treatment; etc.
- 5) Prisoners of war suffering from war or captivity neuroses.
Cases of captivity neurosis which are not cured after three months of accommodation in a neutral country, or which after that length of time are not clearly on the way to complete cure, shall be repatriated.
- 6) All prisoners of war suffering from chronic intoxication (gases, metals, alkaloids, etc.), for whom the prospects of cure in a neutral country are especially favourable.
- 7) All women prisoners of war who are pregnant or mothers with infants and small children.

The following cases shall not be eligible for accommodation in a neutral country:

- 1) All duly verified chronic psychoses.
- 2) All organic or functional nervous affections considered to be incurable.
- 3) All contagious diseases during the period in which they are transmissible, with the exception of tuberculosis.

II. GENERAL OBSERVATIONS

- 1) The conditions given shall, in a general way, be interpreted and applied in as broad a spirit as possible.

Neuropathic and psychopathic conditions caused by war or captivity, as well as cases of tuberculosis in all stages, shall above all benefit by such liberal interpretation. Prisoners of war who have sustained several wounds, none

of which, considered by itself, justifies repatriation, shall be examined in the same spirit, with due regard for the psychic traumatism due to the number of their wounds.

- 2) All unquestionable cases giving the right to direct repatriation (amputation, total blindness or deafness, open pulmonary tuberculosis, mental disorder, malignant growth, etc.) shall be examined and repatriated as soon as possible by the camp physicians or by military medical commissions appointed by the Detaining Power.
- 3) Injuries and diseases which existed before the war and which have not become worse, as well as war injuries which have not prevented subsequent military service, shall not entitle to direct repatriation.
- 4) The provisions of this Annex shall be interpreted and applied in a similar manner in all countries party to the conflict. The Powers and authorities concerned shall grant to Mixed Medical Commissions all the facilities necessary for the accomplishment of their task.
- 5) The examples quoted under (I) above represent only typical cases. Cases which do not correspond exactly to these provisions shall be judged in the spirit of the provisions of Article 110 of the present Convention, and of the principles embodied in the present Agreement.

ANNEX II

REGULATIONS CONCERNING MIXED MEDICAL COMMISSIONS

(see Article 112)

ARTICLE 1. — The Mixed Medical Commissions provided for in Article 112 of the Convention shall be composed of three members, two of whom shall belong to a neutral country, the third being appointed by the Detaining Power. One of the neutral members shall take the chair.

ART. 2. — The two neutral members shall be appointed by the International Committee of the Red Cross, acting in agreement with the Protecting Power, at the request of the Detaining Power. They may be domiciled either in their country of origin, in any other neutral country, or in the territory of the Detaining Power.

ART. 3. — The neutral members shall be approved by the Parties to the conflict concerned, who shall notify their approval to the International Committee of the Red Cross and to the Protecting Power. Upon such notification, the neutral members shall be considered as effectively appointed.

ART. 4. — Deputy members shall also be appointed in sufficient number to replace the regular members in case of need. They shall be appointed at the same time as the regular members or, at least, as soon as possible.

ART. 5. — If for any reason the International Committee of the Red Cross cannot arrange for the appointment of the neutral members, this shall be done by the Power protecting the interests of the prisoners of war to be examined.

ART. 6. — So far as possible, one of the two neutral members shall be a surgeon and the other a physician.

ART. 7. — The neutral members shall be entirely independent of the Parties to the conflict, which shall grant them all facilities in the accomplishment of their duties.

ART. 8. — By agreement with the Detaining Power, the International Committee of the Red Cross, when making the appointments provided for in Articles 2 and 4 of the present Regulations, shall settle the terms of service of the nominees.

ART. 9. — The Mixed Medical Commissions shall begin their work as soon as possible after the neutral members have been approved, and in any case within a period of three months from the date of such approval.

ART. 10. — The Mixed Medical Commissions shall examine all the prisoners designated in Article 113 of the Convention. They shall propose repatriation, rejection, or reference to a later examination. Their decisions shall be made by a majority vote.

ART. 11. — The decisions made by the Mixed Medical Commissions in each specific case shall be communicated, during the month following their visit, to the Detaining Power, the Protecting Power and the International Committee of the Red Cross. The Mixed Medical Commissions shall also inform each prisoner of war examined of the decision made, and shall issue to those whose repatriation has been proposed, certificates similar to the model appended to the present Convention.

ART. 12. — The Detaining Power shall be required to carry out the decisions of the Mixed Medical Commissions within three months of the time when it receives due notification of such decisions.

ART. 13. — If there is no neutral physician in a country where the services of a Mixed Medical Commission seem to be required, and if it is for any reason impossible to appoint neutral doctors who are resident in another country, the Detaining Power, acting in agreement with the Protecting Power, shall set up a Medical Commission which shall undertake the same duties as a Mixed Medical Commission, subject to the provisions of Articles 1, 2, 3, 4, 5 and 8 of the present Regulations.

ART. 14. — Mixed Medical Commissions shall function permanently and shall visit each camp at intervals of not more than six months.

ANNEX III

REGULATIONS CONCERNING COLLECTIVE RELIEF

(see Article 73)

ARTICLE 1. — Prisoners' representatives shall be allowed to distribute collective relief shipments for which they are responsible, to all prisoners of war administered by their camp, including those who are in hospitals, or in prisons or other penal establishments.

ART. 2. — The distribution of collective relief shipments shall be effected in accordance with the instructions of the donors and with a plan drawn up by the prisoners' representatives. The issue of medical stores shall, however, be made for preference in agreement with the senior medical officers, and the latter may, in hospitals and infirmaries, waive the said instructions, if the needs of their patients so demand. Within the limits thus defined, the distribution shall always be carried out equitably.

ART. 3. — The said prisoners' representatives or their assistants shall be allowed to go to the points of arrival of relief supplies near their camps, so as to enable the prisoners' representatives or their assistants to verify the quality as well as the quantity of the goods received, and to make out detailed reports thereon for the donors.

ART. 4. — Prisoners' representatives shall be given the facilities necessary for verifying whether the distribution of collective relief in all sub-divisions and annexes of their camps has been carried out in accordance with their instructions.

ART. 5. — Prisoners' representatives shall be allowed to fill up, and cause to be filled up by the prisoners' representatives of labour detachments or by the senior medical officers of infirmaries and hospitals, forms or questionnaires intended for the donors, relating to collective relief supplies (distribution, requirements, quantities, etc.). Such forms and questionnaires, duly completed, shall be forwarded to the donors without delay.

ART. 6. — In order to secure the regular issue of collective relief to the prisoners of war in their camp, and to meet any needs that may arise from the arrival of new contingents of prisoners, prisoners' representatives shall be allowed to build up and maintain adequate reserve stocks of collective relief. For this purpose, they shall have suitable warehouses at their disposal; each warehouse shall be provided with two locks, the prisoners' representative holding the keys of one lock and the camp commander the keys of the other.

ART. 7. — When collective consignments of clothing are available, each prisoner of war shall retain in his possession at least one complete set of clothes. If a prisoner has more than one set of clothes, the prisoners' representative shall be permitted to withdraw excess clothing from those with the largest number of sets, or particular articles in excess of one, if this is necessary in order to supply prisoners who are less well provided. He shall not, however, withdraw second sets of underclothing, socks or footwear, unless this is the only means of providing for prisoners of war with none.

ART. 8. — The High Contracting Parties, and the Detaining Powers in particular, shall authorize, as far as possible and subject to the regulations governing the supply of the population, all purchases of goods made in their territories for the distribution of collective relief to prisoners of war. They shall similarly facilitate the transfer of funds and other financial measures of a technical or administrative nature taken for the purpose of making such purchases.

ART. 9. — The foregoing provisions shall not constitute an obstacle to the right of prisoners of war to receive collective relief before their arrival in a camp or in the course of transfer, nor to the possibility of representatives of the Protecting Power, the International Committee of the Red Cross, or any other body giving assistance to prisoners which may be responsible for the forwarding of such supplies, ensuring the distribution thereof to the addressees by any other means that they may deem useful.

ANNEX IV

A. IDENTITY CARD

(See Article 4)

<p>NOTICE</p> <p>This identity card is issued to persons who accompany the Armed Forces of but are not part of them. The card must be carried at all times by the person to whom it is issued. If the bearer is taken prisoner, he shall at once hand the card to the Detaining Authorities, to assist in his identification.</p>		<p>Finger-prints (optional)</p> <p>(Left forefinger) (Right forefinger)</p>		<p>Any other mark of identification</p> <p>.....</p> <p>.....</p>	
<p>Official seal imprint</p>	<p>Blood type</p> <p>Religion</p>	<p>Height</p>		<p>Weight</p>	
<p>Hair</p>	<p>Eyes</p>	<p>(Name of the country and military authority issuing this card)</p> <p>IDENTITY CARD</p> <p>FOR A PERSON WHO ACCOMPANIES THE ARMED FORCES</p> <p>Name</p> <p>First names.....</p> <p>Date and place of birth.....</p> <p>Accompanies the Armed Forces as</p> <p>Date of issue</p> <p>Signature of bearer</p> <p>.....</p>			

Remarks. — This card should be made out for preference in two or three languages, one of which is in international use. Actual size of the card: 13 by 10 centimetres. It should be folded along the dotted line.

ANNEX IV

B. CAPTURE CARD

(See Article 70)

1. Front

PRISONER OF WAR MAIL

Postage free

CAPTURE CARD FOR PRISONER OF WAR

IMPORTANT

This card must be completed by each prisoner immediately after being taken prisoner and each time his address is changed (by reason of transfer to a hospital or to another camp).

This card is distinct from the special card which each prisoner is allowed to send to his relatives.

CENTRAL PRISONERS
OF WAR AGENCY

International Committee
of the Red Cross

GENEVA
(Switzerland)

2. Reverse side

Write legibly and in
block letters

1. Power on which the
prisoner depends

2. Name

3. First names (in full)

4. First name of father

5. Date of birth 6. Place of birth

7. Rank.....

8. Service number.....

9. Address of next of kin

*10. Taken prisoner on: (or)
Coming from (Camp No., hospital, etc.)

*11. a) Good health—b) Not wounded—c) Recovered—d) Convalescent—e) Sick—
f) Slightly wounded—g) Seriously wounded.

12. My present address is: Prisoner No.

Name of camp.....

13. Date..... 14. Signature

* Strike out what is not applicable—Do not add any remarks—See explanations overleaf.

Remarks. — This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. Actual size of the form: 15 by 10.5 centimetres.

1. CARD

Remarks. — This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. Actual size of the form: 15 by 10 centimetres.

1. LETTER

* * * * *

ANNEX IV

D. NOTIFICATION OF DEATH

(See Article 120)

(Title of responsible authority)		NOTIFICATION OF DEATH	
		Power on which the prisoner depended	
Name and first names			
First name of father		
Place and date of birth		
Place and date of death		
Rank and service number (as given on identity disc)		
Address of next of kin		
Where and when taken prisoner		
Cause and circumstances of death		
Place of burial		
Is the grave marked and can it be found later by the relatives ?		
Are the personal effects of the deceased in the keeping of the Detaining Power or are they being forwarded together with this notification ?		
If forwarded, through what agency ?		
Can the person who cared for the deceased during sickness or during his last moments (doctor, nurse, minister of religion, fellow prisoner) give here or on an attached sheet a short account of the circumstances of the death and burial ?		
(Date, seal and signature of responsible authority)	Signature and address of two witnesses		
.....		

Remarks. — This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. Actual size of the form: 21 by 30 centimetres.

ANNEX IV

E. REPATRIATION CERTIFICATE

(see Annex II, Article 11)

REPATRIATION CERTIFICATE

Date:

Camp:

Hospital:

Surname:

First names:

Date of birth:

Rank:

Army number:

P. W. number:

Injury-Disease:

Decision of the Commission:

Chairman of the
Mixed Medical Commission:

A = direct repatriation

B = accommodation in a neutral country

NC = re-examination by next Commission

ANNEX V

MODEL REGULATIONS CONCERNING PAYMENTS SENT BY PRISONERS TO THEIR OWN COUNTRY

(see Article 63)

- 1) The notification referred to in the third paragraph of Article 63 will show:
 - a) number as specified in Article 17, rank, surname and first names of the prisoner of war who is the payer;
 - b) the name and address of the payee in the country of origin;
 - c) the amount to be so paid in the currency of the country in which he is detained.
- 2) The notification will be signed by the prisoner of war, or his witnessed mark made upon it if he cannot write, and shall be countersigned by the prisoners' representative.
- 3) The camp commander will add to this notification a certificate that the prisoner of war concerned has a credit balance of not less than the amount registered as payable.
- 4) The notification may be made up in lists, each sheet of such lists witnessed by the prisoners' representative and certified by the camp commander.

IV

GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF 12 AUGUST 1949

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IV

GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF 12 AUGUST 1949

PART I

GENERAL PROVISIONS

Article 1. — The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

*Respect
for the
Convention¹*

ART. 2. — In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

*Application
of the
Convention*

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

ART. 3. — In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

*Conflicts
not of an
international
character*

- 1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated

¹ The marginal notes or titles of articles have been drafted by the Swiss Federal Department of Foreign Affairs.

humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- b) taking of hostages;
- c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

*Definition of
protected
persons*

ART. 4. — Persons protected by the Convention are those who at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of persons a Party to the conflict or Occupying Power of which they are not nationals.

Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

The provisions of Part II are, however, wider in application, as defined in Article 13.

Persons protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, or by the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949,

or by the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, shall not be considered as protected persons within the meaning of the present Convention.

ART. 5. — Where, in the territory of a Party to the conflict, the latter is satisfied that an individual protected person is definitely suspected of or engaged in activities hostile to the security of the State, such individual person shall not be entitled to claim such rights and privileges under the present Convention as would, if exercised in the favour of such individual person, be prejudicial to the security of such State.

Derogations

Where in occupied territory an individual protected person is detained as a spy or saboteur, or as a person under definite suspicion of activity hostile to the security of the Occupying Power, such person shall, in those cases where absolute military security so requires, be regarded as having forfeited rights of communication under the present Convention.

In each case, such persons shall nevertheless be treated with humanity, and in case of trial, shall not be deprived of the rights of fair and regular trial prescribed by the present Convention. They shall also be granted the full rights and privileges of a protected person under the present Convention at the earliest date consistent with the security of the State or Occupying Power, as the case may be.

ART. 6. — The present Convention shall apply from the outset of any conflict or occupation mentioned in Article 2.

*Beginning
and end of
application*

In the territory of Parties to the conflict, the application of the present Convention shall cease on the general close of military operations.

In the case of occupied territory, the application of the present Convention shall cease one year after the general close of military operations; however, the Occupying Power shall be bound, for the duration of the occupation, to the extent that such Power exercises the functions of government in such territory, by the provisions of the following Articles of the present Convention: 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, 143.

Protected persons whose release, repatriation or re-establishment may take place after such dates shall meanwhile continue to benefit by the present Convention.

ART. 7. — In addition to the agreements expressly provided for in Articles 11, 14, 15, 17, 36, 108, 109, 132, 133 and 149, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make

*Special
agreements*

separate provision. No special agreement shall adversely affect the situation of protected persons, as defined by the present Convention, nor restrict the rights which it confers upon them.

Protected persons shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

*Non-
renunciation
of rights*

ART. 8. — Protected persons may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

*Protecting
Powers*

ART. 9. — The present Convention shall be applied with the co-operation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

*Activities
of the
International
Committee of
the Red Cross*

ART. 10. — The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of civilian persons and for their relief.

*Substitutes
for Protecting
Powers*

ART. 11. — The High Contracting Parties may at any time agree to entrust to an international organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When persons protected by the present Convention do not benefit or cease to benefit, no matter for what reason, by the

activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

The provisions of this Article shall extend and be adapted to cases of nationals of a neutral State who are in occupied territory or who find themselves in the territory of a belligerent State in which the State of which they are nationals has not normal diplomatic representation.

ART. 12. — In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

*Conciliation
procedure*

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for protected persons, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them

for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict, a person belonging to a neutral Power or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

PART II

GENERAL PROTECTION OF POPULATIONS AGAINST CERTAIN CONSEQUENCES OF WAR

*Field of
application
of Part II*

ART. 13. — The provisions of Part II cover the whole of the populations of the countries in conflict, without any adverse distinction based, in particular, on race, nationality, religion or political opinion, and are intended to alleviate the sufferings caused by war.

*Hospital and
safety zones
and localities*

ART. 14. — In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital and safety zones and localities so organized as to protect from the effects of war, wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are invited to lend their good offices in order to facilitate the institution and recognition of these hospital and safety zones and localities.

*Neutralized
zones*

ART. 15. — Any Party to the conflict may, either direct or through a neutral State or some humanitarian organization, propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons, without distinction:

a) wounded and sick combatants or non-combatants;

- b) civilian persons who take no part in hostilities, and who, while they reside in the zones, perform no work of a military character.

When the Parties concerned have agreed upon the geographical position, administration, food supply and supervision of the proposed neutralized zone, a written agreement shall be concluded and signed by the representatives of the Parties to the conflict. The agreement shall fix the beginning and the duration of the neutralization of the zone.

ART. 16. — The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect.

*Wounded
and sick*

As far as military considerations allow, each Party to the conflict shall facilitate the steps taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment.

*I.
General
protection*

ART. 17. — The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas.

*II.
Evacuation*

ART. 18. — Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict.

*III.
Protection
of hospitals*

States which are Parties to a conflict shall provide all civilian hospitals with certificates showing that they are civilian hospitals and that the buildings which they occupy are not used for any purpose which would deprive these hospitals of protection in accordance with Article 19.

Civilian hospitals shall be marked by means of the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, but only if so authorized by the State.

The Parties to the conflict shall, in so far as military considerations permit, take the necessary steps to make the distinctive emblems indicating civilian hospitals clearly visible to the enemy land, air and naval forces in order to obviate the possibility of any hostile action.

In view of the dangers to which hospitals may be exposed by being close to military objectives, it is recommended that such hospitals be situated as far as possible from such objectives.

IV.
*Discontinu-
ance of
protection
of hospitals*

ART. 19. — The protection to which civilian hospitals are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming, in all appropriate cases, a reasonable time limit, and after such warning has remained unheeded.

The fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of small arms and ammunition taken from such combatants and not yet handed to the proper service, shall not be considered to be acts harmful to the enemy.

V.
Hospital staff

ART. 20. — Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases, shall be respected and protected.

In occupied territory and in zones of military operations, the above personnel shall be recognizable by means of an identity card certifying their status, bearing the photograph of the holder and embossed with the stamp of the responsible authority, and also by means of a stamped, water-resistant armband which they shall wear on the left arm while carrying out their duties. This armband shall be issued by the State and shall bear the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Other personnel who are engaged in the operation and administration of civilian hospitals shall be entitled to respect and protection and to wear the armband, as provided in and under the conditions prescribed in this Article, while they are employed on such duties. The identity card shall state the duties on which they are employed.

The management of each hospital shall at all times hold at the disposal of the competent national or occupying authorities an up-to-date list of such personnel.

VI.
*Land and sea
transport*

ART. 21. — Convoys of vehicles or hospital trains on land or specially provided vessels on sea, conveying wounded and sick civilians, the infirm and maternity cases, shall be respected and

protected in the same manner as the hospitals provided for in Article 18, and shall be marked, with the consent of the State, by the display of the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

ART. 22. — Aircraft exclusively employed for the removal of wounded and sick civilians, the infirm and maternity cases, or for the transport of medical personnel and equipment, shall not be attacked, but shall be respected while flying at heights, times and on routes specifically agreed upon between all the Parties to the conflict concerned.

They may be marked with the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Unless agreed otherwise, flights over enemy or enemy-occupied territory are prohibited.

Such aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

ART. 23. — Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.

The obligation of a High Contracting Party to allow the free passage of the consignments indicated in the preceding paragraph is subject to the condition that this Party is satisfied that there are no serious reasons for fearing:

- a) that the consignments may be diverted from their destination,
- b) that the control may not be effective, or
- c) that a definite advantage may accrue to the military efforts or economy of the enemy through the substitution of the above-mentioned consignments for goods which would otherwise be provided or produced by the enemy or through the release of such material, services or facilities as would otherwise be required for the production of such goods.

The Power which allows the passage of the consignments indicated in the first paragraph of this Article may make such

VII.

Air transport

*Consignments
of medical
supplies, food
and clothing*

permission conditional on the distribution to the persons benefited thereby being made under the local supervision of the Protecting Powers.

Such consignments shall be forwarded as rapidly as possible, and the Power which permits their free passage shall have the right to prescribe the technical arrangements under which such passage is allowed.

*Measures
relating to
child welfare*

ART. 24. — The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.

The Parties to the conflict shall facilitate the reception of such children in a neutral country for the duration of the conflict with the consent of the Protecting Power, if any, and under due safeguards for the observance of the principles stated in the first paragraph.

They shall, furthermore, endeavour to arrange for all children under twelve to be identified by the wearing of identity discs, or by some other means.

Family news

ART. 25. — All persons in the territory of a Party to the conflict, or in a territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families, wherever they may be, and to receive news from them. This correspondence shall be forwarded speedily and without undue delay.

If, as a result of circumstances, it becomes difficult or impossible to exchange family correspondence by the ordinary post, the Parties to the conflict concerned shall apply to a neutral intermediary, such as the Central Agency provided for in Article 140, and shall decide in consultation with it how to ensure the fulfilment of their obligations under the best possible conditions, in particular with the co-operation of the National Red Cross (Red Crescent, Red Lion and Sun) Societies.

If the Parties to the conflict deem it necessary to restrict family correspondence, such restrictions shall be confined to the compulsory use of standard forms containing twenty-five freely chosen words, and to the limitation of the number of these forms despatched to one each month.

*Dispersed
families*

ART. 26. — Each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the

object of renewing contact with one another and of meeting, if possible. It shall encourage, in particular, the work of organizations engaged on this task provided they are acceptable to it and conform to its security regulations.

PART III

STATUS AND TREATMENT OF PROTECTED PERSONS

SECTION I

PROVISIONS COMMON TO THE TERRITORIES OF THE PARTIES TO THE CONFLICT AND TO OCCUPIED TERRITORIES

ART. 27. — Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.

ART. 28. — The presence of a protected person may not be used to render certain points or areas immune from military operations.

Treatment

*I.
General
observations*

*II.
Danger zones*

*III.
Responsibilities*

ART. 29. — The Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

*Application
to Protecting
Powers and
relief
organizations*

ART. 30. — Protected persons shall have every facility for making application to the Protecting Powers, the International Committee of the Red Cross, the National Red Cross (Red Crescent, Red Lion and Sun) Society of the country where they may be, as well as to any organization that might assist them.

These several organizations shall be granted all facilities for that purpose by the authorities, within the bounds set by military or security considerations.

Apart from the visits of the delegates of the Protecting Powers and of the International Committee of the Red Cross, provided for by Article 143, the Detaining or Occupying Powers shall facilitate as much as possible visits to protected persons by the representatives of other organizations whose object is to give spiritual aid or material relief to such persons.

*Prohibition
of coercion*

ART. 31. — No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

*Prohibition
of corporal
punishment,
torture, etc.*

ART. 32. — The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.

*Individual
responsibility,
collective
penalties,
pillage,
reprisals*

ART. 33. — No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

Pillage is prohibited.

Reprisals against protected persons and their property are prohibited.

Hostages

ART. 34. — The taking of hostages is prohibited.

SECTION II

ALIENS IN THE TERRITORY
OF A PARTY TO THE CONFLICT

ART. 35. — All protected persons who may desire to leave the territory at the outset of, or during a conflict, shall be entitled to do so, unless their departure is contrary to the national interests of the State. The applications of such persons to leave shall be decided in accordance with regularly established procedures and the decision shall be taken as rapidly as possible. Those persons permitted to leave may provide themselves with the necessary funds for their journey and take with them a reasonable amount of their effects and articles of personal use.

*Right to leave
the territory*

If any such person is refused permission to leave the territory, he shall be entitled to have such refusal reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose.

Upon request, representatives of the Protecting Power shall, unless reasons of security prevent it, or the persons concerned object, be furnished with the reasons for refusal of any request for permission to leave the territory and be given, as expeditiously as possible, the names of all persons who have been denied permission to leave.

ART. 36. — Departures permitted under the foregoing Article shall be carried out in satisfactory conditions as regards safety, hygiene, sanitation and food. All costs in connection therewith, from the point of exit in the territory of the Detaining Power, shall be borne by the country of destination, or, in the case of accommodation in a neutral country, by the Power whose nationals are benefited. The practical details of such movements may, if necessary, be settled by special agreements between the Powers concerned.

*Method of
repatriation*

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

ART. 37. — Protected persons who are confined pending proceedings or serving a sentence involving loss of liberty, shall during their confinement be humanely treated.

*Persons in
confinement*

As soon as they are released, they may ask to leave the territory in conformity with the foregoing Articles.

*Non-
repatriated
persons*

*I.
General
observations*

ART. 38. — With the exception of special measures authorized by the present Convention, in particular by Articles 27 and 41 thereof, the situation of protected persons shall continue to be regulated, in principle, by the provisions concerning aliens in time of peace. In any case, the following rights shall be granted to them:

- 1) They shall be enabled to receive the individual or collective relief that may be sent to them.
- 2) They shall, if their state of health so requires, receive medical attention and hospital treatment to the same extent as the nationals of the State concerned.
- 3) They shall be allowed to practise their religion and to receive spiritual assistance from ministers of their faith.
- 4) If they reside in an area particularly exposed to the dangers of war, they shall be authorized to move from that area to the same extent as the nationals of the State concerned.
- 5) Children under fifteen years, pregnant women and mothers of children under seven years shall benefit by any preferential treatment to the same extent as the nationals of the State concerned.

*II.
Means of
existence*

ART. 39. — Protected persons who, as a result of the war, have lost their gainful employment, shall be granted the opportunity to find paid employment. That opportunity shall, subject to security considerations and to the provisions of Article 40, be equal to that enjoyed by the nationals of the Power in whose territory they are.

Where a Party to the conflict applies to a protected person methods of control which result in his being unable to support himself, and especially if such a person is prevented for reasons of security from finding paid employment on reasonable conditions, the said Party shall ensure his support and that of his dependents.

Protected persons may in any case receive allowances from their home country, the Protecting Power, or the relief societies referred to in Article 30.

*III.
Employment*

ART. 40. — Protected persons may be compelled to work only to the same extent as nationals of the Party to the conflict in whose territory they are.

If protected persons are of enemy nationality, they may only be compelled to do work which is normally necessary to ensure the feeding, sheltering, clothing, transport and health of human beings and which is not directly related to the conduct of military operations.

In the cases mentioned in the two preceding paragraphs, protected persons compelled to work shall have the benefit of the same working conditions and of the same safeguards as national workers, in particular as regards wages, hours of labour, clothing and equipment, previous training and compensation for occupational accidents and diseases.

If the above provisions are infringed, protected persons shall be allowed to exercise their right of complaint in accordance with Article 30.

ART. 41. — Should the Power in whose hands protected persons may be consider the measures of control mentioned in the present Convention to be inadequate, it may not have recourse to any other measure of control more severe than that of assigned residence or internment, in accordance with the provisions of Articles 42 and 43.

In applying the provisions of Article 39, second paragraph, to the cases of persons required to leave their usual places of residence by virtue of a decision placing them in assigned residence elsewhere, the Detaining Power shall be guided as closely as possible by the standards of welfare set forth in Part III, Section IV of this Convention.

ART. 42. — The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary.

If any person, acting through the representatives of the Protecting Power, voluntarily demands internment, and if his situation renders this step necessary, he shall be interned by the Power in whose hands he may be.

ART. 43. — Any protected person who has been interned or placed in assigned residence shall be entitled to have such action reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose. If the internment or placing in assigned residence is maintained, the court or administrative board shall periodically, and at least twice yearly, give consideration to his or her case, with a view to the favourable amendment of the initial decision, if circumstances permit.

Unless the protected persons concerned object, the Detaining Power shall, as rapidly as possible, give the Protecting Power the names of any protected persons who have been interned or subjected to assigned residence, or who have been released from internment or assigned residence. The decisions of the courts or

IV.
*Assigned
residence.
Internment*

V.
*Grounds for
internment
or assigned
residence.
Voluntary
internment*

VI.
Procedure

boards mentioned in the first paragraph of the present Article shall also, subject to the same conditions, be notified as rapidly as possible to the Protecting Power.

VII.
Refugees

ART. 44. — In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality *de jure* of an enemy State, refugees who do not, in fact, enjoy the protection of any government.

VIII.
*Transfer to
another
Power*

ART. 45. — Protected persons shall not be transferred to a Power which is not a party to the Convention.

This provision shall in no way constitute an obstacle to the repatriation of protected persons, or to their return to their country of residence after the cessation of hostilities.

Protected persons may be transferred by the Detaining Power only to a Power which is a party to the present Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the present Convention. If protected persons are transferred under such circumstances, responsibility for the application of the present Convention rests on the Power accepting them, while they are in its custody. Nevertheless, if that Power falls to carry out the provisions of the present Convention in any important respect, the Power by which the protected persons were transferred shall, upon being so notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the protected persons. Such request must be complied with.

In no circumstances shall a protected person be transferred to a country where he or she may have reason to fear persecution for his or her political opinions or religious beliefs.

The provisions of this Article do not constitute an obstacle to the extradition, in pursuance of extradition treaties concluded before the outbreak of hostilities, of protected persons accused of offences against ordinary criminal law.

*Cancellation
of restrictive
measures*

ART. 46. — In so far as they have not been previously withdrawn, restrictive measures taken regarding protected persons shall be cancelled as soon as possible after the close of hostilities.

Restrictive measures affecting their property shall be cancelled, in accordance with the law of the Detaining Power, as soon as possible after the close of hostilities.

SECTION III

OCCUPIED TERRITORIES

ART. 47. — Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.

*Inviolability
of rights*

ART. 48. — Protected persons who are not nationals of the Power whose territory is occupied, may avail themselves of the right to leave the territory subject to the provisions of Article 35, and decisions thereon shall be taken according to the procedure which the Occupying Power shall establish in accordance with the said Article.

*Special
cases of
repatriation*

ART. 49. — Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

*Deportations,
transfers,
evacuations*

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.

The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

Children

ART. 50. — The Occupying Power shall, with the co-operation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children.

The Occupying Power shall take all necessary steps to facilitate the identification of children and the registration of their parentage. It may not, in any case, change their personal status, nor enlist them in formations or organizations subordinate to it.

Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.

A special section of the Bureau set up in accordance with Article 136 shall be responsible for taking all necessary steps to identify children whose identity is in doubt. Particulars of their parents or other near relatives should always be recorded if available.

The Occupying Power shall not hinder the application of any preferential measures in regard to food, medical care and protection against the effects of war, which may have been adopted prior to the occupation in favour of children under fifteen years, expectant mothers, and mothers of children under seven years.

*Enlistment.
Labour*

ART. 51. — The Occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted.

The Occupying Power may not compel protected persons to work unless they are over eighteen years of age, and then only on work which is necessary either for the needs of the army of occupation, or for the public utility services, or for the feeding, sheltering, clothing, transportation or health of the population of the occupied country. Protected persons may not be compelled to undertake any work which would involve them in the obligation of taking part in military operations. The Occupying Power may not compel protected persons to employ forcible means to ensure the security of the installations where they are performing compulsory labour.

The work shall be carried out only in the occupied territory where the persons whose services have been requisitioned are. Every such person shall, so far as possible, be kept in his usual place of employment. Workers shall be paid a fair wage and the work shall be proportionate to their physical and intellectual capacities. The legislation in force in the occupied country concerning working conditions, and safeguards as regards, in particular, such matters as wages, hours of work, equipment, preliminary training and compensation for occupational accidents and diseases, shall be

applicable to the protected persons assigned to the work referred to in this Article.

In no case shall requisition of labour lead to a mobilization of workers in an organization of a military or semi-military character.

ART. 52. — No contract, agreement or regulation shall impair the right of any worker, whether voluntary or not and wherever he may be, to apply to the representatives of the Protecting Power in order to request the said Power's intervention.

*Protection
of workers*

All measures aiming at creating unemployment or at restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the Occupying Power, are prohibited.

ART. 53. — Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or co-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.

*Prohibited
destruction*

ART. 54. — The Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience.

*Judges
and public
officials*

This prohibition does not prejudice the application of the second paragraph of Article 51. It does not affect the right of the Occupying Power to remove public officials from their posts.

ART. 55. — To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.

*Food
and medical
supplies
for the
population*

The Occupying Power may not requisition foodstuffs, articles or medical supplies available in the occupied territory, except for use by the occupation forces and administration personnel, and then only if the requirements of the civilian population have been taken into account. Subject to the provisions of other international Conventions, the Occupying Power shall make arrangements to ensure that fair value is paid for any requisitioned goods.

The Protecting Power shall, at any time, be at liberty to verify the state of the food and medical supplies in occupied territories, except where temporary restrictions are made necessary by imperative military requirements.

*Hygiene and
public health*

ART. 56. — To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the co-operation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Medical personnel of all categories shall be allowed to carry out their duties.

If new hospitals are set up in occupied territory and if the competent organs of the occupied State are not operating there, the occupying authorities shall, if necessary, grant them the recognition provided for in Article 18. In similar circumstances, the occupying authorities shall also grant recognition to hospital personnel and transport vehicles under the provisions of Articles 20 and 21.

In adopting measures of health and hygiene and in their implementation, the Occupying Power shall take into consideration the moral and ethical susceptibilities of the population of the occupied territory.

*Requisition
of hospitals*

ART. 57. — The Occupying Power may requisition civilian hospitals only temporarily and only in cases of urgent necessity for the care of military wounded and sick, and then on condition that suitable arrangements are made in due time for the care and treatment of the patients and for the needs of the civilian population for hospital accommodation.

The material and stores of civilian hospitals cannot be requisitioned so long as they are necessary for the needs of the civilian population.

*Spiritual
assistance*

ART. 58. — The Occupying Power shall permit ministers of religion to give spiritual assistance to the members of their religious communities.

The Occupying Power shall also accept consignments of books and articles required for religious needs and shall facilitate their distribution in occupied territory.

Relief
I.
*Collective
relief*

ART. 59. — If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.

Such schemes, which may be undertaken either by States or by impartial humanitarian organizations such as the International Committee of the Red Cross, shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing.

All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.

A Power granting free passage to consignments on their way to territory occupied by an adverse Party to the conflict shall, however, have the right to search the consignments, to regulate their passage according to prescribed times and routes, and to be reasonably satisfied through the Protecting Power that these consignments are to be used for the relief of the needy population and are not to be used for the benefit of the Occupying Power.

ART. 60. — Relief consignments shall in no way relieve the Occupying Power of any of its responsibilities under Articles 55, 56 and 59. The Occupying Power shall in no way whatsoever divert relief consignments from the purpose for which they are intended, except in cases of urgent necessity, in the interests of the population of the occupied territory and with the consent of the Protecting Power.

*II.
Responsibilities of the
Occupying
Power*

ART. 61. — The distribution of the relief consignments referred to in the foregoing Articles shall be carried out with the co-operation and under the supervision of the Protecting Power. This duty may also be delegated, by agreement between the Occupying Power and the Protecting Power, to a neutral Power, to the International Committee of the Red Cross or to any other impartial humanitarian body.

*III.
Distribution*

Such consignments shall be exempt in occupied territory from all charges, taxes or customs duties unless these are necessary in the interests of the economy of the territory. The Occupying Power shall facilitate the rapid distribution of these consignments.

All Contracting Parties shall endeavour to permit the transit and transport, free of charge, of such relief consignments on their way to occupied territories.

ART. 62. — Subject to imperative reasons of security, protected persons in occupied territories shall be permitted to receive the individual relief consignments sent to them.

*IV.
Individual
relief*

ART. 63. — Subject to temporary and exceptional measures imposed for urgent reasons of security by the Occupying Power:

*National
Red Cross
and other
relief
societies*

- a) recognized National Red Cross (Red Crescent, Red Lion and Sun) Societies shall be able to pursue their activities in accordance with Red Cross Principles, as defined by the International Red Cross Conferences. Other relief societies shall be permitted to continue their humanitarian activities under similar conditions;

- b) the Occupying Power may not require any changes in the personnel or structure of these societies, which would prejudice the aforesaid activities.

The same principles shall apply to the activities and personnel of special organizations of a non-military character, which already exist or which may be established, for the purpose of ensuring the living conditions of the civilian population by the maintenance of the essential public utility services, by the distribution of relief and by the organization of rescues.

*Penal
legislation*

*I.
General
observations*

ART. 64. — The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention. Subject to the latter consideration and to the necessity for ensuring the effective administration of justice, the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws.

The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them.

*II.
Publication*

ART. 65. — The penal provisions enacted by the Occupying Power shall not come into force before they have been published and brought to the knowledge of the inhabitants in their own language. The effect of these penal provisions shall not be retroactive.

*III.
Competent
courts*

ART. 66. — In case of a breach of the penal provisions promulgated by it by virtue of the second paragraph of Article 64, the Occupying Power may hand over the accused to its properly constituted, non-political military courts, on condition that the said courts sit in the occupied country. Courts of appeal shall preferably sit in the occupied country.

*IV.
Applicable
provisions*

ART. 67. — The courts shall apply only those provisions of law which were applicable prior to the offence, and which are in accordance with general principles of law, in particular the principle that the penalty shall be proportionate to the offence. They shall

take into consideration the fact that the accused is not a national of the Occupying Power.

ART. 68. — Protected persons who commit an offence which is solely intended to harm the Occupying Power, but which does not constitute an attempt on the life or limb of members of the occupying forces or administration, nor a grave collective danger, nor seriously damage the property of the occupying forces or administration or the installations used by them, shall be liable to internment or simple imprisonment, provided the duration of such internment or imprisonment is proportionate to the offence committed. Furthermore, internment or imprisonment shall, for such offences, be the only measure adopted for depriving protected persons of liberty. The courts provided for under Article 66 of the present Convention may at their discretion convert a sentence of imprisonment to one of internment for the same period.

V.
Penalties.
Death
penalty

The penal provisions promulgated by the Occupying Power in accordance with Articles 64 and 65 may impose the death penalty on a protected person only in cases where the person is guilty of espionage, of serious acts of sabotage against the military installations of the Occupying Power or of intentional offences which have caused the death of one or more persons, provided that such offences were punishable by death under the law of the occupied territory in force before the occupation began.

The death penalty may not be pronounced against a protected person unless the attention of the court has been particularly called to the fact that since the accused is not a national of the Occupying Power, he is not bound to it by any duty of allegiance.

In any case, the death penalty may not be pronounced against a protected person who was under eighteen years of age at the time of the offence.

ART. 69. — In all cases, the duration of the period during which a protected person accused of an offence is under arrest awaiting trial or punishment shall be deducted from any period of imprisonment awarded.

VI.
Deduction
from
sentence of
period spent
under arrest

ART. 70. — Protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions expressed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war.

VII.
Offences
committed
before
occupation

Nationals of the Occupying Power who, before the outbreak of hostilities, have sought refuge in the territory of the occupied State,

shall not be arrested, prosecuted, convicted or deported from the occupied territory, except for offences committed after the outbreak of hostilities, or for offences under common law committed before the outbreak of hostilities which, according to the law of the occupied State, would have justified extradition in time of peace.

*Penal
procedure*

ART. 71. — No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial.

*I.
General
observations*

Accused persons who are prosecuted by the Occupying Power shall be promptly informed, in writing, in a language which they understand, of the particulars of the charges preferred against them, and shall be brought to trial as rapidly as possible. The Protecting Power shall be informed of all proceedings instituted by the Occupying Power against protected persons in respect of charges involving the death penalty or imprisonment for two years or more; it shall be enabled, at any time, to obtain information regarding the state of such proceedings. Furthermore, the Protecting Power shall be entitled, on request, to be furnished with all particulars of these and of any other proceedings instituted by the Occupying Power against protected persons.

The notification to the Protecting Power, as provided for in the second paragraph above, shall be sent immediately, and shall in any case reach the Protecting Power three weeks before the date of the first hearing. Unless, at the opening of the trial, evidence is submitted that the provisions of this Article are fully complied with, the trial shall not proceed. The notification shall include the following particulars:

- a) description of the accused;
- b) place of residence or detention;
- c) specification of the charge or charges (with mention of the penal provisions under which it is brought);
- d) designation of the court which will hear the case;
- e) place and date of the first hearing.

*II.
Right of
defence*

ART. 72. — Accused persons shall have the right to present evidence necessary to their defence and may, in particular, call witnesses. They shall have the right to be assisted by a qualified advocate or counsel of their own choice, who shall be able to visit them freely and shall enjoy the necessary facilities for preparing the defence.

Failing a choice by the accused, the Protecting Power may provide him with an advocate or counsel. When an accused person

has to meet a serious charge and the Protecting Power is not functioning, the Occupying Power, subject to the consent of the accused, shall provide an advocate or counsel.

Accused persons shall, unless they freely waive such assistance, be aided by an interpreter, both during preliminary investigation and during the hearing in court. They shall have the right at any time to object to the interpreter and to ask for his replacement.

ART. 73. — A convicted person shall have the right of appeal provided for by the laws applied by the court. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

The penal procedure provided in the present Section shall apply, as far as it is applicable, to appeals. Where the laws applied by the court make no provision for appeals, the convicted person shall have the right to petition against the finding and sentence to the competent authority of the Occupying Power.

ART. 74. — Representatives of the Protecting Power shall have the right to attend the trial of any protected person, unless the hearing has, as an exceptional measure, to be held *in camera* in the interests of the security of the Occupying Power, which shall then notify the Protecting Power. A notification in respect of the date and place of trial shall be sent to the Protecting Power.

Any judgment involving a sentence of death, or imprisonment for two years or more, shall be communicated, with the relevant grounds, as rapidly as possible to the Protecting Power. The notification shall contain a reference to the notification made under Article 71, and, in the case of sentences of imprisonment, the name of the place where the sentence is to be served. A record of judgments other than those referred to above shall be kept by the court and shall be open to inspection by representatives of the Protecting Power. Any period allowed for appeal in the case of sentences involving the death penalty, or imprisonment of two years or more, shall not run until notification of judgment has been received by the Protecting Power.

ART. 75. — In no case shall persons condemned to death be deprived of the right of petition for pardon or reprieve.

No death sentence shall be carried out before the expiration of a period of at least six months from the date of receipt by the Protecting Power of the notification of the final judgment confirming such death sentence, or of an order denying pardon or reprieve.

III.
*Right of
appeal*

IV.
*Assistance
by the
Protecting
Power*

V.
*Death
sentence*

The six months period of suspension of the death sentence herein prescribed may be reduced in individual cases in circumstances of grave emergency involving an organized threat to the security of the Occupying Power or its forces, provided always that the Protecting Power is notified of such reduction and is given reasonable time and opportunity to make representations to the competent occupying authorities in respect of such death sentences.

*Treatment
of detainees*

ART. 76. — Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtaining in prisons in the occupied country.

They shall receive the medical attention required by their state of health.

They shall also have the right to receive any spiritual assistance which they may require.

Women shall be confined in separate quarters and shall be under the direct supervision of women.

Proper regard shall be paid to the special treatment due to minors.

Protected persons who are detained shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross, in accordance with the provisions of Article 143.

Such persons shall have the right to receive at least one relief parcel monthly.

*Handing over
of detainees
at the close of
occupation*

ART. 77. — Protected persons who have been accused of offences or convicted by the courts in occupied territory, shall be handed over at the close of occupation, with the relevant records, to the authorities of the liberated territory.

*Security
measures.
Internment
and assigned
residence.
Right of
appeal*

ART. 78. — If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment.

Decisions regarding such assigned residence or internment shall be made according to a regular procedure to be prescribed by the Occupying Power in accordance with the provisions of the present Convention. This procedure shall include the right of appeal for the parties concerned. Appeals shall be decided with the least possible

delay. In the event of the decision being upheld, it shall be subject to periodical review, if possible every six months, by a competent body set up by the said Power.

Protected persons made subject to assigned residence and thus required to leave their homes shall enjoy the full benefit of Article 39 of the present Convention.

SECTION IV

REGULATIONS FOR THE TREATMENT OF INTERNEES

CHAPTER I

General Provisions

ART. 79. — The Parties to the conflict shall not intern protected persons, except in accordance with the provisions of Articles 41, 42, 43, 68 and 78.

*Cases of
internment
and applicable
provisions*

ART. 80. — Internees shall retain their full civil capacity and shall exercise such attendant rights as may be compatible with their status.

Civil capacity

ART. 81. — Parties to the conflict who intern protected persons shall be bound to provide free of charge for their maintenance, and to grant them also the medical attention required by their state of health.

Maintenance

No deduction from the allowances, salaries or credits due to the internees shall be made for the repayment of these costs.

The Detaining Power shall provide for the support of those dependent on the internees, if such dependents are without adequate means of support or are unable to earn a living.

ART. 82. — The Detaining Power shall, as far as possible, accommodate the internees according to their nationality, language

*Grouping
of internees*

and customs. Internees who are nationals of the same country shall not be separated merely because they have different languages.

Throughout the duration of their internment, members of the same family, and in particular parents and children, shall be lodged together in the same place of internment, except when separation of a temporary nature is necessitated for reasons of employment or health or for the purposes of enforcement of the provisions of Chapter IX of the present Section. Internees may request that their children who are left at liberty without parental care shall be interned with them.

Wherever possible, interned members of the same family shall be housed in the same premises and given separate accommodation from other internees, together with facilities for leading a proper family life.

CHAPTER II

Places of Internment

*Location
of places of
internment.
Marking
of camps*

ART. 83. — The Detaining Power shall not set up places of internment in areas particularly exposed to the dangers of war.

The Detaining Power shall give the enemy Powers, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of places of internment.

Whenever military considerations permit, internment camps shall be indicated by the letters IC, placed so as to be clearly visible in the daytime from the air. The Powers concerned may, however, agree upon any other system of marking. No place other than an internment camp shall be marked as such.

*Separate
internment*

ART. 84. — Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason.

*Accommoda-
tion, hygiene*

ART. 85. — The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigours of the climate and the effects of the war. In no case shall permanent places of internment be situated in unhealthy areas or in districts

the climate of which is injurious to the internees. In all cases where the district, in which a protected person is temporarily interned, is in an unhealthy area or has a climate which is harmful to his health, he shall be removed to a more suitable place of internment as rapidly as circumstances permit.

The premises shall be fully protected from dampness, adequately heated and lighted, in particular between dusk and lights out. The sleeping quarters shall be sufficiently spacious and well ventilated, and the internees shall have suitable bedding and sufficient blankets, account being taken of the climate, and the age, sex, and state of health of the internees.

Internees shall have for their use, day and night, sanitary conveniences which conform to the rules of hygiene and are constantly maintained in a state of cleanliness. They shall be provided with sufficient water and soap for their daily personal toilet and for washing their personal laundry; installations and facilities necessary for this purpose shall be granted to them. Showers or baths shall also be available. The necessary time shall be set aside for washing and for cleaning.

Whenever it is necessary, as an exceptional and temporary measure, to accommodate women internees who are not members of a family unit in the same place of internment as men, the provision of separate sleeping quarters and sanitary conveniences for the use of such women internees shall be obligatory.

ART. 86. — The Detaining Power shall place at the disposal of interned persons, of whatever denomination, premises suitable for the holding of their religious services.

*Premises
for religious
services*

ART. 87. — Canteens shall be installed in every place of internment, except where other suitable facilities are available. Their purpose shall be to enable internees to make purchases, at prices not higher than local market prices, of foodstuffs and articles of everyday use, including soap and tobacco, such as would increase their personal well-being and comfort.

Canteens

Profits made by canteens shall be credited to a welfare fund to be set up for each place of internment, and administered for the benefit of the internees attached to such place of internment. The Internee Committee provided for in Article 102 shall have the right to check the management of the canteen and of the said fund.

When a place of internment is closed down, the balance of the welfare fund shall be transferred to the welfare fund of a place of internment for internees of the same nationality, or, if such a place does not exist, to a central welfare fund which shall be administered

for the benefit of all internees remaining in the custody of the Detaining Power. In case of a general release, the said profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

*Air raid
shelters.
Protective
measures*

ART. 88. — In all places of internment exposed to air raids and other hazards of war, shelters adequate in number and structure to ensure the necessary protection shall be installed. In case of alarms, the internees shall be free to enter such shelters as quickly as possible, excepting those who remain for the protection of their quarters against the aforesaid hazards. Any protective measures taken in favour of the population shall also apply to them.

All due precautions must be taken in places of internment against the danger of fire.

CHAPTER III

Food and Clothing

Food

ART. 89. — Daily food rations for internees shall be sufficient in quantity, quality and variety to keep internees in a good state of health and prevent the development of nutritional deficiencies. Account shall also be taken of the customary diet of the internees.

Internees shall also be given the means by which they can prepare for themselves any additional food in their possession.

Sufficient drinking water shall be supplied to internees. The use of tobacco shall be permitted.

Internees who work shall receive additional rations in proportion to the kind of labour which they perform.

Expectant and nursing mothers and children under fifteen years of age shall be given additional food, in proportion to their physiological needs.

Clothing

ART. 90. — When taken into custody, internees shall be given all facilities to provide themselves with the necessary clothing, footwear and change of underwear, and later on, to procure further supplies if required. Should any internees not have sufficient clothing, account being taken of the climate, and be unable to procure any, it shall be provided free of charge to them by the Detaining Power.

The clothing supplied by the Detaining Power to internees and the outward markings placed on their own clothes shall not be ignominious nor expose them to ridicule.

Workers shall receive suitable working outfits, including protective clothing, whenever the nature of their work so requires.

CHAPTER IV

Hygiene and Medical Attention

ART. 91. — Every place of internment shall have an adequate infirmary, under the direction of a qualified doctor, where internees may have the attention they require, as well as an appropriate diet. Isolation wards shall be set aside for cases of contagious or mental diseases.

*Medical
attention*

Maternity cases and internees suffering from serious diseases, or whose condition requires special treatment, a surgical operation or hospital care, must be admitted to any institution where adequate treatment can be given and shall receive care not inferior to that provided for the general population.

Internees shall, for preference, have the attention of medical personnel of their own nationality.

Internees may not be prevented from presenting themselves to the medical authorities for examination. The medical authorities of the Detaining Power shall, upon request, issue to every internee who has undergone treatment an official certificate showing the nature of his illness or injury, and the duration and nature of the treatment given. A duplicate of this certificate shall be forwarded to the Central Agency provided for in Article 140.

Treatment, including the provision of any apparatus necessary for the maintenance of internees in good health, particularly dentures and other artificial appliances and spectacles, shall be free of charge to the internee.

ART. 92. — Medical inspections of internees shall be made at least once a month. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of internees, and to detect contagious diseases, especially tuberculosis, malaria, and venereal diseases. Such inspections shall include, in particular, the checking of weight of each internee and, at least once a year, radioscopic examination.

*Medical
inspections*

CHAPTER V

Religious, Intellectual and Physical Activities*Religious
duties*

ART. 93. — Internees shall enjoy complete latitude in the exercise of their religious duties, including attendance at the services of their faith, on condition that they comply with the disciplinary routine prescribed by the detaining authorities.

Ministers of religion who are interned shall be allowed to minister freely to the members of their community. For this purpose, the Detaining Power shall ensure their equitable allocation amongst the various places of internment in which there are internees speaking the same language and belonging to the same religion. Should such ministers be too few in number, the Detaining Power shall provide them with the necessary facilities, including means of transport, for moving from one place to another, and they shall be authorized to visit any internees who are in hospital. Ministers of religion shall be at liberty to correspond on matters concerning their ministry with the religious authorities in the country of detention and, as far as possible, with the international religious organizations of their faith. Such correspondence shall not be considered as forming a part of the quota mentioned in Article 107. It shall, however, be subject to the provisions of Article 112.

When internees do not have at their disposal the assistance of ministers of their faith, or should these latter be too few in number, the local religious authorities of the same faith may appoint, in agreement with the Detaining Power, a minister of the internees' faith or, if such a course is feasible from a denominational point of view, a minister of similar religion or a qualified layman. The latter shall enjoy the facilities granted to the ministry he has assumed. Persons so appointed shall comply with all regulations laid down by the Detaining Power in the interests of discipline and security.

*Recreation,
study, sports
and games*

ART. 94. — The Detaining Power shall encourage intellectual, educational and recreational pursuits, sports and games amongst internees, whilst leaving them free to take part in them or not. It shall take all practicable measures to ensure the exercise thereof, in particular by providing suitable premises.

All possible facilities shall be granted to internees to continue their studies or to take up new subjects. The education of children and young people shall be ensured; they shall be allowed to attend schools either within the place of internment or outside.

Internees shall be given opportunities for physical exercise, sports and outdoor games. For this purpose, sufficient open spaces

shall be set aside in all places of internment. Special playgrounds shall be reserved for children and young people.

ART. 95. — The Detaining Power shall not employ internees as workers, unless they so desire. Employment which, if undertaken under compulsion by a protected person not in internment, would involve a breach of Articles 40 or 51 of the present Convention, and employment on work which is of a degrading or humiliating character are in any case prohibited.

*Working
conditions*

After a working period of six weeks, internees shall be free to give up work at any moment, subject to eight days' notice.

These provisions constitute no obstacle to the right of the Detaining Power to employ interned doctors, dentists and other medical personnel in their professional capacity on behalf of their fellow internees, or to employ internees for administrative and maintenance work in places of internment and to detail such persons for work in the kitchens or for other domestic tasks, or to require such persons to undertake duties connected with the protection of internees against aerial bombardment or other war risks. No internee may, however, be required to perform tasks for which he is, in the opinion of a medical officer, physically unsuited.

The Detaining Power shall take entire responsibility for all working conditions, for medical attention, for the payment of wages, and for ensuring that all employed internees receive compensation for occupational accidents and diseases. The standards prescribed for the said working conditions and for compensation shall be in accordance with the national laws and regulations, and with the existing practice; they shall in no case be inferior to those obtaining for work of the same nature in the same district. Wages for work done shall be determined on an equitable basis by special agreements between the internees, the Detaining Power, and, if the case arises, employers other than the Detaining Power, due regard being paid to the obligation of the Detaining Power to provide for free maintenance of internees and for the medical attention which their state of health may require. Internees permanently detailed for categories of work mentioned in the third paragraph of this Article shall be paid fair wages by the Detaining Power. The working conditions and the scale of compensation for occupational accidents and diseases to internees, thus detailed, shall not be inferior to those applicable to work of the same nature in the same district.

ART. 96. — All labour detachments shall remain part of and dependent upon a place of internment. The competent authorities

*Labour
detachments*

of the Detaining Power and the commandant of a place of internment shall be responsible for the observance in a labour detachment of the provisions of the present Convention. The commandant shall keep an up-to-date list of the labour detachments subordinate to him and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross and of other humanitarian organizations who may visit the places of internment.

CHAPTER VI

Personal Property and Financial Resources

*Valuables
and personal
effects*

ART. 97. — Internees shall be permitted to retain articles of personal use. Monies, cheques, bonds, etc., and valuables in their possession may not be taken from them except in accordance with established procedure. Detailed receipts shall be given therefor.

The amounts shall be paid into the account of every internee as provided for in Article 98. Such amounts may not be converted into any other currency unless legislation in force in the territory in which the owner is interned so requires or the internee gives his consent.

Articles which have above all a personal or sentimental value may not be taken away.

A woman internee shall not be searched except by a woman.

On release or repatriation, internees shall be given all articles, monies or other valuables taken from them during internment and shall receive in currency the balance of any credit to their accounts kept in accordance with Article 98, with the exception of any articles or amounts withheld by the Detaining Power by virtue of its legislation in force. If the property of an internee is so withheld, the owner shall receive a detailed receipt.

Family or identity documents in the possession of internees may not be taken away without a receipt being given. At no time shall internees be left without identity documents. If they have none, they shall be issued with special documents drawn up by the detaining authorities, which will serve as their identity papers until the end of their internment.

Internees may keep on their persons a certain amount of money, in cash or in the shape of purchase coupons, to enable them to make purchases.

ART. 98. — All internees shall receive regular allowances, sufficient to enable them to purchase goods and articles, such as tobacco, toilet requisites, etc. Such allowances may take the form of credits or purchase coupons.

*Financial
resources and
individual
accounts*

Furthermore, internees may receive allowances from the Power to which they owe allegiance, the Protecting Powers, the organizations which may assist them, or their families, as well as the income on their property in accordance with the law of the Detaining Power. The amount of allowances granted by the Power to which they owe allegiance shall be the same for each category of internees (infirm, sick, pregnant women, etc.), but may not be allocated by that Power or distributed by the Detaining Power on the basis of discriminations between internees which are prohibited by Article 27 of the present Convention.

The Detaining Power shall open a regular account for every internee, to which shall be credited the allowances named in the present Article, the wages earned and the remittances received, together with such sums taken from him as may be available under the legislation in force in the territory in which he is interned. Internees shall be granted all facilities consistent with the legislation in force in such territory to make remittances to their families and to other dependants. They may draw from their accounts the amounts necessary for their personal expenses, within the limits fixed by the Detaining Power. They shall at all times be afforded reasonable facilities for consulting and obtaining copies of their accounts. A statement of accounts shall be furnished to the Protecting Power on request, and shall accompany the internee in case of transfer.

CHAPTER VII

Administration and Discipline

ART. 99. — Every place of internment shall be put under the authority of a responsible officer, chosen from the regular military forces or the regular civil administration of the Detaining Power. The officer in charge of the place of internment must have in his possession a copy of the present Convention in the official language, or one of the official languages, of his country and shall be responsible for its application. The staff in control of internees shall be instructed in the provisions of the present Convention and of the administrative measures adopted to ensure its application.

*Camp
administra-
tion.
Posting of the
Convention
and of orders*

The text of the present Convention and the texts of special agreements concluded under the said Convention shall be posted inside the place of internment, in a language which the internees understand, or shall be in the possession of the Internee Committee.

Regulations, orders, notices and publications of every kind shall be communicated to the internees and posted inside the places of internment, in a language which they understand.

Every order and command addressed to internees individually must likewise be given in a language which they understand.

*General
discipline*

ART. 100. — The disciplinary regime in places of internment shall be consistent with humanitarian principles, and shall in no circumstances include regulations imposing on internees any physical exertion dangerous to their health or involving physical or moral victimization. Identification by tattooing or imprinting signs or markings on the body, is prohibited.

In particular, prolonged standing and roll-calls, punishment drill, military drill and manœuvres, or the reduction of food rations, are prohibited.

*Complaints
and petitions*

ART. 101. — Internees shall have the right to present to the authorities in whose power they are, any petition with regard to the conditions of internment to which they are subjected.

They shall also have the right to apply without restriction through the Internee Committee or, if they consider it necessary, direct to the representatives of the Protecting Power, in order to indicate to them any points on which they may have complaints to make with regard to the conditions of internment.

Such petitions and complaints shall be transmitted forthwith and without alteration, and even if the latter are recognized to be unfounded, they may not occasion any punishment.

Periodic reports on the situation in places of internment and as to the needs of the internees may be sent by the Internee Committees to the representatives of the Protecting Powers.

*Internee
Committees*

*I.
Election of
members*

ART. 102. — In every place of internment, the internees shall freely elect by secret ballot every six months, the members of a Committee empowered to represent them before the Detaining and the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them. The members of the Committee shall be eligible for re-election.

Internees so elected shall enter upon their duties after their election has been approved by the detaining authorities. The reasons for any refusals or dismissals shall be communicated to the Protecting Powers concerned.

ART. 103. — The Internee Committees shall further the physical, spiritual and intellectual well-being of the internees.

*II.
Duties*

In case the internees decide, in particular, to organize a system of mutual assistance amongst themselves, this organization would be within the competence of the Committees in addition to the special duties entrusted to them under other provisions of the present Convention.

ART. 104. — Members of Internee Committees shall not be required to perform any other work, if the accomplishment of their duties is rendered more difficult thereby.

*III.
Prerogatives*

Members of Internee Committees may appoint from amongst the internees such assistants as they may require. All material facilities shall be granted to them, particularly a certain freedom of movement necessary for the accomplishment of their duties (visits to labour detachments, receipt of supplies, etc.).

All facilities shall likewise be accorded to members of Internee Committees for communication by post and telegraph with the detaining authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, and with the organizations which give assistance to internees, Committee members in labour detachments shall enjoy similar facilities for communication with their Internee Committee in the principal place of internment. Such communications shall not be limited, nor considered as forming a part of the quota mentioned in Article 107.

Members of Internee Committees who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

CHAPTER VIII

Relations with the Exterior

ART. 105. — Immediately upon interning protected persons, the Detaining Powers shall inform them, the Power to which they owe allegiance and their Protecting Power of the measures taken for executing the provisions of the present Chapter. The Detaining Powers shall likewise inform the Parties concerned of any subsequent modifications of such measures.

*Notification
of measures
taken*

*Internment
card*

ART. 106. — As soon as he is interned, or at the latest not more than one week after his arrival in a place of internment, and likewise in cases of sickness or transfer to another place of internment or to a hospital, every internee shall be enabled to send direct to his family, on the one hand, and to the Central Agency provided for by Article 140, on the other, an internment card similar, if possible, to the model annexed to the present Convention, informing his relatives of his detention, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any way.

*Correspon-
dence*

ART. 107. — Internees shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each internee, the said number shall not be less than two letters and four cards monthly; these shall be drawn up so as to conform as closely as possible to the models annexed to the present Convention. If limitations must be placed on the correspondence addressed to internees, they may be ordered only by the Power to which such internees owe allegiance, possibly at the request of the Detaining Power. Such letters and cards must be conveyed with reasonable despatch; they may not be delayed or retained for disciplinary reasons.

Internees who have been a long time without news, or who find it impossible to receive news from their relatives, or to give them news by the ordinary postal route, as well as those who are at a considerable distance from their homes, shall be allowed to send telegrams, the charges being paid by them in the currency at their disposal. They shall likewise benefit by this provision in cases which are recognized to be urgent.

As a rule, internees' mail shall be written in their own language. The Parties to the conflict may authorize correspondence in other languages.

*Relief
shipments**I.
General
principles*

ART. 108. — Internees shall be allowed to receive, by post or by any other means, individual parcels or collective shipments containing in particular foodstuffs, clothing, medical supplies, as well as books and objects of a devotional, educational or recreational character which may meet their needs. Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

Should military necessity require the quantity of such shipments to be limited, due notice thereof shall be given to the Protecting Power and to the International Committee of the Red Cross, or to any other organization giving assistance to the internees and responsible for the forwarding of such shipments.

The conditions for the sending of individual parcels and collective shipments shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the internees of relief supplies. Parcels of clothing and foodstuffs may not include books. Medical relief supplies shall, as a rule, be sent in collective parcels.

ART. 109. — In the absence of special agreements between Parties to the conflict regarding the conditions for the receipt and distribution of collective relief shipments, the regulations concerning collective relief which are annexed to the present Convention shall be applied.

The special agreements provided for above shall in no case restrict the right of Internee Committees to take possession of collective relief shipments intended for internees, to undertake their distribution and to dispose of them in the interests of the recipients.

Nor shall such agreements restrict the right of representatives of the Protecting Powers, the International Committee of the Red Cross, or any other organization giving assistance to internees and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

ART. 110. — All relief shipments for internees shall be exempt from import, customs and other dues.

All matter sent by mail, including relief parcels sent by parcel post and remittances of money, addressed from other countries to internees or despatched by them through the post office, either direct or through the Information Bureaux provided for in Article 136 and the Central Information Agency provided for in Article 140, shall be exempt from all postal dues both in the countries of origin and destination and in intermediate countries. To this end, in particular, the exemption provided by the Universal Postal Convention of 1947 and by the agreements of the Universal Postal Union in favour of civilians of enemy nationality detained in camps or civilian prisons, shall be extended to the other interned persons protected by the present Convention. The countries not signatory to the above-mentioned agreements shall be bound to grant freedom from charges in the same circumstances.

The cost of transporting relief shipments which are intended for internees and which, by reason of their weight or any other cause, cannot be sent through the post office, shall be borne by the Detaining Power in all the territories under its control. Other Powers which are Parties to the present Convention shall bear the cost of transport in their respective territories.

*II.
Collective
relief*

*III.
Exemption
from postal
and
transport
charges*

Costs connected with the transport of such shipments, which are not covered by the above paragraphs, shall be charged to the senders.

The High Contracting Parties shall endeavour to reduce, so far as possible, the charges for telegrams sent by internees, or addressed to them.

*Special
means of
transport*

ART. 111. — Should military operations prevent the Powers concerned from fulfilling their obligation to ensure the conveyance of the mail and relief shipments provided for in Articles 106, 107, 108 and 113, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake the conveyance of such shipments by suitable means (rail, motor vehicles, vessels or aircraft, etc.). For this purpose, the High Contracting Parties shall endeavour to supply them with such transport, and to allow its circulation, especially by granting the necessary safe-conducts.

Such transport may also be used to convey:

- a) correspondence, lists and reports exchanged between the Central Information Agency referred to in Article 140 and the National Bureaux referred to in Article 136;
- b) correspondence and reports relating to internees which the Protecting Powers, the International Committee of the Red Cross or any other organization assisting the internees exchange either with their own delegates or with the Parties to the conflict.

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport if it should so prefer, nor preclude the granting of safe-conducts, under mutually agreed conditions, to such means of transport.

The costs occasioned by the use of such means of transport shall be borne, in proportion to the importance of the shipments, by the Parties to the conflict whose nationals are benefited thereby.

*Censorship
and
examination*

ART. 112. — The censoring of correspondence addressed to internees or despatched by them shall be done as quickly as possible.

The examination of consignments intended for internees shall not be carried out under conditions that will expose the goods contained in them to deterioration. It shall be done in the presence of the addressee, or of a fellow-internee duly delegated by him. The delivery to internees of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

Any prohibition of correspondence ordered by the Parties to the conflict either for military or political reasons, shall be only temporary and its duration shall be as short as possible.

ART. 113. — The Detaining Powers shall provide all reasonable facilities for the transmission, through the Protecting Power or the Central Agency provided for in Article 140, or as otherwise required, of wills, powers of attorney, letters of authority, or any other documents intended for internees or despatched by them.

*Execution
and
transmission
of legal
documents*

In all cases the Detaining Powers shall facilitate the execution and authentication in due legal form of such documents on behalf of internees, in particular by allowing them to consult a lawyer.

ART. 114. — The Detaining Power shall afford internees all facilities to enable them to manage their property, provided this is not incompatible with the conditions of internment and the law which is applicable. For this purpose, the said Power may give them permission to leave the place of internment in urgent cases and if circumstances allow.

*Management
of property*

ART. 115. — In all cases where an internee is a party to proceedings in any court, the Detaining Power shall, if he so requests, cause the court to be informed of his detention and shall, within legal limits, ensure that all necessary steps are taken to prevent him from being in any way prejudiced, by reason of his internment, as regards the preparation and conduct of his case or as regards the execution of any judgment of the court.

*Facilities for
preparation
and conduct
of cases*

ART. 116. — Every internee shall be allowed to receive visitors, especially near relatives, at regular intervals and as frequently as possible.

Visits

As far as is possible, internees shall be permitted to visit their homes in urgent cases, particularly in cases of death or serious illness of relatives.

CHAPTER IX

Penal and Disciplinary Sanctions

ART. 117. — Subject to the provisions of the present Chapter, the laws in force in the territory in which they are detained will continue to apply to internees who commit offences during internment.

*General
provisions.
Applicable
legislation*

If general laws, regulations or orders declare acts committed by internees to be punishable, whereas the same acts are not

punishable when committed by persons who are not internees, such acts shall entail disciplinary punishments only.

No internee may be punished more than once for the same act, or on the same count.

Penalties

ART. 118. — The courts or authorities shall in passing sentence take as far as possible into account the fact that the defendant is not a national of the Detaining Power. They shall be free to reduce the penalty prescribed for the offence with which the internee is charged and shall not be obliged, to this end, to apply the minimum sentence prescribed.

Imprisonment in premises without daylight, and, in general, all forms of cruelty without exception are forbidden.

Internees who have served disciplinary or judicial sentences shall not be treated differently from other internees.

The duration of preventive detention undergone by an internee shall be deducted from any disciplinary or judicial penalty involving confinement to which he may be sentenced.

Internee Committees shall be informed of all judicial proceedings instituted against internees whom they represent, and of their result.

*Disciplinary
punishments*

ART. 119. — The disciplinary punishments applicable to internees shall be the following:

- 1) A fine which shall not exceed 50 per cent of the wages which the internee would otherwise receive under the provisions of Article 95 during a period of not more than thirty days.
- 2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.
- 3) Fatigue duties, not exceeding two hours daily, in connection with the maintenance of the place of internment.
- 4) Confinement.

In no case shall disciplinary penalties be inhuman, brutal or dangerous for the health of internees. Account shall be taken of the internee's age, sex and state of health.

The duration of any single punishment shall in no case exceed a maximum of thirty consecutive days, even if the internee is answerable for several breaches of discipline when his case is dealt with, whether such breaches are connected or not.

Escapes

ART. 120. — Internees who are recaptured after having escaped or when attempting to escape, shall be liable only to disciplinary punishment in respect of this act, even if it is a repeated offence.

Article 118, paragraph 3, notwithstanding, internees punished as a result of escape or attempt to escape, may be subjected to special surveillance, on condition that such surveillance does not affect the state of their health, that it is exercised in a place of internment and that it does not entail the abolition of any of the safeguards granted by the present Convention.

Internees who aid and abet an escape, or attempt to escape, shall be liable on this count to disciplinary punishment only.

ART. 121. — Escape, or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance in cases where an internee is prosecuted for offences committed during his escape.

*Connected
offences*

The Parties to the conflict shall ensure that the competent authorities exercise leniency in deciding whether punishment inflicted for an offence shall be of a disciplinary or judicial nature, especially in respect of acts committed in connection with an escape, whether successful or not.

ART. 122. — Acts which constitute offences against discipline shall be investigated immediately. This rule shall be applied, in particular, in cases of escape or attempt to escape. Recaptured internees shall be handed over to the competent authorities as soon as possible.

*Investigations.
Confinement
awaiting
hearing*

In case of offences against discipline, confinement awaiting trial shall be reduced to an absolute minimum for all internees, and shall not exceed fourteen days. Its duration shall in any case be deducted from any sentence of confinement.

The provisions of Articles 124 and 125 shall apply to internees who are in confinement awaiting trial for offences against discipline.

ART. 123. — Without prejudice to the competence of courts and higher authorities, disciplinary punishment may be ordered only by the commandant of the place of internment, or by a responsible officer or official who replaces him, or to whom he has delegated his disciplinary powers.

*Competent
authorities.
Procedure*

Before any disciplinary punishment is awarded, the accused internee shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. The decision shall be announced in the presence of the accused and of a member of the Internee Committee.

The period elapsing between the time of award of a disciplinary punishment and its execution shall not exceed one month.

When an internee is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

A record of disciplinary punishments shall be maintained by the commandant of the place of internment and shall be open to inspection by representatives of the Protecting Power.

*Premises for
disciplinary
punishments*

ART. 124. — Internees shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein.

The premises in which disciplinary punishments are undergone shall conform to sanitary requirements; they shall in particular be provided with adequate bedding. Internees undergoing punishment shall be enabled to keep themselves in a state of cleanliness.

Women internees undergoing disciplinary punishment shall be confined in separate quarters from male internees and shall be under the immediate supervision of women.

*Essential
safeguards*

ART. 125. — Internees awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, if they so request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the infirmary of the place of internment or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money, however, may be withheld from them until the completion of their punishment; such consignments shall meanwhile be entrusted to the Internee Committee, who will hand over to the infirmary the perishable goods contained in the parcels.

No internee given a disciplinary punishment may be deprived of the benefit of the provisions of Articles 107 and 143 of the present Convention.

*Provisions
applicable to
judicial
proceedings*

ART. 126. — The provisions of Articles 71 to 76 inclusive shall apply, by analogy, to proceedings against internees who are in the national territory of the Detaining Power.

CHAPTER X

Transfers of Internees

ART. 127. — The transfer of internees shall always be effected humanely. As a general rule, it shall be carried out by rail or other means of transport, and under conditions at least equal to those obtaining for the forces of the Detaining Power in their changes of station. If, as an exceptional measure, such removals have to be effected on foot, they may not take place unless the internees are in a fit state of health, and may not in any case expose them to excessive fatigue.

Conditions

The Detaining Power shall supply internees during transfer with drinking water and food sufficient in quantity, quality and variety to maintain them in good health, and also with the necessary clothing, adequate shelter and the necessary medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during transfer, and shall establish before their departure a complete list of all internees transferred.

Sick, wounded or infirm internees and maternity cases shall not be transferred if the journey would be seriously detrimental to them, unless their safety imperatively so demands.

If the combat zone draws close to a place of internment, the internees in the said place shall not be transferred unless their removal can be carried out in adequate conditions of safety, or unless they are exposed to greater risks by remaining on the spot than by being transferred.

When making decisions regarding the transfer of internees, the Detaining Power shall take their interests into account and, in particular, shall not do anything to increase the difficulties of repatriating them or returning them to their own homes.

ART. 128. — In the event of transfer, internees shall be officially advised of their departure and of their new postal address. Such notification shall be given in time for them to pack their luggage and inform their next of kin.

Method

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited if the conditions of transfer so require, but in no case to less than twenty-five kilograms per internee.

Mail and parcels addressed to their former place of internment shall be forwarded to them without delay.

The commandant of the place of internment shall take, in agreement with the Internee Committee, any measures needed to

ensure the transport of the internees' community property and of the luggage the internees are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph.

CHAPTER XI

Deaths

Wills. Death certificates

ART. 129. — The wills of internees shall be received for safekeeping by the responsible authorities; and in the event of the death of an internee his will shall be transmitted without delay to a person whom he has previously designated.

Deaths of internees shall be certified in every case by a doctor, and a death certificate shall be made out, showing the causes of death and the conditions under which it occurred.

An official record of the death, duly registered, shall be drawn up in accordance with the procedure relating thereto in force in the territory where the place of internment is situated, and a duly certified copy of such record shall be transmitted without delay to the Protecting Power as well as to the Central Agency referred to in Article 140.

Burial. Cremation

ART. 130. — The detaining authorities shall ensure that internees who die while interned are honourably buried, if possible according to the rites of the religion to which they belonged and that their graves are respected, properly maintained, and marked in such a way that they can always be recognized.

Deceased internees shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his expressed wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased. The ashes shall be retained for safekeeping by the detaining authorities and shall be transferred as soon as possible to the next of kin on their request.

As soon as circumstances permit, and not later than the close of hostilities, the Detaining Power shall forward lists of graves of deceased internees to the Powers on whom the deceased internees depended, through the Information Bureaux provided for in Article 136. Such lists shall include all particulars necessary for the

identification of the deceased internees, as well as the exact location of their graves.

ART. 131. — Every death or serious injury of an internee, caused or suspected to have been caused by a sentry, another internee or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

*Internees
killed
or injured
in special
circum-
stances*

A communication on this subject shall be sent immediately to the Protecting Power. The evidence of any witnesses shall be taken, and a report including such evidence shall be prepared and forwarded to the said Protecting Power.

If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all necessary steps to ensure the prosecution of the person or persons responsible.

CHAPTER XII

Release, Repatriation and Accommodation in Neutral Countries

ART. 132. — Each interned person shall be released by the Detaining Power as soon as the reasons which necessitated his internment no longer exist.

*During
hostilities or
occupation*

The Parties to the conflict shall, moreover, endeavour during the course of hostilities, to conclude agreements for the release, the repatriation, the return to places of residence or the accommodation in a neutral country of certain classes of internees, in particular children, pregnant women and mothers with infants and young children, wounded and sick, and internees who have been detained for a long time.

ART. 133. — Internment shall cease as soon as possible after the close of hostilities.

*After the
close of
hostilities*

Internees in the territory of a Party to the conflict, against whom penal proceedings are pending for offences not exclusively subject to disciplinary penalties, may be detained until the close of such proceedings and, if circumstances require, until the completion of the penalty. The same shall apply to internees who have been previously sentenced to a punishment depriving them of liberty.

By agreement between the Detaining Power and the Powers concerned, committees may be set up after the close of hostilities, or of the occupation of territories, to search for dispersed internees.

*Repatriation
and return to
last place of
residence*

ART. 134. — The High Contracting Parties shall endeavour, upon the close of hostilities or occupation, to ensure the return of all internees to their last place of residence, or to facilitate their repatriation.

Costs

ART. 135. — The Detaining Power shall bear the expense of returning released internees to the places where they were residing when interned, or, if it took them into custody while they were in transit or on the high seas, the cost of completing their journey or of their return to their point of departure.

Where a Detaining Power refuses permission to reside in its territory to a released internee who previously had his permanent domicile therein, such Detaining Power shall pay the cost of the said internee's repatriation. If, however, the internee elects to return to his country on his own responsibility or in obedience to the Government of the Power to which he owes allegiance, the Detaining Power need not pay the expenses of his journey beyond the point of his departure from its territory. The Detaining Power need not pay the costs of repatriation of an internee who was interned at his own request.

If internees are transferred in accordance with Article 45, the transferring and receiving Powers shall agree on the portion of the above costs to be borne by each.

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

SECTION V

INFORMATION BUREAUX AND CENTRAL AGENCY

*National
Bureaux*

ART. 136. — Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall establish an official Information Bureau responsible for receiving and transmitting information in respect of the protected persons who are in its power.

Each of the Parties to the conflict shall, within the shortest possible period, give its Bureau information of any measure taken by it concerning any protected persons who are kept in custody for more than two weeks, who are subjected to assigned residence or who are interned. It shall, furthermore, require its various

departments concerned with such matters to provide the aforesaid Bureau promptly with information concerning all changes pertaining to these protected persons, as, for example, transfers, releases, repatriations, escapes, admittances to hospitals, births and deaths.

ART. 137. — Each national Bureau shall immediately forward information concerning protected persons by the most rapid means to the Powers of whom the aforesaid persons are nationals, or to Powers in whose territory they resided, through the intermediary of the Protecting Powers and likewise through the Central Agency provided for in Article 140. The Bureaux shall also reply to all enquiries which may be received regarding protected persons.

*Transmission
of
information*

Information Bureaux shall transmit information concerning a protected person unless its transmission might be detrimental to the person concerned or to his or her relatives. Even in such a case, the information may not be withheld from the Central Agency which, upon being notified of the circumstances, will take the necessary precautions indicated in Article 140.

All communications in writing made by any Bureau shall be authenticated by a signature or a seal.

ART. 138. — The information received by the national Bureau and transmitted by it shall be of such a character as to make it possible to identify the protected person exactly and to advise his next of kin quickly. The information in respect of each person shall include at least his surname, first names, place and date of birth, nationality, last residence and distinguishing characteristics, the first name of the father and the maiden name of the mother, the date, place and nature of the action taken with regard to the individual, the address at which correspondence may be sent to him and the name and address of the person to be informed.

*Particulars
required*

Likewise, information regarding the state of health of internees who are seriously ill or seriously wounded shall be supplied regularly and if possible every week.

ART. 139. — Each national Information Bureau shall, furthermore, be responsible for collecting all personal valuables left by protected persons mentioned in Article 136, in particular those who have been repatriated or released, or who have escaped or died; it shall forward the said valuables to those concerned, either direct, or, if necessary, through the Central Agency. Such articles shall be sent by the Bureau in sealed packets which shall be accompanied by statements giving clear and full identity particulars of the person to

*Forwarding
of personal
valuables*

whom the articles belonged, and by a complete list of the contents of the parcel. Detailed records shall be maintained of the receipt and despatch of all such valuables.

*Central
Agency*

ART. 140. — A Central Information Agency for protected persons, in particular for internees, shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organization of such an Agency, which may be the same as that provided for in Article 123 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

The function of the Agency shall be to collect all information of the type set forth in Article 136 which it may obtain through official or private channels and to transmit it as rapidly as possible to the countries of origin or of residence of the persons concerned, except in cases where such transmissions might be detrimental to the persons whom the said information concerns, or to their relatives. It shall receive from the Parties to the conflict all reasonable facilities for effecting such transmissions.

The High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross and of the relief Societies described in Article 142.

*Exemption
from charges*

ART. 141. — The national Information Bureaux and the Central Information Agency shall enjoy free postage for all mail, likewise the exemptions provided for in Article 110, and further, so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates.

PART IV

EXECUTION OF THE CONVENTION

SECTION I

GENERAL PROVISIONS

ART. 142. — Subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organizations, relief societies, or any other organizations assisting the protected persons, shall receive from these Powers, for themselves or their duly accredited agents, all facilities for visiting the protected persons, for distributing relief supplies and material from any source, intended for educational, recreational or religious purposes, or for assisting them in organizing their leisure time within the places of internment. Such societies or organizations may be constituted in the territory of the Detaining Power, or in any other country, or they may have an international character.

*Relief
societies
and other
organizations*

The Detaining Power may limit the number of societies and organizations whose delegates are allowed to carry out their activities in its territory and under its supervision, on condition, however, that such limitation shall not hinder the supply of effective and adequate relief to all protected persons.

The special position of the International Committee of the Red Cross in this field shall be recognized and respected at all times.

ART. 143. — Representatives or delegates of the Protecting Powers shall have permission to go to all places where protected persons are, particularly to places of internment, detention and work.

Supervision

They shall have access to all premises occupied by protected persons and shall be able to interview the latter without witnesses, personally or through an interpreter.

Such visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure. Their duration and frequency shall not be restricted.

Such representatives and delegates shall have full liberty to select the places they wish to visit. The Detaining or Occupying Power, the

Protecting Power and when occasion arises the Power of origin of the persons to be visited, may agree that compatriots of the internees shall be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall also enjoy the above prerogatives. The appointment of such delegates shall be submitted to the approval of the Power governing the territories where they will carry out their duties.

*Dissemination
of the
Convention*

ART. 144. — The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population.

Any civilian, military, police or other authorities, who in time of war assume responsibilities in respect of protected persons, must possess the text of the Convention and be specially instructed as to its provisions.

*Translations.
Rules of
application*

ART. 145. — The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

*Penal
sanctions*

*I.
General
observations*

ART. 146. — The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following

of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

ART. 147. — Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

*II.
Grave
breaches*

ART. 148. — No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

*III.
Responsi-
bilities of the
Contracting
Parties*

ART. 149. — At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

*Enquiry
procedure*

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed. Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

SECTION II

FINAL PROVISIONS

ART. 150. — The present Convention is established in English and in French. Both texts are equally authentic.

Languages

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

Signature

ART. 151. — The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949.

Ratification

ART. 152. — The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

*Coming
into force*

ART. 153. — The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

*Relation with
the Hague
Conventions*

ART. 154. — In the relations between the Powers who are bound by the Hague Conventions respecting the Laws and Customs of War on Land, whether that of July 29, 1899, or that of October 18, 1907, and who are parties to the present Convention, this last Convention shall be supplementary to Sections II and III of the Regulations annexed to the above-mentioned Conventions of The Hague.

Accession

ART. 155. — From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

*Notification
of accessions*

ART. 156. — Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

*Immediate
effect*

ART. 157. — The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

ART. 158. — Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

Denunciation

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release, repatriation and re-establishment of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

ART. 159. — The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

*Registration
with the
United
Nations*

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

ANNEX I

DRAFT AGREEMENT RELATING TO HOSPITAL AND SAFETY ZONES AND LOCALITIES

ARTICLE 1. — Hospital and safety zones shall be strictly reserved for the persons mentioned in Article 23 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, and in Article 14 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949, and for the personnel entrusted with the organization and administration of these zones and localities and with the care of the persons therein assembled.

Nevertheless, persons whose permanent residence is within such zones shall have the right to stay there.

ART. 2. — No persons residing, in whatever capacity, in a hospital and safety zone shall perform any work, either within or without the zone, directly connected with military operations or the production of war material.

ART. 3. — The Power establishing a hospital and safety zone shall take all necessary measures to prohibit access to all persons who have no right of residence or entry therein.

ART. 4. — Hospital and safety zones shall fulfil the following conditions:

- a) They shall comprise only a small part of the territory governed by the Power which has established them.
- b) They shall be thinly populated in relation to the possibilities of accommodation.
- c) They shall be far removed and free from all military objectives, or large industrial or administrative establishments.
- d) They shall not be situated in areas which, according to every probability, may become important for the conduct of the war.

ART. 5. — Hospital and safety zones shall be subject to the following obligations:

- a) The lines of communication and means of transport which they possess shall not be used for the transport of military personnel or material, even in transit.
- b) They shall in no case be defended by military means.

ART. 6. — Hospital and safety zones shall be marked by means of oblique red bands on a white ground, placed on the buildings and outer precincts.

Zones reserved exclusively for the wounded and sick may be marked by means of the Red Cross (Red Crescent, Red Lion and Sun) emblem on a white ground.

They may be similarly marked at night by means of appropriate illumination.

ART. 7. — The Powers shall communicate to all the High Contracting Parties in peacetime or on the outbreak of hostilities, a list of the hospital and safety zones in the territories governed by them. They shall also give notice of any new zones set up during hostilities.

As soon as the adverse Party has received the above-mentioned notification, the zone shall be regularly established.

If, however, the adverse Party considers that the conditions of the present agreement have not been fulfilled, it may refuse to recognize the zone by giving immediate notice thereof to the Party responsible for the said zone, or may make its recognition of such zone dependent upon the institution of the control provided for in Article 8.

ART. 8. — Any Power having recognized one or several hospital and safety zones instituted by the adverse Party shall be entitled to demand control by one or more Special Commissions, for the purpose of ascertaining if the zones fulfil the conditions and obligations stipulated in the present agreement.

For this purpose, members of the Special Commissions shall at all times have free access to the various zones and may even reside there permanently. They shall be given all facilities for their duties of inspection.

ART. 9. — Should the Special Commissions note any facts which they consider contrary to the stipulations of the present agreement, they shall at once draw the attention of the Power governing the said zone to these facts, and shall fix a time limit of five days within which the matter should be rectified. They shall duly notify the Power who has recognized the zone.

If, when the time limit has expired, the Power governing the zone has not complied with the warning, the adverse Party may declare that it is no longer bound by the present agreement in respect of the said zone.

ART. 10. — Any Power setting up one or more hospital and safety zones, and the adverse Parties to whom their existence has been notified, shall nominate or have nominated by the Protecting Powers or by other neutral Powers, persons eligible to be members of the Special Commissions mentioned in Articles 8 and 9.

ART. 11. — In no circumstances may hospital and safety zones be the object of attack. They shall be protected and respected at all times by the Parties to the conflict.

ART. 12. — In the case of occupation of a territory, the hospital and safety zones therein shall continue to be respected and utilized as such.

Their purpose may, however, be modified by the Occupying Power, on condition that all measures are taken to ensure the safety of the persons accommodated.

ART. 13. — The present agreement shall also apply to localities which the Powers may utilize for the same purposes as hospital and safety zones.

ANNEX II

DRAFT REGULATIONS CONCERNING COLLECTIVE RELIEF

ARTICLE 1. — The Internee Committees shall be allowed to distribute collective relief shipments for which they are responsible, to all internees who are dependent for administration on the said Committee's place of internment, including those internees who are in hospitals, or in prisons or other penitentiary establishments.

ART. 2. — The distribution of collective relief shipments shall be effected in accordance with the instructions of the donors and with a plan drawn up by the Internee Committees. The issue of medical stores shall, however, be made for preference in agreement with the senior medical officers, and the latter may, in hospitals and infirmaries, waive the said instructions, if the needs of their patients so demand. Within the limits thus defined, the distribution shall always be carried out equitably.

ART. 3. — Members of Internee Committees shall be allowed to go to the railway stations or other points of arrival of relief supplies near their places of internment so as to enable them to verify the quantity as well as the quality of the goods received and to make out detailed reports thereon for the donors.

ART. 4. — Internee Committees shall be given the facilities necessary for verifying whether the distribution of collective relief in all sub-divisions and annexes of their places of internment has been carried out in accordance with their instructions.

ART. 5. — Internee Committees shall be allowed to complete, and to cause to be completed by members of the Internee Committees in labour detachments or by the senior medical officers of infirmaries and hospitals, forms or questionnaires intended for the donors, relating to collective relief supplies (distribution, requirements, quantities, etc.). Such forms and questionnaires, duly completed, shall be forwarded to the donors without delay.

ART. 6. — In order to secure the regular distribution of collective relief supplies to the internees in their place of internment, and to meet any needs that may arise through the arrival of fresh parties of internees, the Internee Committees shall be allowed to create and maintain sufficient reserve stocks of collective relief. For this purpose, they shall have suitable warehouses at their disposal; each warehouse shall be provided with two locks, the Internee Committee holding the keys of one lock, and the commandant of the place of internment the keys of the other.

ART. 7. — The High Contracting Parties, and the Detaining Powers in particular, shall, so far as is in any way possible and subject to the regulations governing the food supply of the population, authorize purchases of goods to be made in their territories for the distribution of collective relief to the internees. They shall likewise facilitate the transfer of funds and other financial measures of a technical or administrative nature taken for the purpose of making such purchases.

ART. 8. — The foregoing provisions shall not constitute an obstacle to the right of internees to receive collective relief before their arrival in a place of internment or in the course of their transfer, nor to the possibility of representatives of the Protecting Power, or of the International Committee of the Red Cross or any other humanitarian organization giving assistance to internees and responsible for forwarding such supplies, ensuring the distribution thereof to the recipients by any other means they may deem suitable.

ANNEX III

I. INTERNMENT CARD

1. Front

CIVILIAN INTERNEE MAIL

Postage free

POST CARD

IMPORTANT

This card must be completed by each internee immediately on being interned and each time his address is altered by reason of transfer to another place of internment or to a hospital.

This card is not the same as the special card which each internee is allowed to send to his relatives.

CENTRAL INFORMATION AGENCY
FOR PROTECTED PERSONS

INTERNATIONAL COMMITTEE
OF THE RED CROSS

2. Reverse side

Write legibly and in block letters — 1. Nationality

2. Surname 3. First names (*in full*) 4. First name of father

.....

5. Date of birth 6. Place of birth.....

7. Occupation

8. Address before detention.....

9. Address of next of kin

.....

10. Interned on: *
(or)

Coming from (hospital, etc.) on:

11. State of health *

.....

12. Present address

13. Date..... 14. Signature.....

* Strike out what is not applicable. Do not add any remarks. See explanations on other side of card.

(Size of internment card — 10 x 15 cm)

ANNEX III

II. LETTER

CIVILIAN INTERNEE SERVICE

Postage free

To

Street and number

Place of destination (*in block capitals*)

Province or Department

Country (*in block capitals*)

Sender:
Surname and first names
Date and place of birth
Internment address

(Size of letter — 29 x 15 cm)

ANNEX III

III. CORRESPONDENCE CARD

1. Front

CIVILIAN INTERNEE MAIL

Postage free

POST CARD

Sender:

Surname and first names

Date and place of birth

Internment address

To

Street and number

Place of destination (*in block capitals*)

Province or Department

Country (*in block capitals*)

2. Reverse side

Date:

.....

.....

.....

.....

.....

.....

Write on the dotted lines only and as legibly as possible

(Size of correspondence card — 10 x15 cm)

V

PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, AND RELATING TO THE PROTECTION OF VICTIMS OF INTERNATIONAL ARMED CONFLICTS (PROTOCOL I), OF 8 JUNE 1977

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V

PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, AND RELATING TO THE PROTECTION OF VICTIMS OF INTERNATIONAL ARMED CONFLICTS (PROTOCOL I), OF 8 JUNE 1977

PREAMBLE

The High Contracting Parties,

Proclaiming their earnest wish to see peace prevail among peoples,

Recalling that every State has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Believing it necessary nevertheless to reaffirm and develop the provisions protecting the victims of armed conflicts and to supplement measures intended to reinforce their application,

Expressing their conviction that nothing in this Protocol or in the Geneva Conventions of 12 August 1949 can be construed as legitimizing or authorizing any act of aggression or any other use of force inconsistent with the Charter of the United Nations,

Reaffirming further that the provisions of the Geneva Conventions of 12 August 1949 and of this Protocol must be fully applied in all circumstances to all persons who are protected by those instruments, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the Parties to the conflict,

Have agreed on the following:

PART I

GENERAL PROVISIONS*Article 1 — General principles and scope of application*

1. The High Contracting Parties undertake to respect and to ensure respect for this Protocol in all circumstances.
2. In cases not covered by this Protocol or by other international agreements, civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience.
3. This Protocol, which supplements the Geneva Conventions of 12 August 1949 for the protection of war victims, shall apply in the situations referred to in Article 2 common to those Conventions.
4. The situations referred to in the preceding paragraph include armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist régimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

Article 2 — Definitions

For the purposes of this Protocol:

- a) “First Convention”, “Second Convention”, “Third Convention” and “Fourth Convention” mean, respectively, the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949; the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949; the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949; the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949; “the Conventions” means the four Geneva Conventions of 12 August 1949 for the protection of war victims;
- b) “rules of international law applicable in armed conflict” means the rules applicable in armed conflict set forth in international agreements to which the Parties to the conflict are Parties and the generally recognized principles and rules of international law which are applicable to armed conflict;
- c) “Protecting Power” means a neutral or other State not a Party to the conflict which has been designated by a Party to the conflict and accepted by the adverse Party and has agreed to carry out the functions assigned to a Protecting Power under the Conventions and this Protocol;

- d) “substitute” means an organization acting in place of a Protecting Power in accordance with Article 5.

Article 3 — Beginning and end of application

Without prejudice to the provisions which are applicable at all times:

- a) the Conventions and this Protocol shall apply from the beginning of any situation referred to in Article 1 of this Protocol;
- b) the application of the Conventions and of this Protocol shall cease, in the territory of Parties to the conflict, on the general close of military operations and, in the case of occupied territories, on the termination of the occupation, except, in either circumstance, for those persons whose final release, repatriation or re-establishment takes place thereafter. These persons shall continue to benefit from the relevant provisions of the Conventions and of this Protocol until their final release, repatriation or re-establishment.

Article 4 — Legal status of the Parties to the conflict

The application of the Conventions and of this Protocol, as well as the conclusion of the agreements provided for therein, shall not affect the legal status of the Parties to the conflict. Neither the occupation of a territory nor the application of the Conventions and this Protocol shall affect the legal status of the territory in question.

Article 5 — Appointment of Protecting Powers and of their substitute

1. It is the duty of the Parties to a conflict from the beginning of that conflict to secure the supervision and implementation of the Conventions and of this Protocol by the application of the system of Protecting Powers, including *inter alia* the designation and acceptance of those Powers, in accordance with the following paragraphs. Protecting Powers shall have the duty of safeguarding the interests of the Parties to the conflict.
2. From the beginning of a situation referred to in Article 1, each Party to the conflict shall without delay designate a Protecting Power for the purpose of applying the Conventions and this Protocol and shall, likewise without delay and for the same purpose, permit the activities of a Protecting Power which has been accepted by it as such after designation by the adverse Party.
3. If a Protecting Power has not been designated or accepted from the beginning of a situation referred to in Article 1, the International Committee of the Red Cross, without prejudice to the right of any other impartial humanitarian organization to do likewise, shall offer its good offices to the Parties to the conflict with a view to the designation without delay of a Protecting Power to which the Parties to the conflict consent. For that purpose it may, *inter alia*, ask each Party to provide it with a list of at least five States which that Party considers acceptable to act as

Protecting Power on its behalf in relation to an adverse Party, and ask each adverse Party to provide a list of at least five States which it would accept as the Protecting Power of the first Party; these lists shall be communicated to the Committee within two weeks after the receipt of the request; it shall compare them and seek the agreement of any proposed State named on both lists.

4. If, despite the foregoing, there is no Protecting Power, the Parties to the conflict shall accept without delay an offer which may be made by the International Committee of the Red Cross or by any other organization which offers all guarantees of impartiality and efficacy, after due consultations with the said Parties and taking into account the result of these consultations, to act as a substitute. The functioning of such a substitute is subject to the consent of the Parties to the conflict; every effort shall be made by the Parties to the conflict to facilitate the operations of the substitute in the performance of its tasks under the Conventions and this Protocol.
5. In accordance with Article 4, the designation and acceptance of Protecting Powers for the purpose of applying the Conventions and this Protocol shall not affect the legal status of the Parties to the conflict or of any territory, including occupied territory.
6. The maintenance of diplomatic relations between Parties to the conflict or the entrusting of the protection of a Party's interests and those of its nationals to a third State in accordance with the rules of international law relating to diplomatic relations is no obstacle to the designation of Protecting Powers for the purpose of applying the Conventions and this Protocol.
7. Any subsequent mention in this Protocol of a Protecting Power includes also a substitute.

Article 6 — Qualified persons

1. The High Contracting Parties shall, also in peacetime, endeavour, with the assistance of the national Red Cross (Red Crescent, Red Lion and Sun) Societies, to train qualified personnel to facilitate the application of the Conventions and of this Protocol, and in particular the activities of the Protecting Powers.
2. The recruitment and training of such personnel are within domestic jurisdiction.
3. The International Committee of the Red Cross shall hold at the disposal of the High Contracting Parties the lists of persons so trained which the High Contracting Parties may have established and may have transmitted to it for that purpose.
4. The conditions governing the employment of such personnel outside the national territory shall, in each case, be the subject of special agreements between the Parties concerned.

Article 7 — Meetings

The depositary of this Protocol shall convene a meeting of the High Contracting Parties, at the request of one or more of the said Parties and upon the approval of the majority of the said Parties, to consider general problems concerning the application of the Conventions and of the Protocol.

PART II

WOUNDED, SICK AND SHIPWRECKED

SECTION I

GENERAL PROTECTION

Article 8 — Terminology

For the purposes of this Protocol:

- a) “wounded” and “sick” mean persons, whether military or civilian, who, because of trauma, disease or other physical or mental disorder or disability, are in need of medical assistance or care and who refrain from any act of hostility. These terms also cover maternity cases, new-born babies and other persons who may be in need of immediate medical assistance or care, such as the infirm or expectant mothers, and who refrain from any act of hostility;
- b) “shipwrecked” means persons, whether military or civilian, who are in peril at sea or in other waters as a result of misfortune affecting them or the vessel or aircraft carrying them and who refrain from any act of hostility. These persons, provided that they continue to refrain from any act of hostility, shall continue to be considered shipwrecked during their rescue until they acquire another status under the Conventions or this Protocol;
- c) “medical personnel” means those persons assigned, by a Party to the conflict, exclusively to the medical purposes enumerated under sub-paragraph *e*) or to the administration of medical units or to the operation or administration of medical transports. Such assignments may be either permanent or temporary. The term includes:
 - i) medical personnel of a Party to the conflict, whether military or civilian, including those described in the First and Second Conventions, and those assigned to civil defence organizations;

- ii) medical personnel of national Red Cross (Red Crescent, Red Lion and Sun) Societies and other national voluntary aid societies duly recognized and authorized by a Party to the conflict;
- iii) medical personnel of medical units or medical transports described in Article 9, paragraph 2;
- d) “religious personnel” means military or civilian persons, such as chaplains, who are exclusively engaged in the work of their ministry and attached:
 - i) to the armed forces of a Party to the conflict;
 - ii) to medical units or medical transports of a Party to the conflict;
 - iii) to medical units or medical transports described in Article 9, paragraph 2; or
 - iv) to civil defence organizations of a Party to the conflict.

The attachment of religious personnel may be either permanent or temporary, and the relevant provisions mentioned under sub-paragraph *k*) apply to them;

- e) “medical units” means establishments and other units, whether military or civilian, organized for medical purposes, namely the search for, collection, transportation, diagnosis or treatment — including first-aid treatment — of the wounded, sick and shipwrecked, or for the prevention of disease. The term includes, for example, hospitals and other similar units, blood transfusion centres, preventive medicine centres and institutes, medical depots and the medical and pharmaceutical stores of such units. Medical units may be fixed or mobile, permanent or temporary;
- f) “medical transportation” means the conveyance by land, water or air of the wounded, sick, shipwrecked, medical personnel, religious personnel, medical equipment or medical supplies protected by the Conventions and by this Protocol;
- g) “medical transports” means any means of transportation, whether military or civilian, permanent or temporary, assigned exclusively to medical transportation and under the control of a competent authority of a Party to the conflict;
- h) “medical vehicles” means any medical transports by land;
- i) “medical ships and craft” means any medical transports by water;
- j) “medical aircraft” means any medical transports by air;
- k) “permanent medical personnel”, “permanent medical units” and “permanent medical transports” mean those assigned exclusively to medical purposes for an indeterminate period. “Temporary medical personnel”, “temporary medical units” and “temporary medical transports” mean those devoted exclusively to medical purposes for limited periods during the whole of such periods. Unless otherwise specified, the terms “medical personnel”, “medical units” and “medical transports” cover both permanent and temporary categories;

- l) “distinctive emblem” means the distinctive emblem of the red cross, red crescent or red lion and sun on a white ground when used for the protection of medical units and transports, or medical and religious personnel, equipment or supplies;
- m) “distinctive signal” means any signal or message specified for the identification exclusively of medical units or transports in Chapter III of Annex I to this Protocol.

Article 9 — Field of application

1. This Part, the provisions of which are intended to ameliorate the condition of the wounded, sick and shipwrecked, shall apply to all those affected by a situation referred to in Article 1, without any adverse distinction founded on race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria.
2. The relevant provisions of Articles 27 and 32 of the First Convention shall apply to permanent medical units and transports (other than hospital ships, to which Article 25 of the Second Convention applies) and their personnel made available to a Party to the conflict for humanitarian purposes:
 - a) by a neutral or other State which is not a Party to that conflict;
 - b) by a recognized and authorized aid society of such a State;
 - c) by an impartial international humanitarian organization.

Article 10 — Protection and care

1. All the wounded, sick and shipwrecked, to whichever Party they belong, shall be respected and protected.
2. In all circumstances they shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them founded on any grounds other than medical ones.

Article 11 — Protection of persons

1. The physical or mental health and integrity of persons who are in the power of the adverse Party or who are interned, detained or otherwise deprived of liberty as a result of a situation referred to in Article 1 shall not be endangered by any unjustified act or omission. Accordingly, it is prohibited to subject the persons described in this Article to any medical procedure which is not indicated by the state of health of the person concerned and which is not consistent with generally accepted medical standards which would be applied under similar medical circumstances to persons who are nationals of the Party conducting the procedure and who are in no way deprived of liberty.

2. It is, in particular, prohibited to carry out on such persons, even with their consent:
 - a) physical mutilations;
 - b) medical or scientific experiments;
 - c) removal of tissue or organs for transplantation,except where these acts are justified in conformity with the conditions provided for in paragraph 1.
3. Exceptions to the prohibition in paragraph 2 c) may be made only in the case of donations of blood for transfusion or of skin for grafting, provided that they are given voluntarily and without any coercion or inducement, and then only for therapeutic purposes, under conditions consistent with generally accepted medical standards and controls designed for the benefit of both the donor and the recipient.
4. Any wilful act or omission which seriously endangers the physical or mental health or integrity of any person who is in the power of a Party other than the one on which he depends and which either violates any of the prohibitions in paragraphs 1 and 2 or fails to comply with the requirements of paragraph 3 shall be a grave breach of this Protocol.
5. The persons described in paragraph 1 have the right to refuse any surgical operation. In case of refusal, medical personnel shall endeavour to obtain a written statement to that effect, signed or acknowledged by the patient.
6. Each Party to the conflict shall keep a medical record for every donation of blood for transfusion or skin for grafting by persons referred to in paragraph 1, if that donation is made under the responsibility of that Party. In addition, each Party to the conflict shall endeavour to keep a record of all medical procedures undertaken with respect to any person who is interned, detained or otherwise deprived of liberty as a result of a situation referred to in Article 1. These records shall be available at all times for inspection by the Protecting Power.

Article 12 — Protection of medical units

1. Medical units shall be respected and protected at all times and shall not be the object of attack.
2. Paragraph 1 shall apply to civilian medical units, provided that they:
 - a) belong to one of the Parties to the conflict;
 - b) are recognized and authorized by the competent authority of one of the Parties to the conflict; or
 - c) are authorized in conformity with Article 9, paragraph 2, of this Protocol or Article 27 of the First Convention.

3. The Parties to the conflict are invited to notify each other of the location of their medical units. The absence of such notification shall not exempt any of the Parties from the obligation to comply with the provisions of paragraph 1.
4. Under no circumstances shall medical units be used in an attempt to shield military objectives from attack. Whenever possible, the Parties to the conflict shall ensure that medical units are so sited that attacks against military objectives do not imperil their safety.

Article 13 — Discontinuance of protection of civilian medical units

1. The protection to which civilian medical units are entitled shall not cease unless they are used to commit, outside their humanitarian function, acts harmful to the enemy. Protection may, however, cease only after a warning has been given setting, whenever appropriate, a reasonable time-limit, and after such warning has remained unheeded.
2. The following shall not be considered as acts harmful to the enemy:
 - a) that the personnel of the unit are equipped with light individual weapons for their own defence or for that of the wounded and sick in their charge;
 - b) that the unit is guarded by a picket or by sentries or by an escort;
 - c) that small arms and ammunition taken from the wounded and sick, and not yet handed to the proper service, are found in the units;
 - d) that members of the armed forces or other combatants are in the unit for medical reasons.

Article 14 — Limitations on requisition of civilian medical units

1. The Occupying Power has the duty to ensure that the medical needs of the civilian population in occupied territory continue to be satisfied.
2. The Occupying Power shall not, therefore, requisition civilian medical units, their equipment, their *matériel* or the services of their personnel, so long as these resources are necessary for the provision of adequate medical services for the civilian population and for the continuing medical care of any wounded and sick already under treatment.
3. Provided that the general rule in paragraph 2 continues to be observed, the Occupying Power may requisition the said resources, subject to the following particular conditions:
 - a) that the resources are necessary for the adequate and immediate medical treatment of the wounded and sick members of the armed forces of the Occupying Power or of prisoners of war;
 - b) that the requisition continues only while such necessity exists; and
 - c) that immediate arrangements are made to ensure that the medical needs of the civilian population, as well as those of any wounded and sick under treatment who are affected by the requisition, continue to be satisfied.

Article 15 — Protection of civilian medical and religious personnel

1. Civilian medical personnel shall be respected and protected.
2. If needed, all available help shall be afforded to civilian medical personnel in an area where civilian medical services are disrupted by reason of combat activity.
3. The Occupying Power shall afford civilian medical personnel in occupied territories every assistance to enable them to perform, to the best of their ability, their humanitarian functions. The Occupying Power may not require that, in the performance of those functions, such personnel shall give priority to the treatment of any person except on medical grounds. They shall not be compelled to carry out tasks which are not compatible with their humanitarian mission.
4. Civilian medical personnel shall have access to any place where their services are essential, subject to such supervisory and safety measures as the relevant Party to the conflict may deem necessary.
5. Civilian religious personnel shall be respected and protected. The provisions of the Conventions and of this Protocol concerning the protection and identification of medical personnel shall apply equally to such persons.

Article 16 — General protection of medical duties

1. Under no circumstances shall any person be punished for carrying out medical activities compatible with medical ethics, regardless of the person benefiting therefrom.
2. Persons engaged in medical activities shall not be compelled to perform acts or to carry out work contrary to the rules of medical ethics or to other medical rules designed for the benefit of the wounded and sick or to the provisions of the Conventions or of this Protocol, or to refrain from performing acts or from carrying out work required by those rules and provisions.
3. No person engaged in medical activities shall be compelled to give to anyone belonging either to an adverse Party, or to his own Party except as required by the law of the latter Party, any information concerning the wounded and sick who are, or who have been, under his care, if such information would, in his opinion, prove harmful to the patients concerned or to their families. Regulations for the compulsory notification of communicable diseases shall, however, be respected.

Article 17 — Role of the civilian population and of aid societies

1. The civilian population shall respect the wounded, sick and shipwrecked, even if they belong to the adverse Party, and shall commit no act of violence against them. The civilian population and aid societies, such as national Red Cross (Red Crescent, Red Lion and Sun) Societies, shall be permitted, even on their own

initiative, to collect and care for the wounded, sick and shipwrecked, even in invaded or occupied areas. No one shall be harmed, prosecuted, convicted or punished for such humanitarian acts.

2. The Parties to the conflict may appeal to the civilian population and the aid societies referred to in paragraph 1 to collect and care for the wounded, sick and shipwrecked, and to search for the dead and report their location; they shall grant both protection and the necessary facilities to those who respond to this appeal. If the adverse Party gains or regains control of the area, that Party also shall afford the same protection and facilities for so long as they are needed.

Article 18 — Identification

1. Each Party to the conflict shall endeavour to ensure that medical and religious personnel and medical units and transports are identifiable.
2. Each Party to the conflict shall also endeavour to adopt and to implement methods and procedures which will make it possible to recognize medical units and transports which use the distinctive emblem and distinctive signals.
3. In occupied territory and in areas where fighting is taking place or is likely to take place, civilian medical personnel and civilian religious personnel should be recognizable by the distinctive emblem and an identity card certifying their status.
4. With the consent of the competent authority, medical units and transports shall be marked by the distinctive emblem. The ships and craft referred to in Article 22 of this Protocol shall be marked in accordance with the provisions of the Second Convention.
5. In addition to the distinctive emblem, a Party to the conflict may, as provided in Chapter III of Annex 1 to this Protocol, authorize the use of distinctive signals to identify medical units and transports. Exceptionally, in the special cases covered in that Chapter, medical transports may use distinctive signals without displaying the distinctive emblem.
6. The application of the provisions of paragraphs 1 to 5 of this Article is governed by Chapters I to III of Annex I to this Protocol. Signals designated in Chapter III of the Annex for the exclusive use of medical units and transports shall not, except as provided therein, be used for any purpose other than to identify the medical units and transports specified in that Chapter.
7. This Article does not authorize any wider use of the distinctive emblem in peacetime than is prescribed in Article 44 of the First Convention.
8. The provisions of the Conventions and of this Protocol relating to supervision of the use of the distinctive emblem and to the prevention and repression of any misuse thereof shall be applicable to distinctive signals.

Article 19 — Neutral and other States not Parties to the conflict

Neutral and other States not Parties to the conflict shall apply the relevant provisions of this Protocol to persons protected by this Part who may be received or interned within their territory, and to any dead of the Parties to that conflict whom they may find.

Article 20 — Prohibition of reprisals

Reprisals against the persons and objects protected by this Part are prohibited.

SECTION II

MEDICAL TRANSPORTATION

Article 21 — Medical vehicles

Medical vehicles shall be respected and protected in the same way as mobile medical units under the Conventions and this Protocol.

Article 22 — Hospital ships and coastal rescue craft

1. The provisions of the Conventions relating to:

- a) vessels described in Articles 22, 24, 25 and 27 of the Second Convention,
- b) their lifeboats and small craft,
- c) their personnel and crews, and
- d) the wounded, sick and shipwrecked on board,

shall also apply where these vessels carry civilian wounded, sick and shipwrecked who do not belong to any of the categories mentioned in Article 13 of the Second Convention. Such civilians shall not, however, be subject to surrender to any Party which is not their own, or to capture at sea. If they find themselves in the power of a Party to the conflict other than their own, they shall be covered by the Fourth Convention and by this Protocol.

2. The protection provided by the Conventions to vessels described in Article 25 of the Second Convention shall extend to hospital ships made available for humanitarian purposes to a Party to the conflict:

- a) by a neutral or other State which is not a Party to that conflict; or
- b) by an impartial international humanitarian organization,

provided that, in either case, the requirements set out in that Article are complied with.

3. Small craft described in Article 27 of the Second Convention shall be protected even if the notification envisaged by that Article has not been made. The Parties to the conflict are, nevertheless, invited to inform each other of any details of such craft which will facilitate their identification and recognition.

Article 23 — Other medical ships and craft

1. Medical ships and craft other than those referred to in Article 22 of this Protocol and Article 38 of the Second Convention shall, whether at sea or in other waters, be respected and protected in the same way as mobile medical units under the Conventions and this Protocol. Since this protection can only be effective if they can be identified and recognized as medical ships or craft, such vessels should be marked with the distinctive emblem and as far as possible comply with the second paragraph of Article 43 of the Second Convention.
2. The ships and craft referred to in paragraph 1 shall remain subject to the laws of war. Any warship on the surface able immediately to enforce its command may order them to stop, order them off, or make them take a certain course, and they shall obey every such command. Such ships and craft may not in any other way be diverted from their medical mission so long as they are needed for the wounded, sick and shipwrecked on board.
3. The protection provided in paragraph 1 shall cease only under the conditions set out in Articles 34 and 35 of the Second Convention. A clear refusal to obey a command given in accordance with paragraph 2 shall be an act harmful to the enemy under Article 34 of the Second Convention.
4. A Party to the conflict may notify any adverse Party as far in advance of sailing as possible of the name, description, expected time of sailing, course and estimated speed of the medical ship or craft, particularly in the case of ships of over 2,000 gross tons, and may provide any other information which would facilitate identification and recognition. The adverse Party shall acknowledge receipt of such information.
5. The provisions of Article 37 of the Second Convention shall apply to medical and religious personnel in such ships and craft.
6. The provisions of the Second Convention shall apply to the wounded, sick and shipwrecked belonging to the categories referred to in Article 13 of the Second Convention and in Article 44 of this Protocol who may be on board such medical ships and craft. Wounded, sick and shipwrecked civilians who do not belong to any of the categories mentioned in Article 13 of the Second Convention shall not be subject, at sea, either to surrender to any Party which is not their own, or to removal from such ships or craft; if they find themselves in the power of a Party to the conflict other than their own, they shall be covered by the Fourth Convention and by this Protocol.

Article 24 — Protection of medical aircraft

Medical aircraft shall be respected and protected, subject to the provisions of this Part.

Article 25 — Medical aircraft in areas not controlled by an adverse Party

In and over land areas physically controlled by friendly forces, or in and over sea areas not physically controlled by an adverse Party, the respect and protection of medical aircraft of a Party to the conflict is not dependent on any agreement with an adverse Party. For greater safety, however, a Party to the conflict operating its medical aircraft in these areas may notify the adverse Party, as provided in Article 29, in particular when such aircraft are making flights bringing them within range of surface-to-air weapons systems of the adverse Party.

Article 26 — Medical aircraft in contact or similar zones

1. In and over those parts of the contact zone which are physically controlled by friendly forces and in and over those areas the physical control of which is not clearly established, protection for medical aircraft can be fully effective only by prior agreement between the competent military authorities of the Parties to the conflict, as provided for in Article 29. Although, in the absence of such an agreement, medical aircraft operate at their own risk, they shall nevertheless be respected after they have been recognized as such.
2. “Contact zone” means any area on land where the forward elements of opposing forces are in contact with each other, especially where they are exposed to direct fire from the ground.

Article 27 — Medical aircraft in areas controlled by an adverse Party

1. The medical aircraft of a Party to the conflict shall continue to be protected while flying over land or sea areas physically controlled by an adverse Party, provided that prior agreement to such flights has been obtained from the competent authority of that adverse Party.
2. A medical aircraft which flies over an area physically controlled by an adverse Party without, or in deviation from the terms of, an agreement provided for in paragraph 1, either through navigational error or because of an emergency affecting the safety of the flight, shall make every effort to identify itself and to inform the adverse Party of the circumstances. As soon as such medical aircraft has been recognized by the adverse Party, that Party shall make all reasonable efforts to give the order to land or to alight on water, referred to in Article 30, paragraph 1, or to take other measures to safeguard its own interests, and, in either case, to allow the aircraft time for compliance, before resorting to an attack against the aircraft.

Article 28 — Restrictions on operations of medical aircraft

1. The Parties to the conflict are prohibited from using their medical aircraft to attempt to acquire any military advantage over an adverse Party. The presence of medical aircraft shall not be used in an attempt to render military objectives immune from attack.
2. Medical aircraft shall not be used to collect or transmit intelligence data and shall not carry any equipment intended for such purposes. They are prohibited from carrying any persons or cargo not included within the definition in Article 8, sub-paragraph *f*). The carrying on board of the personal effects of the occupants or of equipment intended solely to facilitate navigation, communication, or identification shall not be considered as prohibited.
3. Medical aircraft shall not carry any armament except small arms and ammunition taken from the wounded, sick and shipwrecked on board and not yet handed to the proper service, and such light individual weapons as may be necessary to enable the medical personnel on board to defend themselves and the wounded, sick and shipwrecked in their charge.
4. While carrying out the flights referred to in Articles 26 and 27, medical aircraft shall not, except by prior agreement with the adverse Party, be used to search for the wounded, sick and shipwrecked.

Article 29 — Notifications and agreements concerning medical aircraft

1. Notifications under Article 25, or requests for prior agreement under Articles 26, 27, 28 (paragraph 4), or 31 shall state the proposed number of medical aircraft, their flight plans and means of identification, and shall be understood to mean that every flight will be carried out in compliance with Article 28.
2. A Party which receives a notification given under Article 25 shall at once acknowledge receipt of such notification.
3. A Party which receives a request for prior agreement under Articles 26, 27, 28 (paragraph 4), or 31 shall, as rapidly as possible, notify the requesting Party:
 - a) that the request is agreed to;
 - b) that the request is denied; or
 - c) of reasonable alternative proposals to the request. It may also propose a prohibition or restriction of other flights in the area during the time involved. If the Party which submitted the request accepts the alternative proposals, it shall notify the other Party of such acceptance.
4. The Parties shall take the necessary measures to ensure that notifications and agreements can be made rapidly.
5. The Parties shall also take the necessary measures to disseminate rapidly the substance of any such notifications and agreements to the military units

concerned and shall instruct those units regarding the means of identification that will be used by the medical aircraft in question.

Article 30 — Landing and inspection of medical aircraft

1. Medical aircraft flying over areas which are physically controlled by an adverse Party, or over areas the physical control of which is not clearly established, may be ordered to land or to alight on water, as appropriate, to permit inspection in accordance with the following paragraphs. Medical aircraft shall obey any such order.
2. If such an aircraft lands or alights on water, whether ordered to do so or for other reasons, it may be subjected to inspection solely to determine the matters referred to in paragraphs 3 and 4. Any such inspection shall be commenced without delay and shall be conducted expeditiously. The inspecting Party shall not require the wounded and sick to be removed from the aircraft unless their removal is essential for the inspection. That Party shall in any event ensure that the condition of the wounded and sick is not adversely affected by the inspection or by the removal.
3. If the inspection discloses that the aircraft:
 - a) is a medical aircraft within the meaning of Article 8, sub-paragraph j),
 - b) is not in violation of the conditions prescribed in Article 28, and
 - c) has not flown without or in breach of a prior agreement where such agreement is required,the aircraft and those of its occupants who belong to the adverse Party or to a neutral or other State not a Party to the conflict shall be authorized to continue the flight without delay.
4. If the inspection discloses that the aircraft:
 - a) is not a medical aircraft within the meaning of Article 8, sub-paragraph j),
 - b) is in violation of the conditions prescribed in Article 28, or
 - c) has flown without or in breach of a prior agreement where such agreement is required,the aircraft may be seized. Its occupants shall be treated in conformity with the relevant provisions of the Conventions and of this Protocol. Any aircraft seized which had been assigned as a permanent medical aircraft may be used thereafter only as a medical aircraft.

Article 31 — Neutral or other States not Parties to the conflict

1. Except by prior agreement, medical aircraft shall not fly over or land in the territory of a neutral or other State not a Party to the conflict. However, with such an agreement, they shall be respected throughout their flight and also for the duration of any calls in the territory. Nevertheless they shall obey any summons to land or to alight on water, as appropriate.

2. Should a medical aircraft, in the absence of an agreement or in deviation from the terms of an agreement, fly over the territory of a neutral or other State not a Party to the conflict, either through navigational error or because of an emergency affecting the safety of the flight, it shall make every effort to give notice of the flight and to identify itself. As soon as such medical aircraft is recognized, that State shall make all reasonable efforts to give the order to land or to alight on water referred to in Article 30, paragraph 1, or to take other measures to safeguard its own interests, and, in either case, to allow the aircraft time for compliance, before resorting to an attack against the aircraft.
3. If a medical aircraft, either by agreement or in the circumstances mentioned in paragraph 2, lands or alights on water in the territory of a neutral or other State not Party to the conflict, whether ordered to do so or for other reasons, the aircraft shall be subject to inspection for the purposes of determining whether it is in fact a medical aircraft. The inspection shall be commenced without delay and shall be conducted expeditiously. The inspecting Party shall not require the wounded and sick of the Party operating the aircraft to be removed from it unless their removal is essential for the inspection. The inspecting Party shall in any event ensure that the condition of the wounded and sick is not adversely affected by the inspection or the removal. If the inspection discloses that the aircraft is in fact a medical aircraft, the aircraft with its occupants, other than those who must be detained in accordance with the rules of international law applicable in armed conflict, shall be allowed to resume its flight, and reasonable facilities shall be given for the continuation of the flight. If the inspection discloses that the aircraft is not a medical aircraft, it shall be seized and the occupants treated in accordance with paragraph 4.
4. The wounded, sick and shipwrecked disembarked, otherwise than temporarily, from a medical aircraft with the consent of the local authorities in the territory of a neutral or other State not a Party to the conflict shall, unless agreed otherwise between that State and the Parties to the conflict, be detained by that State where so required by the rules of international law applicable in armed conflict, in such a manner that they cannot again take part in the hostilities. The cost of hospital treatment and internment shall be borne by the State to which those persons belong.
5. Neutral or other States not Parties to the conflict shall apply any conditions and restrictions on the passage of medical aircraft over, or on the landing of medical aircraft in, their territory equally to all Parties to the conflict.

SECTION III

MISSING AND DEAD PERSONS

Article 32 — General principle

In the implementation of this Section, the activities of the High Contracting Parties, of the Parties to the conflict and of the international humanitarian organizations mentioned in the Conventions and in this Protocol shall be prompted mainly by the right of families to know the fate of their relatives.

Article 33 — Missing persons

1. As soon as circumstances permit, and at the latest from the end of active hostilities, each Party to the conflict shall search for the persons who have been reported missing by an adverse Party. Such adverse Party shall transmit all relevant information concerning such persons in order to facilitate such searches.
2. In order to facilitate the gathering of information pursuant to the preceding paragraph, each Party to the conflict shall, with respect to persons who would not receive more favourable consideration under the Conventions and this Protocol:
 - a) record the information specified in Article 138 of the Fourth Convention in respect of such persons who have been detained, imprisoned or otherwise held in captivity for more than two weeks as a result of hostilities or occupation, or who have died during any period of detention;
 - b) to the fullest extent possible, facilitate and, if need be, carry out the search for and the recording of information concerning such persons if they have died in other circumstances as a result of hostilities or occupation.
3. Information concerning persons reported missing pursuant to paragraph 1 and requests for such information shall be transmitted either directly or through the Protecting Power or the Central Tracing Agency of the International Committee of the Red Cross or national Red Cross (Red Crescent, Red Lion and Sun) Societies. Where the information is not transmitted through the International Committee of the Red Cross and its Central Tracing Agency, each Party to the conflict shall ensure that such information is also supplied to the Central Tracing Agency.
4. The Parties to the conflict shall endeavour to agree on arrangements for teams to search for, identify and recover the dead from battlefied areas, including arrangements, if appropriate, for such teams to be accompanied by personnel of the adverse Party while carrying out these missions in areas controlled by the adverse Party. Personnel of such teams shall be respected and protected while exclusively carrying out these duties.

Article 34 — Remains of deceased

1. The remains of persons who have died for reasons related to occupation or in detention resulting from occupation or hostilities and those of persons not nationals of the country in which they have died as a result of hostilities shall be respected, and the gravesites of all such persons shall be respected, maintained and marked as provided for in Article 130 of the Fourth Convention, where their remains or gravesites would not receive more favourable consideration under the Conventions and this Protocol.
2. As soon as circumstances and the relations between the adverse Parties permit, the High Contracting Parties in whose territories graves and, as the case may be, other locations of the remains of persons who have died as a result of hostilities or during occupation or in detention are situated, shall conclude agreements in order:
 - a) to facilitate access to the gravesites by relatives of the deceased and by representatives of official graves registration services and to regulate the practical arrangements for such access;
 - b) to protect and maintain such gravesites permanently;
 - c) to facilitate the return of the remains of the deceased and of personal effects to the home country upon its request or, unless that country objects, upon the request of the next of kin.
3. In the absence of the agreements provided for in paragraph 2 *b)* or *c)* and if the home country of such deceased is not willing to arrange at its expense for the maintenance of such gravesites, the High Contracting Party in whose territory the gravesites are situated may offer to facilitate the return of the remains of the deceased to the home country. Where such an offer has not been accepted the High Contracting Party may, after the expiry of five years from the date of the offer and upon due notice to the home country, adopt the arrangements laid down in its own laws relating to cemeteries and graves.
4. A High Contracting Party in whose territory the gravesites referred to in this Article are situated shall be permitted to exhume the remains only:
 - a) in accordance with paragraphs 2 *c)* and 3, or
 - b) where exhumation is a matter of overriding public necessity, including cases of medical and investigative necessity, in which case the High Contracting Party shall at all times respect the remains, and shall give notice to the home country of its intention to exhume the remains together with details of the intended place of reinterment.

PART III

**METHODS AND MEANS OF WARFARE
COMBATANT AND PRISONER-OF-WAR STATUS**

SECTION I

METHODS AND MEANS OF WARFARE

Article 35 — Basic rules

1. In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited.
2. It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.
3. It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.

Article 36 — New weapons

In the study, development, acquisition or adoption of a new weapon, means or method of warfare, a High Contracting Party is under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable to the High Contracting Party.

Article 37 — Prohibition of perfidy

1. It is prohibited to kill, injure or capture an adversary by resort to perfidy. Acts inviting the confidence of an adversary to lead him to believe that he is entitled to, or is obliged to accord, protection under the rules of international law applicable in armed conflict, with intent to betray that confidence, shall constitute perfidy. The following acts are examples of perfidy:
 - a) the feigning of an intent to negotiate under a flag of truce or of a surrender;
 - b) the feigning of an incapacitation by wounds or sickness;
 - c) the feigning of civilian, non-combatant status; and
 - d) the feigning of protected status by the use of signs, emblems or uniforms of the United Nations or of neutral or other States not Parties to the conflict.

2. Ruses of war are not prohibited. Such ruses are acts which are intended to mislead an adversary or to induce him to act recklessly but which infringe no rule of international law applicable in armed conflict and which are not perfidious because they do not invite the confidence of an adversary with respect to protection under that law. The following are examples of such ruses: the use of camouflage, decoys, mock operations and misinformation.

Article 38 — Recognized emblems

1. It is prohibited to make improper use of the distinctive emblem of the red cross, red crescent or red lion and sun or of other emblems, signs or signals provided for by the Conventions or by this Protocol. It is also prohibited to misuse deliberately in an armed conflict other internationally recognized protective emblems, signs or signals, including the flag of truce, and the protective emblem of cultural property.
2. It is prohibited to make use of the distinctive emblem of the United Nations, except as authorized by that Organization.

Article 39 — Emblems of nationality

1. It is prohibited to make use in an armed conflict of the flags or military emblems, insignia or uniforms of neutral or other States not Parties to the conflict.
2. It is prohibited to make use of the flags or military emblems, insignia or uniforms of adverse Parties while engaging in attacks or in order to shield, favour, protect or impede military operations.
3. Nothing in this Article or in Article 37, paragraph 1 *d*), shall affect the existing generally recognized rules of international law applicable to espionage or to the use of flags in the conduct of armed conflict at sea.

Article 40 — Quarter

It is prohibited to order that there shall be no survivors, to threaten an adversary therewith or to conduct hostilities on this basis.

Article 41 — Safeguard of an enemy hors de combat

1. A person who is recognized or who, in the circumstances, should be recognized to be *hors de combat* shall not be made the object of attack.
2. A person is *hors de combat* if:
 - a) he is in the power of an adverse Party;
 - b) he clearly expresses an intention to surrender; or
 - c) he has been rendered unconscious or is otherwise incapacitated by wounds or sickness, and therefore is incapable of defending himself;

provided that in any of these cases he abstains from any hostile act and does not attempt to escape.

3. When persons entitled to protection as prisoners of war have fallen into the power of an adverse Party under unusual conditions of combat which prevent their evacuation as provided for in Part III, Section I, of the Third Convention, they shall be released and all feasible precautions shall be taken to ensure their safety.

Article 42 — Occupants of aircraft

1. No person parachuting from an aircraft in distress shall be made the object of attack during his descent.
2. Upon reaching the ground in territory controlled by an adverse Party, a person who has parachuted from an aircraft in distress shall be given an opportunity to surrender before being made the object of attack, unless it is apparent that he is engaging in a hostile act.
3. Airborne troops are not protected by this Article.

SECTION II

COMBATANT AND PRISONER-OF-WAR STATUS

Article 43 — Armed forces

1. The armed forces of a Party to a conflict consist of all organized armed forces, groups and units which are under a command responsible to that Party for the conduct of its subordinates, even if that Party is represented by a government or an authority not recognized by an adverse Party. Such armed forces shall be subject to an internal disciplinary system which, *inter alia*, shall enforce compliance with the rules of international law applicable in armed conflict.
2. Members of the armed forces of a Party to a conflict (other than medical personnel and chaplains covered by Article 33 of the Third Convention) are combatants, that is to say, they have the right to participate directly in hostilities.
3. Whenever a Party to a conflict incorporates a paramilitary or armed law enforcement agency into its armed forces it shall so notify the other Parties to the conflict.

Article 44 — Combatants and prisoners of war

1. Any combatant, as defined in Article 43, who falls into the power of an adverse Party shall be a prisoner of war.
2. While all combatants are obliged to comply with the rules of international law applicable in armed conflict, violations of these rules shall not deprive a combatant of his right to be a combatant or, if he falls into the power of an adverse Party, of his right to be a prisoner of war, except as provided in paragraphs 3 and 4.
3. In order to promote the protection of the civilian population from the effects of hostilities, combatants are obliged to distinguish themselves from the civilian population while they are engaged in an attack or in a military operation preparatory to an attack. Recognizing, however, that there are situations in armed conflicts where, owing to the nature of the hostilities an armed combatant cannot so distinguish himself, he shall retain his status as a combatant, provided that, in such situations, he carries his arms openly:
 - a) during each military engagement, and
 - b) during such time as he is visible to the adversary while he is engaged in a military deployment preceding the launching of an attack in which he is to participate.

Acts which comply with the requirements of this paragraph shall not be considered as perfidious within the meaning of Article 37, paragraph 1 c).

4. A combatant who falls into the power of an adverse Party while failing to meet the requirements set forth in the second sentence of paragraph 3 shall forfeit his right to be a prisoner of war, but he shall, nevertheless, be given protections equivalent in all respects to those accorded to prisoners of war by the Third Convention and by this Protocol. This protection includes protections equivalent to those accorded to prisoners of war by the Third Convention in the case where such a person is tried and punished for any offences he has committed.
5. Any combatant who falls into the power of an adverse Party while not engaged in an attack or in a military operation preparatory to an attack shall not forfeit his rights to be a combatant and a prisoner of war by virtue of his prior activities.
6. This Article is without prejudice to the right of any person to be a prisoner of war pursuant to Article 4 of the Third Convention.
7. This Article is not intended to change the generally accepted practice of States with respect to the wearing of the uniform by combatants assigned to the regular, uniformed armed units of a Party to the conflict.
8. In addition to the categories of persons mentioned in Article 13 of the First and Second Conventions, all members of the armed forces of a Party to the conflict, as defined in Article 43 of this Protocol, shall be entitled to protection under

those Conventions if they are wounded or sick or, in the case of the Second Convention, shipwrecked at sea or in other waters.

Article 45 — Protection of persons who have taken part in hostilities

1. A person who takes part in hostilities and falls into the power of an adverse Party shall be presumed to be a prisoner of war, and therefore shall be protected by the Third Convention, if he claims the status of prisoner of war, or if he appears to be entitled to such status, or if the Party on which he depends claims such status on his behalf by notification to the detaining Power or to the Protecting Power. Should any doubt arise as to whether any such person is entitled to the status of prisoner of war, he shall continue to have such status and, therefore, to be protected by the Third Convention and this Protocol until such time as his status has been determined by a competent tribunal.
2. If a person who has fallen into the power of an adverse Party is not held as a prisoner of war and is to be tried by that Party for an offence arising out of the hostilities, he shall have the right to assert his entitlement to prisoner-of-war status before a judicial tribunal and to have that question adjudicated. Whenever possible under the applicable procedure, this adjudication shall occur before the trial for the offence. The representatives of the Protecting Power shall be entitled to attend the proceedings in which that question is adjudicated, unless, exceptionally, the proceedings are held *in camera* in the interest of State security. In such a case the detaining Power shall advise the Protecting Power accordingly.
3. Any person who has taken part in hostilities, who is not entitled to prisoner-of-war status and who does not benefit from more favourable treatment in accordance with the Fourth Convention shall have the right at all times to the protection of Article 75 of this Protocol. In occupied territory, any such person, unless he is held as a spy, shall also be entitled, notwithstanding Article 5 of the Fourth Convention, to his rights of communication under that Convention.

Article 46 — Spies

1. Notwithstanding any other provision of the Conventions or of this Protocol, any member of the armed forces of a Party to the conflict who falls into the power of an adverse Party while engaging in espionage shall not have the right to the status of prisoner of war and may be treated as a spy.
2. A member of the armed forces of a Party to the conflict who, on behalf of that Party and in territory controlled by an adverse Party, gathers or attempts to gather information shall not be considered as engaging in espionage if, while so acting, he is in the uniform of his armed forces.
3. A member of the armed forces of a Party to the conflict who is a resident of territory occupied by an adverse Party and who, on behalf of the Party on which he depends, gathers or attempts to gather information of military value within

that territory shall not be considered as engaging in espionage unless he does so through an act of false pretences or deliberately in a clandestine manner. Moreover, such a resident shall not lose his right to the status of prisoner of war and may not be treated as a spy unless he is captured while engaging in espionage.

4. A member of the armed forces of a Party to the conflict who is not a resident of territory occupied by an adverse Party and who has engaged in espionage in that territory shall not lose his right to the status of prisoner of war and may not be treated as a spy unless he is captured before he has rejoined the armed forces to which he belongs.

Article 47 — Mercenaries

1. A mercenary shall not have the right to be a combatant or a prisoner of war.
2. A mercenary is any person who:
 - a) is specially recruited locally or abroad in order to fight in an armed conflict;
 - b) does, in fact, take a direct part in the hostilities;
 - c) is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;
 - d) is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;
 - e) is not a member of the armed forces of a Party to the conflict; and
 - f) has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces.

PART IV

CIVILIAN POPULATION

SECTION I

GENERAL PROTECTION AGAINST EFFECTS OF HOSTILITIES

CHAPTER I

*BASIC RULE AND FIELD OF APPLICATION**Article 48 — Basic rule*

In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.

Article 49 — Definition of attacks and scope of application

1. "Attacks" means acts of violence against the adversary, whether in offence or in defence.
2. The provisions of this Protocol with respect to attacks apply to all attacks in whatever territory conducted, including the national territory belonging to a Party to the conflict but under the control of an adverse Party.
3. The provisions of this Section apply to any land, air or sea warfare which may affect the civilian population, individual civilians or civilian objects on land. They further apply to all attacks from the sea or from the air against objectives on land but do not otherwise affect the rules of international law applicable in armed conflict at sea or in the air.
4. The provisions of this Section are additional to the rules concerning humanitarian protection contained in the Fourth Convention, particularly in Part II thereof, and in other international agreements binding upon the High Contracting Parties, as well as to other rules of international law relating to the protection of civilians and civilian objects on land, at sea or in the air against the effects of hostilities.

CHAPTER II

CIVILIANS AND CIVILIAN POPULATION

Article 50 — Definition of civilians and civilian population

1. A civilian is any person who does not belong to one of the categories of persons referred to in Article 4 A 1), 2), 3) and 6) of the Third Convention and in Article 43 of this Protocol. In case of doubt whether a person is a civilian, that person shall be considered to be a civilian.
2. The civilian population comprises all persons who are civilians.
3. The presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character.

Article 51 — Protection of the civilian population

1. The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. To give effect to this protection, the following rules, which are additional to other applicable rules of international law, shall be observed in all circumstances.
2. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.
3. Civilians shall enjoy the protection afforded by this Section, unless and for such time as they take a direct part in hostilities.
4. Indiscriminate attacks are prohibited. Indiscriminate attacks are:
 - a) those which are not directed at a specific military objective;
 - b) those which employ a method or means of combat which cannot be directed at a specific military objective; or
 - c) those which employ a method or means of combat the effects of which cannot be limited as required by this Protocol;and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.
5. Among others, the following types of attacks are to be considered as indiscriminate:
 - a) an attack by bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects; and

- b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.
- 6. Attacks against the civilian population or civilians by way of reprisals are prohibited.
- 7. The presence or movements of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favour or impede military operations. The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations.
- 8. Any violation of these prohibitions shall not release the Parties to the conflict from their legal obligations with respect to the civilian population and civilians, including the obligation to take the precautionary measures provided for in Article 57.

CHAPTER III

CIVILIAN OBJECTS

Article 52 — General protection of civilian objects

- 1. Civilian objects shall not be the object of attack or of reprisals. Civilian objects are all objects which are not military objectives as defined in paragraph 2.
- 2. Attacks shall be limited strictly to military objectives. In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.
- 3. In case of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used.

Article 53 — Protection of cultural objects and of places of worship

Without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, and of other relevant international instruments, it is prohibited:

- a) to commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;
- b) to use such objects in support of the military effort;
- c) to make such objects the object of reprisals.

Article 54 — Protection of objects indispensable to the survival of the civilian population

1. Starvation of civilians as a method of warfare is prohibited.
2. It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve out civilians, to cause them to move away, or for any other motive.
3. The prohibitions in paragraph 2 shall not apply to such of the objects covered by it as are used by an adverse Party:
 - a) as sustenance solely for the members of its armed forces; or
 - b) if not as sustenance, then in direct support of military action, provided, however, that in no event shall actions against these objects be taken which may be expected to leave the civilian population with such inadequate food or water as to cause its starvation or force its movement.
4. These objects shall not be made the object of reprisals.
5. In recognition of the vital requirements of any Party to the conflict in the defence of its national territory against invasion, derogation from the prohibitions contained in paragraph 2 may be made by a Party to the conflict within such territory under its own control where required by imperative military necessity.

Article 55 — Protection of the natural environment

1. Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population.

2. Attacks against the natural environment by way of reprisals are prohibited.

Article 56 — Protection of works and installations containing dangerous forces

1. Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population. Other military objectives located at or in the vicinity of these works or installations shall not be made the object of attack if such attack may cause the release of dangerous forces from the works or installations and consequent severe losses among the civilian population.
2. The special protection against attack provided by paragraph 1 shall cease:
 - a) for a dam or a dyke only if it is used for other than its normal function and in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support;
 - b) for a nuclear electrical generating station only if it provides electric power in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support;
 - c) for other military objectives located at or in the vicinity of these works or installations only if they are used in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support.
3. In all cases, the civilian population and individual civilians shall remain entitled to all the protection accorded them by international law, including the protection of the precautionary measures provided for in Article 57. If the protection ceases and any of the works, installations or military objectives mentioned in paragraph 1 is attacked, all practical precautions shall be taken to avoid the release of the dangerous forces.
4. It is prohibited to make any of the works, installations or military objectives mentioned in paragraph 1 the object of reprisals.
5. The Parties to the conflict shall endeavour to avoid locating any military objectives in the vicinity of the works or installations mentioned in paragraph 1. Nevertheless, installations erected for the sole purpose of defending the protected works or installations from attack are permissible and shall not themselves be made the object of attack, provided that they are not used in hostilities except for defensive actions necessary to respond to attacks against the protected works or installations and that their armament is limited to weapons capable only of repelling hostile action against the protected works or installations.
6. The High Contracting Parties and the Parties to the conflict are urged to conclude further agreements among themselves to provide additional protection for objects containing dangerous forces.

7. In order to facilitate the identification of the objects protected by this Article, the Parties to the conflict may mark them with a special sign consisting of a group of three bright orange circles placed on the same axis, as specified in Article 16 of Annex 1 to this Protocol. The absence of such marking in no way relieves any Party to the conflict of its obligations under this Article.

CHAPTER IV

PRECAUTIONARY MEASURES

Article 57 — Precautions in attack

1. In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.
2. With respect to attacks, the following precautions shall be taken:
 - a) those who plan or decide upon an attack shall:
 - i) do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection but are military objectives within the meaning of paragraph 2 of Article 52 and that it is not prohibited by the provisions of this Protocol to attack them;
 - ii) take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects;
 - iii) refrain from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated;
 - b) an attack shall be cancelled or suspended if it becomes apparent that the objective is not a military one or is subject to special protection or that the attack may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated;
 - c) effective advance warning shall be given of attacks which may affect the civilian population, unless circumstances do not permit.
3. When a choice is possible between several military objectives for obtaining a similar military advantage, the objective to be selected shall be that the attack on which may be expected to cause the least danger to civilian lives and to civilian objects.

4. In the conduct of military operations at sea or in the air, each Party to the conflict shall, in conformity with its rights and duties under the rules of international law applicable in armed conflict, take all reasonable precautions to avoid losses of civilian lives and damage to civilian objects.
5. No provision of this Article may be construed as authorizing any attacks against the civilian population, civilians or civilian objects.

Article 58 — Precautions against the effects of attacks

The Parties to the conflict shall, to the maximum extent feasible:

- a) without prejudice to Article 49 of the Fourth Convention, endeavour to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives;
- b) avoid locating military objectives within or near densely populated areas;
- c) take the other necessary precautions to protect the civilian population, individual civilians and civilian objects under their control against the dangers resulting from military operations.

CHAPTER V

LOCALITIES AND ZONES UNDER SPECIAL PROTECTION

Article 59 — Non-defended localities.

1. It is prohibited for the Parties to the conflict to attack, by any means whatsoever, non-defended localities.
2. The appropriate authorities of a Party to the conflict may declare as a non-defended locality any inhabited place near or in a zone where armed forces are in contact which is open for occupation by an adverse Party. Such a locality shall fulfil the following conditions:
 - a) all combatants, as well as mobile weapons and mobile military equipment, must have been evacuated;
 - b) no hostile use shall be made of fixed military installations or establishments;
 - c) no acts of hostility shall be committed by the authorities or by the population; and
 - d) no activities in support of military operations shall be undertaken.
3. The presence, in this locality, of persons specially protected under the Conventions and this Protocol, and of police forces retained for the sole purpose of maintaining law and order, is not contrary to the conditions laid down in paragraph 2.

4. The declaration made under paragraph 2 shall be addressed to the adverse Party and shall define and describe, as precisely as possible, the limits of the non-defended locality. The Party to the conflict to which the declaration is addressed shall acknowledge its receipt and shall treat the locality as a non-defended locality unless the conditions laid down in paragraph 2 are not in fact fulfilled, in which event it shall immediately so inform the Party making the declaration. Even if the conditions laid down in paragraph 2 are not fulfilled, the locality shall continue to enjoy the protection provided by the other provisions of this Protocol and the other rules of international law applicable in armed conflict.
5. The Parties to the conflict may agree on the establishment of non-defended localities even if such localities do not fulfil the conditions laid down in paragraph 2. The agreement should define and describe, as precisely as possible, the limits of the non-defended locality; if necessary, it may lay down the methods of supervision.
6. The Party which is in control of a locality governed by such an agreement shall mark it, so far as possible, by such signs as may be agreed upon with the other Party, which shall be displayed where they are clearly visible, especially on its perimeter and limits and on highways.
7. A locality loses its status as a non-defended locality when it ceases to fulfil the conditions laid down in paragraph 2 or in the agreement referred to in paragraph 5. In such an eventuality, the locality shall continue to enjoy the protection provided by the other provisions of this Protocol and the other rules of international law applicable in armed conflict.

Article 60 — Demilitarized zones

1. It is prohibited for the Parties to the conflict to extend their military operations to zones on which they have conferred by agreement the status of demilitarized zone, if such extension is contrary to the terms of this agreement.
2. The agreement shall be an express agreement, may be concluded verbally or in writing, either directly or through a Protecting Power or any impartial humanitarian organization, and may consist of reciprocal and concordant declarations. The agreement may be concluded in peacetime, as well as after the outbreak of hostilities, and should define and describe, as precisely as possible, the limits of the demilitarized zone and, if necessary, lay down the methods of supervision.
3. The subject of such an agreement shall normally be any zone which fulfils the following conditions:
 - a) all combatants, as well as mobile weapons and mobile military equipment, must have been evacuated;
 - b) no hostile use shall be made of fixed military installations or establishments;
 - c) no acts of hostility shall be committed by the authorities or by the population; and

d) any activity linked to the military effort must have ceased.

The Parties to the conflict shall agree upon the interpretation to be given to the condition laid down in sub-paragraph d) and upon persons to be admitted to the demilitarized zone other than those mentioned in paragraph 4.

4. The presence, in this zone, of persons specially protected under the Conventions and this Protocol, and of police forces retained for the sole purpose of maintaining law and order, is not contrary to the conditions laid down in paragraph 3.
5. The Party which is in control of such a zone shall mark it, so far as possible, by such signs as may be agreed upon with the other Party, which shall be displayed where they are clearly visible, especially on its perimeter and limits and on highways.
6. If the fighting draws near to a demilitarized zone, and if the Parties to the conflict have so agreed, none of them may use the zone for purposes related to the conduct of military operations or unilaterally revoke its status.
7. If one of the Parties to the conflict commits a material breach of the provisions of paragraphs 3 or 6, the other Party shall be released from its obligations under the agreement conferring upon the zone the status of demilitarized zone. In such an eventuality, the zone loses its status but shall continue to enjoy the protection provided by the other provisions of this Protocol and the other rules of international law applicable in armed conflict.

CHAPTER VI

CIVIL DEFENCE

Article 61 — Definitions and scope

For the purposes of this Protocol:

- a) “civil defence” means the performance of some or all of the under-mentioned humanitarian tasks intended to protect the civilian population against the dangers, and to help it to recover from the immediate effects, of hostilities or disasters and also to provide the conditions necessary for its survival. These tasks are:
 - i) warning;
 - ii) evacuation;
 - iii) management of shelters;
 - iv) management of blackout measures;

- v) rescue;
 - vi) medical services, including first aid, and religious assistance;
 - vii) fire-fighting;
 - viii) detection and marking of danger areas;
 - ix) decontamination and similar protective measures;
 - x) provision of emergency accommodation and supplies;
 - xi) emergency assistance in the restoration and maintenance of order in distressed areas;
 - xii) emergency repair of indispensable public utilities;
 - xiii) emergency disposal of the dead;
 - xiv) assistance in the preservation of objects essential for survival;
 - xv) complementary activities necessary to carry out any of the tasks mentioned above, including, but not limited to, planning and organization;
- b) “civil defence organizations” means those establishments and other units which are organized or authorized by the competent authorities of a Party to the conflict to perform any of the tasks mentioned under sub-paragraph a), and which are assigned and devoted exclusively to such tasks;
- c) “personnel” of civil defence organizations means those persons assigned by a Party to the conflict exclusively to the performance of the tasks mentioned under sub-paragraph a), including personnel assigned by the competent authority of that Party exclusively to the administration of these organizations;
- d) “*matériel*” of civil defence organizations means equipment, supplies and transports used by these organizations for the performance of the tasks mentioned under sub-paragraph a).

Article 62 — General protection

1. Civilian civil defence organizations and their personnel shall be respected and protected, subject to the provisions of this Protocol, particularly the provisions of this Section. They shall be entitled to perform their civil defence tasks except in case of imperative military necessity.
2. The provisions of paragraph 1 shall also apply to civilians who, although not members of civilian civil defence organizations, respond to an appeal from the competent authorities and perform civil defence tasks under their control.
3. Buildings and *matériel* used for civil defence purposes and shelters provided for the civilian population are covered by Article 52. Objects used for civil defence purposes may not be destroyed or diverted from their proper use except by the Party to which they belong.

Article 63 — Civil defence in occupied territories

1. In occupied territories, civilian civil defence organizations shall receive from the authorities the facilities necessary for the performance of their tasks. In no circumstances shall their personnel be compelled to perform activities which would interfere with the proper performance of these tasks. The Occupying Power shall not change the structure or personnel of such organizations in any way which might jeopardize the efficient performance of their mission. These organizations shall not be required to give priority to the nationals or interests of that Power.
2. The Occupying Power shall not compel, coerce or induce civilian civil defence organizations to perform their tasks in any manner prejudicial to the interests of the civilian population.
3. The Occupying Power may disarm civil defence personnel for reasons of security.
4. The Occupying Power shall neither divert from their proper use nor requisition buildings or *matériel* belonging to or used by civil defence organizations if such diversion or requisition would be harmful to the civilian population.
5. Provided that the general rule in paragraph 4 continues to be observed, the Occupying Power may requisition or divert these resources, subject to the following particular conditions:
 - a) that the buildings or *matériel* are necessary for other needs of the civilian population; and
 - b) that the requisition or diversion continues only while such necessity exists.
6. The Occupying Power shall neither divert nor requisition shelters provided for the use of the civilian population or needed by such population.

Article 64 — Civilian civil defence organizations of neutral or other States not Parties to the conflict and international co-ordinating organizations

1. Articles 62, 63, 65 and 66 shall also apply to the personnel and *matériel* of civilian civil defence organizations of neutral or other States not Parties to the conflict which perform civil defence tasks mentioned in Article 61 in the territory of a Party to the conflict, with the consent and under the control of that Party. Notification of such assistance shall be given as soon as possible to any adverse Party concerned. In no circumstances shall this activity be deemed to be an interference in the conflict. This activity should, however, be performed with due regard to the security interests of the Parties to the conflict concerned.
2. The Parties to the conflict receiving the assistance referred to in paragraph 1 and the High Contracting Parties granting it should facilitate international co-ordination of such civil defence actions when appropriate. In such cases the relevant international organizations are covered by the provisions of this Chapter.

3. In occupied territories, the Occupying Power may only exclude or restrict the activities of civilian civil defence organizations of neutral or other States not Parties to the conflict and of international co-ordinating organizations if it can ensure the adequate performance of civil defence tasks from its own resources or those of the occupied territory.

Article 65 — Cessation of protection

1. The protection to which civilian civil defence organizations, their personnel, buildings, shelters and *matériel* are entitled shall not cease unless they commit or are used to commit, outside their proper tasks, acts harmful to the enemy. Protection may, however, cease only after a warning has been given setting, whenever appropriate, a reasonable time-limit, and after such warning has remained unheeded.
2. The following shall not be considered as acts harmful to the enemy:
 - a) that civil defence tasks are carried out under the direction or control of military authorities;
 - b) that civilian civil defence personnel co-operate with military personnel in the performance of civil defence tasks, or that some military personnel are attached to civilian civil defence organizations;
 - c) that the performance of civil defence tasks may incidentally benefit military victims, particularly those who are *hors de combat*.
3. It shall also not be considered as an act harmful to the enemy that civilian civil defence personnel bear light individual weapons for the purpose of maintaining order or for self-defence. However, in areas where land fighting is taking place or is likely to take place, the Parties to the conflict shall undertake the appropriate measures to limit these weapons to handguns, such as pistols or revolvers, in order to assist in distinguishing between civil defence personnel and combatants. Although civil defence personnel bear other light individual weapons in such areas, they shall nevertheless be respected and protected as soon as they have been recognized as such.
4. The formation of civilian civil defence organizations along military lines, and compulsory service in them, shall also not deprive them of the protection conferred by this Chapter.

Article 66 — Identification

1. Each Party to the conflict shall endeavour to ensure that its civil defence organizations, their personnel, buildings and *matériel*, are identifiable while they are exclusively devoted to the performance of civil defence tasks. Shelters provided for the civilian population should be similarly identifiable.
2. Each Party to the conflict shall also endeavour to adopt and implement methods and procedures which will make it possible to recognize civilian shelters as well

as civil defence personnel, buildings and *matériel* on which the international distinctive sign of civil defence is displayed.

3. In occupied territories and in areas where fighting is taking place or is likely to take place, civilian civil defence personnel should be recognizable by the international distinctive sign of civil defence and by an identity card certifying their status.
4. The international distinctive sign of civil defence is an equilateral blue triangle on an orange ground when used for the protection of civil defence organizations, their personnel, buildings and *matériel* and for civilian shelters.
5. In addition to the distinctive sign, Parties to the conflict may agree upon the use of distinctive signals for civil defence identification purposes.
6. The application of the provisions of paragraphs 1 to 4 is governed by Chapter V of Annex 1 to this Protocol.
7. In time of peace, the sign described in paragraph 4 may, with the consent of the competent national authorities, be used for civil defence identification purposes.
8. The High Contracting Parties and the Parties to the conflict shall take the measures necessary to supervise the display of the international distinctive sign of civil defence and to prevent and repress any misuse thereof.
9. The identification of civil defence medical and religious personnel, medical units and medical transports is also governed by Article 18.

Article 67 — Members of the armed forces and military units assigned to civil defence organizations

1. Members of the armed forces and military units assigned to civil defence organizations shall be respected and protected, provided that:
 - a) such personnel and such units are permanently assigned and exclusively devoted to the performance of any of the tasks mentioned in Article 61;
 - b) if so assigned, such personnel do not perform any other military duties during the conflict;
 - c) such personnel are clearly distinguishable from the other members of the armed forces by prominently displaying the international distinctive sign of civil defence, which shall be as large as appropriate, and such personnel are provided with the identity card referred to in Chapter V of Annex 1 to this Protocol certifying their status;
 - d) such personnel and such units are equipped only with light individual weapons for the purpose of maintaining order or for self-defence. The provisions of Article 65, paragraph 3 shall also apply in this case;
 - e) such personnel do not participate directly in hostilities, and do not commit, or are not used to commit, outside their civil defence tasks, acts harmful to the adverse Party;

- f) such personnel and such units perform their civil defence tasks only within the national territory of their Party.

The non-observance of the conditions stated in *e)* above by any member of the armed forces who is bound by the conditions prescribed in *a)* and *b)* above is prohibited.

2. Military personnel serving within civil defence organizations shall, if they fall into the power of an adverse Party, be prisoners of war. In occupied territory they may, but only in the interest of the civilian population of that territory, be employed on civil defence tasks in so far as the need arises, provided however that, if such work is dangerous, they volunteer for such tasks.
3. The buildings and major items of equipment and transports of military units assigned to civil defence organizations shall be clearly marked with the international distinctive sign of civil defence. This distinctive sign shall be as large as appropriate.
4. The *matériel* and buildings of military units permanently assigned to civil defence organizations and exclusively devoted to the performance of civil defence tasks shall, if they fall into the hands of an adverse Party, remain subject to the laws of war. They may not be diverted from their civil defence purpose so long as they are required for the performance of civil defence tasks, except in case of imperative military necessity, unless previous arrangements have been made for adequate provision for the needs of the civilian population.

SECTION II

RELIEF IN FAVOUR OF THE CIVILIAN POPULATION

Article 68 — Field of application

The provisions of this Section apply to the civilian population as defined in this Protocol and are supplementary to Articles 23, 55, 59, 60, 61 and 62 and other relevant provisions of the Fourth Convention.

Article 69 — Basic needs in occupied territories

1. In addition to the duties specified in Article 55 of the Fourth Convention concerning food and medical supplies, the Occupying Power shall, to the fullest extent of the means available to it and without any adverse distinction, also ensure the provision of clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population of the occupied territory and objects necessary for religious worship.

2. Relief actions for the benefit of the civilian population of occupied territories are governed by Articles 59, 60, 61, 62, 108, 109, 110 and 111 of the Fourth Convention, and by Article 71 of this Protocol, and shall be implemented without delay.

Article 70 — Relief actions

1. If the civilian population of any territory under the control of a Party to the conflict, other than occupied territory, is not adequately provided with the supplies mentioned in Article 69, relief actions which are humanitarian and impartial in character and conducted without any adverse distinction shall be undertaken, subject to the agreement of the Parties concerned in such relief actions. Offers of such relief shall not be regarded as interference in the armed conflict or as unfriendly acts. In the distribution of relief consignments, priority shall be given to those persons, such as children, expectant mothers, maternity cases and nursing mothers, who, under the Fourth Convention or under this Protocol, are to be accorded privileged treatment or special protection.
2. The Parties to the conflict and each High Contracting Party shall allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel provided in accordance with this Section, even if such assistance is destined for the civilian population of the adverse Party.
3. The Parties to the conflict and each High Contracting Party which allow the passage of relief consignments, equipment and personnel in accordance with paragraph 2:
 - a) shall have the right to prescribe the technical arrangements, including search, under which such passage is permitted;
 - b) may make such permission conditional on the distribution of this assistance being made under the local supervision of a Protecting Power;
 - c) shall, in no way whatsoever, divert relief consignments from the purpose for which they are intended nor delay their forwarding, except in cases of urgent necessity in the interest of the civilian population concerned.
4. The Parties to the conflict shall protect relief consignments and facilitate their rapid distribution.
5. The Parties to the conflict and each High Contracting Party concerned shall encourage and facilitate effective international co-ordination of the relief actions referred to in paragraph 1.

Article 71 — Personnel participating in relief actions

1. Where necessary, relief personnel may form part of the assistance provided in any relief action, in particular for the transportation and distribution of relief consignments; the participation of such personnel shall be subject to the approval of the Party in whose territory they will carry out their duties.

2. Such personnel shall be respected and protected.
3. Each Party in receipt of relief consignments shall, to the fullest extent practicable, assist the relief personnel referred to in paragraph 1 in carrying out their relief mission. Only in case of imperative military necessity may the activities of the relief personnel be limited or their movements temporarily restricted.
4. Under no circumstances may relief personnel exceed the terms of their mission under this Protocol. In particular they shall take account of the security requirements of the Party in whose territory they are carrying out their duties. The mission of any of the personnel who do not respect these conditions may be terminated.

SECTION III

TREATMENT OF PERSONS IN THE POWER OF A PARTY TO THE CONFLICT

CHAPTER I

FIELD OF APPLICATION AND PROTECTION OF PERSONS AND OBJECTS

Article 72 — Field of application

The provisions of this Section are additional to the rules concerning humanitarian protection of civilians and civilian objects in the power of a Party to the conflict contained in the Fourth Convention, particularly Parts I and III thereof, as well as to other applicable rules of international law relating to the protection of fundamental human rights during international armed conflict.

Article 73 — Refugees and stateless persons

Persons who, before the beginning of hostilities, were considered as stateless persons or refugees under the relevant international instruments accepted by the Parties concerned or under the national legislation of the State of refuge or State of residence shall be protected persons within the meaning of Parts I and III of the Fourth Convention, in all circumstances and without any adverse distinction.

Article 74 — Reunion of dispersed families

The High Contracting Parties and the Parties to the conflict shall facilitate in every possible way the reunion of families dispersed as a result of armed conflicts and shall encourage in particular the work of the humanitarian organizations engaged in this task in accordance with the provisions of the Conventions and of this Protocol and in conformity with their respective security regulations.

Article 75 — Fundamental guarantees

1. In so far as they are affected by a situation referred to in Article 1 of this Protocol, persons who are in the power of a Party to the conflict and who do not benefit from more favourable treatment under the Conventions or under this Protocol shall be treated humanely in all circumstances and shall enjoy, as a minimum, the protection provided by this Article without any adverse distinction based upon race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria. Each Party shall respect the person, honour, convictions and religious practices of all such persons.
2. The following acts are and shall remain prohibited at any time and in any place whatsoever, whether committed by civilian or by military agents:
 - a) violence to the life, health, or physical or mental well-being of persons, in particular:
 - i) murder;
 - ii) torture of all kinds, whether physical or mental;
 - iii) corporal punishment; and
 - iv) mutilation;
 - b) outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any form of indecent assault;
 - c) the taking of hostages;
 - d) collective punishments; and
 - e) threats to commit any of the foregoing acts.
3. Any person arrested, detained or interned for actions related to the armed conflict shall be informed promptly, in a language he understands, of the reasons why these measures have been taken. Except in cases of arrest or detention for penal offences, such persons shall be released with the minimum delay possible and in any event as soon as the circumstances justifying the arrest, detention or internment have ceased to exist.
4. No sentence may be passed and no penalty may be executed on a person found guilty of a penal offence related to the armed conflict except pursuant to a conviction pronounced by an impartial and regularly constituted court respecting the generally recognized principles of regular judicial procedure, which include the following:

-
- a) the procedure shall provide for an accused to be informed without delay of the particulars of the offence alleged against him and shall afford the accused before and during his trial all necessary rights and means of defence;
 - b) no one shall be convicted of an offence except on the basis of individual penal responsibility;
 - c) no one shall be accused or convicted of a criminal offence on account of any act or omission which did not constitute a criminal offence under the national or international law to which he was subject at the time when it was committed; nor shall a heavier penalty be imposed than that which was applicable at the time when the criminal offence was committed; if, after the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby;
 - d) anyone charged with an offence is presumed innocent until proved guilty according to law;
 - e) anyone charged with an offence shall have the right to be tried in his presence;
 - f) no one shall be compelled to testify against himself or to confess guilt;
 - g) anyone charged with an offence shall have the right to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - h) no one shall be prosecuted or punished by the same Party for an offence in respect of which a final judgement acquitting or convicting that person has been previously pronounced under the same law and judicial procedure;
 - i) anyone prosecuted for an offence shall have the right to have the judgement pronounced publicly; and
 - j) a convicted person shall be advised on conviction of his judicial and other remedies and of the time-limits within which they may be exercised.
5. Women whose liberty has been restricted for reasons related to the armed conflict shall be held in quarters separated from men's quarters. They shall be under the immediate supervision of women. Nevertheless, in cases where families are detained or interned, they shall, whenever possible, be held in the same place and accommodated as family units.
 6. Persons who are arrested, detained or interned for reasons related to the armed conflict shall enjoy the protection provided by this Article until final release, repatriation or re-establishment, even after the end of the armed conflict.
 7. In order to avoid any doubt concerning the prosecution and trial of persons accused of war crimes or crimes against humanity, the following principles shall apply:
 - a) persons who are accused of such crimes should be submitted for the purpose of prosecution and trial in accordance with the applicable rules of international law; and

- b)* any such persons who do not benefit from more favourable treatment under the Conventions or this Protocol shall be accorded the treatment provided by this Article, whether or not the crimes of which they are accused constitute grave breaches of the Conventions or of this Protocol.
- 8. No provision of this Article may be construed as limiting or infringing any other more favourable provision granting greater protection, under any applicable rules of international law, to persons covered by paragraph 1.

CHAPTER II

MEASURES IN FAVOUR OF WOMEN AND CHILDREN

Article 76 — Protection of women

1. Women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault.
2. Pregnant women and mothers having dependent infants who are arrested, detained or interned for reasons related to the armed conflict, shall have their cases considered with the utmost priority.
3. To the maximum extent feasible, the Parties to the conflict shall endeavour to avoid the pronouncement of the death penalty on pregnant women or mothers having dependent infants, for an offence related to the armed conflict. The death penalty for such offences shall not be executed on such women.

Article 77 — Protection of children

1. Children shall be the object of special respect and shall be protected against any form of indecent assault. The Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason.
2. The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, the Parties to the conflict shall endeavour to give priority to those who are oldest.
3. If, in exceptional cases, despite the provisions of paragraph 2, children who have not attained the age of fifteen years take a direct part in hostilities and fall into the power of an adverse Party, they shall continue to benefit from the special protection accorded by this Article, whether or not they are prisoners of war.

4. If arrested, detained or interned for reasons related to the armed conflict, children shall be held in quarters separate from the quarters of adults, except where families are accommodated as family units as provided in Article 75, paragraph 5.
5. The death penalty for an offence related to the armed conflict shall not be executed on persons who had not attained the age of eighteen years at the time the offence was committed.

Article 78 — Evacuation of children

1. No Party to the conflict shall arrange for the evacuation of children, other than its own nationals, to a foreign country except for a temporary evacuation where compelling reasons of the health or medical treatment of the children or, except in occupied territory, their safety, so require. Where the parents or legal guardians can be found, their written consent to such evacuation is required. If these persons cannot be found, the written consent to such evacuation of the persons who by law or custom are primarily responsible for the care of the children is required. Any such evacuation shall be supervised by the Protecting Power in agreement with the Parties concerned, namely, the Party arranging for the evacuation, the Party receiving the children and any Parties whose nationals are being evacuated. In each case, all Parties to the conflict shall take all feasible precautions to avoid endangering the evacuation.
2. Whenever an evacuation occurs pursuant to paragraph 1, each child's education, including his religious and moral education as his parents desire, shall be provided while he is away with the greatest possible continuity.
3. With a view to facilitating the return to their families and country of children evacuated pursuant to this Article, the authorities of the Party arranging for the evacuation and, as appropriate, the authorities of the receiving country shall establish for each child a card with photographs, which they shall send to the Central Tracing Agency of the International Committee of the Red Cross. Each card shall bear, whenever possible, and whenever it involves no risk of harm to the child, the following information:
 - a) surname(s) of the child;
 - b) the child's first name(s);
 - c) the child's sex;
 - d) the place and date of birth (or, if that date is not known, the approximate age);
 - e) the father's full name;
 - f) the mother's full name and her maiden name;
 - g) the child's next of kin;
 - h) the child's nationality;
 - i) the child's native language, and any other languages he speaks;

- j) the address of the child's family;
- k) any identification number for the child;
- l) the child's state of health;
- m) the child's blood group;
- n) any distinguishing features;
- o) the date on which and the place where the child was found;
- p) the date on which and the place from which the child left the country;
- q) the child's religion, if any;
- r) the child's present address in the receiving country;
- s) should the child die before his return, the date, place and circumstances of death and place of interment.

CHAPTER III

JOURNALISTS

Article 79 — Measures of protection for journalists

1. Journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians within the meaning of Article 50, paragraph 1.
2. They shall be protected as such under the Conventions and this Protocol, provided that they take no action adversely affecting their status as civilians, and without prejudice to the right of war correspondents accredited to the armed forces to the status provided for in Article 4 A 4) of the Third Convention.
3. They may obtain an identity card similar to the model in Annex II of this Protocol. This card, which shall be issued by the government of the State of which the journalist is a national or in whose territory he resides or in which the news medium employing him is located, shall attest to his status as a journalist.

PART V

EXECUTION OF THE CONVENTIONS AND OF THIS PROTOCOL

SECTION I

GENERAL PROVISIONS

Article 80 — Measures for execution

1. The High Contracting Parties and the Parties to the conflict shall without delay take all necessary measures for the execution of their obligations under the Conventions and this Protocol.
2. The High Contracting Parties and the Parties to the conflict shall give orders and instructions to ensure observance of the Conventions and this Protocol, and shall supervise their execution.

Article 81 — Activities of the Red Cross and other humanitarian organizations

1. The Parties to the conflict shall grant to the International Committee of the Red Cross all facilities within their power so as to enable it to carry out the humanitarian functions assigned to it by the Conventions and this Protocol in order to ensure protection and assistance to the victims of conflicts; the International Committee of the Red Cross may also carry out any other humanitarian activities in favour of these victims, subject to the consent of the Parties to the conflict concerned.
2. The Parties to the conflict shall grant to their respective Red Cross (Red Crescent, Red Lion and Sun) organizations the facilities necessary for carrying out their humanitarian activities in favour of the victims of the conflict, in accordance with the provisions of the Conventions and this Protocol and the Fundamental Principles of the Red Cross as formulated by the International Conferences of the Red Cross.
3. The High Contracting Parties and the Parties to the conflict shall facilitate in every possible way the assistance which Red Cross (Red Crescent, Red Lion and Sun) organizations and the League of Red Cross Societies¹ extend to the victims

¹ On 10 February 1992 the Swiss Federal Council, government of the State depositary of the 1949 Geneva Conventions, notified all States party to the Conventions that on 28 November 1991 the League of Red Cross and Red Crescent Societies had changed its name to "International Federation of Red Cross and Red Crescent Societies".

of conflicts in accordance with the provisions of the Conventions and this Protocol and with the Fundamental Principles of the Red Cross as formulated by the International Conferences of the Red Cross.

4. The High Contracting Parties and the Parties to the conflict shall, as far as possible, make facilities similar to those mentioned in paragraphs 2 and 3 available to the other humanitarian organizations referred to in the Conventions and this Protocol which are duly authorized by the respective Parties to the conflict and which perform their humanitarian activities in accordance with the provisions of the Conventions and this Protocol.

Article 82 — Legal advisers in armed forces

The High Contracting Parties at all times, and the Parties to the conflict in time of armed conflict, shall ensure that legal advisers are available, when necessary, to advise military commanders at the appropriate level on the application of the Conventions and this Protocol and on the appropriate instruction to be given to the armed forces on this subject.

Article 83 — Dissemination

1. The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate the Conventions and this Protocol as widely as possible in their respective countries and, in particular, to include the study thereof in their programmes of military instruction and to encourage the study thereof by the civilian population, so that those instruments may become known to the armed forces and to the civilian population.
2. Any military or civilian authorities who, in time of armed conflict, assume responsibilities in respect of the application of the Conventions and this Protocol shall be fully acquainted with the text thereof.

Article 84 — Rules of application

The High Contracting Parties shall communicate to one another, as soon as possible, through the depositary and, as appropriate, through the Protecting Powers, their official translations of this Protocol, as well as the laws and regulations which they may adopt to ensure its application.

SECTION II

REPRESSION OF BREACHES OF THE CONVENTIONS
AND OF THIS PROTOCOL*Article 85 — Repression of breaches of this Protocol*

1. The provisions of the Conventions relating to the repression of breaches and grave breaches, supplemented by this Section, shall apply to the repression of breaches and grave breaches of this Protocol.
2. Acts described as grave breaches in the Conventions are grave breaches of this Protocol if committed against persons in the power of an adverse Party protected by Articles 44, 45 and 73 of this Protocol, or against the wounded, sick and shipwrecked of the adverse Party who are protected by this Protocol, or against those medical or religious personnel, medical units or medical transports which are under the control of the adverse Party and are protected by this Protocol.
3. In addition to the grave breaches defined in Article 11, the following acts shall be regarded as grave breaches of this Protocol, when committed wilfully, in violation of the relevant provisions of this Protocol, and causing death or serious injury to body or health:
 - a) making the civilian population or individual civilians the object of attack;
 - b) launching an indiscriminate attack affecting the civilian population or civilian objects in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects, as defined in Article 57, paragraph 2 a) iii);
 - c) launching an attack against works or installations containing dangerous forces in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects, as defined in Article 57, paragraph 2 a) iii);
 - d) making non-defended localities and demilitarized zones the object of attack;
 - e) making a person the object of attack in the knowledge that he is *hors de combat*;
 - f) the perfidious use, in violation of Article 37, of the distinctive emblem of the red cross, red crescent or red lion and sun or of other protective signs recognized by the Conventions or this Protocol.
4. In addition to the grave breaches defined in the preceding paragraphs and in the Conventions, the following shall be regarded as grave breaches of this Protocol, when committed wilfully and in violation of the Conventions or the Protocol:
 - a) the transfer by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory, in violation of Article 49 of the Fourth Convention;

- b) unjustifiable delay in the repatriation of prisoners of war or civilians;
 - c) practices of *apartheid* and other inhuman and degrading practices involving outrages upon personal dignity, based on racial discrimination;
 - d) making the clearly-recognized historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples and to which special protection has been given by special arrangement, for example, within the framework of a competent international organization, the object of attack, causing as a result extensive destruction thereof, where there is no evidence of the violation by the adverse Party of Article 53, subparagraph *b*), and when such historic monuments, works of art and places of worship are not located in the immediate proximity of military objectives;
 - e) depriving a person protected by the Conventions or referred to in paragraph 2 of this Article of the rights of fair and regular trial.
5. Without prejudice to the application of the Conventions and of this Protocol, grave breaches of these instruments shall be regarded as war crimes.

Article 86 — Failure to act

1. The High Contracting Parties and the Parties to the conflict shall repress grave breaches, and take measures necessary to suppress all other breaches, of the Conventions or of this Protocol which result from a failure to act when under a duty to do so.
2. The fact that a breach of the Conventions or of this Protocol was committed by a subordinate does not absolve his superiors from penal or disciplinary responsibility, as the case may be, if they knew, or had information which should have enabled them to conclude in the circumstances at the time, that he was committing or was going to commit such a breach and if they did not take all feasible measures within their power to prevent or repress the breach.

Article 87 — Duty of commanders

1. The High Contracting Parties and the Parties to the conflict shall require military commanders, with respect to members of the armed forces under their command and other persons under their control, to prevent and, where necessary, to suppress and report to competent authorities breaches of the Conventions and of this Protocol.
2. In order to prevent and suppress breaches, High Contracting Parties and Parties to the conflict shall require that, commensurate with their level of responsibility, commanders ensure that members of the armed forces under their command are aware of their obligations under the Conventions and this Protocol.
3. The High Contracting Parties and Parties to the conflict shall require any commander who is aware that subordinates or other persons under his control are going to commit or have committed a breach of the Conventions or of this

Protocol, to initiate such steps as are necessary to prevent such violations of the Conventions or this Protocol, and, where appropriate, to initiate disciplinary or penal action against violators thereof.

Article 88 — Mutual assistance in criminal matters

1. The High Contracting Parties shall afford one another the greatest measure of assistance in connexion with criminal proceedings brought in respect of grave breaches of the Conventions or of this Protocol.
2. Subject to the rights and obligations established in the Conventions and in Article 85, paragraph 1, of this Protocol, and when circumstances permit, the High Contracting Parties shall co-operate in the matter of extradition. They shall give due consideration to the request of the State in whose territory the alleged offence has occurred.
3. The law of the High Contracting Party requested shall apply in all cases.

The provisions of the preceding paragraphs shall not, however, affect the obligations arising from the provisions of any other treaty of a bilateral or multilateral nature which governs or will govern the whole or part of the subject of mutual assistance in criminal matters.

Article 89 — Co-operation

In situations of serious violations of the Conventions or of this Protocol, the High Contracting Parties undertake to act, jointly or individually, in co-operation with the United Nations and in conformity with the United Nations Charter.

Article 90 — International Fact-Finding Commission

1.
 - a) An International Fact-Finding Commission (hereinafter referred to as “the Commission”) consisting of fifteen members of high moral standing and acknowledged impartiality shall be established.
 - b) When not less than twenty High Contracting Parties have agreed to accept the competence of the Commission pursuant to paragraph 2, the depositary shall then, and at intervals of five years thereafter, convene a meeting of representatives of those High Contracting Parties for the purpose of electing the members of the Commission. At the meeting, the representatives shall elect the members of the Commission by secret ballot from a list of persons to which each of those High Contracting Parties may nominate one person.
 - c) The members of the Commission shall serve in their personal capacity and shall hold office until the election of new members at the ensuing meeting.
 - d) At the election, the High Contracting Parties shall ensure that the persons to be elected to the Commission individually possess the qualifications required and that, in the Commission as a whole, equitable geographical representation is assured.

- e) In the case of a casual vacancy, the Commission itself shall fill the vacancy, having due regard to the provisions of the preceding sub-paragraphs.
 - f) The depositary shall make available to the Commission the necessary administrative facilities for the performance of its functions.
2. a) The High Contracting Parties may at the time of signing, ratifying or acceding to the Protocol, or at any other subsequent time, declare that they recognize *ipso facto* and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the Commission to enquire into allegations by such other Party, as authorized by this Article.
- b) The declarations referred to above shall be deposited with the depositary, which shall transmit copies thereof to the High Contracting Parties.
- c) The Commission shall be competent to:
- i) enquire into any facts alleged to be a grave breach as defined in the Conventions and this Protocol or other serious violation of the Conventions or of this Protocol;
 - ii) facilitate, through its good offices, the restoration of an attitude of respect for the Conventions and this Protocol.
- d) In other situations, the Commission shall institute an enquiry at the request of a Party to the conflict only with the consent of the other Party or Parties concerned.
- e) Subject to the foregoing provisions of this paragraph, the provisions of Article 52 of the First Convention, Article 53 of the Second Convention, Article 132 of the Third Convention and Article 149 of the Fourth Convention shall continue to apply to any alleged violation of the Conventions and shall extend to any alleged violation of this Protocol.
3. a) Unless otherwise agreed by the Parties concerned, all enquiries shall be undertaken by a Chamber consisting of seven members appointed as follows:
- i) five members of the Commission, not nationals of any Party to the conflict, appointed by the President of the Commission on the basis of equitable representation of the geographical areas, after consultation with the Parties to the conflict;
 - ii) two *ad hoc* members, not nationals of any Party to the conflict, one to be appointed by each side.
- b) Upon receipt of the request for an enquiry, the President of the Commission shall specify an appropriate time-limit for setting up a Chamber. If any *ad hoc* member has not been appointed within the time-limit, the President shall immediately appoint such additional member or members of the Commission as may be necessary to complete the membership of the Chamber.

4.
 - a) The Chamber set up under paragraph 3 to undertake an enquiry shall invite the Parties to the conflict to assist it and to present evidence. The Chamber may also seek such other evidence as it deems appropriate and may carry out an investigation of the situation *in loco*.
 - b) All evidence shall be fully disclosed to the Parties, which shall have the right to comment on it to the Commission.
 - c) Each Party shall have the right to challenge such evidence.
5.
 - a) The Commission shall submit to the Parties a report on the findings of fact of the Chamber, with such recommendations as it may deem appropriate.
 - b) If the Chamber is unable to secure sufficient evidence for factual and impartial findings, the Commission shall state the reasons for that inability.
 - c) The Commission shall not report its findings publicly, unless all the Parties to the conflict have requested the Commission to do so.
6. The Commission shall establish its own rules, including rules for the presidency of the Commission and the presidency of the Chamber. Those rules shall ensure that the functions of the President of the Commission are exercised at all times and that, in the case of an enquiry, they are exercised by a person who is not a national of a Party to the conflict.
7. The administrative expenses of the Commission shall be met by contributions from the High Contracting Parties which made declarations under paragraph 2, and by voluntary contributions. The Party or Parties to the conflict requesting an enquiry shall advance the necessary funds for expenses incurred by a Chamber and shall be reimbursed by the Party or Parties against which the allegations are made to the extent of fifty per cent of the costs of the Chamber. Where there are counter-allegations before the Chamber each side shall advance fifty per cent of the necessary funds.

Article 91 — Responsibility

A Party to the conflict which violates the provisions of the Conventions or of this Protocol shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

PART VI

FINAL PROVISIONS*Article 92 — Signature*

This Protocol shall be open for signature by the Parties to the Conventions six months after the signing of the Final Act and will remain open for a period of twelve months.

Article 93 — Ratification

This Protocol shall be ratified as soon as possible. The instruments of ratification shall be deposited with the Swiss Federal Council, depositary of the Conventions,

Article 94 — Accession

This Protocol shall be open for accession by any Party to the Conventions which has not signed it. The instruments of accession shall be deposited with the depositary.

Article 95 — Entry into force

1. This Protocol shall enter into force six months after two instruments of ratification or accession have been deposited.
2. For each Party to the Conventions thereafter ratifying or acceding to this Protocol, it shall enter into force six months after the deposit by such Party of its instrument of ratification or accession.

Article 96 — Treaty relations upon entry into force of this Protocol

1. When the Parties to the Conventions are also Parties to this Protocol, the Conventions shall apply as supplemented by this Protocol.
2. When one of the Parties to the conflict is not bound by this Protocol, the Parties to the Protocol shall remain bound by it in their mutual relations. They shall furthermore be bound by this Protocol in relation to each of the Parties which are not bound by it, if the latter accepts and applies the provisions thereof.
3. The authority representing a people engaged against a High Contracting Party in an armed conflict of the type referred to in Article 1, paragraph 4, may undertake to apply the Conventions and this Protocol in relation to that conflict by means of a unilateral declaration addressed to the depositary. Such declaration shall, upon its receipt by the depositary, have in relation to that conflict the following effects:
 - a) the Conventions and this Protocol are brought into force for the said authority as a Party to the conflict with immediate effect;

- b) the said authority assumes the same rights and obligations as those which have been assumed by a High Contracting Party to the Conventions and this Protocol; and
- c) the Conventions and this Protocol are equally binding upon all Parties to the conflict.

Article 97 — Amendment

1. Any High Contracting Party may propose amendments to this Protocol. The text of any proposed amendment shall be communicated to the depositary, which shall decide, after consultation with all the High Contracting Parties and the International Committee of the Red Cross, whether a conference should be convened to consider the proposed amendment.
2. The depositary shall invite to that conference all the High Contracting Parties as well as the Parties to the Conventions, whether or not they are signatories of this Protocol.

Article 98 — Revision of Annex I

1. Not later than four years after the entry into force of this Protocol and thereafter at intervals of not less than four years, the International Committee of the Red Cross shall consult the High Contracting Parties concerning Annex 1 to this Protocol and, if it considers it necessary, may propose a meeting of technical experts to review Annex 1 and to propose such amendments to it as may appear to be desirable. Unless, within six months of the communication of a proposal for such a meeting to the High Contracting Parties, one third of them object, the International Committee of the Red Cross shall convene the meeting, inviting also observers of appropriate international organizations. Such a meeting shall also be convened by the International Committee of the Red Cross at any time at the request of one third of the High Contracting Parties.
2. The depositary shall convene a conference of the High Contracting Parties and the Parties to the Conventions to consider amendments proposed by the meeting of technical experts if, after that meeting, the International Committee of the Red Cross or one third of the High Contracting Parties so request.
3. Amendments to Annex 1 may be adopted at such a conference by a two-thirds majority of the High Contracting Parties present and voting.
4. The depositary shall communicate any amendment so adopted to the High Contracting Parties and to the Parties to the Conventions. The amendment shall be considered to have been accepted at the end of a period of one year after it has been so communicated, unless within that period a declaration of non-acceptance of the amendment has been communicated to the depositary by not less than one third of the High Contracting Parties.

5. An amendment considered to have been accepted in accordance with paragraph 4 shall enter into force three months after its acceptance for all High Contracting Parties other than those which have made a declaration of non-acceptance in accordance with that paragraph. Any Party making such a declaration may at any time withdraw it and the amendment shall then enter into force for that Party three months thereafter.
6. The depositary shall notify the High Contracting Parties and the Parties to the Conventions of the entry into force of any amendment, of the Parties bound thereby, of the date of its entry into force in relation to each Party, of declarations of non-acceptance made in accordance with paragraph 4, and of withdrawals of such declarations.

Article 99 — Denunciation

1. In case a High Contracting Party should denounce this Protocol, the denunciation shall only take effect one year after receipt of the instrument of denunciation. If, however, on the expiry of that year the denouncing Party is engaged in one of the situations referred to in Article 1, the denunciation shall not take effect before the end of the armed conflict or occupation and not, in any case, before operations connected with the final release, repatriation or re-establishment of the persons protected by the Conventions or this Protocol have been terminated.
2. The denunciation shall be notified in writing to the depositary, which shall transmit it to all the High Contracting Parties.
3. The denunciation shall have effect only in respect of the denouncing Party.
4. Any denunciation under paragraph 1 shall not affect the obligations already incurred, by reason of the armed conflict, under this Protocol by such denouncing Party in respect of any act committed before this denunciation becomes effective.

Article 100 — Notifications

The depositary shall inform the High Contracting Parties as well as the Parties to the Conventions, whether or not they are signatories of this Protocol, of:

- a) signatures affixed to this Protocol and the deposit of instruments of ratification and accession under Articles 93 and 94;
- b) the date of entry into force of this Protocol under Article 95;
- c) communications and declarations received under Articles 84, 90 and 97;
- d) declarations received under Article 96, paragraph 3, which shall be communicated by the quickest methods; and
- e) denunciations under Article 99.

Article 101 — Registration

1. After its entry into force, this Protocol shall be transmitted by the depositary to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.
2. The depositary shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to this Protocol.

Article 102 — Authentic texts

The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the depositary, which shall transmit certified true copies thereof to all the Parties to the Conventions.

ANNEX I

REGULATIONS CONCERNING IDENTIFICATION (as amended on 30 November 1993)

Article 1 — General provisions

1. The regulations concerning identification in this Annex implement the relevant provisions of the Geneva Conventions and the Protocol; they are intended to facilitate the identification of personnel, material, units, transports and installations protected under the Geneva Conventions and the Protocol.
2. These rules do not in and of themselves establish the right to protection. This right is governed by the relevant articles in the Conventions and the Protocol.
3. The competent authorities may, subject to the relevant provisions of the Geneva Conventions and the Protocol, at all times regulate the use, display, illumination and detectability of the distinctive emblems and signals.
4. The High Contracting Parties and in particular the Parties to the conflict are invited at all times to agree upon additional or other signals, means or systems which enhance the possibility of identification and take full advantage of technological developments in this field.

CHAPTER I

IDENTITY CARDS

Article 2 — Identity card for permanent civilian medical and religious personnel

1. The identity card for permanent civilian medical and religious personnel referred to in Article 18, paragraph 3, of the Protocol should:
 - a) bear the distinctive emblem and be of such size that it can be carried in the pocket;
 - b) be as durable as practicable;
 - c) be worded in the national or official language and, in addition and when appropriate, in the local language of the region concerned;
 - d) mention the name, the date of birth (or, if that date is not available, the age at the time of issue) and the identity number, if any, of the holder;
 - e) state in what capacity the holder is entitled to the protection of the Conventions and of the Protocol;

- f) bear the photograph of the holder as well as his signature or his thumbprint, or both;
 - g) bear the stamp and signature of the competent authority;
 - h) state the date of issue and date of expiry of the card;
 - i) indicate, whenever possible, the holder's blood group, on the reverse side of the card.
2. The identity card shall be uniform throughout the territory of each High Contracting Party and, as far as possible, of the same type for all Parties to the conflict. The Parties to the conflict may be guided by the single-language model shown in Figure 1. At the outbreak of hostilities, they shall transmit to each other a specimen of the model they are using, if such model differs from that shown in Figure 1. The identity card shall be made out, if possible, in duplicate, one copy being kept by the issuing authority, which should maintain control of the cards which it has issued.
 3. In no circumstances may permanent civilian medical and religious personnel be deprived of their identity cards. In the event of the loss of a card, they shall be entitled to obtain a duplicate copy.

Article 3 — Identity card for temporary civilian medical and religious personnel

1. The identity card for temporary civilian medical and religious personnel should, whenever possible, be similar to that provided for in Article 2 of these Regulations. The Parties to the conflict may be guided by the model shown in Figure 1.
2. When circumstances preclude the provision to temporary civilian medical and religious personnel of identity cards similar to those described in Article 2 of these Regulations, the said personnel may be provided with a certificate signed by the competent authority certifying that the person to whom it is issued is assigned to duty as temporary personnel and stating, if possible, the duration of such assignment and his right to wear the distinctive emblem. The certificate should mention the holder's name and date of birth (or if that is not available, his age at the time when the certificate was issued), his function and identity number, if any. It shall bear his signature or his thumbprint, or both.



Front		Reverse side	
<div> <div>   </div> <div> <div>(space reserved for the name of the country and authority issuing this card)</div> <div>IDENTITY CARD</div> <div>for PERMANENT civilian medical personnel for TEMPORARY religious</div> </div> </div> <div> Name..... Date of birth (or age) Identity No. (if any) The holder of this card is protected by the Geneva Conventions of 12 August 1949 and by the Protocol Additional to Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) in his capacity as Date of issue No. of card..... Signature of issuing authority Date of expiry </div>		<div> <div>Height.....</div> <div>Eyes.....</div> <div>Hair.....</div> </div> <div> Other distinguishing marks or information: </div> <div> <div>PHOTO OF HOLDER</div> <div>Stamp</div> <div>Signature of bearer or thumbprint or both</div> </div>	

Fig. 1: Model of identity card (format: 74 mm x 105 mm)

CHAPTER II

*THE DISTINCTIVE EMBLEM**Article 4 — Shape*

The distinctive emblem (red on a white ground) shall be as large as appropriate under the circumstances. For the shapes of the cross, the crescent or the lion and sun*, the High Contracting Parties may be guided by the models shown in Figure 2.



Fig. 2: Distinctive emblems in red on a white ground

Article 5 — Use

1. The distinctive emblem shall, whenever possible, be displayed on a flat surface, on flags or in any other way appropriate to the lay of the land, so that it is visible from as many directions and from as far away as possible, and in particular from the air.
2. At night or when visibility is reduced, the distinctive emblem may be lighted or illuminated.
3. The distinctive emblem may be made of materials which make it recognizable by technical means of detection. The red part should be painted on top of black primer paint in order to facilitate its identification, in particular by infrared instruments.
4. Medical and religious personnel carrying out their duties in the battle area shall, as far as possible, wear headgear and clothing bearing the distinctive emblem.

* No State has used the emblem of the lion and sun since 1980.

CHAPTER III

*DISTINCTIVE SIGNALS**Article 6 — Use*

1. All distinctive signals specified in this Chapter may be used by medical units or transports.
2. These signals, at the exclusive disposal of medical units and transports, shall not be used for any other purpose, the use of the light signal being reserved (see paragraph 3 below).
3. In the absence of a special agreement between the Parties to the conflict reserving the use of flashing blue lights for the identification of medical vehicles, ships and craft, the use of such signals for other vehicles, ships and craft is not prohibited.
4. Temporary medical aircraft which cannot, either for lack of time or because of their characteristics, be marked with the distinctive emblem, may use the distinctive signals authorized in this Chapter.

Article 7 — Light signal

1. The light signal, consisting of a flashing blue light as defined in the Airworthiness Technical Manual of the International Civil Aviation Organization (ICAO) Doc. 9051, is established for the use of medical aircraft to signal their identity. No other aircraft shall use this signal. Medical aircraft using the flashing blue light should exhibit such lights as may be necessary to make the light signal visible from as many directions as possible.
2. In accordance with the provisions of Chapter XIV, para. 4 of the International Maritime Organization (IMO) International Code of Signals, vessels protected by the Geneva Conventions of 1949 and the Protocol should exhibit one or more flashing blue lights visible from any direction.
3. Medical vehicles should exhibit one or more flashing blue lights visible from as far away as possible. The High Contracting Parties and, in particular, the Parties to the conflict which use lights of other colours should give notification of this.
4. The recommended blue colour is obtained when its chromaticity is within the boundaries of the International Commission on Illumination (ICI) chromaticity diagram defined by the following equations:
green boundary $y = 0.065 + 0.805x$
white boundary $y = 0.400 - x$
purple boundary $x = 0.133 + 0.600y$

The recommended flashing rate of the blue light is between sixty and one hundred flashes per minute.

Article 8 — Radio signal

1. The radio signal shall consist of the urgency signal and the distinctive signal as described in the International Telecommunication Union (ITU) Radio Regulations (RR Articles 40 and N 40).
2. The radio message preceded by the urgency and distinctive signals mentioned in paragraph 1 shall be transmitted in English at appropriate intervals on a frequency or frequencies specified for this purpose in the Radio Regulations, and shall convey the following data relating to the medical transports concerned:
 - a) call sign or other recognized means of identification;
 - b) position;
 - c) number and type of vehicles;
 - d) intended route;
 - e) estimated time *en route* and of departure and arrival, as appropriate;
 - f) any other information, such as flight altitude, guarded radio frequencies, languages used and secondary surveillance radar modes and codes.
3. In order to facilitate the communications referred to in paragraphs 1 and 2, as well as the communications referred to in Articles 22, 23 and 25 to 31 of the Protocol, the High Contracting Parties, the Parties to a conflict, or one of the Parties to a conflict, acting in agreement or alone, may designate, in accordance with the Table of Frequency Allocations in the Radio Regulations annexed to the International Telecommunication Convention, and publish selected national frequencies to be used by them for such communications. The International Telecommunication Union shall be notified of these frequencies in accordance with procedures approved by a World Administrative Radio Conference.

Article 9 — Electronic identification

1. The Secondary Surveillance Radar (SSR) system, as specified in Annex 10 to the Chicago Convention on International Civil Aviation of 7 December 1944, as amended from time to time, may be used to identify and to follow the course of medical aircraft. The SSR mode and code to be reserved for the exclusive use of medical aircraft shall be established by the High Contracting Parties, the Parties to a conflict, or one of the Parties to a conflict, acting in agreement or alone, in accordance with procedures to be recommended by the International Civil Aviation Organization.
2. Protected medical transports may, for their identification and location, use standard aeronautical radar transponders and/or maritime search and rescue radar transponders.

It should be possible for protected medical transports to be identified by other vessels or aircraft equipped with secondary surveillance radar by means of a

code transmitted by a radar transponder, e.g. in mode 3/A, fitted on the medical transports.

The code transmitted by the medical transport transponder should be assigned to that transport by the competent authorities and notified to all the Parties to the conflict.

3. It should be possible for medical transports to be identified by submarines by the appropriate underwater acoustic signals transmitted by the medical transports.

The underwater acoustic signal shall consist of the call sign (or any other recognized means of identification of medical transport) of the ship preceded by the single group YYY transmitted in morse on an appropriate acoustic frequency, e.g. 5kHz.

Parties to a conflict wishing to use the underwater acoustic identification signal described above shall inform the Parties concerned of the signal as soon as possible, and shall, when notifying the use of their hospital ships, confirm the frequency to be employed.

4. Parties to a conflict may, by special agreement between them, establish for their use a similar electronic system for the identification of medical vehicles, and medical ships and craft.

CHAPTER IV

COMMUNICATIONS

Article 10 — Radiocommunications

1. The urgency signal and the distinctive signal provided for in Article 8 may precede appropriate radiocommunications by medical units and transports in the application of the procedures carried out under Articles 22, 23 and 25 to 31 of the Protocol.
2. The medical transports referred to in Articles 40 (Section II, No. 3209) and N 40 (Section III, No. 3214) of the ITU Radio Regulations may also transmit their communications by satellite systems, in accordance with the provisions of Articles 37, N 37 and 59 of the ITU Radio Regulations for the Mobile-Satellite Services.

Article 11 — Use of international codes

Medical units and transports may also use the codes and signals laid down by the International Telecommunication Union, the International Civil Aviation

Organization and the International Maritime Organization. These codes and signals shall be used in accordance with the standards, practices and procedures established by these Organizations.

Article 12 — Other means of communication

When two-way radiocommunication is not possible, the signals provided for in the International Code of Signals adopted by the International Maritime Organization or in the appropriate Annex to the Chicago Convention on International Civil Aviation of 7 December 1944, as amended from time to time, may be used.

Article 13 — Flight plans

The agreements and notifications relating to flight plans provided for in Article 29 of the Protocol shall as far as possible be formulated in accordance with procedures laid down by the International Civil Aviation Organization.

Article 14 — Signals and procedures for the interception of medical aircraft

If an intercepting aircraft is used to verify the identity of a medical aircraft in flight or to require it to land in accordance with Articles 30 and 31 of the Protocol, the standard visual and radio interception procedures prescribed by Annex 2 to the Chicago Convention on International Civil Aviation of 7 December 1944, as amended from time to time, should be used by the intercepting and the medical aircraft.

CHAPTER V

*CIVIL DEFENCE**Article 15 — Identity card*

1. The identity card of the civil defence personnel provided for in Article 66, paragraph 3, of the Protocol is governed by the relevant provisions of Article 2 of these Regulations.
2. The identity card for civil defence personnel may follow the model shown in Figure 3.
3. If civil defence personnel are permitted to carry light individual weapons, an entry to that effect should be made on the card mentioned.


Front		Reverse side	
<div> <div>  </div> <div> <div>(space reserved for the name of the country and authority issuing this card)</div> <div>IDENTITY CARD</div> <div>for civil defence personnel</div> </div> </div> <div> <div>Name.....</div> <div>Date of birth (or age)</div> <div>Identity No. (if any)</div> <div>The holder of this card is protected by the Geneva Conventions of 12 August 1949 and by the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) in his capacity as</div> <div>Date of issue No. of card.....</div> <div>Signature of issuing authority</div> <div>Date of expiry</div> </div>		<div> <div>Height.....</div> <div>Eyes.....</div> <div>Hair.....</div> </div> <div>Other distinguishing marks or information:</div> <div>.....</div> <div>.....</div> <div>Weapons.....</div> <div>PHOTO OF HOLDER</div> <div>Stamp</div> <div>Signature of holder or thumbprint or both</div>	

Fig. 3: Model of identity card for civil defence personnel (format: 74 mm x 105 mm)

Article 16 — International distinctive sign

1. The international distinctive sign of civil defence provided for in Article 66, paragraph 4, of the Protocol is an equilateral blue triangle on an orange ground. A model is shown in Figure 4:

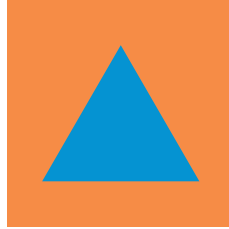


Fig. 4: Blue triangle on an orange ground

2. It is recommended that:
 - a) if the blue triangle is on a flag or armlet or tabard, the ground to the triangle be the orange flag, armlet or tabard;
 - b) one of the angles of the triangle be pointed vertically upwards;
 - c) no angle of the triangle touch the edge of the orange ground.
3. The international distinctive sign shall be as large as appropriate under the circumstances. The distinctive sign shall, whenever possible, be displayed on flat surfaces or on flags visible from as many directions and from as far away as possible. Subject to the instructions of the competent authority, civil defence personnel shall, as far as possible, wear headgear and clothing bearing the international distinctive sign. At night or when visibility is reduced, the sign may be lighted or illuminated; it may also be made of materials rendering it recognizable by technical means of detection.

CHAPTER VI

*WORKS AND INSTALLATIONS
CONTAINING DANGEROUS FORCES**Article 17 — International special sign*

1. The international special sign for works and installations containing dangerous forces, as provided for in Article 56, paragraph 7, of the Protocol, shall be a group of three bright orange circles of equal size, placed on the same axis, the distance between each circle being one radius, in accordance with Figure 5 illustrated below.
2. The sign shall be as large as appropriate under the circumstances. When displayed over an extended surface it may be repeated as often as appropriate under the circumstances. It shall, whenever possible, be displayed on flat surfaces or on flags so as to be visible from as many directions and from as far away as possible.
3. On a flag, the distance between the outer limits of the sign and the adjacent sides of the flag shall be one radius of a circle. The flag shall be rectangular and shall have a white ground.
4. At night or when visibility is reduced, the sign may be lighted or illuminated. It may also be made of materials rendering it recognizable by technical means of detection.

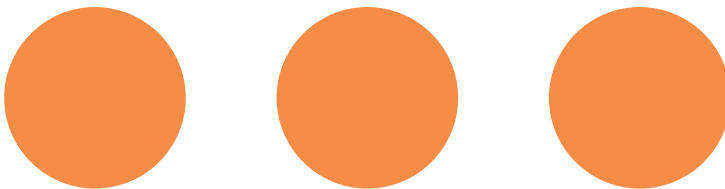


Fig. 5: International special sign for works and installations containing dangerous forces

ANNEX II

IDENTITY CARD FOR JOURNALISTS
ON DANGEROUS PROFESSIONAL MISSIONS

FRONT

<p>NOTICE</p> <p>This identity card is issued to journalists on dangerous professional missions in areas of armed conflicts. The holder is entitled to be treated as a civilian under the Geneva Conventions of 12 August 1949, and their Additional Protocol I. The card must be carried at all times by the bearer. If he is detained, he shall at once hand it to the Detaining Authorities, to assist in his identification.</p> <p>ملحوظة</p> <p>تصرف هذه البطاقة للمصحفين المكلفين بمهام خطيرة في مناطق النزاعات المسلحة. يحق لصاحبها أن يعامل معاملة الأشخاص المدنيين وفقاً لاتفاقيات جنيف المبرمة في 12 أغسطس 1949 وملحقها (بروتوكولها) الإضافي الأول. ويجب أن يحملها صاحب البطاقة بها دوماً وإذا اعتقل يجب أن يسلمها فوراً إلى سلطة الاعتقال لتساعد على تحديد هويته.</p>	<p>(Name of country issuing this card) (أسم القطر المصنر لهذه البطاقة)</p> <p>(Nombre del país que expide esta tarjeta) (Nom du pays qui a délivré cette carte)</p> <p>(Название страны, выдавшей настоящее удостоверение)</p> <p>IDENTITY CARD FOR JOURNALISTS ON DANGEROUS PROFESSIONAL MISSIONS</p> <p>بطاقة الهوية الخاصة بالصحفيين المكلفين بمهام خطيرة</p> <p>TARJETA DE IDENTIDAD DE PERIODISTA EN MISION PELIGROSA</p> <p>CARTE D'IDENTITÉ DE JOURNALISTE EN MISSION PÉRILLEUSE</p> <p>УДОСТОВЕРЕНИЕ ЖУРНАЛИСТА, НАХОДЯЩЕГОСЯ В ОПАСНОЙ КОМАНДИРОВКЕ</p>
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REVERSE SIDE

Issued by (competent authority)
صدرت عن (الجهة المختصة)
Expedida por (autoridad competente)
Delivrée par (autorité compétente)
Выдано (компетентными властями)

Place of bearer
مكان صاحب البطاقة

Lugar
Lieu

Mecro

Date
التاريخ

Fecha

Date
الـ

(Official seal/imprint)
الختم الرسمي
(Sello oficial)
(Embre de l'autorité délivrant la carte)
(Official stamp)

(Signature of bearer)
توقيع صاحب البطاقة
(Firma del titular)
(Signature du porteur)
(Подпись владельца)

Name
الاسم
Apellidos
أبواب
Non
فامالنا
First names
الاسم
Nonbre
Nonbre
Hun, Orvetsno
Place & date of birth
مكان وتاريخ الميلاد
Lugar y fecha de nacimiento
Lieu & date de naissance
Lieu et macro naissance
Correspondent of
مقابل

Correspondant de
Correspondant de
Correspondant
Specimen occupation
نمونه مهنة
Categoría profesional
Categoría professionnelle
Pos. salarial
Valid for
Valido por
Duree de validité
دوامتارلانو

Height
الطول
Estatura
Taille
Poc

Weight
الوزن
Peso
Poids
Bec

Blood type
نمط الدم
Grupo sanguineo
Groupe sanguin
Группа крови

Religion (optional)
الديانة (اختياري)
Religion (optional)
Religion (facultatif)
Религия (факкультативно)

Fingerprints (optional)
البصمات (اختياري)
Huellas dactilares (optativo)
Empreintes digitales (facultatif)
Отпечатки пальцев (факкультативно)

(Left forefinger)
الصبغة اليسرى
(Dedo indice izquierdo)
(Index gauche)
(Левый указательный палец)

(Right forefinger)
الصبغة اليمنى
(Dedo indice derecho)
(Index droit)
(Правый указательный палец)

Special marks of identification
العلامات الخاصة بالهوية
Signes particuliers
Signes particuliers
Особые приметы

VI

PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, AND RELATING TO THE PROTECTION OF VICTIMS OF NON-INTERNATIONAL ARMED CONFLICTS (PROTOCOL II), OF 8 JUNE 1977

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VI

PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, AND RELATING TO THE PROTECTION OF VICTIMS OF NON-INTERNATIONAL ARMED CONFLICTS (PROTOCOL II), OF 8 JUNE 1977

PREAMBLE

The High Contracting Parties,

Recalling that the humanitarian principles enshrined in Article 3 common to the Geneva Conventions of 12 August 1949, constitute the foundation of respect for the human person in cases of armed conflict not of an international character,

Recalling furthermore that international instruments relating to human rights offer a basic protection to the human person,

Emphasizing the need to ensure a better protection for the victims of those armed conflicts,

Recalling that, in cases not covered by the law in force, the human person remains under the protection of the principles of humanity and the dictates of the public conscience,

Have agreed on the following:

PART I

SCOPE OF THIS PROTOCOL*Article 1 — Material field of application*

1. This Protocol, which develops and supplements Article 3 common to the Geneva Conventions of 12 August 1949 without modifying its existing conditions of applications, shall apply to all armed conflicts which are not covered by Article 1 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol.
2. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.

Article 2 — Personal field of application

1. This Protocol shall be applied without any adverse distinction founded on race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria (hereinafter referred to as “adverse distinction”) to all persons affected by an armed conflict as defined in Article 1.
2. At the end of the armed conflict, all the persons who have been deprived of their liberty or whose liberty has been restricted for reasons related to such conflict, as well as those deprived of their liberty or whose liberty is restricted after the conflict for the same reasons, shall enjoy the protection of Articles 5 and 6 until the end of such deprivation or restriction of liberty.

Article 3 — Non-intervention

1. Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.
2. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.

PART II

HUMANE TREATMENT*Article 4 — Fundamental guarantees*

1. All persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honour and convictions and religious practices. They shall in all circumstances be treated humanely, without any adverse distinction. It is prohibited to order that there shall be no survivors.
2. Without prejudice to the generality of the foregoing, the following acts against the persons referred to in paragraph 1 are and shall remain prohibited at any time and in any place whatsoever:
 - a) violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;
 - b) collective punishments;
 - c) taking of hostages;
 - d) acts of terrorism;
 - e) outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;
 - f) slavery and the slave trade in all their forms;
 - g) pillage;
 - h) threats to commit any of the foregoing acts.
3. Children shall be provided with the care and aid they require, and in particular:
 - a) they shall receive an education, including religious and moral education, in keeping with the wishes of their parents, or in the absence of parents, of those responsible for their care;
 - b) all appropriate steps shall be taken to facilitate the reunion of families temporarily separated;
 - c) children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities;
 - d) the special protection provided by this Article to children who have not attained the age of fifteen years shall remain applicable to them if they take a direct part in hostilities despite the provisions of sub-paragraph c) and are captured;
 - e) measures shall be taken, if necessary, and whenever possible with the consent of their parents or persons who by law or custom are primarily responsible for their care, to remove children temporarily from the area in which hostilities are taking place to a safer area within the country and ensure that they are accompanied by persons responsible for their safety and well-being.

Article 5 — Persons whose liberty has been restricted

1. In addition to the provisions of Article 4, the following provisions shall be respected as a minimum with regard to persons deprived of their liberty for reasons related to the armed conflict, whether they are interned or detained:
 - a) the wounded and the sick shall be treated in accordance with Article 7;
 - b) the persons referred to in this paragraph shall, to the same extent as the local civilian population, be provided with food and drinking water and be afforded safeguards as regards health and hygiene and protection against the rigours of the climate and the dangers of the armed conflict;
 - c) they shall be allowed to receive individual or collective relief;
 - d) they shall be allowed to practise their religion and, if requested and appropriate, to receive spiritual assistance from persons, such as chaplains, performing religious functions;
 - e) they shall, if made to work, have the benefit of working conditions and safeguards similar to those enjoyed by the local civilian population.
2. Those who are responsible for the internment or detention of the persons referred to in paragraph 1 shall also, within the limits of their capabilities, respect the following provisions relating to such persons:
 - a) except when men and women of a family are accommodated together, women shall be held in quarters separated from those of men and shall be under the immediate supervision of women;
 - b) they shall be allowed to send and receive letters and cards, the number of which may be limited by competent authority if it deems necessary;
 - c) places of internment and detention shall not be located close to the combat zone. The persons referred to in paragraph 1 shall be evacuated when the places where they are interned or detained become particularly exposed to danger arising out of the armed conflict, if their evacuation can be carried out under adequate conditions of safety;
 - d) they shall have the benefit of medical examinations;
 - e) their physical or mental health and integrity shall not be endangered by any unjustified act or omission. Accordingly, it is prohibited to subject the persons described in this Article to any medical procedure which is not indicated by the state of health of the person concerned, and which is not consistent with the generally accepted medical standards applied to free persons under similar medical circumstances.
3. Persons who are not covered by paragraph 1 but whose liberty has been restricted in any way whatsoever for reasons related to the armed conflict shall be treated humanely in accordance with Article 4 and with paragraphs 1 a), c) and d), and 2 b) of this Article.

4. If it is decided to release persons deprived of their liberty, necessary measures to ensure their safety shall be taken by those so deciding.

Article 6 — Penal prosecutions

1. This Article applies to the prosecution and punishment of criminal offences related to the armed conflict.
2. No sentence shall be passed and no penalty shall be executed on a person found guilty of an offence except pursuant to a conviction pronounced by a court offering the essential guarantees of independence and impartiality. In particular:
 - a) the procedure shall provide for an accused to be informed without delay of the particulars of the offence alleged against him and shall afford the accused before and during his trial all necessary rights and means of defence;
 - b) no one shall be convicted of an offence except on the basis of individual penal responsibility;
 - c) no one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under the law, at the time when it was committed; nor shall a heavier penalty be imposed than that which was applicable at the time when the criminal offence was committed; if, after the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby;
 - d) anyone charged with an offence is presumed innocent until proved guilty according to law;
 - e) anyone charged with an offence shall have the right to be tried in his presence;
 - f) no one shall be compelled to testify against himself or to confess guilt.
3. A convicted person shall be advised on conviction of his judicial and other remedies and of the time-limits within which they may be exercised.
4. The death penalty shall not be pronounced on persons who were under the age of eighteen years at the time of the offence and shall not be carried out on pregnant women or mothers of young children.
5. At the end of hostilities, the authorities in power shall endeavour to grant the broadest possible amnesty to persons who have participated in the armed conflict, or those deprived of their liberty for reasons related to the armed conflict, whether they are interned or detained.

PART III

WOUNDED, SICK AND SHIPWRECKED*Article 7 — Protection and care*

1. All the wounded, sick and shipwrecked, whether or not they have taken part in the armed conflict, shall be respected and protected.
2. In all circumstances they shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them founded on any grounds other than medical ones.

Article 8 — Search

Whenever circumstances permit, and particularly after an engagement, all possible measures shall be taken, without delay, to search for and collect the wounded, sick and shipwrecked, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead, prevent their being despoiled, and decently dispose of them.

Article 9 — Protection of medical and religious personnel

1. Medical and religious personnel shall be respected and protected and shall be granted all available help for the performance of their duties. They shall not be compelled to carry out tasks which are not compatible with their humanitarian mission.
2. In the performance of their duties medical personnel may not be required to give priority to any person except on medical grounds.

Article 10 — General protection of medical duties

1. Under no circumstances shall any person be punished for having carried out medical activities compatible with medical ethics, regardless of the person benefiting therefrom.
2. Persons engaged in medical activities shall neither be compelled to perform acts or to carry out work contrary to, nor be compelled to refrain from acts required by, the rules of medical ethics or other rules designed for the benefit of the wounded and sick, or this Protocol.
3. The professional obligations of persons engaged in medical activities regarding information which they may acquire concerning the wounded and sick under their care shall, subject to national law, be respected.
4. Subject to national law, no person engaged in medical activities may be

penalized in any way for refusing or failing to give information concerning the wounded and sick who are, or who have been, under his care.

Article 11 — Protection of medical units and transports

1. Medical units and transports shall be respected and protected at all times and shall not be the object of attack.
2. The protection to which medical units and transports are entitled shall not cease unless they are used to commit hostile acts, outside their humanitarian function. Protection may, however, cease only after a warning has been given setting, whenever appropriate, a reasonable time-limit, and after such warning has remained unheeded.

Article 12 — The distinctive emblem

Under the direction of the competent authority concerned, the distinctive emblem of the red cross, red crescent or red lion and sun on a white ground shall be displayed by medical and religious personnel and medical units, and on medical transports. It shall be respected in all circumstances. It shall not be used improperly.

PART IV

CIVILIAN POPULATION

Article 13 — Protection of the civilian population

1. The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations. To give effect to this protection, the following rules shall be observed in all circumstances.
2. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.
3. Civilians shall enjoy the protection afforded by this Part, unless and for such time as they take a direct part in hostilities.

Article 14 — Protection of objects indispensable to the survival of the civilian population

Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas

for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works.

Article 15 — Protection of works and installations containing dangerous forces

Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population.

Article 16 — Protection of cultural objects and of places of worship

Without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, it is prohibited to commit any acts of hostility directed against historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples, and to use them in support of the military effort.

Article 17 — Prohibition of forced movement of civilians

1. The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.
2. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.

Article 18 — Relief societies and relief actions

1. Relief societies located in the territory of the High Contracting Party, such as Red Cross (Red Crescent, Red Lion and Sun) organizations, may offer their services for the performance of their traditional functions in relation to the victims of the armed conflict. The civilian population may, even on its own initiative, offer to collect and care for the wounded, sick and shipwrecked.
2. If the civilian population is suffering undue hardship owing to a lack of the supplies essential for its survival, such as foodstuffs and medical supplies, relief actions for the civilian population which are of an exclusively humanitarian and impartial nature and which are conducted without any adverse distinction shall be undertaken subject to the consent of the High Contracting Party concerned.

PART V

FINAL PROVISIONS*Article 19 — Dissemination*

This Protocol shall be disseminated as widely as possible.

Article 20 — Signature

This Protocol shall be open for signature by the Parties to the Conventions six months after the signing of the Final Act and will remain open for a period of twelve months.

Article 21 — Ratification

This Protocol shall be ratified as soon as possible. The instruments of ratification shall be deposited with the Swiss Federal Council, depositary of the Conventions.

Article 22 — Accession

This Protocol shall be open for accession by any Party to the Conventions which has not signed it. The instruments of accession shall be deposited with the depositary.

Article 23 — Entry into force

1. This Protocol shall enter into force six months after two instruments of ratification or accession have been deposited.
2. For each Party to the Conventions thereafter ratifying or acceding to this Protocol, it shall enter into force six months after the deposit by such Party of its instrument of ratification or accession.

Article 24 — Amendment

1. Any High Contracting Party may propose amendments to this Protocol. The text of any proposed amendment shall be communicated to the depositary which shall decide, after consultation with all the High Contracting Parties and the International Committee of the Red Cross, whether a conference should be convened to consider the proposed amendment.
2. The depositary shall invite to that conference all the High Contracting Parties as well as the Parties to the Conventions, whether or not they are signatories of this Protocol.

Article 25 — Denunciation

1. In case a High Contracting Party should denounce this Protocol, the denunciation shall only take effect six months after receipt of the instrument of denunciation. If, however, on the expiry of six months, the denouncing Party is engaged in the situation referred to in Article 1, the denunciation shall not take effect before the end of the armed conflict. Persons who have been deprived of liberty, or whose liberty has been restricted, for reasons related to the conflict shall nevertheless continue to benefit from the provisions of this Protocol until their final release.
2. The denunciation shall be notified in writing to the depositary, which shall transmit it to all the High Contracting Parties.

Article 26 — Notifications

The depositary shall inform the High Contracting Parties as well as the Parties to the Conventions, whether or not they are signatories of this Protocol, of:

- a) signatures affixed to this Protocol and the deposit of instruments of ratification and accession under Articles 21 and 22;
- b) the date of entry into force of this Protocol under Article 23; and
- c) communications and declarations received under Article 24.

Article 27 — Registration

1. After its entry into force, this Protocol shall be transmitted by the depositary to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.
2. The depositary shall also inform the Secretariat of the United Nations of all ratifications and accessions received by it with respect to this Protocol.

Article 28 — Authentic texts

The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the depositary, which shall transmit certified true copies thereof to all the Parties to the Conventions.

VII

PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, AND RELATING TO THE ADOPTION OF AN ADDITIONAL DISTINCTIVE EMBLEM (PROTOCOL III), OF 8 DECEMBER 2005

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Third Protocol emblem

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VII

PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, AND RELATING TO THE ADOPTION OF AN ADDITIONAL DISTINCTIVE EMBLEM (PROTOCOL III), OF 8 DECEMBER 2005

PREAMBLE

The High Contracting Parties,

(PP1) *Reaffirming* the provisions of the Geneva Conventions of 12 August 1949 (in particular Articles 26, 38, 42 and 44 of the First Geneva Convention) and, where applicable, their Additional Protocols of 8 June 1977 (in particular Articles 18 and 38 of Additional Protocol I and Article 12 of Additional Protocol II), concerning the use of distinctive emblems,

(PP2) *Desiring* to supplement the aforementioned provisions so as to enhance their protective value and universal character,

(PP3) *Noting* that this Protocol is without prejudice to the recognized right of High Contracting Parties to continue to use the emblems they are using in conformity with their obligations under the Geneva Conventions and, where applicable, the Protocols additional thereto,

(PP4) *Recalling* that the obligation to respect persons and objects protected by the Geneva Conventions and the Protocols additional thereto derives from their protected status under international law and is not dependent on use of the distinctive emblems, signs or signals,

(PP5) *Stressing* that the distinctive emblems are not intended to have any religious, ethnic, racial, regional or political significance,

(PP6) *Emphasizing* the importance of ensuring full respect for the obligations relating to the distinctive emblems recognized in the Geneva Conventions, and, where applicable, the Protocols additional thereto,

(PP7) *Recalling* that Article 44 of the First Geneva Convention makes the distinction between the protective use and the indicative use of the distinctive emblems,

(PP8) *Recalling* further that National Societies undertaking activities on the territory of another State must ensure that the emblems they intend to use within the framework of such activities may be used in the country where the activity takes place and in the country or countries of transit,

(PP9) *Recognizing* the difficulties that certain States and National Societies may have with the use of the existing distinctive emblems,

(PP10) *Noting* the determination of the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and the International Red Cross and Red Crescent Movement to retain their current names and emblems,

Have agreed on the following:

Article 1 — Respect for and scope of application of this Protocol

1. The High Contracting Parties undertake to respect and to ensure respect for this Protocol in all circumstances.
2. This Protocol reaffirms and supplements the provisions of the four Geneva Conventions of 12 August 1949 (“the Geneva Conventions”) and, where applicable, of their two Additional Protocols of 8 June 1977 (“the 1977 Additional Protocols”) relating to the distinctive emblems, namely the red cross, the red crescent and the red lion and sun, and shall apply in the same situations as those referred to in these provisions.

Article 2 — Distinctive emblems

1. This Protocol recognizes an additional distinctive emblem in addition to, and for the same purposes as, the distinctive emblems of the Geneva Conventions. The distinctive emblems shall enjoy equal status.
2. This additional distinctive emblem, composed of a red frame in the shape of a square on edge on a white ground, shall conform to the illustration in the Annex to this Protocol. This distinctive emblem is referred to in this Protocol as the “third Protocol emblem”.
3. The conditions for use of and respect for the third Protocol emblem are identical to those for the distinctive emblems established by the Geneva Conventions and, where applicable, the 1977 Additional Protocols.

4. The medical services and religious personnel of armed forces of High Contracting Parties may, without prejudice to their current emblems, make temporary use of any distinctive emblem referred to in paragraph 1 of this Article where this may enhance protection.

Article 3 — Indicative use of the third Protocol emblem

1. National Societies of those High Contracting Parties which decide to use the third Protocol emblem may, in using the emblem in conformity with relevant national legislation, choose to incorporate within it, for indicative purposes:
 - a) a distinctive emblem recognized by the Geneva Conventions or a combination of these emblems; or
 - b) another emblem which has been in effective use by a High Contracting Party and was the subject of a communication to the other High Contracting Parties and the International Committee of the Red Cross through the depositary prior to the adoption of this Protocol.

Incorporation shall conform to the illustration in the Annex to this Protocol.

2. A National Society which chooses to incorporate within the third Protocol emblem another emblem in accordance with paragraph 1 above, may, in conformity with national legislation, use the designation of that emblem and display it within its national territory.
3. National Societies may, in accordance with national legislation and in exceptional circumstances and to facilitate their work, make temporary use of the distinctive emblem referred to in Article 2 of this Protocol.
4. This Article does not affect the legal status of the distinctive emblems recognized in the Geneva Conventions and in this Protocol, nor does it affect the legal status of any particular emblem when incorporated for indicative purposes in accordance with paragraph 1 of this Article.

Article 4 — International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies

The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, and their duly authorized personnel, may use, in exceptional circumstances and to facilitate their work, the distinctive emblem referred to in Article 2 of this Protocol.

Article 5 — Missions under United Nations auspices

The medical services and religious personnel participating in operations under the auspices of the United Nations may, with the agreement of participating States, use one of the distinctive emblems mentioned in Articles 1 and 2.

Article 6 — Prevention and repression of misuse

1. The provisions of the Geneva Conventions and, where applicable, the 1977 Additional Protocols, governing prevention and repression of misuse of the distinctive emblems shall apply equally to the third Protocol emblem. In particular, the High Contracting Parties shall take measures necessary for the prevention and repression, at all times, of any misuse of the distinctive emblems mentioned in Articles 1 and 2 and their designations, including the perfidious use and the use of any sign or designation constituting an imitation thereof.
2. Notwithstanding paragraph 1 above, High Contracting Parties may permit prior users of the third Protocol emblem, or of any sign constituting an imitation thereof, to continue such use, provided that the said use shall not be such as would appear, in time of armed conflict, to confer the protection of the Geneva Conventions and, where applicable, the 1977 Additional Protocols, and provided that the rights to such use were acquired before the adoption of this Protocol.

Article 7 — Dissemination

The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate this Protocol as widely as possible in their respective countries and, in particular, to include the study thereof in their programmes of military instruction and to encourage the study thereof by the civilian population, so that this instrument may become known to the armed forces and to the civilian population.

Article 8 — Signature

This Protocol shall be open for signature by the Parties to the Geneva Conventions on the day of its adoption and will remain open for a period of twelve months.

Article 9 — Ratification

This Protocol shall be ratified as soon as possible. The instruments of ratification shall be deposited with the Swiss Federal Council, depositary of the Geneva Conventions and the 1977 Additional Protocols.

Article 10 — Accession

This Protocol shall be open for accession by any Party to the Geneva Conventions which has not signed it. The instruments of accession shall be deposited with the depositary.

Article 11 — Entry into force

1. This Protocol shall enter into force six months after two instruments of ratification or accession have been deposited.

2. For each Party to the Geneva Conventions thereafter ratifying or acceding to this Protocol, it shall enter into force six months after the deposit by such Party of its instrument of ratification or accession.

Article 12 — Treaty relations upon entry into force of this Protocol

1. When the Parties to the Geneva Conventions are also Parties to this Protocol, the Conventions shall apply as supplemented by this Protocol.
2. When one of the Parties to the conflict is not bound by this Protocol, the Parties to the Protocol shall remain bound by it in their mutual relations. They shall furthermore be bound by this Protocol in relation to each of the Parties which are not bound by it, if the latter accepts and applies the provisions thereof.

Article 13 — Amendment

1. Any High Contracting Party may propose amendments to this Protocol. The text of any proposed amendment shall be communicated to the depositary, which shall decide, after consultation with all the High Contracting Parties, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, whether a conference should be convened to consider the proposed amendment.
2. The depositary shall invite to that conference all the High Contracting Parties as well as the Parties to the Geneva Conventions, whether or not they are signatories of this Protocol.

Article 14 — Denunciation

1. In case a High Contracting Party should denounce this Protocol, the denunciation shall only take effect one year after receipt of the instrument of denunciation. If, however, on the expiry of that year the denouncing Party is engaged in a situation of armed conflict or occupation, the denunciation shall not take effect before the end of the armed conflict or occupation.
2. The denunciation shall be notified in writing to the depositary, which shall transmit it to all the High Contracting Parties.
3. The denunciation shall have effect only in respect of the denouncing Party.
4. Any denunciation under paragraph 1 shall not affect the obligations already incurred, by reason of the armed conflict or occupation, under this Protocol by such denouncing Party in respect of any act committed before this denunciation becomes effective.

Article 15 — Notifications

The depositary shall inform the High Contracting Parties as well as the Parties to the Geneva Conventions, whether or not they are signatories of this Protocol, of:

- a) signatures affixed to this Protocol and the deposit of instruments of ratification and accession under Articles 8, 9 and 10;
- b) the date of entry into force of this Protocol under Article 11 within ten days of said entry into force;
- c) communications received under Article 13;
- d) denunciations under Article 14.

Article 16 — Registration

1. After its entry into force, this Protocol shall be transmitted by the depositary to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.
2. The depositary shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to this Protocol.

Article 17 — Authentic texts

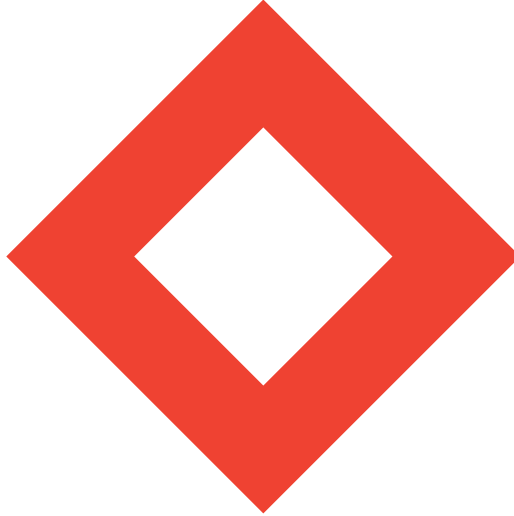
The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the depositary, which shall transmit certified true copies thereof to all the Parties to the Geneva Conventions.

ANNEX

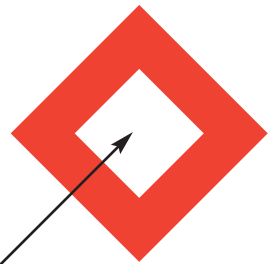
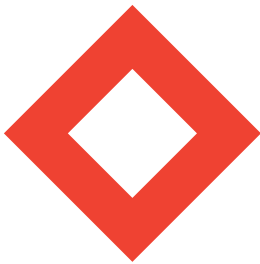
THIRD PROTOCOL EMBLEM

(Article 2, paragraph 2 and Article 3, paragraph 1 of the Protocol)

Article 1 — Distinctive emblem



Article 2 — Indicative use of the third Protocol emblem



Incorporation
in accordance with Art. 3

B. OTHER TEXTS OF INTERNATIONAL HUMANITARIAN LAW

I

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)

Other texts
of IHL

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, the twenty-ninth of November – eleventh day of December one thousand eight hundred and sixty-eight.

II

EXTRACT FROM THE DECLARATION CONCERNING THE PROHIBITION OF USING BULLETS WHICH EXPAND OR FLATTEN EASILY IN THE HUMAN BODY

(Declaration 3)

(International Peace Conference, The Hague, 1899)

The undersigned, Plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments,

Inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

Declare as follows:

“The contracting Parties agree to abstain from the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions.”

III

EXTRACT FROM THE HAGUE CONVENTION OF 18 OCTOBER 1907 RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

(Convention No. IV)

AND ANNEXED REGULATIONS

(List of Contracting Powers)

Seeing that, while seeking means to preserve peace and prevent armed conflicts between nations, it is likewise necessary to bear in mind the case where the appeal to arms has been brought about by events which their care was unable to avert;

Animated by the desire to serve, even in this extreme case, the interests of humanity and the ever progressive needs of civilization;

Thinking it important, with this object, to revise the general laws and customs of war, either with a view to defining them with greater precision or to confining them within such limits as would mitigate their severity as far as possible;

Have deemed it necessary to complete and explain in certain particulars the work of the First Peace Conference, which, following on the Brussels Conference of 1874, and inspired by the ideas dictated by a wise and generous forethought, adopted provisions intended to define and govern the usages of war on land.

According to the view of the High Contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war, as far as military requirements permit, are intended to serve as a general rule of conduct for the belligerents in their mutual relations and in their relations with the inhabitants.

It has not, however, been found possible at present to concert regulations covering all the circumstances which arise in practice.

On the other hand, the High Contracting Parties clearly do not intend that unforeseen cases should, in the absence of a written undertaking, be left to the arbitrary judgment of military commanders.

Until a more complete code of the laws of war has been issued, the High Contracting Parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience.

They declare that it is in this sense especially that Articles 1 and 2 of the Regulations adopted must be understood.

(Names of plenipotentiaries)

ARTICLE 1. — The contracting Powers shall issue instructions to their armed land forces which shall be in conformity with the Regulations respecting the Laws and Customs of War on Land, annexed to the present Convention.

ART. 2. — The provisions contained in the Regulations referred to in Article 1, as well as in the present Convention, do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

ART. 3. — A belligerent Party which violates the provisions of the said Regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

ART. 4. — The present Convention, duly ratified, shall as between the contracting Powers, be substituted for the Convention of the 29th July, 1899, respecting the Laws and Customs of War on Land.

The Convention of 1899 remains in force as between the Powers which signed it, and which do not also ratify the present Convention.

Articles 5 to 9 are not included in this edition

**REGULATIONS RESPECTING THE LAWS
AND CUSTOMS OF WAR ON LAND**

SECTION I

BELLIGERENTS

CHAPTER I

The Qualifications of Belligerents

ARTICLE 1. — The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps fulfilling the following conditions:

- 1° To be commanded by a person responsible for his subordinates;
- 2° To have a fixed distinctive emblem recognizable at a distance;
- 3° To carry arms openly; and
- 4° To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination “army”.

ART. 2. — The inhabitants of a territory which has not been occupied, who, on the approach of the enemy, spontaneously take up arms to resist the invading troops without having had time to organize themselves in accordance with Article 1, shall be regarded as belligerents if they carry arms openly and if they respect the laws and customs of war.

ART. 3. — The armed forces of the belligerent parties may consist of combatants and non-combatants. In the case of capture by the enemy, both have a right to be treated as prisoners of war.

CHAPTER II

Prisoners of War

ART. 4. — Prisoners of war are in the power of the hostile Government, but not of the individuals or corps who capture them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers, remain their property.

ART. 5. — Prisoners of war may be interned in a town, fortress, camp, or other place, and bound not to go beyond certain fixed limits; but they can not be confined except as an indispensable measure of safety and only while the circumstances which necessitate the measure continue to exist.

ART. 6. — The State may utilize the labour of prisoners of war according to their rank and aptitude, officers excepted. The tasks shall not be excessive and shall have no connection with the operations of the war.

Prisoners may be authorized to work for the public service, for private persons, or on their own account.

Work done for the State shall be paid for at the rates in force for work of similar kind done by soldiers of the national army, or, if there are none in force, at a rate according to the work executed.

When the work is for other branches of the public service or for private persons, the conditions are settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them on their release, after deducting the cost of their maintenance.

ART. 7. — The Government into whose hands prisoners of war have fallen is charged with their maintenance.

In the absence of a special agreement between belligerents, prisoners of war shall be treated as regards board, lodging, and clothing on the same footing as the troops of the Government who captured them.

ART. 8. — Prisoners of war shall be subject to the laws, regulations, and order in force in the army of the State in whose power they are. Any act of insubordination justifies the adoption towards them of such measures of severity as may be considered necessary.

Escaped prisoners who are retaken before being able to rejoin their own army or before leaving the territory occupied by the army which captured them are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping are again taken prisoners, are not liable to any punishment on account of the previous flight.

ART. 9. — Every prisoner of war is bound to give, if he is questioned on the subject, his true name and rank, and if he infringes this rule, he is liable to have the advantages given to prisoners of his class curtailed.

ART. 10. — Prisoners of war may be set at liberty on parole if the laws of their country allow, and, in such cases, they are bound, on their personal honour, scrupulously to fulfil, both towards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases their own Government is bound neither to require of nor accept from them any service incompatible with the parole given.

ART. 11. — A prisoner of war can not be compelled to accept his liberty on parole; similarly the hostile Government is not obliged to accede to the request of the prisoner to be set at liberty on parole.

ART. 12. — Prisoners of war liberated on parole and recaptured bearing arms against the Government to whom they had pledged their honour, or against the allies of that Government, forfeit their right to be treated as prisoners of war, and can be brought before the courts.

ART. 13. — Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers and contractors, who fall into the enemy's hands and whom the latter thinks expedient to detain, are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the army which they were accompanying.

ART. 14. — An inquiry office for prisoners of war is instituted on the commencement of hostilities in each of the belligerent States, and, when necessary, in neutral countries which have received belligerents in their territory. It is the function of this office to reply to all inquiries about the prisoners. It receives from the various services concerned full information respecting internments and transfers, releases on parole, exchanges, escapes, admission into hospital, deaths, as well as other information necessary to enable it to make out and keep up to date an individual return for each prisoner of war. The office must state in this return the regimental number, name and surname, age, place of origin, rank, unit, wounds, date and place of capture, internment, wounding, and death, as well as any observations of a special character. The individual return shall be sent to the Government of the other belligerent after the conclusion of peace.

It is likewise the function of the inquiry office to receive and collect all objects of personal use, valuables, letters, etc., found on the field of battle or left by prisoners who have been released on parole, or exchanged, or who have escaped, or died in hospitals or ambulances, and to forward them to those concerned.

ART. 15. — Relief societies for prisoners of war, which are properly constituted in accordance with the laws of their country and with the object of serving as the channel for charitable effort shall receive from the belligerents, for themselves and their duly accredited agents every facility for the efficient performance of their humane task within the bounds imposed by military necessities and administrative regulations. Agents of these societies may be admitted to the places of internment for the purpose of distributing relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an undertaking in writing to comply with all measures of order and police which the latter may issue.

ART. 16. — Inquiry offices enjoy the privilege of free postage. Letters, money orders, and valuables, as well as parcels by post, intended for prisoners of war, or dispatched by them, shall be exempt from all postal duties in the countries of origin and destination, as well as in the countries they pass through.

Presents and relief in kind for prisoners of war shall be admitted free of all import or other duties, as well as of payments for carriage by the State railways.

ART. 17. — Officers taken prisoners shall receive the same rate of pay as officers of corresponding rank in the country where they are detained, the amount to be ultimately refunded by their own Government.

ART. 18. — Prisoners of war shall enjoy complete liberty in the exercise of their religion, including attendance at the services of whatever church they may belong to, on the sole condition that they comply with the measures of order and police issued by the military authorities.

ART. 19. — The wills of prisoners of war are received or drawn up in the same way as for soldiers of the national army.

The same rules shall be observed regarding death certificates as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

ART. 20. — After the conclusion of peace, the repatriation of prisoners of war shall be carried out as quickly as possible.

CHAPTER III

The Sick and Wounded

ART. 21. — The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention.

SECTION II

HOSTILITIES

CHAPTER I

Means of Injuring the Enemy, Sieges and Bombardments

ART. 22. — The right of belligerents to adopt means of injuring the enemy is not unlimited.

ART. 23. — In addition to the prohibitions provided by special Conventions, it is especially forbidden:

- a) To employ poison or poisoned weapons;
- b) To kill or wound treacherously individuals belonging to the hostile nation or army;
- c) To kill or wound an enemy who, having laid down his arms, or having no longer means of defence, has surrendered at discretion;
- d) To declare that no quarter will be given;
- e) To employ arms, projectiles, or material calculated to cause unnecessary suffering;
- f) To make improper use of a flag of truce, of the national flag or of the military insignia and uniform of the enemy, as well as the distinctive badges of the Geneva Convention;
- g) To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war;
- h) To declare abolished, suspended, or inadmissible in a court of law the rights and actions of the nationals of the hostile party.

A belligerent is likewise forbidden to compel the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war.

ART. 24. — Ruses of war and the employment of measures necessary for obtaining information about the enemy and the country are considered permissible.

ART. 25. — The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.

ART. 26. — The officer in command of an attacking force must, before commencing a bombardment, except in cases of assault, do all in his power to warn the authorities.

ART. 27. — In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes.

It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand.

ART. 28. — The pillage of a town or place, even when taken by assault, is prohibited.

CHAPTER II

Spies

ART. 29. — A person can only be considered a spy when, acting clandestinely or on false pretences, he obtains or endeavours to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not wearing a disguise who have penetrated into the zone of operations of the hostile army, for the purpose of obtaining information, are not considered spies. Similarly, the following are not considered spies: soldiers and civilians, carrying out their mission openly, entrusted with the delivery of dispatches either for their own army or for the enemy's army. To this class belong likewise persons sent in balloons for the purpose of carrying dispatches and, generally, of maintaining communications between the different parts of an army or a territory.

ART. 30. — A spy taken in the act shall not be punished without previous trial.

ART. 31. — A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

CHAPTER III

Flags of Truce

ART. 32. — A person is regarded as a bearer of a flag of truce who has been authorized by one of the belligerents to enter into communication with the other, and who advances bearing a white flag. He has a right to inviolability, as well as the trumpeter, bugler or drummer, the flagbearer and the interpreter who may accompany him.

ART. 33. — The commander to whom a parlementaire is sent is not in all cases obliged to receive him.

He may take all the necessary steps to prevent a parlementaire taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the envoy temporarily.

ART. 34. — The parlementaire loses his rights of inviolability if it is proved in a clear and incontestable manner that he has taken advantage of his privileged position to provoke or commit an act of treason.

CHAPTER IV

Capitulations

ART. 35. — Capitulations agreed upon between the Contracting Parties must take into account the rules of military honour.

Once settled, they must be scrupulously observed by both Parties.

CHAPTER V

Armistice

ART. 36. — An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not defined, the belligerent parties may resume operations at any time, provided always that the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

ART. 37. — An armistice may be general or local. The first suspends the military operations of the belligerent States everywhere; the second only between certain fractions of the belligerent armies and within a fixed radius.

ART. 38. — An armistice must be notified officially and in good time to the competent authorities and to the troops. Hostilities are suspended immediately after the notification, or on the date fixed.

ART. 39. — It rests with the Contracting Parties to settle, in the terms of the armistices, what communications may be held in the theatre of war with the inhabitants and between the inhabitants of one belligerent State and those of the other.

ART. 40. — Any serious violation of the armistice by one of the parties gives the other party the right of denouncing it, and even, in cases of urgency, of recommencing hostilities immediately.

ART. 41. — A violation of the terms of the armistice by private persons acting on their own initiative only entitles the injured party to demand the punishment of the offenders or, if necessary, compensation for the losses sustained.

SECTION III

MILITARY AUTHORITY OVER THE TERRITORY OF THE HOSTILE STATE

ART. 42. — Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation extends only to the territory where such authority has been established and can be exercised.

ART. 43. — The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

ART. 44. — A belligerent is forbidden to force the inhabitants of territory occupied by it to furnish information about the army of the other belligerent, or about its means of defence.

ART. 45. — It is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power.

ART. 46. — Family honour and rights, the lives of persons, and private property, as well as religious conviction and practice, must be respected.

Private property cannot be confiscated.

ART. 47. — Pillage is formally forbidden.

ART. 48. — If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do so, as far as is possible, in accordance with the rules of assessment and incidence in force, and shall in consequence be bound to defray the expenses of the administration of the occupied territory to the same extent as the legitimate Government was so bound.

ART. 49. — If, in addition to the taxes mentioned in the above Article, the occupant levies other money contributions in the occupied territory, this shall only be for the needs of the army or of the administration of the territory in question.

ART. 50. — No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible.

ART. 51. — No contribution shall be collected except under a written order, and on the responsibility of a Commander-in-Chief.

The collection of the said contribution shall only be effected as far as possible in accordance with the rules of assessment and incidence of the taxes in force.

For every contribution a receipt shall be given to the contributors.

ART. 52. — Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the inhabitants in the obligation of taking part in military operations against their own country.

Such requisitions and services shall only be demanded on the authority of the commander in the locality occupied.

Contributions in kind shall as far as possible be paid for in cash; if not, a receipt shall be given and the payment of the amount due shall be made as soon as possible.

ART. 53. — An army of occupation can only take possession of cash, funds, and realizable securities which are strictly the property of the State, depots of arms, means of transport, stores and supplies, and, generally, all movable property belonging to the State which may be used for military operations.

All appliances, whether on land, at sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depots of arms, and, generally, all kinds of munitions of war, may be seized, even if they belong to private individuals, but they must be restored and compensation fixed when peace is made.

ART. 54. — Submarine cables connecting occupied territory with a neutral territory shall not be seized or destroyed except in the case of absolute necessity. They must likewise be restored and compensation fixed when peace is made.

ART. 55. — The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.

ART. 56. — The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property.

All seizure of, destruction or wilful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings.

IV

EXTRACT FROM THE HAGUE CONVENTION OF 18 OCTOBER 1907 RESPECTING THE RIGHTS AND DUTIES OF NEUTRAL POWERS AND PERSONS IN CASE OF WAR ON LAND

(Convention No. V)

CHAPTER II

Belligerents Interned and Wounded Tended in Neutral Territory

ART. 11. — A neutral Power which receives on its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war.

It may keep them in camps and even confine them in fortresses or in places set apart for this purpose.

It shall decide whether officers can be left at liberty on giving their parole not to leave the neutral territory without permission.

ART. 12. — In the absence of a special convention to the contrary, the neutral Power shall supply the interned with the food, clothing, and relief required by humanity.

At the conclusion of peace the expenses caused by the internment shall be made good.

ART. 13. — A neutral Power which receives escaped prisoners of war shall leave them at liberty. If it allows them to remain in its territory it may assign them a place of residence.

The same rule applies to prisoners of war brought by troops taking refuge in the territory of a neutral Power.

ART. 14. — A neutral Power may authorize the passage over its territory of the sick and wounded belonging to the belligerent armies, on condition that the trains bringing them shall carry neither personnel nor war material. In such case, the neutral Power is bound to take whatever measures of safety and control are necessary for the purpose.

The sick or wounded brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral Power so as to ensure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

ART. 15. — The Geneva Convention applies to the sick and wounded interned in neutral territory.

CHAPTER III

Neutral Persons

ART. 16. — The nationals of a State which is not taking part in the war are considered as neutrals.

ART. 17. — A neutral cannot avail himself of his neutrality:

- a)* if he commits hostile acts against a belligerent;
- b)* if he commits acts in favour of a belligerent, particularly if he voluntarily enlists in the ranks of the armed force of one of the parties.

In such a case, the neutral shall not be more severely treated by the belligerent as against whom he has abandoned his neutrality than a national of the other belligerent State could be for the same act.

ART. 18. — The following acts shall not be considered as committed in favour of one belligerent in the sense of Article 17, letter b):

- a)* supplies furnished or loans made to one of the belligerents, provided that the person who furnishes the supplies or who makes the loans lives neither in the territory of the other party nor in the territory occupied by him, and that the supplies do not come from these territories;
- b)* services rendered in matters of police or civil administration.

V

GENEVA PROTOCOL OF 17 JUNE 1925 FOR THE PROHIBITION OF THE USE IN WAR OF ASPHYXIATING, POISONOUS OR OTHER GASES AND OF BACTERIOLOGICAL METHODS OF WARFARE

The undersigned Plenipotentiaries, in the name of their respective Governments:

Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilized world; and

Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties; and

To the end that this prohibition shall be universally accepted as a part of International Law, binding alike the conscience and the practice of nations;

Declare:

That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this declaration.

The High Contracting Parties will exert every effort to induce other States to accede to the present Protocol. Such accession will be notified to the Government of the French Republic, and by the latter to all signatory and acceding Powers, and will take effect on the date of the notification by the Government of the French Republic.

The present Protocol, of which the French and English texts are both authentic, shall be ratified as soon as possible. It shall bear to-day's date.

The ratifications of the present Protocol shall be addressed to the Government of the French Republic, which will at once notify the deposit of such ratification to each of the signatory and acceding Powers.

The instruments of ratification of and accession to the present Protocol will remain deposited in the archives of the Government of the French Republic.

The present Protocol will come into force for each signatory Power as from the date of deposit of its ratification, and, from that moment, each Power will be bound as regards other Powers which have already deposited their ratifications.

VI

THE HAGUE CONVENTION OF 14 MAY 1954 FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

The High Contracting Parties,

Recognizing that cultural property has suffered grave damage during recent armed conflicts and that, by reason of the developments in the technique of warfare, it is in increasing danger of destruction;

Being convinced that damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world;

Considering that the preservation of the cultural heritage is of great importance for all peoples of the world and that it is important that this heritage should receive international protection;

Guided by the principles concerning the protection of cultural property during armed conflict, as established in the Conventions of The Hague of 1899 and of 1907 and in the Washington Pact of 15 April 1935;

Being of the opinion that such protection cannot be effective unless both national and international measures have been taken to organize it in time of peace;

Being determined to take all possible steps to protect cultural property;

Have agreed upon the following provisions:

CHAPTER I

GENERAL PROVISIONS REGARDING PROTECTION

ARTICLE 1

Definition of Cultural Property

For the purposes of the present Convention, the term “cultural property” shall cover, irrespective of origin or ownership:

- a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole,

are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;

- b)* buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph *a)* such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph *a)*;
- c)* centres containing a large amount of cultural property as defined in sub-paragraphs *a)* and *b)*, to be known as “centres containing monuments”.

ARTICLE 2

Protection of Cultural Property

For the purposes of the present Convention, the protection of cultural property shall comprise the safeguarding of and respect for such property.

ARTICLE 3

Safeguarding of Cultural Property

The High Contracting Parties undertake to prepare in time of peace for the safeguarding of cultural property situated within their own territory against the foreseeable effects of an armed conflict, by taking such measures as they consider appropriate.

ARTICLE 4

Respect for Cultural Property

1. The High Contracting Parties undertake to respect cultural property situated within their own territory as well as within the territory of other High Contracting Parties by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes which are likely to expose it to destruction or damage in the event of armed conflict; and by refraining from any act of hostility directed against such property.
2. The obligations mentioned in paragraph 1 of the present Article may be waived only in cases where military necessity imperatively requires such a waiver.
3. The High Contracting Parties further undertake to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property. They shall refrain

from requisitioning movable cultural property situated in the territory of another High Contracting Party.

4. They shall refrain from any act directed by way of reprisals against cultural property.
5. No High Contracting Party may evade the obligations incumbent upon it under the present Article, in respect of another High Contracting Party, by reason of the fact that the latter has not applied the measures of safeguard referred to in Article 3.

ARTICLE 5

Occupation

1. Any High Contracting Party in occupation of the whole or part of the territory of another High Contracting Party shall as far as possible support the competent national authorities of the occupied country in safeguarding and preserving its cultural property.
2. Should it prove necessary to take measures to preserve cultural property situated in occupied territory and damaged by military operations, and should the competent national authorities be unable to take such measures, the Occupying Power shall, as far as possible, and in close co-operation with such authorities, take the most necessary measures of preservation.
3. Any High Contracting Party whose government is considered their legitimate government by members of a resistance movement, shall, if possible, draw their attention to the obligation to comply with those provisions of the Convention dealing with respect for cultural property.

ARTICLE 6

Distinctive Marking of Cultural Property

In accordance with the provisions of Article 16, cultural property may bear a distinctive emblem so as to facilitate its recognition.

ARTICLE 7

Military Measures

1. The High Contracting Parties undertake to introduce in time of peace into their military regulations or instructions such provisions as may ensure observance of the present Convention, and to foster in the members of their armed forces a spirit of respect for the culture and cultural property of all peoples.
2. The High Contracting Parties undertake to plan or establish in peacetime, within their armed forces, services or specialist personnel whose purpose will

be to secure respect for cultural property and to co-operate with the civilian authorities responsible for safeguarding it.

CHAPTER II

SPECIAL PROTECTION

ARTICLE 8

Granting of Special Protection

1. There may be placed under special protection a limited number of refuges intended to shelter movable cultural property in the event of armed conflict, of centres containing monuments and other immovable cultural property of very great importance, provided that they:
 - a) are situated at an adequate distance from any large industrial centre or from any important military objective constituting a vulnerable point, such as, for example, an aerodrome, broadcasting station, establishment engaged upon work of national defence, a port or railway station of relative importance or a main line of communication;
 - b) are not used for military purposes.
2. A refuge for movable cultural property may also be placed under special protection, whatever its location, if it is so constructed that, in all probability, it will not be damaged by bombs.
3. A centre containing monuments shall be deemed to be used for military purposes whenever it is used for the movement of military personnel or material, even in transit. The same shall apply whenever activities directly connected with military operations, the stationing of military personnel, or the production of war material are carried on within the centre.
4. The guarding of cultural property mentioned in paragraph 1 above by armed custodians specially empowered to do so, or the presence, in the vicinity of such cultural property, of police forces normally responsible for the maintenance of public order, shall not be deemed to be used for military purposes.
5. If any cultural property mentioned in paragraph 1 of the present Article is situated near an important military objective as defined in the said paragraph, it may nevertheless be placed under special protection if the High Contracting Party asking for that protection undertakes, in the event of armed conflict, to make no use of the objective and particularly, in the case of a port, railway station or aerodrome, to divert all traffic therefrom. In that event, such diversion shall be prepared in time of peace.

6. Special protection is granted to cultural property by its entry in the “International Register of Cultural Property under Special Protection”. This entry shall only be made, in accordance with the provisions of the present Convention and under the conditions provided for in the Regulations for the execution of the Convention.

ARTICLE 9

Immunity of Cultural Property under Special Protection

The High Contracting Parties undertake to ensure the immunity of cultural property under special protection by refraining, from the time of entry in the International Register, from any act of hostility directed against such property and, except for the cases provided for in paragraph 5 of Article 8, from any use of such property or its surroundings for military purposes.

ARTICLE 10

Identification and Control

During an armed conflict, cultural property under special protection shall be marked with the distinctive emblem described in Article 16, and shall be open to international control as provided for in the Regulations for the execution of the Convention.

ARTICLE 11

Withdrawal of Immunity

1. If one of the High Contracting Parties commits, in respect of any item of cultural property under special protection, a violation of the obligations under Article 9, the opposing Party shall, so long as this violation persists, be released from the obligation to ensure the immunity of the property concerned. Nevertheless, whenever possible, the latter Party shall first request the cessation of such violation within a reasonable time.
2. Apart from the case provided for in paragraph 1 of the present Article, immunity shall be withdrawn from cultural property under special protection only in exceptional cases of unavoidable military necessity, and only for such time as that necessity continues. Such necessity can be established only by the officer commanding a force the equivalent of a division in size or larger. Whenever circumstances permit, the opposing Party shall be notified, a reasonable time in advance, of the decision to withdraw immunity.
3. The Party withdrawing immunity shall, as soon as possible, so inform the Commissioner-General for Cultural Property provided for in the Regulations for the Execution of the Convention, in writing, stating the reasons.

CHAPTER III

TRANSPORT OF CULTURAL PROPERTY

ARTICLE 12

Transport under Special Protection

1. Transport exclusively engaged in the transfer of cultural property, whether within a territory or to another territory, may, at the request of the High Contracting Party concerned, take place under special protection in accordance with the conditions specified in the Regulations for the execution of the Convention.
2. Transport under special protection shall take place under the international supervision provided for in the aforesaid Regulations and shall display the distinctive emblem described in Article 16.
3. The High Contracting Parties shall refrain from any act of hostility directed against transport under special protection.

ARTICLE 13

Transport in Urgent Cases

1. If a High Contracting Party considers that the safety of certain cultural property requires its transfer and that the matter is of such urgency that the procedure laid down in Article 12 cannot be followed, especially at the beginning of an armed conflict, the transport may display the distinctive emblem described in Article 16, provided that an application for immunity referred to in Article 12 has not already been made and refused. As far as possible, notification of transfer should be made to the opposing Parties. Nevertheless, transport conveying cultural property to the territory of another country may not display the distinctive emblem unless immunity has been expressly granted to it.
2. The High Contracting Parties shall take, so far as possible, the necessary precautions to avoid acts of hostility directed against the transport described in paragraph 1 of the present Article and displaying the distinctive emblem.

ARTICLE 14

Immunity from Seizure, Capture and Prize

1. Immunity from seizure, placing in prize, or capture shall be granted to:
 - a) cultural property enjoying the protection provided for in Article 12 or that provided for in Article 13;
 - b) the means of transport exclusively engaged in the transfer of such cultural property.
2. Nothing in the present Article shall limit the right of visit and search.

CHAPTER IV

PERSONNEL

ARTICLE 15

Personnel

As far as is consistent with the interests of security, personnel engaged in the protection of cultural property shall, in the interests of such property, be respected and, if they fall into the hands of the opposing Party, shall be allowed to continue to carry out their duties whenever the cultural property for which they are responsible has also fallen into the hands of the opposing Party.

CHAPTER V

THE DISTINCTIVE EMBLEM

ARTICLE 16

Emblem of the Convention

1. The distinctive emblem of the Convention shall take the form of a shield, pointed below, per saltire blue and white (a shield consisting of a royal-blue square, one of the angles of which forms the point of the shield, and of a royal-blue triangle above the square, the space on either side being taken up by a white triangle).
2. The emblem shall be used alone, or repeated three times in a triangular formation (one shield below), under the conditions provided for in Article 17.

ARTICLE 17

Use of the Emblem

1. The distinctive emblem repeated three times may be used only as a means of identification of:
 - a) immovable cultural property under special protection;
 - b) the transport of cultural property under the conditions provided for in Articles 12 and 13;
 - c) improvised refugees, under the conditions provided for in the Regulations for the execution of the Convention.

2. The distinctive emblem may be used alone only as a means of identification of:
 - a) cultural property not under special protection;
 - b) the persons responsible for the duties of control in accordance with the Regulations for the execution of the Convention;
 - c) the personnel engaged in the protection of cultural property;
 - d) the identity cards mentioned in the Regulations for the execution of the Convention.
3. During an armed conflict, the use of the distinctive emblem in any other cases than those mentioned in the preceding paragraph of the present Article, and the use for any purpose whatever of a sign resembling the distinctive emblem, shall be forbidden.
4. The distinctive emblem may not be placed on any immovable cultural property unless at the same time there is displayed an authorization duly dated and signed by the competent authority of the High Contracting Party.

CHAPTER VI

SCOPE OF APPLICATION OF THE CONVENTION

ARTICLE 18

Application of the Convention

1. Apart from the provisions which shall take effect in time of peace, the present Convention shall apply in the event of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one or more of them.
2. The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.
3. If one of the Powers in conflict is not a Party to the present Convention, the Powers which are Parties thereto shall nevertheless remain bound by it in their mutual relations. They shall furthermore be bound by the Convention, in relation to the said Power, if the latter has declared that it accepts the provisions thereof and so long as it applies them.

ARTICLE 19

Conflicts not of an International Character

1. In the event of an armed conflict not of an international character occurring within the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the provisions of the present Convention which relate to respect for cultural property.
2. The Parties to the conflict shall endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.
3. The United Nations Educational, Scientific and Cultural Organization may offer its services to the Parties to the conflict.
4. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

CHAPTER VII

EXECUTION OF THE CONVENTION

ARTICLE 20

Regulations for the Execution of the Convention

The procedure by which the present Convention is to be applied is defined in the Regulations for its execution, which constitute an integral part thereof.

ARTICLE 21

Protecting Powers

The present Convention and the Regulations for its execution shall be applied with the co-operation of the Protecting Powers responsible for safeguarding the interests of the Parties to the conflict.

ARTICLE 22

Conciliation Procedure

1. The Protecting Powers shall lend their good offices in all cases where they may deem it useful in the interests of cultural property, particularly if there is disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention or the Regulations for its execution.

2. For this purpose, each of the Protecting Powers may, either at the invitation of one Party, of the Director-General of the United Nations Educational, Scientific and Cultural Organization, or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for the protection of cultural property, if considered appropriate on suitably chosen neutral territory. The Parties to the conflict shall be bound to give effect to the proposals for meeting made to them. The Protecting Powers shall propose for approval by the Parties to the conflict a person belonging to a neutral Power or a person presented by the Director-General of the United Nations Educational, Scientific and Cultural Organization, which person shall be invited to take part in such a meeting in the capacity of Chairman.

ARTICLE 23

Assistance of UNESCO

1. The High Contracting Parties may call upon the United Nations Educational, Scientific and Cultural Organization for technical assistance in organizing the protection of their cultural property, or in connexion with any other problem arising out of the application of the present Convention or the Regulations for its execution. The Organization shall accord such assistance within the limits fixed by its programme and by its resources.
2. The Organization is authorized to make, on its own initiative, proposals on this matter to the High Contracting Parties.

ARTICLE 24

Special Agreements

1. The High Contracting Parties may conclude special agreements for all matters concerning which they deem it suitable to make separate provision.
2. No special agreement may be concluded which would diminish the protection afforded by the present Convention to cultural property and to the personnel engaged in its protection.

ARTICLE 25

Dissemination of the Convention

The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate the text of the present Convention and the Regulations for its execution as widely as possible in their respective countries. They undertake, in particular, to include the study thereof in their programmes of military and, if possible, civilian training, so that its principles are made known to the whole population, especially the armed forces and personnel engaged in the protection of cultural property.

ARTICLE 26

Translations, Reports

1. The High Contracting Parties shall communicate to one another, through the Director-General of the United Nations Educational, Scientific and Cultural Organization, the official translations of the present Convention and of the Regulations for its execution.
2. Furthermore, at least once every four years, they shall forward to the Director-General a report giving whatever information they think suitable concerning any measures being taken, prepared or contemplated by their respective administrations in fulfilment of the present Convention and of the Regulations for its execution.

ARTICLE 27

Meetings

1. The Director-General of the United Nations Educational, Scientific and Cultural Organization may, with the approval of the Executive Board, convene meetings of representatives of the High Contracting Parties. He must convene such a meeting if at least one-fifth of the High Contracting Parties so request.
2. Without prejudice to any other functions which have been conferred on it by the present Convention or the Regulations for its execution, the purpose of the meeting will be to study problems concerning the application of the Convention and of the Regulations for its execution, and to formulate recommendations in respect thereof.
3. The meeting may further undertake a revision of the Convention or the Regulations for its execution if the majority of the High Contracting Parties are represented, and in accordance with the provisions of Article 39.

ARTICLE 28

Sanctions

The High Contracting Parties undertake to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, of whatever nationality, who commit or order to be committed a breach of the present Convention.

FINAL PROVISIONS

ARTICLE 29

Languages

1. The present Convention is drawn up in English, French, Russian and Spanish, the four texts being equally authoritative.
2. The United Nations Educational, Scientific and Cultural Organization shall arrange for translations of the Convention into the other official languages of its General Conference.

ARTICLE 30

Signature

The present Convention shall bear the date of 14 May 1954 and, until the date of 31 December 1954, shall remain open for signature by all States invited to the Conference which met at The Hague from 21 April 1954 to 14 May 1954.

ARTICLE 31

Ratification

1. The present Convention shall be subject to ratification by signatory States in accordance with their respective constitutional procedures.
2. The instruments of ratification shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

ARTICLE 32

Accession

From the date of its entry into force, the present Convention shall be open for accession by all States mentioned in Article 30 which have not signed it, as well as any other State invited to accede by the Executive Board of the United Nations Educational, Scientific and Cultural Organization. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

ARTICLE 33

Entry into Force

1. The present Convention shall enter into force three months after five instruments of ratification have been deposited.

2. Thereafter, it shall enter into force, for each High Contracting Party, three months after the deposit of its instrument of ratification or accession.
3. The situations referred to in Articles 18 and 19 shall give immediate effect to ratifications or accessions deposited by the Parties to the conflict either before or after the beginning of hostilities or occupation. In such cases the Director-General of the United Nations Educational, Scientific and Cultural Organization shall transmit the communications referred to in Article 38 by the speediest method.

ARTICLE 34

Effective Application

1. Each State Party to the Convention on the date of its entry into force shall take all necessary measures to ensure its effective application within a period of six months after such entry into force.
2. This period shall be six months from the date of deposit of the instruments of ratification or accession for any State which deposits its instrument of ratification or accession after the date of the entry into force of the Convention.

ARTICLE 35

Territorial Extension of the Convention

Any High Contracting Party may, at the time of ratification or accession, or at any time thereafter, declare by notification addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization, that the present Convention shall extend to all or any of the territories for whose international relations it is responsible. The said notification shall take effect three months after the date of its receipt.

ARTICLE 36

Relation to Previous Conventions

1. In the relations between Powers which are bound by the Conventions of The Hague concerning the Laws and Customs of War on Land (IV) and concerning Naval Bombardment in Time of War (IX), whether those of 29 July 1899 or those of 18 October 1907, and which are Parties to the present Convention, this last Convention shall be supplementary to the aforementioned Convention (IV) and shall substitute for the emblem described in Article 5 of the aforementioned Convention (IX) the emblem described in Article 16 of the present Convention, in cases in which the present Convention and the Regulations for its execution provide for the use of this distinctive emblem.
2. In the relations between Powers which are bound by the Washington Pact of 15 April 1935 for the Protection of Artistic and Scientific Institutions and of

Historic Monuments (Roerich Pact) and which are Parties to the present Convention, the latter Convention shall be supplementary to the Roerich Pact and shall substitute for the distinguishing flag described in Article III of the Pact the emblem defined in Article 16 of the present Convention, in cases in which the present Convention and the Regulations for its execution provide for the use of this distinctive emblem.

ARTICLE 37

Denunciation

1. Each High Contracting Party may denounce the present Convention, on its own behalf, or on behalf of any territory for whose international relations it is responsible.
2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.
3. The denunciation shall take effect one year after the receipt of the instrument of denunciation. However, if, on the expiry of this period, the denouncing Party is involved in an armed conflict, the denunciation shall not take effect until the end of hostilities, or until the operations of repatriating cultural property are completed, whichever is the later.

ARTICLE 38

Notifications

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States referred to in Articles 30 and 32, as well as the United Nations, of the deposit of all the instruments of ratification, accession or acceptance provided for in Articles 31, 32 and 39 and of the notifications and denunciations provided for respectively in Articles 35, 37 and 39.

ARTICLE 39

Revision of the Convention and of the Regulations for its Execution

1. Any High Contracting Party may propose amendments to the present Convention or the Regulations for its execution. The text of any proposed amendment shall be communicated to the Director-General of the United Nations Educational, Scientific and Cultural Organization who shall transmit it to each High Contracting Party with the request that such Party reply within four months stating whether it:
 - a) desires that a Conference be convened to consider the proposed amendment;
 - b) favours the acceptance of the proposed amendment without a Conference; or
 - c) favours the rejection of the proposed amendment without a Conference.

2. The Director-General shall transmit the replies, received under paragraph 1 of the present Article, to all High Contracting Parties.
3. If all the High Contracting Parties which have, within the prescribed time-limit, stated their views to the Director-General of the United Nations Educational, Scientific and Cultural Organization, pursuant to paragraph 1 *b*) of this Article, inform him that they favour acceptance of the amendment without a Conference, notification of their decision shall be made by the Director-General in accordance with Article 38. The amendment shall become effective for all the High Contracting Parties on the expiry of ninety days from the date of such notification.
4. The Director-General shall convene a Conference of the High Contracting Parties to consider the proposed amendment if requested to do so by more than one-third of the High Contracting Parties.
5. Amendments to the Convention or to the Regulations for its execution, dealt with under the provisions of the preceding paragraph, shall enter into force only after they have been unanimously adopted by the High Contracting Parties represented at the Conference and accepted by each of the High Contracting Parties.
6. Acceptance by the High Contracting Parties of amendments to the Convention or to the Regulations for its execution, which have been adopted by the Conference mentioned in paragraphs 4 and 5, shall be effected by the deposit of a formal instrument with the Director-General of the United Nations Educational, Scientific and Cultural Organization.
7. After the entry into force of amendments to the present Convention or to the Regulations for its execution, only the text of the Convention or of the Regulations for its execution thus amended shall remain open for ratification or accession.

ARTICLE 40

Registration

In accordance with Article 102 of the Charter of the United Nations, the present Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

In faith whereof, the undersigned, duly authorized, have signed the present Convention.

Done at The Hague, this fourteenth day of May 1954, in a single copy which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 30 and 32 as well as to the United Nations.

VII

REGULATIONS FOR THE EXECUTION OF THE HAGUE CONVENTION OF 14 MAY 1954 FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

CHAPTER I

CONTROL

ARTICLE 1

International List of Persons

On the entry into force of the Convention, the Director-General of the United Nations Educational, Scientific and Cultural Organization shall compile an international list consisting of all persons nominated by the High Contracting Parties as qualified to carry out the functions of Commissioner-General for Cultural Property. On the initiative of the Director-General of the United Nations Educational, Scientific and Cultural Organization, this list shall be periodically revised on the basis of requests formulated by the High Contracting Parties.

ARTICLE 2

Organization of Control

As soon as any High Contracting Party is engaged in an armed conflict to which Article 18 of the Convention applies:

- a) It shall appoint a representative for cultural property situated in its territory; if it is in occupation of another territory, it shall appoint a special representative for cultural property situated in that territory.
- b) The Protecting Power acting for each of the Parties in conflict with such High Contracting Party shall appoint delegates accredited to the latter in conformity with Article 3 below.
- c) A Commissioner-General for Cultural Property shall be appointed to such High Contracting Party in accordance with Article 4.

ARTICLE 3

Appointment of Delegates of Protecting Powers

The Protecting Power shall appoint its delegates from among the members of its diplomatic or consular staff or, with the approval of the Party to which they will be accredited, from among other persons.

ARTICLE 4

Appointment of the Commissioner-General

1. The Commissioner-General for Cultural Property shall be chosen from the international list of persons by joint agreement between the Party to which he will be accredited and the Protecting Powers acting on behalf of the opposing Parties.
2. Should the Parties fail to reach agreement within three weeks from the beginning of their discussions on this point, they shall request the President of the International Court of Justice to appoint the Commissioner-General, who shall not take up his duties until the Party to which he is accredited has approved his appointment.

ARTICLE 5

Functions of Delegates

The delegates of the Protecting Powers shall take note of violations of the Convention, investigate, with the approval of the Party to which they are accredited, the circumstances in which they have occurred, make representations locally to secure their cessation and, if necessary, notify the Commissioner-General of such violations. They shall keep him informed of their activities.

ARTICLE 6

Functions of the Commissioner-General

1. The Commissioner-General for Cultural Property shall deal with all matters referred to him in connexion with the application of the Convention, in conjunction with the representative of the Party to which he is accredited and with the delegates concerned.
2. He shall have powers of decision and appointment in the cases specified in the present Regulations.
3. With the agreement of the Party to which he is accredited, he shall have the right to order an investigation or to conduct it himself.
4. He shall make any representations to the Parties to the conflict or to their Protecting Powers which he deems useful for the application of the Convention.

5. He shall draw up such reports as may be necessary on the application of the Convention and communicate them to the Parties concerned and to their Protecting Powers. He shall send copies to the Director-General of the United Nations Educational, Scientific and Cultural Organization, who may make use only of their technical contents.
6. If there is no Protecting Power, the Commissioner-General shall exercise the functions of the Protecting Power as laid down in Articles 21 and 22 of the Convention.

ARTICLE 7

Inspectors and Experts

1. Whenever the Commissioner-General for Cultural Property considers it necessary, either at the request of the delegates concerned or after consultation with them, he shall propose, for the approval of the Party to which he is accredited, an inspector of cultural property to be charged with a specific mission. An inspector shall be responsible only to the Commissioner-General.
2. The Commissioner-General, delegates and inspectors may have recourse to the services of experts, who will also be proposed for the approval of the Party mentioned in the preceding paragraph.

ARTICLE 8

Discharge of the Mission of Control

The Commissioners-General for Cultural Property, delegates of the Protecting Powers, inspectors and experts shall in no case exceed their mandates. In particular, they shall take account of the security needs of the High Contracting Party to which they are accredited and shall in all circumstances act in accordance with the requirements of the military situation as communicated to them by that High Contracting Party.

ARTICLE 9

Substitutes for Protecting Powers

If a Party to the conflict does not benefit or ceases to benefit from the activities of a Protecting Power, a neutral State may be asked to undertake those functions of a Protecting Power which concern the appointment of a Commissioner-General for Cultural Property in accordance with the procedure laid down in Article 4 above. The Commissioner-General thus appointed shall, if need be, entrust to inspectors the functions of delegates of Protecting Powers as specified in the present Regulations.

ARTICLE 10

Expenses

The remuneration and expenses of the Commissioner-General for Cultural Property, inspectors and experts shall be met by the Party to which they are accredited. Remuneration and expenses of delegates of the Protecting Powers shall be subject to agreement between those Powers and the States whose interests they are safeguarding.

CHAPTER II

SPECIAL PROTECTION

ARTICLE 11

Improvised Refuges

1. If, during an armed conflict, any High Contracting Party is induced by unforeseen circumstances to set up an improvised refuge and desires that it should be placed under special protection, it shall communicate this fact forthwith to the Commissioner-General accredited to that Party.
2. If the Commissioner-General considers that such a measure is justified by the circumstances and by the importance of the cultural property sheltered in this improvised refuge, he may authorize the High Contracting Party to display on such refuge the distinctive emblem defined in Article 16 of the Convention. He shall communicate his decision without delay to the delegates of the Protecting Powers who are concerned, each of whom may, within a time-limit of 30 days, order the immediate withdrawal of the emblem.
3. As soon as such delegates have signified their agreement or if the time-limit of 30 days has passed without any of the delegates concerned having made an objection, and if, in the view of the Commissioner-General, the refuge fulfils the conditions laid down in Article 8 of the Convention, the Commissioner-General shall request the Director-General of the United Nations Educational, Scientific and Cultural Organization to enter the refuge in the Register of Cultural Property under Special Protection.

ARTICLE 12

International Register of Cultural Property under Special Protection

1. An "International Register of Cultural Property under Special Protection" shall be prepared.

2. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall maintain this Register. He shall furnish copies to the Secretary-General of the United Nations and to the High Contracting Parties.
3. The Register shall be divided into sections, each in the name of a High Contracting Party. Each section shall be sub-divided into three paragraphs, headed: Refuges, Centres containing Monuments, Other Immovable Cultural Property. The Director-General shall determine what details each section shall contain.

ARTICLE 13

Requests for Registration

1. Any High Contracting Party may submit to the Director-General of the United Nations Educational, Scientific and Cultural Organization an application for the entry in the Register of certain refuges, centres containing monuments or other immovable cultural property situated within its territory. Such application shall contain a description of the location of such property and shall certify that the property complies with the provisions of Article 8 of the Convention.
2. In the event of occupation, the Occupying Power shall be competent to make such application.
3. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall, without delay, send copies of applications for registration to each of the High Contracting Parties.

ARTICLE 14

Objections

1. Any High Contracting Party may, by letter addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization, lodge an objection to the registration of cultural property. This letter must be received by him within four months of the day on which he sent a copy of the application for registration.
2. Such objection shall state the reasons giving rise to it, the only valid grounds being that:
 - a) the property is not cultural property;
 - b) the property does not comply with the conditions mentioned in Article 8 of the Convention.
3. The Director-General shall send a copy of the letter of objection to the High Contracting Parties without delay. He shall, if necessary, seek the advice of the International Committee on Monuments, Artistic and Historical Sites and

Archaeological Excavations and also, if he thinks fit, of any other competent organization or person.

4. The Director-General, or the High Contracting Party requesting registration, may make whatever representations they deem necessary to the High Contracting Parties which lodged the objection, with a view to causing the objection to be withdrawn.
5. If a High Contracting Party which has made an application for registration in time of peace becomes involved in an armed conflict before the entry has been made, the cultural property concerned shall at once be provisionally entered in the Register, by the Director-General, pending the confirmation, withdrawal or cancellation of any objection that may be, or may have been, made.
6. If, within a period of six months from the date of receipt of the letter of objection, the Director-General has not received from the High Contracting Party lodging the objection a communication stating that it has been withdrawn, the High Contracting Party applying for registration may request arbitration in accordance with the procedure in the following paragraph.
7. The request for arbitration shall not be made more than one year after the date of receipt by the Director-General of the letter of objection. Each of the two Parties to the dispute shall appoint an arbitrator. When more than one objection has been lodged against an application for registration, the High Contracting Parties which have lodged the objections shall, by common consent, appoint a single arbitrator. These two arbitrators shall select a chief arbitrator from the international list mentioned in Article 1 of the present Regulations. If such arbitrators cannot agree upon their choice, they shall ask the President of the International Court of Justice to appoint a chief arbitrator who need not necessarily be chosen from the international list. The arbitral tribunal thus constituted shall fix its own procedure. There shall be no appeal from its decisions.
8. Each of the High Contracting Parties may declare, whenever a dispute to which it is a Party arises, that it does not wish to apply the arbitration procedure provided for in the preceding paragraph. In such cases, the objection to an application for registration shall be submitted by the Director-General to the High Contracting Parties. The objection will be confirmed only if the High Contracting Parties so decide by a two-thirds majority of the High Contracting Parties voting. The vote shall be taken by correspondence, unless the Director-General of the United Nations Educational, Scientific and Cultural Organization deems it essential to convene a meeting under the powers conferred upon him by Article 27 of the Convention. If the Director-General decides to proceed with the vote by correspondence, he shall invite the High Contracting Parties to transmit their votes by sealed letter within six months from the day on which they were invited to do so.

ARTICLE 15

Registration

1. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall cause to be entered in the Register, under a serial number, each item of property for which application for registration is made, provided that he has not received an objection within the time-limit prescribed in paragraph 1 of Article 14.
2. If an objection has been lodged, and without prejudice to the provision of paragraph 5 of Article 14, the Director-General shall enter property in the Register only if the objection has been withdrawn or has failed to be confirmed following the procedures laid down in either paragraph 7 or paragraph 8 of Article 14.
3. Whenever paragraph 3 of Article 11 applies, the Director-General shall enter property in the Register if so requested by the Commissioner-General for Cultural Property.
4. The Director-General shall send without delay to the Secretary-General of the United Nations, to the High Contracting Parties, and, at the request of the Party applying for registration, to all other States referred to in Articles 30 and 32 of the Convention, a certified copy of each entry in the Register. Entries shall become effective thirty days after dispatch of such copies.

ARTICLE 16

Cancellation

1. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall cause the registration of any property to be cancelled:
 - a) at the request of the High Contracting Party within whose territory the cultural property is situated;
 - b) if the High Contracting Party which requested registration has denounced the Convention, and when that denunciation has taken effect;
 - c) in the special case provided for in Article 14, paragraph 5, when an objection has been confirmed following the procedures mentioned either in paragraph 7 or in paragraph 8 of Article 14.
2. The Director-General shall send without delay, to the Secretary-General of the United Nations and to all States which received a copy of the entry in the Register, a certified copy of its cancellation. Cancellation shall take effect thirty days after the dispatch of such copies.

CHAPTER III

TRANSPORT OF CULTURAL PROPERTY

ARTICLE 17

Procedure to Obtain Immunity

1. The request mentioned in paragraph 1 of Article 12 of the Convention shall be addressed to the Commissioner-General for Cultural Property. It shall mention the reasons on which it is based and specify the approximate number and the importance of the objects to be transferred, their present location, the location now envisaged, the means of transport to be used, the route to be followed, the date proposed for the transfer, and any other relevant information.
2. If the Commissioner-General, after taking such opinions as he deems fit, considers that such transfer is justified, he shall consult those delegates of the Protecting Powers who are concerned, on the measures proposed for carrying it out. Following such consultation, he shall notify the Parties to the conflict concerned of the transfer, including in such notification all useful information.
3. The Commissioner-General shall appoint one or more inspectors, who shall satisfy themselves that only the property stated in the request is to be transferred and that the transport is to be by the approved methods and bears the distinctive emblem. The inspector or inspectors shall accompany the property to its destination.

ARTICLE 18

Transport Abroad

Where the transfer under special protection is to the territory of another country, it shall be governed not only by Article 12 of the Convention and by Article 17 of the present Regulations, but by the following further provisions:

- a) while the cultural property remains on the territory of another State, that State shall be its depositary and shall extend to it as great a measure of care as that which it bestows upon its own cultural property of comparable importance;
- b) the depositary State shall return the property only on the cessation of the conflict; such return shall be effected within six months from the date on which it was requested;
- c) during the various transfer operations, and while it remains on the territory of another State, the cultural property shall be exempt from confiscation and may not be disposed of either by the depositor or by the depositary. Nevertheless, when the safety of the property requires it, the depositary may, with the assent of the depositor, have the property transported to the

territory of a third country, under the conditions laid down in the present article;

- d)* the request for special protection shall indicate that the State to whose territory the property is to be transferred accepts the provisions of the present Article.

ARTICLE 19

Occupied Territory

Whenever a High Contracting Party occupying territory of another High Contracting Party transfers cultural property to a refuge situated elsewhere in that territory, without being able to follow the procedure provided for in Article 17 of the Regulations, the transfer in question shall not be regarded as misappropriation within the meaning of Article 4 of the Convention, provided that the Commissioner-General for Cultural Property certifies in writing, after having consulted the usual custodians, that such transfer was rendered necessary by circumstances.

CHAPTER IV

THE DISTINCTIVE EMBLEM

ARTICLE 20

Affixing of the Emblem

1. The placing of the distinctive emblem and its degree of visibility shall be left to the discretion of the competent authorities of each High Contracting Party. It may be displayed on flags or armlets; it may be painted on an object or represented in any other appropriate form.
2. However, without prejudice to any possible fuller markings, the emblem shall, in the event of armed conflict and in the cases mentioned in Articles 12 and 13 of the Convention, be placed on the vehicles of transport so as to be clearly visible in daylight from the air as well as from the ground.

The emblem shall be visible from the ground:


- a)* at regular intervals sufficient to indicate clearly the perimeter of a centre containing monuments under special protection;
- b)* at the entrance to other immovable cultural property under special protection.

ARTICLE 21

Identification of Persons

1. The persons mentioned in Article 17, paragraph 2 *b*) and *c*) of the Convention may wear an armlet bearing the distinctive emblem, issued and stamped by the competent authorities.
2. Such persons shall carry a special identity card bearing the distinctive emblem. This card shall mention at least the surname and first names, the date of birth, the title or rank, and the function of the holder. The card shall bear the photograph of the holder as well as his signature or his finger-prints, or both. It shall bear the embossed stamp of the competent authorities.
3. Each High Contracting Party shall make out its own type of identity card, guided by the model annexed, by way of example, to the present Regulations. The High Contracting Parties shall transmit to each other a specimen of the model they are using. Identity cards shall be made out, if possible, at least in duplicate, one copy being kept by the issuing Power.
4. The said persons may not, without legitimate reason, be deprived of their identity card or of the right to wear the armlet.

Front



IDENTITY CARD
for personnel engaged in the
protection of cultural property

Surname.....

First names.....

Date of birth.....

Title or Rank

Function.....

is the bearer of this card under the terms of the
Convention of The Hague, dated 14 May 1954,
for the Protection of Cultural Property in the
event of Armed Conflict.

Date of issue

Number of Card

.....

Reverse side

Photo
of bearer

Signature of bearer or
finger-prints or both

Embossed
stamp
of authority
issuing
card

Height	Eyes	Hair
.....

Other distinguishing marks

.....

.....

.....

.....

.....

VIII

PROTOCOL TO THE HAGUE CONVENTION OF 14 MAY 1954 FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

The High Contracting Parties are agreed as follows:

I

1. Each High Contracting Party undertakes to prevent the exportation, from a territory occupied by it during an armed conflict, of cultural property as defined in Article 1 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed at The Hague on 14 May 1954.
2. Each High Contracting Party undertakes to take into its custody cultural property imported into its territory either directly or indirectly from any occupied territory. This shall either be effected automatically upon the importation of the property or, failing this, at the request of the authorities of that territory.
3. Each High Contracting Party undertakes to return, at the close of hostilities, to the competent authorities of the territory previously occupied, cultural property which is in its territory, if such property has been exported in contravention of the principle laid down in the first paragraph. Such property shall never be retained as war reparations.
4. The High Contracting Party whose obligation it was to prevent the exportation of cultural property from the territory occupied by it, shall pay an indemnity to the holders in good faith of any cultural property which has to be returned in accordance with the preceding paragraph.

II

5. Cultural property coming from the territory of a High Contracting Party and deposited by it in the territory of another High Contracting Party for the purpose of protecting such property against the dangers of an armed conflict, shall be returned by the latter, at the end of hostilities, to the competent authorities of the territory from which it came.

III

6. The present Protocol shall bear the date of 14 May 1954 and, until the date of 31 December 1954, shall remain open for signature by all States invited to the Conference which met at The Hague from 21 April 1954 to 14 May 1954.

7. a) The present Protocol shall be subject to ratification by signatory States in accordance with their respective constitutional procedures.
b) The instruments of ratification shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.
8. From the date of its entry into force, the present Protocol shall be open for accession by all States mentioned in paragraph 6 which have not signed it as well as any other State invited to accede by the Executive Board of the United Nations Educational, Scientific and Cultural Organization. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.
9. The States referred to in paragraphs 6 and 8 may declare, at the time of signature, ratification or accession, that they will not be bound by the provisions of Section I or by those of Section II of the present Protocol.
10. a) The present Protocol shall enter into force three months after five instruments of ratification have been deposited.
b) Thereafter, it shall enter into force, for each High Contracting Party, three months after the deposit of its instrument of ratification or accession.
c) The situations referred to in Articles 18 and 19 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed at The Hague on 14 May 1954, shall give immediate effect to ratifications and accessions deposited by the Parties to the conflict either before or after the beginning of hostilities or occupation. In such cases, the Director-General of the United Nations Educational, Scientific and Cultural Organization shall transmit the communications referred to in paragraph 14 by the speediest method.
11. a) Each State Party to the Protocol on the date of its entry into force shall take all necessary measures to ensure its effective application within a period of six months after such entry into force.
b) This period shall be six months from the date of deposit of the instruments of ratification or accession for any State which deposits its instrument of ratification or accession after the date of the entry into force of the Protocol.
12. Any High Contracting Party may, at the time of ratification or accession, or at any time thereafter, declare by notification addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization, that the present Protocol shall extend to all or any of the territories for whose international relations it is responsible. The said notification shall take effect three months after the date of its receipt.
13. a) Each High Contracting Party may denounce the present Protocol, on its own behalf, or on behalf of any territory for whose international relations it is responsible.

- b) The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.
 - c) The denunciation shall take effect one year after receipt of the instrument of denunciation. However, if, on the expiry of this period, the denouncing Party is involved in an armed conflict, the denunciation shall not take effect until the end of hostilities, or until the operations of repatriating cultural property are completed, whichever is the later.
14. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States referred to in paragraphs 6 and 8, as well as the United Nations, of the deposit of all the instruments of ratification, accession or acceptance provided for in paragraphs 7, 8 and 15 and the notifications and denunciations provided for respectively in paragraphs 12 and 13.
15. a) The present Protocol may be revised if revision is requested by more than one-third of the High Contracting Parties.
- b) The Director-General of the United Nations Educational, Scientific and Cultural Organization shall convene a Conference for this purpose.
 - c) Amendments to the present Protocol shall enter into force only after they have been unanimously adopted by the High Contracting Parties represented at the Conference and accepted by each of the High Contracting Parties.
 - d) Acceptance by the High Contracting Parties of amendments to the present Protocol, which have been adopted by the Conference mentioned in subparagraphs *b)* and *c)*, shall be effected by the deposit of a formal instrument with the Director-General of the United Nations Educational, Scientific and Cultural Organization.
 - e) After the entry into force of amendments to the present Protocol, only the text of the said Protocol thus amended shall remain open for ratification or accession.

In accordance with Article 102 of the Charter of the United Nations, the present Protocol shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

In faith whereof the undersigned, duly authorized, have signed the present Protocol.

Done at The Hague, this fourteenth day of May 1954, in English, French, Russian and Spanish, the four texts being equally authoritative, in a single copy which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in paragraphs 6 and 8 as well as to the United Nations.

IX

SECOND PROTOCOL TO THE HAGUE CONVENTION OF 14 MAY 1954 FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

The Hague, 26 March 1999

The Parties,

Conscious of the need to improve the protection of cultural property in the event of armed conflict and to establish an enhanced system of protection for specifically designated cultural property;

Reaffirming the importance of the provisions of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at The Hague on 14 May 1954, and emphasizing the necessity to supplement these provisions through measures to reinforce their implementation;

Desiring to provide the High Contracting Parties to the Convention with a means of being more closely involved in the protection of cultural property in the event of armed conflict by establishing appropriate procedures therefore;

Considering that the rules governing the protection of cultural property in the event of armed conflict should reflect developments in international law;

Affirming that the rules of customary international law will continue to govern questions not regulated by the provisions of this Protocol;

Have agreed as follows:

CHAPTER 1

INTRODUCTION

ARTICLE 1

Definitions

For the purposes of this Protocol:

- a) “Party” means a State Party to this Protocol;
- b) “cultural property” means cultural property as defined in Article 1 of the Convention;
- c) “Convention” means the Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at The Hague on 14 May 1954;

- d) “High Contracting Party” means a State Party to the Convention;
- e) “enhanced protection” means the system of enhanced protection established by Articles 10 and 11;
- f) “military objective” means an object which by its nature, location, purpose, or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage;
- g) “illicit” means under compulsion or otherwise in violation of the applicable rules of the domestic law of the occupied territory or of international law;
- h) “List” means the international List of Cultural Property under Enhanced Protection established in accordance with Article 27, sub-paragraph 1(b);
- i) “Director-General” means the Director-General of UNESCO;
- j) “UNESCO” means the United Nations Educational, Scientific and Cultural Organization;
- k) “First Protocol” means the Protocol for the Protection of Cultural Property in the Event of Armed Conflict, done at The Hague on 14 May 1954.

ARTICLE 2

Relation to the Convention

This Protocol supplements the Convention in relations between the Parties.

ARTICLE 3

Scope of application

1. In addition to the provisions which shall apply in time of peace, this Protocol shall apply in situations referred to in Article 18 paragraphs 1 and 2 of the Convention and in Article 22 paragraph 1.
2. When one of the parties to an armed conflict is not bound by this Protocol, the Parties to this Protocol shall remain bound by it in their mutual relations. They shall furthermore be bound by this Protocol in relation to a State party to the conflict which is not bound by it, if the later accepts the provisions of this Protocol and so long as it applies them.

ARTICLE 4

Relationship between Chapter 3 and other provisions of the Convention and this Protocol

The application of the provisions of Chapter 3 of this Protocol is without prejudice to:

- a) the application of the provisions of Chapter I of the Convention and of Chapter 2 of this Protocol;

- b) the application of the provisions of Chapter 2 of the Convention save that, as between Parties to this Protocol or as between a Party and a State which accepts and applies this Protocol in accordance with Article 3 paragraph 2, where cultural property has been granted both special protection and enhanced protection, only the provisions of enhanced protection shall apply.

CHAPTER 2

GENERAL PROVISIONS REGARDING PROTECTION

ARTICLE 5

Safeguarding of cultural property

Preparatory measures taken in peace for the safeguarding of cultural property against the foreseeable effects of an armed conflict pursuant to Article 3 of the Convention shall include, as appropriate, the preparation of inventories, the planning of emergency measures for protection against fire or structural collapse, the preparation for the removable or movable cultural property or the provision for adequate *in situ* protection of such property, and the designation of competent authorities responsible for the safeguarding of cultural property.

ARTICLE 6

Respect for cultural property

With the goal of ensuring respect for cultural property in accordance with Article 4 of the Convention:

- a) a waiver on the basis of imperative military necessity pursuant to Article 4 paragraph 2 of the Convention may only be invoked to direct an act of hostility against cultural property when and for as long as:
- i) that cultural property has, by its function, been made into a military objective; and
 - ii) there is no feasible alternative available to obtain a similar military advantage to that offered by directing an act of hostility against the objective;
- b) a waiver on the basis of imperative military necessity pursuant to Article 4 paragraph 2 of the Convention may only be invoked to use cultural property for purposes which are likely to expose it to destruction or damage when and for as long as no choice is possible between such use of the cultural property and another feasible method for obtaining a similar military advantage;

- c) the decision to invoke imperative military necessity shall only be taken by an officer commanding a force the equivalent of a battalion in size or larger, or a force smaller in size where circumstances do not permit otherwise;
- d) in case of an attack based on a decision taken in accordance with subparagraph (a), an effective advance warning shall be given whenever circumstances permit.

ARTICLE 7

Precautions in attack

Without prejudice to other precautions required by international humanitarian law in the conduct of military operations, each Party to the conflict shall:

- a) do everything feasible to verify that the objectives to be attacked are not cultural property protected under Article 4 of the Convention;
- b) take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental damage to cultural property protected under Article 4 of the Convention;
- c) refrain from deciding to launch any attack which may be expected to cause incidental damage to cultural property protected under Article 4 of the Convention which would be excessive in relation to the concrete and direct military advantage anticipated; and
- d) cancel or suspend an attack if it becomes apparent:
 - i) that the objective is cultural property protected under Article 4 of the Convention;
 - ii) that the attack may be expected to cause incidental damage to cultural property protected under Article 4 of the Convention which would be excessive in relation to the concrete and direct military advantage anticipated.

ARTICLE 8

Precautions against the effects of hostilities

The Parties to the conflict shall, to the maximum extent feasible:

- a) remove movable cultural property from the vicinity of military objectives or provide for adequate *in situ* protection;
- b) avoid locating military objectives near cultural property.

ARTICLE 9

Protection of cultural property in occupied territory

1. Without prejudice to the provisions of Articles 4 and 5 of the Convention, a Party in occupation of the whole or part of the territory of another Party shall

prohibit and prevent in relation to the occupied territory:

- a)* any illicit export, other removal or transfer of ownership of cultural property;
 - b)* any archaeological excavation, save where this is strictly required to safeguard, record or preserve cultural property;
 - c)* any alteration to, or change of use of, cultural property which is intended to conceal or destroy cultural, historical or scientific evidence.
2. Any archaeological excavation of, alteration to, or change of use of, cultural property in occupied territory shall, unless circumstances do not permit, be carried out in close co-operation with the competent national authorities of the occupied territory.

CHAPTER 3

ENHANCED PROTECTION

ARTICLE 10

Enhanced protection

Cultural property may be placed under enhanced protection provided that it meets the following three conditions:

- a)* it is cultural heritage of the greatest importance for humanity;
- b)* it is protected by adequate domestic legal and administrative measures recognising its exceptional cultural and historic value and ensuring the highest level of protection;
- c)* it is not used for military purposes or to shield military sites and a declaration has been made by the Party which has control over the cultural property, confirming that it will not be so used.

ARTICLE 11

The granting of enhanced protection

1. Each Party should submit to the Committee a list of cultural property for which it intends to request the granting of enhanced protection.
2. The Party which has jurisdiction or control over the cultural property may request that it be included in the List to be established in accordance with Article 27 sub-paragraph 1 (*b*). This request shall include all necessary information related to the criteria mentioned in Article 10. The Committee may invite a Party to request that cultural property be included in the List.

3. Other Parties, the International Committee of the Blue Shield and other non-governmental organisations with relevant expertise may recommend specific cultural property to the Committee. In such cases, the Committee may decide to invite a Party to request inclusion of that cultural property in the List.
4. Neither the request for inclusion of cultural property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State, nor its inclusion, shall in any way prejudice the rights of the parties to the dispute.
5. Upon receipt of a request for inclusion in the List, the Committee shall inform all Parties of the request. Parties may submit representations regarding such a request to the Committee within sixty days. These representations shall be made only on the basis of the criteria mentioned in Article 10. They shall be specific and related to facts. The Committee shall consider the representations, providing the Party requesting inclusion with a reasonable opportunity to respond before taking the decision. When such representations are before the Committee, decisions for inclusion in the List shall be taken, notwithstanding Article 26, by a majority of four-fifths of its members present and voting.
6. In deciding upon a request, the Committee should ask the advice of governmental and non-governmental organisations, as well as of individual experts.
7. A decision to grant or deny enhanced protection may only be made on the basis of the criteria mentioned in Article 10.
8. In exceptional cases, when the Committee has concluded that the Party requesting inclusion of cultural property in the List cannot fulfill the criteria of Article 10 sub-paragraph (b), the Committee may decide to grant enhanced protection, provided that the requesting Party submits a request for international assistance under Article 32.
9. Upon the outbreak of hostilities, a Party to the conflict may request, on an emergency basis, enhanced protection of cultural property under its jurisdiction or control by communicating this request to the Committee. The Committee shall transmit this request immediately to all Parties to the conflict. In such cases the Committee will consider representations from the Parties concerned on an expedited basis. The decision to grant provisional enhanced protection shall be taken as soon as possible and, notwithstanding Article 26, by a majority of four-fifths of its members present and voting. Provisional enhanced protection may be granted by the Committee pending the outcome of the regular procedure for the granting of enhanced protection, provided that the provisions of Article 10 sub-paragraphs (a) and (c) are met.
10. Enhanced protection shall be granted to cultural property by the Committee from the moment of its entry in the List.
11. The Director-General shall, without delay, send to the Secretary-General of the United Nations and to all Parties notification of any decision of the Committee to include cultural property on the List.

ARTICLE 12

Immunity of cultural property under enhanced protection

The Parties to a conflict shall ensure the immunity of cultural property under enhanced protection by refraining from making such property the object of attack from any use of the property or its immediate surroundings in support of military action.

ARTICLE 13

Loss of enhanced protection

1. Cultural property under enhanced protection shall only lose such protection:
 - a) if such protection is suspended or cancelled in accordance with Article 14; or
 - b) if, and for as long as, the property has, by its use, become a military objective.
2. In the circumstances of sub-paragraph 1 (b), such property may only be the object of attack if:
 - a) the attack is the only feasible means of terminating the use of the property referred to in sub-paragraph 1 (b);
 - b) all feasible precautions are taken in the choice of means and methods of attack, with a view to terminating such use and avoiding, or in any event minimising, damage to the cultural property;
 - c) unless circumstances do not permit, due to requirements of immediate self-defence:
 - i) the attack is ordered at the highest operational level of command;
 - ii) effective advance warning is issued to the opposing forces requiring the termination of the use referred to in sub-paragraph 1 (b); and
 - iii) reasonable time is given to the opposing forces to redress the situation.

ARTICLE 14

Suspension and cancellation of enhanced protection

1. Where cultural property no longer meets any one of the criteria in Article 10 of this Protocol, the Committee may suspend its enhanced protection status or cancel that status by removing that cultural property from the List.
2. In the case of a serious violation of Article 12 in relation to cultural property under enhanced protection arising from its use in support of military action, the Committee may suspend its enhanced protection status. Where such violations are continuous, the Committee may exceptionally cancel the enhanced protection status by removing the cultural property from the List.

3. The Director-General shall, without delay, send to the Secretary-General of the United Nations and to all Parties to this Protocol notification of any decision of the Committee to suspend or cancel the enhanced protection of cultural property.
4. Before taking such a decision, the Committee shall afford an opportunity to the Parties to make their views known.

CHAPTER 4

CRIMINAL RESPONSIBILITY AND JURISDICTION

ARTICLE 15

Serious violations of this Protocol

1. Any person commits an offence within the meaning of this Protocol if that person intentionally and in violation of the Convention or this Protocol commits any of the following acts:
 - a) making cultural property under enhanced protection the object of attack;
 - b) using cultural property under enhanced protection or its immediate surroundings in support of military action;
 - c) extensive destruction or appropriation of cultural property protected under the Convention and this Protocol;
 - d) making cultural property protected under the Convention and this Protocol the object of attack;
 - e) theft, pillage or misappropriation of, or acts of vandalism directed against cultural property protected under the Convention.
2. Each Party shall adopt such measures as may be necessary to establish as criminal offences under its domestic law the offences set forth in this Article and to make such offences punishable by appropriate penalties. When doing so, Parties shall comply with general principles of law and international law, including the rules extending individual criminal responsibility to persons other than those who directly commit the act.

ARTICLE 16

Jurisdiction

1. Without prejudice to paragraph 2, each Party shall take the necessary legislative measures to establish its jurisdiction over offences set forth in Article 15 in the following cases:

- a) when such an offence is committed in the territory of that State;
 - b) when the alleged offender is a national of that State;
 - c) in the case of offences set forth in Article 15 sub-paragraphs (a) to (c), when the alleged offender is present in its territory.
2. With respect to the exercise of jurisdiction and without prejudice to Article 28 of the Convention:
- a) this Protocol does not preclude the incurring of individual criminal responsibility or the exercise of jurisdiction under national and international law that may be applicable, or affect the exercise of jurisdiction under customary international law;
 - b) except in so far as a State which is not Party to this Protocol may accept and apply its provisions in accordance with Article 3 paragraph 2, members of the armed forces and nationals of a State which is not Party to this Protocol, except for those nationals serving in the armed forces of a State which is a Party to this Protocol, do not incur individual criminal responsibility by virtue of this Protocol, nor does this Protocol impose an obligation to establish jurisdiction over such persons or to extradite them.

ARTICLE 17

Prosecution

1. The Party in whose territory the alleged offender of an offence set forth in Article 15 sub-paragraphs 1 (a) to (c) is found to be present shall, if it does not extradite that person, submit, without exception whatsoever and without undue delay, the case to its competent authorities, for the purpose of prosecution, through proceedings in accordance with its domestic law or with, if applicable, the relevant rules of international law.
2. Without prejudice to, if applicable, the relevant rules of international law, any person regarding whom proceedings are being carried out in connection with the Convention or this Protocol shall be guaranteed fair treatment and a fair trial in accordance with domestic law and international law at all stages of the proceedings, and in no cases shall be provided guarantees less favorable to such person than those provided by international law.

ARTICLE 18

Extradition

1. The offences set forth in Article 15 sub-paragraphs 1 (a) to (c) shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the Parties before the entry into force of this Protocol. Parties undertake to include such offences in every extradition treaty to be subsequently concluded between them.

2. When a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, the requested Party may, at its option, consider the present Protocol as the legal basis for extradition in respect of offences as set forth in Article 15 sub-paragraphs 1 (a) to (c).
3. Parties which do not make extradition conditional on the existence of a treaty shall recognise the offences set forth in Article 15 sub-paragraphs 1 (a) to (c) as extraditable offences between them, subject to the conditions provided by the law of the requested Party.
4. If necessary, offences set forth in Article 15 sub-paragraphs 1 (a) to (c) shall be treated, for the purposes of extradition between Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the Parties that have established jurisdiction in accordance with Article 16 paragraph 1.

ARTICLE 19

Mutual legal assistance

1. Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in Article 15, including assistance in obtaining evidence at their disposal necessary for the proceedings.
2. Parties shall carry out their obligations under paragraph 1 in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, Parties shall afford one another assistance in accordance with their domestic law.

ARTICLE 20

Grounds for refusal

1. For the purpose of extradition, offences set forth in Article 15 sub-paragraphs 1 (a) to (c), and for the purpose of mutual legal assistance, offences set forth in Article 15 shall not be regarded as political offences nor as offences connected with political offences nor as offences inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such offences may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.
2. Nothing in this Protocol shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance if the requested Party has substantial grounds for believing that the request for extradition for offences set forth in Article 15 sub-paragraphs 1 (a) to (c) or for mutual legal assistance with

respect to offences set forth in Article 15 has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

ARTICLE 21

Measures regarding other violations

Without prejudice to Article 28 of the Convention, each Party shall adopt such legislative, administrative or disciplinary measures as may be necessary to suppress the following acts when committed intentionally:

- a) any use of cultural property in violation of the Convention or this Protocol;
- b) any illicit export, other removal or transfer of ownership of cultural property from occupied territory in violation of the Convention or this Protocol.

CHAPTER 5

THE PROTECTION OF CULTURAL PROPERTY IN ARMED CONFLICTS NOT OF AN INTERNATIONAL CHARACTER

ARTICLE 22

Armed conflicts not of an international character

1. This Protocol shall apply in the event of an armed conflict not of an international character, occurring within the territory of one of the Parties.
2. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature.
3. Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.
4. Nothing in this Protocol shall prejudice the primary jurisdiction of a Party in whose territory an armed conflict not of an international character occurs over the violations set forth in Article 15.
5. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the Party in the territory of which that conflict occurs.

6. The application of this Protocol to the situation referred to in paragraph 1 shall not affect the legal status of the parties to the conflict.
7. UNESCO may offer its services to the parties to the conflict.

CHAPTER 6

INSTITUTIONAL ISSUES

ARTICLE 23

Meeting of the Parties

1. The Meeting of the Parties shall be convened at the same time as the General Conference of UNESCO, and in co-ordination with the Meeting of the High Contracting Parties, if such a meeting has been called by the Director-General.
2. The Meeting of the Parties shall adopt its Rules of Procedure.
3. The Meeting of the Parties shall have the following functions:
 - a) to elect the Members of the Committee, in accordance with Article 24 paragraph 1;
 - b) to endorse the Guidelines developed by the Committee in accordance with Article 27 sub-paragraph 1 (a);
 - c) to provide guidelines for, and to supervise the use of the Fund by the Committee;
 - d) to consider the report submitted by the Committee in accordance with Article 27 sub-paragraph 1 (d);
 - e) to discuss any problem related to the application of this Protocol, and to make recommendations, as appropriate.
4. At the request of at least one-fifth of the Parties, the Director-General shall convene an Extraordinary Meeting of the Parties.

ARTICLE 24

Committee for the Protection of Cultural Property in the Event of Armed Conflict

1. The Committee for the Protection of Cultural Property in the Event of Armed Conflict is hereby established. It shall be composed of twelve Parties which shall be elected by the Meeting of the Parties.

2. The Committee shall meet once a year in ordinary session and in extraordinary sessions whenever it deems necessary.
3. In determining membership of the Committee, Parties shall seek to ensure an equitable representation of the different regions and cultures of the world.
4. Parties members of the Committee shall choose as their representatives persons qualified in the fields of cultural heritage, defence or international law, and they shall endeavour, in consultation with one another, to ensure that the Committee as a whole contains adequate expertise in all these fields.

ARTICLE 25

Term of office

1. A Party shall be elected to the Committee for four years and shall be eligible for immediate re-election only once.
2. Notwithstanding the provisions of paragraph 1, the term of office of half of the members chosen at the time of the first election shall cease at the end of the first ordinary session of the Meeting of the Parties following that at which they were elected. These members shall be chosen by lot by the President of this Meeting after the first election.

ARTICLE 26

Rules of procedure

1. The Committee shall adopt its Rules of Procedure.
2. A majority of the members shall constitute a quorum. Decisions of the Committee shall be taken by a majority of two-thirds of its members voting.
3. Members shall not participate in the voting on any decisions relating to cultural property affected by an armed conflict to which they are parties.

ARTICLE 27

Functions

1. The Committee shall have the following functions:
 - a) to develop Guidelines for the implementation of this Protocol;
 - b) to grant, suspend or cancel enhanced protection for cultural property and to establish, maintain and promote the List of cultural property under enhanced protection;
 - c) to monitor and supervise the implementation of this Protocol and promote the identification of cultural property under enhanced protection;

- d) to consider and comment on reports of the Parties, to seek clarifications as required, and prepare its own report on the implementation of this Protocol for the Meeting of the Parties;
 - e) to receive and consider requests for international assistance under Article 32;
 - f) to determine the use of the Fund;
 - g) to perform any other function which may be assigned to it by the Meeting of the Parties.
2. The functions of the Committee shall be performed in co-operation with the Director-General.
 3. The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of the Convention, its First Protocol and this Protocol. To assist in the implementation of its functions, the Committee may invite to its meetings, in an advisory capacity, eminent professional organizations such as those which have formal relations with UNESCO, including the International Committee of the Blue Shield (ICBS) and its constituent bodies. Representatives of the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre) (ICCROM) and of the International Committee of the Red Cross (ICRC) may also be invited to attend in an advisory capacity.

ARTICLE 28

Secretariat

The Committee shall be assisted by the Secretariat of UNESCO which shall prepare the Committee's documentation and the agenda for its meetings and shall have the responsibility for the implementation of its decisions.

ARTICLE 29

The Fund for the Protection of Cultural Property in the Event of Armed Conflict

1. A Fund is hereby established for the following purposes:
 - a) to provide financial or other assistance in support of preparatory or other measures to be taken in peacetime in accordance with, *inter alia*, Article 5, Article 10 sub-paragraph (b) and Article 30; and
 - b) to provide financial or other assistance in relation to emergency, provisional or other measures to be taken in order to protect cultural property during periods of armed conflict or of immediate recovery after the end of hostilities in accordance with, *inter alia*, Article 8 sub-paragraph (a).
2. The Fund shall constitute a trust fund, in conformity with the provisions of the financial regulations of UNESCO.

3. Disbursements from the Fund shall be used only for such purpose as the Committee shall decide in accordance with the guidelines as defined in Article 23 sub-paragraph 3(c). The Committee may accept contributions to be used only for a certain programme or project, provided that the Committee shall have decided on the implementation of such programme or project.
4. The resources of the Fund shall consist of:
 - a) voluntary contributions made by the Parties;
 - b) contributions, gifts or bequests made by:
 - i) other States;
 - ii) UNESCO or other organizations of the United Nations system;
 - iii) other intergovernmental or non-governmental organizations; and
 - iv) public or private bodies or individuals;
 - c) any interest accruing on the Fund;
 - d) funds raised by collections and receipts from events organized for the benefit of the Fund; and
 - e) all other resources authorized by the guidelines applicable to the Fund.

CHAPTER 7

DISSEMINATION OF INFORMATION AND INTERNATIONAL ASSISTANCE

ARTICLE 30

Dissemination

1. The Parties shall endeavour by appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect for cultural property by their entire population.
2. The Parties shall disseminate this Protocol as widely as possible, both in time of peace and in time of armed conflict.
3. Any military or civilian authorities who, in time of armed conflict, assume responsibilities with respect to the application of this Protocol, shall be fully acquainted with the text thereof. To this end the Parties shall, as appropriate:
 - a) incorporate guidelines and instructions on the protection of cultural property in their military regulations;
 - b) develop and implement, in cooperation with UNESCO and relevant governmental and non-governmental organizations, peacetime training and educational programmes;

- c) communicate to one another, through the Director-General, information on the laws, administrative provisions and measures taken under subparagraphs (a) and (b);
- d) communicate to one another, as soon as possible, through the Director-General, the laws and administrative provisions which they may adopt to ensure the application of this Protocol.

ARTICLE 31

International cooperation

In situations of serious violations of this Protocol, the Parties undertake to act, jointly through the Committee, or individually, in cooperation with UNESCO and the United Nations and in conformity with the Charter of the United Nations.

ARTICLE 32

International assistance

1. A Party may request from the Committee international assistance for cultural property under enhanced protection as well as assistance with respect to the preparation, development or implementation of the laws, administrative provisions and measures referred to in Article 10.
2. A party to the conflict, which is not a Party to this Protocol but which accepts and applies provisions in accordance with Article 3, paragraph 2, may request appropriate international assistance from the Committee.
3. The Committee shall adopt rules for the submission of requests for international assistance and shall define the forms the international assistance may take.
4. Parties are encouraged to give technical assistance of all kinds, through the Committee, to those Parties or parties to the conflict who request it.

ARTICLE 33

Assistance of UNESCO

1. A Party may call upon UNESCO for technical assistance in organizing the protection of its cultural property, such as preparatory action to safeguard cultural property, preventive and organizational measures for emergency situations and compilation of national inventories of cultural property, or in connection with any other problem arising out of the application of this Protocol. UNESCO shall accord such assistance within the limits fixed by its programme and by its resources.
2. Parties are encouraged to provide technical assistance at bilateral or multilateral level.

3. UNESCO is authorized to make, on its own initiative, proposals on these matters to the Parties.

CHAPTER 8

EXECUTION OF THIS PROTOCOL

ARTICLE 34

Protecting Powers

This Protocol shall be applied with the co-operation of the Protecting Powers responsible for safeguarding the interests of the Parties to the conflict.

ARTICLE 35

Conciliation procedure

1. The Protecting Powers shall lend their good offices in all cases where they may deem it useful in the interests of cultural property, particularly if there is disagreement between the Parties to the conflict as to the application or interpretation of the provisions of this Protocol.
2. For this purpose, each of the Protecting Powers may, either at the invitation of one Party, of the Director-General, or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for the protection of cultural property, if considered appropriate, on the territory of a State not party to the conflict. The Parties to the conflict shall be bound to give effect to the proposals for meeting made to them. The Protecting Powers shall propose for approval by the Parties to the conflict a person belonging to a State not party to the conflict or a person presented by the Director-General, which person shall be invited to take part in such a meeting in the capacity of Chairman.

ARTICLE 36

Conciliation in absence of Protecting Powers

1. In a conflict where no Protecting Powers are appointed, the Director-General may lend good offices or act by any other form of conciliation or mediation, with a view to settling the disagreement.

2. At the invitation of one Party or of the Director-General, the Chairman of the Committee may propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for the protection of cultural property, if considered appropriate, on the territory of a State not party to the conflict.

ARTICLE 37

Translations and reports

1. The Parties shall translate this Protocol into their official languages and shall communicate these official translations to the Director-General.
2. The Parties shall submit to the Committee, every four years, a report on the implementation of this Protocol.

ARTICLE 38

State responsibility

No provision in this Protocol relating to individual criminal responsibility shall affect the responsibility of States under international law, including the duty to provide reparation.

CHAPTER 9

FINAL CLAUSES

ARTICLE 39

Languages

This Protocol is drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authentic.

ARTICLE 40

Signature

This Protocol shall bear the date of 26 May 1999. It shall be opened for signature by all High Contracting Parties at The Hague from 17 May 1999 until 31 December 1999.

ARTICLE 41

Ratification, acceptance or approval

1. This Protocol shall be subject to ratification, acceptance or approval by High Contracting Parties which have signed this Protocol, in accordance with their respective constitutional procedures.
2. The instruments of ratification, acceptance or approval shall be deposited with the Director-General.

ARTICLE 42

Accession

1. This Protocol shall be open for accession by other High Contracting Parties from 1 January 2000.
2. Accession shall be effected by the deposit of an instrument of accession with the Director-General.

ARTICLE 43

Entry in force

1. This Protocol shall enter into force three months after twenty instruments of ratification, acceptance, approval or accession have been deposited.
2. Thereafter, it shall enter into force, for each Party, three months after the deposit of its instrument of ratification, acceptance, approval or accession.

ARTICLE 44

Entry into force in situations of armed conflict

The situations referred to in Articles 18 and 19 of the Convention shall give immediate effect to ratifications, acceptances or approvals of or accessions to this Protocol deposited by the parties to the conflict either before or after the beginning of hostilities or occupation. In such cases the Director-General shall transmit the communications referred to in Article 46 by the speediest method.

ARTICLE 45

Denunciation

1. Each Party may denounce this Protocol.
2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General.

3. The denunciation shall take effect one year after the receipt of the instrument of denunciation. However, if, on the expiry of this period, the denouncing Party is involved in an armed conflict, the denunciation shall not take effect until the end of hostilities, or until the operations of repatriating cultural property are completed, whichever is the later.

ARTICLE 46

Notifications

The Director-General shall inform all High Contracting Parties as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, approval or accession provided for in Articles 41 and 42 and of denunciations provided for in Article 45.

ARTICLE 47

Registration with the United Nations

In conformity with Article 102 of the Charter of the United Nations, this Protocol shall be registered with the Secretariat of the United Nations at the request of the Director-General.

IN FAITH WHEREOF the undersigned, duly authorized, have signed the present Protocol.

DONE at The Hague, this twenty-sixth day of March 1999, in a single copy which shall be deposited in the archives of the UNESCO, and certified true copies of which shall be delivered to all the High Contracting Parties.

X

CONVENTION OF 10 APRIL 1972 ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION

The States Parties to this Convention,

Determined to act with a view to achieving effective progress towards general and complete disarmament, including the prohibition and elimination of all types of weapons of mass destruction, and convinced that the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and their elimination, through effective measures, will facilitate the achievement of general and complete disarmament under strict and effective international control,

Recognizing the important significance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and conscious also of the contribution which the said Protocol has already made, and continues to make, to mitigating the horrors of war,

Reaffirming their adherence to the principles and objectives of that Protocol and calling upon all States to comply strictly with them,

Recalling that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the principles and objectives of the Geneva Protocol of 17 June 1925,

Desiring to contribute to the strengthening of confidence between peoples and the general improvement of the international atmosphere,

Desiring also to contribute to the realization of the purposes and principles of the Charter of the United Nations,

Convinced of the importance and urgency of eliminating from the arsenals of States, through effective measures, such dangerous weapons of mass destruction as those using chemical or bacteriological (biological) agents,

Recognizing that an agreement on the prohibition of bacteriological (biological) and toxin weapons represents a first possible step towards the achievement of agreement on effective measures also for the prohibition of the development,

production and stockpiling of chemical weapons, and determined to continue negotiations to that end,

Determined, for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons,

Convinced that such use would be repugnant to the conscience of mankind and that no effort should be spared to minimize this risk,

Have agreed as follows:

ARTICLE 1

Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:

1. Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;
2. Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

ARTICLE 2

Each State Party to this Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than nine months after the entry into force of the Convention, all agents, toxins, weapons, equipment and means of delivery specified in article 1 of the Convention, which are in its possession or under its jurisdiction or control. In implementing the provisions of this article all necessary safety precautions shall be observed to protect populations and the environment.

ARTICLE 3

Each State Party to this Convention undertakes not to transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage or induce any State, group of States or international organizations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in article 1 of the Convention.

ARTICLE 4

Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in article 1 of the Convention, within the territory of such State, under its Jurisdiction or under its control anywhere.

ARTICLE 5

The States Parties to this Convention undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. Consultation and co-operation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

ARTICLE 6

1. Any State Party to this Convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council.
2. Each State Party to this Convention undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Convention of the results of the investigation.

ARTICLE 7

Each State Party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.

ARTICLE 8

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.

ARTICLE 9

Each State Party to this Convention affirms the recognized objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production and stockpiling and for their destruction, and on appropriate measures concerning equipment and means of delivery specifically designed for the production or use of chemical agents for weapons purposes.

ARTICLE 10

1. The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes. Parties to the Convention in a position to do so shall also co-operate in contributing individually or together with other States or international organizations to the further development and application of scientific discoveries in the field of bacteriology (biology) for the prevention of disease, or for other peaceful purposes.
2. This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international co-operation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) agents and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention.

ARTICLE 11

Any State Party may propose amendments to this Convention. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party on the date of acceptance by it.

ARTICLE 12

Five years after the entry into force of this Convention, or earlier if it is requested by a majority of Parties to the Convention by submitting a proposal to this effect to the Depositary Governments, a conference of States Parties to the Convention shall be held at Geneva, Switzerland, to review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on chemical weapons, are being realized. Such review shall take into account any new scientific and technological developments relevant to the Convention.

ARTICLE 13

1. This Convention shall be of unlimited duration.
2. Each State Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject-matter of the Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Convention and to the United Nations Security

Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

ARTICLE 14

1. This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.
2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which are hereby designated the Depositary Governments.
3. This Convention shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositaries of the Convention.
4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices.
6. This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE 15

This Convention, the Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of the Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

XI

CONVENTION OF 10 DECEMBER 1976 ON THE PROHIBITION OF MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES

The States Parties to this Convention,

Guided by the interest of consolidating peace, and wishing to contribute to the cause of halting the arms race, and of bringing about general and complete disarmament under strict and effective international control, and of saving mankind from the danger of using new means of warfare,

Determined to continue negotiations with a view to achieving effective progress towards further measures in the field of disarmament,

Recognizing that scientific and technical advances may open new possibilities with respect to modification of the environment,

Recalling the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972,

Realizing that the use of environmental modification techniques for peaceful purposes could improve the interrelationship of man and nature and contribute to the preservation and improvement of the environment for the benefit of present and future generations,

Recognizing, however, that military or any other hostile use of such techniques could have effects extremely harmful to human welfare,

Desiring to prohibit effectively military or any other hostile use of environmental modification techniques in order to eliminate the dangers to mankind from such use, and affirming their willingness to work towards the achievement of this objective,

Desiring also to contribute to the strengthening of trust among nations and to the further improvement of the international situation in accordance with the purposes and principles of the Charter of the United Nations,

Have agreed as follows:

ARTICLE 1

1. Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party.
2. Each State Party to this Convention undertakes not to assist, encourage or induce any State, group of States or international organization to engage in activities contrary to the provisions of paragraph 1 of this article.

ARTICLE 2

As used in article 1, the term “environmental modification techniques” refers to any technique for changing—through the deliberate manipulation of natural processes—the dynamics, composition or structure of the Earth, including its biota, lithosphere, hydrosphere and atmosphere, or of outer space.

ARTICLE 3

1. The provisions of this Convention shall not hinder the use of environmental modification techniques for peaceful purposes and shall be without prejudice to the generally recognized principles and applicable rules of international law concerning such use.
2. The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of scientific and technological information on the use of environmental modification techniques for peaceful purposes. States Parties in a position to do so shall contribute, alone or together with other States or international organizations, to international economic and scientific co-operation in the preservation, improvement and peaceful utilization of the environment, with due consideration for the needs of the developing areas of the world.

ARTICLE 4

Each State Party to this Convention undertakes to take any measures it considers necessary in accordance with its constitutional processes to prohibit and prevent any activity in violation of the provisions of the Convention anywhere under its jurisdiction or control.

ARTICLE 5

1. The States Parties to this Convention undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of, or in the application of the provisions of, the Convention. Consultation and

co-operation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations, as well as of a Consultative Committee of Experts as provided for in paragraph 2 of this article.

2. For the purposes set forth in paragraph 1 of this article, the Depositary shall, within one month of the receipt of a request from any State Party to this Convention, convene a Consultative Committee of Experts. Any State Party may appoint an expert to the Committee whose functions and rules of procedure are set out in the annex, which constitutes an integral part of this Convention. The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all States Parties.
3. Any State Party to this Convention which has reason to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.
4. Each State Party to this Convention undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties of the results of the investigation.
5. Each State Party to this Convention undertakes to provide or support assistance, in accordance with the provisions of the Charter of the United Nations, to any State Party which so requests, if the Security Council decides that such Party has been harmed or is likely to be harmed as a result of violation of the Convention.

ARTICLE 6

1. Any State Party to this Convention may propose amendments to the Convention. The text of any proposed amendment shall be submitted to the Depositary, who shall promptly circulate it to all States Parties.
2. An amendment shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

ARTICLE 7

This Convention shall be of unlimited duration.

ARTICLE 8

1. Five years after the entry into force of this Convention, a conference of the States Parties to the Convention shall be convened by the Depositary at Geneva, Switzerland. The conference shall review the operation of the Convention with a view to ensuring that its purposes and provisions are being realized, and shall in particular examine the effectiveness of the provisions of paragraph 1 of article 1 in eliminating the dangers of military or any other hostile use of environmental modification techniques.
2. At intervals of not less than five years thereafter, a majority of the States Parties to this Convention may obtain, by submitting a proposal to this effect to the Depositary, the convening of a conference with the same objectives.
3. If no conference has been convened pursuant to paragraph 2 of this article within ten years following the conclusion of a previous conference, the Depositary shall solicit the views of all States Parties to this Convention concerning the convening of such a conference. If one-third or ten of the States Parties, whichever number is less, respond affirmatively, the Depositary shall take immediate steps to convene the conference.

ARTICLE 9

1. This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.
2. This Convention shall be subject to ratification by signatory States. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.
3. This Convention shall enter into force upon the deposit of instruments of ratification by twenty Governments in accordance with paragraph 2 of this article.
4. For those States whose instruments of ratification or accession are deposited after the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
5. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention and of any amendments thereto, as well as of the receipt of other notices.
6. This Convention shall be registered by the Depositary in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 10

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Governments of the signatory and acceding States.

Annex to the Convention
Consultative Committee of Experts

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to paragraph 1 of article 5 of this Convention by the State Party requesting the convening of the Committee.
2. The work of the Consultative Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this annex. The Committee shall decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.
3. The Depositary or his representative shall serve as the Chairman of the Committee.
4. Each expert may be assisted at meetings by one or more advisers.
5. Each expert shall have the right, through the Chairman, to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work.

XII

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

(Geneva, 10 October 1980)

(Article 1, amended, 21 December 2001)

The High Contracting Parties,

Recalling that every State has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Further recalling the general principle of the protection of the civilian population against the effects of hostilities,

Basing themselves on the principle of international law that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, and on the principle that prohibits the employment in armed conflicts of weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering,

Also recalling that it is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment,

Confirming their determination that in cases not covered by this Convention and its annexed Protocols or by other international agreements, the civilian population and the combatants shall at all times remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience,

Desiring to contribute to international détente, the ending of the arms race and the building of confidence among States, and hence to the realization of the aspiration of all peoples to live in peace,

Recognizing the importance of pursuing every effort which may contribute to progress towards general and complete disarmament under strict and effective international control,

Reaffirming the need to continue the codification and progressive development of the rules of international law applicable in armed conflict,

Wishing to prohibit or restrict further the use of certain conventional weapons and believing that the positive results achieved in this area may facilitate the main talks on disarmament with a view to putting an end to the production, stockpiling and proliferation of such weapons,

Emphasizing the desirability that all States become parties to this Convention and its annexed Protocols, especially the militarily significant States,

Bearing in mind that the General Assembly of the United Nations and the United Nations Disarmament Commission may decide to examine the question of a possible broadening of the scope of the prohibitions and restrictions contained in this Convention and its annexed Protocols,

Further bearing in mind that the Committee on Disarmament may decide to consider the question of adopting further measures to prohibit or restrict the use of certain conventional weapons,

Have agreed as follows:

ARTICLE 1

(as amended, 21 December 2001)

Material Scope of Application

1. This Convention and its annexed Protocols shall apply in the situations referred to in Article 2 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, including any situation described in paragraph 4 of Article I of Additional Protocol I to these Conventions.
2. This Convention and its annexed Protocols shall also apply, in addition to situations referred to in paragraph 1 of this Article, to situations referred to in Article 3 common to the Geneva Conventions of 12 August 1949. This Convention and its annexed Protocols shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature, as not being armed conflicts.
3. In case of armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply the prohibitions and restrictions of this Convention and its annexed Protocols.
4. Nothing in this Convention or its annexed Protocols shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the Government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.

5. Nothing in this Convention or its annexed Protocols shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.
6. The application of the provisions of this Convention and its annexed Protocols to parties to a conflict which are not High Contracting Parties that have accepted this Convention or its annexed Protocols, shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.
7. The provisions of Paragraphs 2-6 of this Article shall not prejudice additional Protocols adopted after 1 January 2002, which may apply, exclude or modify the scope of their application in relation to this Article.

ARTICLE 2

Relations with other international agreements

Nothing in this Convention or its annexed Protocols shall be interpreted as detracting from other obligations imposed upon the High Contracting Parties by international humanitarian law applicable in armed conflict.

ARTICLE 3

Signature

This Convention shall be open for signature by all States at United Nations Headquarters in New York for a period of twelve months from 10 April 1981.

ARTICLE 4

Ratification, acceptance, approval or accession

1. This Convention is subject to ratification, acceptance or approval by the Signatories. Any State which has not signed this Convention may accede to it.
2. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.
3. Expressions of consent to be bound by any of the Protocols annexed to this Convention shall be optional for each State, provided that at the time of the deposit of its instrument of ratification, acceptance or approval of this Convention or of accession thereto, that State shall notify the Depositary of its consent to be bound by any two or more of these Protocols.
4. At any time after the deposit of its instrument of ratification, acceptance or approval of this Convention or of accession thereto, a State may notify the Depositary of its consent to be bound by any annexed Protocol by which it is not already bound.

5. Any Protocol by which a High Contracting Party is bound shall for that Party form an integral part of this Convention.

ARTICLE 5

Entry into force

1. This Convention shall enter into force six months after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession.
2. For any State which deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the twentieth instrument of ratification, acceptance, approval or accession, this Convention shall enter into force six months after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.
3. Each of the Protocols annexed to this Convention shall enter into force six months after the date by which twenty States have notified their consent to be bound by it in accordance with paragraph 3 or 4 of Article 4 of this Convention.
4. For any State which notifies its consent to be bound by a Protocol, annexed to this Convention after the date by which twenty States have notified their consent to be bound by it, the Protocol shall enter into force six months after the date on which that State has notified its consent so to be bound.

ARTICLE 6

Dissemination

The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate this Convention and those of its annexed Protocols by which they are bound as widely as possible in their respective countries and, in particular, to include the study thereof in their programmes of military instruction, so that those instruments may become known to their armed force.

ARTICLE 7

Treaty relations upon entry into force of this Convention

1. When one of the parties to a conflict is not bound by an annexed Protocol, the parties bound by this Convention and that annexed Protocol shall remain bound by them in their mutual relations.
2. Any High Contracting Party shall be bound by this Convention and any Protocol annexed thereto which is in force for it, in any situation contemplated by Article 1, in relation to any State which is not a party to this Convention or bound by the relevant annexed Protocol, if the latter accepts and applies this Convention or the relevant Protocol, and so notifies the Depositary.

3. The Depositary shall immediately inform the High Contracting Parties concerned of any notification received under paragraph 2 of this Article.
4. This Convention, and the annexed Protocols by which a High Contracting Party is bound, shall apply with respect to an armed conflict against that High Contracting Party of the type referred to in Article 1, paragraph 4, of Additional Protocol I to the Geneva Conventions of 12 August 1949 for the Protection of War Victims:
 - a) where the High Contracting Party is also a party to Additional Protocol I and an authority referred to in Article 96, paragraph 3, of that Protocol has undertaken to apply the Geneva Conventions and Additional Protocol I in accordance with Article 96, paragraph 3, of the said Protocol, and undertakes to apply this Convention and the relevant annexed Protocols in relation to that conflict; or
 - b) where the High Contracting Party is not a party to Additional Protocol I and an authority of the type referred to in sub-paragraph *a*) above accepts and applies the obligations of the Geneva Conventions and of this Convention and the relevant annexed Protocols in relation to that conflict. Such an acceptance and application shall have in relation to that conflict the following effects:
 - i) the Geneva Conventions and this Convention and its relevant annexed Protocols are brought into force for the parties to the conflict with immediate effect;
 - ii) the said authority assumes the same rights and obligations as those which have been assumed by a High Contracting Party to the Geneva Conventions, this Convention and its relevant annexed Protocols; and
 - iii) the Geneva Conventions, this Convention and its relevant annexed Protocols are equally binding upon all parties to the conflict.

The High Contracting Party and the authority may also agree to accept and apply the obligations of Additional Protocol I to the Geneva Conventions on a reciprocal basis.

ARTICLE 8

Review and amendments

1. a) At any time after the entry into force of this Convention any High Contracting Party may propose amendments to this Convention or any annexed Protocol by which it is bound. Any proposal for an amendment shall be communicated to the Depositary, who shall notify it to all the High Contracting Parties and shall seek their views on whether a conference should be convened to consider the proposal. If a majority, that shall not be less than eighteen of the High Contracting Parties so agree, he shall promptly convene a conference to which all High Contracting Parties shall be invited. States not parties to this Convention shall be invited to the conference as observers.

- b) Such a conference may agree upon amendments which shall be adopted and shall enter into force in the same manner as this Convention and the annexed Protocols, provided that amendments to this Convention may be adopted only by the High Contracting Parties and that amendments to a specific annexed Protocol may be adopted only by the High Contracting Parties which are bound by that Protocol.
2. a) At any time after the entry into force of this Convention any High Contracting Party may propose additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols. Any such proposal for an additional protocol shall be communicated to the Depositary, who shall notify it to all the High Contracting Parties in accordance with sub-paragraph 1 a) of this Article. If a majority, that shall not be less than eighteen of the High Contracting Parties so agree, the Depositary shall promptly convene a conference to which all States shall be invited.
b) Such a conference may agree, with the full participation of all States represented at the conference, upon additional protocols which shall be adopted in the same manner as this Convention, shall be annexed thereto and shall enter into force as provided in paragraphs 3 and 4 of Article 5 of this Convention.
3. a) If, after a period of ten years following the entry into force of this Convention, no conference has been convened in accordance with sub-paragraph 1 a) or 2 a) of this Article, any High Contracting Party may request the Depositary to convene a conference to which all High Contracting Parties shall be invited to review the scope and operation of this Convention and the Protocols annexed thereto and to consider any proposal for amendments of this Convention or of the existing Protocols. States not parties to this Convention shall be invited as observers to the conference. The conference may agree upon amendments which shall be adopted and enter into force in accordance with sub-paragraph 1 b) above.
b) At such conference consideration may also be given to any proposal for additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols. All States represented at the conference may participate fully in such consideration. Any additional protocols shall be adopted in the same manner as this Convention, shall be annexed thereto and shall enter into force as provided in paragraphs 3 and 4 of Article 5 of this Convention.
c) Such a conference may consider whether provision should be made for the convening of a further conference at the request of any High Contracting Party if, after a similar period to that referred to in sub-paragraph 3 a) of this Article, no conference has been convened in accordance with sub-paragraph 1 a) or 2 a) of this Article.

ARTICLE 9

Denunciation

1. Any High Contracting Party may denounce this Convention or any of its annexed Protocols by so notifying the Depositary.
2. Any such denunciation shall only take effect one year after receipt by the Depositary of the notification of denunciation. If, however, on the expiry of that year the denouncing High Contracting Party is engaged in one of the situations referred to in Article 1, the Party shall continue to be bound by the obligations of this Convention and of the relevant annexed Protocols until the end of the armed conflict or occupation and, in any case, until the termination of operations connected with the final release, repatriation or re-establishment of the persons protected by the rules of international law applicable in armed conflict, and in the case of any annexed Protocol containing provisions concerning situations in which peace-keeping, observation or similar functions are performed by United Nations forces or missions in the area concerned, until the termination of those functions.
3. Any denunciation of this Convention shall be considered as also applying to all annexed Protocols by which the denouncing High Contracting Party is bound.
4. Any denunciation shall have effect only in respect of the denouncing High Contracting Party.
5. Any denunciation shall not affect the obligations already incurred, by reason of an armed conflict, under this Convention and its annexed Protocols by such denouncing High Contracting Party in respect of any act committed before this denunciation becomes effective.

ARTICLE 10

Depositary

1. The Secretary-General of the United Nations shall be the Depositary of this Convention and of its annexed Protocols.
2. In addition to his usual functions, the Depositary shall inform all States of:
 - a) signatures affixed to this Convention under Article 3;
 - b) deposits of instruments of ratification, acceptance or approval of or accession to this Convention deposited under Article 4;
 - c) notifications of consent to be bound by annexed Protocols under Article 4;
 - d) the dates of entry into force of this Convention and of each of its annexed Protocols under Article 5; and
 - e) notifications of denunciation received under Article 9, and their effective date.

ARTICLE 11

Authentic texts

The original of this Convention with the annexed Protocols, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Depositary, who shall transmit certified true copies thereof to all States.

PROTOCOL ON NON-DETECTABLE FRAGMENTS

(PROTOCOL I)

It is prohibited to use any weapon the primary effect of which is to injure by fragments which in the human body escape detection by X-rays.

PROTOCOL ON PROHIBITIONS OR RESTRICTIONS
ON THE USE OF MINES, BOOBY- TRAPS
AND OTHER DEVICES

(PROTOCOL II)

(as amended on 3 May 1996)

ARTICLE 1

Scope of application

1. This Protocol relates to the use on land of the mines, booby-traps and other devices, defined herein, including mines laid to interdict beaches, waterway crossings or river crossings, but does not apply to the use of anti-ship mines at sea or in inland waterways.
2. This Protocol shall apply, in addition to situations referred to in Article I of this Convention, to situations referred to in Article 3 common to the Geneva Conventions of 12 August 1949. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.
3. In case of armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply the prohibitions and restrictions of this Protocol.
4. Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the Government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.
5. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.
6. The application of the provisions of this Protocol to parties to a conflict, which are not High Contracting Parties that have accepted this Protocol, shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.

ARTICLE 2

Definitions

For the purpose of this Protocol:

1. “Mine” means a munition placed under, on or near the ground or other surface area and designed to be exploded by the presence, proximity or contact of a person or vehicle.
2. “Remotely-delivered mine” means a mine not directly emplaced but delivered by artillery, missile, rocket, mortar, or similar means, or dropped from an aircraft. Mines delivered from a land-based system from less than 500 metres are not considered to be “remotely delivered”, provided that they are used in accordance with Article 5 and other relevant Articles of this Protocol.
3. “Anti-personnel mine” means a mine primarily designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.
4. “Booby-trap” means any device or material which is designed, constructed or adapted to kill or injure, and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act.
5. “Other devices” means manually-emplaced munitions and devices including improvised explosive devices designed to kill, injure or damage and which are actuated manually, by remote control or automatically after a lapse of time.
6. “Military objective” means, so far as objects are concerned, any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.
7. “Civilian objects” are all objects which are not military objectives as defined in paragraph 6 of this Article.
8. “Minefield” is a defined area in which mines have been emplaced and “mined area” is an area which is dangerous due to the presence of mines. “Phoney minefield” means an area free of mines that simulates a minefield. The term “minefield” includes phoney minefields.
9. “Recording” means a physical, administrative and technical operation designed to obtain, for the purpose of registration in official records, all available information facilitating the location of minefields, mined areas, mines, booby-traps and other devices.
10. “Self-destruction mechanism” means an incorporated or externally attached automatically-functioning mechanism which secures the destruction of the munition into which it is incorporated or to which it is attached.

11. "Self-neutralization mechanism" means an incorporated automatically-functioning mechanism which renders inoperable the munition into which it is incorporated.
12. "Self-deactivating" means automatically rendering a munition inoperable by means of the irreversible exhaustion of a component, for example, a battery, that is essential to the operation of the munition.
13. "Remote control" means control by commands from a distance.
14. "Anti-handling device" means a device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with the mine.
15. "Transfer" involves, in addition to the physical movement of mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced mines.

ARTICLE 3

General restrictions on the use, of mines, booby-traps and other devices

1. This Article applies to:
 - a) mines;
 - b) booby-traps; and
 - c) other devices.
2. Each High Contracting Party or party to a conflict is, in accordance with the provisions of this Protocol, responsible for all mines, booby-traps, and other devices employed by it and undertakes to clear, remove, destroy or maintain them as specified in Article 10 of this Protocol.
3. It is prohibited in all circumstances to use any mine, booby-trap or other device which is designed or of a nature to cause superfluous injury or unnecessary suffering.
4. Weapons to which this Article applies shall strictly comply with the standards and limitations specified in the Technical Annex with respect to each particular category.
5. It is prohibited to use mines, booby-traps or other devices which employ a mechanism or device specifically designed to detonate the munition by the presence of commonly available mine detectors as a result of their magnetic or other non-contact influence during normal use in detection operations.
6. It is prohibited to use a self-deactivating mine equipped with an anti-handling device that is designed in such a manner that the anti-handling device is capable of functioning after the mine has ceased to be capable of functioning.

7. It is prohibited in all circumstances to direct weapons to which this Article applies, either in offence, defence or by way of reprisals, against the civilian population as such or against individual civilians or civilian objects.
8. The indiscriminate use of weapons to which this Article applies is prohibited. Indiscriminate use is any placement of such weapons:
 - a) which is not on, or directed against, a military objective. In case of doubt as to whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used; or
 - b) which employs a method or means of delivery which cannot be directed at a specific military objective; or
 - c) which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.
9. Several clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects are not to be treated as a single military objective.
10. All feasible precautions shall be taken to protect civilians from the effects of weapons to which this Article applies. Feasible precautions are those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations. These circumstances include, but are not limited to:
 - a) the short- and long-term effect of mines upon the local civilian population for the duration of the minefield;
 - b) possible measures to protect civilians (for example, fencing, signs, warning and monitoring);
 - c) the availability and feasibility of using alternatives; and
 - d) the short- and long-term military requirements for a minefield.
11. Effective advance warning shall be given of any emplacement of mines, booby-traps and other devices which may affect the civilian population, unless circumstances do not permit.

ARTICLE 4

Restrictions on the use of anti-personnel mines

It is prohibited to use anti-personnel mines which are not detectable, as specified in paragraph 2 of the Technical Annex.

ARTICLE 5

**Restrictions on the use of anti-personnel mines
other than remotely-delivered mines**

1. This Article applies to anti-personnel mines other than remotely-delivered mines.
2. It is prohibited to use weapons to which this Article applies which are not in compliance with the provisions on self-destruction and self-deactivation in the Technical Annex, unless:
 - a) such weapons are placed within a perimeter-marked area which is monitored by military personnel and protected by fencing or other means, to ensure the effective exclusion of civilians from the area. The marking must be of a distinct and durable character and must at least be visible to a person who is about to enter the perimeter-marked area; and
 - b) such weapons are cleared before the area is abandoned, unless the area is turned over to the forces of another State which accept responsibility for the maintenance of the protections required by this Article and the subsequent clearance of those weapons.
3. A party to a conflict is relieved from further compliance with the provisions of sub-paragraphs 2 (a) and 2 (b) of this Article only if such compliance is not feasible due to forcible loss of control of the area as a result of enemy military action, including situations where direct enemy military action makes it impossible to comply. If that party regains control of the area, it shall resume compliance with the provisions of sub-paragraphs 2 (a) and 2 (b) of this Article.
4. If the forces of a party to a conflict gain control of an area in which weapons to which this Article applies have been laid, such forces shall, to the maximum extent feasible, maintain and, if necessary, establish the protections required by this Article until such weapons have been cleared.
5. All feasible measures shall be taken to prevent the unauthorized removal, defacement, destruction or concealment of any device, system or material used to establish the perimeter of a perimeter-marked area.
6. Weapons to which this Article applies which propel fragments in a horizontal arc of less than 90 degrees and which are placed on or above the ground may be used without the measures provided for in sub-paragraph 2 (a) of this Article for a maximum period of 72 hours, if:
 - a) they are located in immediate proximity to the military unit that emplaced them; and
 - b) the area is monitored by military personnel to ensure the effective exclusion of civilians.

ARTICLE 6

Restrictions on the use of remotely-delivered mines

1. It is prohibited to use remotely-delivered mines unless they are recorded in accordance with sub-paragraph I (b) of the Technical Annex.
2. It is prohibited to use remotely-delivered anti-personnel mines which are not in compliance with the provisions on self-destruction and self-deactivation in the Technical Annex.
3. It is prohibited to use remotely-delivered mines other than anti-personnel mines, unless, to the extent feasible, they are equipped with an effective self-destruction or self-neutralization mechanism and have a back-up self-deactivation feature, which is designed so that the mine will no longer function as a mine when the mine no longer serves the military purpose for which it was placed in position.
4. Effective advance warning shall be given of any delivery or dropping of remotely-delivered mines which may affect the civilian population, unless circumstances do not permit.

ARTICLE 7

Prohibitions on the use of booby-traps and other devices

1. Without prejudice to the rules of international law applicable in armed conflict relating to treachery and perfidy, it is prohibited in all circumstances to use booby-traps and other devices which are in any way attached to or associated with:
 - a) internationally recognized protective emblems, signs or signals;
 - b) sick, wounded or dead persons;
 - c) burial or cremation sites or graves;
 - d) medical facilities, medical equipment, medical supplies or medical transportation;
 - e) children's toys or other portable objects or products specially designed for the feeding, health, hygiene, clothing or education of children;
 - f) food or drink;
 - g) kitchen utensils or appliances except in military establishments, military locations or military supply depots;
 - h) objects clearly of a religious nature;
 - i) historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples; or
 - j) animals or their carcasses.
2. It is prohibited to use booby-traps or other devices in the form of apparently harmless portable objects which are specifically designed and constructed to contain explosive material.

3. Without prejudice to the provisions of Article 3, it is prohibited to use weapons to which this Article applies in any city, town, village or other area containing a similar concentration of civilians in which combat between ground forces is not taking place or does not appear to be imminent, unless either:
 - a) they are placed on or in the close vicinity of a military objective; or
 - b) measures are taken to protect civilians from their effects, for example, the posting of warning sentries, the issuing of warnings or the provision of fences.

ARTICLE 8

Transfers

1. In order to promote the purposes of this Protocol, each High Contracting Party:
 - a) undertakes not to transfer any mine the use of which is prohibited by this Protocol;
 - b) undertakes not to transfer any mine to any recipient other than a State or a State agency authorized to receive such transfers;
 - c) undertakes to exercise restraint in the transfer of any mine the use of which is restricted by this Protocol. In particular, each High Contracting Party undertakes not to transfer any anti-personnel mines to States which are not bound by this Protocol, unless the recipient State agrees to apply this Protocol; and
 - d) undertakes to ensure that any transfer in accordance with this Article takes place in full compliance, by both the transferring and the recipient State, with the relevant provisions of this Protocol and the applicable norms of international humanitarian law.
2. In the event that a High Contracting Party declares that it will defer compliance with specific provisions on the use of certain mines, as provided for in the Technical Annex, sub-paragraph 1 (a) of this Article shall however apply to such mines.
3. All High Contracting Parties, pending the entry into force of this Protocol, will refrain from any actions which would be inconsistent with sub-paragraph 1 (a) of this Article.

ARTICLE 9

Recording and use of information on minefields, mined areas, mines, booby-traps and other devices.

1. All information concerning minefields, mined areas, mines, booby-traps and other devices shall be recorded in accordance with the provisions of the Technical Annex.

2. All such records shall be retained by the parties to a conflict, who shall, without delay after the cessation of active hostilities, take all necessary and appropriate measures, including the use of such information, to protect civilians from the effects of minefields, mined areas, mines, booby-traps and other devices in areas under their control.

At the same time, they shall also make available to the other party or parties to the conflict and to the Secretary-General of the United Nations all such information in their possession concerning minefields, mined areas, mines, booby-traps and other devices laid by them in areas no longer under their control; provided, however, subject to reciprocity, where the forces of a party to a conflict are in the territory of an adverse party, either party may withhold such information from the Secretary-General and the other party to the extent that security interests require such withholding, until neither party is in the territory of the other. In the latter case, the information withheld shall be disclosed as soon as those security interests permit. Wherever possible, the parties to the conflict shall seek, by mutual agreement, to provide for the release of such information at the earliest possible time in a manner consistent with the security interests of each party.

3. This Article is without prejudice to the provisions of Articles 10 and 12 of this Protocol.

ARTICLE 10

Removal of minefields, mined areas, mines, booby-traps and other devices and international cooperation

1. Without delay after the cessation of active hostilities, all minefields, mined areas, mines, booby-traps and other devices shall be cleared, removed, destroyed or maintained in accordance with Article 3 and paragraph 2 of Article 5 of this Protocol.
2. High Contracting Parties and parties to a conflict bear such responsibility with respect to minefields, mined areas, mines, booby-traps and other devices in areas under their control.
3. With respect to minefields, mined areas, mines, booby-traps and other devices laid by a party in areas over which it no longer exercises control, such party shall provide to the party in control of the area pursuant to paragraph 2 of this Article, to the extent permitted by such party, technical and material assistance necessary to fulfil such responsibility.
4. At all times necessary, the parties shall endeavour to reach agreement, both among themselves and, where appropriate, with other States and with international organizations, on the provision of technical and material assistance, including, in appropriate circumstances, the undertaking of joint operations necessary to fulfil such responsibilities.

ARTICLE 11

Technological cooperation and assistance

1. Each High Contracting Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Protocol and means of mine clearance. In particular, High Contracting Parties shall not impose undue restrictions on the provision of mine clearance equipment and related technological information for humanitarian purposes.
2. Each High Contracting Party undertakes to provide information to the database on mine clearance established within the United Nations System, especially information concerning various means and technologies of mine clearance and lists of experts, expert agencies or national points of contact on mine clearance.
3. Each High Contracting Party in a position to do so shall provide assistance for mine clearance through the United Nations System, other international bodies or on a bilateral basis, or contribute to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance.
4. Requests by High Contracting Parties for assistance, substantiated by relevant information, may be submitted to the United Nations, to other appropriate bodies or to other States. These requests may be submitted to the Secretary-General of the United Nations, who shall transmit them to all High Contracting Parties and to relevant international organizations.
5. In the case of requests to the United Nations, the Secretary-General of the United Nations, within the resources available to the Secretary-General of the United Nations, may take appropriate steps to assess the situation and, in cooperation with the requesting High Contracting Party, determine the appropriate provision of assistance in mine clearance or implementation of the Protocol. The Secretary-General may also report to High Contracting Parties on any such assessment as well as on the type and scope of assistance required.
6. Without prejudice to their constitutional and other legal provisions, the High Contracting Parties undertake to cooperate and transfer technology to facilitate the implementation of the relevant prohibitions and restrictions set out in this Protocol.
7. Each High Contracting Party has the right to seek and receive technical assistance, where appropriate, from another High Contracting Party on specific relevant technology, other than weapons technology, as necessary and feasible, with a view to reducing any period of deferral for which provision is made in the Technical Annex.

ARTICLE 12

Protection from the effects of minefields, mined areas, mines, booby-traps and other devices

1. Application
 - a) With the exception of the forces and missions referred to in subparagraph 2 (a) (i) of this Article, this Article applies only to missions which are performing functions in an area with the consent of the High Contracting Party on whose territory the functions are performed.
 - b) The application of the provisions of this Article to parties to a conflict which are not High Contracting Parties shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.
 - c) The provisions of this Article are without prejudice to existing international humanitarian law, or other international instruments as applicable, or decisions by the Security Council of the United Nations, which provide for a higher level of protection to personnel functioning in accordance with this Article.
2. Peace-keeping and certain other forces and missions
 - a) This paragraph applies to:
 - i) any United Nations force or mission performing peace-keeping, observation or similar functions in any area in accordance with the Charter of the United Nations;
 - ii) any mission established pursuant to Chapter VIII of the Charter of the United Nations and performing its functions in the area of a conflict.
 - b) Each High Contracting Party or party to a conflict, if so requested by the head of a force or mission to which this paragraph applies, shall:
 - i) so far as it is able, take such measures as are necessary to protect the force or mission from the effects of mines, booby-traps and other devices in any area under its control;
 - ii) if necessary in order effectively to protect such personnel, remove or render harmless, so far as it is able, all mines, booby-traps and other devices in that area; and
 - iii) inform the head of the force or mission of the location of all known minefields, mined areas, mines, booby-traps and other devices in the area in which the force or mission is performing its functions and, so far as is feasible, make available to the head of the force or mission all information in its possession concerning such mine fields, mined areas, mines, booby-traps and other devices.
3. Humanitarian and fact-finding missions of the United Nations System
 - a) This paragraph applies to any humanitarian or fact-finding mission of the United Nations System.

- b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:
 - i) provide the personnel of the mission with the protections set out in sub-paragraph 2 (b) (i) of this Article; and
 - ii) if access to or through any place under its control is necessary for the performance of the mission's functions and in order to provide the personnel of the mission with safe passage to or through that place:
 - (aa) unless on-going hostilities prevent, inform the head of the mission of a safe route to that place if such information is available; or
 - (bb) if information identifying a safe route is not provided in accordance with sub-paragraph (aa), so far as is necessary and feasible, clear a lane through minefields.
4. Missions of the International Committee of the Red Cross
 - a) This paragraph applies to any mission of the International Committee of the Red Cross performing functions with the consent of the host State or States as provided for by the Geneva Conventions of 12 August 1949 and, where applicable, their Additional Protocols.
 - b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:
 - i) provide the personnel of the mission with the protections set out in sub-paragraph 2 (b) (i) of this Article; and
 - ii) take the measures set out in sub-paragraph 3 (b) (ii) of this Article.
5. Other humanitarian missions and missions of enquiry
 - a) Insofar as paragraphs 2, 3 and 4 above do not apply to them, this paragraph applies to the following missions when they are performing functions in the area of a conflict or to assist the victims of a conflict:
 - i) any humanitarian mission of a national Red Cross or Red Crescent Society or of their International Federation;
 - ii) any mission of an impartial humanitarian organization, including any impartial humanitarian demining mission; and
 - iii) any mission of enquiry established pursuant to the provisions of the Geneva Conventions of 12 August 1949 and, where applicable, their Additional Protocols.
 - b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall, so far as is feasible:
 - i) provide the personnel of the mission with the protections set out in sub-paragraph 2 (b) (i) of this Article; and
 - ii) take the measures set out in sub-paragraph 3 (b) (ii) of this Article.

6. Confidentiality

All information provided in confidence pursuant to this Article shall be treated by the recipient in strict confidence and shall not be released outside the force or mission concerned without the express authorization of the provider of the information.

7. Respect for laws and regulations

Without prejudice to such privileges and immunities as they may enjoy or to the requirements of their duties, personnel participating in the forces and missions referred to in this Article shall:

- a) respect the laws and regulations of the host State; and
- b) refrain from any action or activity incompatible with the impartial and international nature of their duties.

ARTICLE 13

Consultations of High Contracting Parties

1. The High Contracting Parties undertake to consult and cooperate with each other on all issues related to the operation of this Protocol. For this purpose, a conference of High Contracting Parties shall be held annually.
2. Participation in the annual conferences shall be determined by their agreed Rules of Procedure.
3. The work of the conference shall include:
 - a) review of the operation and status of this Protocol;
 - b) consideration of matters arising from reports by High Contracting Parties according to paragraph 4 of this Article;
 - c) preparation for review conferences; and
 - d) consideration of the development of technologies to protect civilians against indiscriminate effects of mines.
4. The High Contracting Parties shall provide annual reports to the Depositary, who shall circulate them to all High Contracting Parties in advance of the Conference, on any of the following matters:
 - a) dissemination of information on this Protocol to their armed forces and to the civilian population;
 - b) mine clearance and rehabilitation programmes;
 - c) steps taken to meet technical requirements of this Protocol and any other relevant information pertaining thereto;
 - d) legislation related to this Protocol;

- e) measures taken on international technical information exchange, on international cooperation on mine clearance, and on technical cooperation and assistance; and
 - f) other relevant matters.
5. The cost of the Conference of High Contracting Parties shall be borne by the High Contracting Parties and States not parties participating in the work of the Conference, in accordance with the United Nations scale of assessment adjusted appropriately.

ARTICLE 14

Compliance

1. Each High Contracting Party shall take all appropriate steps, including legislative and other measures, to prevent and suppress violations of this Protocol by persons or on territory under its jurisdiction or control.
2. The measures envisaged in paragraph 1 of this Article include appropriate measures to ensure the imposition of penal sanctions against persons who, in relation to an armed conflict and contrary to the provisions of this Protocol, wilfully kill or cause serious injury to civilians and to bring such persons to justice.
3. Each High Contracting Party shall also require that its armed forces issue relevant military instructions and operating procedures and that armed forces personnel receive training commensurate with their duties and responsibilities to comply with the provisions of this Protocol.
4. The High Contracting Parties undertake to consult each other and to cooperate with each other bilaterally, through the Secretary-General of the United Nations or through other appropriate international procedures, to resolve any problems that may arise with regard to the interpretation and application of the provisions of this Protocol.

TECHNICAL ANNEX
TO THE PROTOCOL ON PROHIBITIONS OR RESTRICTIONS
ON THE USE OF MINES, BOOBY-TRAPS
AND OTHER DEVICES

(as amended on 3 May 1996)

1. Recording

- a) Recording of the location of mines other than remotely-delivered mines, minefields, mined areas, booby-traps and other devices shall be carried out in accordance with the following provisions:
 - i) the location of the minefields, mined areas and areas of booby-traps and other devices shall be specified accurately by relation to the coordinates of at least two reference points and the estimated dimensions of the area containing these weapons in relation to those reference points;
 - ii) maps, diagrams or other records shall be made in such a way as to indicate the location of minefields, mined areas, booby-traps and other devices in relation to reference points, and these records shall also indicate their perimeters and extent;
 - iii) for purposes of detection and clearance of mines, booby-traps and other devices, maps, diagrams or other records shall contain complete information on the type, number, emplacing method, type of fuse and life time, date and time of laying, anti-handling devices (if any) and other relevant information on all these weapons laid. Whenever feasible the minefield record shall show the exact location of every mine, except in row minefields where the row location is sufficient. The precise location and operating mechanism of each booby-trap laid shall be individually recorded.
- b) The estimated location and area of remotely-delivered mines shall be specified by coordinates of reference points (normally corner points) and shall be ascertained and when feasible marked on the ground at the earliest opportunity. The total number and types of mines laid, the date and time of laying and the self-destruction time periods shall also be recorded.
- c) Copies of records shall be held at a level of command sufficient to guarantee their safety as far as possible.
- d) The use of mines produced after the entry into force of this Protocol is prohibited unless they are marked in English or in the respective national language or languages with the following information:
 - i) name of the country of origin;
 - ii) month and year of production; and
 - iii) serial number or lot number.

The marking should be visible, legible, durable and resistant to environmental effects, as far as possible.

2. Specifications on detectability

- a) With respect to anti-personnel mines produced after 1 January 1997, such mines shall incorporate in their construction a material or device that enables the mine to be detected by commonly-available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grammes or more of iron in a single coherent mass.
- b) With respect to anti-personnel mines produced before 1 January 1997, such mines shall either incorporate in their construction, or have attached prior to their emplacement, in a manner not easily removable, a material or device that enables the mine to be detected by commonly-available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grammes or more of iron in a single coherent mass.
- c) In the event that a High Contracting Party determines that it cannot immediately comply with sub-paragraph *b*), it may declare at the time of its notification of consent to be bound by this Protocol that it will defer compliance with sub-paragraph *b*) for a period not to exceed 9 years from the entry into force of this Protocol. In the meantime it shall, to the extent feasible, minimize the use of anti-personnel mines that do not so comply.

3. Specifications on self-destruction and self-deactivation

- a) All remotely-delivered anti-personnel mines shall be designed and constructed so that no more than 10% of activated mines will fail to self-destruct within 30 days after emplacement, and each mine shall have a back-up self-deactivation feature designed and constructed so that, in combination with the self-destruction mechanism, no more than one in one thousand activated mines will function as a mine 120 days after emplacement.
- b) All non-remotely delivered anti-personnel mines, used outside marked areas, as defined in Article 5 of this Protocol, shall comply with the requirements for self-destruction and self-deactivation stated in sub-paragraph *a*).
- c) In the event that a High Contracting Party determines that it cannot immediately comply with sub-paragraphs *a*) and/or *b*), it may declare at the time of its notification of consent to be bound by this Protocol, that it will, with respect to mines produced prior to the entry into force of this Protocol defer compliance with sub-paragraphs *a*) and/or *b*) for a period not to exceed 9 years from the entry into force of this Protocol. During this period of deferral, the High Contracting Party shall:
 - i) undertake to minimize, to the extent feasible, the use of anti-personnel mines that do not so comply, and
 - ii) with respect to remotely-delivered anti-personnel mines, comply with either the requirements for self-destruction or the requirements for self-deactivation and, with respect to other anti-personnel mines comply with at least the requirements for self-deactivation.

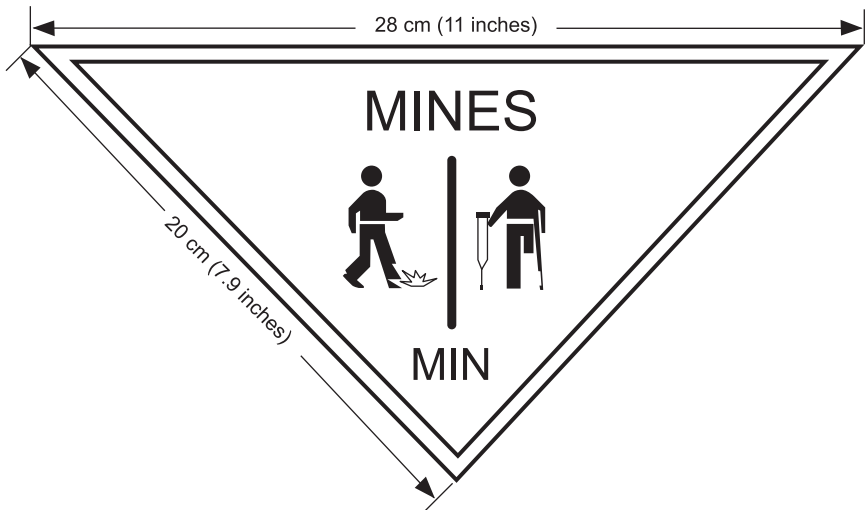
4. International signs for minefields and mined areas

Signs similar to the example attached [1] and as specified below shall be utilized in the marking of minefields and mined areas to ensure their visibility and recognition by the civilian population:

- a) *size and shape*: a triangle or square no smaller than 28 centimetres (11 inches) by 20 centimetres (7.9 inches) for a triangle, and 15 centimetres (6 inches) per side for a square;
- b) *colour*: red or orange with a yellow reflecting border
- c) *symbol*: the symbol illustrated in the Attachment, or an alternative readily recognizable in the area in which the sign is to be displayed as identifying a dangerous area;
- d) *language*: the sign should contain the word “mines” in one of the six official languages of the Convention (Arabic, Chinese, English, French, Russian and Spanish) and the language or languages prevalent in that area;
- e) *spacing*: signs should be placed around the minefield or mined area at a distance sufficient to ensure their visibility at any point by a civilian approaching the area.

[1]

Warning Sign for Areas Containing Mines



PROTOCOL ON PROHIBITIONS OR RESTRICTIONS
ON THE USE OF INCENDIARY WEAPONS

(PROTOCOL III)

ARTICLE 1

Definitions

For the purpose of this Protocol:

1. "Incendiary weapon" means any weapon or munition which is primarily designed to set fire to objects or to cause burn injury to persons through the action of flame, heat, or a combination thereof, produced by a chemical reaction of a substance delivered on the target.
 - a) Incendiary weapons can take the form of, for example, flame throwers, fougasses, shells, rockets, grenades, mines, bombs and other containers of incendiary substances.
 - b) Incendiary weapons do not include:
 - i) Munitions which may have incidental incendiary effects, such as illuminants, tracers, smoke or signalling systems;
 - ii) Munitions designed to combine penetration, blast or fragmentation effects with an additional incendiary effect, such as armour-piercing projectiles, fragmentation shells, explosive bombs and similar combined-effects munitions in which the incendiary effect is not specifically designed to cause burn injury to persons, but to be used against military objectives, such as armoured vehicles, aircraft and installations or facilities.
2. "Concentration of civilians" means any concentration of civilians, be it permanent or temporary, such as in inhabited parts of cities, or inhabited towns or villages, or as in camps or columns of refugees or evacuees, or groups of nomads.
3. "Military objective" means, so far as objects are concerned, any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.
4. "Civilian objects" are all objects which are not military objectives as defined in paragraph 3.
5. "Feasible precautions" are those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations.

ARTICLE 2

Protection of civilians and civilian objects

1. It is prohibited in all circumstances to make the civilian population as such, individual civilians or civilian objects the object of attack by incendiary weapons.
2. It is prohibited in all circumstances to make any military objective located within a concentration of civilians the object of attack by air-delivered incendiary weapons.
3. It is further prohibited to make any military objective located within a concentration of civilians the object of attack by means of incendiary weapons other than air-delivered incendiary weapons, except when such military objective is clearly separated from the concentration of civilians and all feasible precautions are taken with a view to limiting the incendiary effects to the military objective and to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.
4. It is prohibited to make forests or other kinds of plant cover the object of attack by incendiary weapons except when such natural elements are used to cover, conceal or camouflage combatants or other military objectives, or are themselves military objectives.

PROTOCOL ON BLINDING LASER WEAPONS

(PROTOCOL IV)

13 October 1995

ARTICLE 1

It is prohibited to employ laser weapons specifically designed, as their sole combat function or as one of their combat functions, to cause permanent blindness to unenhanced vision, that is to the naked eye or to the eye with corrective eyesight devices. The High Contracting Parties shall not transfer such weapons to any State or non-State entity.

ARTICLE 2

In the employment of laser systems, the High Contracting Parties shall take all feasible precautions to avoid the incidence of permanent blindness to unenhanced vision. Such precautions shall include training of their armed forces and other practical measures.

ARTICLE 3

Blinding as an incidental or collateral effect of the legitimate military employment of laser systems, including laser systems used against optical equipment, is not covered by the prohibition of this Protocol.

ARTICLE 4

For the purpose of this protocol “permanent blindness” means irreversible and uncorrectable loss of vision which is seriously disabling with no prospect of recovery. Serious disability is equivalent to visual acuity of less than 20/200 Snellen measured using both eyes.

PROTOCOL ON EXPLOSIVE REMNANTS OF WAR

(PROTOCOL V)

28 November 2003

The High Contracting Parties,

Recognising the serious post-conflict humanitarian problems caused by explosive remnants of war,

Conscious of the need to conclude a Protocol on post-conflict remedial measures of a generic nature in order to minimise the risks and effects of explosive remnants of war,

And *willing* to address generic preventive measures, through voluntary best practices specified in a Technical Annex for improving the reliability of munitions, and therefore minimising the occurrence of explosive remnants of war,

Have agreed as follows:

ARTICLE 1

General provision and scope of application

1. In conformity with the Charter of the United Nations and of the rules of the international law of armed conflict applicable to them, High Contracting Parties agree to comply with the obligations specified in this Protocol, both individually and in co-operation with other High Contracting Parties, to minimise the risks and effects of explosive remnants of war in post-conflict situations.
2. This Protocol shall apply to explosive remnants of war on the land territory including internal waters of High Contracting Parties.
3. This Protocol shall apply to situations resulting from conflicts referred to in Article 1, paragraphs 1 to 6, of the Convention, as amended on 21 December 2001.
4. Articles 3, 4, 5 and 8 of this Protocol apply to explosive remnants of war other than existing explosive remnants of war as defined in Article 2, paragraph 5 of this Protocol.

ARTICLE 2

Definitions

For the purpose of this Protocol,

1. *Explosive ordnance* means conventional munitions containing explosives, with the exception of mines, booby traps and other devices as defined in Protocol II of this Convention as amended on 3 May 1996.
2. *Unexploded ordnance* means explosive ordnance that has been primed, fused, armed, or otherwise prepared for use and used in an armed conflict. It may have been fired, dropped, launched or projected and should have exploded but failed to do so.
3. *Abandoned explosive ordnance* means explosive ordnance that has not been used during an armed conflict, that has been left behind or dumped by a party to an armed conflict, and which is no longer under control of the party that left it behind or dumped it. Abandoned explosive ordnance may or may not have been primed, fused, armed or otherwise prepared for use.
4. *Explosive remnants of war* means unexploded ordnance and abandoned explosive ordnance.
5. *Existing explosive remnants of war* means unexploded ordnance and abandoned explosive ordnance that existed prior to the entry into force of this Protocol for the High Contracting Party on whose territory it exists.

ARTICLE 3

Clearance, removal or destruction of explosive remnants of war

1. Each High Contracting Party and party to an armed conflict shall bear the responsibilities set out in this Article with respect to all explosive remnants of war in territory under its control. In cases where a user of explosive ordnance which has become explosive remnants of war, does not exercise control of the territory, the user shall, after the cessation of active hostilities, provide where feasible, *inter alia* technical, financial, material or human resources assistance, bilaterally or through a mutually agreed third party, including *inter alia* through the United Nations system or other relevant organisations, to facilitate the marking and clearance, removal or destruction of such explosive remnants of war.
2. After the cessation of active hostilities and as soon as feasible, each High Contracting Party and party to an armed conflict shall mark and clear, remove or destroy explosive remnants of war in affected territories under its control. Areas affected by explosive remnants of war which are assessed pursuant to paragraph 3 of this Article as posing a serious humanitarian risk shall be accorded priority status for clearance, removal or destruction.

3. After the cessation of active hostilities and as soon as feasible, each High Contracting Party and party to an armed conflict shall take the following measures in affected territories under its control, to reduce the risks posed by explosive remnants of war:
 - a) survey and assess the threat posed by explosive remnants of war;
 - b) assess and prioritise needs and practicability in terms of marking and clearance, removal or destruction;
 - c) mark and clear, remove or destroy explosive remnants of war;
 - d) take steps to mobilise resources to carry out these activities.
4. In conducting the above activities High Contracting Parties and parties to an armed conflict shall take into account international standards, including the International Mine Action Standards.
5. High Contracting Parties shall co-operate, where appropriate, both among themselves and with other states, relevant regional and international organisations and non-governmental organisations on the provision of *inter alia* technical, financial, material and human resources assistance including, in appropriate circumstances, the undertaking of joint operations necessary to fulfil the provisions of this Article.

ARTICLE 4

Recording, retaining and transmission of information

1. High Contracting Parties and parties to an armed conflict shall to the maximum extent possible and as far as practicable record and retain information on the use of explosive ordnance or abandonment of explosive ordnance, to facilitate the rapid marking and clearance, removal or destruction of explosive remnants of war, risk education and the provision of relevant information to the party in control of the territory and to civilian populations in that territory.
2. High Contracting Parties and parties to an armed conflict which have used or abandoned explosive ordnance which may have become explosive remnants of war shall, without delay after the cessation of active hostilities and as far as practicable, subject to these parties' legitimate security interests, make available such information to the party or parties in control of the affected area, bilaterally or through a mutually agreed third party including *inter alia* the United Nations or, upon request, to other relevant organisations which the party providing the information is satisfied are or will be undertaking risk education and the marking and clearance, removal or destruction of explosive remnants of war in the affected area.
3. In recording, retaining and transmitting such information, the High Contracting Parties should have regard to Part 1 of the Technical Annex.

ARTICLE 5

**Other precautions for the protection
of the civilian population, individual civilians and civilian objects
from the risks and effects of explosive remnants of war**

1. High Contracting Parties and parties to an armed conflict shall take all feasible precautions in the territory under their control affected by explosive remnants of war to protect the civilian population, individual civilians and civilian objects from the risks and effects of explosive remnants of war. Feasible precautions are those precautions which are practicable or practicably possible, taking into account all circumstances ruling at the time, including humanitarian and military considerations. These precautions may include warnings, risk education to the civilian population, marking, fencing and monitoring of territory affected by explosive remnants of war, as set out in Part 2 of the Technical Annex.

ARTICLE 6

**Provisions for the protection
of humanitarian missions and organisations
from the effects of explosive remnants of war**

1. Each High Contracting Party and party to an armed conflict shall:
 - a) Protect, as far as feasible, from the effects of explosive remnants of war, humanitarian missions and organisations that are or will be operating in the area under the control of the High Contracting Party or party to an armed conflict and with that party's consent.
 - b) Upon request by such a humanitarian mission or organisation, provide, as far as feasible, information on the location of all explosive remnants of war that it is aware of in territory where the requesting humanitarian mission or organisation will operate or is operating.
2. The provisions of this Article are without prejudice to existing International Humanitarian Law or other international instruments as applicable or decisions by the Security Council of the United Nations which provide for a higher level of protection.

ARTICLE 7

Assistance with respect to existing explosive remnants of war

1. Each High Contracting Party has the right to seek and receive assistance, where appropriate, from other High Contracting Parties, from states non-party and relevant international organisations and institutions in dealing with the problems posed by existing explosive remnants of war.

2. Each High Contracting Party in a position to do so shall provide assistance in dealing with the problems posed by existing explosive remnants of war, as necessary and feasible. In so doing, High Contracting Parties shall also take into account the humanitarian objectives of this Protocol, as well as international standards including the International Mine Action Standards.

ARTICLE 8

Co-operation and assistance

1. Each High Contracting Party in a position to do so shall provide assistance for the marking and clearance, removal or destruction of explosive remnants of war, and for risk education to civilian populations and related activities *inter alia* through the United Nations system, other relevant international, regional or national organisations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organisations, or on a bilateral basis.
2. Each High Contracting Party in a position to do so shall provide assistance for the care and rehabilitation and social and economic reintegration of victims of explosive remnants of war. Such assistance may be provided *inter alia* through the United Nations system, relevant international, regional or national organisations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organisations, or on a bilateral basis.
3. Each High Contracting Party in a position to do so shall contribute to trust funds within the United Nations system, as well as other relevant trust funds, to facilitate the provision of assistance under this Protocol.
4. Each High Contracting Party shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information other than weapons related technology, necessary for the implementation of this Protocol. High Contracting Parties undertake to facilitate such exchanges in accordance with national legislation and shall not impose undue restrictions on the provision of clearance equipment and related technological information for humanitarian purposes.
5. Each High Contracting Party undertakes to provide information to the relevant databases on mine action established within the United Nations system, especially information concerning various means and technologies of clearance of explosive remnants of war, lists of experts, expert agencies or national points of contact on clearance of explosive remnants of war and, on a voluntary basis, technical information on relevant types of explosive ordnance.
6. High Contracting Parties may submit requests for assistance substantiated by relevant information to the United Nations, to other appropriate bodies or to

other states. These requests may be submitted to the Secretary-General of the United Nations, who shall transmit them to all High Contracting Parties and to relevant international organisations and non-governmental organisations.

7. In the case of requests to the United Nations, the Secretary-General of the United Nations, within the resources available to the Secretary-General of the United Nations, may take appropriate steps to assess the situation and in co-operation with the requesting High Contracting Party and other High Contracting Parties with responsibility as set out in Article 3 above, recommend the appropriate provision of assistance. The Secretary-General may also report to High Contracting Parties on any such assessment as well as on the type and scope of assistance required, including possible contributions from the trust funds established within the United Nations system.

ARTICLE 9

Generic preventive measures

1. Bearing in mind the different situations and capacities, each High Contracting Party is encouraged to take generic preventive measures aimed at minimising the occurrence of explosive remnants of war, including, but not limited to, those referred to in Part 3 of the Technical Annex.
2. Each High Contracting Party may, on a voluntary basis, exchange information related to efforts to promote and establish best practices in respect of paragraph 1 of this Article.

ARTICLE 10

Consultations of High Contracting Parties

1. The High Contracting Parties undertake to consult and co-operate with each other on all issues related to the operation of this Protocol. For this purpose, a Conference of High Contracting Parties shall be held as agreed to by a majority, but no less than eighteen High Contracting Parties.
2. The work of the conferences of High Contracting Parties shall include:
 - a) review of the status and operation of this Protocol;
 - b) consideration of matters pertaining to national implementation of this Protocol, including national reporting or updating on an annual basis;
 - c) preparation for review conferences.
3. The costs of the Conference of High Contracting Parties shall be borne by the High Contracting Parties and States not parties participating in the Conference, in accordance with the United Nations scale of assessment adjusted appropriately.

ARTICLE 11

Compliance

1. Each High Contracting Party shall require that its armed forces and relevant agencies or departments issue appropriate instructions and operating procedures and that its personnel receive training consistent with the relevant provisions of this Protocol.
2. The High Contracting Parties undertake to consult each other and to co-operate with each other bilaterally, through the Secretary-General of the United Nations or through other appropriate international procedures, to resolve any problems that may arise with regard to the interpretation and application of the provisions of this Protocol.

TECHNICAL ANNEX

This Technical Annex contains suggested best practice for achieving the objectives contained in Articles 4, 5 and 9 of this Protocol. This Technical Annex will be implemented by High Contracting Parties on a voluntary basis.

1. Recording, storage and release of information for Unexploded Ordnance (UXO) and Abandoned Explosive Ordnance (AXO)

a) Recording of information: Regarding explosive ordnance which may have become UXO a State should endeavour to record the following information as accurately as possible:

- i) the location of areas targeted using explosive ordnance;
- ii) the approximate number of explosive ordnance used in the areas under (i);
- iii) the type and nature of explosive ordnance used in areas under (i);
- iv) the general location of known and probable UXO;

Where a State has been obliged to abandon explosive ordnance in the course of operations, it should endeavour to leave AXO in a safe and secure manner and record information on this ordnance as follows:

- v) the location of AXO;
 - vi) the approximate amount of AXO at each specific site;
 - vii) the types of AXO at each specific site.
- #### b) Storage of information: Where a State has recorded information in accordance with paragraph (a), it should be stored in such a manner as to allow for its retrieval and subsequent release in accordance with paragraph (c).
- #### c) Release of information: Information recorded and stored by a State in accordance with paragraphs (a) and (b) should, taking into account the security interests and other obligations of the State providing the information, be released in accordance with the following provisions:

i) *Content:*

On UXO the released information should contain details on:

- 1) the general location of known and probable UXO;
- 2) the types and approximate number of explosive ordnance used in the targeted areas;
- 3) the method of identifying the explosive ordnance including colour, size and shape and other relevant markings;
- 4) the method for safe disposal of the explosive ordnance.

On AXO the released information should contain details on:

- 5) the location of the AXO;
- 6) the approximate number of AXO at each specific site;
- 7) the types of AXO at each specific site;
- 8) the method of identifying the AXO, including colour, size and shape;

- 9) information on type and methods of packing for AXO;
 - 10) state of readiness;
 - 11) the location and nature of any booby traps known to be present in the area of AXO.
 - ii) *Recipient*: The information should be released to the party or parties in control of the affected territory and to those persons or institutions that the releasing State is satisfied are, or will be, involved in UXO or AXO clearance in the affected area, in the education of the civilian population on the risks of UXO or AXO.
 - iii) *Mechanism*: A State should, where feasible, make use of those mechanisms established internationally or locally for the release of information, such as through UNMAS, IMSMA, and other expert agencies, as considered appropriate by the releasing State.
 - iv) *Timing*: The information should be released as soon as possible, taking into account such matters as any ongoing military and humanitarian operations in the affected areas, the availability and reliability of information and relevant security issues.
2. Warnings, risk education, marking, fencing and monitoring

Key terms

- a) Warnings are the punctual provision of cautionary information to the civilian population, intended to minimise risks caused by explosive remnants of war in affected territories.
- b) Risk education to the civilian population should consist of risk education programmes to facilitate information exchange between affected communities, government authorities and humanitarian organisations so that affected communities are informed about the threat from explosive remnants of war. Risk education programmes are usually a long-term activity.

Best practice elements of warnings and risk education

- c) All programmes of warnings and risk education should, where possible, take into account prevailing national and international standards, including the International Mine Action Standards.
- d) Warnings and risk education should be provided to the affected civilian population which comprises civilians living in or around areas containing explosive remnants of war and civilians who transit such areas.
- e) Warnings should be given, as soon as possible, depending on the context and the information available. A risk education programme should replace a warnings programme as soon as possible. Warnings and risk education always should be provided to the affected communities at the earliest possible time.
- f) Parties to a conflict should employ third parties such as international organisations and non-governmental organisations when they do not have the resources and skills to deliver efficient risk education.

- g) Parties to a conflict should, if possible, provide additional resources for warnings and risk education. Such items might include: provision of logistical support, production of risk education materials, financial support and general cartographic information.

Marking, fencing, and monitoring of an explosive remnants of war affected area

- h) When possible, at any time during the course of a conflict and thereafter, where explosive remnants of war exist the parties to a conflict should, at the earliest possible time and to the maximum extent possible, ensure that areas containing explosive remnants of war are marked, fenced and monitored so as to ensure the effective exclusion of civilians, in accordance with the following provisions.
- i) Warning signs based on methods of marking recognised by the affected community should be utilised in the marking of suspected hazardous areas. Signs and other hazardous area boundary markers should as far as possible be visible, legible, durable and resistant to environmental effects and should clearly identify which side of the marked boundary is considered to be within the explosive remnants of war affected area and which side is considered to be safe.
- j) An appropriate structure should be put in place with responsibility for the monitoring and maintenance of permanent and temporary marking systems, integrated with national and local risk education programmes.

3. Generic preventive measures

States producing or procuring explosive ordnance should to the extent possible and as appropriate endeavour to ensure that the following measures are implemented and respected during the life-cycle of explosive ordnance.

- a) Munitions manufacturing management
 - i) Production processes should be designed to achieve the greatest reliability of munitions.
 - ii) Production processes should be subject to certified quality control measures.
 - iii) During the production of explosive ordnance, certified quality assurance standards that are internationally recognised should be applied.
 - iv) Acceptance testing should be conducted through live-fire testing over a range of conditions or through other validated procedures.
 - v) High reliability standards should be required in the course of explosive ordnance transactions and transfers.

b) Munitions management

In order to ensure the best possible long-term reliability of explosive ordnance, States are encouraged to apply best practice norms and operating procedures with respect to its storage, transport, field storage, and handling in accordance with the following guidance.

- i) Explosive ordnance, where necessary, should be stored in secure facilities or appropriate containers that protect the explosive ordnance and its components in a controlled atmosphere, if necessary.
 - ii) A State should transport explosive ordnance to and from production facilities, storage facilities and the field in a manner that minimises damage to the explosive ordnance.
 - iii) Appropriate containers and controlled environments, where necessary, should be used by a State when stockpiling and transporting explosive ordnance.
 - iv) The risk of explosions in stockpiles should be minimised by the use of appropriate stockpile arrangements.
 - v) States should apply appropriate explosive ordnance logging, tracking and testing procedures, which should include information on the date of manufacture of each number, lot or batch of explosive ordnance, and information on where the explosive ordnance has been, under what conditions it has been stored, and to what environmental factors it has been exposed.
 - vi) Periodically, stockpiled explosive ordnance should undergo, where appropriate, live-firing testing to ensure that munitions function as desired.
 - vii) Sub-assemblies of stockpiled explosive ordnance should, where appropriate, undergo laboratory testing to ensure that munitions function as desired.
 - viii) Where necessary, appropriate action, including adjustment to the expected shelf-life of ordnance, should be taken as a result of information acquired by logging, tracking and testing procedures, in order to maintain the reliability of stockpiled explosive ordnance.
- c) Training
- The proper training of all personnel involved in the handling, transporting and use of explosive ordnance is an important factor in seeking to ensure its reliable operation as intended. States should therefore adopt and maintain suitable training programmes to ensure that personnel are properly trained with regard to the munitions with which they will be required to deal.
- d) Transfer
- A State planning to transfer explosive ordnance to another State that did not previously possess that type of explosive ordnance should endeavour to ensure that the receiving State has the capability to store, maintain and use that explosive ordnance correctly.
- e) Future production
- A State should examine ways and means of improving the reliability of explosive ordnance that it intends to produce or procure, with a view to achieving the highest possible reliability.

XIII
CONVENTION ON THE PROHIBITION
OF THE DEVELOPMENT, PRODUCTION, STOCKPILING
AND USE OF CHEMICAL WEAPONS
AND ON THEIR DESTRUCTION

Paris, 13 January 1993

EXTRACTS

ARTICLE I

General obligations

1. Each State Party to this Convention undertakes never under any circumstances:
 - a) To develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone;
 - b) To use chemical weapons;
 - c) To engage in any military preparations to use chemical weapons;
 - d) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.
2. Each State Party undertakes to destroy chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention.
3. Each State Party undertakes to destroy all chemical weapons it abandoned on the territory of another State Party, in accordance with the provisions of this Convention.
4. Each State Party undertakes to destroy any chemical weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention.
5. Each State Party undertakes not to use riot control agents as a method of warfare.

ARTICLE II

Definitions and criteria

For the purposes of this Convention:

1. “Chemical Weapons” means the following, together or separately:
 - a) Toxic chemicals and their precursors, except where intended for purposes not prohibited under this Convention, as long as the types and quantities are consistent with such purposes;

- b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (a), which would be released as a result of the employment of such munitions and devices;
- c) Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (b).

2. “Toxic Chemical” means:

Any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.

(For the purpose of implementing this Convention, toxic chemicals which have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals.)

3. “Precursor” means:

Any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multicomponent chemical system.

(For the purpose of implementing this Convention, precursors which have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals.)

4. “Key Component of Binary or Multicomponent Chemical Systems” (hereinafter referred to as “key component”) means:

The precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system.

5. “Old Chemical Weapons” means:

- a) Chemical weapons which were produced before 1925; or
- b) Chemical weapons produced in the period between 1925 and 1946 that have deteriorated to such extent that they can no longer be used as chemical weapons.

6. “Abandoned Chemical Weapons” means:

Chemical weapons, including old chemical weapons, abandoned by a State after 1 January 1925 on the territory of another State without the consent of the latter.

7. “Riot Control Agent” means:

Any chemical not listed in a Schedule, which can produce rapidly in humans’ sensory irritation or disabling physical effects which disappear within a short time following termination of exposure.

8. "Chemical Weapons Production Facility":

- a) Means any equipment, as well as any building housing such equipment, that was designed, constructed or used at any time since 1 January 1946:
- i) As part of the stage in the production of chemicals ("final technological stage") where the material flows would contain, when the equipment is in operation:
 - Any chemical listed in Schedule 1 in the Annex on Chemicals; or
 - Any other chemical that has no use, above 1 tonne per year on the territory of a State Party or in any other place under the jurisdiction or control of a State Party, for purposes not prohibited under this Convention, but can be used for chemical weapons purposes; or
 - ii) For filling chemical weapons, including, *inter alia*, the filling of chemicals listed in Schedule 1 into munitions, devices or bulk storage containers; the filling of chemicals into containers that form part of assembled binary munitions and devices or into chemical submunitions that form part of assembled unitar munitions and devices, and the loading of the containers and chemical submunitions into the respective munitions and devices;
- b) Does not mean:
- i) Any facility having a production capacity for synthesis of chemicals specified in subparagraph (a) (i) that is less than 1 tonne;
 - ii) Any facility in which a chemical specified in subparagraph (a) (i) is or was produced as an unavoidable by-product of activities for purposes not prohibited under this Convention, provided that the chemical does not exceed 3 per cent of the total product and that the facility is subject to declaration and inspection under the Annex on Implementation and Verification (hereinafter referred to as "Verification Annex"); or
 - iii) The single small-scale facility for production of chemicals listed in Schedule 1 for purposes not prohibited under this Convention as referred to in Part VI of the Verification Annex.

9. "Purposes Not Prohibited Under this Convention" means:

- a) Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;
- b) Protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;
- c) Military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare;
- d) Law enforcement including domestic riot control purposes.

10. "Production Capacity" means:

The annual quantitative potential for manufacturing a specific chemical based on the technological process actually used or, if the process is not yet

operational, planned to be used at the relevant facility. It shall be deemed to be equal to the nameplate capacity or, if the nameplate capacity is not available, to the design capacity. The nameplate capacity is the product output under conditions optimized for maximum quantity for the production facility, as demonstrated by one or more test-runs. The design capacity is the corresponding theoretically calculated product output.

11. “Organization” means the Organization for the Prohibition of Chemical Weapons established pursuant to Article VIII of this Convention.

[...]

ARTICLE VI

Activities not prohibited under this Convention

1. Each State Party has the right, subject to the provisions of this Convention, to develop, produce, otherwise acquire, retain, transfer and use toxic chemicals and their precursors for purposes not prohibited under this Convention.
2. Each State Party shall adopt the necessary measures to ensure that toxic chemicals and their precursors are only developed, produced, otherwise acquired, retained, transferred, or used within its territory or in any other place under its jurisdiction or control for purposes not prohibited under this Convention. To this end, and in order to verify that activities are in accordance with obligations under this Convention, each State Party shall subject toxic chemicals and their precursors listed in Schedules 1, 2 and 3 of the Annex on Chemicals, facilities related to such chemicals, and other facilities as specified in the Verification Annex, that are located on its territory or in any other place under its jurisdiction or control, to verification measures as provided in the Verification Annex.
3. Each State Party shall subject chemicals listed in Schedule 1 (hereinafter referred to as “Schedule 1 chemicals”) to the prohibitions on production, acquisition, retention, transfer and use as specified in Part VI of the Verification Annex. It shall subject Schedule 1 chemicals and facilities specified in Part VI of the Verification Annex to systematic verification through on-site inspection and monitoring with on-site instruments in accordance with that Part of the Verification Annex.
4. Each State Party shall subject chemicals listed in Schedule 2 (hereinafter referred to as “Schedule 2 chemicals”) and facilities specified in Part VII of the Verification Annex to data monitoring and on-site verification in accordance with that Part of the Verification Annex.
5. Each State Party shall subject chemicals listed in Schedule 3 (hereinafter referred to as “Schedule 3 chemicals”) and facilities specified in Part VIII of the Verification Annex to data monitoring and on-site verification in accordance with that Part of the Verification Annex.

6. Each State Party shall subject facilities specified in Part IX of the Verification Annex to data monitoring and eventual on-site verification in accordance with that Part of the Verification Annex unless decided otherwise by the Conference of the States Parties pursuant to Part IX, paragraph 22, of the Verification Annex.
7. Not later than 30 days after this Convention enters into force for it, each State Party shall make an initial declaration on relevant chemicals and facilities in accordance with the Verification Annex.
8. Each State Party shall make annual declarations regarding the relevant chemicals and facilities in accordance with the Verification Annex.
9. For the purpose of on-site verification, each State Party shall grant to the inspectors access to facilities as required in the Verification Annex.
10. In conducting verification activities, the Technical Secretariat shall avoid undue intrusion into the State Party's chemical activities for purposes not prohibited under this Convention and, in particular, abide by the provisions set forth in the Annex on the Protection of Confidential Information (hereinafter referred to as "Confidentiality Annex").
11. The provisions of this Article shall be implemented in a manner which avoids hampering the economic or technological development of States Parties, and international cooperation in the field of chemical activities for purposes not prohibited under this Convention including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for purposes not prohibited under this Convention.

ARTICLE XII

Measures to redress a situation and to ensure compliance, including sanctions

1. The Conference shall take the necessary measures, as set forth in paragraphs 2, 3 and 4, to ensure compliance with this Convention and to redress and remedy any situation which contravenes the provisions of this Convention. In considering action pursuant to this paragraph, the Conference shall take into account all information and recommendations on the issues submitted by the Executive Council.
2. In cases where a State Party has been requested by the Executive Council to take measures to redress a situation raising problems with regard to its compliance, and where the State Party fails to fulfil the request within the specified time, the Conference may, *inter alia*, upon the recommendation of the Executive Council, restrict or suspend the State Party's rights and privileges under this Convention until it undertakes the necessary action to conform with its obligations under this Convention.

3. In cases where serious damage to the object and purpose of this Convention may result from activities prohibited under this Convention, in particular by Article I, the Conference may recommend collective measures to States Parties in conformity with international law.
4. The Conference shall, in cases of particular gravity, bring the issue, including relevant information and conclusions, to the attention of the United Nations General Assembly and the United Nations Security Council.

ARTICLE XIII

Relation to other international agreements

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, signed at London, Moscow and Washington on 10 April 1972.

ARTICLE XVI

Duration and withdrawal

1. This Convention shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention if it decides that extraordinary events, related to the subject-matter of this Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal 90 days in advance to all other States Parties, the Executive Council, the Depositary and the United Nations Security Council. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.
3. The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law, particularly the Geneva Protocol of 1925.

ARTICLE XVII

Status of the Annexes

The Annexes form an integral part of this Convention. Any reference to this Convention includes the Annexes.

ARTICLE XXI

Entry into force

1. This Convention shall enter into force 180 days after the date of the deposit of the 65th instrument of ratification, but in no case earlier than two years after its opening for signature.
2. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the 30th day following the date of deposit of their instrument of ratification or accession.

ARTICLE XXII

Reservations

The Articles of this Convention shall not be subject to reservations. The Annexes of this Convention shall not be subject to reservations incompatible with its object and purpose.

ARTICLE XXIV

Authentic texts

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at Paris on the thirteenth day of January, one thousand nine hundred and ninety-three.

XIV

CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

Ottawa, 18 September 1997

Preamble

The States Parties,

Determined to put an end to the suffering and casualties caused by anti-personnel mines, that kill or maim hundreds of people every week, mostly innocent and defenceless civilians and especially children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons, and have other severe consequences for years after emplacement,

Believing it necessary to do their utmost to contribute in an efficient and coordinated manner to face the challenge of removing anti-personnel mines placed throughout the world, and to assure their destruction,

Wishing to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration of mine victims,

Recognizing that a total ban of anti-personnel mines would also be an important confidence-building measure,

Welcoming the adoption of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the 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 calling for the early ratification of this Protocol by all States which have not yet done so,

Welcoming also United Nations General Assembly Resolution 51/45 S of 10 December 1996 urging all States to pursue vigorously an effective, legally-binding international agreement to ban the use, stockpiling, production and transfer of anti-personnel landmines,

Welcoming furthermore the measures taken over the past years, both unilaterally and multilaterally, aiming at prohibiting, restricting or suspending the use, stockpiling, production and transfer of anti-personnel mines,

Stressing the role of public conscience in furthering the principles of humanity as evidenced by the call for a total ban of anti-personnel mines and recognizing the efforts to that end undertaken by the International Red Cross and Red Crescent

Movement, the International Campaign to Ban Landmines and numerous other non-governmental organizations around the world,

Recalling the Ottawa Declaration of 5 October 1996 and the Brussels Declaration of 27 June 1997 urging the international community to negotiate an international and legally binding agreement prohibiting the use, stockpiling, production and transfer of anti-personnel mines,

Emphasizing the desirability of attracting the adherence of all States to this Convention, and determined to work strenuously towards the promotion of its universalization in all relevant fora including, *inter alia*, the United Nations, the Conference on Disarmament, regional organizations, and groupings, and review conferences of the 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,

Basing themselves on the principle of international humanitarian law that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, on the principle that prohibits the employment in armed conflicts of weapons, projectiles and materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering and on the principle that a distinction must be made between civilians and combatants,

Have agreed as follows:

ARTICLE 1

General obligations

1. Each State Party undertakes never under any circumstances:
 - a) To use anti-personnel mines;
 - b) To develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines;
 - c) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.
2. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of this Convention.

ARTICLE 2

Definition

1. "Anti-personnel mine" means a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons. Mines designed to be detonated by the presence, proximity or

contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.

2. “Mine” means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle.
3. “Anti-handling device” means a device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine.
4. “Transfer” involves, in addition to the physical movement of anti-personnel mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced anti-personnel mines.
5. “Mined area,” means an area which is dangerous due to the presence or suspected presence of mines.

ARTICLE 3

Exceptions

1. Notwithstanding the general obligations under Article 1, the retention or transfer of a number of anti-personnel mines for the development of and training in mine detection, mine clearance, or mine destruction techniques is permitted. The amount of such mines shall not exceed the minimum number absolutely necessary for the above-mentioned purposes.
2. The transfer of anti-personnel mines for the purpose of destruction is permitted.

ARTICLE 4

Destruction of stockpiled anti-personnel mines

Except as provided for in Article 3, each State Party undertakes to destroy or ensure the destruction of all stockpiled anti-personnel mines it owns or possesses, or that are under its jurisdiction or control, as soon as possible but not later than four years after the entry into force of this Convention for that State Party.

ARTICLE 5

Destruction of anti-personnel mines in mined areas

1. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force of this Convention for that State Party.

2. Each State Party shall make every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced and shall ensure as soon as possible that all anti-personnel mines in mined areas under its jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means, to ensure the effective exclusion of civilians, until all anti-personnel mines contained therein have been destroyed. The marking shall at least be to the standards set out in the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the 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.
3. If a State Party believes that it will be unable to destroy or ensure the destruction of all anti-personnel mines referred to in paragraph 1 within that time period, it may submit a request to a Meeting of the States Parties or a Review Conference for an extension of the deadline for completing the destruction of such anti-personnel mines, for a period of up to ten years.
4. Each request shall contain:
 - a) The duration of the proposed extension;
 - b) A detailed explanation of the reasons for the proposed extension, including:
 - i) The preparation and status of work conducted under national demining programs;
 - ii) The financial and technical means available to the State Party for the destruction of all the anti-personnel mines; and
 - iii) Circumstances which impede the ability of the State Party to destroy all the anti-personnel mines in mined areas;
 - c) The humanitarian, social, economic, and environmental implications of the extension; and
 - d) Any other information relevant to the request for the proposed extension.
5. The Meeting of the States Parties or the Review Conference shall, taking into consideration the factors contained in paragraph 4, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension period.
6. Such an extension may be renewed upon the submission of a new request in accordance with paragraphs 3, 4 and 5 of this Article. In requesting a further extension period a State Party shall submit relevant additional information on what has been undertaken in the previous extension period pursuant to this Article.

ARTICLE 6

International cooperation and assistance

1. In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance, where feasible, from other States Parties to the extent possible.
2. Each State Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Convention. The States Parties shall not impose undue restrictions on the provision of mine-clearance equipment and related technological information for humanitarian purposes.
3. Each State Party in a position to do so shall provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims and for mine awareness programs. Such assistance may be provided, *inter alia*, through the United Nations system, international, regional or national organizations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organizations, or on a bilateral basis.
4. Each State Party in a position to do so shall provide assistance for mine clearance and related activities. Such assistance may be provided, *inter alia*, through the United Nations system, international or regional organizations or institutions, non-governmental organizations or institutions, or on a bilateral basis, or by contributing to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, or other regional funds that deal with demining.
5. Each State Party in a position to do so shall provide assistance for the destruction of stockpiled anti-personnel mines.
6. Each State Party undertakes to provide information to the database on mine clearance established within the United Nations system, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.
7. States Parties may request the United Nations, regional organizations, other States Parties or other competent intergovernmental or non-governmental fora to assist its authorities in the elaboration of a national demining program to determine, *inter alia*:
 - a) The extent and scope of the anti-personnel mine problem;
 - b) The financial, technological and human resources that are required for the implementation of the program;
 - c) The estimated number of years necessary to destroy all anti-personnel mines in mined areas under the jurisdiction or control of the concerned State Party;
 - d) Mine-awareness activities to reduce the incidence of mine-related injuries or deaths;

- e) Assistance to mine victims;
 - f) The relationship between the Government of the concerned State Party and the relevant governmental, inter-governmental or non-governmental entities that will work in the implementation of the program.
8. Each State Party giving and receiving assistance under the provisions of this Article shall cooperate with a view to ensuring the full and prompt implementation of agreed assistance programs.

ARTICLE 7

Transparency measures

1. Each State Party shall report to the Secretary-General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party on:
- a) The national implementation measures referred to in Article 9;
 - b) The total of all stockpiled anti-personnel mines owned or possessed by it, or under its jurisdiction or control, to include a breakdown of the type, quantity and, if possible, lot numbers of each type of anti-personnel mine stockpiled;
 - c) To the extent possible, the location of all mined areas that contain, or are suspected to contain, anti-personnel mines under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each type of anti-personnel mine in each mined area and when they were emplaced;
 - d) The types, quantities and, if possible, lot numbers of all anti-personnel mines retained or transferred for the development of and training in mine detection, mine clearance or mine destruction techniques, or transferred for the purpose of destruction, as well as the institutions authorized by a State Party to retain or transfer anti-personnel mines, in accordance with Article 3;
 - e) The status of programs for the conversion or de-commissioning of anti-personnel mine production facilities;
 - f) The status of programs for the destruction of anti-personnel mines in accordance with Articles 4 and 5, including details of the methods which will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;
 - g) The types and quantities of all anti-personnel mines destroyed after the entry into force of this Convention for that State Party, to include a breakdown of the quantity of each type of anti-personnel mine destroyed, in accordance with Articles 4 and 5, respectively, along with, if possible, the lot numbers of each type of anti-personnel mine in the case of destruction in accordance with Article 4;

- ## ARTICLE 8

1. The States Parties agree to consult and cooperate with each other regarding the implementation of the provisions of this Convention, and to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention.
2. If one or more States Parties wish to clarify and seek to resolve questions relating to compliance with the provisions of this Convention by another State Party, it may submit, through the Secretary-General of the United Nations, a Request for Clarification of that matter to that State Party. Such a request shall be accompanied by all appropriate information. Each State Party shall refrain from unfounded Requests for Clarification, care being taken to avoid abuse. A State Party that receives a Request for Clarification shall provide, through the Secretary-General of the United Nations, within 28 days to the requesting State Party all information which would assist in clarifying this matter.
3. If the requesting State Party does not receive a response through the Secretary-General of the United Nations within that time period, or deems the response to the Request for Clarification to be unsatisfactory, it may submit the matter through the Secretary-General of the United Nations to the next Meeting of the States Parties. The Secretary-General of the United Nations shall transmit the submission, accompanied by all appropriate information pertaining to the Request for Clarification, to all States Parties. All such information shall be presented to the requested State Party which shall have the right to respond.
4. Pending the convening of any meeting of the States Parties, any of the States Parties concerned may request the Secretary-General of the United Nations to exercise his or her good offices to facilitate the clarification requested.

5. The requesting State Party may propose through the Secretary-General of the United Nations the convening of a Special Meeting of the States Parties to consider the matter. The Secretary-General of the United Nations shall thereupon communicate this proposal and all information submitted by the States Parties concerned, to all States Parties with a request that they indicate whether they favour a Special Meeting of the States Parties, for the purpose of considering the matter. In the event that within 14 days from the date of such communication, at least one-third of the States Parties favours such a Special Meeting, the Secretary-General of the United Nations shall convene this Special Meeting of the States Parties within a further 14 days. A quorum for this Meeting shall consist of a majority of States Parties.
6. The Meeting of the States Parties or the Special Meeting of the States Parties, as the case may be, shall first determine whether to consider the matter further, taking into account all information submitted by the States Parties concerned. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach a decision by consensus. If despite all efforts to that end no agreement has been reached, it shall take this decision by a majority of States Parties present and voting.
7. All States Parties shall cooperate fully with the Meeting of the States Parties or the Special Meeting of the States Parties in the fulfilment of its review of the matter, including any fact-finding missions that are authorized in accordance with paragraph 8.
8. If further clarification is required, the Meeting of the States Parties or the Special Meeting of the States Parties shall authorize a fact-finding mission and decide on its mandate by a majority of States Parties present and voting. At any time the requested State Party may invite a fact-finding mission to its territory. Such a mission shall take place without a decision by a Meeting of the States Parties or a Special Meeting of the States Parties to authorize such a mission. The mission, consisting of up to 9 experts, designated and approved in accordance with paragraphs 9 and 10, may collect additional information on the spot or in other places directly related to the alleged compliance issue under the jurisdiction or control of the requested State Party.
9. The Secretary-General of the United Nations shall prepare and update a list of the names, nationalities and other relevant data of qualified experts provided by States Parties and communicate it to all States Parties. Any expert included on this list shall be regarded as designated for all fact-finding missions unless a State Party declares its non-acceptance in writing. In the event of non-acceptance, the expert shall not participate in fact-finding missions on the territory or any other place under the jurisdiction or control of the objecting State Party, if the non-acceptance was declared prior to the appointment of the expert to such missions.
10. Upon receiving a request from the Meeting of the States Parties or a Special Meeting of the States Parties, the Secretary-General of the United Nations shall,

after consultations with the requested State Party, appoint the members of the mission, including its leader. Nationals of States Parties requesting the fact-finding mission or directly affected by it shall not be appointed to the mission. The members of the fact-finding mission shall enjoy privileges and immunities under Article VI of the Convention on the Privileges and Immunities of the United Nations, adopted on 13 February 1946.

11. Upon at least 72 hours notice, the members of the fact-finding mission shall arrive in the territory of the requested State Party at the earliest opportunity. The requested State Party shall take the necessary administrative measures to receive, transport and accommodate the mission, and shall be responsible for ensuring the security of the mission to the maximum extent possible while they are on territory under its control.
12. Without prejudice to the sovereignty of the requested State Party, the fact-finding mission may bring into the territory of the requested State Party the necessary equipment which shall be used exclusively for gathering information on the alleged compliance issue. Prior to its arrival, the mission will advise the requested State Party of the equipment that it intends to utilize in the course of its fact-finding mission.
13. The requested State Party shall make all efforts to ensure that the fact-finding mission is given the opportunity to speak with all relevant persons who may be able to provide information related to the alleged compliance issue.
14. The requested State Party shall grant access for the fact-finding mission to all areas and installations under its control where facts relevant to the compliance issue could be expected to be collected. This shall be subject to any arrangements that the requested State Party considers necessary for:
 - a) The protection of sensitive equipment, information and areas;
 - b) The protection of any constitutional obligations the requested State Party may have with regard to proprietary rights, searches and seizures, or other constitutional rights; or
 - c) The physical protection and safety of the members of the fact-finding mission. In the event that the requested State Party makes such arrangements, it shall make every reasonable effort to demonstrate through alternative means its compliance with this Convention.
15. The fact-finding mission may remain in the territory of the State Party concerned for no more than 14 days, and at any particular site no more than 7 days, unless otherwise agreed.
16. All information provided in confidence and not related to the subject matter of the fact-finding mission shall be treated on a confidential basis.
17. The fact-finding mission shall report, through the Secretary-General of the United Nations, to the Meeting of the States Parties or the Special Meeting of the States Parties the results of its findings.

18. The Meeting of the States Parties or the Special Meeting of the States Parties shall consider all relevant information, including the report submitted by the fact-finding mission, and may request the requested State Party to take measures to address the compliance issue within a specified period of time. The requested State Party shall report on all measures taken in response to this request.
19. The Meeting of the States Parties or the Special Meeting of the States Parties may suggest to the States Parties concerned ways and means to further clarify or resolve the matter under consideration, including the initiation of appropriate procedures in conformity with international law. In circumstances where the issue at hand is determined to be due to circumstances beyond the control of the requested State Party, the Meeting of the States Parties or the Special Meeting of the States Parties may recommend appropriate measures, including the use of cooperative measures referred to in Article 6.
20. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach its decisions referred to in paragraphs 18 and 19 by consensus, otherwise by a two-thirds majority of States Parties present and voting.

ARTICLE 9

National implementation measures

Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

ARTICLE 10

Settlement of disputes

1. The States Parties shall consult and cooperate with each other to settle any dispute that may arise with regard to the application or the interpretation of this Convention. Each State Party may bring any such dispute before the Meeting of the States Parties.
2. The Meeting of the States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States parties to a dispute to start the settlement procedure of their choice and recommending a time-limit for any agreed procedure.
3. This Article is without prejudice to the provisions of this Convention on facilitation and clarification of compliance.

ARTICLE 11

Meetings of the States Parties

1. The States Parties shall meet regularly in order to consider any matter with regard to the application or implementation of this Convention, including:
 - a) The operation and status of this Convention;
 - b) Matters arising from the reports submitted under the provisions of this Convention;
 - c) International cooperation and assistance in accordance with Article 6;
 - d) The development of technologies to clear anti-personnel mines;
 - e) Submissions of States Parties under Article 8; and
 - f) Decisions relating to submissions of States Parties as provided for in Article 5.
2. The First Meeting of the States Parties shall be convened by the Secretary-General of the United Nations within one year after the entry into force of this Convention. The subsequent meetings shall be convened by the Secretary-General of the United Nations annually until the first Review Conference.
3. Under the conditions set out in Article 8, the Secretary-General of the United Nations shall convene a Special Meeting of the States Parties.
4. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend these meetings as observers in accordance with the agreed Rules of Procedure.

ARTICLE 12

Review Conferences

1. A Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Convention. Further Review Conferences shall be convened by the Secretary-General of the United Nations if so requested by one or more States Parties, provided that the interval between Review Conferences shall in no case be less than five years. All States Parties to this Convention shall be invited to each Review Conference.
2. The purpose of the Review Conference shall be:
 - a) To review the operation and status of this Convention;
 - b) To consider the need for and the interval between further Meetings of the States Parties referred to in paragraph 2 of Article 11;
 - c) To take decisions on submissions of States Parties as provided for in Article 5; and

- d) To adopt, if necessary, in its final report conclusions related to the implementation of this Convention.
3. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend each Review Conference as observers in accordance with the agreed Rules of Procedure.

ARTICLE 13

Amendments

1. At any time after the entry into force of this Convention any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Depositary, who shall circulate it to all States Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Depositary no later than 30 days after its circulation that they support further consideration of the proposal, the Depositary shall convene an Amendment Conference to which all States Parties shall be invited.
2. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend each Amendment Conference as observers in accordance with the agreed Rules of Procedure.
3. The Amendment Conference shall be held immediately following a Meeting of the States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.
4. Any amendment to this Convention shall be adopted by a majority of two-thirds of the States Parties present and voting at the Amendment Conference. The Depositary shall communicate any amendment so adopted to the States Parties.
5. An amendment to this Convention shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

ARTICLE 14

Costs

1. The costs of the Meetings of the States Parties, the Special Meetings of the States Parties, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not parties to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.
2. The costs incurred by the Secretary-General of the United Nations under Articles 7 and 8 and the costs of any fact-finding mission shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.

ARTICLE 15

Signature

This Convention, done at Oslo, Norway, on 18 September 1997, shall be open for signature at Ottawa, Canada, by all States from 3 December 1997 until 4 December 1997, and at the United Nations Headquarters in New York from 5 December 1997 until its entry into force.

ARTICLE 16

Ratification, acceptance, approval or accession

1. This Convention is subject to ratification, acceptance or approval of the Signatories.
2. It shall be open for accession by any State which has not signed the Convention.
3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

ARTICLE 17

Entry into force

1. This Convention shall enter into force on the first day of the sixth month after the month in which the 40th instrument of ratification, acceptance, approval or accession has been deposited.
2. For any State which deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the 40th instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the sixth month after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

ARTICLE 18

Provisional application

Any State may at the time of its ratification, acceptance, approval or accession, declare that it will apply provisionally paragraph 1 of Article 1 of this Convention pending its entry into force.

ARTICLE 19

Reservations

The Articles of this Convention shall not be subject to reservations.

ARTICLE 20

Duration and withdrawal

1. This Convention shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties, to the Depositary and to the United Nations Security Council. Such instrument of withdrawal shall include a full explanation of the reasons motivating this withdrawal.
3. Such withdrawal shall only take effect six months after the receipt of the instrument of withdrawal by the Depositary. If, however, on the expiry of that six-month period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of the armed conflict.
4. The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law.

ARTICLE 21

Depositary

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention.

ARTICLE 22

Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

XV

ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

17 July 1998

EXTRACTS

Preamble

The States Parties to this Statute,

Conscious that all peoples are united by common bonds, their cultures pieced together in a shared heritage, and concerned that this delicate mosaic may be shattered at any time,

Mindful that during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity,

Recognizing that such grave crimes threaten the peace, security and well-being of the world,

Affirming that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation,

Determined to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes,

Recalling that it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes,

Reaffirming the Purposes and Principles of the Charter of the United Nations, and in particular that all States shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations,

Emphasizing in this connection that nothing in this Statute shall be taken as authorizing any State Party to intervene in an armed conflict or in the internal affairs of any State,

Determined to these ends and for the sake of present and future generations, to establish an independent permanent International Criminal Court in relationship with the United Nations system, with jurisdiction over the most serious crimes of concern to the international community as a whole,

Emphasizing that the International Criminal Court established under this Statute shall be complementary to national criminal jurisdictions,

Resolved to guarantee lasting respect for and the enforcement of international justice,

Have agreed as follows:

PART 1

ESTABLISHMENT OF THE COURT

ARTICLE 1

The Court

An International Criminal Court ("the Court") is hereby established. It shall be a permanent institution and shall have the power to exercise its jurisdiction over persons for the most serious crimes of international concern, as referred to in this Statute, and shall be complementary to national criminal jurisdictions. The jurisdiction and functioning of the Court shall be governed by the provisions of this Statute.

(...)

PART 2

JURISDICTION, ADMISSIBILITY AND APPLICABLE LAW

ARTICLE 5

Crimes within the jurisdiction of the Court

1. The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction in accordance with this Statute with respect to the following crimes:
 - a) The crime of genocide;
 - b) Crimes against humanity;
 - c) War crimes;
 - d) The crime of aggression.

2. The Court shall exercise jurisdiction over the crime of aggression once a provision is adopted in accordance with articles 121 and 123 defining the crime and setting out the conditions under which the Court shall exercise jurisdiction with respect to this crime. Such a provision shall be consistent with the relevant provisions of the Charter of the United Nations.

ARTICLE 6

Genocide

For the purpose of this Statute, “genocide” means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a) Killing members of the group;
- b) Causing serious bodily or mental harm to members of the group;
- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) Imposing measures intended to prevent births within the group;
- e) Forcibly transferring children of the group to another group.

ARTICLE 7

Crimes against humanity

1. For the purpose of this Statute, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
 - a) Murder;
 - b) Extermination;
 - c) Enslavement;
 - d) Deportation or forcible transfer of population;
 - e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
 - f) Torture;
 - g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
 - h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
 - i) Enforced disappearance of persons;

- j) The crime of apartheid;
 - k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.
2. For the purpose of paragraph 1:
- a) “Attack directed against any civilian population” means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;
 - b) “Extermination” includes the intentional infliction of conditions of life, *inter alia* the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;
 - c) “Enslavement” means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;
 - d) “Deportation or forcible transfer of population” means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;
 - e) “Torture” means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;
 - f) “Forced pregnancy” means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;
 - g) “Persecution” means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;
 - h) “The crime of apartheid” means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;
 - i) “Enforced disappearance of persons” means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

3. For the purpose of this Statute, it is understood that the term “gender” refers to the two sexes, male and female, within the context of society. The term “gender” does not indicate any meaning different from the above.

ARTICLE 8

War crimes

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.
2. For the purpose of this Statute, “war crimes” means:
 - a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:
 - i) Wilful killing;
 - ii) Torture or inhuman treatment, including biological experiments;
 - iii) Wilfully causing great suffering, or serious injury to body or health;
 - iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
 - v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;
 - vi) Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
 - vii) Unlawful deportation or transfer or unlawful confinement;
 - viii) Taking of hostages.
 - b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:
 - i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
 - ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;
 - iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
 - iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;

- v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;
- vi) Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;
- vii) Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;
- viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
- ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- x) Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
- xi) Killing or wounding treacherously individuals belonging to the hostile nation or army;
- xii) Declaring that no quarter will be given;
- xiii) Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;
- xiv) Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;
- xv) Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;
- xvi) Pillaging a town or place, even when taken by assault;
- xvii) Employing poison or poisoned weapons;
- xviii) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
- xix) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;
- xx) Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the

international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition and are included in an annex to this Statute, by an amendment in accordance with the relevant provisions set forth in articles 121 and 123;

- xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
 - xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;
 - xxiii) Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;
 - xxiv) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
 - xxv) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;
 - xxvi) Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.
- c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention or any other cause:
- i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
 - iii) Taking of hostages;
 - iv) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.
- d) Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.

- e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:
- i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
 - ii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
 - iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
 - iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
 - v) Pillaging a town or place, even when taken by assault;
 - vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (*f*), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;
 - vii) Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;
 - viii) Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;
 - ix) Killing or wounding treacherously a combatant adversary;
 - x) Declaring that no quarter will be given;
 - xi) Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
 - xii) Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;

- f) Paragraph 2 (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.
3. Nothing in paragraph 2 (c) and (e) shall affect the responsibility of a Government to maintain or re-establish law and order in the State or to defend the unity and territorial integrity of the State, by all legitimate means.

PART 3

GENERAL PRINCIPLES OF CRIMINAL LAW

ARTICLE 22

Nullum crimen sine lege

1. A person shall not be criminally responsible under this Statute unless the conduct in question constitutes, at the time it takes place, a crime within the jurisdiction of the Court.
2. The definition of a crime shall be strictly construed and shall not be extended by analogy. In case of ambiguity, the definition shall be interpreted in favour of the person being investigated, prosecuted or convicted.
3. This article shall not affect the characterization of any conduct as criminal under international law independently of this Statute.

ARTICLE 23

Nulla poena sine lege

A person convicted by the Court may be punished only in accordance with this Statute.

ARTICLE 24

Non-retroactivity *ratione personae*

1. No person shall be criminally responsible under this Statute for conduct prior to the entry into force of the Statute.
2. In the event of a change in the law applicable to a given case prior to a final judgement, the law more favourable to the person being investigated, prosecuted or convicted shall apply.

ARTICLE 25

Individual criminal responsibility

1. The Court shall have jurisdiction over natural persons pursuant to this Statute.
2. A person who commits a crime within the jurisdiction of the Court shall be individually responsible and liable for punishment in accordance with this Statute.
3. In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person:
 - a) Commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible;
 - b) Orders, solicits or induces the commission of such a crime which in fact occurs or is attempted;
 - c) For the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission;
 - d) In any other way contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either:
 - i) Be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the Court; or
 - ii) Be made in the knowledge of the intention of the group to commit the crime;
 - e) In respect of the crime of genocide, directly and publicly incites others to commit genocide;
 - f) Attempts to commit such a crime by taking action that commences its execution by means of a substantial step, but the crime does not occur because of circumstances independent of the person's intentions. However, a person who abandons the effort to commit the crime or otherwise

prevents the completion of the crime shall not be liable for punishment under this Statute for the attempt to commit that crime if that person completely and voluntarily gave up the criminal purpose.

4. No provision in this Statute relating to individual criminal responsibility shall affect the responsibility of States under international law.

ARTICLE 26

Exclusion of jurisdiction over persons under eighteen

The Court shall have no jurisdiction over any person who was under the age of 18 at the time of the alleged commission of a crime.

ARTICLE 27

Irrelevance of official capacity

1. This Statute shall apply equally to all persons without any distinction based on official capacity. In particular, official capacity as a Head of State or Government, a member of a Government or parliament, an elected representative or a government official shall in no case exempt a person from criminal responsibility under this Statute, nor shall it, in and of itself, constitute a ground for reduction of sentence.
2. Immunities or special procedural rules which may attach to the official capacity of a person, whether under national or international law, shall not bar the Court from exercising its jurisdiction over such a person.

ARTICLE 28

Responsibility of commanders and other superiors

In addition to other grounds of criminal responsibility under this Statute for crimes within the jurisdiction of the Court:

- a) A military commander or person effectively acting as a military commander shall be criminally responsible for crimes within the jurisdiction of the Court committed by forces under his or her effective command and control, or effective authority and control as the case may be, as a result of his or her failure to exercise control properly over such forces, where:
 - i) That military commander or person either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes; and

- ii) That military commander or person failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.
- b) With respect to superior and subordinate relationships not described in paragraph (a), a superior shall be criminally responsible for crimes within the jurisdiction of the Court committed by subordinates under his or her effective authority and control, as a result of his or her failure to exercise control properly over such subordinates, where:
 - i) The superior either knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes;
 - ii) The crimes concerned activities that were within the effective responsibility and control of the superior; and
 - iii) The superior failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.

ARTICLE 29

Non-applicability of statute of limitations

The crimes within the jurisdiction of the Court shall not be subject to any statute of limitations.

ARTICLE 30

Mental element

1. Unless otherwise provided, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court only if the material elements are committed with intent and knowledge.
2. For the purposes of this article, a person has intent where:
 - a) In relation to conduct, that person means to engage in the conduct;
 - b) In relation to a consequence, that person means to cause that consequence or is aware that it will occur in the ordinary course of events.
3. For the purposes of this article, "knowledge" means awareness that a circumstance exists or a consequence will occur in the ordinary course of events. "Know" and "knowingly" shall be construed accordingly.

ARTICLE 31

Grounds for excluding criminal responsibility

1. In addition to other grounds for excluding criminal responsibility provided for in this Statute, a person shall not be criminally responsible if, at the time of that person's conduct:
 - a) The person suffers from a mental disease or defect that destroys that person's capacity to appreciate the unlawfulness or nature of his or her conduct, or capacity to control his or her conduct to conform to the requirements of law;
 - b) The person is in a state of intoxication that destroys that person's capacity to appreciate the unlawfulness or nature of his or her conduct, or capacity to control his or her conduct to conform to the requirements of law, unless the person has become voluntarily intoxicated under such circumstances that the person knew, or disregarded the risk, that, as a result of the intoxication, he or she was likely to engage in conduct constituting a crime within the jurisdiction of the Court;
 - c) The person acts reasonably to defend himself or herself or another person or, in the case of war crimes, property which is essential for the survival of the person or another person or property which is essential for accomplishing a military mission, against an imminent and unlawful use of force in a manner proportionate to the degree of danger to the person or the other person or property protected. The fact that the person was involved in a defensive operation conducted by forces shall not in itself constitute a ground for excluding criminal responsibility under this subparagraph;
 - d) The conduct which is alleged to constitute a crime within the jurisdiction of the Court has been caused by duress resulting from a threat of imminent death or of continuing or imminent serious bodily harm against that person or another person, and the person acts necessarily and reasonably to avoid this threat, provided that the person does not intend to cause a greater harm than the one sought to be avoided. Such a threat may either be:
 - i) Made by other persons; or
 - ii) Constituted by other circumstances beyond that person's control.
2. The Court shall determine the applicability of the grounds for excluding criminal responsibility provided for in this Statute to the case before it.
3. At trial, the Court may consider a ground for excluding criminal responsibility other than those referred to in paragraph 1 where such a ground is derived from applicable law as set forth in article 21. The procedures relating to the consideration of such a ground shall be provided for in the Rules of Procedure and Evidence.

ARTICLE 32

Mistake of fact or mistake of law

1. A mistake of fact shall be a ground for excluding criminal responsibility only if it negates the mental element required by the crime.
2. A mistake of law as to whether a particular type of conduct is a crime within the jurisdiction of the Court shall not be a ground for excluding criminal responsibility. A mistake of law may, however, be a ground for excluding criminal responsibility if it negates the mental element required by such a crime, or as provided for in article 33.

ARTICLE 33

Superior orders and prescription of law

1. The fact that a crime within the jurisdiction of the Court has been committed by a person pursuant to an order of a Government or of a superior, whether military or civilian, shall not relieve that person of criminal responsibility unless:
 - a) The person was under a legal obligation to obey orders of the Government or the superior in question;
 - b) The person did not know that the order was unlawful; and
 - c) The order was not manifestly unlawful.
 2. For the purposes of this article, orders to commit genocide or crimes against humanity are manifestly unlawful.
- (...)

XVI

ARTICLE 38
OF THE UNITED NATIONS CONVENTION
OF 20 NOVEMBER 1989
ON THE RIGHTS OF THE CHILD

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

XVII

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

25 May 2000

The States Parties to the present Protocol,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

Reaffirming that the rights of children require special protection, and calling for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security,

Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences this has for durable peace, security and development,

Condemning the targeting of children in situations of armed conflict and direct attacks on objects protected under international law, including places generally having a significant presence of children, such as schools and hospitals,

Noting the adoption of the Statute of the International Criminal Court and, in particular, its inclusion as a war crime of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts,

Considering, therefore, that to strengthen further the implementation of rights recognized in the Convention on the Rights of the Child there is a need to increase the protection of children from involvement in armed conflict,

Noting that article 1 of the Convention on the Rights of the Child specifies that, for the purposes of that Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier,

Convinced that an optional protocol to the Convention raising the age of possible recruitment of persons into armed forces and their participation in hostilities will contribute effectively to the implementation of the principle that the best interests of the child are to be a primary consideration in all actions concerning children,

Noting that the twenty-sixth International Conference of the Red Cross and Red Crescent in December 1995 recommended, *inter alia*, that parties to conflict take every feasible step to ensure that children under the age of 18 years do not take part in hostilities,

Welcoming the unanimous adoption, in June 1999, of International Labour Organization Convention No.182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which prohibits, *inter alia*, forced or compulsory recruitment of children for use in armed conflict,

Condemning with the gravest concern the recruitment, training and use within and across national borders of children in hostilities by armed groups distinct from the armed forces of a State, and recognizing the responsibility of those who recruit, train and use children in this regard,

Recalling the obligation of each party to an armed conflict to abide by the provisions of international humanitarian law,

Stressing that the present Protocol is without prejudice to the purposes and principles contained in the Charter of the United Nations, including Article 51, and relevant norms of humanitarian law,

Bearing in mind that conditions of peace and security based on full respect of the purposes and principles contained in the Charter and observance of applicable human rights instruments are indispensable for the full protection of children, in particular during armed conflicts and foreign occupation,

Recognizing the special needs of those children who are particularly vulnerable to recruitment or use in hostilities contrary to this Protocol owing to their economic or social status or gender,

Mindful of the necessity of taking into consideration the economic, social and political root causes of the involvement of children in armed conflicts,

Convinced of the need to strengthen international cooperation in the implementation of this Protocol, as well as the physical and psychosocial rehabilitation and social reintegration of children who are victims of armed conflict,

Encouraging the participation of the community and, in particular, children and child victims in the dissemination of informational and educational programmes concerning the implementation of the Protocol,

Have agreed as follows:

ARTICLE 1

States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

ARTICLE 2

States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

ARTICLE 3

1. States Parties shall raise the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child, taking account of the principles contained in that article and recognizing that under the Convention persons under 18 are entitled to special protection.
2. Each State Party shall deposit a binding declaration upon ratification of or accession to this Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards that it has adopted to ensure that such recruitment is not forced or coerced.
3. States Parties that permit voluntary recruitment into their national armed forces under the age of 18 shall maintain safeguards to ensure, as a minimum, that:
 - a) Such recruitment is genuinely voluntary;
 - b) Such recruitment is done with the informed consent of the person's parents or legal guardians;
 - c) Such persons are fully informed of the duties involved in such military service;
 - d) Such persons provide reliable proof of age prior to acceptance into national military service.
4. Each State Party may strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary-General.
5. The requirement to raise the age in paragraph 1 of the present article does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with articles 28 and 29 of the Convention on the Rights of the Child.

ARTICLE 4

1. Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.
2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.
3. The application of the present article under this Protocol shall not affect the legal status of any party to an armed conflict.

ARTICLE 5

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child.

ARTICLE 6

1. Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of the present Protocol within its jurisdiction.
2. States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike.
3. States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the present Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to these persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

ARTICLE 7

1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary to the Protocol and in the rehabilitation and social reintegration of persons who are victims of acts contrary to this Protocol, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with concerned States Parties and relevant international organizations.
2. States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes or, *inter alia*, through a voluntary fund established in accordance with the rules of the General Assembly.

ARTICLE 8

1. Each State Party shall submit, within two years following the entry into force of the Protocol for that State Party, a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.
2. Following the submission of the comprehensive report, each State Party shall include in the reports they submit to the Committee on the Rights of the Child, in accordance with article 44 of the Convention, any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years.
3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of this Protocol.

ARTICLE 9

1. The present Protocol is open for signature by any State that is a party to the Convention or has signed it.
2. The present Protocol is subject to ratification and is open to accession by any State. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.
3. The Secretary-General, in his capacity as depositary of the Convention and the Protocol, shall inform all States Parties to the Convention and all States that have signed the Convention of each instrument of declaration pursuant to article 3.

ARTICLE 10

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

ARTICLE 11

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General. If, however, on the expiry of that year the denouncing State Party is engaged in armed conflict, the denunciation shall not take effect before the end of the armed conflict.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee prior to the date on which the denunciation becomes effective.

ARTICLE 12

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments that they have accepted.

ARTICLE 13

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.

C. OTHER LEGAL TEXTS

I

ARTICLE 25 OF THE COVENANT OF THE LEAGUE OF NATIONS (1920)

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorized voluntary national Red Cross organizations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

II

RESOLUTION 55 (I) OF THE UNITED NATIONS GENERAL ASSEMBLY RELATIVE TO THE RED CROSS

The General Assembly draws the attention of the Members of the United Nations to the fact that the following purposes are of special concern, namely:

- a) That the said Members should encourage and promote the establishment and co-operation of duly authorized voluntary National Red Cross and Red Crescent Societies;
- b) That at all times the independent voluntary nature of the National Red Cross and Red Crescent Societies be respected in all circumstances, provided they are recognized by their Governments and carry on their work according to the principles of the Geneva and The Hague Conventions and in the humanitarian spirit of the Red Cross and Red Crescent;
- c) That the necessary steps be taken to ensure that in all circumstances contact may be maintained between the National Red Cross and Red Crescent Societies of all countries, so as to enable them to carry out their humanitarian task.

*Forty-ninth plenary meeting,
19 November 1946*

III

RESOLUTION 2444/XXIII OF THE UNITED NATIONS GENERAL ASSEMBLY RELATIVE TO THE RESPECT FOR HUMAN RIGHTS IN ARMED CONFLICT

The General Assembly,

Recognizing the necessity of applying basic humanitarian principles in all armed conflicts,

Taking note of resolution XXIII on human rights in armed conflicts, adopted on 12 May 1968 by the International Conference on Human Rights,

Affirming that the provisions of that resolution need to be implemented effectively as soon as possible,

1. *Affirms* resolution XXVIII of the XXth International Conference of the Red Cross held at Vienna in 1965, which laid down, *inter alia*, the following principles for observance by all governmental and other authorities responsible for action in armed conflicts:

- a) That the right of the parties to a conflict to adopt means of injuring the enemy is not unlimited;
- b) That it is prohibited to launch attacks against the civilian populations as such;
- c) That distinction must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the latter be spared as much as possible;

2. *Invites* the Secretary-General, in consultation with the International Committee of the Red Cross and other appropriate international organizations, to study:

- a) Steps which could be taken to secure the better application of existing humanitarian international conventions and rules in all armed conflicts;
- b) The need for additional humanitarian international conventions or for other appropriate legal instruments to ensure the better protection of civilians, prisoners and combatants in all armed conflicts and the prohibition and limitation of the use of certain methods and means of warfare;

3. *Requests* the Secretary-General to take all other necessary steps to give effect to the provisions of the present resolution and to report to the General Assembly at its twenty-fourth session on the steps he has taken;

4. *Further requests* Member States to extend all possible assistance to the Secretary-General in the preparation of the study requested in paragraph 2 above;

5. *Calls upon* all States which have not yet done so to become parties to the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925 and the Geneva Conventions of 1949.

*1748th plenary meeting,
19 December 1968*

IV

FINAL DECLARATION OF THE INTERNATIONAL CONFERENCE FOR THE PROTECTION OF WAR VICTIMS

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

I

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

sexual violence directed notably against women and children and we reiterate that such acts constitute grave breaches of international humanitarian law.

4. We deplore the means and methods used in the conduct of hostilities which cause heavy suffering among civilians. In that context we reaffirm our determination to apply, to clarify and, where it is deemed necessary, to consider further developing the existing law governing armed conflicts, in particular non-international ones, in order to ensure more effective protection for their victims.
5. We affirm the necessity to reinforce, in accordance with international law, the bond of solidarity that must unite mankind against the tragedy of war and in all efforts to protect the victims thereof. In that spirit, we support peaceful bilateral and multilateral initiatives aimed at easing tensions and preventing the outbreak of armed conflicts.
6. We undertake to act in cooperation with the UN and in conformity with the UN Charter to ensure full compliance with international humanitarian law in the event of genocide and other serious violations of this law.
7. We demand that measures be taken at the national, regional and international levels to allow assistance and relief personnel to carry out in all safety their mandate in favour of the victims of an armed conflict. Stressing that peace-keeping forces are bound to act in accordance with international humanitarian law, we also demand that the members of peace-keeping forces be permitted to fulfil their mandate without hindrance and that their physical integrity be respected.

II

We affirm our responsibility, in accordance with Article 1 common to the Geneva Conventions, to respect and ensure respect for international humanitarian law in order to protect the victims of war. We urge all States to make every effort to:

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

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

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

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

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

V

OBSERVER STATUS FOR THE INTERNATIONAL COMMITTEE OF THE RED CROSS

(A/RES/45/6, 16 October 1990, forty-fifth session)

On 16 October 1990, the United Nations General Assembly at its forty-fifth session decided to invite the ICRC to take part in its proceedings as an observer. A resolution to this effect, which was sponsored by 138 of the United Nations' members, was adopted without a vote.

The text of the resolution is as follows:

**Observer status for the International Committee
of the Red Cross in consideration of the special role
and mandates conferred upon it by the
Geneva Conventions of 12 August 1949**

The General Assembly,

Recalling the mandates conferred upon the International Committee of the Red Cross by the Geneva Conventions of 12 August 1949,

Considering the special role carried on accordingly by the International Committee of the Red Cross in international humanitarian relations,

Desirous of promoting co-operation between the United Nations and the International Committee of the Red Cross,

1. *Decides* to invite the International Committee of the Red Cross to participate in the sessions and the work of the General Assembly in the capacity of observer,
2. *Requests* the Secretary-General to take the necessary action to implement the present resolution.

*31st plenary meeting
16 October 1990*

In a letter dated 16 August 1990 to the UN Secretary-General, the permanent representatives of 21 countries asked that the question of observer status for the ICRC be included in the agenda. The letter was accompanied by an explanatory memorandum (Doc. A/45/191), the text of which is printed below, and the draft resolution (see above).

ANNEX

OBSERVER STATUS FOR THE INTERNATIONAL COMMITTEE OF THE RED CROSS IN CONSIDERATION OF THE SPECIAL ROLE AND MANDATES CONFERRED UPON IT BY THE GENEVA CONVENTIONS OF 12 AUGUST 1949

Explanatory memorandum

1. The International Committee of the Red Cross (ICRC) is an independent humanitarian institution that was founded at Geneva, Switzerland, in 1863. In conformity with the mandate conferred on it by the international community of States through universally ratified international treaties, ICRC acts as a neutral intermediary to provide protection and assistance to the victims of international and non-international armed conflicts.

2. The four Geneva Conventions of 12 August 1949 for the protection of war victims, to which 166 States are party, and their two Additional Protocols of 1977 explicitly establish the role of the ICRC as a neutral and impartial humanitarian intermediary. The treaties of international humanitarian law thus assign duties to ICRC that are similar to those of a Protecting Power responsible for safeguarding the interests of a State at war, in that ICRC may act as a substitute for the Protecting Power within the meaning of the 1949 Geneva Conventions and 1977 Additional Protocol I. Moreover, the International Committee of the Red Cross has the same right of access as a Protecting Power to prisoners of war (the Third Geneva Convention) and civilians covered by the Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention). In addition to these specific tasks ICRC, as a neutral institution, has a right of initiative deriving from a provision common to the four Geneva Conventions that entitles it to make any proposal it deems to be in the interest of the victims of the conflict.

3. The Statutes of the International Red Cross and Red Crescent Movement, as adopted by the International Conference of the Red Cross and Red Crescent, in which the States parties to the Geneva Conventions take part, require ICRC to spread knowledge and increase understanding of international humanitarian law and promote the development thereof. The Statutes also provide that ICRC shall uphold and make known the Movement's fundamental principles, namely, humanity, impartiality, neutrality, independence, voluntary service, unity and universality.

4. It was at the initiative of ICRC that the original Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field was adopted by Governments in 1864. Ever since, ICRC has endeavoured to develop international humanitarian law to keep pace with the evolution of conflicts.

5. In order to fulfil the mandate conferred on it by international humanitarian law, the resolutions of the International Conference of the Red Cross and Red

Crescent and the Statutes of the Movement, ICRC has concluded with many States headquarters agreements governing the status of its delegations and their staff. In the course of its work, ICRC has concluded other agreements with States and inter-governmental organizations.

6. With an average of 590 delegates working in 48 delegations, ICRC was active in 1989 in nearly 90 countries in Africa, Asia, Europe, Latin America and the Middle East – including the countries covered from its various regional delegations – providing protection and assistance to the victims of armed conflicts by virtue of the Geneva Conventions and, with the agreement of the Governments concerned, to victims of internal disturbances and tension.

7. In the event of international armed conflict, the mandate of ICRC is to visit prisoners of war and civilians in accordance with the provisions of the Geneva Convention relative to the Treatment of Prisoners of War (Third Convention), the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention) and the Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I). In situations of non-international armed conflict, ICRC bases its requests for access to persons deprived of their freedom on account of the conflict on Article 3 common to the Geneva Conventions and on the Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

8. In situations other than those covered by the Geneva Conventions and their Additional Protocols, ICRC may avail itself of its statutory right of initiative to propose to Governments that it be granted access to persons deprived of their freedom as a result of internal disturbances and tension.

9. The purpose of ICRC visits to persons deprived of their freedom is exclusively humanitarian: ICRC delegates observe the treatment afforded to prisoners, examine their material and psychological conditions of detention and, whenever necessary, request the authorities to take steps to improve the detainees' treatment and living conditions. ICRC never expresses an opinion on the grounds for detention. Its findings are recorded in confidential reports that are not intended for publication.

10. In the event of armed conflicts or internal disturbances, ICRC provides material and medical assistance, with the consent of the Governments concerned and on condition that it is allowed to assess the urgency of victims' needs on the spot, to carry out surveys in the field to identify the categories and the number of people requiring assistance and to organize and monitor relief distributions.

11. The activities of the Central Tracing Agency of ICRC are based on the institution's obligations under the Geneva Conventions to assist military and civilian victims of international armed conflicts and on its right of humanitarian initiative in other situations. The work of the Agency and its delegates in the field consists in collecting, recording, centralizing and, where appropriate, forwarding

information concerning people entitled to ICRC assistance, such as prisoners of war, civilian internees, detainees, displaced persons and refugees. It also includes restoring contact between separated family members, essentially by means of family messages where normal means of communication do not exist or have been disrupted because of a conflict, tracing persons reported missing or whose families have no news of them, organizing family reunifications, transfers to safe places and repatriation operations.

12. The tasks of ICRC and the United Nations increasingly complement one another and cooperation between the two institutions is closer, both in their field activities and in their efforts to enhance respect for international humanitarian law. In recent years, this has been seen in many operations to provide protection and assistance to the victims of conflict in all parts of the world.

13. ICRC and the United Nations have also cooperated closely on legal matters, with ICRC contributing to the United Nations work in this field. This is also reflected in resolutions of the Security Council, the General Assembly and its subsidiary bodies and reports of the Secretary-General.

14. Participation of ICRC as an observer at the proceedings of the General Assembly would further enhance cooperation between the United Nations and ICRC and facilitate the work of ICRC.

VI

OBSERVER STATUS FOR THE INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES

(A/RES/49/2, 27 October 1994, forty-ninth session)

Observer status for the International Federation of Red Cross and Red Crescent Societies in the General Assembly

The General Assembly,

Recalling the special functions of the member societies of the International Federation of Red Cross and Red Crescent Societies which are recognized by their respective Governments as auxiliaries to the public authorities in the humanitarian field on the basis of the Geneva Conventions of 12 August 1949,¹

Considering the specific role of the International Federation in international humanitarian relations as further defined by the International Conference of the Red Cross and Red Crescent,

Desirous of promoting cooperation between the United Nations and the International Federation,

1. *Decides* to invite the International Federation of Red Cross and Red Crescent Societies to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the necessary action to implement the present resolution.

*38th plenary meeting
19 October 1994*

¹ 1/ United Nations, Treaty Series, vol. 75, Nos. 970-973. 94-60009.

ANNEX

OBSERVER STATUS FOR THE INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES

Explanatory memorandum

1. Founded in 1919, the International Federation of Red Cross and Red Crescent Societies (formerly the League of Red Cross and Red Crescent Societies) is the federation of all 162 recognized National Red Cross and Red Crescent Societies of the world. It acts under its own Constitution with all rights and obligations of a corporate body with a legal personality. Its secretariat is based in Geneva (Switzerland).

2. The Red Cross and Red Crescent Societies members of the Federation are recognized as voluntary aid societies, auxiliaries to the public authorities in the humanitarian field, by the legal Governments of their respective countries on the basis of the Geneva Conventions of 12 August 1949 for the Protection of War Victims (to which, currently, 185 States are party) and of the national legislation.

The member societies of the Federation are entrusted with tasks of a public character deriving directly from universal international treaties including the 1949 Geneva Conventions, from the Statutes of the International Red Cross and Red Crescent Movement (as modified by the 25th International Conference of the Red Cross and Red Crescent, Geneva, 1986, in which all States parties to the Geneva Conventions took part), from the resolutions of the said Conference or from their national legislation.

3. A recent survey established that the member societies of the Federation are together representing some 125 million members and volunteers with approximately 277,000 employed staff. The yearly turnover of the national programmes (basic education, health care and social welfare programmes, ambulance services, blood collection and transfusion, etc.) managed by these Societies is about 23 billion Swiss francs (currently equivalent to \$17.2 billion).

4. In accordance with its Constitution, the Federation is the official representative of its member societies in the international field and the guardian of their integrity and the protector of their interests.

5. The functions of the Federation, endorsed by States when they adopted the Statutes of the International Red Cross and Red Crescent Movement, are, *inter alia*,

- To bring relief by all available means to all disaster victims;
- To organize, coordinate and direct international relief actions and to assist the national societies in their disaster relief preparedness;
- To bring help to victims of armed conflicts in accordance with the agreements concluded with the International Committee of the Red Cross;

- To encourage and promote in every country the establishment and development of an independent and duly recognized national society;
- To carry out the mandates entrusted to it by the International Conference of the Red Cross and Red Crescent.

6. With an average of well above 300 delegates working in 11 regional and 56 country delegations, the Federation secretariat, with the support of its member societies that provide the major part of the funds, relief consignments and personnel, has been active in 1993 throughout the world providing assistance to victims of disasters and sustaining development programmes. In particular, the Federation is increasingly addressing the needs of displaced persons and refugees. New international relief appeals launched in 1993 totalled some SwF 409.7 million (\$315 million) and were programmed to assist 15.2 million people world wide. By the middle of 1994, the figures had increased dramatically to SwF 354.4 million to assist 16.7 million people. Out of this amount, approximately 65 per cent had been programmed to support refugees and displaced persons.

7. Article 25 of the Covenant of the League of Nations, as well as resolutions of the General Assembly and the Economic and Social Council of the United Nations (see, respectively, General Assembly resolution 55 (I) of 1946 and Economic and Social Council resolution 21 (III) of 1946) called upon States to promote and support independent Red Cross and Red Crescent Societies on their territory.

The development of the Federation has further been associated with the international community exploring the possibility of far-reaching developments in the field of international humanitarian assistance. The specific competence and nature of the Federation has frequently been recognized in resolutions of the General Assembly of the United Nations (see, for example, General Assembly resolution 2034 (XX) of 1965; resolution 2816 (XXVI) of 1971; resolution 36/225 of 1981; resolution 37/144 of 1982 and resolution 46/182 of 19 December 1991 on "Strengthening of the coordination of humanitarian emergency assistance of the United Nations").

8. The tasks of the Federation and the United Nations increasingly complement one another. A particularly close cooperation has over the years evolved with the World Health Organization, the United Nations Children's Fund and the Office of the United Nations High Commissioner for Refugees. However, the creation of the Department of Humanitarian Affairs has given focus to the humanitarian agenda within the central United Nations organs. The role and function of the Department of Humanitarian Affairs (as successor of the Office of the United Nations Disaster Relief Organization) is today a concern both for the Economic and Social Council as well as for the General Assembly and the Security Council.

The Federation being offered together with the International Committee of the Red Cross a standing invitation to the Inter-Agency Standing Committee (by General Assembly resolution 46/182), these United Nations organs, in their striving for effective coordination of humanitarian relief, would considerably benefit from the Federation's advice and expertise through their granting it the status of observer in the General Assembly.

9. Through the adoption of the statutes of the Movement, States are committed:
- “To cooperate with the components of the Movement in accordance with the Geneva Conventions, the statutes of the Movement and the resolutions of the International Conference;
 - To promote the establishment on their territory of a national society and encourage its development;
 - To support, whenever possible, the work of the components of the Movement;
 - To respect at all times the adherence by all the components of the Movement to the Fundamental Principles of the International Red Cross and Red Crescent Movement (humanity, impartiality, neutrality, independence, voluntary service, unity and universality).”

Through their adopting resolutions in the International Conference of the Red Cross and Red Crescent, States have repeatedly confirmed and enhanced these commitments.

Moreover, by adopting article 81 of the First Additional Protocol of 1977 to the Geneva Conventions of 1949, States parties to that Protocol, as well as “Parties to the conflict, shall facilitate in every possible way the assistance which Red Cross (...) organizations and the League of Red Cross Societies extend to the victims of conflicts (...)”.

10. In recent years, an increasing number of States have extended to the Federation and its field delegations - through agreements or otherwise - a treatment similar to that of diplomatic representations or intergovernmental organizations.

11. The International Red Cross and Red Crescent Movement practises a close cooperation between its components both in the field and at the secretariat level. The statutes of the Movement, adopted together with States in the International Conference of the Red Cross and Red Crescent, affirm the desire for unity, harmony and coordination among the components of the Movement.

In view of the equivalent concern of all components of the Movement effectively to carry out their mandate and the direct operational necessity of their relating directly and equally to the General Assembly and Security Council, the Federation, as representative of the National Red Cross and Red Crescent Societies, is desirous of being invited to participate as an observer in the sessions and the work of the General Assembly. It would at the same time be beneficial to the General Assembly and increase the effectiveness of the Movement as a whole were the Federation to be admitted as an observer, thereby complementing the contribution of the International Committee of the Red Cross in terms of its different mandate, as well as know-how and operational capacity.

12. The Federation has the similar specificity as the United Nations in building its membership on the principle of one country -one member. Both promote universality as a leading principle. The Federation is an international organization composed of member societies, the unique character and mandate of

which has been defined, at the national as well as the international level, by nearly all the States that are the very members of the United Nations. This represents, both in substance and in structure, a unique position in the international community.

13. Lastly, but not least, the Federation considers that, as a humanitarian organization which is involved globally, on a huge scale, in disaster relief operations as well as day-to-day health and social programmes, it would be important and mutually beneficial to have the opportunity to participate as an observer in the work of the General Assembly when policy on humanitarian issues is developed and discussed. In addition, Federation observer status with the General Assembly would be of mutual benefit to the two organizations and, above all, to disaster victims as it would further strengthen communications and operational cooperation between the United Nations and the Federation, thereby increasing the effectiveness of the Movement as a whole.

VII

EXTRACT FROM THE RULES OF PROCEDURE AND EVIDENCE OF THE INTERNATIONAL CRIMINAL COURT

Adopted by the Assembly of States Parties, September 2002

RULE 73

Privileged communications and information

1. Without prejudice to article 67, paragraph 1 (*b*), communications made in the context of the professional relationship between a person and his or her legal counsel shall be regarded as privileged, and consequently not subject to disclosure, unless:
 - a*) The person consents in writing to such disclosure; or
 - b*) The person voluntarily disclosed the content of the communication to a third party, and that third party then gives evidence of that disclosure.
2. Having regard to rule 63, sub-rule 5, communications made in the context of a class of professional or other confidential relationships shall be regarded as privileged, and consequently not subject to disclosure, under the same terms as in sub-rules 1 (*a*) and 1 (*b*) if a Chamber decides in respect of that class that:
 - a*) Communications occurring within that class of relationship are made in the course of a confidential relationship producing a reasonable expectation of privacy and non-disclosure;
 - b*) Confidentiality is essential to the nature and type of relationship between the person and the confidant; and
 - c*) Recognition of the privilege would further the objectives of the Statute and the Rules.
3. In making a decision under sub-rule 2, the Court shall give particular regard to recognizing as privileged those communications made in the context of the professional relationship between a person and his or her medical doctor, psychiatrist, psychologist or counsellor, in particular those related to or involving victims, or between a person and a member of a religious clergy; and in the latter case, the Court shall recognize as privileged those communications made in the context of a sacred confession where it is an integral part of the practice of that religion.
4. The Court shall regard as privileged, and consequently not subject to disclosure, including by way of testimony of any present or past official or

employee of the International Committee of the Red Cross (ICRC), any information, documents or other evidence which it came into the possession of in the course, or as a consequence, of the performance by ICRC of its functions under the Statutes of the International Red Cross and Red Crescent Movement, unless:

- a) After consultations undertaken pursuant to sub-rule 6, ICRC does not object in writing to such disclosure, or otherwise has waived this privilege; or
 - b) Such information, documents or other evidence is contained in public statements and documents of ICRC.
5. Nothing in sub-rule 4 shall affect the admissibility of the same evidence obtained from a source other than ICRC and its officials or employees when such evidence has also been acquired by this source independently of ICRC and its officials or employees.
6. If the Court determines that ICRC information, documents or other evidence are of great importance for a particular case, consultations shall be held between the Court and ICRC in order to seek to resolve the matter by cooperative means, bearing in mind the circumstances of the case, the relevance of the evidence sought, whether the evidence could be obtained from a source other than ICRC, the interests of justice and of victims, and the performance of the Court's and ICRC's functions.

VIII

STATUS OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949 AND RELATING TO THE PROTECTION OF VICTIMS OF ARMED CONFLICTS

Resolution 61/30 of the United Nations adopted by the General Assembly*
(4 December 2006)

The General Assembly,

Recalling its resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979, 37/116 of 16 December 1982, 39/77 of 13 December 1984, 41/72 of 3 December 1986, 43/161 of 9 December 1988, 45/38 of 28 November 1990, 47/30 of 25 November 1992, 49/48 of 9 December 1994, 51/155 of 16 December 1996, 53/96 of 8 December 1998, 55/148 of 12 December 2000, 57/14 of 19 November 2002 and 59/36 of 2 December 2004,

Having considered the report of the Secretary-General,¹

Thanking Member States and the International Committee of the Red Cross for their contribution to the report of the Secretary-General,

Reaffirming the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for those rules in all circumstances within the scope of the relevant international instruments, pending the earliest possible termination of such conflicts,

Stressing the possibility of making use of the International Humanitarian Fact-Finding Commission in relation to an armed conflict, pursuant to article 90 of Protocol I² to the Geneva Conventions of 1949,³

Stressing also the possibility for the International Humanitarian Fact-Finding Commission to facilitate, through its good offices, the restoration of an attitude of respect for the Geneva Conventions and Protocol I,

Stressing further the need to consolidate the existing body of international humanitarian law through its universal acceptance and the need for wide dissemination and full implementation of such law at the national level, and expressing concern about all violations of the Geneva Conventions and the Additional Protocols,⁴

* on the report of the Sixth Committee (A/61/451)

¹ A/61/222 and Add.1.

² United Nations, Treaty Series, vol. 1125, No. 17512.

³ Ibid., vol. 75, Nos. 970-973.

⁴ Ibid., vol. 1125, Nos. 17512 and 17513.

Noting with satisfaction the increasing number of national commissions and other bodies involved in advising authorities at the national level on the implementation, dissemination and development of international humanitarian law,

Noting with appreciation the meetings of representatives of those bodies organized by the International Committee of the Red Cross to facilitate the sharing of concrete experience and the exchange of views on their roles and on the challenges they face,

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and disseminate knowledge of international humanitarian law, in particular the Geneva Conventions and the Additional Protocols,

Recalling that the Twenty-eighth International Conference of the Red Cross and Red Crescent stressed the need to reinforce the implementation of and respect for international humanitarian law,

Welcoming the entry into force of the Protocol on Explosive Remnants of War to the 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 (Protocol V),⁵

Noting the adoption, on 8 December 2005, of the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III),

Welcoming the significant debate generated by the recent publication of the study on Customary International Humanitarian Law by the International Committee of the Red Cross, and looking forward to further constructive discussion on the subject,

Calling upon Member States to disseminate knowledge of international humanitarian law as widely as possible, and calling upon all parties to armed conflict to apply international humanitarian law,

Recalling the entry into force, on 9 March 2004, of the second Protocol⁶ to the 1954 Hague Convention, and appreciating the ratifications received so far,

Acknowledging the fact that the Rome Statute of the International Criminal Court,⁷ which entered into force on 1 July 2002, includes the most serious crimes of international concern under international humanitarian law, and that the Statute,

⁵ See CCW/MSP/2003/3, annex V, appendix II.

⁶ United Nations, Treaty Series, vol. 2253, No. 3511.

⁷ Ibid., vol. 2187, No. 38544.

while recalling that it is the duty of every State to exercise its criminal jurisdiction over those responsible for such crimes, shows the determination of the international community to put an end to impunity for the perpetrators of such crimes and thus to contribute to their prevention,

Acknowledging also the usefulness of discussing in the General Assembly the status of instruments of international humanitarian law relevant to the protection of victims of armed conflicts,

1. *Welcomes* the universal acceptance of the Geneva Conventions of 1949,³ and notes the trend towards a similarly wide acceptance of the two Additional Protocols of 1977;⁴

2. *Calls upon* all States parties to the Geneva Conventions that have not yet done so to consider becoming parties to the Additional Protocols at the earliest possible date;

3. *Calls upon* all States that are already parties to Protocol I,² or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol and to consider making use, where appropriate, of the services of the International Humanitarian Fact-Finding Commission in accordance with the provisions of article 90 of Protocol I;

4. *Calls upon* all States that have not yet done so to consider becoming parties to the Convention for the Protection of Cultural Property in the Event of Armed Conflict⁸ and the two Protocols thereto, and to other relevant treaties on international humanitarian law relating to the protection of victims of armed conflict;

5. *Calls upon* all States parties to the Protocols Additional to the Geneva Conventions to ensure their wide dissemination and full implementation;

6. *Notes with appreciation* the Declaration and Agenda for Humanitarian Action adopted by the Twenty-eighth International Conference of the Red Cross and Red Crescent, which noted that all States must take national measures to implement international humanitarian law, including training of the armed forces and making this law known among the general public, as well as the adoption of legislation to punish war crimes in accordance with their international obligations;

7. *Affirms* the necessity of making the implementation of international humanitarian law more effective;

8. *Welcomes* the advisory service activities of the International Committee of the Red Cross in supporting efforts made by Member States to take legislative and administrative action to implement international humanitarian law and in promoting the exchange of information on those efforts between Governments;

⁸ Ibid., vol. 249, No. 3511.

9. *Also welcomes* the increasing number of national commissions or committees for the implementation of international humanitarian law and for promoting the incorporation of treaties on international humanitarian law into national law and disseminating the rules of international humanitarian law;

10. *Calls upon* States to consider becoming parties to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;⁹

11. *Requests* the Secretary-General to submit to the General Assembly at its sixty-third session a report on the status of the Additional Protocols relating to the protection of victims of armed conflicts, as well as on measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross;



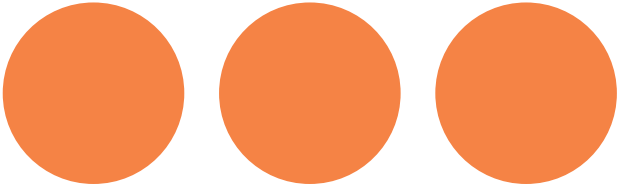

12. *Decides* to include in the provisional agenda of its sixty-third session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".

*64th plenary meeting
4 December 2006*

⁹ Ibid., vol. 2173, No. 27531.

D. TABLE OF STATES PARTIES

For the Table of State Parties, please refer to the ICRC web site at *http://www.icrc.org/web/eng/siteeng0.nsf/html/party_main_treaties* or *<http://www.icrc.org/ihl>* which contains updated information.

Persons or objects protected	Protective signs
Medical services	
Civil defence	
Installations containing dangerous forces	
Cultural property	

PART TWO

STATUTES AND REGULATIONS



I

RESOLUTIONS AND RECOMMENDATIONS OF THE GENEVA INTERNATIONAL CONFERENCE OF 1863¹

The International Conference, desirous of coming to the aid of the wounded should the Military Medical Services prove inadequate, adopts the following Resolutions:

ARTICLE 1

Each country shall have a Committee whose duty it shall be, in time of war and if the need arises, to assist the Army Medical Services by every means in its power.

The Committee shall organize itself in the manner which seems to it most useful and appropriate.

ARTICLE 2

An unlimited number of Sections may be formed to assist the Committee, which shall be the central directing body.

ARTICLE 3

Each Committee shall get in touch with the Government of its country, so that its services may be accepted should the occasion arise.

ARTICLE 4

In peacetime, the Committees and Sections shall take steps to ensure their real usefulness in time of war, especially by preparing material relief of all sorts and by seeking to train and instruct voluntary medical personnel.

ARTICLE 5

In time of war, the Committees of belligerent nations shall supply relief to their respective armies as far as their means permit; in particular, they shall organize voluntary personnel and place them on an active footing and, in agreement with the military authorities, shall have premises made available for the care of the wounded.

They may call for assistance upon the Committees of neutral countries.

¹ Although it is at the origin of the International Red Cross and Red Crescent Movement, the International Conference of 1863 was not an International Conference of the Red Cross (the first of these was held in Paris four years later). In spite of this, the resolutions adopted in 1863 by the representatives of 16 States and four philanthropic institutions should be quoted in this part of the Handbook since they established the legal basis and policy guidelines for the subsequent setting-up of the first National Red Cross Societies. Further developed by later International Conferences of the Red Cross, these resolutions served as a constitutive charter until the adoption of the Statutes of the International Red Cross in 1928.

ARTICLE 6

On the request or with the consent of the military authorities, Committees may send voluntary medical personnel to the battlefield where they shall be placed under military command.

ARTICLE 7

Voluntary medical personnel attached to armies shall be supplied by the respective Committees with everything necessary for their upkeep.

ARTICLE 8

They shall wear in all countries, as a uniform distinctive sign, a white armlet with a red cross.

ARTICLE 9

The Committees and Sections of different countries may meet in international assemblies to communicate the results of their experience and to agree on measures to be taken in the interest of the work.

ARTICLE 10

The exchange of communications between the Committees of the various countries shall be made for the time being through the intermediary of the Geneva Committee.

Independently of the above Resolutions, the Conference makes the following Recommendations:

- A. that Governments should extend their patronage to Relief Committees which may be formed, and facilitate as far as possible the accomplishment of their task;
- B. that in time of war the belligerent nations should proclaim the neutrality of ambulances and military hospitals, and that neutrality should likewise be recognized, fully and absolutely, in respect of official medical personnel, voluntary medical personnel, inhabitants of the country who go to the relief of the wounded, and the wounded themselves;
- C. that a uniform distinctive sign be recognized for the Medical Corps of all armies, or at least for all persons of the same army belonging to this Service; and that a uniform flag also be adopted in all countries for ambulances and hospitals.

II

STATUTES OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

*(adopted by the 25th International Conference
of the Red Cross at Geneva in 1986,
amended in 1995 and 2006)*

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II

STATUTES OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

PREAMBLE

The International Conference of the Red Cross and Red Crescent,

Proclaims that the National Red Cross and Red Crescent Societies, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies together constitute a worldwide humanitarian movement, whose mission is to prevent and alleviate human suffering wherever it may be found, to protect life and health and ensure respect for the human being, in particular in times of armed conflict and other emergencies, to work for the prevention of disease and for the promotion of health and social welfare, to encourage voluntary service and a constant readiness to give help by the members of the Movement, and a universal sense of solidarity towards all those in need of its protection and assistance.

Reaffirms that, in pursuing its mission, the Movement shall be guided by its Fundamental Principles, which are:

- | | |
|---------------------|---|
| Humanity | <i>The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.</i> |
| Impartiality | <i>It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.</i> |
| Neutrality | <i>In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.</i> |
| Independence | <i>The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.</i> |

Voluntary Service *It is a voluntary relief movement not prompted in any manner by desire for gain.*

Unity *There can be only one Red Cross or one Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.*

Universality *The International Red Cross and Red Crescent Movement, in which all Societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.*

*Recalls that the mottoes of the Movement, *Inter arma caritas* and *Per humanitatem ad pacem*, together express its ideals.*

Declares that, by its humanitarian work and the dissemination of its ideals, the Movement promotes a lasting peace, which is not simply the absence of war, but is a dynamic process of cooperation among all States and peoples, cooperation founded on respect for freedom, independence, national sovereignty, equality, human rights, as well as on a fair and equitable distribution of resources to meet the needs of peoples.

SECTION I: GENERAL PROVISIONS

ARTICLE 1

Definition

1. The International Red Cross and Red Crescent Movement¹ (hereinafter called “the Movement”) is composed of the National Red Cross and Red Crescent Societies recognized in accordance with Article 4² (hereinafter called “National Societies”), of the International Committee of the Red Cross (hereinafter called “the International Committee”) and of the International Federation of Red Cross and Red Crescent Societies (hereinafter called “the Federation”).
2. The components of the Movement, while maintaining their independence within the limits of the present Statutes, act at all times in accordance with the Fundamental Principles and cooperate with each other in carrying out their respective tasks in pursuance of their common mission.
3. The components of the Movement meet at the International Conference of the Red Cross and Red Crescent (hereinafter called “the International Conference”).

¹ Also known as the International Red Cross.

² Any National Society recognized at the date of entry into force of the present Statutes shall be considered as recognized in terms of Article 4.

with the States Parties to the Geneva Conventions of 27 July 1929 or of 12 August 1949.

ARTICLE 2

States Parties to the Geneva Conventions

1. The States Parties to the Geneva Conventions³ cooperate with the components of the Movement in accordance with these Conventions, the present Statutes and the resolutions of the International Conference.
2. Each State shall promote the establishment on its territory of a National Society and encourage its development.
3. The States, in particular those which have recognized the National Society constituted on their territory, support, whenever possible, the work of the components of the Movement. The same components, in their turn and in accordance with their respective statutes, support as far as possible the humanitarian activities of the States.
4. The States shall at all times respect the adherence by all the components of the Movement to the Fundamental Principles.
5. The implementation of the present Statutes by the components of the Movement shall not affect the sovereignty of States, with due respect for the provisions of international humanitarian law.

SECTION II: COMPONENTS OF THE MOVEMENT

ARTICLE 3

National Red Cross and Red Crescent Societies

1. The National Societies form the basic units and constitute a vital force of the Movement. They carry out their humanitarian activities in conformity with their own statutes and national legislation, in pursuance of the mission of the Movement, and in accordance with the Fundamental Principles. The National Societies support the public authorities in their humanitarian tasks, according to the needs of the people of their respective countries.

³ In the present Statutes the expression "Geneva Conventions" also covers their Additional Protocols for the States Parties to these Protocols.

2. Within their own countries, National Societies are autonomous national organizations providing an indispensable framework for the activities of their voluntary members and their staff. They cooperate with the public authorities in the prevention of disease, the promotion of health and the mitigation of human suffering by their own programmes in such fields as education, health and social welfare, for the benefit of the community.

They organize, in liaison with the public authorities, emergency relief operations and other services to assist the victims of armed conflicts as provided in the Geneva Conventions, and the victims of natural disasters and other emergencies for whom help is needed.

They disseminate and assist their governments in disseminating international humanitarian law; they take initiatives in this respect. They disseminate the principles and ideals of the Movement and assist those governments which also disseminate them. They also cooperate with their governments to ensure respect for international humanitarian law and to protect the distinctive emblems recognized by the Geneva Conventions and their Additional Protocols.

3. Internationally, National Societies, each within the limits of its resources, give assistance for victims of armed conflicts, as provided in the Geneva Conventions, and for victims of natural disasters and other emergencies. Such assistance, in the form of services and personnel, of material, financial and moral support, shall be given through the National Societies concerned, the International Committee or the Federation.

They contribute, as far as they are able, to the development of other National Societies which require such assistance, in order to strengthen the Movement as a whole.

International assistance between the components of the Movement shall be coordinated as provided in Article 5 or Article 6. A National Society which is to receive such assistance may however undertake the coordination within its own country, subject to the concurrence of the International Committee or the Federation, as the case may be.

4. In order to carry out these tasks, the National Societies recruit, train and assign such personnel as are necessary for the discharge of their responsibilities.

They encourage everyone, and in particular young people, to participate in the work of the Society.

5. National Societies have a duty to support the Federation in terms of its Constitution. Whenever possible, they give their voluntary support to the International Committee in its humanitarian actions.

ARTICLE 4

Conditions for recognition of National Societies

In order to be recognized in terms of Article 5, paragraph 2 b) as a National Society, the Society shall meet the following conditions:

1. Be constituted on the territory of an independent State where the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field is in force.
2. Be the only National Red Cross or Red Crescent Society of the said State and be directed by a central body which shall alone be competent to represent it in its dealings with other components of the Movement.
3. Be duly recognized by the legal government of its country on the basis of the Geneva Conventions and of the national legislation as a voluntary aid society, auxiliary to the public authorities in the humanitarian field.
4. Have an autonomous status which allows it to operate in conformity with the Fundamental Principles of the Movement.
5. Use a name and distinctive emblem in conformity with the Geneva Conventions and their Additional Protocols.
6. Be so organized as to be able to fulfil the tasks defined in its own statutes, including the preparation in peace time for its statutory tasks in case of armed conflict.
7. Extend its activities to the entire territory of the State.
8. Recruit its voluntary members and its staff without consideration of race, sex, class, religion or political opinions.
9. Adhere to the present Statutes, share in the fellowship which unites the components of the Movement and cooperate with them.
10. Respect the Fundamental Principles of the Movement and be guided in its work by the principles of international humanitarian law.

ARTICLE 5

The International Committee of the Red Cross

1. The International Committee, founded in Geneva in 1863 and formally recognized in the Geneva Conventions and by International Conferences of the Red Cross, is an independent humanitarian organization having a status of its own. It co-opts its members from among Swiss citizens.
2. The role of the International Committee, in accordance with its Statutes, is in particular:

- a) to maintain and disseminate the Fundamental Principles of the Movement, namely humanity, impartiality, neutrality, independence, voluntary service, unity and universality;
 - b) to recognize any newly established or reconstituted National Society, which fulfils the conditions for recognition set out in Article 4, and to notify other National Societies of such recognition;
 - c) to undertake the tasks incumbent upon it under the Geneva Conventions, to work for the faithful application of international humanitarian law applicable in armed conflicts and to take cognizance of any complaints based on alleged breaches of that law;
 - d) to endeavour at all times – as a neutral institution whose humanitarian work is carried out particularly in time of international and other armed conflicts or internal strife – to ensure the protection of and assistance to military and civilian victims of such events and of their direct results;
 - e) to ensure the operation of the Central Tracing Agency as provided in the Geneva Conventions;
 - f) to contribute, in anticipation of armed conflicts, to the training of medical personnel and the preparation of medical equipment, in cooperation with the National Societies, the military and civilian medical services and other competent authorities;
 - g) to work for the understanding and dissemination of knowledge of international humanitarian law applicable in armed conflicts and to prepare any development thereof;
 - h) to carry out mandates entrusted to it by the International Conference.
3. The International Committee may take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and intermediary, and may consider any question requiring examination by such an institution.
4. a) It shall maintain close contact with National Societies. In agreement with them, it shall cooperate in matters of common concern, such as their preparation for action in times of armed conflict, respect for and development and ratification of the Geneva Conventions, and the dissemination of the Fundamental Principles and international humanitarian law.
- b) In situations foreseen in paragraph 2 d) of this Article and requiring coordinated assistance from National Societies of other countries, the International Committee, in cooperation with the National Society of the country or countries concerned, shall coordinate such assistance in accordance with the agreements concluded with the Federation.
5. Within the framework of the present Statutes and subject to the provisions of Articles 3, 6 and 7, the International Committee shall maintain close contact with the Federation and cooperate with it in matters of common concern.

6. It shall also maintain relations with governmental authorities and any national or international institution whose assistance it considers useful.

ARTICLE 6

The International Federation of Red Cross and Red Crescent Societies

1. The International Federation of Red Cross and Red Crescent Societies comprises the National Red Cross and Red Crescent Societies. It acts under its own Constitution with all rights and obligations of a corporate body with a legal personality.
2. The Federation is an independent humanitarian organization which is not governmental, political, racial or sectarian in character.
3. The general object of the Federation is to inspire, encourage, facilitate and promote at all times all forms of humanitarian activities by the National Societies, with a view to preventing and alleviating human suffering and thereby contributing to the maintenance and the promotion of peace in the world.
4. To achieve the general object as defined in paragraph 3 and in the context of the Fundamental Principles of the Movement, of the resolutions of the International Conference and within the framework of the present Statutes and subject to the provisions of Articles 3, 5 and 7, the functions of the Federation, in accordance with its Constitution, are *inter alia* the following:
 - a) to act as the permanent body of liaison, coordination and study between the National Societies and to give them any assistance they might request;
 - b) to encourage and promote in every country the establishment and development of an independent and duly recognized National Society;
 - c) to bring relief by all available means to all disaster victims;
 - d) to assist the National Societies in their disaster relief preparedness, in the organization of their relief actions and in the relief operations themselves;
 - e) to organize, coordinate and direct international relief actions in accordance with the Principles and Rules adopted by the International Conference;
 - f) to encourage and coordinate the participation of the National Societies in activities for safeguarding public health and the promotion of social welfare in cooperation with their appropriate national authorities;
 - g) to encourage and coordinate between National Societies the exchange of ideas for the education of children and young people in humanitarian ideals and for the development of friendly relations between young people of all countries;
 - h) to assist National Societies to recruit members from the population as a whole and inculcate the principles and ideals of the Movement;

- i) to bring help to victims of armed conflicts in accordance with the agreements concluded with the International Committee;
 - j) to assist the International Committee in the promotion and development of international humanitarian law and collaborate with it in the dissemination of this law and of the Fundamental Principles of the Movement among the National Societies;
 - k) to be the official representative of the member Societies in the international field, *inter alia* for dealing with decisions and recommendations adopted by its Assembly and to be the guardian of their integrity and the protector of their interests;
 - l) to carry out the mandates entrusted to it by the International Conference.
5. In each country the Federation shall act through or in agreement with the National Society and in conformity with the laws of that country.

ARTICLE 7

Cooperation

1. The components of the Movement shall cooperate with each other in accordance with their respective statutes and with Articles 1, 3, 5 and 6 of the present Statutes.
2. In particular the International Committee and the Federation shall maintain frequent regular contact with each other at all appropriate levels so as to coordinate their activities in the best interest of those who require their protection and assistance.
3. Within the framework of the present Statutes and their respective statutes, the International Committee and the Federation shall conclude with each other any agreements required to harmonize the conduct of their respective activities. Should, for any reason, such agreements not exist, Article 5, paragraph 4 *b*) and Article 6, paragraph 4 *i*) shall not apply and the International Committee and the Federation shall refer to the other provisions of the present Statutes to settle matters relative to their respective fields of activities.
4. Cooperation between the components of the Movement on a regional basis shall be undertaken in the spirit of their common mission and the Fundamental Principles, within the limits of their respective statutes.
5. The components of the Movement, while maintaining their independence and identity, cooperate whenever necessary with other organizations which are active in the humanitarian field, provided such organizations are pursuing a purpose similar to that of the Movement and are prepared to respect the adherence by the components to the Fundamental Principles.

SECTION III: STATUTORY BODIES

**The International Conference
of the Red Cross and Red Crescent**

ARTICLE 8

Definition

The International Conference is the supreme deliberative body for the Movement. At the International Conference, representatives of the components of the Movement meet with representatives of the States Parties to the Geneva Conventions, the latter in exercise of their responsibilities under those Conventions and in support of the overall work of the Movement in terms of Article 2. Together they examine and decide upon humanitarian matters of common interest and any other related matter.

ARTICLE 9

Composition

1. The members of the International Conference shall be the delegations from the National Societies, from the International Committee, from the Federation and from the States Parties to the Geneva Conventions.
2. Each of these delegations shall have equal rights expressed by a single vote.
3. A delegate shall belong to only one delegation.
4. A delegation shall not be represented by another delegation or by a member of another delegation.

ARTICLE 10

Functions

1. The International Conference contributes to the unity of the Movement and to the achievement of its mission in full respect of the Fundamental Principles.
2. The International Conference contributes to the respect for and development of international humanitarian law and other international conventions of particular interest to the Movement.
3. The International Conference shall have the sole competence:
 - a) to amend the present Statutes and the Rules of Procedure of the International Red Cross and Red Crescent Movement (hereinafter called "Rules of Procedure");

- b)* to take, at the request of any of its members, the final decision on any difference of opinion as to the interpretation and application of these Statutes and Rules;
 - c)* to decide on any question, referred to in Article 18, paragraph 2 *b)*, which may be submitted to it by the Standing Commission, the International Committee or the Federation.
- 4. The International Conference shall elect in a personal capacity those members of the Standing Commission mentioned in Article 17, paragraph 1 *a)* of the present Statutes, taking into account personal qualities and the principle of fair geographical distribution.
- 5. Within the limits of the present Statutes and of the Rules of Procedure, the International Conference shall adopt its decisions, recommendations or declarations in the form of resolutions.
- 6. The International Conference may assign mandates to the International Committee and to the Federation within the limits of their statutes and of the present Statutes.
- 7. The International Conference may enact, when necessary and by a two-thirds majority of its members present and voting, regulations relating to matters such as procedure and the award of medals.
- 8. The International Conference may establish for the duration of the Conference subsidiary bodies in accordance with the Rules of Procedure.

ARTICLE 11

Procedure

- 1. The International Conference shall meet every four years, unless it decides otherwise. It shall be convened by the central body of a National Society, by the International Committee or by the Federation, under the mandate conferred for that purpose either by the previous International Conference or by the Standing Commission as provided in Article 18, paragraph 1 *a)*. As a general rule, favourable consideration shall be given to any offer made during an International Conference by a National Society, the International Committee or the Federation to act as host to the next Conference.
- 2. Should exceptional circumstances so require, the place and date of the International Conference may be changed by the Standing Commission. The Standing Commission may act on its own initiative or on a proposal by the International Committee, the Federation or at least one third of the National Societies.
- 3. The International Conference shall elect the Chairman, Vice-Chairmen, Secretary General, Assistant Secretaries General and other officers of the Conference.
- 4. All participants in the International Conference shall respect the Fundamental Principles and all documents presented shall conform with these Principles.

In order that the debates of the International Conference shall command the confidence of all, the Chairman and any elected officer responsible for the conduct of business shall ensure that none of the speakers at any time engages in controversies of a political, racial, religious or ideological nature. The Bureau of the International Conference, as defined in the Rules of Procedure, shall apply the same standard to documents before authorizing their circulation.

5. In addition to the members entitled to take part in the International Conference, observers, referred to in Article 18, paragraph 1 *d*), may attend the meetings of the Conference, unless the Conference decides otherwise.
6. The International Conference shall not modify either the Statutes of the International Committee or the Constitution of the Federation nor take decisions contrary to such statutes. The International Committee and the Federation shall take no decision contrary to the present Statutes or to the resolutions of the International Conference.
7. The International Conference shall endeavour to adopt its resolutions by consensus as provided in the Rules of Procedure. If no consensus is reached, a vote shall be taken in accordance with these Rules.
8. Subject to the provisions of the present Statutes, the International Conference shall be governed by the Rules of Procedure.

The Council of Delegates of the International Red Cross and Red Crescent Movement

ARTICLE 12

Definition

The Council of Delegates of the International Red Cross and Red Crescent Movement (hereinafter called “the Council”) is the body where the representatives of all the components of the Movement meet to discuss matters which concern the Movement as a whole.

ARTICLE 13

Composition

1. The members of the Council shall be the delegations from the National Societies, from the International Committee and from the Federation.
2. Each of these delegations shall have equal rights expressed by a single vote.

ARTICLE 14

Functions

1. Within the limits of the present Statutes, the Council shall give an opinion and where necessary take decisions on all matters concerning the Movement which may be referred to it by the International Conference, the Standing Commission, the National Societies, the International Committee or the Federation.
2. When meeting prior to the opening of the International Conference, the Council shall:
 - a) propose to the Conference the persons to fill the posts mentioned in Article 11, paragraph 3;
 - b) adopt the provisional agenda of the Conference.
3. Within the limits of the present Statutes, the Council shall adopt its decisions, recommendations or declarations in the form of resolutions.
4. Notwithstanding the general provision contained in Article 10, paragraph 7, the Council may amend, by a two-thirds majority of its members present and voting, the regulations for the Henry Dunant Medal.
5. The Council may refer any matter to the International Conference.
6. The Council may refer a matter to any of the components of the Movement for consideration.
7. The Council may establish by a two-thirds majority of its members present and voting such subsidiary bodies as may be necessary, specifying their mandate, duration and membership.
8. The Council shall take no final decision on any matter which, according to the present Statutes, is within the sole competence of the International Conference, nor any decision contrary to the resolutions of the latter, or concerning any matter already settled by the Conference or reserved by it for the agenda of a forthcoming Conference.

ARTICLE 15

Procedure

1. The Council shall meet on the occasion of each International Conference, prior to the opening of the Conference, and whenever one third of the National Societies, the International Committee, the Federation or the Standing Commission so request. In principle, it shall meet on the occasion of each session of the General Assembly of the Federation. The Council may also meet on its own initiative.

2. The Council shall elect its Chairman and Vice-Chairman. The Council and the General Assembly of the Federation, as well as the International Conference when it is convened, shall be chaired by different persons.
3. All participants in the Council shall respect the Fundamental Principles and all documents presented shall conform with these Principles. In order that the debates of the Council shall command the confidence of all, the Chairman and any elected officer responsible for the conduct of business shall ensure that none of the speakers at any time engages in controversies of a political, racial, religious or ideological nature.
4. In addition to the members entitled to take part in the Council, observers, referred to in Article 18, paragraph 4 c), from those “National Societies in the process of recognition” which appear likely to be recognized in the foreseeable future may attend the meetings of the Council, unless the Council decides otherwise.
5. The Council shall endeavour to adopt its resolutions by consensus as provided in the Rules of Procedure. If no consensus is reached, a vote shall be taken in accordance with the Rules of Procedure.
6. The Council shall be subject to the Rules of Procedure. It may supplement them when necessary by a two-thirds majority of its members present and voting, unless the International Conference decides otherwise.

The Standing Commission of the Red Cross and Red Crescent

ARTICLE 16

Definition

The Standing Commission of the Red Cross and Red Crescent (called “the Standing Commission” in the present Statutes) is the trustee of the International Conference between two Conferences, carrying out the functions laid down in Article 18.

ARTICLE 17

Composition

1. The Standing Commission shall comprise nine members, namely:
 - a) five who are members of different National Societies, each elected in a personal capacity by the International Conference according to Article 10, paragraph 4 and holding office until the close of the following International

Conference or until the next Standing Commission has been formally constituted, whichever is the later;

- b)* two who are representatives of the International Committee, one of whom shall be the President;
 - c)* two who are representatives of the Federation, one of whom shall be the President.
2. Should any member referred to in paragraph 1 *b)* or *c)* be unable to attend a meeting of the Standing Commission, he may appoint a substitute for that meeting, provided that the substitute is not a member of the Commission. Should any vacancy occur among the members referred to in paragraph 1 *a)*, the Standing Commission itself shall appoint as a member the candidate who, at the previous election, obtained the greatest number of votes without being elected, provided that the person concerned is not a member of the same National Society as an existing elected member. In case of a tie, the principle of fair geographical distribution shall be the deciding factor.
3. The Standing Commission shall invite to its meetings, in an advisory capacity and at least one year before the International Conference is to meet, a representative of the host organization of the next International Conference.

ARTICLE 18

Functions

1. The Standing Commission shall make arrangements for the next International Conference by:
- a)* selecting the place and fixing the date thereof, should this not have been decided by the previous Conference, or should exceptional circumstances so require in terms of Article 11, paragraph 2;
 - b)* establishing the programme for the Conference;
 - c)* preparing the provisional agenda of the Conference for submission to the Council;
 - d)* establishing by consensus the list of the observers referred to in Article 11, paragraph 5;
 - e)* promoting the Conference and securing optimum attendance.
2. The Standing Commission shall settle, in the interval between International Conferences, and subject to any final decision by the Conference:
- a)* any difference of opinion which may arise as to the interpretation and application of the present Statutes and of the Rules of Procedure;
 - b)* any question which may be submitted to it by the International Committee or the Federation in connection with any difference which may arise between them.

3. The Standing Commission shall:
 - a) promote harmony in the work of the Movement and, in this connection, coordination among its components;
 - b) encourage and further the implementation of resolutions of the International Conference;
 - c) examine, with these objects in view, matters which concern the Movement as a whole.
4. The Standing Commission shall make arrangements for the next Council by:
 - a) selecting the place and fixing the date thereof;
 - b) preparing the provisional agenda of the Council;
 - c) establishing by consensus the list of the observers referred to in Article 15, paragraph 4.
5. The Standing Commission shall administer the award of the Henry Dunant Medal.
6. The Standing Commission may refer to the Council any question concerning the Movement.
7. The Standing Commission may establish by consensus such *ad hoc* bodies as necessary and nominate the members of these bodies.
8. In carrying out its functions and subject to any final decision by the International Conference, the Standing Commission shall take any measures which circumstances demand, provided always that the independence and initiative of each of the components of the Movement, as defined in the present Statutes, are strictly safeguarded.

ARTICLE 19

Procedure

1. The Standing Commission shall hold an ordinary meeting at least twice yearly. It shall hold an extraordinary meeting when convened by its Chairman, either acting on his own initiative or at the request of three of its members.
2. The Standing Commission shall have its headquarters in Geneva. It may meet in another place selected by its Chairman and approved by the majority of its members.
3. The Standing Commission shall also meet at the same place and at the same time as the International Conference.
4. All decisions shall be taken by a majority vote of the members present, unless otherwise specified in the present Statutes or in the Rules of Procedure.

5. The Standing Commission shall elect a Chairman and a Vice-Chairman from among its members.
6. Within the limits of the present Statutes and of the Rules of Procedure, the Standing Commission shall establish its own rules of procedure.

SECTION IV: FINAL PROVISIONS

ARTICLE 20

Amendments

Any proposal to amend the present Statutes and the Rules of Procedure must be placed on the agenda of the International Conference and its text sent to all members of the Conference at least six months in advance. To be adopted, any amendment shall require a two-thirds majority of those members of the International Conference present and voting, after the views of the International Committee and the Federation have been presented to the Conference.

ARTICLE 21

Entry into force

1. The present Statutes shall replace the Statutes adopted in 1952 by the Eighteenth International Conference. Any earlier provisions which conflict with the present Statutes are repealed.
2. The present amended Statutes shall enter into force on 22 June 2006.

III

RULES OF PROCEDURE OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

*(adopted by the 25th International Conference
of the Red Cross at Geneva in 1986,
amended in 1995)*

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III

RULES OF PROCEDURE OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

SECTION I: GENERAL PROVISIONS

RULE 1

General object of these Rules

The general object of these Rules of Procedure (hereinafter called “these Rules”) is to ensure the implementation of the Statutes of the International Red Cross and Red Crescent Movement (hereinafter called “the Statutes”) and to regulate the work of its statutory bodies.

RULE 2

Other rules

- 1 The statutory bodies of the Movement may enact other rules of procedure as provided in the Statutes.
2. Any subsidiary body established by the statutory bodies, other than the plenary commissions of the International Conference, may draw up by consensus its own rules of procedure. In the absence of any such rules and to the plenary commissions of the International Conference, these Rules shall be applied *mutatis mutandis*.

*Statutory
bodies*

*Subsidiary
bodies*

RULE 3

Conflicting provisions

The Statutes shall prevail over any other provisions and these Rules over any other rules or regulations drawn up by the statutory bodies or by any subsidiary bodies established by them.

SECTION II: THE INTERNATIONAL CONFERENCE

RULE 4

Place and date

- | | |
|--|--|
| <i>Decision</i> | 1. The place and date of the International Conference (hereinafter called “the Conference”) shall be fixed by the Standing Commission if the previous Conference has not already decided on this matter. |
| <i>Assurance
from
government</i> | 2. A decision on the place of the next Conference shall only be taken after the Conference or the Standing Commission has received an assurance in writing from the government of the country in which the next Conference is proposed to be held that all participants as defined in Rule 9 will be allowed to take part. |
| <i>Change
of date</i> | 3. Any change of the date of the Conference according to Article 11, paragraph 2 of the Statutes shall be notified by the Standing Commission to the host of the Conference as soon as possible but at the latest in time to enable the host organization to despatch the notice of convocation ninety days before the revised opening date of the Conference. |

RULE 5

Convocation

A National Society, the International Committee or the Federation, when mandated to act as host to the Conference, shall despatch to the members and observers of the Conference the notice of convocation by registered airmail at least six months before the date fixed for the opening of the Conference. The notice of convocation shall indicate the place, opening date and the anticipated duration of the Conference.

RULE 6

Provisional agenda

- | | |
|-------------------|---|
| <i>Despatch</i> | 1. The programme and the provisional agenda of the Conference drawn up by the Standing Commission shall accompany the notice of convocation. The provisional agenda is subject to approval by the Council. |
| <i>Amendments</i> | 2. Observations, amendments or additions to the provisional agenda must be received by the Standing Commission at least sixty days before the opening of the Conference, unless the Standing Commission agrees to a later date. |

RULE 7

Submission and despatch of official documents

Any document submitted by a member of the Conference for inclusion as an official working document and for classification as such must be received by the Standing Commission at the latest ninety days before the opening of the Conference. The documents shall be despatched, with the approval of the Standing Commission, by the International Committee and the Federation to the members and observers of the Conference at least forty-five days before the opening of the Conference.

RULE 8

Submission and distribution of National Society reports on their work

Reports submitted to the Conference by National Societies on their work since the previous Conference should be sent direct to the host organization, so as to arrive at least thirty days before the opening of the Conference, for distribution, subject to the approval of the Bureau of the Conference.

RULE 9

Participants

1. Participants in the Conference shall be the delegates of the members defined in Article 9 of the Statutes and the observers in terms of Article 11, paragraph 5 of the Statutes. *Definition*
2. The name of the delegates of each delegation, one of them designated as head of delegation, shall be communicated by the members to the host organization before the first meeting of the Council. During the Conference the Chairman shall be informed of any addition, change or deletion regarding the composition of delegations. No delegate shall be nominated for any official position unless his name has reached the host organization within the prescribed time. *Delegates*
3. Observers at the Conference are either invited persons or representatives of invited organizations; organizations shall communicate the names of their representatives to the host organization before the opening of the Conference. Observers have the right to speak only on the invitation of the Chairman and to the extent that the Conference has no objections; they shall have access to the documents of the Conference. *Observers*

RULE 10

Guests

The host organization may issue invitations to guests to the opening and closing ceremonies and to such other occasions as the Standing Commission or the Bureau of the Conference may decide.

RULE 11

Information media

The Bureau of the Conference shall be responsible for all matters relating to official information on the Conference. It shall arrange for appropriate coverage of the Conference proceedings by the information media, unless the Conference decides otherwise.

RULE 12

Languages*Official
languages*

1. The official languages of the Conference shall be Arabic, Chinese, English, French, Russian and Spanish. The official languages may be used in debates without the prior permission of the Chairman. Any delegate wishing to speak in a language other than an official language shall first obtain the permission of the Chairman.

*Working
languages*

2. The working languages of the Conference shall be English, French and Spanish. The working languages are those in which simultaneous interpretation is provided and are the only languages in which documents relating to items on the agenda will be prepared. Any delegate using a language which is not a working language shall provide for its interpretation into one of the working languages.

*Language
of the host
country*

3. The Standing Commission, in agreement with the host organization, may decide that for a particular Conference the language of the host country will also be authorized for simultaneous interpretation.

RULE 13

Alphabetical order

The alphabetical order of the members of the Conference shall be the alphabetical order of the French names of their respective countries. The name of the National Society and of the State which vote first shall be decided by the drawing of lots.

RULE 14

Quorum

To be valid, the deliberations of the Conference shall require a quorum of one third of the total of the components of the Movement as defined in Article 1 of the Statutes and of the States as defined in Article 2 of the Statutes.

RULE 15

Chairmanship

1. The opening ceremony of the Conference shall be chaired by a representative of the host organization. *Opening ceremony*
2. The first plenary meeting of the Conference shall be chaired by the Chairman of the Standing Commission until the Chairman of the Conference has been elected. *First plenary meeting*
3. At its first plenary meeting the Conference shall elect the Chairman, Vice-Chairmen, Secretary General and two Assistant Secretaries General on the proposal of the Council. *Elections*
4. In addition to the powers conferred upon him elsewhere in these Rules and subject to paragraphs 1 and 2, the Chairman shall declare the opening and closing of each plenary meeting of the Conference, ensure observance of these Rules, conduct all debates, put questions to the vote and announce the results. He may charge one of the Vice-Chairmen to replace him during any meeting or part of a meeting. *Powers of the Chairman*
5. Any Vice-Chairman charged by the Chairman to represent him shall have the powers and duties of the Chairman. *Powers of the Vice-Chairman*

RULE 16

Bureau and commissions

1. There shall be a Bureau which shall organize the work of the Conference. The Bureau shall be chaired by the Chairman of the Conference and its membership shall include the Chairman of the Standing Commission, the heads of the delegations from the International Committee and from the Federation, the Chairmen of the plenary commissions and the Secretary General of the Conference. *Bureau*
2. Plenary commissions are subsidiary bodies open to all participants in the Conference. The Conference may establish such commissions for the duration of the Conference as *Plenary commissions*

proposed by the Standing Commission. The Conference shall adopt the agenda of the commissions so established. Each commission shall elect its Chairman, Vice-Chairmen and Rapporteurs on the proposal of the Council.

*Other
subsidiary
bodies*

3. The Conference may at any time establish other subsidiary bodies, including their agendas, for the duration of the Conference.

RULE 17

Notification of proposals

*Additions to
the agenda*

1. The Bureau may propose to the Conference that new items be added to the agenda, provided that the proposals are submitted to the Chairman the day before and signed by at least five delegations to the Conference each belonging to a different country. The Bureau shall determine the agenda for each meeting, following as far as possible the order of the subjects proposed by the Standing Commission and approved by the Council.

*Proposals
and
amendments*

2. Subject to the provisions of Article 11, paragraph 4 of the Statutes, proposals and amendments other than points of order shall be communicated in writing in advance to the Chairman and circulated by him to the delegates before being discussed, unless he decides otherwise. A similar procedure shall apply to other documents.

Seconding

3. The Chairman may decide that any proposal, or amendment, including motions of closure, shall be seconded by another delegation before it can be discussed or voted upon.

RULE 18

Debates

*Debating
procedure*

1. No delegate may take the floor without first having obtained permission from the Chairman. Speakers shall be called upon in the order in which they have signified to the Chairman their desire to speak. Priority shall be given to the Chairman and Rapporteur of the Commission concerned or to the delegate responsible for the respective report, proposal or amendment under discussion.

*Duration of
speeches*

2. The duration of speeches shall be limited to ten minutes but may be extended or shortened at the Chairman's discretion, unless the Conference decides otherwise.

3. If during a discussion, a delegate raises a point of order, the discussion shall be suspended and the point of order decided immediately by the Chairman according to these Rules or, at the Chairman's discretion, by the Conference. A delegate raising a point of order may not speak on the substance of the matter under discussion. *Points of order*
4. The following motions shall have precedence in the order set out below over all other proposals or motions: *Priority of motions*
 - a) to suspend the meeting;
 - b) to adjourn the meeting;
 - c) to adjourn the debate on the item under discussion;
 - d) to close the debate on the item under discussion.

Such motions must be seconded by at least four other delegations.
5. Unless the Chairman decides otherwise, only one delegate may speak for and one against points of order and the motions mentioned in paragraph 4. *Motions*
6. Discussion upon each question shall be closed when there is no further speaker or when a motion of closure has been adopted by the Conference. During the course of a debate, the Chairman may announce the list of speakers and, with the consent of the Conference, declare the list closed. He may accord the right of reply to any member concerned by a previous intervention. *Closure of debates*
7. A delegation may appeal against the ruling of the Chairman. The appeal shall immediately be put to the vote, and the Chairman's ruling shall stand unless overruled by a majority of the members of the Conference present and voting. *Appeal against ruling of Chairman*

RULE 19

Adoption of resolutions

1. Consensus shall be understood to mean the absence of any objection expressed by a delegation and submitted by it as constituting an obstacle to the adoption of the resolution in question. After the adoption by consensus of a resolution, any delegation may state the stand point it would have adopted had the matter been put to vote. *By consensus*
2. If no consensus is reached, resolutions shall be taken by a majority of those members present and voting. *By voting*

RULE 20

Voting procedure

- | | |
|-------------------------------|--|
| <i>Voting order</i> | 1. Amendments to a proposal or motion shall be put to the vote before the proposal or motion. In the event of there being several amendments, the Chairman shall first put to the vote the amendment furthest removed from the original proposal. |
| <i>Right to vote</i> | 2. The vote of each delegation shall be expressed by its head or by the delegate he has designated to replace him. The Chairman shall have no vote apart from that allocated to his delegation. |
| <i>Majority</i> | 3. The majority shall be half the total number of votes cast for or against the proposal, plus one. The number of those members present and voting who express a vote of abstention shall be recorded but not taken into account in determining the majority. In the event of a tie, the proposal shall be rejected. The result of the votes shall be announced by the Chairman and included in the proceedings of the Conference. |
| <i>Show of hands</i> | 4. In the absence of a consensus, the vote shall, as a general rule, be taken by a show of hands. |
| <i>Roll call</i> | 5. The vote shall be taken by roll call if ten delegations so request. In this case all the delegations from the National Societies shall vote first, then all the delegations from the States, then the delegations from the International Committee and from the Federation. The delegations from the National Societies and from the States shall be called in alphabetical order. |
| <i>Secret ballot</i> | 6. The vote shall be taken by secret ballot if ten delegations so request. In this case the Chairman shall appoint from among the delegates of the members of the Conference three tellers who, after all the ballot papers have been collected, shall proceed to a count of the votes. A valid request for a vote by secret ballot shall take precedence over a valid request for a vote by roll call. |
| <i>Interruption of voting</i> | 7. After the Chairman has announced the beginning of voting, no delegate shall interrupt the voting except on a point of order in connection with the actual voting procedure. |

RULE 21

Election of members of the Standing Commission

- | | |
|--------------------|---|
| <i>Nominations</i> | 1. Nominations for the Standing Commission shall be delivered in closed envelopes, with the curriculum vitae of each candidate, to the Chairman of the Bureau, forty-eight hours before the |
|--------------------|---|

opening of the meeting in which the election will take place. The Bureau shall circulate the curriculum vitae of each candidate at least twenty-four hours before that meeting. When nominating candidates, personal qualities and the principle of fair geographical distribution should be taken into account.

2. The election process for the Standing Commission shall start immediately after the opening of the meeting at which the vote will take place.
3. The members of the Standing Commission referred to in Article 10, paragraph 4 of the Statutes shall be elected by secret ballot by the members of the Conference. For the purpose of determining the absolute majority required in terms of paragraph 4, a roll call of members shall be taken before voting begins.
4. In the first ballot, the candidates obtaining an absolute majority shall be declared elected. If more than five candidates obtain an absolute majority, the five candidates obtaining the largest number of votes shall be declared elected. If less than five candidates obtain an absolute majority in the first ballot, a second ballot shall be held in which the candidate(s) obtaining the largest number of votes shall be declared elected.
5. In the case of a tie, subsequent ballots shall be held until the remaining candidate(s) has received a relative majority. After four ballots the total number of votes cast for each candidate in all four ballots shall be taken into consideration. If a tie still results, a decision shall be made by drawing lots.
6. If two or more candidates from the same National Society are in a position to be declared elected, the candidate obtaining the largest number of votes shall be considered as elected.

*Beginning of
the election
process*

Ballot

*Elected
candidates*

Ties

*Candidates
from the same
National
Society*

RULE 22

Proceedings of the Conference

1. Unless the Conference decides otherwise, the organization responsible for convening the Conference shall make the necessary arrangements for the recording of the plenary meetings and of the meetings of the plenary commissions of the Conference.
2. The following at least shall constitute the proceedings of the Conference and be collected in one volume:
— the lists of participants (members and observers);

*Recording of
the plenary
meetings and
of the
plenary
commissions*

*Content
of the
proceedings*

- the list of documents;
 - the verbatim record of the plenary meetings of the Conference;
 - the reports of the plenary commissions;
 - the resolutions of the Conference.
- Publication* 3. The volume mentioned in paragraph 2 shall be published under the authority of the Standing Commission by the host organization and issued to the members of the Conference and to the observers invited to it, if possible not later than one year after it closes.
- Daily reports* 4. As far as possible summary reports of the plenary meetings of the Conference and of its commissions shall be prepared by the host organization and issued to the members of the Conference the day following such meetings.

SECTION III: THE COUNCIL OF DELEGATES

RULE 23

Place and date

The place, date and duration of the Council shall be fixed by the Standing Commission in accordance with Article 15, paragraph 1 of the Statutes.

RULE 24

Convocation

When the Council meets on the occasion of a Conference, the organization responsible for convening the Conference shall also convene the Council. In all other cases the Standing Commission shall be responsible for the convocation.

RULE 25

Provisional agenda

The provisional agenda of the Council shall be prepared by the Standing Commission.

RULE 26

Opening meeting

- | | |
|---|---|
| 1. The opening meeting of the Council, when it meets on the occasion of a Conference, shall be held before the opening of the Conference, at a time which takes into account the planned duration of the Council. | <i>Date</i> |
| 2. The Chairman of the Standing Commission shall chair the opening meeting until the Chairman of the Council has been elected. | <i>Chairmanship</i> |
| 3. In addition to the election of its Chairman and Vice-Chairman from among its members, the Council shall elect secretaries. | <i>Election of
chairmanship
and secretaries</i> |

RULE 27

Work of the Council

Unless otherwise specified in the Statutes or in these Rules, the provisions of these Rules concerning the Conference shall be applied *mutatis mutandis* to the meetings of the Council.

RULE 28

Proceedings of the Council

When the Council meets on the occasion of a Conference, the proceedings of the Council shall also be collected in the volume mentioned in Rule 22, paragraph 2.

SECTION IV: THE STANDING COMMISSION

RULE 29

Convocation

Immediately after the election of the members of the Standing Commission the Chairman of the Conference shall convoke the members of the new Commission who are present. These members shall decide by majority who shall be responsible for convening the first meeting of the Commission. If practicable, the first meeting, at which the Chairman and the Vice-Chairman shall be elected, should be held forthwith.

RULE 30

Quorum

To be valid, the deliberations of the Standing Commission shall require a quorum of five members.

RULE 31

Proceedings of the Standing Commission

When the Standing Commission meets on the occasion of a Conference in accordance with Rule 29, its proceedings shall be included in the volume mentioned in Rule 22, paragraph 2.

SECTION V: FINAL PROVISIONS

RULE 32

Amendments to the Statutes and to these Rules

*Communi-
cation
of proposals*

1. In pursuance of Article 20 of the Statutes, the text of proposed amendments to the Statutes or to these Rules shall be communicated to the Chairman of the Standing Commission in such time as will permit him to transmit copies thereof together with the comments of the International Committee and the Federation to the members of the Conference no later than six months before the opening session of the Conference.

*Comments
of the
International
Committee and
the Federation*

2. The International Committee and the Federation shall present their comments to the proposed amendments in time to enable the Standing Commission to fulfil its obligation arising from the preceding paragraph.

*Entry into
force of the
amendments*

3. The Conference shall decide on which date any adopted amendment shall enter into force.

RULE 33

Entry into force of these Rules

Abrogation

1. These Rules shall replace the Rules of Procedure of the International Conference of the Red Cross adopted in 1952 by the Eighteenth Conference. Any earlier provision which conflicts with these Rules is repealed.

Date

2. These Rules shall enter into force on 8 November 1986.

IV

STATUTES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS

*of 21 June 1973, revised on 6 December 1973, 1 May 1974, 14 September 1977,
29 April 1982, 20 January 1988, 2 May 1991, 20 July 1998 and 8 May 2003*

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IV

STATUTES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS

*of 21 June 1973, revised on 6 December 1973, 1 May 1974, 14 September 1977,
29 April 1982, 20 January 1988, 2 May 1991, 20 July 1998 and 8 May 2003*

ARTICLE 1

International Committee of the Red Cross

1. The International Committee of the Red Cross (ICRC), founded in Geneva in 1863 and formally recognized in the Geneva Conventions and by the International Conferences of the Red Cross,¹ is an independent humanitarian organization having a status of its own.
2. It is one of the components of the International Red Cross and Red Crescent Movement.²

ARTICLE 2

Legal status

As an association governed by Article 60 and following of the Swiss Civil Code, the ICRC has legal personality.

ARTICLE 3

Headquarters, emblem and motto

1. The headquarters of the ICRC is in Geneva.
2. Its emblem is a red cross on a white ground. Its motto is *Inter arma caritas*. It likewise acknowledges the motto *Per humanitatem ad pacem*.

¹ Since 8 November 1986, the title of the International Conference has been “International Conference of the Red Cross and Red Crescent”.

² The International Red Cross and Red Crescent Movement (the Movement) is also known as the International Red Cross. It comprises the National Red Cross and Red Crescent Societies (the National Societies), the International Committee of the Red Cross (the International Committee or ICRC) and the International Federation of Red Cross and Red Crescent Societies.

ARTICLE 4

Role

1. The role of the ICRC shall be in particular:
 - a) to maintain and disseminate the Fundamental Principles of the Movement, namely humanity, impartiality, neutrality, independence, voluntary service, unity and universality;
 - b) to recognize any newly established or reconstituted National Society which fulfils the conditions for recognition set out in the Statutes of the Movement, and to notify other National Societies of such recognition;
 - c) to undertake the tasks incumbent upon it under the Geneva Conventions,³ to work for the faithful application of international humanitarian law applicable in armed conflicts and to take cognizance of any complaints based on alleged breaches of that law;
 - d) to endeavour at all times – as a neutral institution whose humanitarian work is carried out particularly in time of international and other armed conflicts or internal strife – to ensure the protection of and assistance to military and civilian victims of such events and of their direct results;
 - e) to ensure the operation of the Central Tracing Agency as provided in the Geneva Conventions;
 - f) to contribute, in anticipation of armed conflicts, to the training of medical personnel and the preparation of medical equipment, in cooperation with the National Societies, the military and civilian medical services and other competent authorities;
 - g) to work for the understanding and dissemination of knowledge of international humanitarian law applicable in armed conflicts and to prepare any development thereof;
 - h) to carry out mandates entrusted to it by the International Conference of the Red Cross and Red Crescent (the International Conference).
2. The ICRC may take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and intermediary, and may consider any question requiring examination by such an institution.

ARTICLE 5

Relations with the other components of the Movement

- 1 The ICRC shall maintain close contact with the National Societies. In agreement with them, it shall cooperate in matters of common concern, such as their

³ In the present Statutes, the expression “Geneva Conventions” also covers their Additional Protocols for the States party to those Protocols.

preparation for action in times of armed conflict, respect for and development and ratification of the Geneva Conventions, and the dissemination of the Fundamental Principles and international humanitarian law.

2. In situations foreseen in Article 4, paragraph 1 *d*) which require coordination of assistance provided by National Societies of other countries, the ICRC, in cooperation with the National Society of the country or countries concerned, shall coordinate such assistance in accordance with the agreements concluded with the other components of the Movement.
3. The ICRC shall maintain close contact with the International Federation of Red Cross and Red Crescent Societies. It shall cooperate with the latter in matters of common concern in accordance with the Statutes of the Movement and the agreements concluded between the two organizations.

ARTICLE 6

Relations outside the Movement

The ICRC shall maintain relations with government authorities and any national or international institution whose assistance it considers useful.

ARTICLE 7

Membership of the ICRC

1. The ICRC shall co-opt its Members from among Swiss citizens. It shall comprise fifteen to twenty-five Members.
2. The rights and duties of Members of the ICRC shall be laid down in Internal Regulations.
3. Members of the ICRC shall be subject to re-election every four years. After three terms of four years they must obtain a three-fourths majority of the full membership of the ICRC in order to serve any additional term.
4. The ICRC may elect honorary members.

ARTICLE 8

Statutory bodies of the ICRC

The statutory bodies of the ICRC shall be:

- (a) the Assembly;
- (b) the Assembly Council;
- (c) the Presidency;
- (d) the Directorate;
- (e) Internal Audit.

ARTICLE 9

Assembly

1. The Assembly shall be the supreme governing body of the ICRC. It shall oversee all the ICRC's activities, formulate policy, define general objectives and institutional strategy, and approve the budget and accounts. It shall delegate certain of its powers to the Assembly Council.
2. The Assembly shall be composed of the Members of the ICRC. It shall be collegial in character. Its President and two Vice-Presidents shall be the President and Vice-Presidents of the ICRC.

ARTICLE 10

Assembly Council

1. The Assembly Council shall be a body of the Assembly which acts on the authority of the latter. It shall prepare the Assembly's activities, take decisions on matters within its area of competence, and serve as a link between the Directorate and the Assembly, to which it shall report regularly.
2. The Assembly Council shall comprise five members elected by the Assembly.
3. The Assembly Council shall be presided over by the President of the ICRC.

ARTICLE 11

Presidency

1. The President of the ICRC shall assume primary responsibility for the external relations of the institution.
2. As President of the Assembly and of the Assembly Council, he shall ensure that the areas of competence of these two bodies are safeguarded.
3. The President of the ICRC shall be assisted in the performance of his duties by a permanent Vice-President and a non-permanent Vice-President.

ARTICLE 12

Directorate

1. The Directorate shall be the executive body of the ICRC, responsible for applying and ensuring application of the general objectives and institutional strategy defined by the Assembly or the Assembly Council. The Directorate shall also be responsible for the smooth running and the efficiency of the Administration, which comprises ICRC staff as a whole.

2. The Directorate shall be composed of the Director-General and three to five Directors, all appointed by the Assembly.
3. The Directorate shall be chaired by the Director-General.

ARTICLE 13

Power of representation

1. All commitments made by the President or the Directorate shall be binding on the ICRC. The terms and conditions under which they exercise their powers shall be set out in the Internal Regulations.
2. All documents involving financial commitments on the part of the ICRC towards third parties must bear the signature of two duly authorized persons. The Assembly Council shall determine, on a proposal from the Directorate, the amounts below which this requirement may be waived.

ARTICLE 14

Internal Audit

1. The ICRC's Internal Audit shall have an internal monitoring function independent of the Directorate. It shall report directly to the Assembly. It shall proceed through internal operational and financial audits.
2. Internal Audit shall cover the ICRC as a whole, both field and headquarters. Its aim shall be to assess, on an independent basis, the performance of the institution and the pertinence of the means deployed in relation to the ICRC's strategy.
3. In the area of finance, the role of Internal Audit shall complement that of the firm(s) of external auditors mandated by the Assembly.

ARTICLE 15

Assets and financial verification

1. The principal assets of the ICRC shall be the contributions of governments and National Societies, funds from private sources and its income from securities.
2. These assets, and such capital funds as it may have at its disposal, shall alone, to the exclusion of any personal or collective liability of its Members, guarantee commitments entered into by the ICRC.
3. The utilization of those assets and funds shall be subject to independent financial verification, both internally (by Internal Audit) and externally (by one or more firms of auditors).

-
4. Even in case of dissolution, Members shall have no personal claim to the assets of the ICRC, which shall be used solely for humanitarian purposes.

ARTICLE 16

Internal Regulations

The Assembly shall provide for the implementation of the present Statutes, in particular by establishing Internal Regulations.

ARTICLE 17

Revision

1. The Assembly may revise the present Statutes at any time. Revision shall be the subject of discussion at two separate meetings, on the agendas of which it shall be an item.
2. The Statutes may be amended only if so decided by a final two-thirds majority vote of the Members present and constituting at least half of the full membership of the ICRC.

ARTICLE 18

Entry into force

The present Statutes shall replace the Statutes of the International Committee of the Red Cross of 21 June 1973, revised on 20 July 1998, and shall take effect as from 8 May 2003.

V

CONSTITUTION OF THE INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES

*Revised and adopted by the VIth Session of the General Assembly
Rio de Janeiro (Brazil), 23-26 November 1987*

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V

CONSTITUTION OF THE INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES

PREAMBLE

We, the National Red Cross and Red Crescent Societies, being the basic units and vital force of the International Red Cross and Red Crescent Movement, founded in 1919 the League of Red Cross Societies “as a purely voluntary non-political, non governmental, non sectarian organisation, to anticipate, diminish and relieve the misery produced by disease and calamity in a systematic approach”.¹

We are committed to protecting human dignity and to improving the lives of vulnerable people by mobilizing the power of humanity.

We carry out our humanitarian activities in conformity with the Fundamental Principles of the International Red Cross and Red Crescent Movement: Humanity, Impartiality, Neutrality, Independence, Voluntary service, Unity and Universality*. To alleviate human suffering, we work as auxiliaries to our public authorities in the humanitarian field and through our global network of National Societies and the Movement.

With the objectives of ensuring the co-ordination of our international activities, the development and implementation of common standards and policies, organizational development, capacity building and effective international disaster management, and of having an international presence and recognition as a global partner in humanitarian assistance, we therefore have agreed to unite ourselves and to establish an international body, named the “International Federation of Red Cross and Red Crescent Societies”, whose general aim is to inspire, encourage, facilitate and promote at all times all forms of humanitarian activities.

With these objectives in mind, we hereby set out the constitutional provisions of this international body and the related rights and duties by which we agree to abide.

We further recall that the mottoes “Inter arma caritas” and “Per humanitatem ad pacem” together express the ideals of the Movement.

¹ Bulletin of “The League of Red Cross Societies”, Geneva, Switzerland, May 15, 1919

SECTION I: INTERNATIONAL FEDERATION

ARTICLE 1

Membership Organisation

1. The International Federation of Red Cross and Red Crescent Societies (the “International Federation”) is a membership organisation established by and comprised of the National Societies. *Character of the Organisation*
2. The International Federation is a component of the International Red Cross and Red Crescent Movement (the “Movement”). *Status in the Movement*

ARTICLE 2

Legal Personality

The International Federation acts under its own Constitution with all the rights and obligations of a corporate body with legal personality. *Legal personality*

ARTICLE 3

Headquarters

Unless otherwise decided by the General Assembly of the International Federation (the “General Assembly”), the headquarters of the International Federation is in Geneva, Switzerland. *Headquarters*

ARTICLE 4

General Object

The general object of the International Federation is to inspire, encourage, facilitate, and promote at all times all forms of humanitarian activities by National Societies with a view to preventing and alleviating human suffering and thereby contributing to the maintenance and promotion of human dignity and peace in the world. *General Object*

ARTICLE 5

Functions

1. To achieve the general object as defined in Article 4 of the Constitution, in conformity with the Fundamental Principles and in the context of the Statutes of the Movement and the *Functions*

resolutions of the International Conference of the Red Cross and Red Crescent (the “International Conference”), the functions of the International Federation shall be the following:

A. Services to National Societies:

- a) act as the permanent body of liaison, co-ordination and study among the National Societies and to give them assistance;
- b) encourage and promote in every country the establishment and development of an independent and duly recognised National Society;
- c) assist the National Societies in risk reduction, in disaster preparedness, in the organisation of their relief actions and in relief operations themselves;
- d) encourage and co-ordinate the participation of the National Societies in activities for safeguarding public health and the promotion of social welfare in co-operation with their appropriate national authorities;
- e) encourage and co-ordinate between National Societies the exchange of ideas for the education of children and young people in humanitarian ideals and for the development of friendly relations between children and young people of all countries, and to share good practices for the participation of youth in volunteer services and decision-making processes; and
- f) assist National Societies to recruit volunteers and members from the population as a whole and to promote awareness and understanding of the Fundamental Principles and ideals of the Movement to them and to the general public.

B. Humanitarian activities:

- a) bring relief by all available means to all disaster- affected persons;
- b) organise, co-ordinate and direct international relief actions in accordance with the “Principles and Rules for Red Cross and Red Crescent Disaster Relief” adopted by the International Conference;
- c) bring relief to victims of armed conflicts, to assist in the promotion and the development of international humanitarian law and to disseminate this law and the Fundamental Principles, in accordance with the agreements concluded with other components of the Movement; and
- d) be the official representative of the National Societies in the international field, among others for dealing with any

matters in connection with decisions and recommendations by the General Assembly, and to be the guardian of their integrity and the protector of their interests.

2. The International Federation shall in addition carry out any other functions validly given to it by the General Assembly.
3. The International Federation shall carry out the mandates entrusted to it by the International Conference.
4. In each country the International Federation shall act through or in agreement with the National Society and in conformity with the laws of that country.

SECTION II: NATIONAL SOCIETIES

ARTICLE 6

Members of the International Federation

The membership of the International Federation shall include all National Societies duly admitted as members as per Article 7 (hereinafter the “National Societies”), on which the strength of the International Federation and its ability to achieve its general object depends.

ARTICLE 7

Admission

1. To be eligible for membership of the International Federation a National Society must be recognised by the International Committee of the Red Cross. *Eligibility*
2. A National Society becomes a member when it is admitted to the International Federation in accordance with this Constitution and the Rules of Procedure. *Admission*
3. Any National Society wishing to become a member of the International Federation shall apply to the President of the International Federation (the “President”) and shall formally undertake to respect the provisions of the Constitution. *Conditions for admission*
4. The admission of a National Society is subject to decision by the General Assembly. Any applicant National Society may be admitted provisionally by the Governing Board until the *Decision of admission*

General Assembly takes a decision. A National Society admitted provisionally may take part in the work of the International Federation but has no voting right and cannot be elected to any official position in the International Federation.

ARTICLE 8

Rights and Duties of National Societies

1. In order to ensure that the International Federation is able to fulfil the functions set for it, and to guarantee the equal rights of its membership, National Societies have the following rights and duties:

Rights

A. Rights:

- a) National Societies shall have the right to be represented at and to participate in the work of the General Assembly, with the right to vote;
- b) National Societies may stand for election and nominate candidates, to all official bodies, commissions and committees of the International Federation;
- c) National Societies may call upon and receive from the International Federation any of the services and information which the International Federation has the power and the ability to provide, in conformity with its general object, functions, resources, and legal obligations;
- d) National Societies may submit, on their own initiative, in their name or in that of a group of National Societies, proposals to the General Assembly and to other bodies, commission and committees of the International Federation and;
- e) National Societies may call upon sister National Societies for support in accordance with the applicable rules of co-ordination and co-operation.

Duties

B. Duties:

- a) National Societies agree to act at all times in accordance with the Fundamental Principles of the Red Cross and Red Crescent Movement;
- b) National Societies agree to work diligently in pursuit of their humanitarian objectives as set out in the Statutes of the International Movement, including minimising the impacts of disaster and disease; strengthening local capacity to address vulnerability; promoting respect for diversity and human dignity; and alleviating the suffering resulting from armed conflict and internal strife;

- c) National Societies agree to abide by the policies, decisions and rules adopted by the Council of Delegates and the International Conference;
 - d) National Societies, following the principle of Unity, agree to respect the territorial integrity and independence of one another;
 - e) National Societies agree to provide the necessary support to the International Federation in the pursuit of its general object and functions;
 - f) National Societies agree to follow the rules set out in this Constitution, as well as to apply the decisions adopted by the General Assembly and by the Governing Board;
 - g) National Societies recognize the necessity of ensuring their collective integrity, and agree to co-operate fully with the Compliance and Mediation Committee as well as to take the necessary steps to ensure adherence to the standards of integrity required of them;
 - h) National Societies agree to remit on the date set out in the Financial Regulations an annual contribution to the International Federation of the amount approved by the General Assembly;
 - i) National Societies agree to contribute to the International Federation-wide reporting and performance management systems, once such a system have been adopted by the General Assembly, and to provide the International Federation with annual reports and audited financial statements and;
 - j) National Societies agree to inform the International Federation, through the Secretary General, of any proposed amendments to their Statutes and of the composition of their main governing and managing bodies.
2. National Societies shall enjoy all the rights granted to them and comply with all the duties stipulated in this Constitution.
 3. None of the provisions of this Constitution shall limit in anyway the National Societies' mandate as set out in the Statutes of the Movement

ARTICLE 9

Cessation of Membership

1. A National Society shall cease to be a member of the International Federation when it is dissolved and in the circumstances set out in paragraphs 2 and 3 below.

Dissolution

- | | |
|-------------------|---|
| <i>Withdrawal</i> | 2. Any National Society may withdraw from the International Federation provided it gives the President six months' written notice of withdrawal. |
| <i>Expulsion</i> | 3. A National Society may be expelled from the International Federation by decision of the General Assembly in accordance with Article 13 of this Constitution. |

ARTICLE 10

Integrity and Compliance

- | | |
|-------------------------------|--|
| <i>Standards of Integrity</i> | 1. National Societies and constitutional bodies of the International Federation are expected to comply with applicable integrity policies adopted by the General Assembly and National Societies also with the duties of National Societies as set out in this Constitution. |
| <i>Breaches of Integrity</i> | 2. Any failure to comply with the policies or duties referred to in paragraph 1 above will be considered a breach of integrity and shall be referred to the Compliance and Mediation Committee, as set out in Article 31. |

ARTICLE 11

Financial Default

Any failure to pay the required statutory contributions shall be subject to the rules and regulations stipulated under Article 35 of this Constitution.

ARTICLE 12

Suspension

- | | |
|-------------------------------|--|
| <i>Suspension</i> | 1. The Governing Board, after examining the recommendation of a Panel formed by the Compliance and Mediation Committee and in accordance with the Rules of Procedure, may decide to suspend a National Society from membership status in the International Federation. |
| <i>Grounds for suspension</i> | 2. A National Society may be suspended: <ul style="list-style-type: none"> a) if it ceases to fulfil the conditions for admission provided for in this Constitution, in particular if, because of modification, its Statutes are no longer in conformity with the Fundamental Principles; |

- b) if the National Society on its own initiative or under pressure from the government of its country contravenes any of the Fundamental Principles;
 - c) if the National Society uses its connection with the International Federation for a purpose which is not in conformity with any of the Fundamental Principles;
 - d) if the National Society acts contrary to the general object of the International Federation and persistently refuses to comply with its duties under the Constitution; or
 - e) if the National Society is considered by the Governing Board to having committed a breach of integrity.
3. A suspended National Society shall immediately lose its rights as a member. *Consequences of suspension*
 4. An individual holding any office on appointment by a suspended National Society, except such individuals elected or appointed to such office in their personal capacity, shall forfeit the right to perform any official function.
 5. Any vacancy created by the suspension of a National Society shall be filled by the competent body, committee or commission according to the procedures for appointment or election to such office at its next session.
 6. The Governing Board may revoke the suspension of a suspended National Society when the reasons for suspension no longer apply. *Reinstatement*

ARTICLE 13

Expulsion

1. When the Governing Board determines that the continued membership of a National Society is a grave risk to the International Federation or its membership, the Governing Board may recommend to the General Assembly, as a last resort, expulsion of that Society. *Expulsion*
2. An expelled National Society shall remain liable for all obligations to the International Federation or its membership incurred prior to expulsion. *Consequences of expulsion*
3. An expelled National Society shall immediately lose its rights as a member.
4. An individual holding any office on appointment by an expelled National Society, except such individuals elected or appointed to

such office in their personal capacity, shall forfeit the right to perform any official function

- Readmission* 5. A National Society which has been expelled can reapply for admission following the procedures laid down in Article 7 once the reasons for expulsion no longer apply.

SECTION III: BODIES OF THE INTERNATIONAL FEDERATION

ARTICLE 14

Statutory Bodies

The Statutory Bodies of the International Federation, are those bodies having governance functions, which are:

- The General Assembly;
- The Governing Board;
- The President;

and the body with executive functions, which is the Secretary General.

GENERAL ASSEMBLY

ARTICLE 15

Definition

Subject to the Constitution, the General Assembly shall be the supreme governing body of the International Federation.

ARTICLE 16

Composition

The General Assembly shall be composed of the National Societies.

ARTICLE 17

Functions

1. The General Assembly shall, among others, exercise the following functions:

- | | |
|--|---|
| a) determine the general policies that govern the International Federation and the National Societies; | <i>Policy</i> |
| b) take decisions on the admission of National Societies and expulsion as set out in Articles 7 and 13 respectively; | <i>Admission/
Sanctions</i> |
| c) elect the President of the International Federation; | <i>Election
President</i> |
| d) elect those four National Societies, one from each region, which shall be entitled to appoint a Vice-President of the International Federation ("Vice-President"); | <i>Election Vice-
President</i> |
| e) elect the National Societies members of the Governing Board; | <i>Election Societies
members of the
Governing Board</i> |
| f) appoint members of the constitutional commissions and committees; | <i>Appointment of
constitutional
bodies</i> |
| g) designate the representatives of the International Federation to the bodies of the Movement; | <i>Representatives
to Movement
bodies</i> |
| h) set up other bodies, including, among others, advisory bodies and bodies with legal status required for the activities of the International Federation, and to appoint their members; | <i>Other bodies</i> |
| i) designate as external auditors, on the recommendation of the Governing Board, a firm of internationally recognised independent auditors; | <i>External
auditors</i> |
| j) approve, on the recommendation of the Governing Board, the biennial plans, budgets and financial reports of the International Federation; | <i>Budget</i> |
| k) take note of the report of the external auditors; | |
| l) approve, on the recommendation of the Governing Board and the Finance Commission, the annual scale of contributions of the National Societies; | <i>Statutory
contributions</i> |
| m) amend the Constitution and the Rules of Procedure and adopt any other regulations necessary for the implementation of the Constitution; | <i>Constitution,
Rules of
Procedure and
other regulations</i> |
| n) consider the reports of the Governing Board and Secretary General and of all bodies set up by the General Assembly and discharge the Secretary General and the Governing Board on its delegated activities; | <i>Reports</i> |
| o) decide on the proposals presented by National Societies, the Governing Board and other bodies of the International Federation; | <i>Proposals from
National
Societies and
bodies</i> |
| p) ratify general agreements concluded with the International Committee of the Red Cross or any other international organisation or institution that create obligations for National Societies; and | |

- | | |
|-------------------------------------|---|
| <i>Transfer of the Headquarters</i> | q) decide on the transfer of the headquarters of the International Federation; |
| <i>Delegation of powers</i> | <p>2. The General Assembly may not delegate to another body of the International Federation the powers defined in paragraph 1 of this Article, with the exception of the following, which are hereby delegated to the Governing Board between sessions of the General Assembly and until the General Assembly decides otherwise:</p> <ul style="list-style-type: none"> a) set up commissions and committees, including, among others, those with legal status, required for the activities of the International Federation, and to appoint their members; b) decide on the reports of bodies set up by the General Assembly; c) decide on proposals presented by National Societies or other bodies of the International Federation; and d) designate the representatives of the International Federation to the bodies of the Movement; |
| <i>Financial implications</i> | <p>3. Before the General Assembly takes decisions involving expenditure, the Secretary General, after having consulted the Finance Commission, shall submit a report to it on the administrative and financial implications of any such proposal. If the expenditure proposed cannot be covered by the budget, no commitment in this respect can be made before the General Assembly has taken the necessary measures to make available the additional funds required.</p> |

ARTICLE 18

Sessions of the General Assembly

- | | |
|---------------------------------------|--|
| <i>Ordinary sessions</i> | <p>1. The General Assembly shall meet in ordinary session once every two years. Such sessions shall normally be held where the headquarters of the International Federation are located.</p> <p>2. A session of the General Assembly shall be held in the same place as and before the International Conference when the latter has been convoked.</p> |
| <i>Change of place of the session</i> | <p>3. In exceptional circumstances, the President, in consultation with the Secretary General and with the agreement of the majority of the members of the Governing Board, may change the place and/or the dates of the session of the General Assembly.</p> |
| <i>Extraordinary sessions</i> | <p>4. An extraordinary session of the General Assembly shall be held in the same place as and before any extraordinary session of the International Conference when the latter has been convoked.</p> |

5. Extraordinary sessions of the General Assembly may also be held on the initiative of the President in agreement with the majority of the members of the Governing Board or on the initiative of at least thirty-five percent of the National Societies.

ARTICLE 19

Quorum

1. With the exception of the quorum required to amend the Constitution, to transfer the headquarters of the International Federation and to dissolve the International Federation, decisions taken at an ordinary or extraordinary session of the General Assembly shall be valid only with a quorum of fifty percent of the National Societies.
2. The quorum required to amend the Constitution, to transfer the headquarters or to dissolve the International Federation, shall be sixty-five percent of the National Societies.
3. Should less than fifty percent of the National Societies be in attendance at any ordinary or extraordinary session, the General Assembly shall be re-convened after at least 24 hours have elapsed. At such session, decisions shall be validly taken with a quorum of twenty-five percent of the National Societies.
4. Should the provisional or adopted agenda include the admission of National Societies or the expulsion of National Societies, the adoption of the biennial budget, the transfer of the headquarters of the International Federation, the election to the positions referred to in Article 33, the dissolution of the International Federation or amendments to the Constitution, another session shall be convened not less than forty-five and not more than ninety days after the one preceding it. At such a session, decisions shall be validly taken with a quorum of twenty-five percent of the National Societies.

ARTICLE 20

Voting

1. Each National Society represented at the General Assembly shall have one vote.
2. Except as otherwise provided in the Constitution, decisions of the General Assembly shall be taken by a simple majority of the National Societies present and voting.

- | | |
|---|---|
| <i>Absolute majority</i> | 3. An absolute majority of the National Societies present and voting is required to elect the President. |
| <i>Qualified majority of sixty percent</i> | 4. A qualified majority of sixty percent of the National Societies present and voting is required to admit National Societies (Article 7) and expel National Societies (Article 13), to reconsider a decision previously taken at the same session of the General Assembly, to classify a matter as an important matter, and to decide on any matter classified by the General Assembly as an important matter. |
| <i>Qualified majority of seventy-five percent</i> | 5. A qualified majority of seventy-five percent of the National Societies present and voting shall be required to amend the Constitution (Article 46) to transfer the headquarters of the International Federation (Article 17.1.q) and to dissolve the International Federation (Article 44). |
| <i>National Society present and voting</i> | 6. Within the context of the Constitution, the term “National Societies present and voting” shall mean National Societies present and voting for or against. National Societies abstaining from voting are considered as not having voted. |

GOVERNING BOARD

ARTICLE 21

Definition

The Governing Board is the body which governs the International Federation between sessions of the General Assembly.

ARTICLE 22

Composition

The Governing Board shall be composed of:

- a) the President;
- b) the four Vice-Presidents;
- c) the ex officio Vice-President;
- d) twenty National Societies;
- e) the Chair of the Finance Commission;
- f) the Chair of the Youth Commission.

ARTICLE 23

Functions

1. The Governing Board shall exercise the following functions:
 - a) decide on any matter assigned or delegated to it by the Constitution or by the General Assembly;
 - b) appoint and dismiss the Secretary General of the International Federation;
 - c) define, within the framework of the general policies determined by the General Assembly, the policies for the various fields of activity of the International Federation and the National Societies;
 - d) interpret the decisions of the General Assembly, advise the President and give guidance and support to the Secretary General in implementing the decisions of the General Assembly;
 - e) monitor on behalf of the General Assembly the implementation of the mandates entrusted to the International Federation by the International Conference;
 - f) draw up the provisional agenda of the General Assembly;
 - g) submit advice and proposals to the General Assembly when so requested by the latter or on its own initiative;
 - h) submit to the General Assembly the proposed members of the Election Committee;
 - i) study any questions relating to the implementation of the functions of the International Federation, and submit advice and proposals in this respect to the General Assembly;
 - j) recommend to the General Assembly as external auditor a firm of internationally recognised independent auditors;
 - k) examine the reports on activities as well as the financial and budgetary reports and reports on risk matters presented by the Secretary General and the Finance Commission, and recommend, for final approval by the General Assembly, the biennial budget, plans and financial reports of the International Federation, including the scale of contributions of National Societies and the formula for fixing their financial participation;
 - l) ratify general agreements concluded with the International Committee of the Red Cross and any other international organisation or institution not requiring General Assembly ratification as set out in Article 17.1.p;
 - m) provisionally admit the National Societies,

- n) apply any or a combination of the following sanctions towards National Societies in case of a breach of integrity:
 - recommend a particular action to one or more National Societies;
 - render the breach public or may make an appeal to the conscience of the world;
 - terminate any International Federation support to the National Society;
 - suspend the National Society;
 - take any other measure it deems appropriate;
 - as a last resort, recommend to the General Assembly that the National Society be expelled
- o) declare in default National Societies that have not paid their annual contribution in accordance with Article 35;
- p) approve the selection of candidates for appointment to the posts of (or equivalent to) Deputy and Under Secretaries General or Directors; and
- q) approve the outline structure of the Secretariat of the International Federation proposed by the Secretary General.

2. The Governing Board shall report to the General Assembly on the accomplishment of its functions.

*Financial
implications*

3. The Governing Board must not take decisions involving expenditure not included in the budget before the Secretary General and the Finance Commission have submitted a report to it justifying the administrative and financial implication of any such proposal. If the expenditure proposed cannot be covered, no commitment in this respect can be made before the General Assembly has taken the measures to make available the additional funds required.

*Emergency
authorisation*

4. If in the opinion of the Governing Board an emergency exists and it is impossible or impracticable to convoke a session of the General Assembly, the Governing Board is authorised, subject to Article 43, to take such measures as it deems necessary to deal with the emergency. Decisions so reached by the Governing Board shall be reported to and discharged by the General Assembly at its next session.

5. If the Governing Board decides that there is an emergency affecting the International Federation, the Secretary General shall as soon as is practicable thereafter inform all National Societies that the Governing Board has decided that an emergency exists, stating the nature of the emergency and all decisions and actions taken by the Governing Board to deal with it.

ARTICLE 24

Procedure

1. The Governing Board shall meet in ordinary session twice a year, when convened by the President. In addition the President shall convene the Governing Board on his/her own initiative or whenever requested by a majority of its members, and may also do so at the request of the Secretary General.
2. The decisions of the Governing Board shall be valid with a quorum of sixty percent of its members and shall be taken by a simple majority of the members present and voting. In the event of a tie the President shall have the casting vote. A decision to suspend or to recommend expulsion of a National Society shall be taken with a qualified majority of sixty percent of the members of the Governing Board.
3. The President may invite any person to attend the meetings of the Governing Board as an observer.

PRESIDENT

ARTICLE 25

President of the International Federation

1. The President is the highest personality of the International Federation. The President shall be responsible to the General Assembly for ensuring that the International Federation pursues its general object and exercises its functions as defined in the Constitution. The President acts under the authority of the General Assembly and of the Governing Board to guide the affairs of the International Federation, including the activities of the Secretary General, in conformity with the decisions of the General Assembly and the Governing Board.
2. The President shall:
 - a) convene and preside over the sessions of the General Assembly and the Governing Board;
 - b) present to the General Assembly a review of the state of the International Federation;
 - c) present to the Governing Board and General Assembly the report of a firm of internationally recognised independent auditors;

Functions

- d) co-ordinate the work of the governance bodies, commissions and committees of the International Federation;
 - e) represent the International Federation in its relations with the other components of the Movement and with other international organisations and institutions;
 - f) have the ability to call upon the Vice-Presidents and the Chair of the Finance Commission, to assist him/her individually or collectively, in his/her functions;
 - g) carry out any other function entrusted by the General Assembly or by the Governing Board.
- Delegation* 3. The President may delegate a part of the functions under this Article to any of the Vice-Presidents.
- Replacement during a meeting* 4. The President may charge one of the Vice-Presidents with replacing him/her during a meeting or part of a meeting.
- Vacancy in the office of the President* 5. In the event of a vacancy arising in the office of the President or the President being unable to carry out his/her functions, the Governing Board, at its next ordinary session, shall designate a Vice-President who shall serve as Acting President until the next session of the General Assembly. At this session the General Assembly shall elect the President to fill the vacancy for the remaining period of the current term of office. Until the designation of a Vice-President as Acting President by the Governing Board the ex-officio Vice-President shall fulfil this function.

ARTICLE 26

Vice-Presidents of the International Federation

- Role of the Vice-Presidents* 1. The Vice-Presidents of the International Federation shall support the President and may be called upon individually or collectively by the President to assist in the execution of his/her functions. They participate in the sessions of the General Assembly in their personal capacity.
- Ex-officio Vice-President* 2. The President of the National Society of the country in which the International Federation has its headquarters or his/her designated representative appointed from and by the governing body of that Society shall be ex officio Vice-President.
- Functions* 3. The elected Vice-Presidents shall:
- a) ensure communication on governance matters between the General Assembly, the Governing Board and the National Societies in their regions; and

- b) promote the decisions of the General Assembly and Governing Board, particularly in their regions.
- 4. In regards to the regional conferences in their regions the elected Vice-Presidents shall serve as chairs of the relevant preparatory bodies.

SECRETARY GENERAL

ARTICLE 27

Secretary General of the International Federation

1. The Secretary General shall be appointed by the Governing Board, for a period of up to four years, renewable. The contract between the International Federation and the Secretary General shall be drawn up by the Governing Board in accordance with the relevant provisions of the Rules of Procedure, any applicable conditions set by the General Assembly and the labour law governing the International Federation.
2. The Secretary General, as defined in Article 14 is the Chief Executive Officer of the International Federation and carries out the following functions:
 - a) implement the decisions of the General Assembly and the Governing Board;
 - b) be responsible for the administration of the approved budget, in accordance with Article 36.6;
 - c) direct the Secretariat and be responsible for the execution of the work entrusted to it;
 - d) organise the different services of the Secretariat in accordance with the decisions of the General Assembly and of the Governing Board; appoint the staff of the Secretariat, keeping in mind the principles of gender equality and geographical distribution; and when necessary terminate the engagements of such staff;
 - e) make appointments to the posts of (or equivalent to) Deputy and Under Secretaries General, such as Directors, after obtaining the Governing Board's approval of the candidates selected by him/her;
 - f) in the absence of the President or as otherwise agreed appropriate, represent the International Federation in its relations with other components of the Movement and with other international organisations and institutions;

Appointment

Functions

- g) be the authorised representative of the International Federation in relation to third parties and courts of law for all transactions whatsoever, including transactions executed in notarial form relating to the acquisition, administration and expenditure of the resources of the International Federation;
- h) assure the execution of the functions set out in Article 5, including direct relief actions or other actions decided upon by the General Assembly or the Governing Board. In exceptional or urgent circumstances, the Secretary General shall take all appropriate measures after consultation with the National Society concerned to the extent possible;
- i) carry out any other function assigned to him/her by the Constitution or entrusted to him/her by the General Assembly or the Governing Board;
- j) report on the activities of the Federation to the General Assembly and to the Governing Board;
- k) keep the President and Vice-Presidents, as appropriate, closely informed in carrying out his/her functions; and
- l) establish relations with those National Societies or organisations recognised as auxiliaries to the public authorities in the humanitarian field who accept and respect in their action the Fundamental Principles, even though they may not be components of the Movement or members of the International Federation.

3. The Secretary General shall ex officio be secretary of the General Assembly and of the Governing Board and, unless the Constitution provides otherwise, of all bodies set up by the General Assembly and the Governing Board. The Secretary General may delegate these functions to other officials of the Secretariat.

*Participation
in the General
Assembly and
the Governing
Board*

- 4. The Secretary General participates in the sessions of the General Assembly and the Governing Board.
- 5. The Secretary General shall be assisted in the implementation of his/her executive task by a Secretariat.
- 6. The Secretary General shall establish the structure of the Secretariat, the general outline of which shall be subject to the approval of the Governing Board.

SECTION IV: CONSTITUTIONAL COMMISSIONS AND COMMITTEES OF THE INTERNATIONAL FEDERATION

ARTICLE 28

Constitutional Commissions and Committees

The Constitutional Commissions and Committees of the International Federation are:

- The Finance Commission;
- The Youth Commission;
- The Compliance and Mediation Committee;
- The Election Committee.

They have advisory or such other functions as set out in this Constitution.

FINANCE COMMISSION

ARTICLE 29

1. The Finance Commission shall be composed of :
 - a Chair; and
 - nine members,appointed in a personal capacity by the General Assembly on presentation of candidates by the Election Committee.
2. The functions of the Finance Commission shall be:
 - a) to give advice on all financial and risk matters affecting the International Federation;
 - b) to comment on the financial report and on the budget drawn up by the Secretary General;
 - c) to receive from the President the report of the external auditors, and to comment on the same to the President and the Governing Board;
 - d) to comment on the handling and investment of available funds and to make recommendations to the General Assembly and the Governing Board on any financial measures which it deems appropriate;
 - e) to review periodically the formula for fixing the financial participation of National Societies and every two years to establish the annual scale of contributions of National

Composition

Functions

- Societies for submission, through the Governing Board, to the General Assembly for approval;
- f) to establish the annual contributions of National Societies applying for membership prior to the application being considered by the General Assembly;
 - g) to hear appeals from National Societies in accordance with Article 35, paragraphs 3 and 4, to acquaint itself with arrears in payment of contributions by National Societies and to express its views to the Governing Board and the General Assembly on whether a Society should be declared in default in accordance with Article 35, paragraph 5;
 - h) to assist the Governing Board in applying and implementing the decisions of the General Assembly on the financial management of the International Federation; and
 - i) to report on its work to each session of the General Assembly and of the Governing Board.
- Authority of the Chair* 3. The Chair of the Finance Commission shall have the right to obtain from the Secretary General all information and documents of a financial and budgetary character and those related to risk matters.
4. The Chair of the Finance Commission shall advise the President and the Secretary General on all financial and risk matters affecting the International Federation.
- Procedure* 5. The procedures of the Finance Commission shall be laid down in the Rules of Procedure.

YOUTH COMMISSION

ARTICLE 30

- Composition* 1. The Youth Commission shall be composed of:
- a Chair; and
 - eight members,
- appointed in a personal capacity by the General Assembly on presentation of candidates by the Election Committee.
- Functions* 2. The functions of the Youth Commission shall be:
- a) to give advice on all matters concerning youth and youth-related activities throughout the International Federation;

- b) to promote and assess the implementation of the youth policy decided by the General Assembly or the Governing Board, as well as to consider and study as requested by the Board matters of policy development in the area of youth;
 - c) to review and suggest revisions of the youth policy to the Governing Board or the General Assembly (as the case may be) for adoption;
 - d) to seek youth opinions on the implementation of relevant International Federation policies and to ensure that those opinions are communicated to the Statutory Bodies of the Movement;
 - e) to advise the Secretary General in the implementation of the youth policy and all other policies and strategies as they relate to youth within the Movement; and
 - f) to report to the General Assembly and Governing Board on its general activities on a regular basis.
3. The Chair of the Youth Commission shall receive from the Secretary General all relevant information and documents necessary to enable the Commission to fulfil its functions.
 4. The Chair of the Youth Commission shall advise the President and the Secretary General on all issues affecting youth in the Movement.
 5. The procedures of the Youth Commission shall be laid down in the Rules of Procedure.

Procedure

COMPLIANCE AND MEDIATION COMMITTEE

ARTICLE 31

1. A Compliance and Mediation Committee shall be established to assist the bodies of the International Federation in taking the appropriate steps to resolve any potential breaches of integrity on the part of a National Society or any body of the International Federation, and to help settle any disagreements submitted to it.
2. The Committee shall be composed of thirteen individuals, three from each of the four statutory regions of the International Federation, and one individual who shall be named to serve as Chair. It shall serve as a pool for the formation of individual panels. All members shall be appointed by the General Assembly on presentation of candidates by the Election Committee.

Composition

- | | |
|---|--|
| <i>Complaints</i> | 3. Allegations of a breach of integrity or any dispute may be brought to the attention of the Chair of the Compliance and Mediation Committee by any National Society or body of the International Federation. |
| <i>Compliance
and
Mediation
Panel</i> | The Chair shall review the allegation in accordance with the Rules of Procedure and if an inquiry is merited shall ensure that a panel of three to five members is formed to consider the allegation, with due regard to geographical representation. |
| <i>Mandate of
Panel</i> | <p>4. Upon receipt of a complaint the panel, in accordance with the Rules of Procedure and with full respect for due process, shall investigate the matter and make a determination as to the nature and extent of any breach. In cases where breaches are substantiated the panel shall recommend to the National Society steps to resolve the matter.</p> <p>5. If the matter is not resolved, the panel shall submit a report to the Governing Board, including a summary of its findings, measures taken to try to resolve the matter and any further action recommended to be taken by the Governing Board or General Assembly.</p> <p>6. The Compliance and Mediation Committee shall report to the General Assembly and Governing Board on its general activities on a regular basis.</p> |

ELECTION COMMITTEE

ARTICLE 32

- | | |
|--------------------|---|
| <i>Composition</i> | <p>1. The Election Committee shall be composed of:</p> <ul style="list-style-type: none"> – a Chair; and – four members, one from each of the four statutory regions, all five to be appointed in a personal capacity by the General Assembly on the proposal of the Governing Board. |
| <i>Functions</i> | <p>2. The Election Committee shall:</p> <ul style="list-style-type: none"> a) develop electoral standards for campaigning; b) draw up criteria for the positions of President and Vice-President, to be approved by the Governing Board at least one year before the relevant election; |

- c) review against the relevant criteria the applications of all candidates for the Governing Board (ad persona and National Societies);
- d) establish, after consultation with the Governing Board, a list of proposals of candidates for the Finance Commission, the Youth Commission and the Compliance and Mediation Committee, for appointment by the General Assembly;
- e) monitor and oversee all elections to these positions; and
- f) announce the results of elections to these positions.

SECTION V: ELECTIONS AND APPOINTMENTS

ARTICLE 33

Election of the President, the Vice-Presidents, the National Societies Members of the Governing Board, and the Appointment of the Chairs and the Members of the Constitutional Bodies

1. Elections shall be held in ordinary sessions every four years. The appointments of the members of the Finance Commission, Youth Commission, Compliance and Mediation Committee and Election Committee shall be made in ordinary sessions every four years, not coinciding with elections of the President, Vice-Presidents and National Societies members of the Governing Board. *Periodicity*
2. The term of office of all elected and appointed positions is four years. It begins at the close of the session of the General Assembly at which the incumbents have been elected/appointed and expires at the close of the session of the General Assembly which elects/appoints their successors. *Term of office*
3. The General Assembly elects the President in a personal capacity. A person who has served two consecutive four-year terms as President is not eligible to stand again for election until a further four-year term has elapsed. *President*
4. The General Assembly elects four National Societies, one from each of the four statutory regions established in accordance with the Rules of Procedure, for the purpose of each of them appointing a member of their National Society to the post of *Vice-Presidents*

Vice-President for a period of four years. Once appointed, the Vice-Presidents shall serve in a personal capacity.

*Societies
members of
the Board*

5. The General Assembly elects twenty National Societies as members of the Governing Board, respecting geographical distribution as set out in the Rules of Procedure. A National Society elected member of the Governing Board shall appoint one individual to serve as its representative on the Governing Board. The appointed individual should normally not be changed during the elected Society's term of office. The National Societies of which the President or the Vice-Presidents are members must not be proposed for candidature to the Governing Board.

Rotation

6. Any National Society elected for the purpose of appointing a Vice-President or a National Society member of the Governing Board and having served two consecutive four-year terms in either capacity or combinations thereof is not eligible to stand again for election until a further four-year term has elapsed.

*Chair and
members of
the Finance
Commission,
Youth
Commission,
and
Compliance
and Mediation
Committee*

7. The General Assembly shall appoint the Chair and members of the Finance Commission, Youth Commission and Compliance and Mediation Committee. Any person who has served two consecutive four-year terms as Chair or as member of any of these bodies shall not be eligible to stand again for election as Chair or as member of such body until a further four-year term has elapsed.

*Election
committee*

8. The General Assembly shall, on the proposal of the Governing Board, appoint the Chair of the Election Committee and four members, one from each of the four statutory regions.

SECTION VI: FINANCE OF THE INTERNATIONAL FEDERATION

ARTICLE 34

Finances and Property

Civil liability

1. The International Federation shall be solely responsible, to the exclusion of the National Societies, for all its transactions and commitments.

Resources

2. The regular resources of the International Federation shall consist of contributions from National Societies and income derived from investments.

- | | |
|---|--|
| 3. Within the limits laid down by its general object and functions the International Federation shall acquire, own, dispose of and administer any property. It may accept unrestricted contributions and assistance in any form from National Societies, individuals, governments and other public or private bodies. | <i>Properties and unrestricted resources</i> |
| 4. The International Federation may accept as an agent or trustee funds or property earmarked for particular use provided that such use is within the general scope of its activities, general object and functions. It may accept any conveyance of real estate for its use or benefit. | <i>Earmarked resources and real estate</i> |
| 5. The International Federation may constitute and manage any reserves or other funds for its staff or for any of its activities. | <i>Reserves</i> |

ARTICLE 35

Financial contributions

- | | |
|---|---|
| 1. The financial year shall run from 1 January to 31 December. | <i>Financial year</i> |
| 2. Each National Society shall pay an annual contribution to the International Federation in accordance with the scale of contributions established by the Finance Commission and approved by the General Assembly and within such time-limit as may be prescribed by the General Assembly. | <i>Statutory contributions</i> |
| 3. Any National Society which contests the annual contribution approved by the General Assembly shall have the right to appeal immediately to the Finance Commission. However, such an appeal shall not invalidate the obligation of paying the uncontested part of the annual contribution within the time-limit fixed by the General Assembly. | <i>Appeals</i> |
| 4. Any National Society unable, for any reason whatsoever, to pay its contribution may refer this matter to the Finance Commission in order to obtain appropriate arrangements enabling the National Society to pay it in conformity with the conditions fixed by the Finance Commission. However, such an appeal shall not invalidate the obligation of paying the contribution. | <i>Arrangements for payment of the contribution</i> |
| 5. If a National Society does not pay the amount in accordance with paragraphs 3 or 4 of the present Article, the Finance Commission shall report the matter to the Governing Board. | <i>Declaration in default</i> |

The Governing Board shall receive the recommendation of the Finance Commission and shall decide whether to declare the Society in default or not.

*Consequences
of the declara-
tion in default*

6. Any National Society which has been declared in default shall not be eligible for election or re-election to any body of the International Federation and, if so decided by the Governing Board, shall lose its right to vote.

*Financial
obligations*

7. Any National Society which has withdrawn, which has been suspended or which has been declared in default shall remain liable for payment of its contribution for the financial year during which any of the foregoing steps were taken, of any arrears of previous years and of any other debt to the International Federation.

ARTICLE 36

Budget

*Preparation of
budget and
financial
statements*

1. The Secretary General shall draw up the budget of the International Federation in consultation with the Chair of the Finance Commission. The Secretary General shall also prepare a report on the accounts relating to the preceding financial year and submit these documents to the Governing Board for study and to the General Assembly for approval.

*Approval of
budget and
financial
statements*

2. The General Assembly shall examine and approve every two years:
 - a) the financial statements and reports covering the previous two financial years;
 - b) the budget for the next two financial years presented by the Secretary General and recommended by the Governing Board.
3. The Governing Board shall examine every year the annual report of the previous financial year, presented by the Secretary General.
4. In those years in which the General Assembly does not meet the Governing Board shall review the budget for the following year, and, if exceptional circumstances exist, adjust that budget in the light of those circumstances.

*Financial
measures*

5. Subject to the provisions of Articles 17, paragraph 3, and 23, paragraph 3, the General Assembly, or failing it the Governing Board, may decide on any financial measures which may appear advisable, and shall take into consideration such recommendations as may be made by the Secretary General or the Chair of the Finance Commission.

6. The Secretary General who is responsible for the administration of the approved budget shall:
 - a) implement the budget as adopted, ensuring the payment of contributions and, depending on the needs, defraying the expenses authorised;
 - b) receive and hold all funds paid to the International Federation for whatever purpose, be accountable for these funds to the General Assembly and the Governing Board, and dispose of them in accordance with the budget adopted; and
 - c) decide on the handling and investment of the available funds after consultation with the Chair of the Finance Commission.

*Administration
and execution
of the budget*

ARTICLE 37

Audit

1. At the close of each financial year, the accounts of that year:
 - a) shall be made the subject of a report prepared by the Secretary General; and
 - b) shall be audited and reported upon by a firm of internationally recognised independent auditors to be designated by the General Assembly on the recommendation of the Governing Board.
2. These reports shall refer to the budget and accounts of the International Federation and shall also cover the use of funds entrusted to the International Federation in the capacity of agent or trustee.

SECTION VII: CO-OPERATION

ARTICLE 38

Regional Conferences

1. A Regional Conference is a meeting of the National Societies of a statutory region as defined in the Rules of Procedure with the purpose of:
 - promoting co-operation, networking and partnerships amongst the National Societies of the regions;

Definition

- identifying common humanitarian concerns and issues;
 - striving to achieve common strategies of implementation with regard to decisions of the General Assembly, the Council of Delegates and the International Conference;
 - making proposals to the Governing Board on matters related to the General Assembly and the Statutory Bodies of the Movement.
- Timing* 2. In principle a Regional Conference shall be held in each statutory region once every four years.
- Reports from the Secretary General* 3. The Secretary General shall provide a report for the approval of the Governing Board on the agenda and the administrative, technical, financial and other implications of forthcoming Regional Conferences. He/she shall also present a report on the results of any Regional Conference held.
- Secretariat assistance* 4. The Secretary General shall assist the host National Society in organising and holding a Regional Conference.
- Applicable rules* 5. A Regional Conference shall be held in conformity with the Constitution and the Rules of Procedure.

ARTICLE 39

Co-operation with the ICRC

The International Federation shall maintain close contact with the ICRC. It shall co-operate with the latter in matters of common concern in accordance with the Statutes of the Movement and the agreements concluded between the International Federation and the ICRC.

ARTICLE 40

Co-operation with other international organisations

The International Federation shall co-operate within the terms of the Constitution with international, intergovernmental and non-governmental organisations, as it deems appropriate.

ARTICLE 41

Observers

The Governing Board and, if it is not in session, the President may, after consultation with the members of the Governing Board and in conformity with the Rules of Procedure, invite observers to participate in sessions of the General Assembly.

SECTION VIII: FINAL PROVISIONS

ARTICLE 42

Regulations

1. The General Assembly shall enact by a simple majority all regulations relating to procedure and other matters as may be necessary for the implementation of the Constitution as well as for the accomplishment of the tasks of the International Federation.
2. Within the framework of the Constitution and of the Rules of Procedure in force, and subject to the approval of the General Assembly, the Governing Board and other bodies of the International Federation may also draw up such regulations as are necessary for the accomplishment of their respective tasks.
3. The General Assembly may, in a manner consistent with the Constitution, at any time amend such regulations by a simple majority.

ARTICLE 43

Special Provisions

1. When, for any reason beyond its control, the General Assembly is prevented from meeting and thereby from electing the President, the National Societies to appoint the Vice-Presidents or, the National Societies members of the Governing Board, or from appointing the Chairs and members of the constitutional bodies, those serving at that time shall be authorised to continue to perform their function until the end of the next session of the General Assembly.
2. When, for any reason beyond its control, the Governing Board is prevented from meeting, and decisions are indispensable or desirable, and if the Secretary General, is prevented from consulting the President or Vice-Presidents at the time when the session should have been held, the Secretary General shall take such steps as may be necessary to secure a decision by consulting the other members of the Governing Board by the most rapid means available. In this event, the Secretary General shall put each question in one and the same form to all the members of the Governing Board, and in such a manner that each question can be answered by a simple “yes” or “no”.

Decisions shall then be taken by a simple majority of the replies received and shall be valid if the number of such replies attains the quorum provided for in Article 24, paragraph 2. Such decisions shall come into force at the expiry of a period of twenty-one days from the date of dispatch of the last communication.

The same procedure may be applied at any time for any important and urgent question for which a decision of the Governing Board is required and which cannot be postponed until the forthcoming regular meeting of the Governing Board.

3. When circumstances no longer make it possible to obtain the decisions mentioned in paragraph 2 of the present Article, the Secretary General shall, in exceptional cases, and in order that the work of the International Federation may be carried on, take decisions on all matters that are normally within the competence of the Governing Board. Before taking such decisions, the Secretary General shall consult, insofar as it is possible, the President, the Vice-Presidents and any members of the Governing Board who remain accessible and shall keep them informed of the action taken.
4. As soon as circumstances permit, the Secretary General shall take steps to enable the President to convene the Governing Board. When the Governing Board meets, the Secretary General shall submit to it a report on all measures he/she has taken since the last ordinary session of the Governing Board. At the same session, the Governing Board shall consider, if the question arises, the convocation of the General Assembly, in particular for the purpose of holding elections.

ARTICLE 44

Dissolution

Decisions on the dissolution of the International Federation can be taken only by the General Assembly with a quorum of sixty-five percent and a qualified majority of seventy-five percent of the National Societies present and voting. In this case, the net assets of the International Federation, after settlement of the debts, will be transferred to a body with legal capacity set up by the Governing Board with the purpose of endowing the capital of the International Federation if reconstituted within a year from the effective date of its dissolution, or of distributing the assets to any body or organisation the objects of which are as close as possible to those of the International Federation.

ARTICLE 45

Interpretation of Texts

Any question or disagreement concerning the interpretation or application of the Constitution which for any reason is not settled by the General Assembly shall be referred to the Governing Board and then submitted again to the General Assembly for its final decision.

ARTICLE 46

Amendments to the Constitution

1. The provisions of the Constitution can be amended only by the General Assembly with a quorum of sixty-five percent and a qualified majority of seventy-five percent of the National Societies present and voting.
2. Proposals to amend the Constitution may be put to the vote only when submitted by a National Society supported by at least five National Societies, or by the Governing Board.

ARTICLE 47

Entry into force

Subject to Article 48 this Constitution shall come into force at the end of the 16th session of the General Assembly, 23 November 2007, at which time the former Constitution shall stand repealed.

ARTICLE 48

Transitional Provisions

1. The mandate of the Chair and members of the Finance Commission shall be prolonged by two years until the General Assembly 2011. These additional two years shall not be counted against the maximum of two consecutive terms of office. If however the Chair or a member resigns prior to the General Assembly 2011 the General Assembly shall fill any such vacancy during such time in accordance with the provisions of the Constitution and Rules of Procedure then in force. This appointment shall not count against the maximum term of two consecutive terms of office.
2. Notwithstanding Article 31, the Governing Board shall appoint at its first ordinary session after the General Assembly 2007 the Chair and members the Compliance and Mediation Committee for a term of office lasting until the General Assembly 2011.

*Finance
Commission*

*Compliance
and Mediation
Committee*

*Election
Committee*

Notwithstanding Article 32, the Governing Board shall appoint at its first ordinary session after the General Assembly 2007 the Chair and members of the Election Committee for a term of office lasting until the General Assembly 2011.

*Youth
Commission*

The Youth Commission set up by the General Assembly pursuant to Rule 36 of the Rules of Procedure in force prior to the adoption of this Constitution shall be regarded as the Youth Commission set out in Article 30 as a Constitutional Body. The Chair and members appointed by the General Assembly 2007 shall be appointed for a term of office of four years.

The Chair of the Youth Commission at the time of the entry into force of this Constitution shall become a Board member as set out in Article 22.

VI

RULES OF PROCEDURE OF THE INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES

*Revised and adopted by the VIth Session of the General Assembly,
Rio de Janeiro (Brazil), November 1987*

*Amended by the VIIIth Session of the General Assembly,
Budapest (Hungary), November 1991, and*

*by the IXth Session of the General Assembly,
Birmingham (UK), October 1993,*

*by the Xth Session of the General Assembly,
Geneva (Switzerland), November 1995*

*Revised and adopted by the 12th Session of the General Assembly,
Geneva (Switzerland), October 1999.*

*Revised and adopted by the 16th Session of the General Assembly,
Geneva (Switzerland), November 2007*

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VI

RULES OF PROCEDURE OF THE INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES

SECTION I: GENERAL PROVISIONS

RULE 1

Object, definition, official name

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| <i>Object</i> | 1.1 | The general object of these Rules of Procedure (the “Rules”) is to ensure the implementation of the Constitution of the International Federation of Red Cross and Red Crescent Societies (the “Constitution”). |
| <i>Definition</i> | 1.2 | These Rules shall regulate the work of all bodies of the International Federation of Red Cross and Red Crescent Societies (the “International Federation”), established either by the Constitution or by a statutory body of the International Federation. |
| <i>Official name</i> | 1.3 | The official name of the International Federation shall be the “International Federation of Red Cross and Red Crescent Societies”, and shall be used in all documents having legal consequences. In letterheads and publications the International Federation logo as described in the annex shall be used. |

SECTION II: ADMISSION AND MEMBERSHIP OF NATIONAL SOCIETIES

RULE 2

Admission

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| <i>Application
for admission</i> | 2.1 | National Red Cross and Red Crescent Societies wishing to join the International Federation must send their application to the President of the International Federation (the “President”). |
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2.2 The following documents shall be attached to the application:

*Presentation
of documents*

- a) the statutes of the applicant National Society;
- b) an account of the applicant National Society's activities during the two years preceding the application;
- c) written evidence of the circumstances which brought about the formal recognition of the applicant National Society by the government of its country;
- d) a written statement in which the applicant National Society acknowledges having reviewed the Constitution and agrees to respect its provisions;
- e) a written statement in which the applicant National Society commits itself to pay its financial contribution to the International Federation in accordance with Article 35, paragraph 2 of the Constitution.

2.3 The Secretary General of the International Federation (the "Secretary General") shall, after due consideration of the recommendation of the Joint ICRC / International Federation Commission for National Society Statutes ("Joint Statutes Commission")¹, examine the application as well as the documents annexed thereto, in order to determine whether the conditions for recognition and admission are satisfied.

*Examination
of documents*

If the documents annexed are in accordance with the conditions for admission as provided for by the Constitution and these Rules, the Secretary General shall submit a report, together with the comments of the Joint Statutes Commission, to the Governing Board, which shall decide upon the provisional admission of the National Society at its next session.

If, however, the documents annexed are not in accordance with the conditions for admission as provided for by the Constitution and these Rules, the Secretary General shall, after such further consultation with the applicant National Society as may be necessary, submit to the Governing Board a report containing his/her comments.

¹ The Joint ICRC/International Federation Commission for National Society Statutes was set up by the ICRC and the International Federation following the agreement between the two institutions of 1969 in order to jointly examine the applications for recognition and admission of National Societies and to study the Statutes of National Societies. The XXIInd International Conference of the Red Cross (Teheran, 1973, res. VI) and the XXIVth International Conference (Manila, 1981, res. XX) have confirmed their request to both institutions in regard of the joint examination of applications for recognition and admission and the Statutes of National Societies, and in particular the role of their Joint Commission in this respect.

Provisional admission 2.4 Once the Governing Board has admitted a National Society on a provisional basis, it shall present the application to the General Assembly at its first session following the decision of the Governing Board on the matter.

Final admission 2.5 A National Society shall become a member of the International Federation as soon as the General Assembly has approved its admission.

RULE 3

Compliance and Mediation

Compliance and Mediation Committee 3.1 The first objective of the Compliance and Mediation Committee (Article 31 of the Constitution) shall be to seek resolution of any potential breaches of integrity or of any disagreement submitted to it, as expeditiously as possible and with full respect for due process. The Secretary General shall support the Committee in its work, in particular by making relevant information available.

The Committee shall meet at least once a year. It shall otherwise agree its own working procedures, in consultation with the Governing Board. Such procedures shall include agreement upon the preparation and scope of the records of its meetings. The work and reports of the Committee and its Panels shall be kept confidential.

Composition 3.2 In conformity with Articles 31, paragraph 2 and 33, paragraph 7 of the Constitution the Chair and members of the Committee shall be appointed by the General Assembly, in a personal capacity, on the nomination of the Election Committee.

An individual serving in an official position of the International Federation, whether through appointment by a National Society or in an individual capacity, shall not be eligible to serve as a member of the Committee.

If the Chair or a member resigns before completion of his/her full term, the Governing Board may, on the proposal of the Election Committee, appoint an interim Chair or member to serve until the next session of the General Assembly.

Preliminary review and substantiation 3.3 On receipt from a National Society or a statutory body of the International Federation of an allegation of a breach of integrity by a National Society or statutory body, the Chair shall inform the National Society or statutory body against which the allegations were made, and the President and (where applicable) the Vice-President of the relevant

geographical region. The Chair, together with two other members of the Committee, shall review the information received and determine whether the allegation is substantiated by sufficient evidence to merit an inquiry.

If the Chair and the two other members determine that the allegations are inadequately substantiated, no inquiry shall be made. The Chair shall communicate this outcome, with reasons, to the National Society or statutory body that submitted the allegations; to the National Society or statutory body against which the allegations were made; and to the President and (where applicable) the Vice-President of the relevant geographical region. The Governing Board may, on appeal by the submitting National Society or statutory body, or by its own decision, request the Chair to form a Panel to conduct a neutral inquiry into the allegations.

If the Chair and the two other members determine that the allegations are adequately substantiated, the Chair may consult informally with the National Society or statutory body in order to endeavour to resolve the matter.

- 3.4 If allegations of a breach of integrity are determined to have been adequately substantiated but cannot be resolved informally, the Chair shall form a Panel composed of a minimum of three and a maximum of five members of the Committee to conduct a neutral inquiry into the allegations. One of the members shall be appointed as rapporteur.

*Compliance
and
Mediation
Panel*

The Panel shall notify the National Society or statutory body in writing of the details of the allegations made, and shall request a written response.

On receipt of a written response from the National Society or statutory body, the Panel may, if it deems necessary, collect additional information in connection with the allegations or request the Secretary General to provide expertise or to seek external expertise. The scope of any such activities must stay within the approved budget. Any new information collected by the Panel must be provided to the National Society or statutory body in writing, with an opportunity given to respond.

On conclusion of its consideration of the allegations, the Panel shall issue to the National Society or statutory body, with a copy to the Chair, a final report including its recommendations for the resolution of any breach of integrity that could not be resolved during the course of the Panel's work.

*Action by the
Governing
Board*

- 3.5 If the Panel’s recommendations require any action by the Governing Board, as outlined in Article 23, paragraph 1 (n) of the Constitution, or by the General Assembly, as outlined in Article 17, paragraph 1 (b) of the Constitution, the Panel shall submit a report to the Governing Board, including a summary of its findings, measures taken to resolve the matter and recommendations for any further action to be taken.

The President shall immediately inform the National Society or statutory body concerned, and shall invite it for a hearing at a closed session of the Governing Board, at which the Governing Board shall discuss and/or decide the case.

RULE 4

Suspension and re-instatement of a National Society

*Hearing and
consideration*

- 4.1 If on receipt of a report from the panel it appears to the Governing Board that the situation of a National Society may have fallen into one of the cases provided for in Article 12, paragraph 2 (“Suspension”) or Article 13, paragraph 1 (“Expulsion”) of the Constitution, the Governing Board shall send a written notice to the National Society identifying the possible fault and requesting it to submit its response for consideration by the Governing Board at its next session.

The National Society shall have the right to be heard at the Governing Board, in a closed session.

*First written
warning*

- 4.2 If the Governing Board determines, after due consideration of the National Society’s response, that the National Society has fallen into one of the cases provided for in Article 12, paragraph 2 or Article 13 paragraph 1 of the Constitution, the Governing Board may issue a written warning to the National Society.

Suspension

- 4.3 If the Governing Board, at its next session following issuance of a written warning, determines that the National Society has not resolved the issue, it may - once having allowed the National Society a second opportunity to be heard, and after due consideration of the matter in closed session - suspend the membership of the National Society, and/or recommend to the General Assembly the expulsion of the National Society.

Any decision to suspend the membership or recommend the expulsion of a National Society must be supported by a report of the Governing Board, including all information and copies

of all documentation considered by the Governing Board in reaching its decision.

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| 4.4 | A National Society may appeal against the decision in favour of its suspension to the General Assembly. The suspension shall remain valid, however, unless and until overturned by the General Assembly. On receipt of an appeal from a National Society, the General Assembly shall review in closed session the Governing Board's report, together with any additional information presented to it by the National Society, and shall give the National Society an opportunity to be heard. | <i>Appeal</i> |
| 4.5 | <p>The Governing Board may re-instate the National Society after:</p> <ul style="list-style-type: none"> – determining that the National Society has resolved the issue for which its membership was suspended, – assessing that these difficulties are unlikely to be repeated in the foreseeable future, and – receiving from the National Society an assurance that these difficulties will not be repeated. | <i>Re-instatement</i> |

RULE 5

Expulsion and re-admission

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| 5.1 | The Governing Board may recommend to the General Assembly the expulsion of a National Society only after having taken all the steps set out in Rule 4.1–3. Such recommendation shall be made by submission of a report including all information and copies of all documentation on which the recommendation is based, and detailing the steps taken to date. | <i>Expulsion</i> |
| 5.2 | On receipt from the Governing Board of a recommendation for the expulsion of a National Society by the General Assembly, the Secretary General shall send a written notice to that National Society of the recommendation and its justification, inviting the National Society to submit its response for consideration by the General Assembly at its next session. | <i>Hearing and consideration</i> |
| 5.3 | After due consideration of the matter in closed session, and after allowing the National Society an opportunity to be heard at the General Assembly, the General Assembly may expel the National Society. | <i>Expulsion</i> |
| 5.4 | In conformity with Article 13, paragraph 5 of the Constitution, the National Society expelled may apply for re- | <i>Re-admission</i> |

admission. The General Assembly may admit the National Society, following the procedure laid down in Article 7 of the Constitution, after:

- determining that the National Society has resolved the issue for which its membership was terminated,
- assessing that these difficulties are unlikely to be repeated in the foreseeable future, and
- receiving from the National Society an assurance that these difficulties will not be repeated.

SECTION III: GENERAL ASSEMBLY

RULE 6

Ordinary sessions

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|-----------------------------------|--|
| <i>Place and date of sessions</i> | <p>6.1 The opening date and the duration of all sessions of the General Assembly shall be fixed by the Governing Board if the General Assembly has not itself already decided on these matters. The General Assembly shall meet in ordinary session once every two years, as close as possible to the twenty-fourth month since the previous ordinary session.</p> <p>6.2 If, as an exception to Article 18, paragraph 1 of the Constitution, an invitation is received from a National Society for the General Assembly to meet elsewhere than at the headquarters of the International Federation the decision to accept the invitation shall be made by the General Assembly if it is in session.</p> <p>6.3 Such an invitation may only be accepted by the General Assembly subject to the provision by the inviting National Society to the Secretary General of the following assurances in writing:</p> <ul style="list-style-type: none"> a) an assurance from its government that all National Societies will be allowed to send delegations to take part in the session; b) an assurance that all practical arrangements for an effective General Assembly can be fulfilled; c) an assurance that all additional costs over and above those normally incurred by sessions held at the headquarters of the International Federation will be met. |
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6.4 In the application of Article 18, paragraph 3 of the Constitution the following circumstances shall, in particular, be regarded as exceptional:

Exceptional circumstances

- a) if a session of the General Assembly cannot be arranged by the inviting National Society because it is no longer able to assure the right of all National Societies to attend the session;
- b) if the country to which the inviting National Society belongs becomes involved in a conflict of whatever kind, including internal disorders, on a scale or of such a nature as would render the holding of the session impossible or inappropriate;
- c) if the country of the inviting National Society is affected by a natural disaster on a scale or of such a nature as would render the holding of the session impossible or inappropriate;
- d) if the inviting National Society is suddenly confronted with financial difficulties.

Before decisions are taken in compliance with Article 18, paragraph 3 of the Constitution, the inviting National Society will be given an opportunity to request a meeting with the Governing Board.

RULE 7

Convocation

The General Assembly shall be convoked by the President at the place and on the date determined in accordance with Rule 6. At least five months before the opening of the session the Secretary General shall dispatch to all National Societies, by registered mail or by any other means that provide evidence of transmission, the notice of convocation, the provisional agenda drawn up by the Governing Board and relevant practical information.

RULE 8

Agenda and papers for the session

8.1 The provisional agenda for an ordinary session shall among other items comprise:

Contents of the provisional agenda

- Roll call
- Adoption of the agenda
- Admission, suspension, expulsion or re-admission of National Societies

- Appointment of the drafting committee
- Approval of the records of the preceding session
- Statement by the President
- Report by the Secretary General
- Report by the Governing Board
- Reports by the Finance Commission, Youth Commission, Compliance and Mediation Committee and Election Committee
- Financial reports by the Secretary General for the preceding two financial years
- Budgetary proposals by the Secretary General for the ensuing two financial years
- Reports by advisory bodies established by the Assembly
- Items decided by the General Assembly at a previous session
- Items proposed by the Governing Board
- Elections and appointments.

*Provisional
agenda and
observations*

8.2 A first draft of the provisional agenda shall be sent out to all National Societies for informal consultation, giving sufficient notice for any National Society to present observations, amendments or additions to this provisional agenda. These must reach the Secretary General at least twenty days before the penultimate ordinary session of the Governing Board preceding the General Assembly. The Governing Board shall examine these observations, amendments or additions at its penultimate ordinary session and decide on the provisional agenda to be submitted with the convocation, together with a request for further comments to reach the Secretary General no later than twenty days before the ordinary session of the Governing Board immediately preceding the General Assembly. At that session the final draft agenda will be established for adoption at the first meeting of the General Assembly.

8.3 The Secretary General shall be responsible for the preparation of the documents, or for collecting them from National Societies or other appropriate bodies, as the case may be. All available documents shall be dispatched forty days before the opening of the session. A second despatch may be arranged not later than fourteen days after the last ordinary Governing Board meeting preceding the General Assembly.

Final agenda

8.4 The final agenda shall be adopted by decision of the General Assembly. Only items which the General Assembly considers to be urgent and important may be added to the agenda during the session.

RULE 9

Extraordinary sessions

Rules 7 and 8 shall also be applied, with due alteration of details, to extraordinary sessions of the General Assembly, with the following modifications:

Extra-ordinary sessions

- a) if the General Assembly is convoked in accordance with Article 18, paragraph 5 of the Constitution, the President shall fix the place and date;
- b) if the session is convoked on the initiative of National Societies, the date and place shall be fixed by the President in consultation with the Secretary General, and shall be held between the twenty-first and the fortieth day following the receipt at the headquarters of the International Federation of the request for convocation;
- c) the provisional agenda shall be dispatched to National Societies without delay.

RULE 10

Delegations of National Societies

- 10.1 Each National Society shall be represented by a delegation of not more than five persons.

Delegations

The names of the members of each delegation and the appointment of one of them as chief of delegation shall be communicated to the Secretary General at least fifteen days before the opening of the session. If a National Society changes the composition of its delegation during a session of the General Assembly, it shall notify the Secretary General immediately.

- 10.2 In cases of serious doubt the Secretary General may ask individuals registered as delegates to provide evidence of their legitimacy to represent their National Society. Should such evidence not be considered satisfactory those individuals may be denied access to the General Assembly by its Chair.
- 10.3 No member of a National Society delegation to the General Assembly acting as chair of a session or of a meeting of the General Assembly may represent his/her National Society.
- 10.4 The alphabetical order of National Societies shall be the alphabetical order of the French names of the countries to which they belong.

Accreditation

RULE 11

Observers

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| <i>Observers</i> | 11.1 In accordance with Article 41 of the Constitution, the observers to be invited to participate in the ordinary sessions of the General Assembly are, among others: <ul style="list-style-type: none"> a) the International Committee of the Red Cross; b) other international organisations; c) governmental or non-governmental organisations; d) National Societies pending recognition and admission, on condition that they are conducting their activities in conformity with the Fundamental Principles. |
| <i>Statements by observers</i> | 11.2 At the invitation of the Chair of a session of the General Assembly, observers may make statements on matters of special interest to their organisations. |
| <i>Access to documents</i> | 11.3 Observers shall have access to such documents of the General Assembly as the Secretary General considers appropriate. Observers may submit documents to the Secretary General, who shall determine in what form and to what extent these may be distributed during the session. |
| <i>Guests</i> | 11.4 The President may, with the agreement of the Governing Board, issue invitations to guests for an ordinary session or part of an ordinary session of the General Assembly. |

RULE 12

Chairmanship

- 12.1 The General Assembly shall be chaired by the President of the International Federation.
- 12.2 The President may delegate the chairmanship of a meeting or a session of the General Assembly to a Vice-President.

RULE 13

Opening and conduct of business

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| <i>Opening of session
Quorum</i> | 13.1 The Chair may declare open a session of the General Assembly and allow deliberations to proceed only when there is a quorum present in accordance with Article 19 of the Constitution. |
| | 13.2 The Chair shall preside over all debates. In addition to the powers conferred upon him/her elsewhere in these Rules, he/she shall declare the opening and closing of each plenary |

meeting of the session, ensure observance of these Rules, put questions and issues to the vote and announce the results.

RULE 14

Depositing of texts

- 14.1 Proposals for draft decisions to be submitted to the General Assembly shall be deposited with the Secretary General before each meeting in sufficient time for translation, printing and distribution.
- 14.2 As a general rule, proposals and amendments may only be discussed and voted upon when the delegates have been in a position to take note of their exact text. A proposal submitted during the course of a meeting may only be discussed at that meeting with the permission of the General Assembly.
- 14.3 As a general rule, reports submitted to the General Assembly in writing shall not be read out.

RULE 15

Languages

- 15.1 The six official languages of the General Assembly shall be Arabic, Chinese, English, French, Russian and Spanish. These six languages may be used in debates without the prior permission of the Chair. Any delegate using one of the official languages which is not at the same time a working language (i.e. Chinese or Russian) shall provide for its interpretation into one of the working languages. *Official languages*
- 15.2 The working languages of the General Assembly shall be those in which simultaneous interpretation is provided and shall be the only languages in which documents relating exclusively to items on the agenda will be prepared. The working languages of the General Assembly shall be Arabic, English, French and Spanish. *Working languages*
- 15.3 Any delegate wishing to speak in a language which is not a working language shall provide for its interpretation into one of the working languages. If the language in which he/she wishes to speak is not an official language, he/she shall obtain the permission of the Chair to use it. *Other languages*
- 15.4 If the National Society hosting the Assembly wishes to have any other language recognised as a working language it shall cover all costs involved.

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| <i>Simultaneous interpretation and translation</i> | 15.5 Simultaneous interpretation and translation into the working languages shall be the responsibility of the Secretariat if the session takes place in Geneva. If the session takes place elsewhere on the invitation of a National Society, the host National Society shall have that responsibility in accordance with Rule 6.3. |
| <i>Documents</i> | 15.6 All documents shall be submitted to the General Assembly in one of the working languages. |

RULE 16**Debates**

- 16.1 A representative of a National Society may only take the floor after having obtained the permission of the Chair.
- 16.2 National Societies shall be called upon in the order in which they have signified their interest to speak. Priority shall be given to the chair or rapporteur of a constitutional or advisory body, or to the delegate responsible for the respective report, proposal or amendment under discussion.
- 16.3 Expressions of congratulations and/or thanks may be given in the form of a single vote of thanks. Speakers shall limit their intervention to the subject under discussion.
- 16.4 The Chair may call a speaker to order if his/her remarks are not relevant to the subject under discussion or not compatible with the Fundamental Principles. If necessary, the Chair may withdraw permission to speak.
- 16.5 The duration of any one intervention by a delegation on the same item shall not exceed ten minutes, but may be extended or shortened on the proposal of the Chair or of one of the delegations and by decision of the General Assembly.
- 16.6 The Secretary General or his/her representative shall have the right to request the floor at any time to make statements in the General Assembly on any matter under discussion.

RULE 17**Proposals, motions and amendments**

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| <i>Order</i> | 17.1 Proposals, motions and amendments shall be discussed in the order in which they are presented, unless the Chair decides otherwise. |
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| 17.2 | If, during a discussion, a delegation raises a point of order the discussion shall be suspended and the point of order immediately decided by the Chair. A delegate raising a point of order may not speak on the substance of the matter under discussion. | <i>Point of order</i> |
| 17.3 | Motions to adjourn or to close the debate shall have priority over all other motions. Unless the Chair decides otherwise, only one delegate may speak for, and one against (a) a motion to adjourn or to close a debate or (b) a point of order. | <i>Motions to adjourn or close</i> |
| 17.4 | Discussion upon each question shall be closed when there are no further speakers or when a motion of closure proposed by a delegation and supported by four other delegations has been adopted by the General Assembly. | |
| 17.5 | A delegation may appeal against the ruling of the Chair. The appeal shall immediately be put to the vote, and the Chair's ruling shall stand unless over-ruled by a simple majority of the National Societies present and voting. | <i>Appeal</i> |
| 17.6 | During the course of a debate, the Chair may announce the list of speakers and, with the consent of the General Assembly, declare the list closed. He/she may, however, accord the right of reply to any member concerned by a previous intervention. | <i>Closing of the list of speakers</i> |

RULE 18

Voting rights

- 18.1 The chief of delegation of each National Society, or his/her substitute, shall exercise the vote of that National Society.
- 18.2 No National Society may vote on behalf of another National Society.
- 18.3 The Chair of the General Assembly shall have no vote in the General Assembly.
- 18.4 Observers and guests shall not have the right to vote.

RULE 19

Voting procedures

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| 19.1 | As a general rule, votes shall be taken by a show of hands. | <i>General rule</i> |
| 19.2 | The vote shall be taken by roll call if five delegations so request. In this event, the delegations shall be called in | <i>Roll call</i> |

- alphabetical order. The name of the National Society which shall vote first shall be chosen by the drawing of lots.
- Secret ballot* 19.3 The vote shall be taken by secret ballot if a simple majority of the National Societies present and voting so decides. In this event, the Secretary General shall have ballot papers distributed. Before the vote, the Chair shall appoint, from among the delegates of National Societies present, two tellers who, with the assistance of the Secretary General or his/her representative, and after all the ballots have been collected, shall proceed to a count of the votes.
- Interruption of voting* 19.4 After the Chair has announced the beginning of voting, no delegate shall interrupt the voting except on a point of order in connection with the actual conduct of the voting.
- Voting on proposals* 19.5 If two or more proposals relate to the same question, the General Assembly shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The General Assembly may, after each vote on a proposal, decide whether to vote on the next proposal.
- Voting on amendments* 19.6 When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the General Assembly shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal.
- Priority of motion* 19.7 Subject to Rule 17, the following motions shall have precedence, in the order set out below, over all other proposals or motions:
- a) to suspend the meeting;
 - b) to adjourn the meeting;
 - c) to adjourn the debate on the item under discussion;
 - d) to close the debate on the item under discussion.

RULE 20

Definition of majorities

- Simple majority* 20.1 A simple majority consists of any majority obtaining the largest number of votes of members present and voting.

- 20.2 An absolute majority consists of more than fifty per cent of National Societies present and voting.

*Absolute
majority*

RULE 21

Decisions

- 21.1 Decisions shall be taken in accordance with Article 20 of the Constitution and the results of all votes shall be announced by the Chair and indicated in the records. Amendments to proposals relating to matters for which a qualified majority has been provided require the same majority as the one required for the adoption of the original proposals.
- 21.2 Decisions for consideration by the General Assembly shall be put in writing in all working languages by a drafting committee appointed by the General Assembly for that purpose.

RULE 22

Reconsideration of decisions

Permission to speak to a motion to reconsider shall be accorded only to the proposer of the said motion and to two speakers opposed to such a motion when supported by five delegations. Thereafter the motion shall be put to the vote after any reply from its proposer.

RULE 23

Records

- 23.1 The Secretary General shall retain the recorded tapes of the meetings of the General Assembly. The record of the session shall include a summary of the discussions of the General Assembly, the text of the decisions taken by the General Assembly and the list of delegates. The record of the session shall also include the reports from the constitutional and advisory bodies, as annexes.
- 23.2 The record of the session shall be distributed to National Societies within six months following the close of the session of the General Assembly.

*General
Assembly*

SECTION IV: ELECTIONS

RULE 24

Election Committee

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| <i>Appointment</i> | 24.1 | In accordance with Articles 28 and 32 of the Constitution, an Election Committee shall be appointed by the General Assembly, on the proposal of the Governing Board. |
| <i>Composition</i> | 24.2 | The Committee shall consist of one member of each of four geographical regions (Africa, the Americas, Asia, Europe) and a Chair. When a member vacates office before completion of his/her full term for any reason (including possible conflict of interest) the Governing Board may appoint an interim member to hold office until the next session of the General Assembly. |
| <i>Functions</i> | 24.3 | <p>The Committee's tasks are set out in Article 32, paragraph 2 of the Constitution. When carrying out these tasks the Committee shall:</p> <ul style="list-style-type: none"> (i) ensure that, by means of the development of campaigning standards, equal opportunities for consideration of all candidates are guaranteed; (ii) draw up objective criteria, such as education and professional Red Cross and Red Crescent experience for the different posts approved by the Governing Board. (iii) receive all applications for the posts of President, Vice-Presidents and members of the Governing Board (individuals and National Societies), and inform the National Societies about the process. (iv) establish an election timetable and receive all the applications of candidates for the Finance Commission, Youth Commission and Compliance and Mediation Committee, and submit a list of candidates for appointment by the General Assembly. (v) ensure that members proposed for constitutional bodies reflect the agreed criteria as set out in the Rules of Procedure and that the principles regarding a fair geographical distribution and gender are followed; (vi) arrange secret ballots for the election of the President, of the National Societies entitled to appoint a Vice-President, and of the National Societies seeking to be members of the Governing Board. The Committee shall be provided with a special location where each delegation may record its vote by |

secret ballot while the General Assembly continues its deliberations. No member of the Committee may be a candidate in these elections.

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| 24.4 | Each member of the Committee shall sign a code of conduct regarding possible conflicts of interest, to be agreed by the Governing Board. | <i>Code of conduct</i> |
| 24.5 | The Committee shall meet at least once a year. It shall otherwise agree its own working procedures, in consultation with the Governing Board. Such procedures shall include agreement upon the preparation and scope of the records of its meetings. | <i>Ways of working</i> |

RULE 25

Fair geographical distribution

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| 25.1 | Before the elections referred to in Rule 24.3 (iv) the Secretary General, in consultation with the Governing Board and with the National Societies concerned, shall group those National Societies into the four geographical regions listed in Rule 24.2. |
| 25.2 | The General Assembly shall elect from each geographical region one National Society to appoint a Vice-President and five National Societies members of the Governing Board. |

RULE 26

Submission and presentation of nominations

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|------|--|------------------------------|
| 26.1 | Nominations of persons for election to the office of President, of National Societies for the purpose of appointing Vice-Presidents, and of National Societies members of the Governing Board, may be made by the National Societies, and shall be submitted in writing to the Secretary General not later than sixty days before the opening meeting of the session of the Assembly at which the elections are to take place. | <i>Filing of nominations</i> |
|------|--|------------------------------|

The nomination of a President shall be accompanied by a CV in a format provided by the Election Committee and shall include a short statement in support of his/her candidature.

The Secretary General shall publish these nominations, including the CV and the statement, by appropriate means (including electronically) in all four working languages, as soon as possible after reception but not later than fifty days before the opening of the General Assembly.

- 26.2 A National Society that accepts its nomination as a Society to appoint a Vice-President shall communicate to the Election Committee the name of the person it intends to appoint to the post. This communication shall be accompanied by a CV and a statement from that person. The Secretary General shall publish the CV and statement by appropriate means (including electronically) in all four working languages, at least fifty days before the election.

Nominations for more than one position may be submitted simultaneously, on the understanding that once an individual has been elected to any one position all other nominations shall be withdrawn.

- 26.3 These nominations shall be given to the Chair of the Election Committee. Before submitting nominations National Societies shall first satisfy themselves that the candidates they propose are willing to serve.
- 26.4 Between the first and the second plenary meeting of the General Assembly the Election Committee shall present to the chiefs of delegation all the nominations received. Nominations other than those for the office of President shall be arranged in four separate lists according to the four geographical regions listed in Rule 24.2. Until the closure of the second plenary meeting each chief of delegation may present in writing to the Chair of the Election Committee additional nominations, or withdraw his/her National Society's candidatures. The list of nominations shall then be closed and may not be opened again, in order that no unsuccessful candidate may then nominate him/herself for any subsequent election.

RULE 27

Election of the President

- 27.1 The election of the President shall be held by secret ballot and in accordance with the provisions stipulated in Article 33, paragraph 3 of the Constitution.
- List of candidates* 27.2 At the third plenary meeting the final list of candidates for the office of President shall be issued by the Election Committee.
- Profile* 27.3 Eligible candidates for the office of President shall have held similar senior office, and have a sufficient command of at least one of the working languages of the International Federation.

Further details of the desired profile shall be agreed by the Election Committee, for approval by the Governing Board before candidates are invited to stand.

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| 27.4 | Ballots bearing the names of all candidates for the office of President shall then be issued and the election process for the President shall take place. | <i>Ballots</i> |
| 27.5 | If no candidate for the office of the President obtains an absolute majority on the first ballot, a second ballot shall be held, and the candidate who has obtained the smallest number of votes shall be deleted from the list. | <i>Second ballot</i> |
| 27.6 | If there is a tie between candidates having obtained the smallest number of votes, both their names shall be deleted from the ballot. | <i>Tie</i> |
| 27.7 | If, on the second ballot, no candidate obtains an absolute majority, successive ballots shall be held in the same circumstances as those stipulated above until one candidate obtains the absolute majority required. | |

RULE 28

Election and appointment of the Vice-Presidents

- | | | |
|------|---|----------------------------------|
| 28.1 | The election of National Societies entitled to appoint a Vice-President shall be by secret ballot and held after that of the President. | <i>Election</i> |
| 28.2 | The National Society of which the newly elected President is a member shall not be eligible in this respect, and its name may not be included in the list of candidate Societies.

Eligible candidates for the office of Vice-President shall have held similar senior office, and have a sufficient command of at least one of the working languages of the International Federation. Further details of the profile shall be established by the Election Committee for approval by the Governing Board. | <i>Profile and procedure</i> |
| 28.3 | Any candidate not elected to the post of President may be subject to appointment by his/her National Society to the office of Vice-President, provided that the candidature and nomination have been put forward at the appropriate time as stipulated in Rule 26.2. | |
| 28.4 | A single ballot containing the names of all the candidates arranged in four lists in accordance with the four geographical regions listed in Rule 24.2 shall be put before | <i>Geographical distribution</i> |

each chief of delegation present at the meeting. Each National Society may exercise its vote in respect of any candidate listed, but may not vote for more than one candidate within each list. Any ballot in which a National Society has voted for more than one candidate from any one of the lists shall be invalid.

- 28.5 The candidate receiving the greatest number of votes in each list will be elected and appointed. If there is a tie in the voting, subsequent rounds will be held until one candidate receives a majority. The election by the General Assembly of those National Societies that have nominated a candidate for the post of Vice-President shall automatically and exclusively involve the appointment of the Vice-Presidents named as candidates by those Societies.

RULE 29

Election of National Societies members of the Governing Board

*Timing;
eligibility*

- 29.1 Proposed candidatures of National Societies members of the Governing Board shall be considered once the elections of the President and the Vice-Presidents have been completed. The elections of National Societies members of the Governing Board shall be held by secret ballot.

The National Societies of the newly elected President and Vice-Presidents shall not be eligible for membership of the Governing Board, in accordance with Article 33, paragraph 5 of the Constitution.

*Geographical
groups*

- 29.2 A single ballot containing the names of all candidates arranged in four lists according to the four geographical regions listed in Rule 24.2 shall be given to each chief of delegation present at the meeting. Each National Society may exercise its vote in respect of any Society listed, but shall not vote for more than five Societies within each geographical region. Any ballot in which a National Society has voted for more than five Societies in any one list shall be invalid.

Majority

- 29.3 The National Societies receiving the greatest number of votes in each geographical region shall be elected. If there is a tie in the voting within any one list, a second or subsequent ballot will be held, but only in respect of the vacancies remaining within any one geographical region between the tied National Societies.

RULE 30

Vacancies in offices

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|------|---|---|
| 30.1 | The case of a vacancy in the office of the President is addressed in Article 25, paragraph 5 of the Constitution. | <i>Vacancy in the office of the President</i> |
| 30.2 | In the event of incapacity or of a vacancy in the office of Vice-Presidents the National Society concerned shall, after consultation with the Election Committee in order to verify that the relevant criteria are met, appoint another Vice-President to fill the post until the end of the scheduled term of office. | <i>Vacancy in the office of Vice-Presidents</i> |
| 30.3 | In the event of vacancies occurring amongst the National Societies members of the Governing Board, the General Assembly at its next session shall hold elections to fill such vacancies, taking into account Rule 25. The term of office of the National Societies so elected shall expire at the close of the ensuing session of the General Assembly at which elections are to be held. | <i>Vacancy of Societies members of the Board</i> |
| 30.4 | In the event of a vacancy occurring in the post of the Secretary General, the Governing Board shall at its next session make an appointment as Acting Secretary General until a new appointment has taken place in accordance with Rule 32.1. Until the appointment of an Acting Secretary General by the Governing Board, the Deputy Secretary General shall exercise the functions of the Secretary General. In the event of a vacancy in the post of the Deputy Secretary General, the President shall appoint an interim Deputy Secretary General from among the Under Secretaries General/Directors. | <i>Vacancy in the post of the Secretary General</i> |
| 30.5 | In the event of a vacancy occurring in the office of the chair of a constitutional or advisory body, the vice-chair of the body concerned shall take his/her place on the Governing Board (where applicable) until the General Assembly or Governing Board, as the case may be, holds an election to fill the vacancy at its next session. | <i>Vacancy in the chairmanship of a constitutional or advisory body</i> |

SECTION V:
GOVERNING BOARD AND SECRETARY GENERAL

RULE 31

Governing Board

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|----------------------------------|--|
| <i>Board sessions</i> | 31.1 The sessions of the Governing Board shall normally be held at the headquarters of the International Federation, or elsewhere when so decided by the Governing Board, or through the use of telecommunications, on condition that these allow the full participation of all Governing Board members. |
| <i>Convocation</i> | 31.2 The Governing Board shall be convoked by the President. The summons shall indicate the place, the opening date and the duration of the session. |
| <i>Chairmanship</i> | <p>31.3 The President of the International Federation, or one of the Vice-Presidents when so asked by the President, shall preside over the sessions of the Governing Board and shall ensure the observance of these Rules.</p> <p>31.4 A provisional agenda drawn up by the Secretary General in agreement with the President shall be dispatched to the members of the Governing Board. The agenda shall be accompanied by all relevant documents. They shall be sent by post or e-mail, according to the preference of each Governing Board member, in time to be received at least fifteen days in advance of the meeting, and shall also be made available by appropriate electronic means.</p> |
| <i>Status of representatives</i> | 31.5 Representatives of National Societies members of the Governing Board shall act as members of a collective body of the International Federation, and shall be influenced in their decisions only by the interests of the International Federation when the Governing Board carries out the responsibilities assigned to it by the Constitution and by the General Assembly. |
| <i>Working languages</i> | <p>31.6 The working languages of the Board shall be Arabic, English, French and Spanish.</p> <p>31.7 Interventions made in any one of the four working languages shall be translated into the three other languages.</p> <p>31.8 Any member wishing to speak in a language other than any of the four working languages shall obtain the permission of the President and shall provide for interpretation into one of the four working languages.</p> |

- 31.9 Rules 12 to 23 shall, with due alteration of details and except as otherwise provided, be applied to the conduct of business of the Governing Board, with the modification that the records of the Governing Board shall be presented to National Societies within three months after the close of the session.

*Conduct of
Business*

The Governing Board shall establish a manual for its conduct.

*Board
manual*

RULE 32

Secretary General

- 32.1 When a vacancy arises in the post of Secretary General, the Governing Board shall establish a selection committee from amongst its members, to draw up a shortlist of candidates ranked in accordance with any applicable conditions set by the General Assembly. The selection committee may enlist external assistance in the selection process. The Governing Board may select one candidate from the shortlist for appointment. The decision shall be taken in closed session.

*Vacancy;
Appointment*

- 32.2 In accordance with Article 27, paragraph 1 of the Constitution the Governing Board shall prepare a draft of the general conditions applicable to the post of the Secretary General, together with a contract drawn up in accordance with the relevant provisions of these Rules, any applicable provisions set by the General Assembly and the labour law governing the International Federation.

- 32.3 The Secretary General may, in carrying out his/her functions, establish temporary or ad hoc working groups of experts, provided that the necessary funds are available.

*Ad hoc
working groups*

- 32.4 The Secretary General shall arrange for the receipt, translation into the working languages of the General Assembly and circulation of documents, reports, decisions and recommendations of the Assembly, the Governing Board and their constitutional and advisory bodies, and for the preparation of the records of their meetings.

Documents

- 32.5 The Secretary General shall ensure that decisions and recommendations adopted by the General Assembly and the Governing Board are communicated to the members of the Governing Board within fifteen days and to National Societies within thirty days following the end of their respective sessions.

*Communi-
cation of
decisions*

RULE 33

Representation of the International Federation

Representation of the International Federation

- 33.1 In compliance with Articles 25, paragraph 2 (e) and 27 paragraph 2 (f) of the Constitution, representatives of National Societies charged with representing the International Federation at conferences and meetings, other than those convened by the bodies of the International Federation, shall act in conformity with the official views expressed by the General Assembly, the Governing Board, the President or the Secretary General.

The same applies to officials of the Secretariat who attend meetings as representatives of the International Federation.

- 33.2 The President or the Secretary General shall ensure that all such representatives of the International Federation are given the appropriate briefings and instructions.

SECTION VI: FINANCE COMMISSION

RULE 34

Election

Election

- 34.1 In conformity with Articles 29, paragraph 1 and 33, paragraph 7 of the Constitution, the Chair and members of the Finance Commission shall be appointed by the General Assembly on presentation of candidates by the Election Committee.

Vice-Chair

- 34.2 The Commission shall elect a Vice-Chair from amongst its members.

Nominations

- 34.3 Nominations for membership of the Commission, when vacancies arise, may be put forward by National Societies and sent to the Secretary General for dispatch to the Election Committee. They should reach the Committee at least sixty days before the session of the last ordinary meeting of the Governing Board before the session of the General Assembly at which the appointment of the Finance Commission is to take place.

On the basis of the proposals received the Election Committee, following consultation with the Chair of the Finance Commission, shall draw up a list of proposed

candidates for submission to the Governing Board for its consideration at its last meeting before the next session of the General Assembly. The Election Committee shall present its recommendations to the General Assembly, including a recommendation for the appointment of the Chair.

- 34.4 Candidates for membership of the Finance Commission must be able to demonstrate at least ten years of relevant senior professional experience in the management of finance and/or risk management, with a record of service with a National Society and with the ability to work effectively in one of the four working languages of the International Federation.

Members' profile

- 34.5 Without prejudice to Rule 30.5, in the event of a vacancy occurring amongst the membership of the Finance Commission the General Assembly shall at its next session, upon the recommendation of the Election Committee, appoint new members in order to fill such vacancy, taking into account Rule 25. The term of office of the member so elected shall expire at the close of the ensuing session of the General Assembly at which elections are to be held.

Vacancies

- 34.6 The Commission shall meet at least twice a year prior to the ordinary sessions of the Governing Board. It shall otherwise agree its own working procedures, in consultation with the Governing Board. Such procedures shall include agreement upon the preparation and scope of the records of its meetings.

Ways of working

- 34.7 The Commission shall be convoked by its Chair. The convocation shall indicate the place, the opening date and time and the duration of the session.

Convocation

A provisional agenda drawn up by the Chair shall be dispatched to the members. The agenda shall be accompanied by the relevant documents prepared by the Secretary General. They shall be sent to recipients in time to be received at least fifteen days in advance of the meeting.

- 34.8 The Chair shall preside over the session, shall ensure the observance of these Rules, and shall prepare a report on the work of the Commission for submission to the Governing Board and the General Assembly.

Chairmanship

- 34.9 The decisions of the Commission shall be valid when a quorum of at least half of its members is present, and shall be taken by a simple majority of the members present and voting. In the event of a tie the Chair shall have a casting vote.

Deliberations

RULE 35

Declaration of default

Pursuant to Articles 11 and 35 of the Constitution a National Society is considered to be technically in default when the amounts overdue exceed the current year's assessed contribution plus the two preceding years' assessed contributions.

If in such circumstances the current year's contribution has not been received before the April meeting of the Finance Commission the Commission shall send a letter of warning to the National Society, requesting immediate payment or an explanation for the non-payment. If the matter has still not been resolved before the October meeting of the Governing Board the Commission shall bring the matter to that meeting, including a recommendation as to whether the National Society concerned should be declared in default and specifying the consequences set out in Article 35, paragraphs 6 and 7 of the Constitution.

SECTION VII: YOUTH COMMISSION

RULE 36

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|--------------------|------|---|
| <i>Election</i> | 36.1 | In conformity with Articles 30, paragraph 1 and 33, paragraph 7 of the Constitution, the Chair and members of the Youth Commission shall be appointed by the General Assembly on the recommendation of the Election Committee. There shall be two members per geographical region. |
| <i>Vice-Chair</i> | 36.2 | The Commission shall elect a Vice-Chair from amongst its members. |
| <i>Nominations</i> | 36.3 | Nominations for membership of the Commission, when vacancies arise, may be put forward by National Societies and sent to the Election Committee. They should reach the Committee at least sixty days before the session of the last ordinary meeting of the Governing Board before the session of the General Assembly at which the appointment of the Youth Commission is to take place. |

On the basis of the proposals received the Election Committee, following consultation with the Chair of the

Youth Commission, shall draw up a list of proposed candidates for submission to the Governing Board for its consideration at its last meeting before the next session of the General Assembly. The Election Committee shall present its recommendations to the General Assembly, including a recommendation for appointment as Chair.

- 36.4 Candidates for membership of the Youth Commission must be over eighteen, and must not have reached the age of thirty-one upon appointment. They must have experience of governance and/or of the development of youth in their National Society, and be able to work effectively in one of the four working languages of the International Federation.

Members' profile

- 36.5 Without prejudice to Rule 30.5, in the event of a vacancy occurring among the members of the Youth Commission, the General Assembly shall at its next session, upon the recommendation of the Election Committee, appoint new members in order to fill such vacancy, taking into account Rule 25. The term of office of the member so elected shall expire at the close of the ensuing session of the General Assembly at which elections are to be held.

Vacancies

- 36.6 The Commission shall meet at least twice a year prior to the ordinary sessions of the Governing Board. It shall otherwise agree its own working procedures, in consultation with the Governing Board. Such procedures shall include agreement upon the preparation and scope of the records of its meetings.

Ways of working

- 36.7 The Commission shall be convoked by its Chair. The summons shall indicate the place, the opening date and the duration of the session.

Convocation

A provisional agenda drawn up by the Chair shall be dispatched to the members. The agenda shall be accompanied by the relevant documents prepared by the Secretary General. They shall be sent to recipients in time to be received at least fifteen days in advance of the meeting.

- 36.8 The Chair shall preside over the session, shall ensure the observance of these Rules and shall prepare a report on the work of the Commission for submission to the General Assembly or the Governing Board.

Chairmanship

- 36.9 The decisions of the Commission shall be valid when a quorum of at least half of its members is present and shall be taken by a simple majority of the members present and voting. In the event of a tie the Chair shall have a casting vote.

Deliberations

SECTION VIII: REGIONAL CONFERENCES

RULE 37

*Rules of
Procedure for
Regional
Conferences*

The Rules of Procedure as adopted by the General Assembly for the Regional Conferences are annexed to these Rules.

SECTION IX: ADVISORY BODIES

RULE 38

Definition 38.1 Advisory bodies are those bodies set up by the Governing Board or General Assembly, as the case may be, in accordance with Article 17, paragraphs 1 (h) and 2 (a) of the Constitution, in order to help them facilitate and enhance their work. The Governing Board or General Assembly shall draw up their terms of reference and the duration of their remit.

*Geographical
distribution* 38.2 When establishing advisory bodies, the Governing Board or Distribution General Assembly, as the case may be, shall take into account the need to respect fair geographical representation of National Societies in the activities of the International Federation. The Governing Board or General Assembly, as the case may be, shall appoint the chair, at least one vice-chair and the members of advisory bodies, and shall establish their mandate and term of office. The Governing Board or General Assembly, as the case may be, may decide to ask for nominations from National Societies, or fill the vacancies directly as they deem fit.

Representation 38.3 The members of such bodies may include representatives of National Societies or individuals appointed in a personal capacity. The number of members of an advisory body shall not normally exceed nine.

*Financial
implications* 38.4 Any proposal or recommendation made by an advisory body involving expenditure shall require a report on the financial and administrative implications of such proposals or recommendations. If the expenditure proposed cannot be covered by the budget, no decision shall be taken nor any recommendation adopted before the General Assembly or Governing Board, as the case may be, has taken the necessary measures to make available the funds required.

- 38.5 When establishing an advisory body the Governing Board or General Assembly shall provide guidance on its ways of working. *Ways of working*

SECTION X: FINANCIAL REGULATIONS

RULE 39

The General Assembly shall establish regulations for the financial administration of the International Federation, including regulations for travel assistance. *Financial regulations*

RULE 40

Financial implications of recommendations by constitutional or advisory bodies

- 40.1 Recommendations involving expenditure presented for approval to the Governing Board or General Assembly by constitutional or advisory bodies shall be accompanied by an estimate of expenditure prepared by the Secretary General.
- 40.2 The Secretary General shall keep the constitutional or advisory bodies informed of the detailed estimated cost of all recommendations which have been submitted by them for approval by the Governing Board or General Assembly.

SECTION XI: FINAL PROVISIONS

RULE 41

Amendments to the Constitution

- 41.1 In pursuance of Article 46 of the Constitution the texts of proposed amendments to the Constitution shall be communicated to the Secretary General in time to permit the transmission of copies thereof by the Secretary General to National Societies not later than five months before the opening of the session of the General Assembly at which they are intended to be considered.

- 41.2 The General Assembly shall decide the date on which the adopted amendments shall enter into force.

RULE 42

Amendments and suspension of the Rules of Procedure

*Amendments
to the Rules
of Procedure*

- 42.1 Amendments of or additions to these Rules may be adopted at any plenary meeting of the General Assembly, provided that the General Assembly has received and considered a report thereon by an appropriate body appointed by the Governing Board.

*Suspension
of the Rules
of Procedure*

- 42.2 Apart from the respective provisions of the Constitution the General Assembly may at any plenary meeting decide by a simple majority to propose the suspension of any of these Rules, provided that notice of the proposal has been communicated through the Secretary General to delegations not less than twenty-four hours before the beginning of the meeting at which the proposal is to be debated.

RULE 43

*Contradiction
between
provisions*

In case of any contradiction between any provision of these Rules and any provision of the Constitution, that of the Constitution shall prevail.

*Entry into
force*

These Rules shall enter into force at the end of the 16th Session of the General Assembly, 23rd November 2007.

*Annex to Rule 1 para 1.3***CORPORATE IDENTITY – 10 BASIC RULES**

1. The cross and the crescent must always be in plain solid red. Their shapes must not be altered. The cross and the crescent must be two dimensional, not three dimensional.
2. The cross and the crescent must always appear on a white background. No variations, not even beige or grey shading, are allowed.
3. No lettering, design or object should be superimposed on the white background or on the cross or crescent itself. The cross and the crescent may not be used in series as a border, repetitive decoration, typographic embellishment or shown as a drawing in perspective.
4. Do not use the emblem alone. Please use the emblem placed on the left-hand side of the text.
5. Type must align left vertically with the right-hand edge of the emblem.



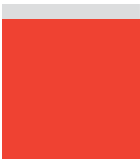


International Federation
of Red Cross and Red Crescent Societies

International Federation logotype in English

6. The wording *International Federation of Red Cross and Red Crescent Societies* is set in HELVETICA regular / HELVETICA 55, or alternatively in ARIAL regular. The typeface selected for the wording is an integral part of the logotype and cannot be altered.

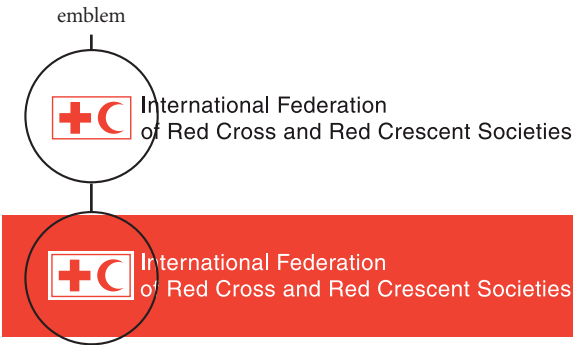
7. The International Federation’s logotype comprises three colours:
- red
 - black
 - white

Red Cross and Red Crescent red is Pantone® P. 485. See right for corresponding formulas in four colour process, RGB process and Web colours.

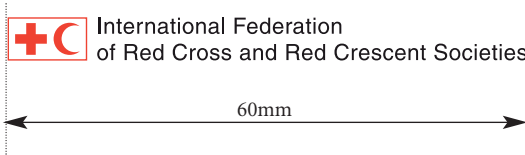
		
Pantone® colour		
Pantone® P. 485	Process Black	–
Four-colour process		
Magenta 100% Yellow 100%	Black 100%	–
RGB process		
red 204 green 0 blue 0	red 0 green 0 blue 0	red 254 green 254 blue 254
Web colours		
# CC 00 00	# 00 00 00	# FF FF FF

8. The emblem must always appear on a field of white. This must be a pure white. **No other background colour is permitted.** However, the logotype in reverse form, as a whole can be depicted on red background (similar to the red used in the emblem). The wording can only appear in white.

Note: Only black or white is permitted for the wording.



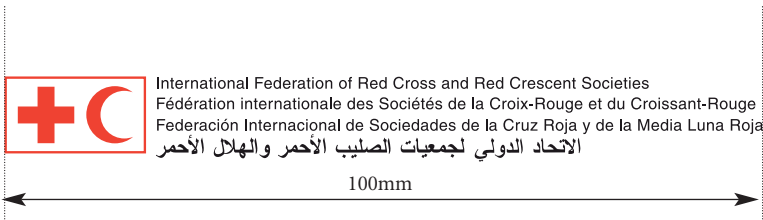
9. The minimum width for the International Federation logotype is 60mm.



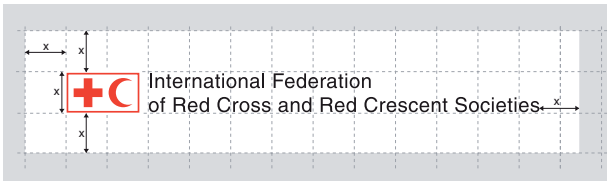
Note: In rare circumstances, such as on a book or CD spine, it is permitted to use the emblem on its own. But, if possible, this is to be avoided. In such circumstances, the minimum width of the emblem is 10mm.



The minimum width for the four language International Federation logotype is 100mm.



10. To ensure that the logotype is not subjected to visual interference, it must be placed at a minimum distance from other texts or graphics. The minimum distance that must be respected on all four sides of the logotype is equal to the height of the vertical axis of the emblem, as shown below.



*Annex to Rule 37***RULES OF PROCEDURE FOR REGIONAL CONFERENCES****Approved by the XIVth Session of the General Assembly
Geneva, 28-30 November 2003**

*(to replace the Rules adopted by the 12th Session of the General Assembly,
Geneva, October 1999)*

ARTICLE 38

**Of the Constitution of the International Federation
Regional Conferences**

1. A Regional Conference is a meeting of the National Societies of a statutory region as defined in the Rules of Procedure with the purpose of:
 - promoting co-operation, networking and partnerships amongst the National Societies of the regions;
 - identifying common humanitarian concerns and issues;
 - striving to achieve common strategies of implementation with regard to decisions of the General Assembly, the Council of Delegates and the International Conference;
 - making proposals to the Governing Board on matters related to the General Assembly and the Statutory Bodies of the Movement.
2. In principle a Regional Conference shall be held in each statutory region once every four years.
3. The Secretary General shall provide a report for the approval of the Governing Board on the agenda and the administrative, technical, financial and other implications of forthcoming Regional Conferences. He/she shall also present a report on the results of any Regional Conference held.
4. The Secretary General shall assist the host National Society in organising and holding a Regional Conference.
5. A Regional Conference shall be held in conformity with the Constitution and the Rules of Procedure.

Composition

RULE 1

1. A Regional Conference, in accordance with Article 38 of the Constitution, shall be composed of delegations of member Societies of the Federation of the region.

2. Each Society may be represented by a delegation of not more than five persons.
3. The President and the Secretary General of the Federation as well as the Federation's elected Vice-President of the region participate in all regional conferences.

Conference Planning Committee

RULE 2

1. For each Regional Conference, a Conference Planning Committee shall be established, immediately following the closure of each Conference, with responsibility for the preparation of the next Conference and for promoting the follow-up to resolutions of the last conference. It shall be composed of the elected Vice-President and the Societies members of the Board of the Federation from the region, of the Chairman of the last Conference and, if the Chairman comes from another Society, of the Society hosting the last Conference, of the host Society of the forthcoming Conference (as soon as designated) and the Secretary General of the Federation or his/her representative. It shall elect its own Chairman and the Secretary General of the Federation shall, if requested, provide secretarial support.
2. Unless the Conference has decided to accept an invitation from a National Society to host the next Conference, the Conference Planning Committee shall, through the report referred to in Article 38.3 of the Constitution, make a recommendation to the Federation's Governing Board as to the place and date of the next Regional Conference.
3. In case there exists a permanent body of regional coordination, such as CORI (*Inter-American Regional Committee*), this body shall act as Conference Planning Committee provided it meets the requirements of paragraph 1 of Rule 2 of the present Rules.

Responsibilities of the host Society

RULE 3

1. The member Society of the Federation hosting the Conference shall be responsible for its organisation, including arrangements for:
 - a) the venues for the meetings of the inauguration, plenary and closing sessions and for any working group meetings,
 - b) the transportation of the delegates to and from official meetings and events if their venue is different from the place where they are boarded,
 - c) the personnel for the secretariat of the Conference, including translators and interpreters when necessary,

- d) the provision of the audio visual and other equipment and other necessary items.
- 2. The host Society shall obtain from its Government written assurance that visas will be issued as required, to the representatives of all the National Societies of the region and the National Societies from outside the region invited as observers.
- 3. The host Society shall prepare and send to the National Societies of the region the final report of the Conference.
- 4. It shall be the responsibility of the host Society to ensure that all financial commitments of the Conference are met as per paragraph 1 of the present Rule including, as the case may be, additional commitments agreed in the Conference Planning Committee.
- 5. The Secretariat of the Federation shall support the host Society in organising and holding a Regional Conference in accordance with Article 38 of the Constitution. Such support shall be in conformity with the Strategy 2010, Federation policies and the priorities for the Secretariat set by the Board.

Officers of the Conference

RULE 4

- 1. At its first plenary meeting, the Conference shall elect a Chairman, one or more Vice-Chairmen, a Secretary and a General Rapporteur. The persons so elected, together with the Vice-President of the Federation of the region and the Secretary General of the Federation or his/her representative, shall constitute the Bureau of the Conference.
- 2. The elected Vice-President of the Federation from the region is ex officio a Vice-Chairman of the Conference.
- 3. The Chairman shall chair the plenary meetings. Until the Chairman is elected, the Conference will be chaired by the Chairman of the Conference Planning Committee.
- 4. On the request of the Chairman, or in the absence of the Chairman, one of the Vice-Chairmen shall chair the plenary meetings.
- 5. The Secretary of the Conference receives the documents and correspondence of the Conference and keeps the Chairman informed of all relevant matters during the Conference. The Secretary shall act under the general direction of the Chairman of the Conference or, where applicable, the Vice-Chairman. The Secretary shall assist the General Rapporteur in the drafting of the final report of the Conference.
- 6. The General Rapporteur, in collaboration with the Secretary and, as the case may be, the rapporteurs of the working groups established in accordance with Rule 13, shall coordinate the drafting of the recommendations and the final

report. He/she shall be chairman of the drafting committee if the Conference decides to establish one.

7. For the duration of the Conference, the Bureau shall assist the Chairman in organising the work of the Conference. It shall on the request of the Chairman or of its own motion advise the Chairman on any matter relating to the Conference.

Convocation

RULE 5

1. The Conference shall be convoked by the host Society. The notice of convocation shall indicate the venue, opening date and duration of the Conference.
2. Not later than ninety days before the opening of the Conference, the host Society shall dispatch to the member Societies of the region and the other participants referred to in Rule 1.3, the notice of convocation together with the provisional agenda and any relevant documents available.

Provisional Agenda

RULE 6

1. The provisional agenda of the Conference shall be drawn up by the Conference Planning Committee and shall include among other items:
 - a) Roll Call
 - b) Election of the Chairman, Vice-Chairmen, Secretary and General Rapporteur
 - c) Adoption of the agenda and appointment of subsidiary bodies
 - d) Report on the implementation of recommendations of the previous Conference
 - e) Items which have been proposed by the Conference Planning Committee
 - f) Adoption of reports and recommendations g) Any other item approved in the plenary during the Conference.
2. As a general rule, the Conference agenda shall conform with and support the implementation in the region of the Federation's main strategy adopted by its General Assembly. It shall take into account the policies of the Movement and Movement issues relevant for the Conference.

Observations on the agenda

RULE 7

1. Any member Society may present observations on and amendments or additions to the agenda, to reach the host member Society at least thirty days before the opening date of the Conference.

2. The host Society shall forward such observations, amendments and additions to the Planning Committee which will consider them in view of submitting a draft agenda to the Conference for approval.

Delegations

RULE 8

The names of the members of the Delegation of each National Society and the appointment of the Head of Delegation shall be communicated to the host Society not less than thirty days before the opening of the Conference. The Head of Delegation shall be responsible to inform the Secretary of any change in the composition of the delegation.

Observers

RULE 9

1. The Conference Planning Committee may recommend that the host Society invite as observers among others:
 - a) the National Societies of the region not yet recognised or not yet admitted to the Federation and that have been invited to the most recent General Assembly of the Federation,
 - b) Member Societies and Vice-Presidents of the Federation from other regions, and National Societies from other regions, not yet recognised or not yet admitted to the Federation and which have been invited to the most recent General Assembly of the Federation,
 - c) Standing Commission of the Red Cross and Red Crescent
 - d) International Committee of the Red Cross (ICRC),
 - e) Inter-Governmental and Non-Governmental Organisations.
2. When the Conference is discussing any matter of special interest to an organisation taking part in the Conference as an observer, that organisation may be permitted by the person chairing the meeting to make a statement. As a minimum, observers shall be given the seating arrangements, documents and speaking rights as for observers in the General Assembly of the Federation.

Travel and Maintenance

RULE 10

Participants shall be responsible for their travel, accommodation, meals and all personal expenses. If so requested, the Federation Secretariat may offer assistance to the host Society in raising funds to contribute to the travel and accommodation costs for certain participants, on the basis of the Federation's Travel Assistance Regulations.

Pre-Conference meeting

RULE 11

The Conference Planning Committee may decide to hold a pre-conference meeting with the Heads of Delegations, among others, to:

- a)* inform the Heads of Delegations of the details of the general programme and the provisional agenda
- b)* review the Rules of Procedure of the Conference
- c)* receive the nominations for the Conference Chairman, Vice-Chairmen, Secretary and General Rapporteur.

Opening and closing ceremonies

RULE 12

The host Society may arrange opening and closing ceremonies open to delegates, observers and invited guests.

Working groups

RULE 13

The Conference, upon the recommendation of the Conference Planning Committee or the Conference Bureau, may establish working groups, define their mandate and composition, and elect their Chairman and Rapporteur. This may include a drafting committee.

Reports and recommendations

RULE 14

All reports and recommendations shall be submitted to the final plenary meeting for adoption by consensus.

Languages

RULE 15

The Conference Planning Committee shall determine the language(s) of the Conference in accordance with the Rules of Procedure of the Federation.

Reports on the Conference

RULE 16

The report for the Governing Board referred to in Article 38, paragraph 3 of the Constitution shall be prepared in close consultation with the Vice-President from the region. In addition to the report of the Conference referred to in Rule 3.3, a report shall also be presented to the Federation's General Assembly by the Chairman of the Conference or, if unavailable, a representative of the host Society.

The General Assembly will consider the recommendations from the Regional Conferences addressed to the statutory bodies of the Federation, together with the advice from the Governing Board or with the Board's report on the action it has taken itself to follow-up on such recommendations.

Follow-up to the resolutions of the Regional Conference

RULE 17

The Conference shall establish a mechanism to monitor the follow-up to the recommendations it has approved, or may authorise the Planning Committee for the next Conference to do so.

Final Provisions and entry into force

RULE 18

1. These Rules enter into effect as from the date of their adoption by the General Assembly. They may be modified by the General Assembly at any time provided the Board has been given a chance to give its advice.
2. These Rules shall be applied as minimum rules for all Regional Conferences. They may be completed with details as deemed relevant for each Conference, at the proposal of the Planning Committee and with the approval of the Conference. If there are any conflicts of interpretation or application then the present Rules shall prevail.

VII

SECTION I

AGREEMENT ON THE ORGANIZATION OF THE INTERNATIONAL ACTIVITIES OF THE COMPONENTS OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

The Seville Agreement – Council of Delegates, Seville, 25-27 November 1997

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TO ENHANCE THE IMPLEMENTATION
OF THE SEVILLE AGREEMENT**

*(Annex to Resolution 8, adopted by the Council of Delegates
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VII

SECTION I

AGREEMENT ON THE ORGANIZATION OF THE INTERNATIONAL ACTIVITIES OF THE COMPONENTS OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

PREAMBLE

The mission of the International Red Cross and Red Crescent Movement is “to prevent and alleviate human suffering wherever it may be found, to protect life and health, and ensure respect for the human being, in particular in times of armed conflict and other emergencies, to work for the prevention of disease and for the promotion of health and social welfare, to encourage voluntary service and a constant readiness to give help by the members of the Movement, and a universal sense of solidarity towards all those in need of its protection and assistance”.

The accomplishment of this common mission calls for the combined efforts and participation of all the components of the Movement. To respond with speed, flexibility and creativity to the needs of all those calling for impartial humanitarian protection and assistance, the components must join their forces and capitalize on their diversity. To achieve that goal through effective collaboration in a spirit of mutual trust, to ensure an efficient mobilization of resources, the components must therefore, based on a clear sense of purpose and their common mission, organize their international activities on a sound and predictable basis. This implies observance of the Fundamental Principles and of the Statutes of the Movement, and a synergetic cooperation, coupled with a clear division of labour, among components having distinct but closely related and complementary roles and competencies.

This Agreement is more than an instrument of operational management or a statement of understanding. It sets into motion a profound change in attitude between members of the same Movement: the adoption of a collaborative spirit, in which every member of the Movement values the contributions of other members as partners in a global humanitarian enterprise. It is an agreement on cooperation and not merely on a division of labour, and it applies to all those international activities which, under the Movement’s Statutes, the components are called upon to carry out in close collaboration. It establishes clear guidelines for the performance of tasks by Movement members, using the specific areas of competence and the complementary capacities of each to best effect. It provides for continuity of activities as situations change, and aims at fostering among the components a stronger sense of identity, of solidarity, of mutual trust and of shared responsibility.

With those objectives set out, this Agreement on the organization of the international activities of the Movement's components constitutes an essential element of a new common strategy of action that will allow the components to achieve three important goals:

- to provide more effective response to humanitarian needs using to best effect the Movement's many resources;
- to promote better respect for humanitarian principles, and for international humanitarian law;
- to create a stronger International Red Cross and Red Crescent Movement in which all components cooperate to the optimum extent.

PART I GENERAL

ARTICLE 1

Scope of the Agreement

- 1.1 The Agreement applies to those international activities which the components are called upon to carry out in cooperation, on a bilateral or multilateral basis, to the exclusion of the activities which the Statutes of the Movement and the Geneva Conventions entrust to the components individually.
- 1.2 The "international activities" of the components are the activities of the National Societies defined in Article 3, paragraphs 3 and 5 of the Statutes of the Movement; the activities of the International Committee of the Red Cross defined in Article 5, paragraphs 2, 3 and 4 of the Statutes of the Movement; and the activities of the International Federation of Red Cross and Red Crescent Societies defined in Article 6, paragraphs 3, 4 and 5 of the Statutes of the Movement.
- 1.3 Pursuant to Article 7, paragraph 1 of the Statutes of the Movement, the Agreement defines the organization of international activities carried out in bilateral or multilateral cooperation between:
 - the National Societies and their Federation;
 - the National Societies and the ICRC;
 - the National Societies between themselves;
 - the ICRC and the Federation;
 - the ICRC, the Federation and the National Societies.

- 1.4 Nothing in this Agreement shall be interpreted as restricting or impairing the specific role and competencies of each component according to the Geneva Conventions and their additional Protocols, and under the Statutes of the Movement.

ARTICLE 2

Object and Purpose of the Agreement

The object and purpose of the Agreement is:

- a) to promote the efficient use of the human, material and financial resources of the Movement and to mobilize them as rapidly as possible in relief operations and development activities in the interest of the victims of armed conflicts or of internal strife and their direct results, as well as of natural or technological disasters, and of vulnerable persons in other emergency and disaster situations in peacetime;
- b) to promote closer cooperation among the components in situations referred to in Article 2 a) above;
- c) to strengthen the development of National Societies and to improve cooperation among them, thus enabling National Societies to participate more effectively in the international activities of the Movement;
- d) to obviate differences between the components as to the definition and the organization of their respective international activities and responsibilities within the Movement;
- e) to strengthen functional cooperation among the ICRC, the Federation and National Societies.

ARTICLE 3

Guiding Principles

The organization of the international activities of the components is at all times governed by the values and principles which guide the Movement, as enshrined in:

- the Fundamental Principles of the Red Cross and Red Crescent;
- the Statutes of the Movement;
- the Geneva Conventions and their Additional Protocols.

ARTICLE 4

Management Principles

Implicit in the Statutes of the Movement are two organizational concepts which this Agreement defines as “the lead role” and “the lead agency”.

A) Lead Role

- 4.1 The Geneva Conventions and the Statutes of the Movement entrust specific competencies to each component which therefore plays a lead role in these matters.
- 4.2 The concept of lead role implies the existence of other partners with rights and responsibilities in these matters.

B) Lead Agency

- 4.3 The lead agency concept is an organizational tool for managing international operational activities. In a given situation, one organization is entrusted with the function of lead agency. That organization carries out the general direction and coordination of the international operational activities.
- 4.4 The lead agency concept applies primarily in emergency situations as referred to in Article 2 *a*) above, where rapid, coherent and effective relief is required in response to the large-scale needs of the victims, on the basis of an evaluation of these needs and of the capacity of the National Society concerned to meet them.
- 4.5 Effective coordination between the components under the responsibility and general direction of the lead agency requires the establishment of appropriate mechanisms for consultation and a commitment by all those taking part to abide by coordination rules and procedures.
- 4.6 The effectiveness of an operation depends on adequate prior training and preparation of those carrying out the operation (emergency preparedness).

PART II**INTERNATIONAL RELIEF ACTIVITIES****ARTICLE 5****Organization of International Relief Operations***5.1 Situations Requiring a Lead Agency*

- A) International and non-international armed conflicts, internal strife and their direct results, within the meaning of the Geneva Conventions and their Additional Protocols and the Statutes of the Movement:
 - a) within the meaning of the Geneva Conventions and of this Agreement, the term “situation of armed conflict” covers the entire territory of the parties to a conflict as far as the protection and assistance of the victims of that conflict are concerned;

- b) the term “direct results of a conflict” within the meaning of the Geneva Conventions applies beyond the cessation of hostilities and extends to situations where victims of a conflict remain in need of relief until a general restoration of peace has been achieved;
 - c) the term “direct results of a conflict” shall also apply to situations in which general restoration of peace has been achieved, hence the intervention of the ICRC as a specifically neutral and independent institution and intermediary is no longer required but victims remain in need of relief during the post-conflict period, especially within the context of reconstruction and rehabilitation programmes;
 - d) the term “direct results of a conflict” shall also apply to situations in which victims of a conflict are to be found on the territory of a State which is neither party to a conflict nor affected by internal strife, especially following a large scale movement of refugees.
- B) Natural or technological disasters and other emergency and disaster situations in peace time which require resources exceeding those of the operating National Society and thus call upon the *Principles and Rules for Red Cross and Red Crescent Disaster Relief* to apply;
- C) Armed conflict concomitant with natural or technological disasters.

5.2 *Armed Conflict and Internal Strife: Elements of Identification*

For the purposes of the application of the present Agreement and the organization of the international activities of the components,

- a) an armed conflict exists when the armed action is taking place between two or more parties and reflects a minimum of organization;
- b) internal strife does not necessarily imply armed action but serious acts of violence over a prolonged period or a latent situation of violence, whether of political, religious, racial, social, economic or other origin, accompanied by one or more features such as: mass arrests, forced disappearances, detention for security reasons, suspension of judicial guarantees, declaration of state of emergency, declaration of martial law.

5.3 *Lead Agency Role of each Component*

- 5.3.1 The ICRC will act as lead agency, as provided for in Article 4 of the present Agreement, in situations of international and non-international armed conflicts, internal strife and their direct results as referred to in Article 5.1, Section A and in paragraphs a) and b), and in Section C (armed conflict concomitant with natural or technological disasters).
- 5.3.2 The Federation will act as lead agency in situations referred to in Article 5.1, paragraphs c) and d) of Section A, and in Section B (natural or technological disasters and other emergency and disaster situations in peace time which require resources exceeding those of the operating National Society).

- 5.3.3 A National Society may undertake the functions of lead agency necessary for the coordination of international relief assistance within its own territory subject to the concurrence of the ICRC or the Federation, as the case may be, as provided for in Article 3, paragraph 3 of the Statutes of the Movement.
- 5.3.4 If a natural or technological disaster occurs in a situation of conflict where the ICRC is already engaged, the ICRC will call upon the Federation to provide additional appropriate expertise to facilitate relief.
- 5.3.5 If an armed conflict or internal strife breaks out in a situation where there is ongoing Federation relief assistance activity, the transition provisions apply, as provided for in Article 5.5 of the present Agreement.

5.4 *Unforeseen Situations*

In handling unforeseen situations which do not fall within the situations referred to in Part II, Articles 5.1 and 5.3, the components of the Movement directly concerned undertake, in good faith and with common sense, to be guided by the Fundamental Principles and the Statutes of the Movement, to ensure, in the interest of the victims, maximum efficiency of the operation and harmonious cooperation within the Movement as a whole.

5.5 *Transition*

- 5.5.1 Where, as a result of a change of situation, responsibility for directing and coordinating an international relief operation is transferred from the ICRC or from the Federation in accordance with the relevant Articles of the present Agreement, the incumbent lead agency shall, in agreement with the operating National Society and in consultation with the participating National Societies, take all the steps appropriate to ensure an efficient and harmonious handover of the management and conduct of the new international relief operation by the component taking over the lead agency function.
- 5.5.2 Subject to the agreement of the donors who have contributed to financing the international relief operation which is being phased out, the funds and relief supplies available, together with the logistic and material resources deployed in the field, shall, if they are suited to the objectives of the new operation, be placed at the disposal of the lead agency henceforth responsible for its general direction and coordination.

5.6 *Other International Relief Actions by National Societies*

- 5.6.1 In situations where the needs of the victims do not call for the organization of an international relief operation under a lead agency, a National Society which provides direct assistance to the Society of the country affected by a conflict or a disaster shall immediately inform the ICRC or the Federation, as the case may be.
- 5.6.2 Mutual emergency relief assistance agreements in case of natural or technological disasters between neighbouring National Societies, and

bilateral or multilateral development agreements between National Societies shall be notified in advance to the Federation.

- 5.6.3 The fact that one or several National Societies submit a request for aid to the ICRC or to the Federation, or hand over relief supplies to one of them, shall in no way be deemed to modify the organization of functions and responsibilities between the two institutions as defined in the present Agreement. In such an event, the institution which is not competent will so inform the National Society or Societies concerned and will refer the matter without delay to the competent institution.

5.7 *Operational Difficulties*

- 5.7.1 Should an international relief operation directed and coordinated either by the ICRC or by the Federation be obstructed for a prolonged period, the lead agency shall consult the components involved with a view to bringing their combined influence to bear so that the obstacles to the operation may be overcome as soon as possible in the sole interest of the victims.
- 5.7.2 Where appropriate they may, by mutual agreement, decide to implement provisional measures which shall in no way be regarded as precedents affecting the respective mandates of the components of the Movement or the organization of tasks provided for in the present Agreement.

5.8 *United Nations Specialized Agencies*

- 5.8.1 In order to maintain among the components a coherent approach that will preserve the Movement's unity and independence, a National Society wishing to conclude a cooperation agreement with a specialized agency of the United Nations, shall keep the Federation and/or the ICRC informed.
- 5.8.2 In particular, it shall keep the Federation and/or the ICRC informed of any negotiations likely to lead to a formal agreement with the UNHCR which should be undertaken in association with the Federation and/or the ICRC.

ARTICLE 6

Responsibilities for General Direction and Coordination of International Relief Operations

- 6.1 In situations defined in the present Agreement, where the general direction and coordination of an international relief operation is exercised by the ICRC or the Federation acting as lead agency, this function carries the following responsibilities:
- 6.1.1 *General Responsibilities*
- a) to define the general objectives of the international relief operation based on access to the victims and on an impartial assessment of their needs;
 - b) to direct the implementation of these objectives;

- c) to ensure that all actions within the relief operation are effectively coordinated;
- d) to establish appropriate mechanisms of consultation with Red Cross and Red Crescent partners;
- e) to coordinate international Red Cross and Red Crescent relief operations with the humanitarian activities of other organizations (governmental or non-governmental) where this is in the interest of the victims and is in accordance with the Fundamental Principles;
- f) to act as a spokesman for the international relief action and to formulate the Red Cross and Red Crescent partners' response to public interest;
- g) to mobilize financial resources for the relief operation and to launch appeals integrating when necessary other directly or indirectly related Red Cross and Red Crescent activities.
- h) to ensure that the resources mobilized for an international relief operation are managed in a sound and efficient manner by the operating and the participating National Societies;
- i) to promote, by means of project delegations, bilateral or multilateral cooperation agreements between participating and operating National Societies;

6.1.2 *Specific Responsibilities*

- A) In situations where the ICRC is acting as lead agency:
 - a) to establish and maintain relations and contacts with all the parties to the conflict and take any steps necessary for the conduct of international relief operations for victims, in accordance with the relevant provisions of international humanitarian law and in compliance with the Fundamental Principles of independence, neutrality and impartiality;
 - b) to assume ultimate responsibility for international relief operations vis-à-vis the parties to the conflict and the community of States party to the Geneva Conventions;
 - c) to define and ensure the application of any measure which may prove necessary to guarantee, to the greatest extent possible, the physical safety of personnel engaged in relief operations in the field;
 - d) to ensure respect for the rules in force relating to the use of the red cross and red crescent emblems for protective purposes;
 - e) to draw up, in consultation with the National Societies concerned, public statements relating to the progress of the relief operation.
- B) In situations where the Federation is acting as lead agency:
 - a) to ensure that the participating and the operating National Societies comply with the *Principles and Rules for Red Cross and Red Crescent Disaster Relief* (1995) and the *Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations in Disaster Relief* (1995);

- b) to offer the National Societies rapid information on disasters in order to permit mobilization and coordination of all possible forms of relief;
- c) to promote, beyond the emergency phase, the establishment and the development of rehabilitation and reconstruction programmes, and to mobilize for this purpose the support of National Societies of other countries;
- d) to decide, in agreement with the National Society of the country concerned, and after consultation of the donor Societies, on the use of any goods or funds that remain available at the end of an international relief operation.

6.2 *Coordination of an International Relief Operation by a National Society within its own Territory*

6.2.1 Taking into account:

- the nature of the situation and the resulting constraints imposed upon the implementation of the operation;
- the scope of the needs to be met;
- the logistic means to be deployed;
- the preparedness and capacity of the National Society to undertake efficiently the action required in conformity with the Fundamental Principles,

a National Society may act as a lead agency in the sense of undertaking the coordination of an international relief operation within its own territory, subject to the concurrence of, and on the basis of general objectives defined by the ICRC or the Federation, as the case may be.

6.2.2 In this context, this function of coordination by a National Society within its own territory implies primarily the following responsibilities:

- a) to direct the implementation of the general objectives defined for the international relief operation;
- b) to direct the work of personnel made available by participating National Societies placed under the authority of the operating National Society for the purpose of the operation;
- c) to coordinate the relief operation with the humanitarian activities of other organizations (governmental or non-governmental) having a representation and being active locally when this is in the interest of the victims and in accordance with the Fundamental Principles;
- d) to act as a spokesman for the international relief operation to respond to public interest;
- e) to ensure respect for the rules in force relating to the use of red cross and red crescent emblems;
- f) to ensure that the action is carried out and conducted in accordance with the *Principles and Rules for Red Cross and Red Crescent Disaster Relief* (1995) and

the *Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations in Disaster Relief* (1995);

- g) to ensure that the financial and material resources made available for the purpose of the relief operation through the ICRC and/or the Federation, as the case may be, are managed in a sound and efficient manner;
- h) to provide required and appropriate information to the Federation or the ICRC, as the case may be, on the progress of the relief operation in order to enable them to report to donors having responded to international appeals launched to mobilize the necessary financial resources to meet the general objectives set out.

PART III

STRENGTHENING OF THE MOVEMENT: DEVELOPMENT AND FUNCTIONAL COOPERATION

All components shall strive to assist each other to realize their full potential and adopt a policy of constructive complementarity in elaborating a comprehensive development approach.

ARTICLE 7

Development of National Societies

- 7.1 A National Society is primarily responsible for its own development.
- 7.1.1 National Societies shall contribute as far as their means permit to the development of other National Societies requiring such assistance, by means of bilateral or multilateral development agreements.
- 7.1.2 Such agreements shall take account of the relevant policies and strategies adopted by the Federation's General Assembly.
- 7.2 The Federation has the lead role with regard to development activities and to the coordination of international development support to National Societies. The ICRC provides support in matters falling within its statutory core competencies.
- 7.2.1 The specific tasks of the Federation in development activities include:
 - a) formulating and reviewing development policies on behalf of the Movement in consultation with the other components;
 - b) assisting National Societies to draw up development plans and project proposals;

- c) providing standards and guidelines for programme design and planning;
 - d) setting criteria for mobilization and allocation of resources for development.
- 7.2.2 The ICRC shall contribute to the development of the National Societies in the following matters, in coordination with the Federation:
- a) technical and legal assistance in establishing and reconstituting National Societies;
 - b) support of the National Societies' programmes for disseminating knowledge of international humanitarian law and the Fundamental Principles;
 - c) involvement of the National Societies in measures taken to promote international humanitarian law and ensure its implementation;
 - d) preparation of the National Societies for their activities in the event of conflict;
 - e) contribution to the training of National Society personnel in fields related to its mandate.
- 7.2.3 In armed conflict situations, internal strife and their direct results, the Federation may continue to assist the National Society of the country concerned in its further development, taking into account that in such situations, where the ICRC is acting as lead agency as provided for in Article 5.3, the ICRC has the responsibility to coordinate and direct the relief operations in favour of the victims.
- 7.2.4 In armed conflict situations, internal strife and their direct results, the ICRC may expand its cooperation with the operating National Society concerned in order to strengthen its operational capacity. In such cases, the ICRC shall coordinate with the plans of the National Society concerned and the Federation in this regard.
- 7.2.5 Whenever it appears to either institution that a National Society has become unable to protect its integrity and to act in accordance with the Fundamental Principles, the ICRC and the Federation shall consult each other on the advisability of taking action, either jointly or separately. In the latter case, the two institutions shall keep each other informed of any action taken and of subsequent results.

ARTICLE 8

Functional Cooperation between the Components of the Movement

- 8.1 The coherence of the action of the components of the Movement depends on cooperation and coordination among them in undertaking emergency actions in general or specific cases, as well as in all other areas of activity.
- 8.2 Functional cooperation between the ICRC, the National Societies and the Federation applies in particular to the following areas of international activities:

- a) establishment and recognition of National Societies and protection of their integrity;
 - b) use and respect of the red cross and red crescent emblems;
 - c) human resources development, training and preparation of personnel for international relief operations;
 - d) cooperation at delegation level;
 - e) relations with international institutions, non-governmental organizations and other actors on the international scene;
 - f) coordination of international fundraising.
- 8.3 The principles outlined in Articles 3 and 4 of this Agreement may serve as a frame of reference for more detailed bilateral agreements on an *ad hoc* basis, that the ICRC and the Federation may wish to conclude for organizing their cooperation in specific areas at the institutional or regional levels.
- 8.4 The process of development of functional cooperation among the components, and the opportunities for its evolution in response to changes in the external environment can only be enhanced by continuous dialogue and regular consultation between those responsible for international activities within the ICRC and the Federation and with National Societies with a view to analyzing and anticipating needs. The initiative in respect of each specific area might best be taken by the organization having the lead role in that area.

ARTICLE 9

Communication, Fundamental Principles and International Humanitarian Law

- 9.1 *Public Relations and Information*
- 9.1.1 In their public relations, the ICRC, the Federation and National Societies, while performing their respective functions and thereby informing the public of their respective roles within the Movement, shall harmonize their activities so as to present a common image of the Movement and contribute to a greater understanding of the Movement by the public.
- 9.1.2 In order to ensure maximum efficiency in advocating humanitarian principles, according to the policies promulgated to that effect by the Council of Delegates, the components of the Movement shall cooperate in coordinating campaigns and developing communication tools. Whenever necessary, they may set up mechanisms to that effect, taking into account the lead roles of the different components.
- 9.2 *Fundamental Principles*
- 9.2.1 All components of the Movement shall ensure that the Fundamental Principles are respected by the Movement's components and statutory bodies.

- 9.2.2 The ICRC has the lead role in the maintenance and dissemination of the Fundamental Principles. The Federation and the ICRC shall collaborate in the dissemination of those Principles among the National Societies. National Societies have a key role to play in upholding and disseminating the Fundamental Principles within their own country.
- 9.3 *International Humanitarian Law*
- 9.3.1 The ICRC has the lead role for promoting, developing and disseminating international humanitarian law (IHL). The Federation shall assist the ICRC in the promotion and development of IHL and collaborate with it in the dissemination of IHL among the National Societies.
- 9.3.2 National Societies shall disseminate, and assist their governments in disseminating IHL. They shall also cooperate with their governments to ensure respect for IHL and to protect the red cross and red crescent emblems.

PART IV

IMPLEMENTATION AND FINAL PROVISIONS

ARTICLE 10

Implementation

- 10.1 All components of the Movement undertake to respect and implement the present Agreement on the organization of their international activities, in accordance with Article 7 of the Statutes of the Movement.
- 10.2 Each component – the Federation, the ICRC, and National Societies – is individually responsible for the implementation of the provisions of this Agreement, and shall instruct its volunteers and staff accordingly.
- 10.3 Beyond their individual responsibility to implement the provisions of this Agreement, the ICRC and the Federation, because of their directing and coordinating roles, have a special responsibility to ensure that the Agreement be fully respected and implemented by the Movement as a whole.
- 10.4 As the institutions most often called on to act as lead agency in international activities, the ICRC and the Federation have a need to:
- share information on global operational activities of common interest;
 - discuss possible difficulties which may hamper smooth cooperation between the components.

It is for these institutions to agree between themselves what arrangements are best suited to meet this need.

- 10.5 The Standing Commission, by virtue of the role conferred upon it by Article 18 of the Statutes of the Movement, shall call annually for a report on the implementation of the Agreement from the ICRC and the Federation, which will be transmitted to all National Societies as part of a consultative process.
- 10.6 The Standing Commission shall include an item on the Agreement on the agenda of each Council of Delegates, thus establishing a process of regular review of the Agreement.
- 10.7 If differences arise between the components concerning the implementation of the Agreement and if these cannot be otherwise resolved, the Standing Commission may establish an *ad hoc* independent body, as and when required, to arbitrate, with the agreement of the Parties, differences between the components of the Movement where conciliation and mediation have failed.

ARTICLE 11

Final Provisions

The present Agreement replaces the 1989 Agreement between the ICRC and the League of Red Cross and Red Crescent Societies (International Federation). It was adopted by consensus, in Resolution 6 of the Council of Delegates in Seville, Spain, on 26 November 1997.

SECTION II

SUPPLEMENTARY MEASURES TO ENHANCE THE IMPLEMENTATION OF THE SEVILLE AGREEMENT

*(Annex to Resolution 8, adopted by the Council of Delegates
at Seoul in November 2005)*

This document aims at improving the implementation and understanding of the Seville Agreement. It addresses parts of the Seville Agreement that may not be sufficiently explicit and may thus give room to various interpretations. It aims to guide users of the Seville Agreement in areas where there is a need for improvement: roles and responsibilities and understanding the Lead Agency concept, coordination, problem solving and enhancing knowledge about the Agreement. It supplements the Seville Agreement without modifying its conditions of application and contents.

1. Roles and responsibilities – Host National Society and the Lead Agency

- 1.1 The International Red Cross and Red Crescent Movement must have an efficient and effective coordination system for international activities to manage the resources required to deliver services to affected people and populations and to coordinate with the wider humanitarian assistance systems.¹ To achieve this, the Seville Agreement defines the Lead Agency concept as ‘an organizational tool for managing international operational activities’. It is allocated to one Movement component at a time (SA 4.3).²
- 1.2 The Host National Society maintains at all times its role and mandate according to the Statutes of the Movement. The Seville Agreement focuses only on the organization of the international activities of the other components of the Movement. In this context, a National Society in its own country will continue to act according to its mandate in all situations. In respect of the Movement’s international operational activities, it may also assume the role of Lead Agency in some situations and when not, it always is the “primary partner” of the Lead Agency.
- 1.3 Since the Agreement states that the Lead Agency function is applicable ‘primarily in emergency situations where rapid, coherent and effective relief is required in response to the large-scale needs of the victims’ (SA 4.4), it

¹ Humanitarian systems outside the Red Cross and Red Crescent Movement: UN and national or international Non-Governmental Organizations

² SA always used as an abbreviation of “Seville Agreement”

implies that the function is *a temporary response to a particular set of circumstances*. In any given country, the coexistence of the mandated activities of the Host National Society and the supportive international activities of other Movement components leads to a complex Movement operating environment, which necessitates the coordination provided by a Lead Agency, which can be the Host National Society, the ICRC or the International Federation (SA 5.3).

- 1.4 Movement coordination under a Lead Agency has been functional only when a satisfactory working relationship has been developed between the Host National Society, the ICRC and/or the International Federation. All other components involved in an international operation should support an increased level of involvement and responsibility of the Host National Society in the direction and coordination of the operation.
- 1.5 The Lead Agency function is an organizational tool for managing a temporary response to a particular set of circumstances and co-exists with the mandated activities of the Host National Society that it carries at all times.
- 1.6 In any international relief operation where the Host National Society is not the Lead Agency, it will be the primary partner of the institution assuming that responsibility.
- 1.7 As a primary partner of the Lead Agency, the Host National Society is consulted on all aspects of the Movement's response within the scope of Article 1.1 of the Seville Agreement. Consultation between the Lead Agency and the Host National Society should take place through established coordination mechanisms that cover the following elements:
 - a) Analysis of the political, socio-economic and humanitarian environment.
 - b) Assessment and identification of humanitarian needs.
 - c) Definition of general objectives of the international relief operation, determining priorities.
 - d) Establishment and maintenance of a framework for managing security for all Movement components.
 - e) Establishment of an operational strategy for a Movement response, that is aligned to the general objectives and takes into account available resources.
 - f) Development of the plan of action relating to priorities of the Movement response.
 - g) Description of mechanisms for problem solving.
 - h) Management of relationships with the authorities as far as the international relief operation is concerned and
 - i) Definition of entry and exit strategies for programmes and activities of various components, including arrangements during transition.

- 1.8 Article 5.3 of the Seville Agreement clearly defines the assignment of the Lead Agency role. This expedites a rapid and coherent organization of the Movement's response in favour of victims in situations requiring a Lead Agency as determined by Article 5.1.
- 1.9 The framework for a Host National Society assuming the Lead Agency role is set out in article 6.2 of the Seville Agreement. Within this framework, the operational capacity required to meet victims' needs and the capacities and capabilities of the Host National Society are taken into account.
- 1.10 Elements that facilitate assessment of a National Society's capacities and capabilities in relation to coordination of an international relief operation within its own territory are:
- a) *Organizational and management structure of the Host National Society:*
The National Society should conform to the standards established for a 'Well-Functioning National Society'³ and regularly carry out the process of National Society Self Assessment
 - b) *Capacities for managing the Movement's international relief operation*
 - Acceptance by and access to all key actors in the given situation.
 - National Society coverage of the national territory.
 - Operational management, and logistics systems capacities.
 - Capacity to manage security systems for National Societies working internationally.
 - Functioning working relations within and outside the Movement.
- 1.11 When there is a Lead Agency other than the Host National Society, the operational strategy for the Movement response will be developed in ongoing and compulsory close consultation and cooperation with the Host National Society. Other Movement components operational in the context play a supporting role and are consulted.
- 1.12 Relief operations in conflict environments are managed differently from peacetime relief operations. Due consideration needs to be given to the fact that in situations of armed conflict, internal strife and their direct results (5.1 and 5.2 of SA) there are two institutions (the Host National Society and the ICRC) with an explicit mandate to meet the needs of the people affected. Other components of the Movement support and reinforce the national or multi-lateral response capacities.
- 1.13 The Lead Agency coordinating an international relief operation in a conflict environment needs the following additional capacities and abilities:
- a) Maintaining relationships and contacts with state and non-state actors that have an influence on the conflict where the relief operation is conducted.

³ Characteristics of a Well-Functioning National Society, International Federation, May 1994.

- b) Managing and maintaining a security framework for all Movement components that are operational within a coordinated Movement approach.
 - c) Ensuring respect for the rules in force relating to the use of the red cross and red crescent emblems for protective purposes.
 - d) Formulating, in consultation with the National Societies concerned, public statements on the progress of the relief operation.
 - e) Assuming ultimate responsibility for the international relief operation in relation to state and non-state parties to the conflict.
- 1.14 These state and non-state actors may have interests in different populations and geographical areas. The Lead Agency should always seek to persuade and assure parties to the conflict that Movement assistance provided is based entirely on humanitarian needs, which is possible only when all parties to a conflict accept the Lead Agency as an impartial, neutral and independent humanitarian actor.
- 1.15 The organization of international relief operations in peacetime is guided by the Seville Agreement and by the Principles and Rules for Red Cross and Red Crescent Disaster Relief. In situations where the Seville Agreement foresees the Federation to act as the Lead Agency, the Federation is encouraged to conclude agreements with the Host National Society of the most disaster prone countries (either by a pre-disaster agreement or an *ad hoc* agreement) and, based on pre-disaster assessed or announced capacity and contingency mapping/planning, to define the respective roles and responsibilities, which may also include National Societies from other countries and the ICRC.

2. Coordination

- 2.1 The institution exercising the role of Lead Agency must have the capabilities and competencies required to carry out the ‘general direction and coordination of the international operational activities’⁴ that the Seville Agreement envisages. Management and coordination systems for a Movement humanitarian response have to encompass the national working environment, international aid flows and international relations.
- 2.2 The main focus of the Lead Agency is on direction and coordination, with the requirement to establish ‘appropriate mechanisms for consultation’ (SA 4.5) with other Movement components. Other components of the Movement have to accept and abide by rules and procedures thus established. In order to promote a coherent framework for Movement coordination, mechanisms developed must involve all Movement partners operational in a country (the Host National Society, the ICRC, the International Federation and National Societies working internationally).

⁴ Seville Agreement Part I, Article 4, B), 4.3.

- 2.3 Coordination mechanisms will be established and take the form of regular meetings, chaired by the Lead Agency, between the various components of the Movement that are operational in a country (the Host National Society, the ICRC, the Federation and National Societies working internationally).
- 2.4 Such meetings must provide the necessary framework for strategic decision-making and for coordination of operational activities; they might be held at various levels (senior management and implementation levels) depending on the complexity of the operation.
- 2.5 All decisions taken at such meetings must be rapidly recorded and communicated to all the partners involved for implementation, which will be monitored by the coordination mechanisms.⁵
- 2.6 It is recommended that Movement coordination mechanisms be established in all circumstances where various components of the Movement are present and contribute to operations in a given country. This means that such coordination mechanisms apply also in 'normal' and 'non-emergency' situations to ensure effectiveness and results within Movement cooperation. This would facilitate cooperation and dialogue at the 'entry' and 'exit' points of the Lead Agency role (transition) and help clarify longer-term coordination of the international activities of Movement components.
- 2.7 Procedures for engagement of other Movement components are to be established by the Lead Agency in cooperation with the Host National Society, based on the following sequence of steps:
 - a) Expressions of interest for participation based on the operational plan and priorities communicated to potential partners.
 - b) Determination of partners' motivation and interest in participating.
 - c) Interests of the Host National Society: proximity, existing partnerships, potential for long-term engagement.
 - d) Specific proposals by potential partners, special skills and resources available.
 - e) Decision by the Lead Agency in cooperation with the Host National Society and in consultation with the prospective partners.
 - f) MoU or similar agreement(s) defining aims and objectives, roles and responsibilities, resources (human and financial), monitoring and reporting arrangements along with problem-solving mechanisms.
- 2.8 The Lead Agency needs to have a system to identify and disseminate best practices about coordination and procedures of engagement.

⁵ Practical examples include the coordination mechanisms developed for Russia in 2000, the Balkans operation in 1999, the Macedonia operation in 2000, the Sudan operation in 2004 and the Tsunami operation in 2005.

Equally relevant for purposes of coordination are the following sections, 3 through 5 respectively.

3. Memoranda of Understanding (MoU)

- 3.1 Memoranda of Understanding (MoU) regarding respective roles and responsibilities at country level need to be established whenever there are various components working in a given country, in order to promote coherent working practice and understanding of the roles and responsibilities already elaborated in the Statutes of the Movement and the Seville Agreement.
- 3.2 Experience in recent operations⁶ demonstrates the tremendous value of pre-agreed MoUs between the Host National Society, the ICRC and the Federation. The process of negotiating such MoUs presents an opportunity to develop stronger working relationships between the parties, stronger working knowledge of each other's capacities, systems and tools. MoUs can be seen as preparedness measures that anticipate the changed roles and responsibilities applied in emergency situations.
- 3.3 The Host National Society, the ICRC and the Federation will jointly ensure that this tool is elaborated in a process of adequate consultation and that other National Societies concerned participate and sign.
- 3.4 Such MoU will contain respective roles and responsibilities for functional cooperation in 'normal circumstances' and for situations where there is a need for an international relief operation in line with the Seville Agreement.
- 3.5 MoUs and CAS (Cooperation Agreement Strategies) processes should ideally complement each other with the objective of ensuring more effective cooperation and coordination at all times.

4. Neighbouring National Societies and National Societies working internationally

- 4.1 The Statutes of the Movement foresee the following role for National Societies working internationally: '... each within the limits of its resources, give assistance for victims of armed conflicts, as provided in the Geneva Conventions, and for victims of natural disasters and other emergencies. Such assistance, in the form of services and personnel, of material, financial and moral support, shall be given through the National Societies concerned, the ICRC or the Federation' (Movement Statutes, Article 3.3).
- 4.2 In the planning of any Movement operation, all components, such as neighbouring National Societies, other Societies working internationally and

⁶ Sudan 2004, Nepal 2004, Sri Lanka 2004, Indonesia 2004

the ICRC/Federation (as the case may be) should be given the opportunity to participate in the operation, in the spirit of the preamble of the Seville Agreement. All components must support the objectives and priorities set by the Lead Agency (in full consultation with the Host National Society as its “primary partner”, if it is not the Lead Agency). Furthermore, all components participating have the obligation to fully engage in and support the coordination mechanisms established.

- 4.3 The situation of mutual responsibilities between neighbouring National Societies within regional frameworks needs to be addressed recognizing that there are normal and logical relationships because of culture and language and other common denominators on this specific level.
- 4.4 Regional networks can play a vital role in support of Movement operations. The International Federation is called upon to coordinate cooperation between National Societies in various regions and to facilitate sub-regional pre-agreements as a preparedness measure in case of emergencies in peacetime requiring international assistance. The ICRC may also be party to such agreements.
- 4.5 The National Societies working in accordance with the Seville Agreement could provide a permanent forum for coordination and planning in their bordering regions for improved preparedness for any emergency. Plans of mutual assistance and specific protocols for response and recovery should be established taking due account of the Seville Agreement as well as of the Principles and Rules for Red Cross and Red Crescent Disaster Relief and specifying the main actors responsible for coordination. Regional capacities should focus on monitoring humanitarian needs and provide early warning systems for possible interventions required. Regional cooperation processes should be supported by other components.
- 4.6 According to the Seville Agreement, all international resources for an emergency operation channelled in whatever way, and regardless through which institution, are to be considered part of the overall coordinated approach of the Movement. In the interest of effectiveness and coherence, National Societies must avoid unilateral and uncoordinated bilateral action.
- 4.7 Wherever regional networks of National Societies exist, possibly with pre-negotiated cooperation agreements, they should be called upon to perform activities in support of the objectives and priorities set for a Movement operation.

5. Transition

- 5.1 Transition of responsibilities for management of resources linked to the Movement response must be based on an analysis and monitoring of developments in the context. Such an analysis must be done and discussed in

the regular coordination meetings between all parties involved – the Host National Society, the ICRC and/or the Federation and National Societies working internationally.

- 5.2 During transition, moving from a crisis situation through recovery and rehabilitation towards a situation of normalcy, established coordination mechanisms and agreements between components involved during the operation shall, as a rule, be maintained.
- 5.3 The Lead Agency in consultation with the Host National Society (if it is not the Lead Agency) is responsible for negotiations on any modifications or changes to established mechanisms and agreements.
- 5.4 Entry and exit strategies for programmes and other activities of Movement components in the context are to be defined in consultation between the Lead Agency and the Host National Society.
- 5.5 The decision to terminate the Lead Agency function will be made by the incumbent Lead Agency, in consultation with the Host National Society (if it is not the Lead Agency) and with the other components operationally involved in the context.
- 5.6 The transition process from a Lead Agency in charge to the Host National Society taking over the role should be formalized in a Memorandum of Understanding for Development Cooperation (MoUDC) as a framework for capacity building support.

6. Problem solving

- 6.1 The overall plan established for the operation by the Lead Agency in consultation with the Host National Society (if it is not the Lead Agency) should include problem-solving mechanisms.
- 6.2 Problems regarding the implementation of the Seville Agreement should be clearly identified in the field and addressed there with the institution(s) or individuals concerned.
- 6.3 The various institutions of the Movement working in the field should ensure that their personnel in charge on the ground have as far as possible the competency and the mandate to take decisions to resolve problems arising in the country of operation.
- 6.4 The institution assuming the role of Lead Agency in the country of operation is responsible for ensuring that the issues are concretely defined and put across, with proposals for resolving them in the field. Such efforts are to be clearly documented in writing.
- 6.5 Problems arising in the field, which failed to be resolved there, in spite of being adequately addressed by clearly documented efforts, will be brought to

the respective headquarters of the concerned Movement components working internationally.

- 6.6 The senior managers in charge of operations in the institutions working in the field will examine the case on the basis of the documentation and information provided, and will take the necessary decision. Such decisions will be communicated to the country of operation for implementation.
- 6.7 Article 10 of the Seville Agreement provides for monitoring of implementation of the Seville Agreement and for arbitration mechanisms to address differences that cannot be otherwise resolved. The provisions on monitoring and reporting on the implementation of the Agreement need to be used more effectively and in a more systematic manner to enable regular and rigorous reviews, as well as early corrective action in case of difficulties encountered.
- 6.8 Repeated failures of compliance with the Seville Agreement by any component of the Movement in carrying out its agreed role and responsibilities having consequences on the coherence, image and reputation of the action of the Red Cross and Red Crescent in the field will be initially addressed as outlined above. Pending on the circumstances, such cases may be considered as cases where integrity is at issue.

7. Enhancing knowledge of the Agreement

- 7.1 Training is an essential element in building a spirit of cooperation and better understanding of policies and rules. To increase the role of the Seville Agreement as the catalyst for a collaborative spirit (see the Preamble of the Agreement), training should reach the widest possible group of people at all levels in all components of the Movement and not only those that are/could be involved in relief operations.
- 7.2 Training needs to focus on accountability within each component with due respect for the rules and on the particular duty of governance to monitor management's compliance with obligations resulting from the Agreement.
- 7.3 The ICRC and the International Federation, with the involvement of National Societies, will establish standard training modules which differentiate between a basic training programme accessible for all staff and volunteers and a training programme about operational management for those likely to be directly involved in the coordination of international activities. Such training modules will adequately address the specificity of working in situations of conflict and internal disturbances.
- 7.4 National Societies, the ICRC and the International Federation will organize joint training sessions for their staff and volunteers concerned at implementation, management and governance levels of their respective institutions.

- 7.5 Such training sessions should, whenever possible, be conducted jointly and on a regular basis in order to ensure that new governance, personnel and volunteers have adequate knowledge of the Agreement.
- 7.6 The International Federation and the ICRC will offer assistance to National Societies in organizing such training sessions, involving participants from all the different components of the Movement.
- 7.7 The relevance of the Seville Agreement should be confirmed in policies, rules and regulations within the Movement.

VIII

RULES OF PROCEDURE OF THE STANDING COMMISSION OF THE RED CROSS AND RED CRESCENT

*(Adopted on 6 October 1983, adapted to
the new Statutes of the Movement in April 1987,
amended on 30 June 1997 and on 26 October 2000)*

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VIII

RULES OF PROCEDURE OF THE STANDING COMMISSION OF THE RED CROSS AND RED CRESCENT

*(Adopted on 6 October 1983, adapted to
the new Statutes of the Movement in April 1987,
amended on 30 June 1997 and on 26 October 2000)*

General Provisions

RULE 1

- 1.1 The Standing Commission of the Red Cross and Red Crescent (hereinafter called: “the Commission”) has drawn up its Rules of Procedure (hereinafter called: “these Rules”), as defined in Article 19 para. 6 of the Statutes of the International Red Cross and Red Crescent Movement (hereinafter called: “the Movement”).
- 1.2 The objective of these Rules is to determine the working procedures of the Commission.

Members

RULE 2

- 2.1 The Commission shall comprise nine members, elected and appointed in accordance with Article 17 of the Statutes of the Movement.
- 2.2 Should any member representative of the International Federation or of the ICRC be unable to attend a meeting of the Commission s/he may appoint a substitute for that meeting provided that the substitute is not a member of the Commission [*Article 17.2 of the Statutes of the Movement*].
- 2.3 Should any vacancy occur among the elected members, the Commission itself shall appoint as a member the candidate who, at the previous election, obtained the greatest number of votes without being elected, provided that the person concerned is not a member of the same National Society as an existing elected member. In case of a tie, the principle of fair geographical distribution shall be the deciding factor [*Article 17.2 of the Statutes*].

The Chairperson

RULE 3

- 3.1 Immediately after the election of the members of the Commission, the Chairperson of the Conference shall convene the members of the new Commission who are present. These members shall elect, in accordance with article 19.5 of the Statutes and at this first meeting, a Chairperson and a Vice-Chairperson who traditionally are from among the Commission's elected members.
- 3.2 The Chairperson shall convene the meetings, establish their provisional agendas and conduct the proceedings of the meetings.
- 3.3 The Chairperson shall maintain direct contact with the President of the ICRC and the President of the International Federation.
- 3.4 Should the Chairperson be unable to attend a meeting, s/he shall entrust the Vice-Chairperson of the Commission with full powers as his/her substitute.

Invited persons

RULE 4

- 4.1 When the Commission is discussing any matter for which it requires the attendance of experts, the Chairperson may, on his/her own initiative, invite such experts to the relevant meeting or meetings of the Commission without previously consulting the Commission.
- 4.2 The experts so invited will have access to the relevant documents and may intervene in the matter under discussion.
- 4.3 Under the relevant agenda item, the Commission shall invite to its meetings, in an advisory capacity and at least one year before the International Conference is to meet, a representative of the host organisation of the next International Conference, as well as the Conference's Commissioner, if one is appointed.
- 4.4 The Chairperson may be assisted during the Commission's meetings by his/her own expert.
- 4.5 One expert of the ICRC and one of the International Federation may also attend the meetings.

Convocation and meetings

RULE 5

- 5.1 The Standing Commission shall hold an ordinary meeting at least twice yearly. It shall hold an extraordinary meeting when convened by its

Chairperson, either acting on his/her own initiative or at the request of three of its members [*Article 19.1 of the Statutes*]. Such an extraordinary meeting can be held through the use of telecommunications, provided it allows for the full participation of all members.

- 5.2 The members of the Commission shall have the right to propose to the Chairperson, in good time, items for inclusion on the agenda.
- 5.3 The letter of convocation for each meeting and the provisional agenda shall be sent by the Secretary at least six weeks before the following ordinary meeting. The Secretary shall send the meeting's documents in all working languages, with a view that the members shall receive them not later than two weeks before the meeting begins.

Headquarters

RULE 6

- 6.1 The Standing Commission shall have its headquarters in Geneva. It may meet in another place selected by its Chairman and approved by the majority of its members [*Article 19.2 of the Statutes*].

Proceedings of the Commission

RULE 7

- 7.1 The Chairperson shall open the meeting and ascertain that there is a quorum. S/He shall conduct the meeting.
- 7.2 To be valid, the deliberations of the Commission shall require a quorum of five members.
- 7.3 The Chairperson may request any member of the Commission to present specific items on the agenda.
- 7.4 The members of the Commission may intervene in discussion of items in the order of their appearance on the agenda and with the Chairperson's permission. The members presenting items on the agenda have the right to reply to the comments made, before closure of the discussion.
- 7.5 As a general rule, the Commission shall seek to obtain a consensus in its decisions. The Chairperson may call for a vote if there is no consensus. In this case the members of the Commission shall decide by open vote and simple majority.
- 7.6 In exceptional circumstances the Chairperson can propose a decision in writing, after consultation with the members. Such a decision should be signed by all the members. It shall be as valid as if it had been passed at a meeting of the Commission.

- 7.7 As a general rule the Commission shall inform regularly the components of the Movement on its work and its decisions, except on confidential matters.

Promotion of harmony in the Movement

RULE 8

- 8.1 The Standing Commission shall promote harmony in the work of the Movement and, in this connection, coordination among its components [*Article 18.3.a) of the Statutes*]. In order to fulfil this obligation, the Commission may establish ad hoc bodies on substantive issues which will report to the Commission for decision.
- 8.2 The Commission shall support and encourage the implementation of the resolutions of the International Conference and the Council of Delegates.
- 8.3 Any member of the Commission may bring to the attention of the Commission infringements of the Movement's Fundamental Principles by any of the components of the Movement.
- 8.4 Unsettled differences of opinion as to the interpretation and application of the Statutes and Rules of Procedure of the Movement shall be dealt with by the Commission without delay.

Secretariat

RULE 9

- 9.1 The Commission shall be assisted by an independent Secretariat located in Geneva.
- 9.2. The Chairperson, after consultation with the members of the Commission, shall appoint a Secretary responsible for the execution of the work entrusted to the Secretariat.
- 9.3 The Secretariat shall carry out his/her function under the responsibility of the Chairperson. S/He shall assist the Chairperson in the execution of the tasks allocated to the Commission and to the ad hoc working groups it has established.
- 9.4 The Secretary shall maintain close contact with the ICRC and the International Federation on all appropriate levels and is entitled to participate in all meetings as established by agreement between the ICRC and the International Federation. S/He shall report immediately to the Chairperson whenever required.
- 9.5 The Secretary shall coordinate the work of the Commission's ad hoc bodies.

- 9.6 In consultation with the Chairperson the Secretary shall prepare the annual budget and the financial report which shall be submitted to the Commission for final decision.
- 9.7 The minutes of the meetings of the Commission shall be prepared by the Secretary. The draft shall be established within six weeks after the meeting and shall be sent by email, fax or regular mail to the members for comments. The minutes shall be adopted at the next meeting of the Commission. The minutes are confidential and shall not be distributed outside the Commission.
- 9.8 The Secretary shall be responsible for keeping the Commission's archives, to which all members of the Commission shall have access on request.
- 9.9 The Secretary may take on extra staff with the agreement of the Chairperson and in accordance with the approved budget.

Languages

RULE 10

- 10.1 The working languages of the Commission's meetings shall be those of the International Conference of the Red Cross and Red Crescent. By agreement of the members at each new session of the Standing Commission, the working languages can be reduced.
- 10.2 Any member wishing to speak and/or submit a document in a language which is not a working language shall arrange for its interpretation and/or translation into one of the working languages at his/her expense.
- 10.3 The ad hoc groups will meet, to the extent possible, in one of the Commission's working languages, but will submit its reports in all working languages.

Expenses

RULE 11

- 11.1 The International Committee and the International Federation shall jointly defray the expenses incurred by the Commission as per the budget adopted in conformity with rule 9.6.

Amendments of Rules of Procedure

RULE 12

- 12.1 Any member of the Commission may prepare amendments of the present Rules of Procedure. Such proposals shall be considered in an ordinary meeting of the Commission, in accordance with rule 7.5.

IX

REGULATIONS ON THE USE OF THE EMBLEM OF THE RED CROSS OR THE RED CRESCENT BY THE NATIONAL SOCIETIES

*Adopted by the 20th Red Cross and Red Crescent International Conference
(Vienna, 1965)
and revised by the Council of Delegates (Budapest, 1991)*

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IX

REGULATIONS ON THE USE OF THE EMBLEM OF THE RED CROSS OR THE RED CRESCENT BY THE NATIONAL SOCIETIES

PREAMBLE

The Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National Societies, adopted by the 20th International Conference in Vienna in 1965, were revised by the Council of Delegates in Budapest in November 1991. After the postponement of the 26th International Conference, the ICRC submitted the text of the present Regulations to all the States party to the Geneva Conventions, inviting them to inform it within a period of six months of any objections they might have. No amendments having been submitted, the Regulations therefore came into force at the end of that period.

The main rules governing the use of the emblem are contained in the Geneva Conventions and many countries have made them part of their national legislation, chiefly to be able to repress any misuse of the emblem. The Regulations specify the various conditions governing the use of the emblem by National Societies and their members in greater detail.

One of the purposes of revising the Regulations in 1991 was to enable the National Societies to diversify and expand their sources of income, without prejudice to the respect due to the emblem and the name of the red cross or red crescent.

The ICRC stressed that the Regulations were in accordance with the law. While it considers that the scope allowed by the revised version is as wide as it possibly can be within the framework of the Geneva Conventions, it nonetheless finds this broad interpretation of them acceptable. There is however, nothing to prevent National Societies from setting narrower limits if they so wish.

INTRODUCTION

1. Purpose of the Regulations

These Regulations (hereinafter “the Regulations”) stipulate the various ways the emblem of the red cross or the red crescent on a white ground may be used by the National Societies, in keeping with the provisions of international humanitarian law and the Fundamental Principles of the International Red Cross and Red Crescent Movement (hereinafter “the Movement”).

2. Legal basis

The Regulations are based on the Geneva Conventions of 12 August 1949, mainly on the First Convention (Convention for the amelioration of the condition of the wounded and sick in armed forces in the field) and, for certain provisions, on Protocol I of 8 June 1977 additional to the Geneva Conventions, relative to the protection of victims of international armed conflicts.

Article 44 of the First Geneva Convention of 12 August 1949 makes the distinction between the protective use and the indicative use of the emblem and outlines the general rules governing the two uses.

Protocol I extends the protective use of the emblem by giving to the competent State authority (hereinafter “the Authority”) the possibility of granting such use to categories of persons and objects not covered by the 1949 Conventions. It further introduces the possibility of using distinctive visual, acoustic or electronic signals.

3. Field of application

The Regulations apply to all National Red Cross or Red Crescent Societies. They develop Article 44 of the First Convention which sets out the obligations of the National Societies with regard to the emblem. The limits they impose on the lawful use of the emblem must therefore be respected, but this does not prevent the National Societies from laying down stricter rules.

When Protocol I is applicable, certain provisions of the Regulations take on a broader meaning which concerns the National Society of the State in which Protocol I is in force; it does not concern the National Society of a State not party to Protocol I, except with the consent of the Authority.

4. Contents of the Regulations

The Regulations contain one chapter dealing with the protective use of the emblem and another on its indicative use. The two chapters are preceded by general rules which should provide guidelines for cases not specifically mentioned in either chapter.

The articles of the Regulations are usually accompanied by a commentary, in italics, which refers where necessary to the relevant articles of the Geneva Conventions and Protocol I.

CHAPTER I :

GENERAL RULES

ARTICLE 1

Purposes of the emblem

The protective use of the emblem is meant to mark medical and religious personnel and equipment which must be respected and protected in armed conflicts.

The indicative use of the emblem serves to show that persons or objects are linked to the Movement.

There is only one emblem, but it can be used for two different purposes: the first use of the emblem is as a visible sign of the protection conferred by international humanitarian law on certain persons and objects, in particular those belonging to or made available to the Army Medical Service and medical staff from National Red Cross and Red Crescent Societies and from civil defence organizations (Articles 38 and 44, First Convention; Article 8 [c] of Protocol I). The second use of the emblem indicates only that persons or objects displaying it are linked to the Movement.

ARTICLE 2

Competence of the National Society

The National Society may use the emblem as a protective device only with the consent of and in accordance with the conditions laid down by the Authority.

The National Society may make use of the emblem as an indicative device in peacetime and during armed conflicts within the limits stipulated in national legislation, the Regulations, and its statutes.

Re paragraph 1: *Therefore, the National Society does not have the right to use the emblem as a protective device merely because it is the National Society. It is up to States to take the necessary steps to allow and to supervise the protective use of the emblem. In order to avoid the National Society being caught unprepared in the event of an armed conflict, the Authority should determine already in peacetime the National Society's role as auxiliary to the Army Medical Service and its right to use the emblem for its medical personnel and equipment.*

ARTICLE 3

Prestige and respect of the emblem

The National Society may use the emblem only for activities consistent with the principles set out by International Conferences of the Red Cross and Red Crescent. It shall ensure at all time that nothing shall tarnish its prestige or reduce the respect due to the emblem.

The principles mentioned, the Fundamental Principles in particular, are those which give to the Movement its aims and are the basis of its specific action: voluntary assistance to those who suffer, to the direct and indirect victims of conflicts and of natural and social disasters. The raison d'être of the Red Cross/Red Crescent is set out in the Preamble to the Movement's Statutes.

National Societies shall refrain from displaying the emblem when carrying out activities which have only a tenuous connection with their essential mission.

ARTICLE 4

Distinction between the two uses

Any confusion between the protective use and the indicative use of the emblem must be avoided. In armed conflicts, the National Society which continues its peacetime activities shall take all the necessary measures to ensure that the emblem used indicatively, displayed on persons or objects, is seen only as marking their connection with the National Society and not as conferring the right to protection under international humanitarian law. In particular, the emblem shall be relatively small and shall not be placed on armlets or roofs. The National Society shall endeavour to follow the latter rule in peacetime so as to avoid from the very beginning of a conflict any confusion with the emblem used as a protective device.

It is not so much the design of the emblem that can lead to confusion as the circumstances in which it is displayed. Hence, it is particularly in situations in which the emblem may also be used as a protective device, i.e. in armed conflicts, that it is necessary to avoid any confusion. In order to obviate this risk, it is recommended that the National Societies use as an indicative device, already in peacetime, an emblem of relatively small dimensions. For the same reason, it is further recommended that, also in peacetime, they refrain from placing the emblem on armlets, roofs or even flags. However, the use of a large-size emblem is not excluded in certain cases, such as events where it is important for first-aid workers to be easily identifiable.

ARTICLE 5

Design of the emblem

The emblem used as a protective device shall always retain its original form, i.e. nothing shall be added either to the cross, the crescent or the white ground. A cross formed with two cross-pieces, one vertical and the other horizontal crossing in the middle, shall be used. The shape and direction of the crescent are not regulated. Neither the cross nor the crescent shall touch the edges of the flag or the shield. The shade of the red is not specified. The ground shall always be white.

The emblem used indicatively shall be accompanied by the name or initials of the National Society. There shall be no drawing or writing on the cross or the crescent which shall always be the dominant element of the emblem. The ground shall always be white.

Use of the emblem for decorative purposes is permitted, within the limits of Article 3, on the occasion of public events or on material intended to promote the National Society and the Movement, such as films, publications, medals or other tokens of acknowledgement. For such use a freer design is permitted, provided that national legislation does not prohibit it. Moreover, the emblem used as an indicative device should as far as possible be displayed together with the decorative design.

Re paragraph 1: *The design of the emblem must be clear so that persons and objects with the right to use it can be easily identified and thus effectively protected. Protection, however, does not depend on the emblem: a protected person not marked or badly marked obviously does not lose his right to protection because of this.*

Re paragraphs 2 and 3: *A distinction must be made between the indicative use showing that a person or an object is linked to the Society, in which case strict design is essential, and indicative use for the purpose of promoting the National Society and the Movement, in which case a freer design is permitted if it is not prejudicial to the prestige of the emblem. With regard to the latter case, it is up to the National Society to decide, depending on the national legislation and the national context, whether it is possible or advisable to authorize such use. The freer design may consist, for example, of a red cross set with gold, a crescent with graded shades of red, a cross cut out, or an emblem with a motif. The Society shall not display such a design on the buildings it uses or on its letterhead, as these are typical cases of indicative use.*

ARTICLE 6

Visibility of the emblem used as a protective device

The emblem used as a protective device must be identifiable from as far away as possible. It shall be as large as necessary under the circumstances. At night or when visibility is reduced, it may be lighted or illuminated. It shall as far as possible be made of materials rendering it recognizable by technical means of detection and displayed on flags or flat surfaces visible from as many directions as possible, including from the air.

ARTICLE 7

Internal regulations of the National Society

The National Society shall lay down the conditions governing the use of the emblem in regulations or internal directives.

The regulations or directives may consist, for example, of:

A. Concerning the protective use of the emblem:

- *the reference to the national legislation on the subject and to the Regulations;*
- *the indication of the competent authorities who can authorize the use of the emblem;*

- *the list of steps to be taken at the beginning of a conflict to avoid any confusion with the indicative use of the emblem;*
- *the conditions governing the use of the emblem for persons and objects of the National Society.*

B. Concerning the indicative use of the emblem:

- *the reference to the national legislation on the subject and to the Regulations;*
- *the conditions governing the use of the emblem by members of the National Society and by members of the Red Cross or Red Crescent Youth;*
- *the mention of other persons not members of the National Society but trained by it and authorized to wear the emblem;*
- *the list of aid stations and ambulances run by third parties authorized to use the emblem;*
- *the dimensions and proportions of the emblem;*
- *details concerning the use of the emblem for fund-raising and dissemination purposes and on medals or other tokens of acknowledgement;*
- *the rules governing the documents carried by persons to justify their use of the emblem, or persons in charge of objects marked with the emblem.*

CHAPTER II

PROTECTIVE USE OF THE EMBLEM

SECTION I : GENERAL PRINCIPLE

ARTICLE 8

Consent of the Authority and conditions governing the use of the emblem

Before using the emblem as a protective device the National Society must receive permission from the Authority and with it lay down the rules governing its use. The National Society shall take the necessary measures to see that its members respect those rules and to avoid any confusion with the indicative use of the emblem.

The National Society shall endeavour already in peacetime to lay down with the Authority rules governing the protective use of the emblem, in the event of armed

conflict, by its medical personnel and on its medical equipment. Regarding the risk of confusion, see Article 4 above.

In cases where it is not practically possible for the Authority to give its permission (for example, in the event of serious disturbances), and where there is an obvious and urgent need for humanitarian measures, the National Society may act on the assumption that such permission has been granted. This is because the principle of humanity requires action to be taken. Furthermore, the National Society need fear no penalty under international law as the essential purpose of international law is to serve mankind; faced with a glaring need for humanitarian action, a formal obstacle such as that mentioned above must not be allowed to block an initiative that so clearly corresponds to the spirit of the law. These points apply to Articles 8 to 10 of the present Regulations.

SECTION 2 : PERSONS

ARTICLE 9

Medical personnel of the National Society

The medical personnel of the National Society authorized to wear the emblem as a protective device shall display it during the discharge of their duties in a manner ensuring optimum visibility.

In evidence of their status, such personnel shall carry identity cards issued by the Authority.

Re paragraph 1: *Medical personnel status is granted to the National Society personnel when it is placed at the disposal of the Army Medical Service (Article 26, First Convention) and when, in the discharge of its tasks, it is “regularly and solely engaged in the operation and administration of civilian hospitals” (Article 20, Fourth Convention).*

Protocol I gives the Authority the possibility of granting the right to use the emblem as a protective device to all civil medical personnel, which can thus include National Society medical personnel not covered by the 1949 Conventions. A definition of medical personnel is set out in Article 8, subparagraph (c) of Protocol I.

Special emphasis must be put on the visibility of the emblem, particularly when the emblem is worn in occupied territories and areas where fighting has broken out or seems about to break out. See also Article 6 above.

Re paragraph 2: *See Articles 40 and 41 and Annex II, First Convention, and Article 18, paragraph 3, Protocol I and Articles 1 and 2 of Annex I to Protocol I. The National Society shall, if necessary, remind the Authority of its duty to issue such identity cards to the Society’s medical personnel.*

SECTION 3 : OBJECTS

ARTICLE 10

Medical units and transports of the National Society

The medical units and transports of the National Society authorized by the Authority to display the emblem as a protective device shall do so in a manner ensuring optimum visibility.

In the Conventions, the medical units and transports include medical units and establishments, medical buildings, medical equipment and transports (see Chapters III, V and VI of the First Convention). With regard to the National Society, these include hospitals, ambulances, hospital ships, aircraft and stores of medical material when placed at the disposal of the Army Medical Service, as well as civilian hospitals belonging to it, when these have been recognized as such and authorized by the Authority to display the emblem (see Article 18 of the Fourth Convention).

Protocol I gives the Authority the possibility of granting the right to use the emblem as a protective device to all civilian medical units and means of medical transport, which can therefore include National Society medical units and means of medical transport not covered by the 1949 Geneva Conventions. A definition of medical units, medical transport and means of medical transport is set out in Article 8, subparagraphs (e), (f) and (g) of Protocol I.

Detailed comments on the visibility of the emblem are contained in Article 42 of the First Convention and Chapter II of Annex I to Protocol I. See also Article 6 above.

ARTICLE 11

Specific rules for marking

Hospital ships and coastal rescue craft of the National Society shall be marked with the emblem as provided for in Article 43 of the Second Geneva Convention of 1949.

Medical aircraft of the National Society shall be marked in conformity with Article 36 of the First Convention.

Re paragraph 1: *Hospital ships and coastal rescue craft (or rescue craft, as they are referred to nowadays since, being often of large tonnage and long range, they may operate far from the coast) must carry a document from the Authority declaring that they were under its control when they were being fitted out or when they set sail. Their names and characteristics must be communicated to all the parties to the conflict. These hospital ships and rescue craft are exempt from capture. More detailed rules for marking are set out in Article 43 of the Second Convention. See also Articles 22 to 35 of the Second Convention and Articles 3 to 11 of Annex I to Protocol I.*

Moreover, in accordance with Article 23 of Protocol I, other ships and craft of the National Society used temporarily or permanently for medical purposes shall be

marked in conformity with the provisions of Article 43, paragraph 2, of the Second Convention. These ships and craft are not exempt from capture.

Re paragraph 2: *The relevant provisions are Articles 36 of the First Convention, 39 of the Second Convention, 22 of the Fourth Convention, Articles 24 to 31 of Protocol I, and 5 to 13 of Annex I to Protocol I.*

ARTICLE 12

Optional distinctive signals

With the consent of the Authority, in addition to the emblem, the National Society may make its medical units and transports identifiable by the recognized optional distinctive signals, namely, the blue light signal, the radio signal and electronic means of identification.

The regulations on distinctive signals can be found in:

- *Annex I of Protocol I, Articles 5 to 8;*
- *Document 9051 (blue lights) of the Airworthiness Technical Manual issued by the International Civil Aviation Organization (ICAO);*
- *Section II of Article 40 and Section III of Article N 40 (medical transport) of the Radio Regulations issued by the International Telecommunication Union (ITU);*
- *Chapter XIV of the International Code of Signals issued by the International Maritime Organization (IMO).*

ARTICLE 13

Marking already in time of peace

With the consent of the Authority, the National Society may, already in time of peace, use the emblem and optional distinctive signals to identify units and transports whose assignment to medical purposes in the event of an armed conflict is definitively decided.

SECTION 4 : SPECIFIC RULES

ARTICLE 14

Simultaneous use of the emblem as a protective and as an indicative device

Unless otherwise directed by the Authority, the National Society may authorize its members to display the emblem as an indicative device, together with its name, simultaneously with the emblem used as a protective device.

Under the same conditions, the objects placed at the disposal of the Authority may also bear the emblem with the name of the Society.

In such cases, the emblem used as an indicative device and the name of the National Society must be of small dimensions.

ARTICLE 15

National Society of a neutral or other State not Party to the conflict

The National Society of a neutral or other State not Party to the conflict that intends to provide medical personnel or objects to any Party to an armed conflict must obtain prior consent from the said Party and from its own State authorities. The rules governing the protective use of the emblem must be established by the said Party to the conflict. The said persons and objects may display the emblem from the moment of their departure on mission.

See on this point Article 27, First Convention.

CHAPTER III

INDICATIVE USE OF THE EMBLEM

SECTION I : PERSONS

ARTICLE 16

Members and employees of the National Society

The members and the employees of the National Society may wear the emblem, usually of small dimensions, when on duty.

When not on duty, members may only wear an emblem of very small dimensions, for example, in the form of a brooch or a badge.

Save in exceptional circumstances, the emblem shall be accompanied by the name or initials of the National Society.

Re paragraph 1: *Although in its indicative use the emblem is usually of small dimensions, it may at times be of large dimensions, especially when meant to allow easy identification of first-aid workers (see Article 4 above and its commentary).*

Re paragraph 2: *In this case the emblem must be of very small dimensions because its use is not related to any specific activity carried out on behalf of the Society.*

Re paragraph 3: *As a general rule volunteers should be identifiable as members of the National Society. However, in some cases they should be allowed to forego use of the name or initials of the Society alongside the emblem, for example during internal disturbances when such markings may hinder their work.*

ARTICLE 17

Members of the Red Cross or Red Crescent Youth

Article 16 above is applicable. The emblem shall be accompanied by the words “Red Cross Youth” or “Red Crescent Youth” or the initials “RCY”.

ARTICLE 18

Other persons authorized by the National Society to wear the emblem

The National Society may authorize, under the conditions laid down in its own internal regulations, persons who are not members of the National Society but have taken its courses or passed its exams to wear an emblem of very small dimensions and accompanied by the name or the initials of the National Society, for example, in the form of a brooch or a badge.

These persons are usually first-aid workers or nurses thus brought to the attention of the public.

SECTION 2 : OBJECTS

ARTICLE 19

Buildings and premises used by the National Society

The emblem, accompanied by the name of the National Society, may be displayed on the buildings and premises used by the Society, whether or not they belong to it.

When only part of the buildings is used by the National Society, the emblem may be displayed only on the part which it occupies.

The emblem shall be of relatively small dimensions and shall not be displayed on the roof, in order to avoid, in the event of armed conflict, any confusion with the emblem used as a protective device.

Re paragraph 2: *When the National Society shares a building with other persons or societies, it shall ensure that the activities of its neighbours are not indirectly detrimental to the prestige of the emblem.*

Re paragraph 3: *Regarding the risk of confusion, see Article 4 above.*

ARTICLE 20

Buildings and premises belonging to the National Society, not occupied by it

The National Society shall not mark with the emblem buildings or premises belonging to it, not occupied by it but which it rents or lends to third parties.

ARTICLE 21

Hospitals, aid stations¹ and means of transportation of the National Society

The emblem, accompanied by the name of the National Society, may figure on hospitals and aid stations run by the Society and on the means of transportation, especially ambulances, used by its members and employees. Subject to Article 13, the emblem so used shall be of relatively small dimensions in order to avoid, in the event of armed conflict, confusion with the emblem used as a protective device.

With regard to hospitals, it should be noted that the indicative use of the emblem is reserved exclusively for hospitals of the National Society, not forgetting, however, that those hospitals which the Authority intends to authorize to display the emblem as a protective device in time of armed conflict may – with the consent of the Authority – be marked accordingly already in peacetime (see Articles 10 and 13 above).

In order to prevent any misuse, the National Society shall remove or cover the emblem and its name if it lends a means of transportation to other organizations.

Regarding the risk of confusion, see Article 4 above.

ARTICLE 22

Aid stations² and ambulances run or used by third parties

The National Society may permit third parties to use the emblem, in peacetime and in conformity with national legislation, to mark aid stations used exclusively to give free treatment and ambulances.

The National Society shall only give this permission in exchange for the right regularly to control the use of the emblem. It shall reserve the right to withdraw this authorization at all times and with immediate effect.

¹ The United Nations Convention on road signs and signals adopted in Vienna on 8 November 1968, and the European agreement supplementing it, adopted in Geneva on 1 May 1971, include two road signs displaying the emblem:

- (a) the sign “First-aid stations” (E, 1a), made up of the red cross or red crescent on a white ground, the whole framed by blue. As this is an indicative use of the emblem, the National Society shall request the authorities to use this sign to mark only aid stations run or authorized by it;
- (b) the “hospital” sign (E, 12b), made up of a red cross or red crescent on a blue ground with a white bed. Since this is a misuse of the emblem, the National Society shall request the authorities to use the other “hospital” sign (E, 12a) only. This sign is also provided for in these agreements and is made up of the letter H in white on a blue ground.

² See (1) Article 21.

Article 44, paragraph 4 of the First Convention allows the marking, besides ambulances, of aid stations “exclusively assigned for the purpose of giving free treatment”. Experience has shown that this rule of free treatment is often interpreted with a degree of flexibility. This practice is acceptable, and in conformity with the spirit of the Convention, only in so far as treatment is in no case conditional on payment of a fee and the idea of voluntary service linked to the Movement is upheld.

SECTION 3 : DISSEMINATION AND FUND-RAISING

ARTICLE 23

Campaigns and events organized by the National Society

The National Society may use the emblem to support the campaigns and events it organizes to make its activities known, to disseminate knowledge of international humanitarian law and of the Movement's Fundamental Principles, or to raise funds, within the limits of Articles 2 to 5 of the Regulations.

When displayed on printed matter, objects or other advertising material of such campaigns, the emblem shall be accompanied, as far as practically possible, by the name of the Society or a text or publicity drawing. The objects shall in no way suggest the protection of international humanitarian law or membership of the Movement, nor give rise to misuse at some later date. The object shall be of reduced dimensions or else made of rapidly perishable material.

A National Society which cooperates with a commercial company or other organization in order to raise funds or further its dissemination activities may display the company's trademark, logo or name on articles used by the Society, on its advertising material or items which it sells, provided that the following conditions are met:

(a) no confusion must be created in the mind of the public between the company's activities or the quality of its products and the emblem or the National Society itself;

(b) the National Society must retain control over the entire campaign, in particular the choice of articles on which the company's trademark, logo or name is displayed and the sitting, form and size of such markings;

(c) the campaign must be linked to one particular activity and, as a general rule, be limited in time and geographical area;

(d) the company concerned must in no way be engaged in activities running counter to the Movement's objectives and Principles or which might be regarded by the public as controversial;

(e) the National Society must reserve the right to cancel its contract with the company concerned at any time and to do so at very short notice, should the company's activities undermine the respect for or the prestige of the emblem;

(f) the material or financial advantage which the National Society gains from the campaign must be substantial without, however, jeopardizing the Society's independence;

(g) the contract between the National Society and its partner must be in writing;

(h) the contract must be approved by the National Society's central leadership.

The National Society may authorize commercial companies or other organizations to mention in their advertising material that they have made a donation to or otherwise contributed to the National Society's work. Such mention may also be authorized on products for sale the proceeds from which are to be donated in full or in part to the National Society. Such authorization shall, however, be subject to strict compliance with the conditions set out in the previous paragraph, subparagraphs (a), (c), (d), (e), (f), (g) and (h). During a promotional campaign, the National Society shall reserve the right to inspect the company's accounts pertaining to that campaign. Moreover, the National Society shall carefully monitor the manner in which the assistance is described in the advertising material or on the products mentioned above. The same applies to any photographs or other visual material used within the context of the campaign. It shall not authorize the display of its emblem on items for sale and may authorize its display on advertising material only with the utmost restraint and on condition that the emblem be of small dimensions and accompanied by a clear explanation of the assistance received by the Society. The National Society shall ensure that the conditions governing the use of the emblem are an essential part of its contract with the company and that deliberate violation of those conditions entitles the Society to terminate the contract with immediate effect, without being liable for any compensation.

Re paragraph 1: *The reference to Article 3 above leads to the conclusion that the name and emblem may be used for fund-raising purposes to sell an object or give a momentary service, but not, for instance, to sell a lasting or a long-term service, especially if the service has no connection with the Movement's traditional activities or competes with other similar services provided on a commercial basis. The aim is to prevent sales of objects or services of the National Society and the events it organizes from becoming more representative of its work than its humanitarian and social activities.*

Re paragraph 2: *Such advertising material, distributed or sold to the public, can consist of printed matter and objects of all kinds: leaflets, publications, posters, philatelic souvenirs, films, pencils, etc. With regard to clothing, flags or banners – given the risk of confusion which such objects could create, in the event of armed conflict, with the emblem used as a protective device – it is essential to ensure that the emblem is accompanied by the name of the National Society, or a text or a publicity drawing.*

Re paragraph 3: *The general provisions set out in the first two paragraphs obviously apply to the specific situations described in paragraph 3. Use of the red cross or red crescent emblem or name by “individuals, societies, firms or companies either public or private” is prohibited by international humanitarian law (First Geneva Convention, Article 53). It is nevertheless acceptable for a National Society to mention that it has received certain assistance from a commercial company or other organization. Insisting that the donors of such assistance remain anonymous could mean that the National Society would lose major sources of funds or other benefits. It is nevertheless important that the National Societies closely monitor the manner in which the assistance is publicized so as to avoid any abuse or risk of confusion in the mind of the public. The conditions set out in paragraph 3 provide precise guidelines in that respect.*

Subparagraphs (a) and (b)

It is necessary first and foremost to avoid any confusion in the mind of the public between commercial companies and the emblem or the National Society itself. Thus, when a National Society announces that it is receiving support from a commercial company in a given campaign (for example in producing printed matter or other items), the Society must ensure that the role played by the company is expressly defined and that the emblem can in no way be interpreted as guaranteeing product quality. It must also ensure that the company's trademark, logo or name remains in reasonable proportions compared with the rest of the display.

Subparagraph (c)

The National Society may not involve a commercial company in its activities as a whole but only in specific programmes. The duration of its association with the company must be determined in advance and should not exceed three years. Moreover, it must be limited to the country's territory unless there is an agreement with the National Society (or Societies) of any other State on whose territory the campaign would also be held.

Subparagraph (d)

Some companies are engaged in activities which are themselves directly contrary to the Movement's objectives (for example the manufacture or sale of arms, tobacco, alcohol or products clearly seen as being harmful to the environment. The linking of the names or logos of such companies with those of a National Society must therefore be avoided.

Subparagraph (e)

Association with a commercial company whose activity is not contrary to the Movement's objectives could prove embarrassing for reasons not known to the National Society when it enters into the agreement (serious pollution by the company concerned, for example). It is therefore essential that the National Society be able to end its association with the company very rapidly.

Subparagraph (f)

Sponsorship is an important serious matter, which should be envisaged only when major contracts are involved and when substantial advantages will be gained by the National Society concerned. However, the Society must ensure that the advantages gained do not make it dependent on the company concerned. Financial gain, for example, should not exceed a certain percentage of the Society's total resources (20% maximum).

Subparagraph (g)

It is also essential that all terms and conditions of the agreement between the National Society and the contracting company or organization be the subject of a written contract.

Subparagraph (h)

Before an agreement is reached between the National Society and the contracting company or organization it must be discussed by the body normally responsible for making decisions pertaining to the National Society's administration.

Re paragraph 4: *To avoid the loss of major sources of funds, the National Society may authorize a commercial company or other organization that has contributed to its work to mention this assistance in its advertising material or on products for sale the proceeds from which are to be donated in full or in part to the National Society. However, as this entails a considerable risk of abuse, the conditions set out in paragraph 3, subparagraphs (a), (c), (d), (e), (f), (g) and (h) must be strictly observed.*

Moreover, the National Society must ensure that such mention remain discreet and not give rise to confusion. The emblem may be reproduced in the companies' advertising material. It is though prohibited to display the emblem on products or items for sale, since they are often designed to last and the National Society has no control over their use.

Wherever such reproduction in advertising material is authorized, the emblem must be of small dimensions and should be accompanied by an explanation enabling the public to clearly understand the relationship between the National Society and the contracting company or organization.

Furthermore, the National Society shall reserve the right to inspect the company's accounts pertaining to the activities connected with the promotional campaign. The Society may exercise this right itself or through a specialized institution, for example an auditing firm.

Finally, in addition to the right of cancellation stipulated in Article 23, paragraph 3, subparagraph (e), the National Society shall reserve the right to terminate the contract with immediate effect, without being liable for any compensation, should the conditions governing the use of the emblem be deliberately violated by the contracting company or organization.

ARTICLE 24

Requests by third parties to use the emblem

With the exception of the cases mentioned in Articles 18, 22 and 23 above, and those provided for in the present Article with a view to promoting the activities of the Society and the Movement, the National Society may not authorize any third parties to use the emblem.

The National Society can accede to a request for the emblem to be put on objects to be sold on the market if such objects represent persons or objects which may display the emblem in reality in accordance with the Geneva Conventions, as a protective or indicative device, and if the emblem is not placed alongside the trademark of the company in question. The authorization shall be limited to a specific time or number of objects. It may be subject to payment but its main aim shall remain dissemination of international humanitarian law or of the activities of the National Society and the Movement.

The National Society may authorize use of the emblem by institutions whose purpose is not commercial but solely to make known or to promote the activities of the Society and of the Movement.

The National Society shall require that third parties provide all facilities necessary to exercise control on the use of the emblem at any time, with the possibility of withdrawing its authorization with immediate effect.

Re paragraph 1: *It is therefore clear that, except in the above-mentioned cases, the National Society may not authorize third parties to use the emblem. Such use calls for very strict control on the part of the National Society and must therefore remain an exception.*

Re paragraph 2: *These can be, for instance, miniature military ambulances, or figurines representing members of the Army Medical Service or of the National Society. The authorization will be valid only in the country of the National Society giving it, except where there is an agreement with the National Society(ies) of one or several other countries. Moreover, the National Society will have to take care that by granting such authorization it does not favour one company to the detriment of another. Even where permission to use the emblem is not granted in return for a financial contribution, the rules laid down in Article 23 concerning respect for the emblem apply to the cases provided for in the present Article. Likewise, companies wishing to use the emblem, even for purposes other than financial gain, must ask the National Society for permission and the general conditions set out in Article 23 must be met.*

Re paragraph 3: *The National Society may grant the authorization to institutions such as associations or foundations whose purpose is to promote the activities of the Society and of the Movement but which – for reasons of opportuneness or some legal reason (for example, fiscal) – are legal entities independent of the National Society. It should be noted that these institutions are entitled to the emblem only in so far as it is used to make known or promote the activities of the Society and of the Movement, and*

not by their members as such. It is therefore important that the use of the emblem be strictly controlled by the National Society (see paragraph 4 above).

SECTION 4 : SPECIFIC RULES

ARTICLE 25

Cooperation with other organizations

In addition to the cases mentioned in Articles 23 and 24, the National Society may in exceptional circumstances use the emblem jointly with that of another humanitarian organization, in the event of a specific undertaking and provided that such use is discreet and does not give rise to confusion in the public mind between the National Society and the other organization.

In principle, the National Society must not use its emblem jointly with that of other organizations. It must endeavour to find a way of avoiding such a procedure and should have recourse to joint use only in exceptional circumstances, in connection with humanitarian activities or dissemination campaigns (for example, in a joint publication). In such cases, only indicative use may be made of the emblem.

ARTICLE 26

Medals and other tokens of acknowledgement

The emblem may figure on medals and other tokens of acknowledgement given by the National Society, on condition that it is shown together with its name and, if possible, a few words describing the purpose of the medal or defining the services rendered. Its design may be decorative, in accordance with the conditions set out in Article 5, paragraph 3 above.

ARTICLE 27

Relief consignments

The National Society may use the emblem, accompanied by its name or its initials, to mark relief consignments sent by rail, road, sea or air and intended for victims of armed conflicts or natural disasters. The National Society shall take the measures necessary to prevent any misuse.

It is important to note that this right applies only to relief consignments themselves, to allow identification of their origin, and not to the means of transport used.

X

THE PRINCIPLES AND RULES FOR RED CROSS AND RED CRESCENT DISASTER RELIEF

*adopted by the 21st International Conference (Istanbul, 1969);
amended by the 22nd Conference (Teheran, 1973),
the 23rd Conference (Bucharest, 1977),
the 24th Conference (Manila, 1981), the 25th Conference (Geneva, 1986).
The 26th Conference (Geneva, 1995) took note of a revised version
adopted in 1995 by the General Assembly of the Federation.*

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X

THE PRINCIPLES AND RULES FOR RED CROSS AND RED CRESCENT DISASTER RELIEF

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the 24th Conference (Manila, 1981), the 25th Conference (Geneva, 1986).
The 26th Conference (Geneva, 1995) took note of a revised version
adopted in 1995 by the General Assembly of the Federation.*

BASIC PRINCIPLES

1. Field of application

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

2. The duty to assist

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

3. Role of the Red Cross and Red Crescent

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

4. Coordination

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

5. Role of the Federation

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

6. Preparedness and mutual aid

- 6.1 It is the duty of National Societies to prepare themselves to give assistance in the event of a disaster.
- 6.2 In view of the solidarity binding them together they shall help one another when faced with a situation exceeding the resources of any one Society.

¹ In the Federation, the organization of disaster relief actions belongs to the attributions of the Secretary General, assisted by the Secretariat.

- 6.3 In assisting each other in this way, while respecting the independence of each other and the sovereignty of the stricken country, National Societies contribute to the strengthening of friendship and peace among peoples.

7. Ways and means of assistance

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

DISASTER PREPAREDNESS

8. National relief plan

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

9. Preparedness of the National Society

- 9.1 The extent of the Red Cross and Red Crescent relief programme depends on the magnitude of the disaster, the needs already covered by others and the responsibilities delegated to the National Society by its government or by the national relief plan.
- 9.2 Each National Society must prepare itself to assume the responsibility devolving on it in the case of disaster. It must establish its own plan of action,

adapt its organization accordingly, recruit, instruct and train the necessary personnel and ensure the availability of the reserves in cash and kind which it might need in the emergency phase of a relief operation. Such plans must be regularly reviewed and capacity further developed in the light of experience.

- 9.3 All National Societies face the possibility of responding to disasters beyond their capacities. National Societies should therefore make preparations for receiving and managing international assistance provided by the Federation.
- 9.4 National Societies should make every effort to obtain facilities from governmental or private transport services in their countries for the rapid transport, whenever possible free or at reduced rates, of relief supplies, including goods in transit, for disaster victims.
- 9.5 National Societies should also endeavour to obtain from their governments exemption from all taxes and customs duties, concerning the entry into and transit through the country, of funds and relief supplies intended for the victims of disasters.
- 9.6 Furthermore, they should seek to obtain travel facilities and the quick granting of visas for Red Cross and Red Crescent personnel taking part in relief operations.

10. Preparedness of the Federation

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

11. Agreements on mutual assistance

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

INTERNATIONAL DISASTER RELIEF ASSISTANCE

12. Initial information

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

13. Use of the Disaster Relief Emergency Fund

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

14. Request for assistance and appeal

- 14.1 Any request from a National Society of a stricken country for international assistance shall be addressed to the Federation. Such a request must contain an overview of the situation in the disaster area, the number of persons to be helped and the nature, quantities and priorities of relief supplies needed by the National Society.
- 14.2 On receipt of such a request, the Federation will, when conditions call for it, launch an Appeal to all National Societies or, depending on the circumstances, to a certain number of them. No Appeal will be launched by the Federation without a request from the National Society of the stricken country or without its agreement.
- 14.3 The Federation may, however, take the initiative to offer assistance, even though the National Society has not asked for it. The National Society will consider such offers with urgency and goodwill, bearing in mind the needs of the disaster victims and the spirit in which such offers are made.

15. Relations with the international news media

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

Society in coping effectively with the requirements of the media and responding to the public information needs of Participating National Societies and the Federation's Secretariat in Geneva.

16. Regular communication of information

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

17. Information on assistance

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

18. Implementation of Federation assistance

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

19. Execution entrusted to the Federation

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

20. Representatives of Participating Societies

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

21. Foreign personnel

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

22. Transmission and forwarding of relief

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

23. Soliciting of contributions abroad

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

ACCOUNTING AND AUDITING FOR JOINT
OR SEPARATE FEDERATION AND/OR ICRC OPERATIONS

24. Principle of accountability

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

24.1 *Gifts in cash*

24.1.1 *Bank accounts*

The Operating Society shall open in its own name a special bank account whose sole purpose shall be to receive all the funds and cover all the expenditure of the operation / programme. It shall not be used for any other transactions. There shall be one bank account per operation / programme. If for unforeseen reasons, it is not possible to open a separate bank account, a separate cash ledger should be maintained per operation / programme.

24.1.2 *Financial reporting*

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

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

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

24.1.3 *Auditing*

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

24.2 *Gifts in kind*

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

25. Exceptional Rules of Procedures

- 25.1 The Federation and /or the ICRC may, in certain exceptional circumstances, not be fully satisfied with the way in which resources for Federation and/or the ICRC operations and programmes are managed and accounted for by either Participating or Operating Societies.
- 25.2 In such circumstances, the Federation and/or the ICRC is authorized to entrust a qualified Federation and/or the ICRC representative to look into the matter.
- 25.3 The National Society in question be it operating or participating, shall ensure that the Federation and/or the ICRC representative, has access to such records of the Society as the Federation and/or the ICRC representative considers necessary for the purpose of their task.

26. Use made of gifts

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

27. Unsolicited relief supplies

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

country, the previous agreement of that Society is also required and the Federation and/or ICRC shall be informed.

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

28. Donating supplies while receiving assistance

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

29. Use of gifts

- 29.1 Gifts sent to a National Society may be used only for the purpose designated and will serve in the first place to give direct assistance to the victims.
- 29.2 An Operating Society may in no event use cash gifts to cover administrative expenses included in its ordinary budget, nor may it transfer cash gifts donated to it to another organization or group for use by that organization or group.
- 29.3 If in the course of a relief operation it becomes necessary to sell or exchange a part of the goods received, the donors will be consulted through the Federation and/or ICRC. The funds or goods thus obtained may only be used for the relief action.

30. Relief balances

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

FINAL PROVISIONS

31. Obligations

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

XI

SECTION I

REGULATIONS FOR THE HENRY DUNANT MEDAL

adopted by the 20th International Conference (Vienna, 1965) and revised by the 24th International Conference (Manila, 1981) which, in its Decision II, empowered the Council of Delegates to deal with all matters relating to the Henry Dunant Medal, including proposals to amend these Regulations

1. The Henry Dunant Medal is intended to recognize and reward outstanding services and acts of great devotion, mainly of international significance, to the cause of the Red Cross¹ by any of its members.
2. Criteria for the award of the Medal include risks run and arduous conditions endangering life, health and personal freedom. It may also be awarded for a long period of devoted service to the International Red Cross.
3. The Henry Dunant Medal is a red cross bearing the profile of Henry Dunant in relief, attached to a green ribbon. When worn with other Red Cross² badges or decorations it takes precedence.
4. The Henry Dunant Medal shall be awarded every two years by decision of the Standing Commission of the International Red Cross³ in plenary session. Exceptionally the Standing Commission may, provided all its members expressly agree, award the Medal at once without regard to the two-year interval and even without meeting in plenum.
5. No more than five Medals shall normally be awarded every two years. The Standing Commission shall be free to reduce that number or in exceptional cases to increase it.
6. The Henry Dunant Medal may be awarded posthumously to members who have died recently.
7. Nominations for the award of the Medal should be addressed to the Secretariat of the Standing Commission, giving full details and wherever possible enclosing supporting documents and testimonies. Individuals may be proposed for the award by National Societies, the ICRC, the League⁴ or a member of the Standing Commission.

¹ and Red Crescent (Editor's note)

² or Red Crescent (Editor's note)

³ "Standing Commission of the Red Cross and Red Crescent", pursuant to the wording in the 1986 Statutes of the International Red Cross and Red Crescent Movement (Editor's note).

⁴ Federation, since 28 November 1991 (Editor's note).

8. Candidates need not be members of the Red Cross organization proposing them.
9. Before the Standing Commission meets, its Secretariat shall submit candidates' files to a joint meeting of the League and the ICRC empowered to recommend the rejection of any obviously ineligible candidates or to ask for further information to be added to a candidate's file before it is passed to the Standing Commission.
10. The Chairman of the Standing Commission shall present the Medals at a plenary meeting of the Council of Delegates. If the beneficiary or a member of his family is not present the Medal will be handed to the President or senior representative of the National Society or of the institution concerned for presentation to the beneficiary on behalf of the Chairmen of the Standing Commission.

SECTION II

CRITERIA FOR AWARDING THE HENRY DUNANT MEDAL

The idea of having a medal bearing the name of the founder of the International Red Cross, which later became the International Red Cross and Red Crescent Movement, was submitted to and approved in principle by the Council of Delegates, meeting on the 100th anniversary of the Red Cross in 1963. Thanks to the generosity of the Australian Red Cross, the Henry Dunant Medal was established by the International Red Cross Conference in Vienna in 1965. The first awards were made at the next Conference, held in Istanbul in 1969.

The purpose of the Medal is to acknowledge and reward outstanding service and acts of great devotion by a member of the Movement to the Red Cross and Red Crescent cause. The Standing Commission of the Red Cross and Red Crescent is the body that selects recipients and, as a general rule, not more than five awards are made every two years. This enhances the Medal's value and maintains its prestige as the highest honour the Movement can bestow upon one of its members.

The Standing Commission proceeds according to regulations adopted in 1965 and revised in 1981. Whether it decides to recognize a single outstanding act or dedicated service over the years, under the regulations the Standing Commission has to give special weight to the international significance of the act or service. If this dimension is lacking, the Commission would tend not to select the individual concerned, whose merits, though no doubt great, should be recognized rather by his or her National Society.

In recent years, owing to the large number of staff involved in international operations and the growing insecurity in the contexts where those operations are conducted, there has been a sharp increase in deaths and injuries among members of the Movement. Since the regulations relating to the Henry Dunant Medal specifically allow for the possibility of posthumous recognition, and in that case the number of awards is obviously not limited to five, a large proportion of the Medals awarded (or almost all of them, as was the case during the Council of Delegates in Seville in 1997) go to individuals who have died recently.

There is a growing body of opinion, including among the members of the Standing Commission, that this tendency to use the Medal as a means of honouring the memory of deceased staff members is changing the nature of the award. The Standing Commission feels that it would be preferable to devise other ways of expressing the gratitude of the Movement's components¹ to men and women who have perished or whose health has been severely affected in the service of the Red

¹ National Red Cross and Red Crescent Societies, International Federation of Red Cross and Red Crescent Societies, International Committee of the Red Cross.

Cross and Red Crescent. The Standing Commission does not, however, support the establishment of a new medal or other type of award applicable to all members of the Movement.

The Standing Commission feels it is important – except in certain cases – that those who receive the Medal know why they have been selected. They should be looked up to as examples to be followed during their lifetime. It is thus the wish of the Standing Commission that priority be given to individuals still in active service or having recently retired, and that most of the awards should go to persons in this category. There is no intention, however, to overlook the tragedies for which the Medal has been awarded so often in the past. On the contrary, the components of the Movement (National Societies, the ICRC and the Federation) are invited to set up their own procedures, if they have not already done so, to pay tribute to their staff members who have lost their lives or have suffered bodily or psychological harm in the course of their duties. This would also make it easier to respect local custom. Depending on its situation, resources and traditions, each component of the Movement will certainly find the most appropriate solution, whether in the form of medals, certificates, commemorative plaques, publications or artistic events, gardens or other places for quiet reflection. In any case, it is important that the event receive due publicity.

In accordance with the regulations, it will still be possible to make a posthumous award of the Henry Dunant Medal. However, the components of the Movement, all of which should henceforth establish other forms of recognition in such circumstances, should submit posthumous nominations for the Henry Dunant Medal only in truly exceptional cases.

Criteria for awarding the Henry Dunant Medal

*adopted by the Standing Commission at its meeting
of 20 and 21 April 1998*

1. Intent of the Henry Dunant Medal and criteria for awarding it

“The Henry Dunant Medal is intended to recognize and reward outstanding services and acts of great devotion, mainly of international significance, to the cause of the Red Cross [and Red Crescent] by any of its members.” It may be awarded on the basis of “risks run and arduous conditions endangering life, health and personal freedom [or ...] for a long period of devoted service to the International Red Cross [and Red Crescent Movement]”. In addition to the above criteria, the Standing Commission announced publicly that it would not award the Medal to persons still

working within the Movement.² Only a very small number of Medals are to be awarded at one time. The Medal may be awarded posthumously.³

The Standing Commission takes the view that the Henry Dunant Medal should be awarded to individuals who belong to the Movement and who have distinguished themselves either by their long and outstanding service to the ideals of the Movement, or because they acted with exceptional courage and dedication in a given situation or situations. Furthermore, the Standing Commission will evaluate candidates according to the following interpretation of the Regulations.

1.1 *Member*

A “member” of the Red Cross/Red Crescent may be an individual volunteering his or her time without thought of pecuniary gain, or a paid professional (delegate, staff member) earning a living from his or her work for the Movement. When putting forward or judging a candidate, the accent should be on the exceptional nature of the act rather than on the member’s status.

When the Standing Commission decided that persons still active in the Movement should not receive the Medal, it was in order to judge candidates more even-handedly, to avoid using the award simply to recognize long careers, and to eliminate any actual or perceived exertion of personal influence by certain leaders. This rule is maintained, and applies to all candidates still occupying a senior position within one of the Movement’s components or statutory bodies.

The Medal will not be awarded to a member of the Red Cross/Red Crescent who is also engaged in activities outside the Movement in a field that could be contrary to the Fundamental Principles of neutrality and independence.

1.2 *International significance*

The Regulations state that the Henry Dunant Medal should mainly recognize acts or services of “international significance”. This is to distinguish the Henry Dunant Medal from other medals that individual National Societies have established or may establish to pay tribute to their members on the national level. Thus candidates should be put forward and judged in terms of their specific contribution to the international aspects of the Movement’s work, be it in the field of general policy, governance or operations.

1.3 *Risks run and arduous conditions endangering life, health, and personal freedom*

When the Henry Dunant Medal was established, it was primarily meant to recognize acts of great courage during a field operation. Indeed, many of those who initially received the Medal distinguished themselves through their exceptional courage and devotion to the humanitarian ideal during major operations. Over time, and particularly in recent years when respect for humanitarian personnel has declined in many contexts, the Medal has been awarded to delegates or personnel who were killed or seriously wounded in the line of duty. While there is no doubt

² See the Standing Commission’s circular letters concerning the award of the Henry Dunant Medal, addressed to National Societies on 27 November 1994 and 15 November 1996.

³ See Articles 1, 2, 5 and 6 of the Regulations.

that it is important and necessary to recognize those who have given their lives or suffered serious physical or psychological harm in the course of their duties, it would be preferable that each component of the Movement establish its own award in order to preserve the unique character of the Henry Dunant Medal.

Naturally, if a member of the Red Cross/Red Crescent who has been killed or wounded in the line of duty also acted with great courage and devotion and took risks in order to help others, he or she could be awarded the Medal. In judging a candidate, the accent must be placed on the exceptional merits of the individual rather than on the danger inherent in many operational activities.

2. Posthumous Henry Dunant Medals

A candidate for a posthumous award of the Medal should be judged according to the criteria outlined above. Posthumous Medals should not be automatically awarded to those who have died in the service of the Red Cross/Red Crescent, unless they personally distinguished themselves (see point 1.3). The Medal should be awarded to the living, rather than the dead, as it is important that the individuals receiving it know that their peers valued their contribution to the humanitarian cause and consider them as an example to others.

3. Tributes to members of the Movement killed in the line of duty

Considering the growing number of volunteers and delegates who have been seriously wounded or killed during an assignment, the Standing Commission encourages each of the Movement's components to establish its own medal or other award to pay tribute to those who have given their lives or sacrificed their health to the Red Cross/Red Crescent cause, according to the following main criteria.

3.1 *Criteria to be met for honouring members of the Movement killed or injured on assignment*

Many humanitarian operations take place in dangerous settings, whether conflict situations or the aftermath of a natural or technological disaster. Fortunately, many members of the Red Cross/Red Crescent who have had to work in life-threatening conditions have survived serious security incidents.

While it is difficult to establish absolute criteria for an award in the event of death or serious injury, a distinction should be nevertheless made between accidents and killings. Thus those who have died or have suffered serious bodily or psychological harm in the line of duty should receive some kind of recognition (e.g. murder or injury perpetrated by a combatant or act of banditry, hostage-taking, rape, accident during a natural or technological disaster relief operation). A death or injury that was not premeditated, but caused by a mine, a stray bullet, etc. might also be considered deserving of recognition.

3.2 *Type of award*

The distinction awarded to those killed or injured on assignment does not necessarily have to be in the form of a medal. Alternatively, there might be a

document, such as a certificate of recognition, and a ceremony which would either be public or else publicized afterwards in the press. Indeed, the publicity given to the award is an important aspect of the recognition that the Red Cross/Red Crescent gives to its members, who often take risks for the sake of others.

4. Conclusion

The Standing Commission will award the Henry Dunant Medal to members of the Movement in accordance with the intent and criteria laid down in the Regulations, as interpreted in points 2 and 3 of the present document. In addition, it recommends that components of the Movement which have not already done so establish their own form of recognition for members who have died or suffered serious bodily or psychological harm in the course of their duties.

XII

REGULATIONS FOR THE RED CROSS AND RED CRESCENT PRIZE FOR PEACE AND HUMANITY

Prize instituted by the Council of Delegates (Rio de Janeiro, 1987)

1. The Red Cross and Red Crescent prize for Peace and Humanity shall be awarded by the Standing Commission, either to National Societies or to persons in the Movement, having actively contributed to a more peaceful world through their humanitarian work and the dissemination of the ideals of the Movement.
2. Every four years, during the Council of Delegates, a maximum of two prizes may be awarded to National Societies, to persons or to a National Society and a person. The prize may also be awarded posthumously to persons who have died recently.
3. The Standing Commission shall designate the beneficiaries of the award by consensus.
4. The criteria for selection are based on concrete accomplishments which are inspired by the "Programme of Action of the Red Cross as a Factor of Peace" and by the "Fundamental Guidelines for the contribution of the Red Cross and Red Crescent Movement to a true peace in the world", and which contribute to respect for the motto "Per Humanitatem ad Pacem".
5. Nominations submitted by the National Societies or one of the members of the Standing Commission shall be addressed to the Secretariat of the Standing Commission at least 8 months before the Session of the Council of Delegates to give the Commission time to examine the nominations. Full details should be given and supporting documents should be enclosed.
6. The prize shall consist of a work of art symbolizing the action of the Movement for peace, with the inscription of the motto "Per Humanitatem ad Pacem" accompanied by a diploma recalling the motives of the Award.
7. The Chairman of the Standing Commission shall present the Prize at the Council of Delegates. If the recipient or a member of his/her family cannot attend for reasons beyond his/her control, the prize will be handed to a representative of his/her National Society for presentation to the beneficiary on behalf of the Chairman of the Standing Commission of the Red Cross and Red Crescent. If the Prize is awarded to a National Society it shall be presented to the President of that Society or, in his/her absence, to his/her representative.

XIII

REGULATIONS FOR THE FLORENCE NIGHTINGALE MEDAL

*adopted by the Council of Delegates (Budapest, 1991)*¹

ARTICLE 1

In accordance with the recommendation of the 8th International Conference of the Red Cross held in London in 1907, and the decision of the 9th International Conference held in Washington in 1912, a Fund was established by contributions from National Societies of the Red Cross in memory of the great and distinguished services of Florence Nightingale for the improvement of the care of wounded and sick.

The income of the Fund shall be used for the distribution of a Medal, to be called the “Florence Nightingale Medal”, to honour the spirit which marked the whole life and work of Florence Nightingale.

ARTICLE 2

The Florence Nightingale Medal may be awarded to qualified male or female nurses and also to male or female voluntary nursing aides who are active members or regular helpers of a National Red Cross or Red Crescent Society or of an affiliated medical or nursing institution.

The Medal may be awarded to those of the above-mentioned persons who have distinguished themselves in time of peace or war by:

- exceptional courage and devotion to the wounded, sick or disabled or to civilian victims of a conflict or disaster,
- exemplary services or a creative and pioneering spirit in the areas of public health or nursing education.

The Medal may be awarded posthumously if the prospective recipient has fallen on active service.

ARTICLE 3

The Medal shall be awarded by the International Committee of the Red Cross on proposals made to it by National Societies.

¹ See footnote p. 713.

ARTICLE 4

The Medal shall be in silver-gilt with a portrait on the obverse of Florence Nightingale with the words “Ad memoriam Florence Nightingale 1820-1910”. On the reverse it shall bear the inscription on the circumference “Pro vera misericordia et cara humanitate perennis decor universalis”. The name of the holder and the date of the award of the Medal shall be engraved in the centre.

The Medal shall be attached by a red and white ribbon to a laurel crown surrounding a red cross.

The Medal shall be accompanied by a diploma on parchment.

ARTICLE 5

The Medal shall be presented in each country either by the Head of the State, or by the President of the Central Committee of the National Society directly or by their substitutes.

The ceremony shall take place with a solemnity consistent with the distinction of the honour conferred.

ARTICLE 6

The distribution of the Florence Nightingale Medal shall take place every two years.

Not more than 50 Medals may be issued at any one distribution.

If by reason of exceptional circumstances due to a widespread state of war it has been impossible for one or more distributions to take place, the number of Medals awarded at subsequent distributions may exceed the figure of 50 but may not exceed the total number which would normally have been attained, if the preceding distributions had been able to take place.

ARTICLE 7

From the beginning of September of the year preceding the year in which the Medal is awarded, the International Committee of the Red Cross shall invite the Central Committees of the National Societies by means of a circular and application forms to submit the names of the candidates they consider qualified to be awarded a Medal, in accordance with the conditions mentioned in Article 2.

ARTICLE 8

The Central Committees of the National Societies, having taken all requisite advice, shall submit to the International Committee of the Red Cross the names and qualifications of the candidates they propose.

To enable the International Committee to operate a fair selection, the candidates' names shall be accompanied by all relevant information justifying an award of the Medal, in accordance with the criteria mentioned in Article 2.

All applications submitted must come from the Central Committee of a National Society.

The Central Committees may submit one or more applications, but are not bound to submit applications for each distribution.

ARTICLE 9

The applications with the reasons in support of them must reach the International Committee of the Red Cross before 1 March of the year in which the award of the Medal is to take place.

Applications reaching the International Committee after that date cannot be considered except in connection with a subsequent award.

ARTICLE 10

The International Committee of the Red Cross retains complete freedom of choice. It may refrain from awarding the total number of Medals contemplated, if the qualifications of the applicants submitted do not appear to merit this distinguished honour.

ARTICLE 11

The International Committee of the Red Cross shall issue on the anniversary of the birth of Florence Nightingale, namely on 12 May, a circular informing the Central Committees of the National Societies of the names of those to whom the Medal has been awarded.

ARTICLE 12

The present Regulations, adopted by the Council of Delegates in Budapest in 1991, supersede all previous rules relating to the Florence Nightingale Medal, in particular those of the 9th International Conference (Washington, 1912), the Regulations of 24 December 1913 and the amendments to the latter by the 10th Conference (Geneva, 1921), the 13th Conference (The Hague, 1928), the 15th Conference (Tokyo, 1934), the 18th Conference (Toronto, 1952) and the 24th Conference (Manila, 1981).¹

¹ Following the postponement of the 26th International Conference, the ICRC submitted the text of the present Regulations to all States party to the Geneva Conventions, asking them to notify it within six months of any objections they might have. No requests for amendment having been received by 30 June 1992, the Regulations came into force on that date.

XIV

REGULATIONS FOR THE EMPRESS SHÔKEN FUND

*(Approved by the Sixteenth International Conference of the Red Cross, London 1938,
and revised by the Nineteenth International Conference, New Delhi 1957,
the Twenty-fifth International Conference, Geneva 1986,
the Council of Delegates, Budapest 1991,
the Twenty-seventh International Conference, Geneva 1999,
the Twenty-eighth International Conference, Geneva 2003
and the Council of Delegates, Seoul 2005)*

ARTICLE 1

The sum of 100,000 yen in Japanese gold presented by H.M. The Empress of Japan to the International Red Cross on the occasion of the Ninth International Conference (Washington, 1912) to promote “relief work in time of peace”, was increased to 200,000 yen by a further gift of 100,000 yen from their Majesties The Empress and The Dowager Empress of Japan, on the occasion of the Fifteenth International Conference, (Tokyo, 1934). The Fund was further increased by a gift of 3,600,000 yen from H.M. The Empress of Japan, on the occasion of the Red Cross Centenary in 1963, and by successive contributions from the Government of Japan since 1966, and from the Japanese Red Cross Society. This fund shall be entitled: “The Empress Shôken Fund”.

ARTICLE 2

The Fund shall be administered and its revenues distributed by a Joint Commission of six members chosen in their personal capacity. The Joint Commission shall be composed equally of three members appointed by the International Committee of the Red Cross and three by the International Federation of Red Cross and Red Crescent Societies; the quorum shall be four. The Chairman of the Joint Commission shall be on a permanent basis one of the representatives of the International Committee of the Red Cross whereas the International Federation of Red Cross and Red Crescent Societies shall provide the Joint Commission’s Secretariat. The Joint Commission shall meet at Geneva, in principle at the headquarters of the International Federation of Red Cross and Red Crescent Societies.

ARTICLE 3

The capital of the Fund as well as subsequent donations and contributions shall remain intact. Only revenues provided by interest and capital gains may be used for

allocations awarded by the Joint Commission to meet all or part of the cost of the activities enumerated below:

- a)* Disaster preparedness
- b)* Activities in the field of health
- c)* Blood transfusion services
- d)* Youth activities
- e)* First aid and rescue programmes
- f)* Activities in the field of social welfare
- g)* Dissemination of the humanitarian ideals of the Red Cross and Red Crescent
- h)* Such other programmes of general interest for the development of the activities of the National Red Cross and Red Crescent Societies.

ARTICLE 4

National Red Cross and Red Crescent Societies wishing to receive an allocation shall make the necessary application through their Central Committees to the Secretariat of the Joint Commission before 31 December of the year preceding that in which the allocations are to be made. Applications shall be supported by full details concerning the particular activity selected from among those specified in Article 3 above.

ARTICLE 5

The Joint Commission shall examine the applications mentioned in the previous Article and shall make such allocations as it considers just and suitable. It shall each year communicate the decisions it has taken to National Red Cross and Red Crescent Societies.

ARTICLE 6

National Red Cross and Red Crescent Societies which feel obliged by circumstances to put the allocations received to uses other than those specified in their applications for grants under Article 4 must ask for the Joint Commission's approval before doing so.

ARTICLE 7

National Red Cross and Red Crescent Societies shall send to the Joint Commission, not later than twelve months after receipt of the allocations, a report on the use of the allocations received.

ARTICLE 8

The announcement of distribution shall take place each year on 11 April, the anniversary of the death of H.M. The Empress Shōken.

ARTICLE 9

A sum which shall not exceed CHF 50,000 shall be set aside to cover the cost of administering the Fund and of assisting the National Societies concerned in the realisation of their projects.

ARTICLE 10

The Joint Commission shall present to each Council of Delegates of the Red Cross and Red Crescent a report on the current financial situation of the Fund, the allocations which have been made since the preceding Council and the use made of those allocations by National Societies. The Council of Delegates shall transmit this report to the Japanese Imperial Family through the intermediary of the Japanese Red Cross Society.

XV

REGULATIONS FOR THE FRENCH FUND MAURICE DE MADRE

*(Adopted by the ICRC Assembly on 9 September 1974
and amended on 9 April 1981 and 13 December 1995)*

ARTICLE 1

The French Fund Maurice de Madre consists of the property bequeathed to the International Committee of the Red Cross under the will made by Comte Maurice de Madre, who died on 25 December 1970.

ARTICLE 2

1. In accordance with the deceased's last wishes, the income of the Fund and, depending on the circumstances, the capital shall be used to provide assistance for persons of the permanent or temporary staff of the components of the International Red Cross and Red Crescent Movement, such as first-aid workers, delegates or nurses who, in the course of their work or during war operations or natural disasters, have suffered injury and have thereby found themselves in straitened circumstances or in reduced health.
2. If persons specified under paragraph 1 above should lose their lives in the course of their humanitarian mission, a financial subsidy may be paid to their families should the latter find themselves in consequence in such straitened circumstances that aid would be necessary.
3. The Board may, exceptionally, provide assistance for the training and professional reintegration of:
 - staff members seriously reduced in health;
and may come to the aid of:
 - close relatives of staff members;
 - members of families of deceased staff members, even if their death was due to illness, accident or other causes not directly linked to their work within the Movement.
4. The beneficiaries shall be selected by the Board of the Fund, which shall establish the amount to be paid and the manner of payment.

ARTICLE 3

1. The Fund shall be administered by a Board composed of five members appointed by the ICRC Assembly, possibly on the Board's recommendation. The Board may propose any person it wishes to take part in its work – in particular a staff member of the ICRC or the Federation, subject to the agreement of the respective organization – or a member of the Comte de Madre's family. The Assembly shall appoint the Chairman of the Board. The Board shall consist of two members, either Committee or staff members, of the ICRC; one staff member of the International Federation of Red Cross and Red Crescent Societies; one member of the Comte de Madre's family, if it wishes to be represented; and a fifth person whose services the Board desires.
2. The members of the Board, except for the representative of the Comte de Madre's family, shall be subject to re-election every four years and may not remain in office for more than three consecutive terms.
3. The ICRC shall be responsible for the secretariat, administration and accounts of the Fund.

ARTICLE 4

The Fund shall be administered separately from other ICRC property and its accounts shall be separate. They shall be audited each year by an independent firm of auditors. The yearly accounts of the Fund shall be submitted to the ICRC.

The Board may sell assets forming part of the Fund and may freely reinvest the proceeds of such sales in such a way as to carry out the testator's wishes in the best possible manner.

ARTICLE 5

Should it become apparent that the testator's wishes can no longer be fulfilled or can be carried out to a small extent only, the Board may recommend the ICRC to appropriate the existing property for other humanitarian and benevolent uses. Such recommendations would be examined in a plenary session of the ICRC, which would reach a decision after further discussions at a subsequent session.

ARTICLE 6

The present Regulations may be amended under the same conditions as provided for in the ICRC's Rules of Procedure, but the purpose of the Fund, as expressed in the Comte de Madre's general intentions, may not be changed.

PART THREE

MAIN POLICIES OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

SECTION I

THE FUNDAMENTAL PRINCIPLES¹

I

Principles

The Board of Governors agrees that the Fundamental Principles of the institution of the Red Cross and Red Crescent up to the present time have been the following: the impartiality, the political, religious and economic independence, the universality of the Red Cross and the equality of the National Red Cross Societies.

To these the Board of Governors decides that the following principles should be added:

1. That Red Cross Societies are voluntary, public and self-governing organizations.
2. That a National Red Cross Society of a country must be recognized by its Government and should carry out its work in agreement with the medical services of the Armed Forces, Public Health Services and other appropriate bodies in order to supplement official services.
3. That the use of the Red Cross name and emblem is governed by the Geneva Convention. A Red Cross Society should not share, for any purposes, the Red Cross name or emblem.
4. That the basis of the activities of Red Cross Societies should be the spreading of humanitarian ideas among the people and the practical work of preventing and alleviating the sufferings of humanity.
5. That, taking into account that war is the most horrible disaster for humanity, Red Cross Societies will conduct those activities which will create conditions necessary for the maintenance of peace.
6. That if, despite all efforts to the contrary, war should break out, a Red Cross Society must direct all its efforts to lessening the distress caused by the war; to improving the condition of the sick, wounded and prisoners of war; to protecting the civilian population, particularly women and children, from the

¹ The Fundamental Principles were proclaimed by the 20th International Conference of the Red Cross (Vienna, 1965) and incorporated – after undergoing a few purely formal changes – into the Statutes of the International Red Cross and Red Crescent Movement adopted by the 25th International Conference (Geneva, 1986). The full text of the Fundamental Principles can be found in the Preamble to the Statutes (see Part Two, Chapter I).

In addition to the Vienna proclamation, the text of which is given below, a number of other resolutions deal with the Movement's basic policy guidelines and the implementation of the principles. As they have lost none of their value, these texts are the subject of the present chapter.

horrors of war and to giving them moral and material help; this work to be carried out either independently or in cooperation with the services of the Armed Forces and with the Government's Civil Defence Services.

7. That taking into account the widespread distress caused to humanity by floods, earthquakes and other calamities arising from natural causes, a Red Cross Society should do everything in its power to decrease the suffering which results from these disasters whether they are within its own country or in cooperation with the Red Cross Society of the country in which the disaster has occurred.
8. That a Red Cross Society should do all in its power to prevent and to decrease the suffering which results from epidemic and social diseases. It should either independently or in cooperation with the appropriate Government or any other suitable organization working in the field of health or social service, take steps to organize institutions, i.e. hospitals, dispensaries, clinics, etc., to render medical help to the population of its country and to extend knowledge of personal and public hygiene among all categories of the people.
9. That, to carry out its aims it is essential that a Red Cross Society should be organized on a truly democratic basis. It should take all possible steps to ensure that membership of the Red Cross Society is open to all citizens.
10. That the principal source from which a National Red Cross Society should receive its financial support should be derived from membership fees and voluntary donations either from individuals, organizations or institutions. If a Government votes for a Red Cross Society funds destined to accomplish its fundamental purposes, such funds should not be accepted except with the condition that the Red Cross Society in question retains its independence in the particular case with regard to the utilization of the funds and as concerns the independence of the Red Cross in general.
11. That, remembering that the child is the adult of the future, a Red Cross Society should pay special attention to the need for bringing up youth with a knowledge of Red Cross ideals and with a recognition of the worldwide spirit and meaning of the symbols of the Red Crescent and of the Red Cross.
12. That, in a case where a National Red Cross Society wishes to cooperate with other private organizations, its freedom of action and Red Cross identity be clearly preserved in all circumstances.
A National Red Cross Society has full liberty to cooperate with its Government and also with other organizations on condition, it is understood, that their activities are in concord with the principles of the Red Cross.
13. It is desirable that a National Red Cross Society should become a member of the League of Red Cross Societies, fulfilling the humanitarian principles conditional to membership.
The Board of Governors suggests that the Red Cross Societies should exercise a wide discretion in applying the above principles and should not be deterred

from helping the distressed by too rigid an interpretation. It is, however, essential that all Red Cross action should be governed by these basic principles and should be directed to clearly defined objects.

National Red Cross Societies should maintain their independence, establish their own statutes, and in keeping with the Red Cross spirit carry out those humanitarian actions they find most useful according to the conditions prevailing in their own particular countries. (Board of Governors, XIXth Session, Oxford 1946, Resolution 12)

II

Application of the Principles

1. A Red Cross society should take necessary action in the event of the illegal use of the Red Cross emblem or of the unauthorized use of the Society's uniform, badges or name.
2. A Red Cross Society should train personnel for the work in its organization and institutions which will relieve sickness, suffering or distress, especially the casualties of war, irrespective of race, nationality, class, creed or political considerations. The Red Cross Society should maintain a permanent and active organization for these purposes throughout its territory.
3. A Red Cross Society must be able and ready to carry out those services in war which are the special duty and privilege of the Red Cross. This includes such services as:
 - a) acting as a recognized auxiliary to the Medical Services of the Armed Forces under the Geneva Convention;
 - b) relief of prisoners of war under the Prisoners of War Convention; relief of civilian war victims;
 - c) the Red Cross Enquiry and Postal Message System in belligerent countries;
 - d) tracing the missing and reporting on the wounded.
4. A Red Cross Society should maintain its position as an independent voluntary organization as recognized by the Government, local authorities and other voluntary organizations engaged in similar work; in time of war as in time of peace the privileged status of the Red Cross in war may be jeopardized if the Society does not retain its independence and maintain the integrity of its aims in accordance with Red Cross principles.
5. A Red Cross Society should encourage and promote the Junior Red Cross movement amongst boys and girls. The aims of this movement are to teach the importance of service to others, the formation of healthy habits of living, the development of a sense of social responsibility, and the strengthening of the great bond of international friendship existing between Junior Red Cross Sections of National Red Cross Societies all over the world.

6. In preparation of nursing and first aid services, a National Red Cross Society should train nurses and other personnel to render medical and other forms of supplementary assistance to the public both during war and during peace. (Board of Governors, XIXth Session, Oxford, 1946, Resolution 12 and Board of Governors, XXth Session, Stockholm, 1948, Resolution 7)

III

Reaffirmation of the Fundamental Principles of the Red Cross

The XVIIIth International Red Cross Conference,

- a) *reaffirms the Fundamental Principles of the Red Cross adopted by the Board of Governors of the League of Red Cross Societies at their XIXth meeting in Oxford in July 1946 and subsequently amended at their XXth meeting in Stockholm in 1948,*

calls upon all National Societies to adhere strictly to these principles in order to maintain the tenets of impartiality; political, racial, religious and economic independence; universality of the Red Cross; and equal rights of National Societies, which are the cornerstones of the Red Cross movement;

- b) *noting the useful results which have been achieved by the Conference despite the introduction in certain cases of political issues,*

expresses its determination not to allow such issues to undermine the work of the Red Cross at any time,

declares its unabated faith in the Red Cross as a movement concerned solely with humanitarian activities which help to promote mutual understanding and good will among nations whatever their political differences,

affirms the importance of all National Red Cross Societies working together at all times for the promotion of health, the prevention of disease, and the mitigation of suffering throughout the world. (Toronto, 1952, Resolution X)

IV

Observation of strict political neutrality by National Societies

The Board of Governors,

recalling the determination expressed by the XVIIIth International Red Cross Conference that political issues should not be allowed to undermine the work of the Red Cross at any time,

recognizing that it is essential for the Red Cross to observe strict neutrality in political spheres,

considers that all National Societies should be vigilant in the maintenance of such neutrality at all times,

calls on all National Societies to ensure that their written communications, publicity material, official publications and pronouncements do not contain political opinions or judgements or any other statements which might cast doubt on the political neutrality of the Red Cross. (Board of Governors, XXVth Session, Athens, 1959, Resolution 16)

V

Proclamation of the Fundamental Principles of the Red Cross

*The XXth International Conference of the Red Cross,
proclaims the following Fundamental Principles on which Red Cross action is based:*

- | | |
|--------------------------|---|
| Humanity | <i>The Red Cross, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours – in its international and national capacity – to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.</i> |
| Impartiality | <i>It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.</i> |
| Neutrality | <i>In order to continue to enjoy the confidence of all, the Red Cross may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.</i> |
| Independence | <i>The Red Cross is independent. The National Societies while auxiliaries in the humanitarian services of their Governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with Red Cross principles..</i> |
| Voluntary Service | <i>The Red Cross is a voluntary relief organization not prompted in any manner by desire for gain.</i> |
| Unity | <i>There can be only one Red Cross Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.</i> |
| Universality | <i>The Red Cross is a worldwide institution in which all Societies have equal status and share equal responsibilities and duties in helping each other. (Vienna, 1965, Resolution VIII)</i> |

VI**Reading of Principles**

*The XXth International Conference of the Red Cross,
decides that the Fundamental Principles shall be solemnly read at the opening of
every International Conference of the Red Cross. (Vienna, 1965, Resolution IX)*

SECTION II

PROMOTION OF NON-DISCRIMINATION

I

Elimination of racial discrimination

*The XXIIInd International Conference of the Red Cross,
conscious of the absolute necessity to safeguard the Principles and Declarations of
the Red Cross, and to maintain its image in the eyes of the public,
desirous of interpreting through action the humanitarian principles proclaimed by
International Conferences of the Red Cross,
aware of the fact that the Red Cross can be a major contributing factor to world
peace,
condemns all forms of racism and racial discrimination at all levels and which
might occur within National Red Cross Societies,
congratulates the Board of Governors of the League of Red Cross Societies and its
Chairman for having set up a working group to study “The Role of the Red Cross in
the Elimination of Racism and Racial Discrimination”,
invites the ICRC, the League of Red Cross Societies and National Red Cross
Societies to implement the Plan of Action as approved by the Board of Governors of
the League and by the Council of Delegates. (Teheran, 1973, Resolution X)*

PLAN OF ACTION AGAINST RACISM AND RACIAL DISCRIMINATION

I. FOREWORD

The desire not to practice discrimination is at the very centre of the birth of the Red Cross when Henry Dunant cared for both friend and foe. This desire has marked the whole expansion of Red Cross activities and has found its embodiment in the basic Principle according to which it makes no distinction as to nationality, race, religion, social condition or political persuasion.

With its aim to ensure respect for the human being in all circumstances and in all places, on the basis of the Principle of Humanity, the Red Cross considers that discrimination based on race is, like other unjustified forms of discrimination, a serious infringement of respect for human dignity.

Considering that the struggle against racial discrimination has for a long time been a major concern to the United Nations and many international governmental and non-governmental organizations and that the efforts in this direction have assumed special proportions through the proclamation of the Decade against racism and racial discrimination, the Red Cross – true to the principles recalled

above – considers it necessary to join this movement and to make its own contribution.

Convinced of the value of education in the widest sense of the term and of active participation of Youth in these efforts, the Red Cross is more than ever before in duty bound to be a living example of a non-racist state of mind in all its actions and its whole attitude.

II. PRINCIPLES

1. In carrying out their activities, whatever they may be, all the members of the International Red Cross should strictly respect the principle of racial non-discrimination on the basis of the Red Cross Principles and as it is understood in particular in the United Nations Declaration of the elimination of all forms of racial discrimination.
2. All the members of the International Red Cross should participate with all the means available to them in the struggle against racism and racial discrimination in order to make their contribution towards the elimination of these evils.
3. Racism and racial discrimination exist in varied forms and to varying degrees in all regions of the world. The struggle against them therefore has an international character even if – in the case of countries subject to these scourges – methods adapted to each of them are required for their elimination; all the members of the International Red Cross should, therefore, join in this common struggle.
4. Through their action, all the members of the International Red Cross should be a living example of an attitude opposed to racial discrimination.
5. Red Cross action should be based on the definitions of racism and racial discrimination included in the United Nations Declaration on the elimination of all forms of racial discrimination, as well as on the tasks provided for in this instrument and in the UN Convention on the same subject. It should, therefore, be the expression of the desire of the Red Cross to join in the general struggle against racism. Through the programme indicated below, the Red Cross enters upon the Decade of action to combat racism and racial discrimination which will start on 10 December 1973 and which the United Nations General Assembly proclaimed on 15 November 1972 (Resolution 2919/XXVII). The United Nations ought to be informed of the practical measures covered by this programme and through which the Red Cross will make its contribution to the elimination of racism and racial discrimination.
6. Red Cross action should be undertaken in such way as to safeguard and respect the independence and freedom of each National Society. It must take this requirement into account in an appropriate way by, in particular, using all available means of contact and persuasion before having recourse to other measures.

7. As close cooperation between all the members of the International Red Cross is needed, the ICRC and the League should strengthen their collaboration in this field for this purpose and exchange information on the situation of countries and National Societies within which racial discrimination exists or is tending to develop, so that appropriate action can be taken.
8. Although Red Cross cooperation with other governmental and non-governmental organizations, particularly the United Nations specialized agencies, is essential in the struggle against racism and racial discrimination, the Red Cross must, in this cooperation effort, maintain its own identity, in the spirit of its principles.
9. The Red Cross bodies must make known at all levels and by all appropriate channels, particularly the audiovisual means at hand, their position and their achievements in the struggle against racial discrimination.
10. As the struggle against other forms of discrimination – which are also violations of the dignity and fundamental rights of human beings – is also fundamental, the management bodies of the International Red Cross must strive to explore ways of combating these other forms of discrimination.

III. PROGRAMME OF ACTION FOR THE MEMBERS OF THE INTERNATIONAL RED CROSS

a) National Red Cross, Red Crescent and Red Lion and Sun Societies

National Societies are invited to take the following measures:

1. Include in their statutes, if no mention is yet made, a clause specifying that all nationals, whatever their race, may become members of the Society, participate in its activities and be elected to responsible posts, whatever they may be. Such a clause can be combined with those excluding other forms of discrimination, in accordance with the Red Cross Principles.
2. Include in their statutes, if no mention is yet made, a clause specifying that the Society offers its service to all without any discrimination, in particular as to race.
3. Come to the assistance of victims of racism and racial discrimination in the country itself.
4. Arrange for the governing bodies of the Society to adopt a special resolution enjoining all members and all sections to give an example through their non-racist activities.

Launch a special programme of action and education to eliminate racism as well as racial discrimination, and for this purpose establish many and varied activities in all fields of Red Cross action, depending on the special conditions of the country and trying to develop in particular a spirit of racial tolerance.

In this way show Governments and the peoples of the whole world the true image of the Red Cross: a demonstration through action of a non-racist attitude, while giving considerable support to the struggle against racial discrimination.

5. Devote special attention to youth in this programme of action (in particular, establish close cooperation between young people and adult members in carrying out certain activities, provide for more intensive training of youth and for their increased participation in programmes which may contribute to the elimination of racism and the promotion of a spirit of racial tolerance, support the organization of study centres and meetings for young people).
6. If necessary, provide for special programmes for migrant workers in order to eliminate all forms of racism and racial discrimination to which these workers might be subjected.
7. In the context of activities outside the country, take the initiative of launching actions which may contribute to the elimination of racial discrimination, such as the twinning of local and regional sections of National Societies in different continents or the exchange of visits between these sections.
8. Participate in international relief action for victims of racism and racial discrimination.
9. Approach their respective Governments with a view to their taking effective measures against racism and racial discrimination; support the actions already launched by the Government.
10. Cooperate with other organizations undertaking an action in this sphere in the country itself, while safeguarding the independence of the Red Cross in carrying out such actions.
11. Concentrate on making the general public more familiar with the struggle conducted by the National Society in this field. For this purpose launch large-scale information campaigns – with the cooperation of eminent personalities from educational, cultural and religious circles – strengthen the bonds with the mass media authorities (press, radio, television, etc.) in order to ensure wider dissemination of information on the efforts made to eliminate racism and racial discrimination.
12. Try to have texts which might indirectly lead to racism and racial discrimination removed from school books, a measure involving close cooperation between National Societies and the Ministry of Education of their country.
13. Take the above measures not only at national headquarters level, but also extend them to regional sections and basic organizations, whenever possible.

b) League of Red Cross Societies

The League is invited to take the following measures:

1. Launch an appeal to all National Societies inviting them to carry out their activities on the basis of the principle of racial non-discrimination, in accordance with the statutes and Principles of the International Red Cross as well as in the spirit of the United Nations Decade on the elimination of all forms of racial discrimination.
2. Encourage National Societies to undertake all actions likely to eliminate racism and racial discrimination.
3. Submit the question of Red Cross action in this field to the Advisory Committee involved in order to obtain the adoption of concrete recommendations on the execution of possible actions in all fields of Red Cross activity.
4. Concerning National Societies of countries where racism and racial discrimination exist, first get in touch with the President or Secretary General of the Society involved; then, on the basis of the results of these contacts, submit to the competent League body proposals for the continuation of the action in view to the final measures and the application of sanctions to be adopted by the Board of Governors, including the possibility of launching an international relief action for the victims of racism and racial discrimination.
5. a) When, in the case covered under the above point, a duly recognized National Society which is a member of the League is involved, examine the possibility of taking the measures laid down in Article 9 of the League Constitution, if those indicated under point 4 prove of no effect.
b) Still in the same case, when a National Society has not yet been recognized, tell this Society unequivocally that its recognition and admission to the League are only possible, provided it adopts the principle of racial non-discrimination and includes the struggle against racism and racial discrimination in its programme of action.
6. Ask National Societies to submit periodic reports on the action they have taken at the national level to combat racism and racial discrimination, reports to be established on the basis of a questionnaire adopted by the Board of Governors, which will also decide on their frequency and the examination procedure.
7. Set up within the organization a permanent specialist body to examine the reports of National Societies on the struggle against racial discrimination and all the questions related to Red Cross action in this field; put the question of Red Cross action in the struggle against racism and racial discrimination on the agenda of regional conferences.
8. Establish educational programmes aimed at promoting the concepts of brotherhood and "world solidarity", through the intermediary of Red Cross Youth.
9. In carrying out these various activities, take advantage of all opportunities to contribute to the elimination of racism and racial discrimination (for example:

have recourse to multi-racial teams in international relief actions; participate in international events related to the struggle against racism and racial discrimination, such as Anti-Racism Day organized by the UN on 21 March; commemorate World Red Cross Day in the spirit of this theme).

c) International Committee of the Red Cross

The International Committee is invited to determine its own tasks in the struggle against racism and racial discrimination, tasks which should in particular comprise the following measures:

1. Examine the steps to be taken regarding already recognized National Societies practicing racial discrimination, including the possibility of withdrawing recognition, in case all other measures fail.
2. Help the victims of racism to endeavour to obtain the application of the Geneva Conventions to these victims and in particular to “freedom fighters” engaged in the fight against racism, in accordance with the United Nations resolutions.
3. Make every effort to intervene in conflicts and situations of tension involving suffering due to racism and to give effective assistance to victims of racism, without prejudice to the help it must provide to other victims, in accordance with the Red Cross Principles.
4. When it hears of cases of racism and racial discrimination, consult the League with a view to, in particular, studying the feasibility and possibility of undertaking a Red Cross relief action for the victims of these racial occurrences. (Board of Governors, XXXIInd Session, and the Council of Delegates, Teheran, 1973).

II

Strengthening humanitarian values across religious, political and ethnic lines

The Council of Delegates,

having received the decision of the International Federation’s General Assembly, entitled Strengthening Humanitarian Values across Religious, Political and Ethnic Lines (see annex),

endorses this decision and requests the National Red Cross and Red Crescent Societies to act upon it with the support of the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies. (Council of Delegates, Geneva, 2001, Resolution 12)

*Annex to Resolution 12***Decision of the General Assembly of the International Federation of Red Cross and Red Crescent Societies**

The General Assembly,
taking into account discussions in the Assembly and its Working Groups on the subject,
welcomes the attached decision of the Governing Board, and
invites the Secretary General to bring it to the attention of the Council of Delegates,
requests all National Societies to take the measures outlined in this decision,
requests the Secretary General to continue development of action to support the National Societies' initiative in this field,
further requests the Federation Governing Board to review action in follow-up to this decision at its next meeting.

* * * * *

The Governing Board,
recognizing that acts against humanity create conditions in which millions of people are placed in fear of their lives and in which their economic and social well-being is jeopardized,
further recognizing that the Red Cross and Red Crescent Movement, and especially the National Societies, can play a pivotal role in restoring and strengthening humanitarian values across religious, political and ethnic lines,
recalling, in this context, the commitment by National Societies and States to cooperate and, as appropriate, take initiatives to promote tolerance, non-violence in the community and cultural diversity, as stated in the International Plan of Action adopted in 1999 by the 27th International Conference of the Red Cross and Red Crescent,
invites National Societies to establish or further develop partnership arrangements with other National Societies to strengthen their work to combat discrimination and violence;
recalls that in keeping with Red Cross and Red Crescent Principles, these partnerships should ignore ethnic, religious or political boundaries,
requests all National Societies to enhance their dialogue with governments to promote tolerance and understanding globally as well as in their communities,
requests all National Societies to commit themselves to advocate actively to protect the basic rights of groups and individuals at risk in their countries and, where necessary, to work with partners, including government agencies, to create conditions of safety for persons endangered by violence or discrimination,

requests the Secretariat to further develop, in close consultation with National Societies and the ICRC, an advocacy programme for tolerance, non-violence and cultural diversity,

welcomes the solidarity expressed by National Societies and all components of the Movement with the victims of the devastating acts of 11 September 2001 and their aftermath,

recalls the role of the Red Cross and Red Crescent Movement as an effective mobilizer of assistance to all victims of violence, including terrorism and all forms of conflict,

invites the President to draw this decision to the attention of the General Assembly at its forthcoming Session.

III

Promote respect for diversity and fight discrimination and intolerance

The Council of Delegates,

recalling Resolution 12 of the 2001 Council of Delegates which aimed at strengthening humanitarian values across religious, political and ethnic lines,

further recalling that discrimination, intolerance and disrespect for the diversity of human life remains an endemic problem in many parts of the world, jeopardizing the efforts of civil society and governments to build prosperous and sustainable communities in which people can live and work together free from fear and want,

recalling the commitment by National Societies and States to cooperate and, as appropriate, take initiatives to promote tolerance, non-violence in the community and respect for cultural diversity, as stated in the Plan of Action adopted in 1999 by the 27th International Conference of the Red Cross and Red Crescent,

taking note of the recommendations and suggestions offered by National Societies, including during the debates at the Council of Delegates 2003,

1. *reaffirms* the commitment of all components of the Movement to strengthen the application of the Fundamental Principles and the promotion of humanitarian values across religious, political and ethnic lines, both in their internal affairs and in their humanitarian services,
2. *requests* the different components of the Movement, in conformity with their respective mandates, to work at the local, national and international levels to promote tolerance, non-discrimination and respect for diversity, and to take actions in conformity with those outlined in the attached annex,
3. *invites* the ICRC, the International Federation and National Societies, on the basis of their participation to relevant meetings and of consultations, to formulate a position paper and/or guidelines for the components of the

Movement on respect for diversity and fight against discrimination and intolerance, which will be presented at the 2005 Council of Delegates,

4. *requests* all components of the Movement to relate their work in this area with the implementation of the related aspects of the Declaration and the Agenda for Humanitarian Action adopted at the 2003 International Conference. (Council of Delegates, Geneva, 2003, Resolution 9)

Annex to Resolution 9

Mobilization and action – The way forward

(Extract from 2003 Council of Delegates – Background paper – item 7.1 of the agenda)

As already outlined, different components of the Movement have undertaken activities which have as their aim the fight against intolerance and discrimination. However, much more can — and must — be done. Individually and together as a Movement a concerted effort needs to be made in this regard. Ideas for mobilization and action include:

1. Ensuring openness and diversity within the components of the International Red Cross and Red Crescent Movement:

- a) Presidents and Secretaries-General within the Movement organizations should undertake an assessment of the composition of the leadership, staff, volunteers and membership of the organizations they lead.
- b) Imbalances in membership on whatever ground – race, religion, sex, age, must be identified and urgently addressed.
- c) Components of the Movement, particularly National Societies, which have already taken actions in this regard are called on to share their experiences, so we can all learn from the work of others.
- d) A voluntary reporting on the outcomes of actions taken in this regard could be made at the 2005 Council of Delegates.

2. Looking outward for insight and understanding :

- a) The Movement should invest resources to understand emerging trends in our communities which fuel intolerance, discrimination and lack of respect for diversity and which can combat them.
- b) The Movement should systematically network with those who are working for the same endeavour – building partnerships to promote dialogue and inclusion with international and national organizations, in the non-governmental and private sectors.

3. Promoting public dialogue and advocacy :

- a) Each component of the Movement must review the messages it communicates – not only what it wants to say but what is actually heard by those we want to reach.

- b) We must understand how we are perceived and ensure that we are viewed as tolerant, non-discriminatory and that we respect diversity.
- c) We must develop clear and categorical messages that as components of the International Red Cross and Red Crescent Movement we are guided by the belief that tolerance is necessary and that the diversity of cultures and beliefs is an essential component of the world we live in.
- d) We must strengthen or develop advocacy tools in order to promote tolerance, non-discrimination and respect for diversity at national and international forums.
- e) Movement components should maximize the use of communication tools at our disposal to do this — publications, world-wide web and our messages to the media.

4. Strength in preparedness — Being proactive and reactive :

- a) The different components of the Movement in conformity with their respective mandates must work at the local, national and international levels to promote tolerance, non-discrimination and respect for cultural diversity.
- b) National Societies, with the support of the ICRC and the International Federation, will give particular attention to the needs of persons and groups who are particularly marginalized or in need, particularly those marginalized and living in the shadows of disease, lack of legal status or homelessness.
- c) Such programmes should be inspired by and build on the programmes developed to combat discrimination and violence, and take special account of the needs of children and the ageing, families of persons missing as a result of armed conflict or internal violence, and, other victims of armed conflict.
- d) The International Federation must expand its Global/Local Action Programme against discrimination and, in cooperation with National Societies, build partnerships with governments and other international organizations to ensure its effective implementation.
- e) The different components of the Movement must seek out means to support efforts for dialogue, reconciliation and trust-building amongst communities including at the end of hostilities. Initiatives must be taken to bring communities together — recognizing the strength and value that comes from coexistence — and to ensure groups are not forgotten or excluded.
- f) During situations of armed conflict or internal violence, the ICRC, together with other components of the Movement, must make every effort to encourage respect for and implementation of the Fundamental Principles and international humanitarian law and ensure its dissemination.
- g) National Societies, with the support of the ICRC, must strengthen their peacetime programmes of dissemination of international humanitarian law and of the Fundamental Principles, evaluating lessons learned from its

Exploring Humanitarian Law (EHL) programme and developing innovative ways to reach and influence communities where tensions are high.

- h) The ICRC and National Societies must make every effort to ensure that persons missing as a result of armed conflict or internal violence and/or persons still deprived of their liberty after the end of hostilities or internal violence are not forgotten and that obligations under international law are met so as to foster reconciliation amongst communities.

5. Learning from experience and developing new initiatives internally and with other organizations :

In order to ensure that the components of the Movement identify the best practices, learn from them and reach out to other organizations, the ICRC and the International Federation should

- a) convene a meeting or series of regional meetings of experts from inside and outside the Movement to exchange ideas on best practices and initiatives to combat intolerance, discrimination and lack of respect for diversity,
- b) identify, with National Societies, actions that at the national and local level have hindered or helped in the fight against intolerance, discrimination and lack of respect for diversity,
- c) intensify their work with other international organizations working towards similar objectives, both at headquarters and in cooperation with National Societies,
- d) formulate a position paper and/or guidelines for the components of the Movement on tolerance, non-discrimination and respect for diversity, which will be presented at the 2005 Council of Delegates outlining the outcomes of the expert's meeting(s) and experience gained since the 2003 Council.

IV

Promoting respect for diversity and non-discrimination

A contribution to peace and friendship between peoples

The Council of Delegates,

recalling Resolution 9 of the 2003 Council of Delegates, "Promoting respect for diversity and fighting discrimination and intolerance," the pledge made by the International Federation at the 28th International Conference in 2003 regarding non-discrimination and respect for diversity, and the declaration adopted by that International Conference on the theme of "Protecting human dignity",

emphasizing the desire of the Movement's components to implement and promote the Movement's Fundamental Principles effectively and to base their work purely on the desire to prevent and alleviate the suffering of victims and vulnerable people, with no adverse distinction between groups,

concerned by a lack of commitment among some Movement components to apply these principles and in particular by insufficient understanding of the principles' *raison d'être* and their meaning,

convinced of the importance of the action that the Movement's components undertake on the basis of their respective mandates and in the areas that correspond to their respective responsibilities and missions, action intended to promote mutual understanding, friendship, cooperation and lasting peace between all peoples,

1. *thinks* the ICRC and the International Federation for having undertaken consultations on this question and for preparing the joint report on this important issue;
2. *endorses* the report's general principles and conclusions and requests the components of the Movement to apply them. In particular, the Council of Delegates asks that the Movement's components:
 - a) *be particularly attentive* to discrimination, intolerance, exclusion and dehumanization in the areas connected with their respective mandates and fields of activity;
 - b) *promote* the short and long-term interests of those receiving humanitarian aid and associate them with decisions that affect them to the greatest degree possible;
 - c) *conserve* their specific characteristics and identity when working with other organizations that specialize in the fight against discrimination, as required by their respective mandates and the rules set out in the Movement Statutes (art. 7.5) and the principles contained in the "*Minimum elements to be included in operational agreements between Movement components and their external operational partners*";¹
 - d) *serve as an example*, in both the humanitarian work they do and the way they do it – avoiding any form of adverse discrimination whatsoever;
3. *approves* the General Criteria, Orientations and Guiding Questions annexed and tasks the components of the Movement to refer to them when planning, implementing and evaluating their programmes;
4. *asks* the National Societies to continue to keep the International Federation and the ICRC informed regarding best practice and their experiences, so as to enrich the Federation database;
5. *calls* on the components of the Movement to take account of the above mentioned Guiding Questions when examining their statutes, to verify that they contain no adverse discriminatory clauses but rather, create a legal framework that will promote respect for diversity and non-discrimination;

¹ Annex to Resolution 10 of the 2003 Council of Delegates.

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6. *therefore asks* the ICRC and the International Federation to continue to ensure compliance with the aspects of non-discrimination and respect for diversity when examining the statutes of National Societies in the Joint Commission for National Society Statutes;
 7. *asks* the International Federation to include non-discrimination and respect for diversity in its “Well-Functioning National Society Self Assessment” questionnaire;
 8. *encourages* the ICRC, the International Federation and the National Societies to pursue their efforts – in accordance with their respective mandates – to promote and implement programmes, especially through their work to promote the Fundamental Principles and the principles of international humanitarian law, endeavouring to ensure respect for diversity and non-discrimination, and to maintain their own commitment in these important areas. (Council of Delegates, Seoul, 2005, Resolution 3)

*Annex to Resolution 3***General criteria, orientations and guiding questions****General criteria**

The work of the Movement's components could well be guided by the following general criteria:

- The immediate and also long-term interests of the person one is aiming to help must guide the action of the Movement's components.
- Action must be fully in accordance with the Movement's Fundamental Principles.
- Where possible, the people who are to benefit from the action should be involved in the decisions that affect them.
- At international level, activities must be coordinated in accordance with the Statutes and with the Seville Agreement. Where necessary, such activities must be carried out in consultation and cooperation with the ICRC and the International Federation, in accordance with their respective mandates.
- As far as possible, the action of Movement components should be coordinated with that of other organizations so as avoid duplication and gaps in measures for helping victims and vulnerable persons, while maintaining their independence and identity.²
- Exchanges of information between National Societies are encouraged, and constitute opportunities for the National Societies to exchange experiences and share skills.
- Calling in the services of experts can/should be encouraged where this will help to guide the work of the Movement's components in a particular area.

² Art. 7.5 of the Movement Statutes; "The Movement's Policy on Advocacy."

Guidance and guiding questions

*Promoting respect for diversity,
fighting discrimination and intolerance*

1 Ensuring openness and diversity

within the National Societies of the Red Cross and Red Crescent

Composition

- How much diversity is there in the leadership, staff, volunteers and membership of the National Society?
- To what extent does the composition of the National Society reflect the diversity of the country's communities (cultural, linguistic, ethnic, religious) and in terms of age, sex, etc.?
- Are there requirements governing the composition of every National Society (in a charter, for example)? What are its objectives?
- What measures are planned to fulfil the requirements and achieve the objectives?

Recruitment

- Do the statutes of the National Society contain a clause specifying that all citizens of the country can become members or volunteers of the Society, participate in its activities and be elected to positions of responsibility? If so, how is this clause formulated?
- How have the National Society's recruitment procedures been designed to attract volunteers from all ethnic, cultural, social and religious communities and minorities?
- Does the National Society have a system for analysing and evaluating recruitment and the promotion of personnel?
- Is there any imbalance in the National Society's membership in terms of ethnic origin, religion, sex, age or language? How does the National Society deal with imbalances?
- Have there been any complaints of discrimination about procedures?

Training

- Are there any negative perceptions or long-standing prejudices in training programmes regarding the participation of members of minority groups?
- Are there any plans to raise staff awareness regarding respect for cultural diversity? What would be the most appropriate form (training, intercultural approach, role-playing, etc.)?
- What kind of internal training is in place or envisaged to make staff aware of prejudice, understand the processes that underlie it and modify their behaviour accordingly?
- What steps has the National Society undertaken to raise awareness of staff working abroad as to what they should and should not do in order to avoid offending those of other cultures?

Community data collection	2 Looking outward for insight and understanding <ul style="list-style-type: none"> ● Is there a system for identifying and monitoring emerging forms of discrimination and intolerance in the national or local community in the areas of the National Society's mandate? ● What methods are used? Who collects the data? Are the data collected at national level or locally? Who analyses the data? How is the information used? ● What effect does this information have on existing or future programmes?
Studies and research	<ul style="list-style-type: none"> ● To what extent is research available that has been conducted by universities or other bodies regarding discrimination?
Reviewing operational experience	<ul style="list-style-type: none"> ● To what extent do programmes or activities run by other organizations already meet the main needs of communities that suffer discrimination or intolerance? ● Are there any lessons to be learned from the experience of implementing the programmes?
	3 Promoting public dialogue and advocacy
Dialogue	<ul style="list-style-type: none"> ● Are discussions being held with the authorities to ensure that legislative provisions and/or public statements do not contain discriminatory clauses or references that run contrary to basic rights?
Advocacy	<ul style="list-style-type: none"> ● Does your National Society approach the government, local authorities, members of the business community or other appropriate bodies to raise their awareness of discrimination that you have observed, and to discuss with them the measures that should be taken or strengthened to counteract discrimination, intolerance or exclusion? ● Are operational experience and information acquired always used to support your dialogue with the authorities? ● What awareness-raising tools and methods are used to promote respect for differences and diversity in local, national and/or international fora or through specific action, in schools for example? ● What kinds of tool (new or otherwise) could be of use?
Inter-community dialogue	<ul style="list-style-type: none"> ● What role does your National Society play, where appropriate, in building mutual understanding, dialogue and reconciliation between communities, both post-conflict and at other times? ● What initiatives appropriate for a component of the Movement could help to bring communities together and ensure that groups are neither marginalized nor excluded?
Awareness-raising campaigns	<ul style="list-style-type: none"> ● Does your National Society run information/awareness-raising campaigns on discrimination and intolerance and/or to promote respect for diversity?

Communication

- How does your National Society interact appropriately with the media to avoid stigmatization related to intolerance and discrimination towards certain categories or communities, and to promote respect for cultural and social diversity?

Education

- Are the messages used in promoting diversity and fighting discrimination clear and unambiguous?
- Are there any indications as to how these messages are perceived by those for whom they are intended?
- What is the public's perception of the Red Cross and Red Crescent? Is the National Society seen as an example of respect for difference and diversity, and of non-discrimination?
- What efforts are made to maintain dialogue, communication and confidence with all communities, even in difficult periods?
- What measures have been taken to ensure that messages, images, symbols and language will not cause offence to certain communities?
- How does the National Society use such communication tools as websites, publications, press releases, etc. to promote tolerance, non-discrimination and respect for diversity?

4 Strength in preparedness – Being proactive and reactive**Identifying resources and expertise**

- Is local, national and international expertise of Movement components identified? And used?
- What practical experience has already been acquired?
- What means are available for facilitating exchanges of experience and expertise between the components of the Movement and within the National Society itself?
- Does the National Society have at its disposal an individual or group with specific knowledge of the issue and capable of taking action to ensure that anti-discriminatory measures are in place?

Allocation of resources

- What resources have been allocated to translate commitments into action in the following areas:
 - evaluation and analysis of situations;
 - advice and assistance;
 - training/education;
 - dissemination/communication;
 - implementation.

Financial resources

- Have potential resources been identified for financing anti-discrimination programmes?
- What resources have already been used? In what framework? For what purpose?

Formulation of programmes and policies	<ul style="list-style-type: none"> ● Are programmes so designed as to reach everyone in need, without discrimination? ● Do the National Society statutes contain a clause stipulating that the Society offers its services without discrimination? If so, how is this clause formulated? What possible forms of discrimination have been identified?
Evaluation	<ul style="list-style-type: none"> ● Does the National Society evaluate the implementation of its programmes? If so, how? If not, why not? ● Are the activities of the National Societies in this area reported upon to any other body?
Partnership	<ul style="list-style-type: none"> ● Do any other organizations engage in work complementary to that of the National Society? Is the work of the National Society complementary to that of other specialized organizations in this area? ● Are there areas in which it would be possible to work together with other organizations or appropriate bodies while respecting the Fundamental Principles and the Society's image and independence? ● Are there areas in which it would be possible to cooperate with the ministry of education or other appropriate bodies, e.g. examining school books or curricula with a view to eliminating prejudice (cultural, social, sexist or other)?
Beneficiaries	<ul style="list-style-type: none"> ● What steps are taken to ensure that programmes really do benefit the most marginalized, the most vulnerable, the worst affected or those most at risk of discrimination? ● How are representatives of beneficiaries involved in programme design, implementation and evaluation? ● Have programmes aimed at specific social/cultural groups had any negative side-effects that could stigmatize them still further, rather than integrate them into the community?
Priorities	<ul style="list-style-type: none"> ● Is action to counter the causes and consequences of discrimination and exclusion reactive or proactive? Does such action aim to deal with immediate problems or is it oriented towards long-term effects? ● Is the action undertaken capable of mitigating the effects of dehumanization related to discrimination, by means of listening, empathy and the restoration of confidence? Is this action capable of building up the resilience of individuals or communities? ● To what extent is it possible to use indicators based on international human rights standards (such as denial of access to education or services) in drawing up and evaluating programmes?

5. Learning from experience and developing new initiatives
internally and with other organizations

**Types of
programme**

- Does the National Society run education programmes aimed at raising awareness of discrimination and respect for diversity, and at encouraging knowledge of and respect for differences? Do these programmes give priority to an intercultural approach? Do they focus on various target groups such as schools, the media, universities and the general public?
 - Are such programmes included in other training, such as first aid or youth activities?
 - Do specific National Society programmes (in such areas as health, refugees, migrants, youth and mutual understanding) incorporate the issue of discrimination and promoting respect for diversity?
 - What synergy/cross-pollination exists between these different types of programmes?
 - Is the promotion of the Fundamental Principles and of international humanitarian law well-developed? Has it been strengthened? Is it targeted? What use is made of new ways of presenting these topics?
-

**Impact and
evaluation**

- Have there been any measurable results?
 - How does the National Society evaluate the implementation of its programmes with respect to the fight against discrimination?
 - Are indicators identified in advance, and in the light of the objectives set?
 - How are recommendations resulting from the evaluations taken into account in the next phases of the programmes?
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SECTION III

ORGANIZATION OF NATIONAL SOCIETIES AND THEIR RELATIONS WITH ACTORS OUTSIDE THE MOVEMENT

CHAPTER I

ORGANIZATION

I

MODEL LAW ON THE RECOGNITION OF THE (NAME OF THE RED CROSS AND RED CRESCENT SOCIETY)*

*(referred to in the Plan of Action for the years 2000-2003: Final goal 3.3-14(b),
27th International Conference, Geneva, 1999, Resolution 1)*

Commentary

The purpose of this “model law” on Red Cross/Red Crescent Societies is to encourage governments and National Societies to give due consideration to the legal aspects of supporting and protecting the functions of the National Societies and, at the same time, provide sample clauses covering the main areas of concern for the Movement and from which to draw inspiration for legislative work.

The reference to “recognition” in the Title means that the special legislation concerning the Red Cross or Red Crescent Society may, but does not always have to, constitute the act through which a government formally recognises its Society as an auxiliary to the public authorities in the humanitarian field on the basis of the Geneva Conventions. Such recognition may derive from other acts of government (legislative or executive branch).

ARTICLE 1

- 1.1 This law regulates the legal status of the (name of the Society) (hereinafter called “the Society”) and may be quoted as “The (name of the Society) Act”.
- 1.2 **The Society is a voluntary aid society, auxiliary to the public authorities in the humanitarian field, recognised and authorised on the basis of the Geneva Conventions (and their Additional Protocols) to render assistance to the medical services of the armed forces in times of armed conflict.**

* see Compendium of documents, Annex III of the 27th International Conference, Geneva, 1999.

- 1.3 **The Society is the only National Society of the Red Cross or Red Crescent in (name of the country). It carries out its activities on the entire territory of (name of the country).**
- 1.4 The Society shall at all times act in conformity with the Geneva Conventions (and their Additional Protocols), the laws of (name of the country) and the Fundamental Principles of the International Red Cross and Red Crescent Movement adopted by the International Conference of the Red Cross and Red Crescent.
- 1.5 **The public authorities shall at all times respect the adherence by the Society to the Fundamental Principles of the International Red Cross and Red Crescent Movement as required by Resolution 55(I) of the General Assembly of the United Nations.**

Commentary

The sections in bold contain minimum legal requirements for the recognition of National Societies by the ICRC in conformity with the Statutes of the Movement. These Statutes as well as the Fundamental Principles have last been adopted by the 25th International Conference of the Red Cross and Red Crescent (Geneva, 1986).

In some countries, the definition of the Society's legal rights and duties does not necessarily appear in one single piece of legislation concerning the National Society, but may be spread over various legal codes or laws such as e.g. the civil code, fiscal law, social security legislation, penal code, etc. The various clauses contained in this model law may therefore be used separately for integration in the specific legislation concerned.

Resolution 55(I) can be found in the Handbook (see Part I, p. 489).

ARTICLE 2

- 2.1 The Society is a corporate body with legal personality.
- 2.2 **The Society shall at all times act in accordance with its statutes (Constitution, by-laws) adopted by the (relevant body of the Society).**

Commentary

The legal nature of the National Society (e.g. private law association, public law institution, etc.) depends on the local legal system and its traditions and is therefore up for decision by each national government.

The legislator may also want to determine general principles regarding the branch structure of the Society as well as regarding the Society's governance (definition of its main governing bodies).

In order to allow the Society to adjust its structure, activities and administration to changing needs and circumstances, the law should be limited to essential principles and leave room for the Society itself to adapt its statutes. It is therefore not recommended to include the entire text of the Society's statutes as part of the law.

ARTICLE 3

- 3.1 In addition to rendering assistance to the medical services of the armed forces in times of armed conflict, the object of the Society is to prevent and alleviate human suffering with complete impartiality, making no discrimination as to nationality, race, gender, religious beliefs, class or political opinions.
- 3.2 In order to achieve its object as defined in the previous paragraph, the Society shall carry out the functions as defined in its statutes, international treaties to which (name of the country) is a party and the resolutions of the International Conference of the Red Cross and Red Crescent.

Commentary

In certain countries, the legislator may want to specify here that none of the Society's activities generating revenue that is exclusively allocated to the Society's object, shall be qualified as a transaction subject to the laws regulating trade and commerce, even if they are performed through contractual arrangements which stipulate a price for goods and services provided by the Society.

ARTICLE 4

The Society shall comply with its duties as a component of the International Red Cross and Red Crescent Movement and as a member of the International Federation of Red Cross and Red Crescent Societies.

Commentary

Once recognised by the ICRC, the Society, as a component of the Movement takes part in the decision-making of the statutory bodies of the Movement. When they become members of the International Federation of Red Cross and Red Crescent Societies which in itself is a legal body, the National Societies commit to respect the decisions taken by its governing bodies. The current provision allows a National Society at all times to respect the decisions taken within the framework of the Movement and the International Federation.

ARTICLE 5

- 5.1 The Society, within the limits laid down by its object and functions, may acquire, own, alienate and administer such property as it deems fit. It may accept any conveyance of real estate to its use or benefit.
- 5.2 The Society may, in accordance with its object and functions, accept unrestricted contributions and assistance in any form from individuals, the public authorities and private or public bodies. It may accept as agent or

trustee funds or property in trust or earmarked for particular use, provided that such use is within the general scope of its object and functions.

- 5.3 The Society may constitute and administer any reserve, insurance or other funds for its staff or any of its activities.
- 5.4 The assets of the Society, including its financial resources and real estate as well as the revenue from its income generating activities, shall be exempted from all taxes and duties.
- 5.5 Donations made to the Society by any individual or legal body shall benefit from tax exemption.
- 5.6 The public authorities shall make provisions for covering the cost of any service or activity which they may entrust to the Society within the scope of the Society's object and functions. The conditions for the implementation of such services or activities shall be laid down in agreements between the Society and the relevant public authority.

Commentary

The legislator may want to specify that all subsidiary bodies of the Society, including those with legal capacity or those set up under the auspices of the Society, shall benefit from all or part of the provisions of this law, in particular those regarding the Society's fiscal status.

ARTICLE 6

- 6.1 The Society shall be authorised to use as its emblem a red cross (red crescent) on a white ground for all the purposes foreseen by the International Conference of the Red Cross and Red Crescent, in conformity with the Geneva Conventions of 1949, the present law and the Regulations on The Use of The Emblem by National Societies adopted by the International Conference of the Red Cross and Red Crescent.
- 6.2 Any use of the emblem of the red cross (red crescent) other than foreseen in the Geneva Conventions of 1949 or in paragraph 1, is prohibited and will be punished with (penalty)(in conformity with the relevant provision of the penal code or a specific law repressing abuse of the emblem).

Commentary

In countries where a separate law is in force to repress abuse of the emblems and designations of the red cross and red crescent, the civil defence sign and electronic signals provided for in Additional Protocol I, a reference to that specific law may be included in paragraph 6.1. In the absence of such a special law, this clause is to be regarded as the minimum legal protection of the emblem of the red cross or red crescent. It is recommended, however, that governments enact proper and detailed legislation on the use of the emblems of the Geneva Conventions.

The ICRC has published a model law for that purpose (International Review of the Red Cross, July-August 1996, No. 313, pp. 482-495) and the ICRC Advisory Service on IHL has examples of emblem legislation adopted in some 80 States.

The Regulations on the Use of the Emblem by National Societies were adopted by the International Conference in 1965 (and revised by the 1991 Council of Delegates after approval by the States Parties to the Geneva Conventions in a written procedure).

In some countries, the funds resulting from penalties mentioned in paragraph 2, are transmitted to the Society to contribute to its general financial resources.

ARTICLE 7

The present law shall come into force on (date) and shall replace from that date (the previous law in force).

II GUIDANCE FOR NATIONAL SOCIETY STATUTES

(adopted by the Governing Board of the International Federation of Red Cross and Red Crescent Societies, May 2000)

The first draft of this Document was prepared by a working group of the Danish Red Cross, in co-operation with the International Federation Secretariat (National Society Co-operation and Development Division and Legal Affairs). It was submitted to a forum of experts on statutes of National Societies from the various regions and from the ICRC at a Legal Base Workshop,¹ held by the International Federation from 7 to 10 February 1999 in Vienna.² The advice from this workshop has been incorporated in a draft which was subsequently sent to all member Societies of the Federation for their comments and presented to the Development Commission on 8 September 1999. The text then was presented by the Secretariat of the Federation to the following General Assembly. Pursuant to decision 24 of this General Assembly on “National Society Capacity Building, Protection of the Integrity of Member Societies”,³ the International Federation convened another meeting, where governance and management leaders from ten National Societies participated together with representatives from the Federation Secretariat and from the ICRC.⁴

¹ The British and German Red Cross Societies contributed funds to the SWP 98-99 (Task 12.2) to finance the Workshop, while the Austrian RC hosted it and covered part of the costs. The ICRC also contributed by covering the travel expenses of one delegate.

² Participated in the Workshop : E.S. Aidoo (Ghana RC), T. Buruku (Uganda RC), M. Naarendorp (Suriname RC), K. Simonetti (American RC), X. Wang (Chinese RC), F. Mohrhauer (German RC), H. Fockens (Danish RC), T. Trier (Danish RC), T. Stenfeld (Danish RC), F. Bickley (British RC), A. Lang (Austrian RC), A. Alm Eddo (Swedish RC), M. Boycheva (Bulgarian RC), B. Ionov (Russian RC), S. Boltrushovich (Federation's Delegation in Minsk), A. Iastrebova (Federation's Delegation in Moscow), M.T. Dutli (ICRC), I. Osman (Federation Secretariat), Anja Toivola (Federation Secretariat), Luis Luna (Federation Secretariat), C. Lanord (Federation Secretariat), C. Savary (Federation Secretariat), Luc De Wever (Federation Secretariat).

³ Decision 24 requested the Secretary General: “to revise the present draft Guidelines on the basis of comments made by the General Assembly and member Societies and, with the support of a working group of member Societies, to present a final draft of the Guidelines to the Governing Board which will report to the next General Assembly”.

⁴ The meeting was hosted by the American Red Cross on the 7 and 8 February 2000 at their headquarters in Washington DC. The participants were: Messrs. J. Rodriguez, member of the Board, and A. Panico, Vice President, International Policy & Relations, American Red Cross, Dr. A. Sarkissyan, President, Armenian Red Cross, Messrs. Dr. A. Vejarano LaVerde, President, and W. Cotte, Director, Colombian Red Cross, Dr. F. Pedersen, President, Danish Red Cross, Prof. J. Abdulkadir, Chairman, and Ms. M. Wolde Tensaie, Secretary General, Ethiopian Red Cross, Mr. J. Talib SH., Secretary General, Indonesian Red Cross, Mrs. C. Powell, President, Jamaica Red Cross, Mr. K. Nolan, representative of the New Zealand Red Cross to the Federation's Board, Dr. M. Hamid, President, The Sudanese Red Crescent, Messrs. O. Saran, member of the Board, and F. Evren, Director General, Turkish Red Crescent, Mr. B. Biber, ICRC, Messrs. I. Osman and L. De Wever, Federation Secretariat. The Minutes of the meeting can be made available on request by the Federation's Secretariat.

The German and Finnish Red Cross Societies have contributed funds to finance translation of this document in the three other working languages of the Federation and to cover the cost of printing.

The Governing Board adopted the present Guidance for National Society Statutes at its 1st Session, 2-4 May 2000.⁵

CHAPTER 1 – INTRODUCTION

The legal base of a National Red Cross or Red Crescent Society, consisting of the National Society's statutes and, in most countries, the national law or decree on the Red Cross or Red Crescent,⁶ is of crucial importance since it defines not only its internal structure and procedures, but also its relations with other actors in society, e.g. the government and the other components of the International Red Cross and Red Crescent Movement. Inadequate regulation of these internal and external factors may easily compromise the integrity of a National Society.

National Societies are unique organisations, which operate within a complex legal framework,⁷ in pursuit of a specific mission in accordance with the seven Fundamental Principles of the Movement. The legal base of National Societies should protect their integrity by dealing with legal elements in a clear and thorough manner in order to avoid situations in which external or internal factors, render National Societies unable to carry out their mission effectively or to act in accordance with the Fundamental Principles.⁸

Decision 45 of the 11th Session of the General Assembly of the International Federation of Red Cross and Red Crescent Societies, Seville 1997, supports the further work of the Secretary General in developing guidelines and tools and in offering his services as and when needed to promote and protect the integrity of member Societies. This Document is one such tool.

⁵ Decision No 5 on the Guidance for National Society Statutes reads as follows:
The Governing Board,

5.1 **approves** and puts into effect the Guidance for National Society Statutes as modified in Supplementary Paper GB/1.4.2/1;

5.2 **encourages** all member Societies to make the necessary adjustments in their Statutes in order to meet the minimum requirements and to achieve as far as possible the recommended standards;

5.3 **requests** the Secretary General to actively promote the Guidance, to apply it in the review of National Society Statutes and to report from time to time to the Board and the Assembly on the results of the implementation of the Guidance.

⁶ In many countries a national law or decree on the Red Cross and Red Crescent constitutes the act through which a government formally recognizes the National Society as an auxiliary to the public authorities in the humanitarian field.

⁷ Consisting of National Laws, the Geneva Conventions and related International Humanitarian Law instruments, decisions of the Movement's statutory bodies, in particular, resolutions of the International Conference of the Red Cross and Red Crescent, and decisions of the Federation's General Assembly, in particular, the Constitution of the Federation (see Chapter 2, numbered paragraph 1 a).

⁸ Strategic Work Plan for the Nineties (revised version) adopted in Decision 35 of the IXth General Assembly, 25-28 October 1993 in Birmingham.

No two National Societies are identical. Legal as well as cultural considerations must be taken into account when drafting their basic legal texts. This document, which only deals with the statutes of National Societies, respects these differences by providing guidelines for the drafting or revision of National Societies statutes, rather than a new Model Statute. The document seeks to elaborate on the most important issues which should be dealt with in the statutes and guide the user on how to draft provisions on these issues.

Chapter 2 contains the guidelines for the drafting or revision of National Society statutes. It is divided into sections covering the key elements of the statutes: General provisions; General objectives and specific tasks; Membership; Governing bodies at the central level; Management; Branch structures; Election/rotation/profiles; and Financial matters. Each section is subsequently divided into the following four sub-sections:

a) Minimum requirements

This subsection describes the basic requirements with respect to the topic concerned. These minimum requirements are based on the mandatory requirements of the Statutes of the Movement (including the Fundamental Principles), the Constitution of the Federation and the decisions of the General Assembly. The requirements mentioned under subsection a) must be safeguarded in the statutes of all National Societies, regardless of their legal or cultural environment.

b) Elements to be included

This subsection contains a “checklist” of the elements which must appear in one way or another in a National Society’s statutes on the respective topics. However – with the exception of the mandatory requirements set out in subsection a) above – the National Society is free to decide how it will regulate these matters.

c) Options and recommendations

This subsection reflects upon different options for dealing with issues of a non-obligatory nature. Certain options are recommended for specific situations. In this subsection, the legal and cultural environment of the National Society, the size of the country and other factors are likely to play an important role in determining which option will apply in the respective National Society’s statutes. These recommendations are based on best practices in the Movement or other (non-profit) organisations.

d) Sample clauses

This subsection gives an example of how the most important elements of the respective topic may be formulated in the statutes. It is not therefore an exhaustive model.

Chapter 3 will supplement the Guidelines for National Society statutes with a short outline of the core issues presented in this document. The Guidance should be used

in combination with the following documents which relate to the institutional capacity-building of National Societies, and are also used as reference material:

- National Society Governance Guidelines;⁹
- Characteristics of a Well-Functioning National Society;¹⁰
- Statutes of the Movement, and specifically the ten conditions for the recognition of a National Society contained in Article 4;
- The Fundamental Principles of the Red Cross, Commentary, by Jean Pictet (1979).

CHAPTER 2 – GUIDELINES

I – GENERAL PROVISIONS

a) **Minimum requirements**

The statutes must describe the legal framework in which the National Society operates. The legal framework is composed of national laws, the Geneva Conventions and, where applicable, their Additional Protocols, resolutions of the International Conference of the Red Cross and Red Crescent (in particular the Fundamental Principles and the Statutes of the Movement), resolutions of the Council of Delegates and decisions of the Federation's General Assembly (in particular, the Constitution of the International Federation of Red Cross and Red Crescent Societies) (see Illustration 1).

The statutes should include the full text of the Fundamental Principles (1986) in their general provisions.

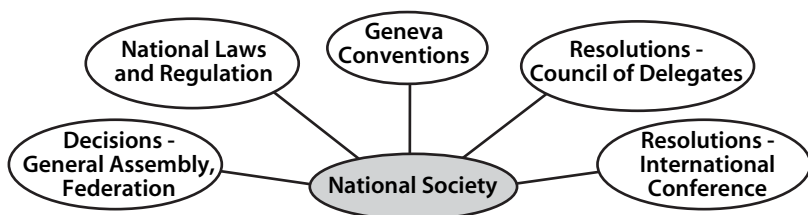


Illustration 1

The main elements to be addressed in the legal framework are:

The relationship between the National Society and the public authorities in its country

If a National Society is to operate effectively, its relationship with the public authorities must be clearly regulated. This must be done by means of a law or

⁹ Produced by the Federation's Institutional and Resource Development Department in 1997.

¹⁰ Produced by the Federation in 1994. Endorsed by the Federation's Executive Council in 1994 and welcomed by the General Assembly in 1995.

regulations or by the statutes of the National Society.¹¹ The statutes should reflect the auxiliary role of the National Society to the public authorities in their humanitarian work, but should also secure the unhindered pursuit of the National Society's objectives in accordance with the Fundamental Principles.

In addition, the obligation of the State to respect the adherence of the National Society to the Fundamental Principles should be established by an appropriate legal instrument – which could be the Society's statutes in case they can be enforced against the State.

Use of the red cross or red crescent emblem

The statutes should require the National Society and all its members and bodies to comply with the regulations on the use of the emblem contained in the Geneva Conventions of 1949 and their Additional Protocols of 1997, the 1991 Regulations on the use of the emblem of the red cross or the red crescent by the National Societies and national laws regarding the emblem.

The relationship between the National Society and the other components of the Movement

A National Society becomes a component of the Movement when it is recognised by the International Committee of the Red Cross (ICRC). It may subsequently apply for membership of the International Federation. Both its status as a component of the Movement and as a member of the International Federation entail legal consequences for the National Society. For example, the National Society must comply with the Statutes of the Movement (in particular the ten conditions for recognition contained in Article 4¹² and the definition of National Societies contained in Article 3). Its membership of the International Federation

¹¹ In some countries the statutes of the National Society have the status of law. This is rather unfortunate, since it renders the statutes unnecessarily less flexible. In such cases, both the criteria mentioned in this document and the criteria mentioned in the Draft Model Law on the recognition of the National Red Cross or Red Crescent Society, which is contained in Section 3.13 (b) and Annex III of the Reference Document for the 27th International Conference, should be incorporated in the statutes.

¹² The 10 conditions for recognition are the following:

a National Society shall:

- 1) Be constituted on the territory of an independent State where the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field is in force.
- 2) Be the only National Red Cross or Red Crescent Society of the said State and be directed by a central body which shall alone be competent to represent it in its dealings with other components of the Movement.
- 3) Be duly recognized by the legal government of its country on the basis of the Geneva Conventions and of the national legislation as a voluntary aid society, auxiliary to the public authorities in the humanitarian field.
- 4) Have an autonomous status which allows it to operate in conformity with the Fundamental Principles of the Movement.
- 5) Use the name and emblem of the Red Cross or Red Crescent in conformity with the Geneva Conventions.
- 6) Be so organized as to be able to fulfill the tasks defined in its own statutes, including the preparation in peace time for its statutory tasks in case of armed conflict.
- 7) Extend its activities to the entire territory of the State.
- 8) Recruit its voluntary members and its staff without consideration of race, sex, class, religion or political opinions.
- 9) Adhere to the present Statutes, share in the fellowship which unites the components of the Movement and cooperate with them.
- 10) Respect the Fundamental Principles of the Movement and be guided in its work by the principles of international humanitarian law.

(a legal entity) entails the legal obligation to comply with the decisions of its General Assembly and Governing Board (Article 5 of the Constitution of the Federation¹³). Compliance with these obligations must be assured in its statutes.

Special attention should be drawn to the Federation's Constitution which provides the Society's duty to inform the Secretary General of the International Federation of any proposed amendments to its statutes. In addition, despite the fact that National Societies are recognised as autonomous bodies by the legal government of their country on the basis, *inter alia*, of national legislation, through resolutions of the International Conference, States and National Societies have vested the ICRC and the International Federation with a right to review proposed amendments to the statutes of the National Societies and to request the National Societies to take into account any recommendations made by the ICRC and the International Federation.¹⁴

Any proposed amendments should thus be reviewed by the Joint ICRC/Federation Commission for National Society Statutes before they can be adopted by the National Society.

b) Elements to be included

The elements to be included in the general provisions have been mentioned under subsection a) minimum requirements.

c) Options and recommendations

It is recommended that National Societies include a provision in their statutes stating to the effect that the National Society may only establish formal co-operation agreements with other organisations for specific projects. These agreements must never force the National Society to engage in activities violating the Fundamental Principles, and should therefore always guarantee its full independence. It is furthermore highly recommended that agreements between the National Society and public authorities, regarding the execution by the National Society of public programmes, be formalised and set out in writing.

¹³ Article 5 of the Constitution of the International Federation lays down the rights and obligations of the Member Societies of the International Federation.

Rights:

- to be represented at and to participate in the work of the Assembly;
- to stand for election to all other official bodies of the Federation;
- to request the Federation to provide representation to other international organizations;
- to submit, on its own initiative, in its name or in that of a group of member Societies, proposals to the Assembly and to other bodies of the Federation;
- to communicate directly with the Federation.

Duties:

- to support the Federation in the pursuit of its general object and to apply the decisions adopted by the Assembly and by the Council;
- to ensure that the Fundamental Principles are carefully observed in the activities of the Society and that none of its subordinate bodies offend against those Principles;
- to remit an annual contribution to the Federation approved by the Assembly;
- to inform the Secretary General of the Federation of any proposed amendments to its own Statutes and to keep him informed of the composition of its main bodies.

¹⁴ Res. 6, 22nd International Conference, Teheran 1973 and Res. 20, 24th International Conference, Manila 1981.

d) Sample clauses**Constitution of the National Society:**

The National Society was founded on (date). Its constitution is based on the Geneva Conventions of 1949 (and their additional Protocols of 1977), to which (name of the State) is a party. The National Society shall be guided in its work by the principles of international humanitarian law and shall respect the Fundamental Principles of the Movement which are set out below:

Humanity

The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, co-operation and lasting peace amongst all peoples.

Impartiality

It makes no discrimination as to nationality, race, religious beliefs, class, or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

Neutrality

In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

Independence

The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

Voluntary service

It is a voluntary relief movement not prompted in any manner by desire for gain.

Unity

There can be only one Red Cross or one Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

Universality

The International Red Cross and Red Crescent Movement, in which all Societies have equal status and share equal responsibilities and duties in helping each other, is world-wide.

National legal status

The National Society is officially recognised by the Government, in the (name/number of national law/regulation on the National Society), as a voluntary aid society, auxiliary to the public authorities in the humanitarian field, in

accordance with the 1949 Geneva Conventions, and as the only National Red Cross (or Red Crescent) Society which may carry out its activities in (name of State) territory.

In relation to the public authorities the National Society maintains an autonomy which allows it to act at all times in accordance with the Fundamental Principles of the Movement.

The public authorities shall at all times respect the adherence by the National Society to the Fundamental Principles.

The National Society is a legally constituted association. It possesses legal status. Its term of existence is unlimited. Its headquarters are located at (name of city).

Relations with other components of the Movement

The National Society, which was recognised by the International Committee of the Red Cross (ICRC) on (date) is part of the International Red Cross and Red Crescent Movement (Movement). It became a member of the International Federation of Red Cross and Red Crescent Societies (International Federation) on (date).

The National Society shall fulfil the conditions laid down in Article 4 of the Statutes of the Movement and its relations with the other components of the Movement shall be in conformity with Article 3 of the Statutes of the Movement.

The National Society shall also be bound by the obligations laid down in Article 5 of the Constitution of the International Federation.

Agreements

Agreements concluded with other organisations or entities, in particular with the public authorities regarding the execution of a public service, shall be in writing and shall not in any way constitute an obligation for the Society to act against the Fundamental Principles.

Emblem

The National Society has as emblem the heraldic sign of the red cross or red crescent or any other recognised emblem by the Movement Statutes on a white background.

The National Society shall establish appropriate regulations in accordance with the 1949 Geneva Conventions [and the Additional Protocols of 1977], the (name of National Law on the emblem) and the 1991 Regulations on the Use of the Emblem whose provisions shall be binding upon the National Society.

Amendment of Statutes

Any proposed amendment to the present statutes shall be submitted to the Joint ICRC/Federation Commission for National Society Statutes before such amendments may be adopted by the..... (relevant organ in the National Society).

II - GENERAL OBJECTIVES AND SPECIFIC TASKS

a) **Minimum requirements**

Once the general legal framework in which the National Society operates has been determined, the general objectives and the specific tasks of the National Society must be defined taking into account the definition of “National Red Cross and Red Crescent Societies” in Article 3 of the Statutes of the Movement. According to the Federation’s Strategic Work Plan for the Nineties, the challenge for the National Societies is “improving the situation of the most vulnerable i.e. those at greatest risk from situations that threaten their survival or their capacity to live with a minimum of social and economic security and human dignity”.

It is important for the general objectives and the specific tasks described in the statutes to reflect the needs of the most vulnerable people in society (both at the national and international levels), and for the activities of the National Societies to focus on these needs.¹⁵

b) **Elements to be included**

The manner in which these objectives and tasks can be defined in the statutes is not easy to prescribe. They should be described in a sufficiently concrete manner to justify the National Society’s existence. Some countries even require the National Society to list its activities in a specific manner for it to be legally entitled to engage in those activities. Such legal requirements must be borne in mind when drafting the statutes. However, if no such legal requirements exist, it is advisable that tasks be defined in a general manner, since an overly detailed description may hamper the development of the National Society and its adaptability to unforeseen circumstances.¹⁶

c) **Options and recommendations**

No specific recommendations are necessary for this section.

¹⁵ Strategic Planning Advisory Commission 1997-1999 is of the opinion that the Strategic Plan 2010 should not only give an indication of the target group (the most vulnerable) but also of the “core” programs (output) that the International Federation and all National Societies would be developing to improve their situation. These would be programs that all National Societies would be expected to develop, for which they would have the right to expect advice and assistance from the Federation Secretariat and would be the areas on which the International Federation as a whole would continue to build its expertise and reputation. The following core areas were proposed:

- 1) Disaster preparedness;
- 2) Disaster response;
- 3) Health and care at the community level;
- 4) Promotion of the Movement’s Fundamental Principles and humanitarian values.

See the Report from the Strategic Planning Advisory Commission “Learning from the Nineties/Strategic Plan 2010”, 23-25 September 1998 to the 42nd Session of the Executive Council Geneva, (October 1998), pp 4-5; doc. CE/9/2 of the 43rd session of the Executive Council (May 1999); and doc. AG/11.1 of the 1999 General Assembly with its annex : “Strategy 2010 – To improve the lives of the vulnerable people by mobilizing the power of humanity”.

The Strategy 2010 was adopted at Geneva by the 1999 General Assembly (see decision 23).

¹⁶ The world is constantly changing. This means the needs in society are changing as well. If a National Society had to change statutes every time changing needs called for a new activity, National Societies would not be able to do their work.

d) Sample clauses

The principal object of the National Society is to prevent and alleviate suffering with complete impartiality, making no discrimination as to nationality, race, sex, religious beliefs, language, class or political opinions.

For this purpose, its task is in particular:

- 1) to act in case of armed conflict, and in peace prepare to act in all the fields covered by the Geneva Conventions and on behalf of all war victims, both civilian and military;
- 2) to contribute to the improvement of health, the prevention of disease and the mitigation of suffering;
- 3) to organise, within the scope of the national plan, emergency relief services for the victims of disasters, howsoever caused;
- 4) to educate the population on how to respond to disasters, howsoever caused;
- 5) to promote the participation of children and young people in the work of the Red Cross and Red Crescent;
- 6) to promote the Fundamental Principles of the Movement and those of international humanitarian law in order to develop humanitarian ideals among the population, and in particular among children and youth;
- 7) to recruit, train and assign such personnel as are necessary for the discharge of its responsibilities; and
- 8) to co-operate with the public authorities to ensure respect for international humanitarian law and to protect the red cross and red crescent emblems.

III – MEMBERSHIP**a) Minimum requirements**

Membership of the National Society must be open to all. The National Society shall not withhold membership on grounds of race, sex, class, religion or political opinions. This requirement is explicitly set out in the Fundamental Principle of Unity and in the ten conditions for recognition.¹⁷

The members of a National Society form the basis of its organisation. They are responsible, through a system of grassroots representation,¹⁸ for the governance of the National Society. The members therefore determine its policies and its long-term objectives.

The mission of a National Society is to alleviate suffering, wherever it is found, without any kind of discrimination. The National Society should therefore be

¹⁷ Statutes of the Movement Article 4, paragraph 8.

¹⁸ Rules of Procedure should secure a fair and democratic election of the representatives. An obvious example of such a rule is a secret ballot. See also section VII on elections.

aware of the different forms of suffering within its country. This knowledge can be obtained through the members of a National Society, who can influence its governance and thereby address such suffering. It is therefore crucial for all the stakeholders in the country to be represented in the membership of the National Society; young and old, rich and poor, men and women etc. Through its members, the National Society is able to keep track of the needs of the community¹⁹ and provide assistance in an impartial manner.²⁰

As may be concluded from the above, it is vital that all groups in the population be represented in the membership of the National Society.

For the same reason, it is recommended that the National Society not limit its membership to nationals. National Societies may, however, be forced by national laws to accept only nationals as members. In such cases they should establish the possibility for non-nationals to participate in the work of the National Society as nonvoting volunteers.

The principle of fair representation of the membership furthermore implies that the membership fee (if any) is not set at such a level as to exclude *de facto* certain groups of the population from membership.

It does not follow from the above that the National Society should not be able to exclude a member. On rare occasions, serious circumstances may necessitate the expulsion of an individual member (e.g. in case of the use of National Society funds for personal gain).

In the same way, Societies should not be obliged to accept all persons that wish to join.²¹ The statutes must establish a fair procedure for expulsion, specifically which person or body has the right to expel a member and the grounds upon which expulsion may be pronounced.

These grounds must be clearly and exhaustively described either in the statutes or in other internal regulations, and must be of a serious, but not discriminatory nature. The member must be promptly informed of the grounds for expulsion in writing and have the right to appeal either to a higher body in the National Society or to an external court or *ad hoc* tribunal.²²

¹⁹ Statutes of the Movement Article 4, paragraph 8 also makes the recruitment of members without discrimination conditional to recognition by the ICRC in terms of Article 5, paragraph 2b of the Statutes of the Movement.

²⁰ See also Jean Pictet, "The Fundamental Principles of the Red Cross – Commentary", p. 39.

²¹ E.g. those of dubious moral character or who are known for espousing views contrary to the Fundamental Principles. Individuals could also be excluded on grounds of ability: positions which carry responsibilities or call for specialized knowledge, medical for example, cannot be given to incompetents. See Pictet, *Commentary*, p. 84.

²² Certain National Societies, mainly in federal systems, define the relationship between the highest branch levels and the central level as a membership relation. This section does not apply to this kind of membership. The rules related to branch structures and their dissolution in section VI deal are applicable. It goes without saying that this section does apply to the relationship between the branches and their members.

b) Elements to be included

The statutes may provide for different kind of members, such as individual members (active members (or volunteers), subscribing members, honorary members), collective members and patrons. When dealing with the different kinds of membership in the statutes, it is advised to cover the following issues:

- how to become a member;
- rights of members;
- duties of members;
- loss of membership, including fair rules for expulsion and appeal.

c) Options and recommendations

Certain National Societies encourage a special kind of membership, known as collective membership. Collective members are usually groups of employees of a certain organisation who join the National Society as a group. The advantage of this kind of membership is that the number of individual members may increase substantially. However, the disadvantage lies in the difficulty of these members being represented in the normal branch structure. Because, some members of the collective members may already be individual members of the Society, which complicates voting procedures. The question may, for example, arise as to whether a person who is both an individual member of the Society and at the same time belongs to a collective member has one or two votes. The situation may also arise, in which an individual does not wish to become a member, but is forced by his or her organisation. Another issue is how expulsion of a collective member would affect the Society's membership of individuals part of the collective member and vice versa. The objective of the organisation that applies for collective membership should not be contrary to the Fundamental Principles or in any other way compromise the integrity of the National Society. The National Society alone shall decide whether or not to accept collective membership after taking into account the above considerations.

Societies may wish to accord different rights and duties to the various categories of members. They may e.g. resolve that only active members will have the right to vote or to be elected. Such restrictions must be clearly established in the Statutes.

In relation to the procedures and grounds for the expulsion of members, it is necessary to take into account any national laws or regulations respecting membership of associations in general. One option, subject to national law, is to include an arbitration clause in the statutes. Such a procedure would allow for the internal decision of the National Society to be appealed to an external ad hoc tribunal. In this way public court cases could be avoided and the procedure would often be more rapid.²³

²³ It must be ensured that the arbitrators are qualified and independent. An option is for each party to appoint one member of the court and these two in turn agree on the third member who is the chairman of the court. If no agreement is reached an external authority (e.g. a high court president) is designated to appoint the chairman. Procedural rules of existing national or international arbitration tribunal may be used with small revisions.

It is recommended that the National Society develop an active campaigning strategy to develop a membership that is as diverse as possible.

Some Societies exclude its employees from becoming a member (or “volunteer”). While this would indeed result in the complete functional and personal separation of governance and management as described in section V: “Management”, it is not strictly necessary for all employees to be excluded from membership provided that they do not sit on the Society’s governing bodies that are reserved for non-employee members. The contrary would confuse the roles of governance and management and result in conflicts of interest. The fact that a volunteer member is reimbursed for reasonable expenses incurred when carrying out their services on behalf of the Society should not normally result in their loss of membership status.

d) Sample clauses

Membership

Membership of the National Society is open to everyone without any discrimination based on race, sex, religious beliefs, language, class or political opinions.

Members may be active, subscribing or honorary members or patrons.

Active members:

Active members are those persons who have agreed to give service to the National Society and are registered as such by the local board.

Subscribing members:

Subscribing members are those persons who pay the annual subscription determined by the General Assembly.

Honorary members:

Honorary members are those persons who have been so designated by the Governing Board (or the Governing Council) in recognition of exceptional services to the National Society.

Patron:

A patron is a public figure designated by the Governing Board (or the Governing Council) who permanently supports the National Society.

Rights and duties of members

Members have the following duties:

- to adhere to and disseminate the Fundamental Principles;
- to promote the work of the National Society;
- to recognise and obey the statutes;²⁴
- to pay the annual subscription;
- to participate actively in the work of the National Society.

²⁴ Including the duty to respect and to help protect the emblem.

Members have the following rights:

- to elect and be elected to the governing bodies;
- to participate and vote in the meetings of the local assembly and, if elected, in the assemblies of higher levels of the organisation;
- to present proposals and raise issues with any authority in the National Society.

Loss of the status of member

Any member may give notice of resignation in writing at any time.

Subscribing membership expires after twelve months, unless the subscription is renewed. The subscribing member shall receive a reminder of the need to renew the subscription one month before expiry.

Local Committees may expel members for serious cause, of which the member shall be informed promptly. Any member so expelled shall have the right to appeal to the Governing Board (or Governing Council or to an external ad hoc tribunal), whose decision shall be final and binding.

The Governing Board (or Governing Council) shall make regulations for the hearing of appeals (or provide for an external arbitration procedure) so as to ensure that no member is unjustly treated, and that the procedure is fair and in accordance with national law. It shall furthermore specify such grounds as may constitute serious cause.

Serious cause for the purpose of expulsion is defined as the display of character or morality incompatible with the seven Fundamental Principles or engagement in activities which are detrimental to the reputation or the activities of the National Society.

IV – GOVERNING BODIES AT CENTRAL LEVEL

a) Minimum requirements

Governance is the term used to indicate the way in which an organisation sets its direction. It includes the following tasks:

Long-term planning:

- formulating the mission and policy of the National Society;
- ensuring its long-term viability and making decisions about priorities;
- setting goals;
- developing a structure and culture to achieve these goals;
- determining criteria for relating to clients, vulnerable groups and beneficiaries.

Members/branches:

- monitoring membership;
- approving branch structures.

Management:

- defining the outcome of performance and setting standards for this;

- appointing or removing the CEO;²⁵
- setting policies relating to staff and volunteers;
- keeping a broad perspective with regard to the effectiveness of the National Society and evaluating the performance of the Secretary General and of the National Society.

Constitutional tasks:

- ensuring that the statutes and internal regulations are up-to-date and monitoring the compatibility of national laws with the objectives of the Red Cross and Red Crescent Movement.

In short, governing means providing direction and focusing on the broader picture and the long term.

As previously mentioned, the members form the basis of the National Society. Members should therefore have the power to decide on questions related to governance, which is why they should be present or represented in the highest governing authority, the General Assembly.

b) Elements to be included

The provisions of the statutes must clearly describe the governing body's:

- Powers: what are its powers?
- Composition: how will the composition be determined?
- Sessions: who will be responsible for convening its meetings, at what notice, possibility of extraordinary meetings?
- Procedure: who chairs the meeting, what is the quorum, what constitutes a majority, does each member have one vote?

c) Options and recommendations

This document uses the terms General Assembly, Governing Council and Governing Board. This terminology is chosen for generic reasons only. National Societies are free to choose whichever terms they think best describes such bodies.

Some National Societies' governing structure at the national level consists of a General Assembly and the Governing Board. Most sizeable National Societies have added another governance layer – a Governing Council – between the General Assembly and the Governing Board (see Illustration 2). This is common when the country or the National Society concerned is so large that it is difficult and costly to convene a General Assembly every year. In such a case, the Governing Council should usually meet once or twice a year.

Aside from the General Assembly, (the Governing Council) and the Governing Board, the governing structure also includes the following bodies: the President (sometimes referred to as Chairman), the Finance Commission or other advisory committees.

²⁵ In this document the term CEO (Chief Executive Officer) is used for the head of management. In many National Societies the term Secretary General or Director General is used.

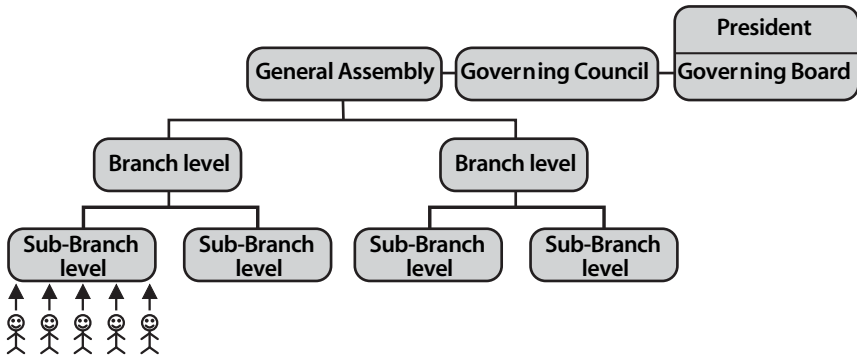


Illustration 2

In the event that such bodies are established, the statutes should specify the powers, composition, sessions and procedures of each one, along the lines of b) above. The following principles should be kept in mind when drafting provisions on governing bodies.

1 – General Assembly (broadest forum)

The General Assembly is the body in which all members are present or represented. This representation is arranged through the branch structure (see also Chapter VI) and may be undertaken in different ways. All members can participate in the General Assembly, though this may not always be practical. Another option is to allow each branch at each level to send representatives to the General Assembly. A third option is for local branches to elect their representatives to higher level branches (provincial or regional), who would then in turn elect their representatives to the General Assembly. In any case a fair representation of the members must be ensured.

Another matter related to fair representation is the question of how many representatives each branch may send. It is recommended that the number of people representing a branch at the General Assembly be proportional to the number of members registered at that branch. In such a case, however, the National Society should provide a system to protect the smaller branches from constantly being outvoted.

Alternatively, each branch could send one representative – which is not recommended because it does not guarantee that the Assembly is a fair reflection of the Society’s membership.

Since it represents all the members, the General Assembly is the highest governing authority in the National Society. This does not mean that the General Assembly has to approve all decisions related to governance before they enter into force, rather, it implies that the lines of accountability lead to this forum.

Many National Societies are under the legal obligation to convene a General Assembly every year. This is a recommendable standard for all National Societies. However, it may not always be practically possible to convene a General Assembly

once a year, in which case National Societies should establish smaller bodies as described under the following heading. A General Assembly must, however, be convened at least once every four years.

2 – Smaller bodies

Since convening a General Assembly several times or even once a year is a complex and resource-demanding process, smaller forums should be set up to govern the National Society between the sessions of the General Assembly. This forum may take the form of a Governing Board and, if necessary, a Governing Council. Depending on the size of these bodies and the frequency of meetings, certain mandates must be assigned to them so they can effectively govern the National Society. This implies a mandate to take binding decisions on certain issues, though these bodies will be accountable to the General Assembly for such decisions. Accountability can be realised in different forms. Other governing bodies may take decisions relating to governance, on which they report to the General Assembly. Additionally, the General Assembly may be given the power to dismiss the other body, or to revoke a decision if it is not satisfied with the outcome.

Governing Board

The Governing Board is the governing authority of the National Society between sessions of the General Assembly. The members of the Governing Board should be elected at the General Assembly. The number of members of the Governing Board should be limited so that the Governing Board is able to govern the National Society effectively and meet at regular intervals. National Societies governed by a General Assembly and a Governing Board, should ensure the Governing Board is accountable to the General Assembly. They only should do this by convening the General Assembly at regular intervals, preferably once a year, so that the General Assembly is able to monitor the governance of the National Society.

Governing Council + Governing Board

Most National Societies choose to divide the governing tasks between three governing bodies: General Assembly, Governing Council and Governing Board. The Governing Council may be elected at the General Assembly or be composed of a fixed representation of chairmen of branches. The Governing Board may be elected by the General Assembly or by the Governing Council. The Governing Board may be accountable to the Governing Council or directly to the General Assembly. The Governing Council should be accountable to the General Assembly.

3 – President

The General Assembly elects a President. The President holds the highest post in the National Society. The President is responsible to the General Assembly for ensuring that the National Society pursues the objectives stated in the statutes. The President acts under the authority of the General Assembly and (of the Governing Council and) Governing Board and guides the affairs of the National Society in

conformity with the decisions of the General Assembly and the Governing Board (and Governing Council). The statutes should specify the President's functions, regulate the delegation of his/her powers and arrange for her/his replacement (Vice-Presidents, Acting President).²⁶

4 – Finance Commission and other advisory commissions

The General Assembly (or the Governing Council or Governing Board) may be given the power to establish commissions/committees, for example to execute its functions. This is an excellent way of utilising individuals with special expertise in different domains (finance, health etc.). Such commissions act in an advisory capacity and do not take decisions. It is recommended that National Societies establish a Finance Commission to advise the Governing Board (or the Governing Council) on general questions relating to the National Society's finances, and to comment on the budget and the annual financial report before submitting them for adoption by the relevant governing body.

d) Sample Clauses

1. MODEL A: General Assembly + Governing Board

General Assembly

Composition:

The General Assembly represents the National Society as a whole. It is composed of:

- a) the members of the Governing Board;
- b) the chairmen of the Regional and Local Boards;
- c) elected representatives of the Local Boards, the number elected by each Local Board being determined by the Governing Board in proportion to the number of the Local Board members, with a maximum of....(e.g. the largest Local Boards may have five representatives and the smallest Local Boards one representative, while the number of representatives of medium-sized Local Boards would be somewhere in between).

Powers:

Subject to the present Statutes, the General Assembly is the highest authority of the National Society.

- a) It formulates the mission and policies that govern the National Society.
- b) It approves the plans and budgets and the activities and financial reports of the National Society.
- c) It determines the amount of subscriptions.
- d) It ensures that the statutes and internal regulations are up-to-date, and monitor the compatibility of relevant national laws with the objectives of the Red Cross and Red Crescent Movement.

²⁶ Compare to arts. 16 and 17 of the revised Constitution of the International Federation of Red Cross and Red Crescent Societies (doc. AG/10/1 of the 1999 General Assembly).

- e) It elects the members of the Governing Board.
- f) It elects the President of the National Society.

Powers, attributed either to the General Assembly or to the Governing Board:

- a) To appoint the Chief Executive Officer (CEO) on the recommendation of the Governing Board, and to dismiss him or her if necessary.
- b) To keep a broad perspective with regard to the effectiveness of the National Society and evaluate the performance of the CEO and the National Society.
- c) To elect two vice-presidents and the Finance Commission.

Sessions:

The General Assembly meets each year in ordinary session at a time and place determined by the previous General Assembly, or by the Governing Board acting under the authority delegated to it by the General Assembly. It meets in extraordinary session on the initiative of the President in agreement with the Governing Board or at the request of one-third of the members of the General Assembly.

(It should be mentioned here that it may be impossible for some National Societies to convene a General Assembly every year. If such is the case, and they choose to convene the General Assembly once every two years only, it may be necessary to delegate certain powers – such as approval of the plans, budgets and financial reports to the Governing Board. Should it also prove not possible to convene the General Assembly once every two years, consideration should be given to the appointment of an additional governing body, as provided for in “model B” a General Assembly, a Governing Council and a Governing Board).

Procedure:

The General Assembly is presided over by the President of the National Society.

Unless otherwise provided for in these Statutes, the General Assembly takes all its decisions with a quorum of one-half of its members and by a majority of those present and voting.

Each of its members has a single vote.

Governing Board

Composition:

The Governing Board is the body governing the National Society between sessions of the General Assembly. It is composed of:

- a) the President (and the vice-president(s);
- b) ... (number) members elected at the General Assembly;
- c) ... (limited number) of outstanding individuals, chosen by the Governing Board for their specific competencies or because of their interest in the National Society).²⁷

²⁷ See the “profiles” in section VII.

The term of office of the members of the Governing Board is ... (e.g. four) years.

In the event that a member of the Governing Board obtains a post as a high-ranking public officer,²⁸ he or she shall secure, that no “conflict of interest” will arise.

The total number of persons on the Governing Board shall preferably be between 12 and 15.²⁹

Powers:

Subject to the present Statutes and within the framework of the decisions and general directives adopted by the General Assembly, the Governing Board is vested with all the powers necessary for carrying out the aims of the National Society. In particular:

- a) It provides for the setting up and dissolution of the Regional and Local Boards.
- b) It monitors membership.
- c) It sets policies on staff and volunteers.
- d) It ensures long-term viability and makes decisions about priorities.
- e) It sets goals.
- f) It establishes a structure and promotes a culture to achieve defined goals.
- g) It defines the outcomes of performance and sets standards arising therefrom.
- h) It determines criteria for beneficiaries, clients and vulnerable groups.
- i) It draws up, approves or amends all regulations which are necessary in order to give effect to the present Statutes.
- j) It sets up the committees or commissions which it deems desirable or necessary for carrying out these tasks.

Powers attributed either to the General Assembly or to the Governing Board:

- a) To elect the vice-president(s) from among themselves, and the Finance Commission.
- b) To appoint the CEO and dismiss him/her if necessary.
- c) To keep a broad perspective with regard to the effectiveness of the National Society, and evaluate the performance of the CEO and the National Society.

Sessions:

The Governing Board meets in ordinary session at least once every two months. Extraordinary sessions of the Governing Board are held on the initiative of the President or at the request of one-third of its members. The CEO may request the President to convene an extraordinary session.

²⁸ A public officer is anyone appointed or elected to exercise or participate in the exercise of public authority. See the “profiles” in section VII.

²⁹ On the one hand the total number of persons on the Governing Board should provide an adequate basis for executing its powers, but on the other hand not be so high as to render it impossible to meet regularly.

Procedure:

The Governing Board is presided over by the President of the National Society. It takes all its decisions with a quorum of one-half of its members and by a majority of those present and voting. Each of its members has a single vote. In the event of a tie, the President has a second casting vote.

2. MODEL B: General Assembly + Governing Council + Governing Board**General Assembly****Composition:**

The General Assembly represents the National Society as a whole. It is composed of:

- a) the members of the Governing Council;
- b) the chairmen of the Regional and Local Boards;
- c) elected representatives of Local Boards, the number elected by each Local Board being determined by the Governing Board in proportion to the number of the Local Board's active members, with a maximum of.... (e.g. the largest Local Boards may have five representatives and the smallest Local Board one representative, while the number of representatives of medium-sized Local Boards would be somewhere in between).

Powers:

Subject to the present Statutes, the General Assembly is the highest authority of the National Society.

- a) It formulates the mission and policies that govern the National Society.
- b) It ensures that the statutes and internal regulations are up to date, and monitors the compatibility of relevant national laws with the objectives of the Red Cross and Red Crescent Movement.
- c) It elects the members of the Governing Council.
- d) It elects the President of the National Society.

Powers, attributed either to the General Assembly or the Governing Council

- a) To elect the members of the Governing Board.
- b) To elect two vice-presidents and the Finance Commission.
- c) To determine the amount of subscriptions.

Sessions:

The General Assembly meets every four years (and preferably more often) in ordinary session at a time and place determined by the previous General Assembly, or by the Governing Council acting under authority delegated to it by the General Assembly. It meets in extraordinary session on the initiative of the President in agreement with the Governing Council or at the request of one-third of the members of the General Assembly. (Since the General Assembly in this model only meets every four years it is necessary to delegate some of its powers to the Governing Council.)

Procedure:

The General Assembly is presided over by the President of the National Society. Unless where otherwise provided for in these Statutes the General Assembly takes all its decisions with a quorum of one-half its members and by a majority of those present and voting.

Each of its members has a single vote.

Governing Council**Composition:**

The Governing Council is the body governing the National Society between sessions of the General Assembly. It is composed of:

- a) the President (and the vice-presidents, unless elected from among themselves);
- b) the other members of the Governing Board (unless elected from among themselves);
- c) ... (number) members elected at the General Assembly;
- d) the chairmen of the Regional Boards;
- e) ... (limited number) of outstanding individuals, chosen by the Governing Council for their special competencies or because of their interest in the National Society.

The term of office of the members of the Governing Council is (e.g. four) years. The total number of persons on the Governing Council shall be between 30 and 60.³⁰

Powers:

Subject to the present Statutes and within the framework of the decisions and general directives adopted by the General Assembly, the Governing Council is vested with all the powers necessary for carrying out the aims of the National Society.

- a) It approves the plans and budgets and the activity and financial reports of the National Society.
- b) It ensures long-term viability and makes decisions about priorities.
- c) It sets goals.

Powers, attributed either to the General Assembly or the Governing Council:

- a) To elect the members of the Governing Board from among themselves.
- b) To elect the vice-presidents from among themselves and the Finance Commission.
- c) To determine the amount of subscriptions.

Powers, attributed either to the Governing Council or the Governing Board:

- a) To keep a broad perspective with regard to the effectiveness of the National Society and evaluate the performance of the CEO and the National Society.

³⁰ The total number of persons on the Governing Council should provide an adequate basis for executing its powers, but on the other hand not render it impossible to meet regularly.

- b) To appoint the CEO and dismisses him/her if necessary.
- c) To provide for the setting up and dissolution of Regional and Local Boards.
- d) To monitor membership.
- e) To draw up, approve or amend all regulations which are necessary in order to give effect to the present Statutes.
- f) It establishes a structure and promotes a culture to achieve defined goals.
- g) To set up the committees or commissions deemed to be desirable or necessary for carrying out these tasks.

Sessions:

The Governing Council meets in ordinary session at least once every year (preferably twice a year).

Extraordinary sessions of the Governing Council are held on the initiative of the President or at the request of one-third of its members.

Procedure:

The Governing Council is presided over by the President of the National Society. It takes all its decisions with a quorum of one-half of its members and by a majority of those present and voting.

Each of its members has a single vote.

Governing Board**Composition:**

The Governing Board is the governing body between sessions of the Governing Council. It is composed of the President, the Vice-President(s), the Chairman of the Finance Commission, and of (e.g. 9 – 12) members elected by the (Governing Council or the General Assembly) for a period of(four) years, (one-quarter) of whom shall retire (every) year.

In the event that a member of the Governing Board obtains a post as a high-ranking public officer,³¹ he or she shall secure that no conflict of interest will arise.

Powers:

The Governing Board is vested with the following powers or whatever powers are delegated to it by the Governing Council or the General Assembly:

- a) It sets policies on staff and volunteers.
- b) It takes decisions on any important matter which may arise.
- c) It defines the outcomes of performance and sets standards arising therefrom.
- d) It determines criteria for beneficiaries, clients and vulnerable groups.

³¹ See footnote 28.

Powers, attributed either to the Governing Council or the Governing Board:

- a) To keep a broad perspective with regard to the effectiveness of the National Society, and evaluate the performance of the CEO and the National Society.
- b) To appoint the CEO and dismisses him/her if necessary (or to recommend the appointment of the CEO to the Governing Council).
- c) To provide for the setting up and dissolution of Regional and Local Boards.
- d) To monitor membership.
- e) To draw up, approve or amend all regulations which are necessary in order to give effect to the present Statutes.
- f) To set up the committees or commissions deemed to be desirable or necessary for carrying out these tasks.

Sessions:

The Governing Board meets whenever it is convened by the President and at least once a month.

Procedure:

The Governing Board is presided over by the President of the National Society. It takes all its decisions with a quorum of one-half of its members and by a majority of those present and voting.

Each of its members has a single vote.

3. President

The President is the highest office bearer of the National Society. The President is responsible to the General Assembly for ensuring that the National Society pursues its principal objects and exercises its functions as defined in Art of the Statutes. The President acts under the authority of the General Assembly (the Governing Council) and the Governing Board to guide the affairs of the National Society in conformity with their decisions and to ensure the smooth functioning of the National Society.

The functions of the President are:

- a) to convoke and preside over the sessions of the General Assembly (the Governing Council) and the Governing Board;
- b) to present to the General Assembly a review of the state of the National Society;
- c) to coordinate the work of the bodies of the National Society;
- d) to represent the National Society, both nationally and internationally;
- e) to carry out any other function entrusted by the General Assembly (the Governing Council) and the Governing Board.³²

The President may delegate part of the functions under this article to (one) of the Vice-President(s) or to the CEO.

³² The President may also be attributed the function of recommending a CEO to the Governing Board.

In the event of a vacancy arising in the office of the President, or should the President be unable to carry out her/his functions, the Governing Board or the Governing Council shall at its next ordinary session designate a vice-president who shall serve as Acting President until the next session of the General Assembly. At this session the General Assembly shall elect a President to fill the vacancy for the remaining period of the current term of office. Until the designation of a Vice-President as Acting President by the Governing Board or the Governing Council, the ex-officio Vice-President will fulfil this function.

4. Finance Commission

Composition:

The Finance Commission is an advisory commission to the Governing Board and shall be composed of a chairman and (e.g. nine) members, appointed by the Governing Board for a term of (e.g. four) years.

Functions:

The functions of the Finance Commission:

- a) To give advice on all financial questions affecting the National Society;
- b) To comment on the financial report and on the budget drawn up by the CEO;
- c) To comment on the handling and investment of the available funds and to make recommendations to the General Assembly and to the Governing Board (and Governing Council) on any financial measures which it deems appropriate;
- d) To review periodically the formula for fixing the subscription fee of members;
- e) To assist the Governing Board (or the Governing Council) in applying and implementing the decisions of the General Assembly on the financial management of the National Society;
- f) To report on its work to each session of the Governing Board.

Procedure/Sessions:

The procedure and sessions of the Finance Commission shall be laid down in the Rules of Procedure of the National Society.

V – MANAGEMENT

a) Minimum requirements

A distinction between the governance and management of the National Society must be ensured. The “National Society Governance Guidelines” produced by the International Federation in 1997 provide details on this issue.

While the governing bodies focus on the broader picture and long-term planning, the role of management – the CEO and his/her staff, in co-operation with the volunteers – is to support the governing bodies at all levels, and to prepare and to execute the governance decisions that require action by management. In short, management deals with the day-to-day operations, the specifics and the details,³³ while the Governing bodies provide direction for the National Society's work.

The staff is accountable to the CEO for their performance, while the CEO is accountable to the Governing Board.³⁴ In other words, management gives an account of its performance to the members. See also Illustration 3.

The CEO is the head of management, and leads and is responsible for the secretariat of the National Society. The CEO is responsible for the implementation of the decisions of the General Assembly and the Governing Board (Governing Council) which require action by him/her for any mandate that may be assigned to him/her by these and other governing bodies of the National Society (e.g. the President or the Finance Commission or even, as the case may be, governing bodies at the local level). In other words, the CEO is responsible for the daily work and the staff. As stated above, it is crucial that the functions of the CEO be separate from those of the President. The roles are essentially different (highest personality in governance and head of management), and in order to keep the lines of accountability clear, the positions should not be unified in one person.³⁵

The CEO is not elected but appointed. Since it is a function of great importance, the CEO will need to be appointed by the highest possible governing authority. This body must, at the same time, be in a position to dismiss the CEO promptly if necessary. This implies that the relevant governing body should meet at least once, preferably twice a year or, alternatively, that it has emergency authority to meet urgently to take the necessary decisions. The CEO may thus be appointed by the General Assembly on the recommendation of the Governing Council (or the Governing Board), or by the Governing Council (or the Governing Board), on the recommendation of the Governing Board (or the President). The power to dismiss the CEO in cases of emergency may also be separate from the power to appoint a CEO. The power to appoint the CEO may e.g. rest with the General Assembly, while the power to dismiss the CEO and appoint an interim CEO may be assigned to a governing body that meets more frequently (the Governing Council or the Governing Board).

Since the CEO is accountable to the governing bodies for the performance of the management structure, which consists of his/her staff, it follows that employees cannot be included in the governing bodies. If this were the case, the employees

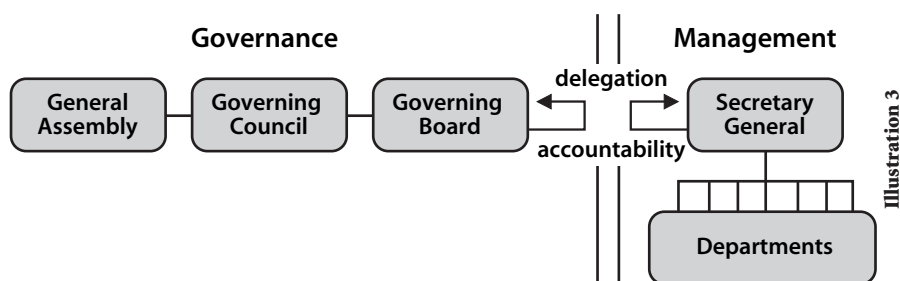
³³ For further information see: National Society Governance Guidelines, 1997, chapter 3.

³⁴ If there only exists a General Assembly and no Governing Board the CEO is accountable to the General Assembly.

³⁵ Otherwise an unfortunate situation might arise, where the CEO would be accountable for his work to the Governing Board (Governing Council) of which he/she him-/herself would be the chairman. The CEO would thus be partly accountable to him-/herself.

would report back to themselves on their performance and evaluate their own work, thereby placing the system of accountability in jeopardy. For this reason the CEO should not be a voting member of the Board. If a member of the governing bodies is chosen to be appointed CEO, he/she must resign from the governing body before taking up his/her duties as CEO. However, the CEO should always have the right to participate, e.g. as a non-voting member, in the General Assembly and Governing Board and other governing bodies, and should also be ex-officio the Secretary of their meetings.

For historical or resource reasons, full separation of governance and management may not be the case in a number of National Societies. This may be acceptable during a transitional period, but National Societies must aim towards a complete functional and personal separation of governance and management as described above. If the case arises, the accountability of any member of the Governing Board who is also acting as a manager must still be maintained.



b) Elements to be included

The statutes should provide for a governance structure as described in section IV. The statutes do not need to provide for a detailed management structure; a description of the functions of the CEO and his obligation to report to the relevant governing authority will suffice.

c) Options and recommendations

There are no specific recommendations for this section.

d) Sample Clauses

The CEO shall be appointed by the General Assembly (or the Governing Council or the Governing Board) on the recommendation of the Governing Council (or the Governing Board or President) under the conditions previously laid down by the General Assembly (or the Governing Council or the Governing Board). (These conditions should contain a profile reflecting relevant criteria and competencies.) The contract of appointment between the National Society and the CEO shall be drawn up by the Governing Board (or the Governing Council) in accordance with the relevant provisions in the Rules of Procedure.

The CEO is the full-time senior manager of the National Society. The CEO, who will carry out his/her functions under the authority of the Governing Board and the President, has the following functions:

- a) To implement the decisions of the General Assembly (and the Governing Council) and the Governing Board and the mandates assigned to her/him by other bodies of the National Society;
- b) To direct the Secretariat and be responsible for the execution of the work entrusted to it;
- c) To draft the budgets and financial reports;
- d) To organise the different services of the Secretariat in accordance with the decisions of the General Assembly (and of the Governing Council) and of the Governing Board, appoint competent staff to the Secretariat, and when necessary terminate the appointment of such staff. Appointment to the posts of Deputy CEO and Under CEO shall be made by the CEO, after obtaining the approval of the Governing Board (or the Governing Council) of the candidates selected by her/him;
- e) To be the authorised representative of the National Society in relation to third parties and courts of law for all transactions whatsoever, including transactions executed in notarial form relating to the acquisition, administration and expenditure of the resources of the National Society;
- f) To direct the actions decided upon by the General Assembly (or the Governing Council) or the Governing Board. In exceptional or urgent circumstances, the CEO shall take all appropriate measures;
- g) To carry out any other function assigned to her/him by the present statutes or entrusted to her/him by the Governing Board (or the Governing Council) or the President;
- h) To report on the activities of the National Society to the General Assembly and to the Governing Board (and the Governing Council).

In carrying out her/his functions the CEO shall keep the President closely informed.

The CEO shall *ex officio* be Secretary of the General Assembly, the Governing Board (and the Governing Council) and, unless the statutes provide otherwise, of all other bodies set up by the General Assembly (or the Governing Council) or the Governing Board. The CEO may delegate these functions to other officials of the Secretariat.

The CEO shall participate in the sessions of the General Assembly (the Governing Council) and the Governing Board in an advisory capacity.

The CEO shall establish the structure of the Secretariat, the general outline of which shall be subject to the approval of the Governing Board (or the Governing Council).

The Secretariat assists the CEO in the implementation of her/his executive task.

VI – BRANCH STRUCTURE

a) Minimum requirements

The National Society must carry out its humanitarian work throughout its territory. It is therefore important to establish a branch structure, that covers the whole country. Such a structure will enable the National Society to recruit members from, and to extend its activities to, the entire country and its dependencies.³⁶

There will be less need for an extensive branch structure in a small country.

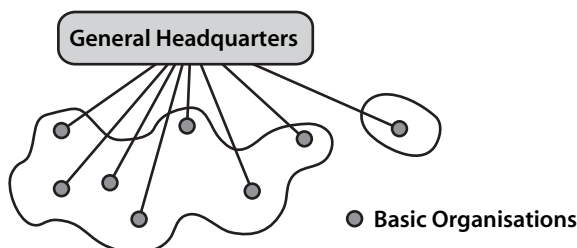


Illustration 4

b) Elements to be included

Provisions for a branch structure should cover the following issues:

- establishment and dissolution of branches;
- definition of the different levels of branches;
- establishment of governing bodies (and management) at the different levels;
- setting up of procedures whereby the lower levels are represented at the higher levels;
- attribution of authority to the branches;
- accountability of branches to the central level.

c) Options and recommendations

Depending on the size of the country and the number of members, two or three layers should be established under the central level. Appropriate terminology should be used to describe these layers in the statutes (Local, Town, City, District, Provincial, Regional Branch or Section), that best reflects the territorial area covered by their branch. The capital may thus contain a separate town and a provincial branch, in addition to the Society's headquarters. Merging these different levels into one unit is not recommended, because each level represents a different territorial entity (local, provincial and national) and may therefore have different interests and authority. It is therefore of crucial importance to keep these entities separate. The composition of the governing bodies of each level must represent the entire territory they cover.

³⁶ Principle of Unity, see also Jean Pictet, p 85 and 86 where he states "By this means, step by step, the Red Cross can "infiltrate" the population, enabling it to reach all sections of the population, among whom it can carry out its mission and enjoy the co-operation it needs."

At the lowest level, all members should participate at the Assemblies of this level. Representatives to higher (second and/or third) levels are elected at these Assemblies. The General Assembly could be composed of representatives from all levels.³⁷

At the intermediate levels, the same governing structure (Assembly, Council, Board, President, Commissions) can be used as at the central level. It may also be necessary to employ staff at these intermediate levels. Appropriate regulations should foresee lines of accountability for such personnel. For example, local staff could be accountable through their manager to their level's own governing bodies, which in turn could be accountable or responsible to the central level governing bodies.

Alternatively the staff at these intermediate levels could be directly accountable to the CEO at Headquarters (central level), who, as previously mentioned, is accountable to the central governing body.

It is recommended that a distinction be made between accountability policies for activities of national relevance on the one hand, and for local initiatives on the other. For activities the scope of which does not extend beyond local or regional interests, for example, the local or regional manager should report to the local or regional board (see the continuous line in Illustration 5). In order to maintain, on the one hand, a certain level of co-ordination regarding nation-wide programmes, and staffing policies, on the other hand, the branch manager should report directly to the relevant department at Headquarters or to the CEO. Headquarters should in return give support to and guidance on these activities (see the dotted line in Illustration 5).

For the National Society to comply with the Principle of Unity and be the only Red Cross or Red Crescent Society in its country, it must be directed by one central body, instead of consisting of branches which have full autonomy.³⁸ However, the branches should have adequate authority to execute effectively their activities. A structure of decentralised authority and centralised accountability (or responsibility) should be established. The question naturally arises as to what extent decentralisation is recommended. Decentralisation to the largest possible extent is advisable with the understanding that the following functions must remain centralised:

- Protection of the integrity of the National Society (including protection of the emblem);
- Contacts with the central public authorities;
- International relations (within the Movement);
- A minimum of financial co-ordination and co-ordination of national programmes to ensure resources are allocated to the most vulnerable;
- General policy frameworks (including staffing policies, which must be uniform in the entire organisation);
- Accountability for funds from external sources.

³⁷ See also section IV.

³⁸ Principle of Unity, "There can only be one Red Cross or one Red Crescent Society in any one country....", see also Jean Pictet, p 82 and 83.

Branches may therefore only have independent legal status so long as unity is protected by a mechanism that ensures branches will comply with decisions taken at the national level. Statutes should clearly state the consequences for branches that fail to comply with decisions or policies taken at the central governing level, the ultimate example of which is expulsion in the form of revoking the right to use the name and emblem of the National Society.

In the event that a decentralised structure is chosen, the activities of the branches must be carried out within the framework of the National Society. If, on the other hand, a centralised structure is chosen, it must be possible that, while decision-making remains central, its execution is delegated.

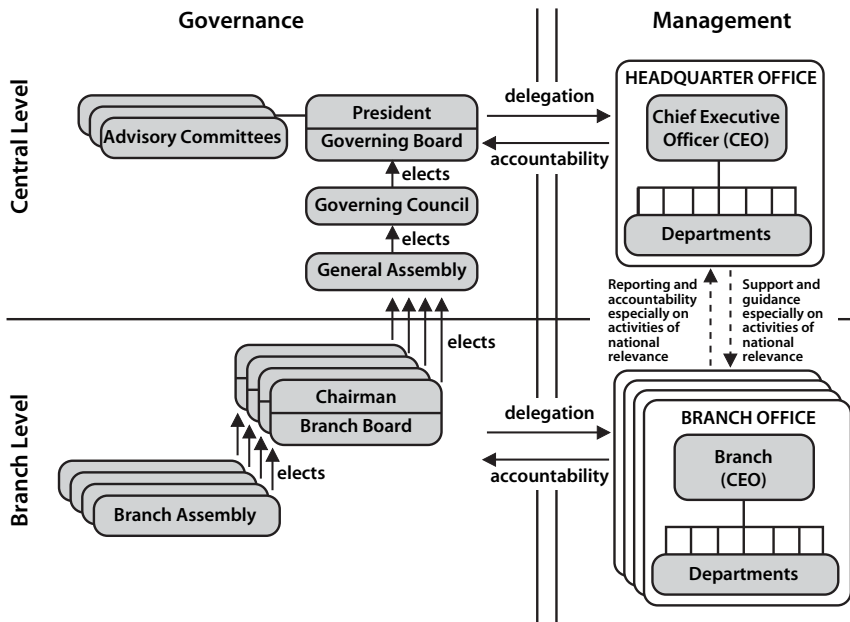


Illustration 5³⁹

It is recommended that the statutes stipulate that the branches may only establish formal co-operation agreements with other organisations for specific projects after the approval of the Governing Board (or Governing Council) has been obtained. Agreements of this kind shall never force the branch to engage in activities violating the Fundamental Principles, including in particular National Societies' independence.

d) Sample Clauses

Regional Committees/Assemblies:

When the Governing Board (or the Governing Council) considers it necessary it may establish Regional Boards, defining the territory allotted to each and

³⁹ The illustration only takes one branch layer into consideration, but the line of accountability will be the same at the sub-branch level.

delegating such responsibility as it thinks fit for the organisation of the National Society and its activities in that area.

The Governing Board may also provide for the convening of Regional Assemblies, including the frequency of their meetings, and for the election of the Regional Board by those Assemblies.

If there is no provision for Regional Assemblies the Governing Board shall prescribe the composition of the Regional Boards on the basis that they are fully representative of the Local Boards in each region in proportion to the active membership of those Local Boards.

Local Committees/Assemblies:

With the object of ensuring that the National Society's activities extend throughout the whole of the country the Governing Board (or the Governing Council) shall establish (or authorise Regional Boards to establish) Local Boards, defining the territory allotted to each and delegating such responsibility as it thinks fit for the organisation of the National Society and its activities in that area.

Each Local Board shall be responsible to the Governing Board (or the Governing Council) or, where there are Regional Boards, to its Regional Board.

The Governing Board shall lay down regulations for the organisation of Local Boards and the conduct of their meetings.

Each Local Board shall convene, not less than once a year, an Assembly at which all active members shall have the opportunity of meeting to discuss the business of the National Society and electing the Local Board for the following year.

Other regional/local bodies:

Each Local/Regional Assembly (or Board) shall elect annually a President, Vice-President, Finance Commission, and a Secretary and may elect such other officers as it deems necessary for the proper discharge of its functions.

The staff appointed by Local/Regional Assemblies (or Boards) shall report to their Local Boards, except on activities of national relevance, for which they shall report directly to the CEO at Headquarters.

The right of terminating these appointments is also vested in the Local/Regional Assembly (or Board), subject to the right of appeal to the Governing Board (or the Governing Council) by any officer of a Local or Regional Board who considers that s/he has been unjustly treated. In case of such an appeal, the decision of the Governing Board (or the Governing Council) shall be final and binding on all parties.

VII – ELECTION, ROTATION AND PROFILES

a) Minimum requirements

Election:

The statutes of the National Society must include provisions for the election by the Society's members of the members of (or their representatives to) the governing bodies. The same is true for the appointment of the CEO.

Rotation:

A certain degree of experience is necessary in order to be able to govern a National Society. On the other hand, it is important that there is a rotation among the persons in leading positions in order to maintain a fresh perspective on governance issues. This is pertinent for the development of the National Society and its adaptability to changing conditions.

New persons should therefore be elected at regular intervals to the various governing positions and bodies (President, Vice-Presidents, Governing Board and Governing Council, and Commissions).

Profiles:

The profiles of the leadership in the National Society must be such that they do not compromise the National Society's ability to act in accordance with the Fundamental Principles.

In particular, the independence of its leaders is indispensable if the National Societies are to secure impartiality and neutrality, and to be seen by the stakeholders in the community as doing so. Therefore, if individuals holding positions as elected or appointed public officer are elected by the Society on any decision-making body at any level (local, regional or national), or if a number of seats is "reserved" on such bodies to represent governmental departments, it must always be ensured that the total number of such individuals do not constitute either a controlling majority or minority, the relevant percentages of votes depending in each case upon the Society's rules/ by-laws.

Furthermore, in order to be able to give competent guidance to a National Society, the leadership must be selected from among persons with a demonstrable level of capacity. At the same time, the leadership should reflect the variety of members of the National Society. The governing bodies should be diverse in their composition and it is therefore of crucial importance that the governing bodies have, as members, individuals who represent the society's main stakeholders and who can assist the National Society in fulfilling its responsibilities in accordance with the Fundamental Principles.

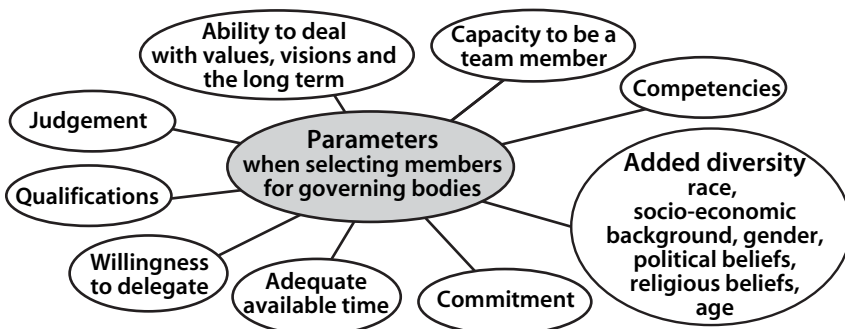


Illustration 6⁴⁰

⁴⁰ Elaboration on the illustrated parameters can be found in the Governance Guidelines, p. 30-31.

b) Elements to be included

The statutes of the National Society should stipulate:

- Which entities elect the persons to be represented in the different governing bodies;
- Whether certain qualifications are a prerequisite for the position in question;
- How candidates are selected;
- Requirements for a quorum and majority;
- The term of office;
- The rules for re-election;
- eventually also: the grounds and procedures for removing elected individuals from office.

c) Options and recommendations**Election/appointment:**

The process for electing the President at the General Assembly from among a number of candidates, and the appointment of the CEO by a National Society governing body, must be stipulated by the statutes. The President or CEO should not be selected by, for instance, the government.⁴¹ The principle of election by members of the governing bodies requires that the composition of governing bodies and their rules of procedure must be such that they ensure that the elected members always have the majority and can not be outvoted or blocked by government or other external representatives. This could be done by setting a quorum of at least twice the number of external representatives, provided the quorum requirements are not such that they block the efficiency of the decision-making process.

Rotation:

It is suggested that the term of office be four years, and that the term in office of one-half of the members of the Governing Board and the Finance Commission expire at a time to coincide with a General Assembly, and that of the other half two years later. This will secure a representation of both new and experienced persons in these bodies at all times.

Re-election should be possible, but only for a certain period and number of terms, determined by the statutes.

The election procedure may be regulated by the Rules of Procedure.

Profiles:

In many instances it is useful for the National Society to co-operate closely with the public authorities. This can be achieved by establishing expert advisory commissions that include representatives from the public authorities, by

⁴¹ In some countries the President and/or the CEO is formally appointed by the government. This is only acceptable if the National Society has the right to select the candidate and subsequently recommend him/her to the government and that the government may not appoint a person who was not selected by the National Society.

operational co-operation, or through specific agreements. Very often public servants are the best partners for co-operation because they combine expert knowledge with governmental experience.

The concern is often raised whether elected public officers (e.g. Ministers) on the board or any governing body of the Society at any level (local, regional, national) would make the Society more vulnerable to public perception of being part of government. On the other hand, public officers on the board often represent the main stakeholders of the Society and may sometimes be considered a (practical) advantage in order to obtain access to resources and get programs approved.

Regardless of whether public officers are elected or appointed to office, whether they sit on the board as representatives of the government or in a personal capacity, or whether they become member of the board while being a public officer or become public officer during their term of office on the board, two elements could constitute a safeguard against abuse: a code of conduct for board members and the Society's influence over, even control of, the selection of public officers.

A Code of Conduct could require members of decision-making bodies to act solely in the interest of the Society and, in the case of a conflict of interest, to abstain from taking part in decision-making. Or they could require Board members to resolve conflicts of interest in conformity with the Code or to resign. To be effective, all members of the statutory body concerned should be required to sign their commitment to respect the Code. A sample formula for a Code certificate is included in the sample clauses below.

Consideration should be given as to whether persons holding high-ranking positions in the government or a political party may be appointed to key posts of the National Society, such as President or CEO. Such appointments may jeopardise the independence or the perception of independence of the National Society as such, and therefore compromise its integrity. A "conflict of interest" clause in the statutes could cover this issue. Here again, a Code of Conduct is probably the best instrument to ensure a natural and transparent selection of individuals for senior offices in the Society (President, Vice-Chairperson, Treasurer) that do not permit conflicts of interest because of their capacity as public officers.

The Society's influence over, or control of, the selection of public officers would be most useful in case a number of board seats is "reserved" for ministerial departments. Societies should be encouraged to influence as much as possible the choice of represented government institutions or the individuals concerned. Such influence is perhaps best achieved through the election (the most preferred is elected) of the individual public officers by the Society itself.

However co-operation is organised, it is important for the National Society to ensure that it is in compliance with the Fundamental Principles.

There shall be no discrimination in the selection of candidates for governing or managing positions in the National Society. As regards governance, the principle of impartiality is to be taken one step further. Not only must discrimination be avoided but diversity should also be sought. The governing bodies should reflect

the stakeholders of a National Society and pay attention to the diversity of the people in its environment.⁴² Non-discrimination based on political beliefs deserves due attention in the statutes.

The National Society is a non-political organisation, open to all. Membership of a certain political party should thus be irrelevant. However, in order to maintain this non-political character, and avoid any intrusion of politics into its sphere of action, it is recommended that political domination in⁴³ and exclusion of certain groups from the governing bodies for the same reasons be avoided.⁴⁴

The branches and the Governing Board may propose candidates to the relevant governing body. It is recommended that proposals for candidates for the leading positions in the National Society (President, members of the governing bodies and the CEO) be based on the candidates' *curricula vitae*. This will help ensure that qualified candidates with expertise in various fields – such as medicine, law, and social sciences, and skills in the areas of planning, management, finance, accounting, programmes, fund-raising, communication and marketing – are represented.

Some National Societies establish a selection commission for the recruitment and selection of candidates. For this system to work well, however, it is crucial that the statutes provide clear selection criteria and a transparent procedure. Further guidelines for the criteria for, and use of, a selection commission are to be prepared by the International Federation.

It should also be established that candidates for the governance bodies have adequate time available for these functions. High-ranking posts within a National Society are not honorary positions, taken up for reasons of prestige without commitment. While the positions are honourable, they also entail responsibility and expectations of performance. These duties require a commitment of time and energy, not just at meetings but also in preparations for and follow-up after meetings. Candidates must be prepared to put in the time required. In addition, they serve in a volunteer capacity and do not receive any remuneration for their work. They should get involved for one reason alone – to benefit the work of the National Society.⁴⁵ However, they could be reimbursed costs in conformity with procedures applicable to all elected volunteers.

⁴² "If everyone is of the same political affiliation the organ will most likely lack diversity." See National Societies Governance Guidelines, 1997, p. 28

⁴³ This will not be possible in one-party systems. Other kinds of diversity should then be sought, e.g. young/old, rich /poor, male/female etc.

⁴⁴ "A well-functioning National Society avoids domination of the governing body by one group or by the government and it avoids exclusion of certain groups from membership of the body." International Federation, *Characteristics of a Well-Functioning National Society*, 1994, p. 4, 2.1.

⁴⁵ Governance Guidelines, p. 29 and 31.

d) Sample Clauses

In addition to the examples given under section IV the following formulations may be considered:

Election/Rotation

The members elected for the following posts may not be eligible to stand for election for the same post again after having served two consecutive terms (maximum eight years) in that post until a further term has elapsed:

- a) President
- b) Vice-President
- c) member of the Governing Board (and Governing Council)
- d) chairman or member of the Regional or Local Board;
- e) chairman or member of the Finance Commission (at the central, regional and local level).

Profiles

The curricula vitae of the candidates should be circulated before the elections for the above-mentioned posts take place. The candidates are selected based on the following criteria:

- a) level of education;
- b) relevant experience;
- c) no conflicting interests between candidate's profession/or close family relations and his/her freedom to execute his/her tasks in compliance with the Fundamental Principles;
- d) a profile that adds to the diversity of the group (professional and personal background).

(In order to protect the National Society's independence and avoid domination of the governing bodies, steps should be taken to ensure that the members of the governing bodies represent different stakeholders in society.)

.....
Signature

VIII – FINANCIAL MATTERS**a) Minimum requirements**

The National Society is entrusted with significant funds, which it uses to relieve the suffering of the most vulnerable groups. It is crucial that clear and transparent lines of accountability be established in order to ensure the sound administration of such funds. Because management is responsible for implementing the decisions taken by the governing bodies, it should report to these bodies on how the funds are used.

b) Elements to be included

It is recommended that the statutes make provision for the following responsibilities:

- drafting of the budgets and financial reports;
- advice on the budgets and financial reports;
- approval of budgets and financial reports;
- decisions on the acceptability of financial resources.

A satisfactory system of internal accountability and external audits is a useful tool for improving transparency and ensuring a sound administration of funds, and thereby limiting the risk of corruption within the National Society. Should irregularities occur, it is essential they are acted upon and rectified promptly. The statutes should therefore provide for a system of external audits.

c) Options and recommendations

As regards financial independence, the statutes should stipulate that no donations that compel the National Society to act in violation of the Fundamental Principles shall be accepted. Donor diversity should be sought in order to avoid a situation in which a National Society has to fulfil certain unwritten conditions if it is to continue receiving donations from one specific donor on whom it depends.

It is recommended that the CEO be made responsible for drafting the budgets and financial reports. The Finance Commission could be responsible for commenting on these budgets and financial reports before they are approved by the Governing Board for submission to the General Assembly (or the Governing Council) (once a year). See also the sample clauses in Section IV, under “4. Finance Commission”. In order to guarantee financial accountability and transparency, the statutes should also provide for a system of regular external audits.

Financial resources may be received from governments or other local or regional institutions, individuals, the Red Cross and Red Crescent Movement, UN Agencies, and funds raised through cost recovery or commercial activities. It is advisable not to be dependent on one particular source of income.

Donations given under conditions that compromise the integrity of the National Society must be rejected.

d) Sample clauses

In addition to section IV on the Finance Commission, the following formulations may be considered regarding the finances of the National Society.

External audits

At the close of each financial year the accounts of that year are audited and reported on by a company of chartered accountants.

Financial resources

Within the limits laid down by its objects the National Society acquires, owns, alienates and administers any property as may be deemed fit.

It may accept unrestricted contributions and assistance in any form from individuals, from the public authorities and from private bodies.

It shall not accept donations directly stemming from revenues of activities contrary to the Fundamental Principles.

It may accept as agent or trustee funds or property in trust or earmarked for particular use, provided that such use is within the general scope of its objectives and does not violate the Fundamental Principles.

It may accept any conveyance of real estate to its use or benefit.

It may constitute and administer any reserve, insurance or other funds for its staff or any of its activities.

CHAPTER 3 – CONCLUSION

As mentioned in the introduction in Chapter 1, this Document aims at assisting National Societies in drafting or revising their statutes. Proper statutes, as part of a sound and coherent legal base, will help protect the integrity of the National Society. The Guidelines contained in Chapter 2 therefore provide requirements, checklists, options and recommendations for consideration when drafting or revising different parts of the statutes.

Three core elements can be extracted from Chapter 2. These are the relationship between the National Society and the government, the separation between governance and management, and the establishment of a branch structure. A significant number of integrity problems related to the statutes of a National Society surface because of an inadequate or unsatisfactory regulation of one or more of these three elements. They should therefore be understood and properly dealt with in the relevant sections of the statutes.

- Relation between the National Society and its government

The National Society is a unique organisation. It is auxiliary to its government in its humanitarian tasks, yet must at all times remain independent in order to

secure the fulfilment of its objectives in accordance with the Fundamental Principles. This requirement must be considered when drafting the General Provisions and provisions regarding Elections, Profiles and Finances.

- **Separation between governance and management of the National Society**

Governance functions should be attributed to the governing bodies while management functions should be placed under the responsibility of the CEO. In order to maintain a separation of the two functions, no one person should be entrusted with both management functions and governance functions. This requirement must be considered when drafting the provision relating to the governing bodies and the management (CEO).

- **Establishment of branches**

In order to fulfil its objectives in the whole country and reach and involve the entire population, the National Society should establish branches. There is a separate section on drafting provisions that relate to branches. This element should also be reflected in the sections dealing with membership and with the governance of the National Society.

It goes without saying that once the National Society's statutes are drafted or revised according to the Guidance, they should also be implemented. The statutes should be an active document that guides the National Society; not a dead letter.

It is recommended that a system be established to ensure a regular and ongoing revision of the above Guidelines, corresponding to changing circumstances and the needs of the Movement.

III

CHARACTERISTICS OF A WELL-FUNCTIONING NATIONAL SOCIETY

(endorsed by the General Assembly of the International Federation of the Red Cross and Red Crescent Societies at its IXth Session, Birmingham, 1993)

Preface

The 1993 General Assembly requested the Secretary General to elaborate the characteristics of a “strong” Society in support of the ongoing work on the Protection of the Integrity of Member Societies. Several attempts have been made in the past to define the characteristics of a “strong” or “model” National Society. The conditions for recognition and for admission define some of the more basic characteristics of a well-functioning Society, which any Society should continue to meet. These characteristics have been further elaborated in the 1975 Tansley Report (*Final Report: An Agenda for Red Cross*), in the form of nine main attributes that the strongest among the Societies would possess. Additional characteristics are suggested by several other documents.

The present paper uses all these inputs to sketch a total picture of a National Society incorporating all the key characteristics that a well-functioning Society should possess. The paper then breaks down the total picture into its major elements and defines for each of these elements suitable standards or criteria. This more comprehensive approach makes it possible to assess the entire functioning of a National Society and to look for strengths and weaknesses in all areas of its functioning. This approach should be particularly helpful in taking a developmental perspective, where a Society would wish to make strategic improvements in critical areas.

Clearly, there are great differences among National Societies around the world, in terms of their social, cultural and political environment as well as their size, wealth and range of activities. However, all can find ways of improving by seeking to match the characteristics of a well-functioning Society presented below. To further assist in this, the present paper on characteristics has been complemented by a Handbook on Institutional Development and a Guide for Self-Assessment, designed to help a Society assess its own situation. Complementary work will also be done in elaborating model, or sample statutes clarifying appropriate standards for a National Society's statutes.

Introduction

A Red Cross or Red Crescent Society has three key elements: its foundation, its capacity and its performance.

The **foundation** of a National Society is the basis on which it establishes its identity and defines its functions. It consists of, firstly, its mission – the purpose and goals of the Society, based on the Fundamental Principles of the Movement and on the specific conditions of the country in which it operates. Foundation also covers the legal base of the Society – particularly its statutes and the Red Cross or Red Crescent law under which it is recognised by the government. Finally it covers the National Society constituency – its membership and its territorial coverage.

The **capacity** of the National Society is the central element determining its functioning. It starts with leadership, and particularly governance and management – key factors for a National Society. Also of key importance are its financial, human and material resources, which allow it to carry out its mission. Moreover, a National Society needs an effective organisation: the structure, systems and procedures that make it work as a unified whole.

The **performance** of a National Society is determined by the results it achieves with its foundation and its capacity. It is first defined by the type of activities the Society carries out, and the way they are selected and prepared. Performance is also defined by the relevance of activities, particularly in meeting the challenge of improving the situation of the most vulnerable. And, in the final analysis, it is defined by effectiveness – the extent to which the Society carries out its mission, monitors and evaluates implementation, and makes adjustments where needed.

The desirable characteristics of a National Society have been listed below, under these headings, with the purpose of facilitating their analysis and review. While recognising that many of the characteristics are interrelated, the identification of specific strengths and weaknesses should be helpful in undertaking strategic improvements in critical areas.

1. Foundation

1.1 Mission

- a) A well-functioning National Society has a clearly stated mission, in other words, a clear purpose, a clear idea of what it is trying to do. This mission is well understood and broadly supported, by members at all levels of the Society.
- b) It is guided by the Fundamental Principles of the Movement and operates in conformity with these Fundamental Principles throughout the Society.
- c) It maintains a position of autonomy and independence, while working closely, as a responsible partner, with the government and with others.
- d) Its mission reflects the Mission of the Red Cross and Red Crescent as well as the Challenge as defined in the Federation's Strategic Work Plan.
- e) It demonstrates understanding and acceptance of its responsibilities as a member of the Federation and part of the Movement.

- f) It strikes the right balance between the preservation of established values on the one hand and the innovation needed to meet new challenges on the other.
- g) It has a positive public image that properly reflects its mission and its values.

1.2 Legal Base

- a) A well-functioning Society has up-to-date and relevant statutes, modified only after concurrence of the ICRC and the Federation.
- b) It is constituted on the territory of an independent country, as the only Red Cross or Red Crescent Society.
- c) It uses the title and emblem of the Red Cross or Red Crescent in conformity with the Geneva Conventions and the relevant regulations.
- d) The Red Cross or Red Crescent law or decree under which it is recognised by its government is still relevant.
- e) The statutes are being respected; in particular, the general assembly (or equivalent governing body) is being convened regularly and elections are being held in accordance with the statutes.

1.3 Constituency

- a) A well-functioning Society extends its activities to the entire territory of the country, through either an adequate branch network based on a territorial structure, or through another form of territorial coverage.
- b) It recruits its voluntary members and staff without consideration of race, colour, ethnic origin, sex, class, religion, or political beliefs, pursuing widespread and popular membership, and seeking to ensure that membership and leadership are a true reflection of the general population.
- c) It has a clear definition of the various types of membership.
- d) It makes special efforts to attract and involve the youth of the country.

2. Capacity

2.1 Leadership

- a) A well-functioning Society has a clear and straightforward governing structure with well-defined roles for its general assembly, for the central or executive committee, for the chairman or president, and for the chief executive officer; accountability has been well-established at all levels of governance and management.
- b) It avoids domination of the governing body by one person, one group or by the government; too, it avoids exclusion of certain persons or groups from membership.
- c) Decision making is widely shared, with all volunteers having access to the decision-making process and with provision for consultation and a wide expression of views.

- d) Leaders are committed to the Red Cross/ Red Crescent and have the necessary background and skills, with special efforts made to ensure regular succession of leaders.
- e) Leadership training as well as leadership opportunities are provided at all levels, especially for women and youth.

2.2 Resources

Human Resources:

- a) A well-functioning Society engages a sufficient number of properly qualified persons (staff and volunteers) to carry out its services, and taps professional advice and expertise beyond its own membership.
- b) It has explicit policies regarding the recruitment, training, appraisal and reward of staff and volunteers, and it actively implements these policies.
- c) It actively recruits volunteers from all sections of the community, including from vulnerable groups that it is trying to assist. It engages in programmes that rely on volunteers as well as on financial inputs.

Financial Resources:

- d) It finances its activities on a planned basis, covering the expenses of administration and other core activities from its own, core resources.
- e) It seeks to minimise dependence on foreign or government assistance through active local fundraising combined with sound financial management.
- f) It carries out local fundraising on a systematic basis, seeking broad support within the population.
- g) It diversifies its sources of funding in order to protect its independence and reduce risks while ensuring high ethical standards and avoiding support from sources and on conditions that are inconsistent with its mission.
- h) It keeps administrative and other overhead costs under control to ensure that as many of its resources as possible are used to improve the situation of the most vulnerable.

Material Resources:

- i) It has available the basic material infrastructure (buildings, transport and other means) adequate for its purposes, consistent with its desired public image and sustainable in terms of operation and maintenance.

2.3 Organisation

- a) A well-functioning Society has the structures, systems and procedures in place that allow it to fulfil its mission.
- b) Its organisation is flexible, prepared to respond immediately to disasters.
- c) It has a headquarters which gives leadership and support to local units.

- d) It has a up-to-date, comprehensive development plan that brings together its mission, its specific objectives, its relief and development programmes, and its financing.
- e) It has a sound system of financial management, budgeting, accounting and external, independent auditing, with clear accountability for the use of funds.
- f) It works closely with other organisations – national and international, public and private – taking into account what others are doing, coordinating its activities with them, and sharing resources.
- g) It actively supports the Federation, participating in its affairs, implementing its policies, and assisting the Federation, the ICRC and the other Societies to the limits of its abilities, including the sharing of experiences, knowledge and expertise.

3. Performance

3.1 Activities

- a) A well-functioning Society carries out a set of activities that is well selected, planned and evaluated.
- b) It ensures that activities are consistent with its mission and with its desired public image, thus enhancing public confidence.
- c) It adheres to relevant Federation policies, including the Principles and Rules for Disaster Relief and for Development Cooperation, and other policy decisions of the General Assembly, the Council of Delegates and the International Conference.
- d) It actively disseminates the Fundamental Principles and humanitarian law. It cooperates with the government to ensure respect for international humanitarian law and to protect the Red Cross and Red Crescent emblem. While respecting the Principle of Neutrality, it is not indifferent in the face of situations that adversely affect the most vulnerable.
- e) It is prepared to take prompt and effective action in response to disaster, in accordance with its specific role in disaster relief; it is prepared in peace time for its statutory tasks in case of armed conflict; it actively assists in relief operations after natural disaster; and it selectively undertakes development programmes aimed at strengthening the capacities of vulnerable communities.
- f) It implements a set of core programmes in line with regional requirements as determined by respective regional conferences.

3.2 Relevance

- a) A well-functioning Society concentrates its activities on the most vulnerable, enhancing their capacity to help themselves.
- b) It pursues the active participation of programme target groups in its membership, in the decision-making process and in contributing to the costs of services.

3.3 Effectiveness

- a) A well-functioning Society monitors continuously whether its activities have the desired effect and whether results are achieved efficiently, taking prompt corrective action where needed and feeding the results back into the planning process.
- b) It enjoys a good reputation for the quality of its work, both amongst the country's leading opinion makers and the public at large. To help enhance its public image, it keeps the press well informed about its activities.
- c) It prepares regular progress reports and keeps the Federation, its members, its donors and the public at large regularly informed about its activities, finances and achievements.
- d) It regularly evaluates and assesses the quality and impact of its activities and makes adjustments where needed.

IV

STRATEGY 2010

**To improve the lives of vulnerable people
by mobilizing the power of humanity**

*(adopted by the General Assembly of the International Federation of
Red Cross and Red Crescent Societies, October 1999)*

1. Strategy outline

Strategy 2010 draws on the experience and lessons of the Nineties, an analysis of trends in the external environment and extensive consultation within the International Federation and externally. It defines a reviewed mission statement:

**to improve the lives of vulnerable people
by mobilizing the power of humanity**

[...]

PART ONE – PROCESS AND CONTEXT

Strategy 2010 is based on an assessment of how far the International Federation has come in the past decade, together with a reflection on how the world may evolve. In 1998, the evolution of the International Federation and the usefulness of its *Strategic Work Plan for the Nineties* were evaluated as a first step towards building its strategy for the future. Documents were reviewed, questionnaires – received from the Red Cross/Red Crescent worldwide – were analysed, and more than 250 people from within the Red Cross/Red Crescent and peer organizations were interviewed. Direct participation continued throughout the strategy-building process: *Strategy 2010* became an agenda item at all statutory meetings in 1998 and 1999; discussion groups were organized; a special e-mail address was opened for comments; and two draft strategy papers were sent to all National Societies for their comments and feedback.

An evaluation report *Learning from the Nineties* and a collection of reflection papers were produced and have supported the process of constructing *Strategy 2010*.

2. Learning from the Nineties/current capacity

The evaluation's conclusions highlight the **global network of volunteer-based national organizations** as the main comparative

advantage the International Federation should build upon. Another advantage is the **mandate, values, emblem, history and reputation** it shares with other components of the Movement.

Through its network of National Societies, the International Federation **reached more vulnerable people** in the 1990s than in the 1980s, but this was achieved by spreading the **services it provided wider and thinner**. Interviewees spoke of their serious concern that lack of focus was undermining the organization.

The evaluation showed that the International Federation was successful in responding to the prolonged humanitarian crises it had to face during the 1990s and that, in many cases, it managed to **build National Societies' capacities** through relief operations. Although, throughout the decade, policies and tools were developed to build sustainable local capacities as this became more of a priority, many felt that it did not greatly influence the organization's predominant relief culture and structures and had little impact.

Other major problems for the International Federation during the 1990s included: difficulties in recruiting and retaining **volunteers** and a significant decrease in their numbers; limited share of government funding for development; and global fund-raising activities not yielding the expected results. Resource mobilization at the national and international level was regarded as the leading mistake/missed opportunity of the decade.

While the International Federation's **external relations** and communications improved significantly, they still had a long way to go, particularly in helping National Societies in their relations with governments and other organizations. The International Federation needed to define better what it meant by advocacy and how to put it into practice, both at the national and international levels. Peer organizations were very positive about the International Federation's advocacy initiatives but lamented that it did not take a more active role. During much of the 1990s, the too-often competitive relationship with the **ICRC** had a very negative impact on the Movement. The new agreement reached at the 1997 Council of

Lessons learned from the Nineties

- 'Vulnerability' useful, but needed better definition
- Work undermined by lack of focus
- 'Capacity building' did not have desired impact
- Missed opportunity to mobilize volunteers/resources
- Positive but limited advocacy initiatives
- Should have further promoted 'working as federation'
- External relations and communications improved, but not enough
- Negative impact of competition between ICRC/International Federation

Delegates in Seville offered hope and an opportunity for the greater cooperation that interviewees wanted to see.

Progress was made, but much more needed to be done, to develop the **'working as a federation'** concept and to ensure that **policy** decisions reflect the context and reality of National Societies.

Many of the changes in the International Federation identified in the evaluation reflected partial, and in some cases significant, realization of the challenge and goals of the *Strategic Work Plan for the Nineties* which was seen, overall, as having provided a **useful planning framework**, concepts and a common language that contributed to International Federation development.

3. Trends and uncertainties in the external context

In a constantly evolving world, it is impossible to know what the future will hold. But this strategy must consider what sort of world the International Federation will be part of in the next ten years. Although certain external forces that will impact the lives of vulnerable people and Red Cross/Red Crescent work can be identified, how they will evolve is unpredictable.

A more integrated and interdependent world, with fewer barriers to the movement of ideas, people, capital and goods, is likely to be the result of **globalization**. This will bring opportunities (trade, information, science, private investment in emerging markets, etc.), but also threats (financial instability, vulnerability to short-term capital movements, spread of infectious diseases, etc.). Current developments are likely to have overall positive effects on human development but may exacerbate **economic inequity**. In 1960, the population of the world's richest countries (20 per cent of the global total) had 30 times the income of the poorest 20 per cent; by 1995 this had risen to 82 times the income. The gap between the 'haves' and the 'have-nots' will widen both within and between countries, as globalization leaves some of the world's poorest behind. The needs of the 'have-nots' and mobilizing the 'haves' are basic Red Cross/Red Crescent concerns.

In all probability, nations will group together in regional blocks and global transnational corporations will have significant influence. It seems likely that national governments will lose some of their autonomy – with authority being devolved both upwards to supranational bodies and treaties, and downwards to local authorities – and that the balance of power between **states and other elements of society** will continue to shift, with governments less involved in service delivery and a new emphasis on market answers and on citizens finding their own solutions. In this context,

both governments and the private sector are seeking new partnerships with an increasingly competitive voluntary sector that can effectively deliver services to the community. The retreat of the state from service delivery and the encouragement of local participation and active citizenship implies a **shift of responsibility in service delivery from paid employees to informal carers**.

Urbanization will increase. It will benefit many, but also bring a rise in the numbers of people living in overcrowded slums and illegal squatter settlements lacking virtually all services. Numbers of **internally displaced people and refugees** will probably increase, too. Migration, both within and between countries, especially south-to-north movements by young people, is expected to increase significantly. In many parts of the world, a rapidly **ageing population** will look for support from relatively fewer young people, putting pressure on health care and pension systems where they exist.

Insufficient national and global efforts to combat **environmental degradation** may lead to more frequent and severe **disasters** with an ever-greater impact on society. Increased coastal and river flooding will affect more and more people, whereas access to water will decline, contributing to the spread of disease.

Many lives will continue to be lost in developing countries due to **infectious diseases**, such as diarrhoea, acute respiratory infections and measles, and their interaction with poverty and malnutrition. New and re-emerging epidemics (e.g., malaria, tuberculosis and HIV/AIDS) threaten not only people's health but also achievements in human development. **Non-transmissible diseases** related to unhealthy lifestyles will cause more disease and deaths if current trends are not reversed.

An essential dimension of development, **human security** involves protecting people from threats, such as disasters, hunger and disease, and sudden, harmful disruption in their daily lives. In poor and rich nations alike, human life is increasingly threatened by accidents and violence. **Industrial and traffic accidents** are amongst the top three killers of people aged 15 to 30 in most countries.

These trends may well lead to more frequent recourse to **violence**, made the more deadly by the vast numbers of powerful small arms on the market. With the combination of weaker states and a growth of violent non-state actors, the **Geneva Conventions** and the principles of impartiality and neutrality may become less well understood and harder to apply, whilst ensuring respect for the Red Cross/Red Crescent emblem will be a major challenge. Religion and changing values will be powerful forces shaping the context of Red Cross/Red Crescent action.

The emerging **development theory** places emphasis on market-oriented policies that enhance growth with job-creation, strengthening local institutions and providing important public services that cannot be well and equitably supplied by private markets. With growing evidence of the impact and importance of local institutions on development, capacity building is increasingly vital as a key goal of development cooperation.

4. From analysis to action

The review of external factors has identified trends and issues that may evolve in ways that are difficult to predict – many may have been missed and others that are not yet apparent will emerge. The International Federation needs to continue to monitor this environment and be adaptable. However, it also needs a shared view of the future on which to base its strategy.

The analysis of the humanitarian environment provides a clear basis on which to define priorities for International Federation action. A world with increasing tension and recourse to violence, where the need for humanitarian assistance generated by disasters and economic crises is expected to increase, where governments leave service delivery to market forces and an increasingly competitive voluntary sector: This is a world of opportunity and risk for Red Cross/Red Crescent Societies.

The International Federation is a network of National Red Cross/Red Crescent Societies with a local presence in almost



every country, over 100 million volunteers, a set of principles that allow it to act across a spectrum of political and social environments plus an unparalleled legal base and respected emblems. These

unique characteristics allow the International Federation to work in a way – and reach objectives – that others cannot. *Strategy 2010* determines how these comparative advantages can be exploited to improve the lives of vulnerable people.

PART TWO – MISSION, STRATEGIC DIRECTIONS AND EXPECTED RESULTS

5. The International Federation's mission

Whether people live in huge cities or isolated villages, whatever language they speak, they all want to have the best for their children and families and to live in peace and harmony, with economic and physical security, personal dignity and in a supportive community. But at the turn of the millennium, too many people are at risk from situations that threaten their capacity to live with a minimum of socio-economic security and human dignity – they are vulnerable. Through its unique federation of National Societies and volunteers, the International Federation works

*to improve the lives of vulnerable people
by mobilizing the power of humanity.*

The International Federation is part of the International Red Cross and Red Crescent Movement, whose purpose is embodied in its Constitution and the principle of humanity: to prevent and alleviate human suffering wherever it may be found, to protect life and health and ensure respect for the human being. The first part of the mission statement, **‘to improve the lives of vulnerable people’**, captures these objectives while adding a dimension of capacity building, sustainability and dignity.

The International Federation works through **‘mobilizing the power of humanity’** to provide support and solidarity. National Societies are open to all individuals, who can find in the Red Cross/Red Crescent a ‘space’ in which to come together to exercise their responsibility to assist others and find solutions to community problems. The mobilization of beneficiaries, volunteers and donors is the manifestation of that responsibility. By working in this way – ‘mobilizing the power of humanity’ – the Red Cross/Red Crescent empowers people, promotes cooperation and lasting peace.

Aims that are worth working for!

6. Improving the lives of vulnerable people

‘Vulnerable people’ are, for the International Federation, those at risk from situations that threaten their survival or their capacity to live with a minimum of socio-economic security and human dignity.

Vulnerability is a relative and dynamic concept. It relates to an individual's or a community's capacity to cope with specific threats at a certain point in time. Vulnerability can be associated with elements of poverty, but it is also about people being isolated, insecure and without defence in the face of risk, shocks and stress. In its endeavours to improve the lives of individuals, the Red Cross/Red Crescent gives priority to the most urgent cases of distress – the most vulnerable.

The *Learning from the Nineties* evaluation report showed the difficulties encountered in making the concept of vulnerability operational. The work of the Red Cross/Red Crescent and its approach to reducing vulnerability and building capacity can be better understood by dividing it in three different categories:

- **preventing suffering** by helping people **prepare** for and avoid exposure to situations that can increase their vulnerability;
- **assisting** people who suffer a dramatic increase in their vulnerability due to a **sudden disaster** or crisis; and
- **alleviating suffering** by reducing vulnerability and improving the capacity of people who live **constantly** in situations where their socio-economic security and their dignity are threatened; situations that have been referred to as 'structural vulnerability'.

Each of these categories requires a different approach, but all of them will benefit from programmes that are better anchored in local realities and more focused on where the Red Cross/Red Crescent can add greater value.

6.1 Being responsive to local vulnerability and capacity

*Develop
intimate
knowledge of
local reality*

The challenge of reducing vulnerability and enhancing capacity requires an intimate knowledge and understanding of the local reality. It is this awareness that enables sensitive and responsive programmes to be developed. The network of National Societies and their local structures provides a channel through which to tackle this challenge. To make National Society programmes more responsive, three specific steps are highlighted:

- **Work with** the capacities, skills and resources of **vulnerable people**, empowering them to take charge of their lives.
- Use and continue to develop the tools and abilities to **understand vulnerability** and to **identify local capacities**. Recognize that men and women will often play different roles in the home, the community and society, and develop sensitive programmes that acknowledge their specific

vulnerability and capacity, set in the broader context of ethnicity, race and religion.

- The **potential impact** of different programmes and the **comparative advantages** of the Red Cross/Red Crescent provide the basis on which to decide what to focus on. Because vulnerability is changing, this has to be done on a regular basis. Throughout the process of identifying local vulnerabilities and capacities, an extremely broad range of activities and potential programmes will be identified. However, the Red Cross/Red Crescent's intellectual, human and financial capacity must not be spread too thinly. It should also be recognized that other organizations might be more effective in some specific areas. As discussed in the following section, agreed 'core areas' should form the backbone of programming efforts – and provide a basis on which to scale up programmes from the local to national and international levels – but local analysis of vulnerability and National Societies' comparative advantages might lead to **additional** programme areas which vary from country to country.

Consider potential impact and Red Cross/Red Crescent comparative advantages

6.2 Focusing on core areas

The diversity of National Society activities will have to be maintained to a large extent as it reflects how much vulnerability varies from one place to another. There are, however, a number of broad core areas where not only most National Societies have developed expertise but also where the need for Red Cross/Red Crescent action will increase in all regions during the next decade.

Core areas are 'common denominators' where individual National Societies can make the most of being part of the International Federation; they provide opportunities to work with and learn from each other. Core areas will constitute the backbone on which the International Federation will build its collective expertise and reputation. All National Societies are expected to develop and contribute to these areas and can count on advice and support from the International Federation.

As illustrated in the diagram, core areas define the actions the Red Cross/Red Crescent will focus on together as a priority; this focus does not prevent National Societies from carrying out activities in other areas that they consider necessary.

Focus programmes on core areas

The **core areas** are:

- promotion of the Movement's Fundamental Principles and humanitarian values;
- disaster response;

- disaster preparedness; and
- health and care in the community.

These core areas are an **integral and interlinked package**, which offers an opportunity to focus collective efforts on a narrower range of activities. They have two dimensions: **service delivery** and **advocacy**.

*Define
quality
criteria and
build
capacity in
core areas*

The International Federation will focus on **building capacity** in the four core areas, which will result in **better quality services** and support, and clearer **advocacy positions**. It will also facilitate the establishment of partnership agreements between individual National Societies and national partners as well as between the International Federation and international organizations. Policy decisions will develop **quality criteria** for each of the core areas. A federation-wide **evaluation system** that includes self-evaluation and peer review will be established to measure progress in all core areas and incorporate learning into future programme development.

*Establish
evaluation
system*

The definition of the International Federation's core areas helps outline the major focus of the Secretariat, i.e., to support and build National Society capacity in these four core areas, facilitate cooperation between member societies and, at the same time, be capable of coordinating/directing international support for disaster response programmes.

Strategic direction:

National Society programmes are responsive to local vulnerability and focused on the areas where they can have greatest impact.

The collective focus will be on promoting the Movement's Fundamental Principles and humanitarian values, disaster response, disaster preparedness, and health and care in the community.

6.3 Focusing within core areas

6.3.1 Promotion of the Movement's Fundamental Principles and humanitarian values

In a world with increasing isolation, tension and recourse to violence, the Red Cross/Red Crescent must champion the individual and community values which encourage respect for other human beings and a willingness to work together to find solutions to community problems. The International Federation is in a unique position to help bring this about through its mandate, its Fundamental Principles and the esteem in which its emblems are held. Action in this area will be closely coordinated with the ICRC.

The purpose of this core area is not simply to ensure that people – staff or volunteers, public or private authorities, or the community in general – **know** of these principles and values, but **to influence their behaviour**.

Main priorities will be:

■ **Developing an understanding of the Fundamental Principles internally**

New initiatives will be developed to ensure that Red Cross/Red Crescent volunteers and staff understand and act on the basis of the Fundamental Principles in their work with vulnerable people in times of peace, disaster or armed conflict.

Develop understanding of Fundamental Principles as a basis for action

■ **Raising awareness of public and private authorities**

This will involve initiatives to ensure that authorities understand the role of National Societies and the Movement, value and protect their independence and emblem, use their capacity and facilitate their access in peaceful and violent situations.

■ **Influencing behaviour in the community**

The Fundamental Principles as a whole need to be understood and acted upon by the Red Cross/Red Crescent itself. However, in relation to external promotion, not all of the Fundamental Principles are of equal relevance. Some are indeed statements of values that the Red Cross/Red Crescent seeks to promote externally (for example, ‘respect for the human being’ in the principle of humanity); others are more related to internal organization (for example, the principle of universality). Analysing the Fundamental Principles themselves, and the decisions of the International Federation’s General Assembly and the International Conference, the following are the values that the Movement has formally stated it believes to be of importance for external promotion:

- the protection of life, health and human dignity;
- respect for the human being;
- non-discrimination on the basis of nationality, race, gender, religious beliefs, class or political opinions;
- mutual understanding, friendship, cooperation and lasting peace amongst all people; and
- service by volunteers.

National Societies have traditionally worked to **spread knowledge** of the Fundamental Principles and international humanitarian law, and this must continue to be a priority for all

Develop programmes to oppose discrimination and promote a culture of non-violence

components of the Movement. Some are already engaged in programmes to promote the above-mentioned values to **influence behaviour in the community**. These programmes involve initiatives to oppose discrimination (for example, against asylum seekers, immigrants, people affected by HIV/AIDS and the disabled); to stop violence and to build a culture of non-violence in the resolution of differences in the community. The analysis outlined above and the experience of National Societies will be used to develop new initiatives and programmes to be implemented by National Societies with International Federation support.

The promotion of these same values also provides an element of the basis for new and strengthened relations with the business community, increasingly concerned about defining and responding to its social responsibilities.

6.3.2 Disaster response

Despite efforts to mitigate the risk of natural and man-made events, the frequency and impact of disasters are expected to increase worldwide. Disasters disproportionately affect the poor: over 90 per cent of the total of disaster-related deaths occur in developing countries; and the economic losses they cause represent a percentage of their gross national product estimated to be 20 times greater than in industrial countries. Instability and armed conflict will continue to generate human displacement. To be most effective, the Red Cross/Red Crescent must capitalize upon the advantages of being a national organization – on the spot before, during and after a disaster – with an international network by:

■ Mobilizing the network to respond

All year round, National Societies meet the basic needs of victims of small-scale, local disasters and provide the crucial, immediate response in high-profile, massive disasters. When the disaster surpasses national capabilities, they can call on the international network to scale up response and mobilize support from the international community.

■ Improving the speed and effectiveness of coordination mechanisms

Recent experience has highlighted the importance and the difficulty of balancing the need for coordination (emphasized in the *Principles and Rules for Disaster Relief* and the Seville Agreement) with that of speed of response and of visibility in the donor community. Based on an evaluation of this experience, current response mechanisms will be assessed and developed.

Improve speed and coordination of international support

■ **Building capacity through relief**

Disaster response projects should work with the capacities of disaster survivors, empowering them to retake charge of their lives and strengthening local institutions. One of the objectives of international relief operations supported by the International Federation will always be the building of member societies' capacities to respond.

■ **Rehabilitating and reconstructing**

A much more systematic approach to rehabilitation and reconstruction must be adopted, taking advantage of National Society presence in the countries concerned.

Review approach to rehabilitation and reconstruction

■ **Setting and working towards improved standards**

Work on quality and standards in disaster response must continue, building on the *Code of Conduct* and the current work under way in the Sphere Project. The International Federation will also continue its advocacy efforts through the *World Disasters Report* and related activities.

Work on quality and standards

6.3.3 *Disaster preparedness*

National and local disaster plans should describe the roles and responsibilities of National Societies as auxiliaries of their governments. National Societies will play a role in recognizing the local coping and mitigation strategies of the populations that are most at risk and help them to find appropriate and sustainable solutions in preparation for future disasters. *Strategy 2010* identifies four priorities to achieve greater impact in disaster preparedness:

■ **Strengthen disaster preparedness planning**

Risk, vulnerability and capacity assessments are instrumental to improve understanding of human vulnerability to disasters and incorporate the learning into preparedness planning. The vulnerability of populations living in disaster-prone areas and of those affected by socio-economic downturns is likely to increase. The International Federation must invest in improving capacities to monitor and act upon the changing patterns of risk and vulnerability. Coordination with ICRC to support National Society preparedness for armed conflict situations will be enhanced.

Monitor and act on changing patterns of risk

■ **Build effective disaster response mechanisms**

Critical to effective disaster response is well-defined response plans at all levels that define core responsibilities of all key players (government, National Societies and non-governmental

organizations). National Societies can contribute to this through strong advocacy for disaster response planning and development of the appropriate operational mechanisms. At the community level, local branches can help establish plans based on participatory assessments of individual risk profiles and existing resources. National Societies can also encourage setting up community emergency committees in charge of planning, guiding and coordinating response and preparedness activities. The Red Cross/Red Crescent must also ensure that its own disaster response systems can continue to operate effectively after disaster strikes. As mentioned in the disaster response section, the International Federation's capacity to scale up when a disaster surpasses national capabilities is one of its comparative advantages; however, this requires investing in global preparedness.

*Raise
community
awareness
and support
coping
strategies*

■ **Raise community awareness and public education**

Greater awareness of hazards and vulnerabilities in high-risk communities as well as knowledge of basic coping strategies can minimize the loss of life and property. National Societies will be more proactive in raising public awareness of potential risks and means to mitigate or reduce disaster effects through risk management. In addition, the Red Cross/Red Crescent can contribute to ensuring that the knowledge from early warning systems can be accessed, understood and acted upon by local communities. Through their local branch network and activities addressing everyday community needs, the Red Cross/Red Crescent can play a crucial complementary role in this respect.

*Review expe-
rience in
disaster
mitigation*

■ **Disaster mitigation and reduction**

Activities aimed at disaster mitigation and reduction represent a great challenge; they require a strong capacity at the local level and need to be part of an overall development strategy. A number of National Societies are already active in different mitigation activities linking health, water/sanitation and the environment. Collective experience in this area should be reviewed to identify basic requirements and critical steps to engage in disaster reduction at the local level.

6.3.4 Health and care in the community

Ultimately, it is the role of the government to ensure that its health and social welfare systems, however structured, are capable of meeting the needs of its population, and particularly the most vulnerable. *Strategy 2010* identifies priorities through which the

Red Cross/Red Crescent's complementary role and its impact on community health and well-being can be maximized:

- Volunteers, family members, partners and friends are major providers of **practical and emotional support to vulnerable people in the community**. The retreat of the state from active service delivery, the breakdown of social 'safety nets' and an ageing population all add to the workload these volunteers and informal care providers will be confronting in the future. The Red Cross/Red Crescent, integrated in the community and through its large volunteer network, provides care and supports other informal care providers at the community level, contributing to bridge the gap between formal service delivery and households. Documenting, systematizing and developing National Societies' experience in this area is crucial.
- Although National Societies are acknowledged as world leaders in the provision of **first-aid services and training**, they must better recognize and exploit the entry-point opportunities that first-aid activities offer to reduce individual and community vulnerability to disease, accident, trauma and violence.
- When the formal health system is unable to reach certain areas or groups of people or when it suddenly collapses due to a disaster, National Societies will take, on a temporary basis, a more **comprehensive approach to health care** while advocating and supporting coverage by the formal systems. Red Cross/Red Crescent focus in these situations will include health education and community-based programmes aimed at preventing and controlling communicable diseases, diarrhoeal diseases, acute respiratory infections and other causes of child mortality, reproductive health, nutrition and environmental health.
- The Red Cross/Red Crescent network provides a unique opportunity to **'connect' the international and the local health communities**, channelling concerns, information, etc., from one to the other and becoming a catalyst through which new objectives can be reached.

Support volunteers and people providing informal care in the community

Exploit first aid as an entry point

Expand health support in crisis

7. Mobilizing the power of humanity

What makes the International Federation distinct is its network and how it does things. Many organizations work in one or another of the 'core areas', but only the International Federation works through a global network of national organizations and a guiding set of principles, with a legal base and emblems that allow it to deliver services more effectively and build social fabric, strengthening civil society in the process.

A strong National Society presence and a volunteer network in every country enables the Red Cross/Red Crescent to work with local communities defining needs and developing solutions from within, and thus to build capacity and reduce vulnerability. Universal membership and the ability to work as a federation allow it to leverage capacities worldwide and bring about long-lasting cooperation. A strong capacity to influence decision-makers emerges from the mandate, the services delivered and the recognition that the Red Cross/Red Crescent enjoys, allowing it to mobilize support for humanitarian objectives in a way that others cannot.

7.1 Well-functioning National Societies

Local institutions are a central challenge for development. Evidence is growing of their impact on development (and humanitarian) outcomes. Capacity building is becoming an essential element of the new approaches to development cooperation. The International Federation needs to better exploit its privileged position in relation to both the humanitarian and the development communities.

*Strengthen
capacity-
building
culture*

The Red Cross/Red Crescent contributes through its actions to different aspects of basic human rights. But rights also imply responsibilities. The Fundamental Principles of the Red Cross/Red Crescent emphasize the responsibility of the individual in assisting others. Volunteering is a manifestation of that responsibility. Through its distinctive way of working, the Red Cross/Red Crescent makes a contribution that goes beyond its direct service delivery and advocacy. With volunteers who are part of the community, it provides a 'space' where people can come together to achieve solutions to community problems. This can lead to a richer social fabric and has a direct effect on **building civil society and community development**. Moreover, as part of a global federation of national organizations, the Red Cross/Red Crescent allows individuals and communities to be 'linked' and contribute directly to building a more humane society.

The International Federation defines capacity building of National Societies as continuously developing the capability of its members to improve the lives of vulnerable people; it is about strengthening National Societies (headquarters, branches and local structures) to work effectively in all core areas. Capacity building requires a **long-term perspective and commitment** which is not yet fully integrated into the overall Red Cross/Red Crescent culture, still heavily shaped by its emergency-response dimension.

The following issues will be prioritized:

- A well-functioning and committed governance is at the heart of building National Society capacity. International Federation

governance, peer societies and the Secretariat have an important support and monitoring role in the process of achieving the characteristics of a **'well-functioning National Society'**. Integrity problems in one society have an impact on the whole Red Cross/Red Crescent Movement. New mechanisms will be established to ensure that governance, supported by the Secretariat, provide active monitoring and timely support in these situations; coordination with the ICRC, while important for all capacity-building efforts, is particularly relevant here.

Establish new mechanisms to avoid integrity problems

- In many countries, parts of the population are extremely under-represented in the National Society. Achieving a good balance is important not only because of fairness, equality and to ensure lack of discrimination, but also to guarantee that all actions have the greatest possible impact. The International Federation collectively must show a measured improvement in the way that **decision-making positions reflect the make-up of the population**, particularly a better gender, youth and ethnic representation.
- The **diverse global network of people is a valuable asset** of the Red Cross/Red Crescent; volunteers are responsible for much local service delivery and play an important part in strengthening civil society. The recruitment, training and, especially, retention of **volunteers** are issues of particular importance that National Societies must address. The Red Cross/Red Crescent can be a 'home' to all who wish to participate in voluntary activity and it is, therefore, important that Red Cross/Red Crescent action is inclusive and open to all people within the community. The International Federation will find ways of encouraging volunteers' engagement in addition to the traditional membership model. An organization's members determine its competence and knowledge levels; expanding leadership development schemes for both **governance** and **employees** will be a priority.
- **Financial resource mobilization** was the leading mistake/missed opportunity of the 1990s and a leading challenge for the next decade, according to many people interviewed during the *Learning from the Nineties* evaluation. To remedy this, improved programme design, evaluation, reporting and resource development plans will all help to diversify and develop funding. To achieve the capacity-building objectives set out in this strategy, the Red Cross/Red Crescent must develop longer-term bilateral and multilateral partnerships and access more stable funding from governments' humanitarian and development allocations. A strategic investment for the future is developing relations with the national private sector and, working together, with the global corporate sector.

Improve representation in decision-making bodies

Adjust to new forms of volunteering

Access governments' development 'envelope'

Support communications as an integral part of capacity building

Responsible financial management and accountability are key to achieving and sustaining a growing, less volatile funding base.

- **Communications** must be seen as a key element of capacity building, and the need for an integrated approach to promote Red Cross/Red Crescent actions and values in a competitive and professional way recognized. Integrating communications in the structure of National Societies, increasing skills and knowledge, and developing coherent and long-term communications strategies must be aims of the global capacity-building effort.

Strategic direction

Well-functioning National Societies that can mobilize support and carry out their humanitarian mission, contributing to the building of civil society.

7.2 Working together effectively

Strong National Societies are a first step towards creating a strong federation. However, to use its collective resources effectively and efficiently, the International Federation's members must commit to 'working as a federation' and the following priorities will help achieve this:

■ Programme cooperation

Information sharing and knowledge development have enormous possibilities, particularly now that the technology to share experience quickly and economically exists. Improved programme cooperation will result from:

- further development of **subregional cooperation**, pooling expertise amongst National Societies in the subregion and offering forums for joint problem-solving; regional conferences are another important dimension to this learning;
- developing, committing support and implementing result-oriented **cooperation strategies** that provide the framework for well-developed humanitarian and capacity-building cooperation programmes. This will require that the International Federation's Secretariat and delegations work as 'architects of cooperation' and move beyond a competitive focus on the relative merits of bilateral versus multilateral aid;
- better **linking National Societies' experience in domestic programmes with that gained at the international level**, especially in activities related to the core areas. This could become a comparative advantage of the Red Cross/Red Crescent; and

Develop subregional cooperation

- generating a new dynamic that encourages and **supports 'new donors'** wishing to contribute ideas, people and money.

■ **Developing and implementing a common strategy for the Movement**

Develop strategy for the Movement

The *Learning from the Nineties* evaluation report identified the Seville Agreement as providing an opportunity to move towards the type of relationship that should be the norm. The International Federation will take steps towards its implementation as well as developing and implementing with the ICRC a common strategy for the Movement. The scope of this cannot be predetermined; at the least, it will ensure better coordination at all levels, it should explore shared environmental analysis, services, infrastructure, etc., and include rethinking roles and responsibilities of both organizations, and it could lead to a better-integrated organization of the Movement.

■ **Long-term partnerships and funding**

The International Federation is under great pressure to improve the efficiency and effectiveness of this sector; coordination and partnerships will, therefore, remain an area where donors and recipients alike look for improvements, such as:

- at the national level, National Societies focusing on **better and more consistent bilateral contacts with governments** while also considering alliances with universities, media and other civil society institutions;
- making the most of opportunities offered by the International Conference and developing closer multilateral partnerships between the International Federation and the United Nations, World Bank and regional development banks, which will require more selective and sustained external relations efforts with greater National Society support; and
- further exploring ethical relationships with both national and international business communities.

Build partnerships with international organizations

■ **Mobilizing people and influencing decision-makers**

Set targets for advocacy initiatives

As much can be achieved through mobilizing people and influencing decision-makers – whether through private face-to-face advocacy or public campaigns – as through delivering services. To improve this ability, the International Federation will create a portfolio for Red Cross/Red Crescent humanitarian diplomacy and advocacy initiatives, both private and public, with easily understandable targets based on the core areas, time-frames and a monitoring framework. Coordination with the ICRC is particularly important in this area.

■ **Communicating the International Federation's message and identity**

A sharper identity and communications capacity are vital to project the work of the International Federation. This requires a review of current use of its name and visual image combined with annual global promotions, campaigns and projects that can benefit from the millennium year experience.

Strategic direction:

The Red Cross/Red Crescent and its supporters work together effectively, through programme cooperation, long-term partnerships and funding, as well as more active advocacy.

8. Summary of expected results

The evaluation *Learning from the Nineties* showed the difficulties encountered in measuring the implementation of the *Strategic Work Plan*. Identifying a limited set of results that allows monitoring strategic change at both national and global level is quite a challenge. *Strategy 2010* defines a set of measurable expected results that highlight some of the changes implied in the strategic directions and provides a framework to help measure progress:

- A first set of expected results looks at measuring progress in the programme and capacity-building areas. It includes reviewing programmes, adopting quality criteria for the core areas and developing a federation-wide evaluation system that monitors progress in these areas and in capacity building. While these systems will be based largely on a self-evaluation and peer-review approach, their development requires support and new mechanisms from the International Federation's governance and Secretariat.
- A second group relates to National Societies improving their financial and human-resource base; it focuses on developing different models of volunteer engagement and evolving decision-making bodies to have a better gender, youth and ethnic representation. It will also measure the diversity and stability of financial sources. These results will also apply to, and be monitored in, the International Federation's Secretariat.
- A third expected result is included to monitor the impact of increased advocacy efforts.

- A fourth set attempts to measure progress in the way the International Federation as a whole works together, particularly the development of cooperation strategies leading to long-term partnerships. It also monitors the extent to which National Societies contribute internationally to development cooperation.

Measure progress at national and international levels

Strategic directions and expected results are summarized in the table below. As the International Federation gains experience in measuring and compiling information on strategic changes, these sets of expected results will require further development and the definition of indicators and time-bound milestones.

Strategic directions	Expected results
<p><i>Responsive and focused</i> National Society programmes are responsive to local vulnerability and focused on the areas where they can add greatest value. The collective focus will be on promoting the Movement's Fundamental Principles and humanitarian values, disaster preparedness, disaster response, and health and care in the community.</p>	<p>National Society programmes are established /continued/ discontinued on the basis of local vulnerability, potential impact, the capacity of other institutions and Red Cross/ Red Crescent comparative advantages.</p> <p>Quality criteria are adopted for service delivery and advocacy in each of the core areas through policy decisions at national and international levels.</p>
<p><i>Well-functioning National Societies</i> Well-functioning National Societies which can mobilize support and carry out their humanitarian mission, contributing to the building of civil society.</p>	<p>A federation-wide evaluation system shows measurable progress in all core areas and in the process of achieving the characteristics of a 'well-functioning National Society'.</p> <p>National Societies work with different models of volunteer engagement. Decision-making bodies better reflect the make-up of the population, particularly better gender, ethnic and youth representation.</p>
<p><i>Working together effectively</i> The Red Cross/Red Crescent and its supporters work together effectively, through programme cooperation, long-term partnerships and funding, as well as more active advocacy.</p>	<p>National Societies have a more diversified and sustainable financial resource base.</p> <p>The Red Cross/Red Crescent mobilizes people and influences decisions through active advocacy on the basis of core areas.</p> <p>A complete set of 'cooperation strategies', agreed upon by all, frames well-developed humanitarian and capacity-building cooperation programmes.</p> <p>Increased availability of information and demonstration of sharing and learning from experience, (sub)regionally and globally.</p> <p>More National Societies contributing internationally on a long-term basis to development cooperation.</p> <p>All components develop together and implement a common strategy for the Movement.</p>

PART THREE – COMMUNICATING AND IMPLEMENTING

9. Making Strategy 2010 happen

Strategy 2010 has been developed to be the central guide for the International Federation in the next ten years. However, putting an idea on paper will not change the way an organization acts.

Strategy 2010 highlights priorities that will lead to responsive and focused well-functioning National Societies working together effectively. These priorities require that new mechanisms and systems be put in place, that a shift towards longer-term partnerships and funding be undertaken and, more broadly, that a new capacity-building culture is developed alongside the strong emergency-response culture that currently predominates. To make *Strategy 2010* happen, all members of the International Federation need to be familiar with its contents, understand its implications and be genuinely committed to:

- **Raising awareness** of the existence and main strategic thrust of *Strategy 2010* and building the commitment of the International Federation to implement it is everyone's responsibility, as is keeping it central to the development of the International Federation throughout the decade and ensuring that it is a 'living message'. An education programme that can reach into every National Society and throughout the International Federation is needed. This will involve producing training and dissemination materials and including *Strategy 2010* in induction and training courses to ensure that National Society personnel and delegates, whatever their discipline, clearly see the strategy as one of their primary tools when working with National Societies.
- **Implementation.** To be most effective, efforts must not only be carefully planned, but also be mutually reinforcing. This requires that *Strategy 2010* becomes a shared framework for planning at the different levels of the International Federation. The following comments and figure show how **different levels of International Federation planning should link and reinforce each other:**

*Train staff
and volunteers
to understand
and disseminate
Strategy 2010*

Develop synergy and alignment between the different levels of planning

- *Strategy 2010* provides a starting point and a framework for the elaboration of **National Society long-term strategic plans** (national development plans). Guidelines have been produced to assist National Societies in adapting the global mission and strategy to national realities;
- **regional and country cooperation strategies**, agreed upon by all, will provide the framework for well-developed and supported humanitarian and capacity-building cooperation

programmes, clearly linking them to the overall plan and budget of the Secretariat;

- **the Secretariat plan and budget** must present the Secretariat's contribution to *Strategy 2010*, linking Geneva and the field together in a way that is accessible and understandable, both for member societies and implementing partners; and
- all 'planable' programmes and projects requiring international assistance need to employ **new marketing tools** that present in a clearly-linked but distinctive way the capacity-building and long-term humanitarian assistance elements of the International Federation's work. This will be complemented by ad hoc emergency appeals.

10. Responsibilities

When *the League* became *the International Federation*, the new name encompassed the collectivity of National Societies, International Federation governance and the Secretariat.

In developing this strategy, and in the constitutional review process, the question of "What kind of a federation do we want?" kept coming up. There are no simple answers: the International Federation in its emergency-response role is very different from the development organization which promotes cooperation between National Societies. An explicit objective is to maintain and promote that debate, to clarify what type of organization can best fulfil the different roles National Societies have given to the International Federation.

In the Constitution, National Societies define the range of activities within which the International Federation operates. At General Assemblies, common policies which guide both national and international activities are agreed upon; specific tasks are assigned to International Federation bodies, which are given the authority to accomplish them. When it comes to implementing *Strategy 2010* or any other General Assembly policy decision, there are two different dimensions:

- The first is when a National Society **acts individually**, in its national context. The National Society defines its objectives based on local needs and capacities, the national legislative framework, the resources it can mobilize, etc. However, in this context, the National Society is still clearly a member of the International Federation and must act within the policy guidance agreed upon.

*Recognize
and work on
possible orga-
nizational
change*

- The second is when National Societies **act collectively** – and/or together with the Secretariat – to achieve common objectives. National Societies decide individually how and to what extent they can contribute to these objectives and act collectively within the policy guidance agreed through their participation in the International Federation.

This *Strategy 2010*, like its predecessor the *Strategic Work Plan for the Nineties*, provides a planning framework for International Federation bodies and a sense of direction for National Societies acting collectively and individually:

*Strategy 2010
to guide
National
Society strate-
gic planning*

- **National Societies acting individually:** responsible for developing and implementing individual long-term strategies within the *Strategy 2010* framework. Many of the strategy's objectives will only be achieved through their committed, hands-on work. Programmes that build on local capacities and work with vulnerable people are a challenge to all, as is developing (and excelling in) each of the core areas. Both National Society governance and management have to ensure that systems are put in place to ensure quality and make progress towards the characteristics of a 'well-functioning National Society'. It should also be understood that if the network is to continue to be a distinctive comparative advantage, every volunteer and staff member is responsible for strengthening it at home and abroad.
- **National Societies acting collectively:** channelling support that strengthens National Societies, contributing to building capacity to deliver services in all core areas, strengthening the network, committing to and working through agreed regional and country cooperation strategies.

*International
Federation
governance:
championing
and
monitoring
Strategy 2010*

- **International Federation governing bodies:** leading the way, monitoring progress, guarding integrity. *Strategy 2010* will become the focus of all statutory bodies of the International Federation, with all commissions being responsible for providing support to implementation and monitoring of *Strategy 2010* in their particular area of expertise.
- **International Federation Secretariat:** responsible for providing advice and guidance in core areas, coordinating and directing international support for disaster programmes and supporting National Society capacity building. It must encourage solidarity amongst member societies and provide frameworks for coordinated action. The International Federation's responsibilities vis-à-vis the international

community, communications, knowledge management and global resource mobilization are areas in which it has to take the lead on behalf of National Societies.

11. Funding Strategy 2010: resource assumptions

The strength of the global economy has an influence on the resources available for National Societies and the International Federation and on demands for their services. Although certain events, such as disasters, require additional resources (which are usually released), government allocations for social services and official development assistance (ODA) declined in the second half of the 1990s. Programme quality, communications and fund-raising capacity, and the way the organization's capital is used – important factors as they can be controlled – will determine the resources available for the implementation of this strategy.

The use of the organization's capital is an issue that has received relatively little consideration in the past and which could raise some radical solutions for change. A number of National Societies are in a situation of having significant property or other capital assets. With a renewed focus on capacity building, nationally and internationally, further work will be needed to assess how best to use existing capital to support the development of the Red Cross/Red Crescent network.

At the beginning of the decade, it is assumed that resources will be available at approximately the current level. They will need, however, to increase in the longer term; the focus on core areas should allow for greater programme effectiveness and funding partnerships, while the emphasis on building stronger National Societies and on developing programming capacity should facilitate access to government development funding and longer-term relations. International mobilization of funding to support capacity building must increase; it is the responsibility of the participating National Societies to become increasingly successful at accessing government funding for this type of work.

In its work to mobilize resources for International Federation programmes, the Secretariat will be guided by the conclusions of the revenue-generation policy review carried out by the Executive Council, which defined the following priorities for resource mobilization:

- support National Societies and their governments;
- identify and coordinate with National Societies potential multinational fund-raising opportunities from regional and international organizations; and

Develop programme quality, communications and fund-raising capacity

Explore new ways of using Red Cross/Red Crescent capital

Increase international support to capacity building

- identify innovative ways of multinational fund-raising, including the corporate sector.

Unlike its predecessor the *Strategic Work Plan for the Nineties*, which only dealt with change objectives, *Strategy 2010* will guide the totality of the International Federation's action. Thus, although implementation of specific changes may require the mobilization of new resources, the strategy will not have a separate budget line for the implementation of its objectives, but will provide guidance for a redistribution of current resource allocations, both at national and international levels.

PART FOUR – *STRATEGY 2010'S* ADDED VALUE

The strategic directions and expected results defined in *Strategy 2010* will bring a number of **benefits to the International Federation** which can be summarized as follows:

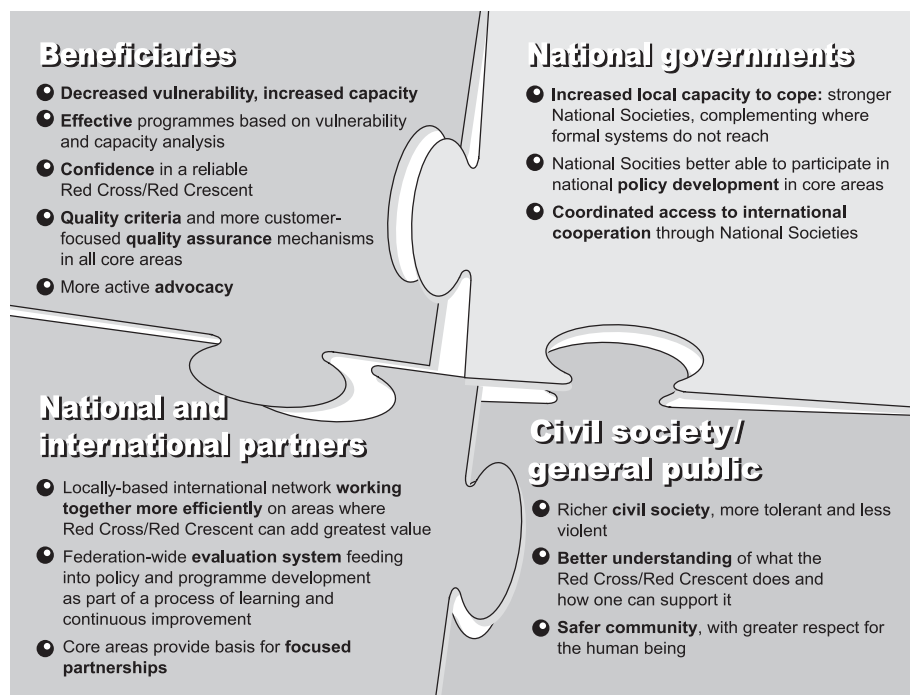
- **National Societies working individually** will benefit from programmes that respond better to local vulnerability and capacity and have a more stable resource base, stronger communications/advocacy capacity, improved capacity to learn from each other through federation-wide evaluation and knowledge development systems.
- **National Societies working collectively** will benefit from a vision and planning framework that unifies, a better 'environment' for capacity-building activities, cooperation strategies for better coordinated action, and longer-term partnerships and funding.
- **Volunteers** will enjoy increased opportunities for volunteering and self-development and, through a sharper image of the organization, will have a greater understanding of how they can make a contribution. Decision-making positions will better reflect the make-up of the population.

Strategy 2010 will also contribute to the **development of the Movement** through:

- an International Federation more active in the capacity-building area;
- stronger National Society partners;
- clearly defined cooperation strategies; and
- a more cohesive approach (strategy for the Movement).



However, the whole purpose of *Strategy 2010* is to bring **added value to beneficiaries and other stakeholders** – governments, national and international partners and the general public at large – all of whom look to the Red Cross/Red Crescent to help build a more humane society. Key improvements are summarized in the figure below.



V

**POLICY ON THE PROTECTION
OF INTEGRITY OF NATIONAL SOCIETIES**

*(adopted by the General Assembly of the International Federation
of the Red Cross and Red Crescent Societies, November 2005)*

Introduction

The National Societies and their International Federation are accountable to their stakeholders and each other for maintaining the standards and quality of their services as well as the effective and efficient use of resources and for taking action to address any shortcomings.

The commitment to address such shortcomings, agreed in the Strategy for the International Red Cross and Red Crescent Movement,⁴⁶ is of the utmost importance: therefore, the purpose of this policy is to guarantee that the National Societies and their Federation possess the will and the ability to act in pursuit of their respective declared objectives in full accordance with the Fundamental Principles of the Movement.

The Federation Constitution⁴⁷ provides the legal basis for the Federation's intervention when a National Society faces integrity issues:

- It states that the functions of the Federation shall, among others, include “to be the official representative of the member Societies in the international field, among others dealing with any matters in connection with decisions and recommendations by the General Assembly of the Federation and to be the guardian of the National Societies’ integrity and the protector of their interests”.
- It further mentions that “if an internal or external authority in any situation interferes with the conduct of activities carried out by a member Society in accordance with the Fundamental Principles, or if such an authority subverts or attempts to subvert or uses that Society for purposes or activities not in accordance with the Fundamental Principles, the Assembly or, in case of emergency, the Governing Board of the Federation shall examine the relevant circumstances and shall take appropriate action, including in the last resort an appeal to the conscience of the world”.

Also, the Seville Agreement⁴⁸ provides for Federation action, together with the ICRC, to protect the integrity of National Societies (Arts. 7.2.5 and 8.2.a).

⁴⁶ Adopted by the 2001 session of the Council of Delegates, Resolution 3; Action 3 of the Strategy

⁴⁷ International Federation of Red Cross and Red Crescent Societies, Constitution, 1999, Articles 3(1)(j) and 3(3), Functions and Interference in a member Society. In the Constitution passed in November 2007, the integrity of National Societies is covered in Article 10.

⁴⁸ Agreement on the Organization of the International Activities of the Components of the International Red Cross and Red Crescent Movement, adopted by the 1997 session of the Council of Delegates, Resolution 6.

Definition

For the purpose of this policy, integrity is defined as “the extent to which the National Societies and their International Federation possess the will and the ability to act in pursuit of their respective declared objectives, policies and standards in full accordance with the Fundamental Principles of the Movement”.⁴⁹

To complement the working definition of this policy, types of integrity issues can be defined. Each may be applicable both to National Societies and to the Federation. A non-exhaustive list of the main types follows. In a given situation, they are not exclusive of each other and may not always be at the same intensity:

- Violation of the Fundamental Principles and non adherence to the Statutes of the Movement;
- Political and/or administrative interferences in the National Society affairs relating to government control, key appointments in the National Society, financial dependence and political allegiance;
- Issues related to the Statutes of the National Society, their implementation and how the Statutes reflect the Fundamental Principles;
- Issues related to the performance of the National Society's/Federation's leadership and to financial management;
- Integrity of individuals in the National Society/Federation related to use of resources and authority;
- Operational integrity of the National Society/Federation related to the way a National Society/the Federation carries out its activities both nationally and internationally. This could include interference by donors and lack of respect for the Emblem Regulations.⁵⁰

Scope

The policy covers the policies, actions, governance, management, employees and volunteers of National Societies and of their Federation. It defines the measures they must take towards the protection of their integrity in order to comply with the Fundamental Principles of the International Red Cross and Red Crescent Movement, the Statutes of the Movement and the Federation's Constitution.

⁴⁹ (Doc. AG/20/1 of the IXth Session of the General Assembly, Birmingham, 1993, p. 3, as amended [by the XVth session of the General Assembly, Seoul, 2005]).

⁵⁰ Adopted by the 1991 session of the Council of Delegates, Resolution 5, and subsequently ratified by all the States party to the Geneva Conventions of 12th August 1949. The Federation committed to respect the Regulations at the 1993 session of the Council of Delegates, in connection with Resolution 8 thereof.

Statement

The Federation shall:

- Support the member National Societies in addressing any integrity problems in conformity with Decision 30 of the Xth session of the General Assembly, Geneva, 1995 and with the Seville Agreement. It will seek to act on the basis of a partnership, of mutual understanding, solidarity and commitment to the well-functioning of National Societies.⁵¹
- Cooperate closely with the ICRC⁵² to ensure a common approach towards member National Societies facing integrity problems at both management and governance levels.
- Continue to participate actively in the work of the Joint ICRC/Federation Commission for National Society Statutes in pursuance of the Commission's mandate to support the National Societies in the revision of their Statutes to ensure that they meet the minimum requirements as set out in the Guidance for National Statutes.⁵³
- Establish policies and internal procedures for the protection of its integrity.
- Commit to systematic self-assessment, [taking into account relevant sections of the Statutes of the Movement and its own Constitution].

National Societies shall:

- Establish policies and internal procedures for the protection of their integrity.
- Commit to systematic Self-Assessment,⁵⁴ taking into account the Conditions for recognition of National Societies⁵⁵ as well as other relevant sections of the

⁵¹ IXth session of the General Assembly, Birmingham, 25-28 October 1993, Decision 38, The protection of the Integrity of Member Societies. Xth session of the General Assembly, Geneva 27-30 November 1995, Protection of the Integrity of Member Societies, XIth session of General Assembly, Seville, 20-25 November 1997, Decision 45, The Protection of the Integrity of Member Societies. XIIth session of General Assembly, Geneva, 1999, Decision 24, National Society Capacity Building, Protection of the Integrity of Member Societies.

⁵² The legal basis for the ICRC's intervention on integrity issues : (a) the Statutes of the Movement, which invests the ICRC with the responsibilities to maintain and disseminate the Fundamental Principles and to recognize any newly established or reconstituted National Society which fulfils the 10 conditions for recognition; (b) the Seville Agreement, which reiterates the ICRC's "lead role" for maintaining and disseminating the Fundamental Principles (art. 9.2.2), and explicitly provides for ICRC action to protect the integrity of the National Societies, together with the International Federation (articles 7.2.5 and 8.2.a)

⁵³ Adopted by the 1st session of the Governing Board, Geneva 2-4 May 2000.

⁵⁴ This policy does not replace previous decisions regarding the integrity of the National Societies adopted by the General Assembly and the Federation Governing Board; 1st session of the Governing Board, Geneva 2-4 May 2000, Decision 6, The Protection of the Integrity of member Societies (Item 1.4.III); 2nd session of the Governing Board, Geneva 10-12 November 2000, Decision 11, Protection of the Integrity of National Societies (Agenda Item 2.2.2). 6th session of the Governing Board, 5-7 November 2002, Item 4.2.1 of the Agenda, Progress in the implementation of Strategy 2010 by National Societies, Item 4.2.3 Integrity issues, establishment of a Board sub-group and a group of resource persons.

⁵⁵ Statutes of the Movement, 1986, article 4.

Statutes of the Movement and the standards described in the Characteristics of a well-functioning National Society.⁵⁶

- Seek support from other Societies, the Federation (including its Board Committee on integrity) and the ICRC, as appropriate, in addressing integrity issues, especially at the early stages of problems.

The Federation Secretary General shall:

- Take appropriate measures and provide technical support to National Societies and the Board relating to the protection of National Society integrity.
- Offer his/her services and support when a National Society is facing a situation where its integrity may be at risk.

The Governing Board shall:

- Establish a Committee from its members, reporting to the Board, to monitor the implementation of this policy and to advise the Secretary General and the Board on the appropriate measures to implement the policy and to address specific cases.
- Establish a group of mediators with extensive regional knowledge to be called upon to support the National Societies as requested by the Board.

⁵⁶ Decision 30 of the Xth Session of the General Assembly, Geneva, 1995.

CHAPTER II

**RELATIONS BETWEEN NATIONAL SOCIETIES
AND THEIR PUBLIC AUTHORITIES****I****NATIONAL RED CROSS AND RED CRESCENT SOCIETIES
AS AUXILIARIES TO THE PUBLIC AUTHORITIES IN THE
HUMANITARIAN FIELD**

(Council of Delegates, Geneva, 2003, Resolution 6)

The Council of Delegates,

welcomes the study carried out by the International Federation of Red Cross and Red Crescent Societies (International Federation) in cooperation with the International Committee of the Red Cross (ICRC) in response to the request made by the 27th International Conference and in the Strategy for the Movement on “National Red Cross and Red Crescent Societies as auxiliaries to the public authorities in the humanitarian field”,

thinks all National Societies which have contributed to the production of the report through written or oral comments during the conduct of the study and the debate at the Council of Delegates,

takes note of the concept outlined in the conclusions of the study concerning the “Characteristics of a balanced relationship between States and National Societies” and invites National Societies to initiate discussions internally and with their governments with a view to further developing the “characteristics” and strengthening government understanding of the value of the auxiliary character of National Societies and the importance of a balanced relationship,

invites the International Federation in cooperation with the ICRC to press ahead with its work on this subject, including through further consultation with National Societies, States and international organisations,

invites the International Federation to keep National Societies informed regularly of progress made with the study and to provide updated and more specific guidance for consideration by the Council of Delegates in 2005 and the International Conference in 2007.

II

NATIONAL RED CROSS AND RED CRESCENT SOCIETIES AS AUXILIARIES TO THE PUBLIC AUTHORITIES IN THE HUMANITARIAN FIELD

(Council of Delegates, Geneva, 2003, report)

Conclusions from the study undertaken by the International Federation of Red Cross and Red Crescent Societies

Summary of the Report

The study on the auxiliary role of National Societies in the humanitarian field is in follow-up by the International Federation of Red Cross and Red Crescent Societies to the Plan of Action of the 27th International Conference of the Red Cross and Red Crescent (Geneva, 1999) and the Strategy for the Movement adopted by the Council of Delegates in 2001.

The Plan of Action, (final goal 3.3, Action 15) called for:

“an in-depth study into the working relationship between States and National Societies, taking into account the changing needs in the humanitarian, health and social fields, the auxiliary role of National Societies and the evolving role of the State, the private sector and voluntary organizations in service provision”.

The study:

- analyzes how the environment for humanitarian action, on the one hand, and the concept of auxiliary status on the other hand, have evolved over the years;
- reviews several aspects of the relationship between Red Cross and Red Crescent National Societies and States, in particular the interactions related to the *functioning* of the National Society and those related to the *activities* of the National Society;
- examines how a number of existing texts, including the Statutes of the Movement, Geneva Conventions and various texts adopted by the relevant bodies of the Movement and the Federation, affect the relationship between States and National Societies;
- aims at better defining the concept of auxiliary to the public authorities in the humanitarian field, because, over the years, the initial scope of the concept (related to the relief to wounded and sick soldiers on the battlefield) has blurred, thus affecting the universality of the concept;
- provides practical guidance to National Societies and States in order to help ensure their mutually beneficial relations.

The conclusions of the study, reproduced below, constitute an official document submitted to the 28th International Conference of the Red Cross and Red Crescent. The complete study, will be available from the International Federation, at the Conference.

Characteristics of a balanced relationship between States and National Societies as auxiliaries to the public authorities in the humanitarian field

The role of National Societies has evolved over the years responding to changing needs in the humanitarian environment. In recent years the role with regard to disaster preparedness and response as well as the role in relation to community based health services has become significantly more important. Cooperation between National Societies and between the International Federation and International Organizations has developed and new partnerships complementing the respective strengths of the different partners have been developed.

Among national humanitarian organizations, National Red Cross and Red Crescent Societies have a special place, different from that of any other organization.

The role of auxiliary to the public authorities in the humanitarian field is characterized by a specific legal status, based on international humanitarian law, the rules established by the Movement and the national legislation of each State. The auxiliary role has primarily national, but also in some cases international implications.

However, beyond this specificity, the detailed consequences of the auxiliary role have never been systematically analysed and, more importantly, the Movement and the International Conference of the Red Cross and Red Crescent have never taken a decision addressing all those aspects.

While keeping in mind differences that can be justified by the diversity of contexts in which National Societies act, and the need for evolution in the nature of the relationship between the State and the National Society, the characteristics of a balanced relationship of auxiliary to the public authorities in the humanitarian field can be summarised as follows:

- The State and the National Society have a partnership aimed at preventing and alleviating human suffering, protecting life and health, ensuring respect for the human being and promoting mutual understanding, friendship, cooperation and lasting peace amongst all peoples;
- Despite the partners having different responsibilities and levels of resources available, this partnership is based on dialogue, trust, cooperation, a willingness to listen, mutual understanding, respect for each other and acceptance of criticism from each partner, thus enabling to raise the most sensitive humanitarian questions in a private and constructive manner;
- This partnership includes:
 - Involvement of the National Society in the implementation of the obligations incumbent upon the State on the basis of international

humanitarian law and the resolutions of the International Conference of the Red Cross and Red Crescent;

- Utilization by the State of the medical personnel of the National Society put at the disposal of the medical services of armed forces, in strict accordance with the First Geneva Convention and, where applicable, the First Additional Protocol;
 - Cooperation in respect of other tasks related to international humanitarian law where both the State and the National Society are involved, such as tracing services;
 - Consultation of the National Society on major humanitarian issues;
 - Participation of the National Society in the health and social sector and in actions of relief and disaster preparedness. This involves not only the National Society's own service delivery action but also its contribution on the basis of its experience, and the policy of the International Federation, to governmental policy making in these sectors;
 - Cooperation respecting the distinct role of the Red Cross/Red Crescent in international operations. Such operations include response to the needs of conflict and disaster victims, and building the capacity of National Societies in other countries to respond to needs in the health and social sectors.
 - Utilization of the capacity of the National Society in the fields in which it is competent, and of its ability to act as a link between the organizations of civil society and the State (including, where necessary, the armed forces);
 - Support from the National Society to the humanitarian activities of the State, including acceptance of appropriate mandates.
- At all levels, the representatives of the State and the National Society understand the importance of the Fundamental Principles and ensure that the work of the National Society is guided by the Fundamental Principles.⁵⁷ In particular:
- The benchmark against which the status of auxiliary to the public authorities should be evaluated is above all whether or not a National Society can act in conformity with the Principle of Humanity, that of Impartiality (guided solely by needs and absence of discrimination) and the objective of the Principle of Neutrality (“to enjoy the confidence of all”);
 - The State and the National Society ensure the long-term interests of a National Society that is sufficiently independent and acts in conformity with the Fundamental Principles, in all circumstances, including in times of internal strife or non-international armed conflicts;
 - The State and the National Society seek to maintain the best possible image of the National Society, by showing that its action is in conformity with the Fundamental Principles and is perceived as such;

⁵⁷ Statutes of the International Red Cross and Red Crescent Movement, adopted by the 25th International Conference of the Red Cross and Red Crescent, 1986, Preamble (<http://www.icrc.org/Web/eng/siteeng0.nsf/html/movement>).

- The involvement of State representatives in the decision-making process of the National Society is designed in such a way that the autonomy of the National Society is maintained, taking into account the “Guidance for National Society Statutes”;⁵⁸
- The State does not interfere in the functioning of the National Society, the selection of its activities (including the selection of beneficiaries, the scope of programmes and services and the choice of operational partners), the appointment of its leaders and amendments to its legal texts;
- In its relations with the National Society, the State should aim to preserve the capacity of the National Society to act in accordance with its mission. To ensure this the State should recognize that there may be cases where the controls applicable to profit and not for profit organizations may need to be adjusted or waived. The means the public authorities put at the disposal of the National Society (financing, seconding of staff or other resources) are managed in such a way as not to affect National Society adherence to these Principles; they are conceived in a manner which avoids the National Society being too dependent on the State;
- Where State priorities or legislation might lead the National Society to act in violation of the Fundamental Principles or other policies or decisions adopted by the Movement or the Federation, the State and the National Society seek a solution which complies with the humanitarian mission of the Movement in accordance with the Fundamental Principles;
- In times of armed conflicts, be they international or not, or internal strife:
 - The purely humanitarian contacts between the National Society and different actors involved in such situations are legitimate;
 - The National Society should not be perceived as contributing to the military efforts of the State or any other party to the conflict or as supporting views and policies not related to humanitarian considerations;
 - The utilisation by the medical services of the armed forces of medical staff seconded by the National Society is legitimate, provided that, on the one hand, the acts undertaken by these staff are of a strictly humanitarian nature and, on the other hand, that National Society has the capacity and is prepared to explain to the public at large that such acts are humanitarian, thus preserving the interests of all components of the Movement;
- The State and the National Society work with a view to creating an enabling environment allowing the best possible action from the National Society. In particular:
 - The State facilitates the functioning of the National Society by adopting appropriate legislation (or derogation to existing legislation) in the fields of

⁵⁸ Adopted by the Governing Board (May 2000) on a mandate from the General Assembly (1999) (www.ifrc.org).

voluntary service, tax and customs status of the National Society, and use of the emblem by the National Society, in conformity with the Geneva Conventions;

- The State facilitates National Society implementation of the decisions and resolutions adopted by Red Cross and Red Crescent bodies at the international level, including in the field of the Movement's international relief operations, and in particular the Agreement on the Organization of the International Activities of the Components of the International Red Cross and Red Crescent Movement ("Seville Agreement"),⁵⁹ the "Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief"⁶⁰ and other relevant texts;
 - The State and the National Society use the "Characteristics of a Well-Functioning National Society"⁶¹ and "Guidance for National Society Statutes" to facilitate changes in the legal status of the National Society, its structure and its rules of functioning. In this context, public authorities take into account the comments that the ICRC and the Federation may formulate in respect of National Society's statutes;
 - The inclusion of the Statutes of the National Society in the national legislation is avoided, in order to facilitate the modification of the Statutes, if necessary, at the Society's own initiative;
 - The State and the National Society cooperate in order to promote and guarantee the specific nature of the National Society, both in the context of international organizations as well as in the development and implementation of relevant international law;
 - Mechanisms for dialogue and safeguards are established for all forms of State – National Society cooperation. This includes National Society contribution to governmental policy making in the fields of disaster management, health and social services. The roles and responsibilities are established in general and for each operation or programme, preferably by agreement between both parties.
- Should the integrity of the National Society be in jeopardy, the International Federation and the ICRC may provide advice or assistance to the National Society according to the Movement's Statutes, and the Federation's policies and procedures. The State should recognize and support this internal consultation and support process within the Movement. In cases where the State is

⁵⁹ Adopted by the Council of Delegates of the International Red Cross and Red Crescent Movement (Seville 1997) (<http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/movement?OpenDocument>).

⁶⁰ Noted and welcomed by the 26th International Conference of the Red Cross and Red Crescent (1995) which "invited all States and National Societies to encourage NGOs to both abide by the principles and spirit of the Code and consider registering their support for the Code with the International Federation" (res. 4:E.2) (<http://www.ifrc.org/publicat/conduct/>)

⁶¹ Welcomed by the General Assembly (1995), decision 30, as an important institutional development tool (www.ifrc.org).

concerned by an issue of National Society integrity it should first consult the National Society leaders and then as appropriate the Federation and/or ICRC. Any action by government in such cases should not adversely affect the National Society's ability to respect the Fundamental Principles.

III

NATIONAL SOCIETIES AS AUXILIARIES TO THE PUBLIC AUTHORITIES IN THE HUMANITARIAN FIELD

(Council of Delegates, Seoul, 2005, Resolution 9)

The Council of Delegates,

stressing the importance of the National Societies' role as auxiliaries to the public authorities in the humanitarian field, which is based on international humanitarian law,⁶² the Fundamental Principles,⁶³ the Statutes⁶⁴ and other rules of the Movement and on the national legislation of each State, and which is recognized by the United Nations,⁶⁵

considering the changing needs in the humanitarian, health and social fields and the evolving role of States and National Societies in responding to these needs,

recalling the repeated commitments made by the States and all the components of the Movement to strengthen their relationship and partnerships, while reaffirming the responsibility of States to respect the adherence of the Movement's components to the Fundamental Principles in order to provide impartial, neutral and independent protection and assistance for all those most in need,

recalling Resolution 6 of the 2003 Council of Delegates and Resolution 1 of the 28th International Conference, which welcomed the study carried out by the International Federation of Red Cross and Red Crescent Societies (International Federation) on "National Societies as auxiliaries to the public authorities in the humanitarian field" and invited the International Federation, in cooperation with the International Committee of the Red Cross (ICRC), to press ahead with its work on this subject, including through further consultation with National Societies, States and international organizations,

1. *welcomes* the report produced by the International Federation in consultation with the ICRC as a follow-up to Resolution 6 of the 2003 Council of Delegates on "National Societies as auxiliaries to the public authorities in the humanitarian field", and the study prepared by the ICRC, in consultation with the International Federation and National Societies, on the specific issue of National Societies as auxiliaries to the public authorities in the humanitarian field in situations of armed conflict;

⁶² In particular Chapter IV of the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva, 12 August 1949.

⁶³ In particular the principle of independence

⁶⁴ In particular Article 4.3 of the Movement's Statutes .

⁶⁵ General Assembly resolution 49/2, adopted in 1994

2. *invites* the International Federation in consultation with the ICRC to continue its discussions with National Societies on the working definition as outlined in the background document CD 2005 12/1.
3. *invites* National Societies to initiate discussions with their governments on the basis of the “Characteristics of a balanced relationship” proposed in 2003, complemented by the working definition, the above-mentioned report of the International Federation and the study of the ICRC, with a view to strengthening government understanding of the value of the National Societies’ auxiliary role and the importance of a balanced relationship;
4. *requests* the International Federation and the ICRC to continue emphasizing the relevance of the auxiliary role in their work with the international community, including at the United Nations;
5. *invites* National Societies to share the result of their discussion with governments with the International Federation and the ICRC;
6. *requests* the International Federation, in consultation with the ICRC and National Societies, to inform the 2007 Council of Delegates and the International Conference following it on the progress made and to submit the conclusions of its work, including any necessary recommendations to guide States and the Movement’s components on the role of National Societies as auxiliaries to the public authorities in the humanitarian field.

IV

SUMMARY OF THE STUDY ON SITUATIONS OF ARMED CONFLICT

(Annex to the report on National Societies as auxiliaries to the public authorities in the humanitarian field, Seoul, 2005)

In consultation with interested National Societies, the ICRC has carried out a full study on the topic of auxiliary in situations of armed conflict from which this summary has been extracted. The full study is provided as an information document for all members of the Council of Delegates.

This document is to be seen as a continuation of the study carried out by the International Federation in consultation with the ICRC entitled “National Red Cross and Red Crescent Societies as Auxiliaries to the Public Authorities in the Humanitarian Field.” The conclusions of the study were the subject of a report submitted to the Council of Delegates in 2003 and to the 28th International Conference. In the discussions that preceded adoption of Resolution 6 of the Council of Delegates, a certain number of National Societies expressed an interest in better defining their role as auxiliaries to the public authorities – civilian and military – in conflict situations, in particular when their country’s armed forces are deployed abroad, for example as part of peace-keeping or peace-enforcement operations mandated by the United Nations, or in situations of military occupation. The Council of Delegates therefore requested in its Resolution 6 that work continue, in consultation with interested National Societies, on the concept of auxiliary.

1. Evolution of conflicts and of the environment for humanitarian work

Conflicts have evolved, as has the environment in which humanitarian action has taken place since the end of the Cold War. The role and mission of armed forces have been extended, in particular by integrating humanitarian activities into the conduct of politico-military campaigns, as has been the tendency of some States. The absence of a clear distinction between politico-military entities and their implementing agencies on the one hand, and independent organizations on the other, creates the risk that humanitarian action will be rejected in its entirety, irrespective of who is involved and the genuine integrity of their motives. In this context it is essential to reaffirm the importance of the Fundamental Principles and of neutral and independent humanitarian action for all components of the Movement. Moreover, it would seem to be important to clarify the role of National Societies as auxiliaries to the public authorities – including their respective countries’ armed forces – in conflict situations.

2. The concept of auxiliary: its evolution and content

The concept of auxiliary to the public authorities dates back to the origins of the Movement. Although it originally referred only to support provided for the medical

services of the armed forces, it gradually came to be applied to most of the activities of National Societies and is referred to in the Statutes of the Movement. While the concept of auxiliary to the public authorities is formally universal, it has not been interpreted in the same way in all countries.

In view of the evolution in relations between National Societies and the State in every country of the world, the 2003 study did not attempt to formulate a definition of the concept of auxiliary but suggested that even bearing in mind the differences attributable to that evolution and the diversity of contexts in which the National Societies must work, one can usefully make clear “the characteristics of a balanced relationship between a State and its National Society”⁶⁶ (hereinafter “the *characteristics*”). The *characteristics*, which should guide the two actors in the development of their relations, emphasize that the relationship between the State and the National Society takes the form of a privileged partnership,⁶⁷ that both the State and the National Society must ensure that the auxiliary role respects the Fundamental Principles, that in conflict situations the National Society must be neutral and perceived as such, and that the National Society is part of a universal Movement, which implies that the State must recognize the National Society’s rights and duties with regard to the other components of the Movement.

One question that frequently arises in debates about auxiliaryity is whether National Societies are auxiliaries to the public authorities in all the humanitarian activities they undertake. The answer given by the consultation is negative: their capacity to act privately outside this framework must be recognized. However, the fact of not acting at all times in an auxiliary role to the public authorities does not, in our view, have any impact on the **status** of auxiliary to the public authorities in the humanitarian field, as National Societies enjoy that status permanently once they have been recognized by the legal government of a country as a voluntary relief society and auxiliary to the public authorities in the humanitarian field.

The distinction between “**auxiliary role**” and “**auxiliary status**” can prove to be a useful working distinction; the term “**auxiliary role**” can be defined as the concrete manifestation in actual practice of a Society’s permanent status as auxiliary to the public authorities, as opposed to other roles it may have in undertaking tasks in a private capacity outside its role as an auxiliary.

⁶⁶ See the report *National Red Cross and Red Crescent Societies as Auxiliaries to the Public Authorities in the Humanitarian Field: Conclusions from the study undertaken by the International Federation of Red Cross and Red Crescent Societies*, document prepared by the International Federation of Red Cross and Red Crescent Societies in consultation with the International Committee of the Red Cross, submitted to the 2003 Council of Delegates and to the 28th International Conference, p. 3-5.

⁶⁷ The term “privileged partnership” has raised concerns, since it gives the impression that National Societies should receive preferential treatment despite laws in a number of countries obliging the authorities to treat all organizations on an equal basis. However, the term is not intended to suggest that the authorities should show favouritism to National Societies. Instead, it indicates that owing to the National Societies’ status and role - recognized in national and international legal instruments - they do have certain unique features. Among these is the special relationship between a Society and the State based on the support they offer each other and the dialogue they maintain on a number of humanitarian topics (see Statutes of the Movement, Articles 2 and 4).

It should be noted that, in the course of prior consultations, although a fair number of National Societies expressed interest in and approval of such a working distinction, a smaller number of others voiced reservations about putting it into practice too mechanically and about producing an overly specific list, leaving insufficient flexibility, of activities connected or not connected with the auxiliary role. Doubts were also expressed about the possibility of reaching agreement on which activities are carried out in an auxiliary role and which are not. These reactions would also seem to express an underlying fear that by recognizing that certain tasks are performed by a Society outside its role as an auxiliary, its privileged relationship with the State associated with that role could suffer, to the benefit of other charitable organizations.

Other National Societies, however, insisted on the necessity of having a clear position expressed in terms of situations in which they play an auxiliary role to the public authorities and situations in which they do not. In certain circumstances, mainly in connection with international operations in conflict situations or peace-keeping and peace-enforcement operations, they feel that they lack arguments for explaining why they can or cannot satisfy the requests of their governments, especially when the governments refer to the National Society's duty, as auxiliary to the public authorities, to carry out this or that activity. In this second group of National Societies, which seem to be a majority of the participating National Societies, the main concerns appear to be the risk of becoming the instrument of States and the importance of preserving neutral and independent humanitarian action.

Part of the problem is probably the idea held by certain States and certain National Societies that an **auxiliary role** implies subordination to the public authorities.⁶⁸ In the next section we shall take up this idea, which seems wrong to us.

Auxiliary and subordination to the public authorities

The National Society is not an organ of the State but maintains close links with it; its relation to the public authorities is set out in international and national law, in statutes and often in bilateral accords. For example, certain National Societies conclude agreements or contracts with the public authorities in which the parties agree on certain tasks that the State delegates (blood banks are often cited as an example). When a State would like to entrust it with a task, the National Society is nevertheless entitled to decline – indeed, in some cases it has a duty to do so, for example when the task conflicts with one of the Fundamental Principles or does not fall within the Society's mandate derived from its statutes or official documents of the Movement, or because the Society would not have the means to perform it. These arguments are developed in Section 3 below.

The only scenario in which the role of auxiliary entails rather clear-cut subordination is that in which National Society staff assist army medical services.

⁶⁸ Admittedly, the term itself of *auxiliary* carries a certain connotation of subordination, at least in English, French and Spanish.

In this case, according to Article 26 of the First Geneva Convention of 1949, the staff are subject to military laws and regulations. It needs to be pointed out, however, that the subordination involves staff made available for this task, not the National Society as such.

It must be accepted, therefore, that a National Society is not properly speaking subordinated to the State, but has a duty to give careful consideration to the requests of the State and to respond favourably if possible. The State, for its part, must take into account the limits imposed by the National Society's framework for taking action, in particular the Fundamental Principles.

3. The concept of auxiliary as defined by the legal instruments of the Movement

As the *characteristics* emphasize, representatives of the State and of the National Society must ensure that the National Society is guided by the Fundamental Principles. The inclusion of the Fundamental Principles in the Statutes of the Movement makes it mandatory for all National Societies to uphold them. While the mandatory character of the legal instruments of the Movement is less strong for States, Article 2 of the Statutes nevertheless stipulates that States undertake to respect at all times the adherence of all components of the Movement to these principles.

Each of the principles has its own importance in relation to the concept of auxiliary. The **Principle of Neutrality** provides that, in order that the National Society may continue to enjoy the trust of all, the State cannot require that it take sides in hostilities or involve itself in controversies of a political, racial, religious or ideological nature. The public authorities must be aware of the fact that the National Society's scope of action in a time of hostilities depends on the recognition and perception of this neutrality by all parties. The **Principle of Independence** illustrates the tension between the National Societies' nature as the auxiliaries of the public authorities and the necessary autonomy they must maintain in order to be able at all times to act in accordance with the Fundamental Principles.⁶⁹ While a National Society is not a State body, it maintains close relations with the State; its relationship to the public authorities is governed by national and international legal instruments, by its statutes and, in many cases, by bilateral agreements that spell out the relationship in detail. The **Principle of Universality** implies that the State recognizes that the National Society, although its auxiliary in the humanitarian field, is part of a larger, universal entity with international rights and obligations, in particular with regard to solidarity. Thus, the public authorities cannot prevent a National Society from deploying its own means to provide assistance for a sister National Society in need. Nor can a State demand that a National Society undertake activities in another State without regard for the coordination rules of the

⁶⁹ Auxiliary is mentioned twice in the Statutes of the Movement: once among the conditions for recognition of National Societies and again in the Principle of Independence, where it is stipulated that National Societies must always maintain their autonomy - including from the public authorities.

Movement, in particular without obtaining the consent of the National Society on whose territory the activities are carried out.⁷⁰

At the international level, it is useful to examine the concept of auxiliary on the basis of the activities carried out by a National Society.

The role of auxiliary to the medical services of the armed forces

The first activity worthy of attention is **the role of auxiliary to the medical services of the armed forces**.⁷¹ This role implies in and of itself that, in the event of an armed conflict affecting the country, members of the National Society assigned to assist the medical services of the armed forces follow the troops wherever they go – including into other countries.⁷² The National Society would then be exercising its role as auxiliary to the public authorities abroad.

Humanitarian activities abroad other than support to the medical services of the armed forces

In activities abroad other than that of providing support for the medical services of the armed forces, a National Society does not **as a general rule** act in its **role as auxiliary to the public authorities in the humanitarian field**; **exceptions are possible in accordance with the meaning traditionally attributed to the concept of auxiliary by the public authorities in a given country**. In any case,⁷³ a request by the public authorities to undertake such activities **does not entail for the National Society an automatic duty to accept**. Accepting such a request will depend in particular:

- on the actual needs of the victims on the spot, and on the conformity of the proposed humanitarian activity with the humanitarian strategy of the Movement on the spot;
- on the conformity of the proposed activity with the Fundamental Principles; since the Principle of Neutrality is especially important in conflict situations, the proposed activities must not only be true to this principle but also be perceived to be so. Accordingly, the National Society must not be perceived to be contributing to the military effort of the State or of any other party to the

⁷⁰ It may be added that the Principle of Humanity implies that it is only in the humanitarian field that a National Society is the auxiliary of the public authorities; the State might wish to delegate other tasks to a private body. According to the Principle of Impartiality, the humanitarian work of a National Society in its role as auxiliary may not discriminate on the basis of criteria such as those chosen by the public authorities for political reasons, but must be undertaken in proportion to the urgency and seriousness of the needs observed, without any other distinction of any sort.

⁷¹ The case of making available personnel from Societies belonging to neutral countries (Article 27 of the First Geneva Convention of 1949) – a relatively rare occurrence – is not treated here but is examined in the full document.

⁷² In this type of situation, the consent of the “host” National Society does not apply.

⁷³ By “in any case” is meant regardless of whether the State or the National Society thinks that carrying out activities abroad and in conflict situations other than in support of the medical services of the armed forces falls within its role as auxiliary.

conflict, or to be lending its support to opinions or policies unrelated to humanitarian considerations;

- on acceptance by the public authorities of the integration of the proposed humanitarian activity into the Movement's humanitarian work on the spot, and of its subordination to the Movement's coordination rules.

In situations of military occupation

It may be inferred from Article 63 of the Fourth Geneva Convention of 1949 that in special situations, such as in a **military occupation**, the National Society of the **occupied** country retains not only all of its responsibilities in the humanitarian field but also its rights and prerogatives. The National Society of the **occupying** country acts as auxiliary to the authorities of its country only in its role in support of the medical services of the armed forces, but not in relation to other humanitarian activities. This does not in principle prevent this National Society from conducting other humanitarian activities, but it must do so within the framework of activities coordinated by the Movement and with the consent of the host Society.

4. The role of National Societies during peace-keeping and peace-enforcement operations mandated by the United Nations

Peace-keeping and peace-enforcement operations are decided by the United Nations Security Council. Decisions of the Council are by definition those of an intergovernmental organization and political in nature. The deployment of troops under a UN mandate is not necessarily synonymous with an immediate cessation of hostilities. Indeed, it can itself be a source of conflict and give rise to fighting between the UN-mandated troops and armed groups on the spot.

The question has been raised whether the National Societies of **the countries providing UN-mandated troops** should follow the armed forces of their country abroad – as auxiliaries to the medical services – within the framework of peace-keeping or peace-enforcement operations. National Society practice is not uniform and two broad approaches can be identified. Some Societies consider that they are bound to play their traditional role in support of the medical services of the armed forces whenever they are asked to do so, irrespective of the location of or the reason for the deployment. Other Societies hold that they are under no general obligation to accompany their armed forces on an armed mission carried out under UN mandate; these National Societies feel that their role as auxiliaries to the medical services of the armed forces applies only when their own country is involved in an armed conflict and not in the event of other military operations.

Both approaches are founded on apparently legitimate arguments. What is essential is that the National Society's position – whichever it may be – is clear and understood by the public authorities. This is essential for maintaining trust and the privileged relationship between the National Society and its government, and for the government to go ahead with its planning in full knowledge of the position adopted by the National Society.

In situations where troops are deployed under UN mandate, National Societies of the country of origin of UN-mandated troops are not in a *role of auxiliary* to their public authorities when carrying out humanitarian activities other than support to the medical services of the armed forces. In such circumstances, the same remarks as those mentioned above for “*humanitarian activities abroad other than support to the medical services of the armed forces*” should prevail (see 3).

5. Practical considerations

a) National Society activities in times of internal conflict in their own countries

The tension inherent between a National Society's status as auxiliary and the independence it requires to be able to carry out activities that are not only neutral and impartial but also perceived to be so depends largely on how the National Society is run and on the quality of its peacetime preparations. Its ability to assert itself as a neutral and impartial humanitarian organization, willing and able to provide services in all parts of the country for all those most in need, is key. Its independence from the government, the composition of its personnel and volunteers, and the public authorities' understanding of its mandate and role in times of armed conflict are also very important.

Within the framework of an internal conflict, the National Society's association with the armed forces in its *role as auxiliary to the medical services of the armed forces* may be detrimental to perceptions of the Society as independent and neutral. Nevertheless, providing medical assistance for wounded combatants during an armed conflict is a neutral and impartial humanitarian act.

b) National Societies working internationally in times of armed conflict

b.1 Situations of occupation

It has already been mentioned that a National Society may act as auxiliary to the medical services of its country's armed forces when they occupy the territory of an adversary. The National Society may also wish to undertake other humanitarian activities in addition to providing support for the medical services. A number of practical matters must nonetheless be raised and discussed with the host Society or the lead agency. In particular, a careful analysis of the political and security situation must be made in order to avoid putting the personnel of all components of the Movement needlessly at risk. In addition, an even more painstaking examination is needed to determine whether such further tasks can be undertaken without jeopardizing the perception of the National Society as neutral and independent.

The first question to be considered is how the occupying forces are perceived by the general population and by any resistance groups. We know from experience that occupation troops may in some cases be perceived negatively. Nationals of the occupying power – even those carrying out humanitarian tasks – may be viewed as linked to the occupation forces and thus face additional risks. The National Society of an occupying power, therefore, will have to decide together with the lead agency

and the host National Society if its humanitarian activities should involve a physical presence in the field or if – initially, at least – it should limit itself to providing financial or material aid.

b.2 Humanitarian activities of National Societies whose country's armed forces are deployed as part of an international peace-keeping or peace-enforcement mission

Whenever National Societies wish to undertake humanitarian activities in an area where their own countries' troops are deployed,⁷⁴ they must not only respect the Movement's coordination rules but also discuss and resolve a certain number of issues first. It is paramount that a clear distinction be made at all times between the National Societies in question and the armed forces of their respective countries, and that their image of neutrality is preserved. This implies among other things that logistics for the armed forces and for the National Societies must be handled separately. Supplies for National Societies should not be delivered by the armed forces with exceptions required only by the urgency, the need to save lives or the scale of disaster.⁷⁵

⁷⁴ i.e. humanitarian activities other than those in support of armed forces medical services.

⁷⁵ The conditions laid down in the Movement's policy on accepting armed protection can be used to determine whether exceptions need to be made. In all cases, there should be consultations with the components of the Movement working in the area.

V

**SPECIFIC NATURE OF THE INTERNATIONAL RED CROSS AND
RED CRESCENT MOVEMENT IN ACTION AND PARTNERSHIPS
AND THE ROLE OF NATIONAL SOCIETIES AS AUXILIARIES
TO THE PUBLIC AUTHORITIES IN THE HUMANITARIAN FIELD**

The 30th International Conference of the Red Cross and Red Crescent,

acknowledging that strong partnerships between States, the components of the International Red Cross and Red Crescent Movement (Movement) and other humanitarian actors, such as international organizations, non-governmental organizations and civil society, are essential to address effectively the needs of vulnerable people worldwide, in the spirit of the slogan of the Conference “Together for humanity”,

acknowledging the different mandates of the various components of the Movement,

recalling the Movement’s Fundamental Principle of independence as well as Articles 2.3, 3 and 4.3 of the Statutes of the Movement whereby National Societies are recognized by all governments as auxiliaries to the public authorities in the humanitarian field,

recalling Articles 24, 26 and 27 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of 12 August 1949, Articles 24 and 25 of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, of 12 August 1949, as well as Article 63 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

noting the resolution of the General Assembly of the United Nations (A/RES/49/2 of 27 October 1994) which recalls that National Societies are recognized by their respective governments as auxiliaries to the public authorities in the humanitarian field on the basis of the Geneva Conventions of 12 August 1949,

recalling the Agenda for Humanitarian Action adopted at the 28th International Conference, whereby States, recognizing the importance of the independent and auxiliary role of National Societies, agreed, *inter alia*, to negotiate clearly defined roles and responsibilities with their respective National Societies in risk-reduction and disaster-management activities, as well as in public-health, development and social activities,

recalling Resolution 1 of the 28th International Conference which welcomed the study carried out by the International Federation of Red Cross and Red Crescent Societies (International Federation) on National Red Cross and Red Crescent Societies as Auxiliaries to the Public Authorities in the Humanitarian Field and contained the concept of the “characteristics of a balanced relationship,” and *noting* the work done by the International Federation in consultation with the International Committee of the Red Cross (ICRC) pursuant to that resolution,

recognizing that the cooperation and dialogue of National Societies with their respective governments includes the key role and responsibilities of National Societies in the fields of promotion, dissemination and implementation of international humanitarian law,

recognizing that National Societies represent reliable partners for national and local public authorities that provide service through their diverse volunteer base and their unique capacity to mobilize human and material resources at the community level,

noting with appreciation that the Council of Delegates, in its Resolution 3 of 2007, endorsed the concept of a toolbox for use by National Societies when concluding partnership arrangements, including those relevant to auxiliary relationships,

reaffirming the obligation of all the components of the Movement to act at all times in conformity with the Fundamental Principles, the Statutes of the Movement and the rules governing the use of the emblems and to take full account of the relevant Movement policies,

acknowledging that the autonomy of National Societies and their commitment to neutrality and impartial assistance provide the best available means to gain the confidence of all in order to have access to those in need,

recalling Article 2.4 of the Statutes of the Movement adopted by the 25th International Conference of the Red Cross at Geneva in 1986, as amended in 1995 and 2006, which stipulates that “the States shall at all times respect the adherence by all the components of the Movement to the Fundamental Principles”,

1. *reaffirms* that it is the primary responsibility of States and their respective public authorities to provide humanitarian assistance to vulnerable persons on their respective territories and that the primary purpose of National Societies as auxiliaries to the public authorities in the humanitarian field is to supplement them in the fulfilment of this responsibility;
2. *calls upon* National Societies and their respective public authorities to consolidate a balanced relationship with clear and reciprocal responsibilities, maintaining and enhancing a permanent dialogue at all levels within the agreed framework for humanitarian action;
3. *recognizes* that the public authorities and the National Societies as auxiliaries enjoy a specific and distinctive partnership, entailing mutual responsibilities and benefits, and based on international and national laws, in which the national public authorities and the National Society agree on the areas in which the National Society supplements or substitutes for public humanitarian services; the National Society must be able to deliver its humanitarian services at all times in conformity with the Fundamental Principles, in particular those of neutrality and independence, and with its other obligations under the Statutes of the Movement as agreed by States at the International Conference;

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4. *emphasises* that
 - (a) National Societies as auxiliaries to the public authorities in the humanitarian field have a duty to consider seriously any request by their public authorities to carry out humanitarian activities within their mandate,
 - (b) States must refrain from requesting National Societies to perform activities which are in conflict with the Fundamental Principles or the Statutes of the Movement or its mission, that National Societies have the duty to decline any such request and underlines the need for the public authorities to respect such decisions by the National Societies;
 5. *invites* National Societies and governments to clarify and consolidate the areas in which National Societies as auxiliaries cooperate at all levels with the public authorities;
 6. *stresses* that the National Society, whilst acknowledging that its personnel and assets are provided to the medical services of the State's armed forces in accordance with Article 26 of the First Geneva Convention of 1949 and are thus subject to military laws and regulations, must respect the Fundamental Principles, including that of neutrality, and at all times maintain its autonomy and ensure that it is clearly distinguishable from military and other governmental bodies;
 7. *invites* the International Federation and the ICRC, in consultation with States and National Societies, to make available and further develop relevant information material for National Societies, the public authorities and other interested bodies, including guidelines, legal advice and best practices, in support of partnerships between National Societies and the public authorities in the humanitarian field.

(Geneva, 2007, Resolution 2)

CHAPTER III

GUIDANCE

ON RELATIONS WITH OTHER ACTORS OUTSIDE THE MOVEMENT

I

MINIMUM ELEMENTS TO BE INCLUDED IN OPERATIONAL AGREEMENTS BETWEEN MOVEMENT COMPONENTS AND THEIR EXTERNAL OPERATIONAL PARTNERS

(Council of Delegates, Geneva, 2003, annex to Resolution 10)

The following elements should be referred to when negotiating or reviewing operational agreements between Movement components (National Societies, the International Federation Secretariat and ICRC) and external organizations (United Nations Agencies, intergovernmental organizations, international and national non-governmental organizations) in order to ensure any such agreement reflects coherence with Movement Fundamental Principles, policy and practice and complementarity among the components of the Movement.

Movement components are advised to consult with and notify other Movement components prior to the signature of any operational agreements with external partners. According to the International Conference 1981, Manila, National Societies are obliged to consult the ICRC and the Federation Secretariat in advance of signing any agreement with UNHCR.

SUBSTANTIVE CONTENT

1. Adherence to Movement Principles and Policies

National Societies and other Movement components must be able at all times to act in adherence to the *Fundamental Principles of the Red Cross/Red Crescent Movement*, particularly those of independence, neutrality and impartiality. In addition, the issue of serving only the needs of the Partner's targeted population (i.e. refugees in most cases) and not balancing this with serving the needs of others in the surrounding vicinity who may be facing similar hardship (adhering to Impartiality principle) needs to be monitored. Serving only specific beneficiary groups could result in the National Society not being able to fulfill its duty to assist all those affected without distinction, which in turn could result in a negative image for the National Society. A holistic approach should be adopted, which takes into account both the needs of the refugees and/or IDPs and those of the local population, which may be experiencing even harsher living conditions than the refugees themselves.

National Societies and other Movement components must also adhere to and respect at all times, the Statutes of the International Red Cross and Red Crescent Movement and the Agreement on the Organization of the International Activities of the Components of the International Red Cross and Red Crescent Movement (Seville Agreement) as well as the Principles and Rules for Red Cross and Red Crescent Disaster Relief and the Code of Conduct.

The necessity for the National Society and other Movement components to adhere to Movement policies, such as the policy on the Regulations on the use of the Emblem of the Red Cross or Red Crescent by National Societies and the policy related to the armed protection of humanitarian aid should be clearly described and followed at all times.

Of paramount importance is the absolute imperative for Federation Secretariat, National Society and ICRC personnel to adhere to the principles expressed in the 'IASC Policy Statement on Protection from Sexual Abuse and Exploitation in Humanitarian Crisis', which has been signed by both the Federation Secretariat on behalf of its membership, and by the ICRC.

If at any time, the ability to act in coherence with the above is compromised, National Societies or other Movement components must have the immediate reflex and ability to suspend or terminate the Agreement with the external Partner (see section 10).

2. Identity

The Agreement must reflect that the National Society or other Movement component will at all times clearly display its own individual identity and be clearly associated to the International Red Cross and Red Crescent Movement. It will not assume the identity of the Partner agency through the displaying of double logos or emblems on equipment or through the adoption of vehicle licenses. Its identity must not be compromised at any time while conducting its responsibilities under said agreement. The Regulations on the Use of the Emblem will be followed at all times. The protective emblem will only be utilized in conformity to regulations.

GENERAL ADMINISTRATIVE AND MANAGEMENT CONTENT

3. Define Partners clearly and correctly

In the title and introductory paragraph of the Agreement, use the legal/official name of the National Society or other Movement component and the organization involved. These names may be followed in parenthesis by the abbreviated name which then should be used throughout the Agreement.

4. General Situation Background and Purpose of the Agreement

The context and situation that is leading to this Agreement should be clearly described.

5. Stated Goal (or outcomes) and Objectives

The Agreement must state the overall goal or outcomes to be achieved through the working relationship and the objectives needed to be accomplished in order to achieve this goal.

Beneficiary determination

In all operational partnerships, the external Partner must respect the need for the Red Cross/Red Crescent Partner to adhere to the requirement to meet the needs of all persons needing assistance and protection. For example, this may include persons not explicitly considered 'convention refugees' but rather persons who may be even more vulnerable due to the absence of legal status. In order to prevent tensions from mounting in the geographical area, vulnerable persons in the surrounding community may also be assisted.

For this reason, it is advisable for the Red Cross/Red Crescent component to be actively involved in the assessment of needs, which in turn, determines the beneficiary population.

Continuum of support

Care should be taken when determining the goal, to ensure the project is not overly restricted to one period of time in the beneficiary's experience, but rather linked to longer term needs leading to durable solutions such as societal integration, medical needs, family reunification, repatriation and legal guidance.

6. Delineation of Roles and Responsibilities of each Partner to the Agreement

The primary roles and responsibilities of each Partner must be stated clearly, clarifying what they can and cannot expect from each other. Within these roles, the issue of accountability for resources and the achievement of specific objectives must be detailed. Responsibilities for the following should be clearly articulated :

- assessment of needs,
- determination of beneficiaries,
- planning, formulation of project objectives,
- implementation, with details of specific roles and responsibilities outlined, protection and advocacy,
- financial management including internal and external auditing of accounts,
- financial and narrative reporting as well as monitoring and evaluation should be described clearly,
- monitoring and evaluation.

Additionally, of importance, is the clear establishment of who is responsible for the security of the staff and volunteers while fulfilling their responsibilities.

7. Resource Contributions

The financial, material and human resource contributions to be made by each Partner in order to fulfill their respective commitments in the Agreement should be outlined. Care must be taken by both institutions involved in the partnership, to

ensure that the Red Cross/Red Crescent Movement Partner's capacity is not diminished or overwhelmed, but rather is enhanced.

To avoid the common unfortunate situation where a National Society or other Movement component is actually in financial arrears as a result of such Agreements due to overhead costs not remunerated by the Partner organization, attention should be given to ensuring adequate financial coverage. Such a situation could be prevented through a procedure of advancement of funds and rigorous and regular quarterly project review meetings (see next section).

8. Description of Project Coordination and Management Mechanism

A description of how the overall project will be coordinated and managed between the two Partners should be outlined clearly in the agreement.

Focal Points: Each party will appoint a focal point to serve as the primary liaison between the Parties, to ensure the successful fulfillment of activities.

Coordination Meetings: Meetings will be organized as required and will involve other concerned parties if warranted. Formal quarterly project review meetings will occur which will review the implementation plan, reporting and financial management to ensure the agreement is being implemented as planned. The outcomes of these meetings will be utilized to suggest any project revisions and to guide decisions regarding project revision and/or including prolongation.

9. Agreement Provisions

9.1 Commencement, Termination and Project Finalization

The exact date that the Agreement comes into effect must be stated as well as when the active project implementation is to be terminated. Additionally, the date of the project finalization should be stated, at which time the completion of all required reporting, hand over of equipment and materials as necessary, should be completed.

9.2 Review, Revision, Prolongation

Through the establishment of regular joint monitoring, the review and possible revision or prolongation of certain Agreement elements will be mutually decided. These decisions will be reflected in written and signed addendums to the original Agreement.

Three months prior to the project termination date, as part of the quarterly Project Coordination meetings, decisions will be taken regarding the need to prolong the contract or to adhere to the original project end date.

9.3 Suspension or Disengagement Clause

9.3.1 In the event of circumstances beyond the control of the Partners

The Partners have the right to immediately suspend or cancel the Agreement in the event of circumstances beyond their control such as a major change in the conditions or environment.

Particularly, should there be a change from a situation of peace to one of

internal tension, disturbances and/or armed conflict, the National Society or other Movement component must have the possibility to withdraw from the Agreement immediately. If the ability of the National Society or other Movement component to adhere to the Fundamental Principles, or Movement policy or procedures is compromised, it must not hesitate to withdraw from the Agreement immediately. This can take the form of a temporary suspension of the contract until an identified period of time has passed or a change of circumstance has occurred, following which, upon consultation with and agreement of other Movement components, the Agreement can be resumed. Alternatively, a complete disengagement and termination of contract can occur.

Prior to this clause being invoked, consultation will take place between the Partners.

The suspension or termination will be effective immediately or within one month following the consultation. During this time, all possible attempts will be made by both Partners to ensure the needs of the beneficiaries continue to be met by other means.

10. Non-adherence to Agreement Clauses

Should there be a disagreement that cannot be resolved regarding the implementation of the Agreement or the adherence to certain clauses, a consultation meeting will take place between the Partners. Should it be decided, despite invoking the Dispute Settlement clause, to dissolve the partnership as a last resort, it will be done within a minimum of sixty days, maximum of ninety days time frame. During this time, all attempts possible will be made by both partners to ensure the needs of the beneficiaries continue to be met by other means.

Any of the Partners may withdraw from the Agreement with sixty days written notice.

11. Signatures of Authorized Representatives

Before the Agreement is signed, the National Society or other Movement component is obliged (Resolution 4, Council of Delegates 2001) to inform the other Movement components of the negotiation that is leading to a formal Agreement between them and any agency of the United Nations or any other international organization. The International Federation and/or the ICRC must concur with the terms contained in an Agreement with the National Society in order to ensure coherence and complementarity.

Copies of an Agreement with a National Society should be sent by the National Society to the International Federation and the ICRC for their information. Copies of Agreements signed by other Movement components should in turn be provided by them to the other components as well.

Once this has been done, the Agreement needs to be signed by a duly authorized representative of each Partner to signify agreement. Under the signature the name of the signatory and his/her designation within his/her respective organization

must be clearly stated. Such authorization may depend upon the respective constitution or statutes, or internal regulations of the National Society. Unless there is a specific local provision to the contrary, the person to sign on behalf of a National Society will most likely be its Secretary General.

12. Mechanism for Dispute Settlement

Regardless of the nature of the relationship between the Partners at the time of the agreement, differences or unforeseen problems may arise once the project is underway, or the situation may change making it difficult for one of the parties to uphold their commitments. It is therefore important that the Partners agree in advance on a method to resolve issues as they arise. These procedures should be detailed in the agreement.

Settlement of disputes should begin at the country level and be referred if necessary to the Regional level, and then the International headquarters level. At any time, appropriate third party intervention could be sought to aid in resolution as appropriate, including consultation with other Red Cross/Red Crescent Movement components.

Reference Documents:

- Regulations on the Use of the Emblem of the red cross or the red crescent by National Societies
- Policy related to the armed protection of humanitarian aid
- Fundamental Principles of Red Cross/Red Crescent Movement Agreement on the International Activities of the components of the Red Cross and Red Crescent Movement (“Seville Agreement”)
- Code of Conduct for organizations taking part in disaster relief operations
- IASC Statement and Plan of Action for Protection from Sexual Abuse and Exploitation in Humanitarian Crisis, April 2002
- Statutes of the International Red Cross and Red Crescent Movement adopted by the 25th International Conference of the Red Cross at Geneva in October 1986 and amended by the 26th International Conference of the Red Cross at Geneva in December 1995
- Principles and Rules for Red Cross and Red Crescent Disaster Relief, Geneva, 1995
- Resolution of the 2001 Council of Delegates and background papers for “Movement Action in Favour of Refugees and Internally Displaced Persons”

II

MOVEMENT POLICY FOR CORPORATE SECTOR PARTNERSHIPS

(Council of Delegates, Seoul, 2005, Resolution 10)

The Council of Delegates,

recalling Action 17 of the Strategy for the International Red Cross and Red Crescent Movement, adopted by means of Resolution 3 of the 2001 Council of Delegates,

acknowledging that partnerships with the private sector can help protect and improve the lives of vulnerable people, build awareness of the Movement's role, and influence corporate behaviour with respect to social issues,

recalling Article 23 of the Regulations on the use of the emblem of the Red Cross or the Red Crescent by the National Societies, adopted by the 1991 Council of Delegates, which requires that a corporate partner in no way be engaged in activities running counter to the Movement's objectives and principles,

considering that partnerships with the private sector may impact the Movement's operations and reputation as a neutral and independent humanitarian actor, in particular in situations of armed conflict,

recognizing that a common and harmonized approach to private sector relationships is essential to safeguarding the integrity of the Movement's components and ensuring respect for the emblems,

taking note of the existing decisions on resource mobilization and global income generation, as well as the recommendations and suggestions made by National Societies in the course of extensive testing of the draft Policy and consultations, including that carried out at the 2003 Council of Delegates,

1. *adopts* the "International Red Cross and Red Crescent Movement Policy for Corporate Sector Partnerships"⁷⁶ whose substantive provisions are included in the Annex to this Resolution;
2. *calls upon* all components of the Movement to comply with this Policy when entering into relationships with companies in which the component grants the company the use of its name, emblem/logo or image;
3. *recognizes* that the Policy provides a set of minimum requirements for corporate partnerships which the Movement's components may supplement with more restrictive policy decisions;

⁷⁶ The full text of the Policy is located on FedNet, under: Working Together / ERC / Relationship Development / Corporate Relations / Corporate Policy. The full text includes practical tools for the Policy's implementation, which may further guide those establishing corporate partnerships on behalf of their organization. The substantive provisions contained in the Annex to this Resolution highlight the essential policy elements of the full document.

4. *calls upon* the Movement's components not to enter into partnerships with companies engaged in activities that run counter to the Movement's objectives as defined by the Policy's "guiding criteria" and to encourage partnerships with companies meeting the "desirable profile";
5. *decides* that all components of the Movement will assess potential corporate partners using the screening process defined in the Policy;
6. *decides* that every corporate partnership will be agreed in writing, as defined in the Policy.

SUBSTANTIVE PROVISIONS OF THE INTERNATIONAL RED CROSS
AND RED CRESCENT MOVEMENT POLICY FOR
CORPORATE SECTOR PARTNERSHIPS

Annex to Resolution 10

1. Purpose and scope

- 1.1 The Policy for Corporate Sector Partnerships ('Policy') aims to establish a framework for partnerships between companies and components of the International Red Cross and Red Crescent Movement as herein defined:
- 1.1.1 The term 'partnership' encompasses all relationships between a Movement component and a company, in which the Movement component grants the company the possibility of using its name, emblem/logo or image in its communication and promotional materials, thereby potentially creating a public association of image between the company and the Movement component.⁷⁷ 'Public association of image' refers to any connection in the mind of the public between the two organizations. Examples of partnerships include:

Sponsorships: Relationships in which a company gives financial support to a component of the Movement for a specific event, programme or project and in return expects public association of image. These are considered to be short-term, event-specific relationships.

Cause-related marketing: Relationships in which a company agrees to donate a specific amount of sales revenue (or an equivalent thereof) from a product, service, or brand, to a component of the Movement in return for the public association of its image with that of the Movement. These

⁷⁷ The Policy does not apply to financial or in-kind donations or to commercial arrangements with suppliers and service providers that do not entail a communication or promotional dimension which might potentially create a public association of image. In these relationships, while there may be recognition of the company's support, there must be no "public association" with the Red Cross or Red Crescent name, image and Emblem/logo.

relationships are often highly advertised “joint promotions,” in which the company persuades the public to buy a product, service, or brand using the Movement component’s name and logo.

Strategic alliance: Relationships formed between a company and a component of the Movement that are focused on jointly addressing a goal of common interest (e.g., resolving a specific social problem) and involve the public association of image. These relationships are often multifaceted, long-term, and pool the complementary strengths of two organizations.

- 1.1.2 The term ‘company’ encompasses state-owned enterprises as well as private firms and their foundations. The term ‘corporate’ refers to ‘company’.
- 1.1.3 The ‘International Red Cross and Red Crescent Movement’ (the Movement) is comprised of the International Committee of the Red Cross, all National Red Cross and Red Crescent Societies and the International Federation Secretariat.
- 1.2 The Policy applies to partnerships with the corporate sector within individual countries (at local and national levels) and globally.
- 1.3 The Movement establishes partnerships with companies to encourage their contribution towards protecting and improving the lives of vulnerable people in the countries where they have business interests, and building awareness of the Movement’s role in these countries. These partnerships also provide an opportunity for the Movement to influence corporate behaviour with respect to social issues through dialogue.
- 1.4 The Policy determines criteria for selecting corporate partners (“selection criteria”), proposes an assessment process to screen companies against these criteria (“screening process”) and defines terms for corporate partnerships (“partnership contracts”). The Policy is intended to maximize the Movement’s opportunities for working with the corporate sector whilst ensuring the protection of its values, reputation and integrity.

2. Statutory Framework

- 2.1 The Policy is derived from the Mission and Fundamental Principles of the Movement, from the Mandates of its components and from the Regulations and Laws governing the use of the Emblem.

Humanitarian dialogue

- 2.2 The Statutory Framework encourages partners to enter into relationships within the spirit of open dialogue on humanitarian issues. It also requires the Movement components to include a direct or indirect advocacy component in all partnerships.
- 2.3 Components of the Movement should encourage companies to behave in a more socially responsible manner. This is particularly important in the case of companies working to improve their image and relationship with civil

society. Where appropriate, the partnership can include assistance and support to the company on the development and implementation of its corporate social responsibility strategy.

Laws and Regulations on Emblem use

- 2.4 The Red Cross and Red Crescent Emblems are protected under international law (1949 Geneva Conventions and 1977 Additional Protocols) and national law, and are first and foremost an internationally recognized symbol of protection during armed conflicts. Each Movement component is responsible for preserving the Emblem's unique protective function.
- 2.5 The 1991 Regulations on the Use of the Emblem,⁷⁸ adopted both by the Movement and all States party to the 1949 Geneva Conventions, outline the conditions governing the use of the Emblem by National Societies and their members.
- 2.6 In no circumstances can the protective and indicative use of the Emblem be compromised and all agreements with companies must comply with these regulations.

3. Selection Criteria

- 3.1 The Selection Criteria apply to the company with which the Movement component enters into partnership. The Selection Criteria apply to a parent company of a corporate partner only if it has a significant ownership stake or voting power in the corporate partner. The Selection Criteria apply to a subsidiary of the corporate partner only if the corporate partner has a significant ownership stake or voting power in the subsidiary.
- 3.2 Potential partners are assessed against both guiding and desirable criteria:

3.3 Guiding Criteria

The criteria guiding the components of the Movement in deciding to establish a partnership with a company are as follows: The corporate partner must in no way be engaged knowingly or deliberately in activities running counter to (i) the Movement's objectives and Fundamental Principles, (ii) principles of international humanitarian law⁷⁹ and (iii) internationally

⁷⁸ **The Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National Societies** (here referred to as 'Regulations on the Use of the Emblem') were adopted by the 20th Red Cross and Red Crescent International Conference (1965) and revised by the Council of Delegates (1991). In this document, we refer to the revised version from 1991, which was also submitted to and approved by all the States party to the Geneva Conventions and agreed to by the ICRC and the Federation at the 1993 Council of Delegates (Resolution 8).

⁷⁹ **International humanitarian law** (IHL) applies primarily in situations of armed conflict. It refers principally to the four 1949 Geneva Conventions and the two 1977 Additional Protocols. While it must be respected primarily by combatants (State and non-State bearers of weapons involved in the conduct of hostilities), IHL also applies to private companies in cases where they are directly involved in hostilities, for instance, through the hiring of military personnel. To learn more on whether a potential corporate partner has violated IHL, refer to: www.preventconflict.org/portal/economics/portalhome.php

recognized standards as embodied in the Universal Declaration of Human Rights of 1948, the Declaration on Fundamental Principles and Rights at Work of 1998, the Convention on the Elimination of all Forms of Racial Discrimination of 1965 and the Convention on the Elimination of Discrimination against Women of 1979.

In situations of armed conflict, the components of the Movement shall avoid entering into a corporate partnership that undermines the ability of the Movement to operate, which may be the case if one party to the conflict considers the corporate partner's activities as partial and controversial.

Consistent with the Movement's objectives and principles, no component of the Movement shall establish a corporate partnership with a company, a material part of whose business involves the manufacture or sale of arms and ammunition. Other activities that may infringe the Movement's objectives and principles include cases where a company:

- 3.3.1 Has as its core business⁸⁰ the direct manufacture or sale of products publicly recognized as deleterious to health.
- 3.3.2 Through its business practices, materially contributes to armed conflicts or natural disasters.
- 3.3.3 Does not respect materially the local or national laws and regulations of the countries where it operates.
- 3.3.4 Has major public controversies in the country where the partnership takes place that would undermine the reputation, image or Emblems of the Movement.⁸¹

3.4 Desirable profile

All components of the Movement will encourage partnerships with companies:

- 3.4.1 Which respect the Movement's humanitarian values and commit to a programme of action to support its work.
- 3.4.2 Which are leaders in exhibiting corporate social responsibility through policy and practice.
- 3.4.3 Who would respond positively to input from the Movement component aimed at improving their business practices in a way that promotes social responsibility.
- 3.4.4 Whose products and services relate to the Movement component's mission or activity; and who would be the best possible partner in helping the

⁸⁰ There are varying definitions of **core business**. KLD Research has defined it as 15% of annual revenues for retailers. Michael Jantzi Research Associates Inc. has defined it as 5% of annual revenues from sales.

⁸¹ **Article 23 (d) of The Regulations on the Use of the Emblem** states that "the company concerned must in no way be engaged in activities running counter to the Movement's objectives and Principles or which might be regarded by the public as controversial."

component to achieve the aims, increase its reach and enhance awareness of its work.

- 3.4.5 Which are committed to volunteer action.
- 3.4.6 Which promote the education, health and social welfare of their employees to an extent that goes beyond what the law requires.
- 3.4.7 Which promote responsible production and use of their products and services and adhere to the principles of sustainable development.⁸²
- 3.4.8 Which have a positive image, good reputation and a track record of good ethical behaviour.

4. Screening process

- 4.1 All components of the Movement screen potential corporate partners against the criteria defined in Section 3. All Movement components positively welcome constructive criticism on their partnerships and being screened in a similar manner by any potential corporate partner.
- 4.2 The potential corporate partner is the point of contact for obtaining information for screening, including information pertaining to relevant parent and subsidiary companies required to meet the Guiding Criteria, as per section 3.
- 4.3 The decision as to whether a company fulfils the requirements of this Policy is made on the best available information collected from credible sources during the research and takes into account the time period to which data relates.
- 4.4 Although an organization's past will be considered as part of this review, its recent performance is most significant. Past performance can be mitigated by more recent commitment to positive change. The component should take account of action by the organization to resolve problems, together with opportunities for the component to assist with this.
- 4.5 All components of the Movement will continue to monitor the results of the screening and reserve the right to reassess any relationship in the light of new or previously unseen information, as set out in the Partnership Contract.

Screening procedure

- 4.6 Components will apply the following procedure to all potential partnerships:
 - 4.6.1 As far as possible through shared data systems, find out whether any other Movement component has previously screened the company. Depending on the detail and how recently this information was obtained, further screening may still be required.

⁸² **Sustainable Development** is defined as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." (World Commission on Environment and Development, 1987).

- 4.6.2 Gather information from external sources and from the company itself.⁸³
- a) Obtain the company's annual report and accounts.
 - b) Consult a minimum of three independent, credible sources, which should include a general search engine, reputable international and local media, and credible and relevant NGOs.
 - c) Invite the company to submit any information they wish to give relating to the selection criteria and their corporate social responsibility agenda.
- 4.6.3 It is recommended that Movement components also seek the advice of professional, independent, specialized rating agencies, advised by the Federation and the ICRC.
- 4.6.4 For *multinational partnerships*⁸⁴ the Movement component researching the partnership must inform any other potential stakeholders within the Movement at this stage.
- 4.6.5 In cases where a Movement component wishes to establish a partnership that involves joint-activities or visibility in a *country affected by armed conflict or internal strife*, the partnership must be discussed with the ICRC's head of delegation in that country prior to agreement, to ensure compliance with Guiding Criteria.
- 4.7 If the screening process reveals that the potential partner does not meet the criteria in 3.3, the Movement component will not pursue the partnership.
- 4.8 All Movement components will have a clear decision-making process to determine whether to develop a partnership, based on the results of the screening process. It is recommended that a final decision be taken by a senior manager where concerns or controversy remain.

5. Partnership contract

- 5.1 Every corporate partnership within the scope of this Policy must be agreed in writing. Partnership contracts can be based on the sample Corporate Partnership Contracts for Sponsorships, Cause Related Marketing relationships and Strategic Alliances as provided in the Policy.
- 5.2 When negotiating partnership contracts the Movement component must bear in mind the value of an association with the International Red Cross and Red Crescent Movement. This value must be reflected in the terms of the agreement and in the financial and non-financial contribution made by the company.

⁸³ In cases where a company is not comfortable sharing information about itself, a system of "good faith" can be used. In this case, a company will not be required to reveal its information but will be requested to state that it fulfils the Guiding Criteria and that it will continue to meet them throughout the terms of the agreement, as per 5.3.4. Alternatively, signing a confidentiality agreement (See Sample Document VI of the Policy for further reference) might also be considered to facilitate the information sharing process.

⁸⁴ **Multinational partnerships** are partnerships which involve a multinational company and more than one National Society. These partnerships require the involvement of the International Federation (10th General Assembly, 1995).

5.3 Mandatory elements for Movement components' partnership contracts:

- 5.3.1 All parties to the agreement must be explicitly stated. In particular:
- a)* The corporate partner signing the agreement must be the entity that is undertaking the roles and responsibilities set out in the agreement.
 - b)* Each Movement component is a separate legal entity and in order to be a party to the agreement must individually sign it.
- 5.3.2 The corporate partner will not infringe the Movement's objectives and principles.
- 5.3.3 Acknowledgement that the use of the Red Cross and Red Crescent names and emblems will conform to Article 23 of the Regulations on the Use of the Emblem and control of these will be maintained by the Movement component throughout the agreement with the right to review and amend all communications before use.
- 5.3.4 The company should confirm that its activities do not materially infringe the principles set out in paragraph 3.3.
- 5.3.5 Termination clauses which allow the Movement component immediate and public withdrawal from the partnership if:
- a)* The company commits a significant breach of the contract, in particular if it no longer fulfils the Guiding Criteria.
 - b)* Continued association will bring any component of the Movement into disrepute because of a change in the company's behaviour or public perception of its practices.
- 5.3.6 Acknowledgement that partnership between a Movement component and the company should in no way lead to the belief that the Movement or any of its components endorse⁸⁵ the company, its products, policies or services.
- 5.3.7 Acknowledgement that no Movement component can grant formal, open-ended 'exclusivity'⁸⁶ to any company, or accept limitations on developing partnerships with other companies. In certain instances, granting exclusivity for a specific purpose over a defined period of time may be appropriate within the scope of activities undertaken.
- 5.3.8 Acknowledgement that the Movement component is under no obligation to buy the products, goods or services of the company as a result of the agreement. Any commercial transaction with the company will be subject to a separate agreement.

⁸⁵ **Endorse:** This refers to a situation in which the Movement component is seen as "providing a sign of formal and explicit approval of the products, policies or services of a company". As per Article 23 of the Emblem Regulations, 'no confusion must be created in the mind of the public between the company's activities or the quality of its products and the Emblem or the National Society itself'.

⁸⁶ **Exclusivity:** a situation in which a Movement component agrees that the corporate partner will be its sole partner for an unspecified period of time.

5.4 Recommended elements for partnership contracts

- 5.4.1 The length of the contract/partnership.
- 5.4.2 The recognition which the Movement component will give the company in return for its support. This recognition will be commensurate with the level of support from the company.
- 5.4.3 Description of any other potential partners (such as contractors) who may become involved in the partnership. The Movement component may choose to screen any of these partners.
- 5.4.4 Terms for the handling of unforeseen events and disputes.
- 5.4.5 Acknowledgement that the company will minimize financial and commercial risks for the Movement component, including potential fiscal and tax issues.
- 5.4.6 A designated point of contact within the company to manage the partnership.
- 5.4.7 Acknowledgement that the company cannot assign this contract to another legal entity if it is acquired by another company, goes into voluntary or compulsory liquidation, or if a receiver is appointed over all or part of the business of the company.
- 5.4.8 For cause related marketing relationships, acknowledgement that the corporate partner will agree to keep (separately) all financial records pertaining to the partnership and to give the Movement component access to these upon request. The Movement component reserves the right to commission an independent audit of the company's books in relation to the partnership. The audit should be paid for by the company. The company should also make available to consumers complete and accurate information on how any purchase results in a donation, including the amount of that donation.
- 5.4.9 The amount of income which will be made available as an up front donation, if there is one.
- 5.4.10 Acknowledgement that the partnership will be subject to monitoring, review and evaluation by both partners at regular intervals throughout the period of the agreement and formally, at the end of the partnership.

6. Implementation

- 6.1 This Policy is intended to be implemented at all levels of the Movement (local, national, international).
- 6.2 Each component of the Movement – the Federation, the ICRC and National Societies – is individually responsible for implementing the Policy, and instructing its volunteers and staff accordingly.
- 6.3 The Federation Secretariat and the ICRC will ensure dissemination of the Policy to all components of the Movement; the National Societies are

responsible for disseminating the Policy internally to local chapters and branches and for monitoring its correct application.

- 6.4 The Federation Secretariat and the ICRC will be responsible for ensuring that the Policy is fully respected and implemented by the Movement as a whole. They will facilitate Movement components sharing their experience using the Policy, and review its implementation across the Movement.
- 6.5 Monitoring corporate sector partnerships and use of the Policy will form part of the National Society self-assessment process, and as such will be reviewed regularly.
- 6.6 Based on the review described in 6.5, the Federation Secretariat and the ICRC will analyse the Policy's implementation and will make recommendations for improvement of the Policy to the Council of Delegates.
- 6.7 All components of the Movement are responsible for informing other Movement components of their relationships with multinational companies. National Societies are responsible for keeping the Federation Secretariat informed on these matters.
- 6.8 This Policy applies from the date of its adoption, to any new partnership contract or renewal or extension thereof.
- 6.9 It is recommended that the Policy be applied during the various stages of corporate partnership building.

III

GUIDANCE DOCUMENT ON RELATIONS BETWEEN THE COMPONENTS OF THE MOVEMENT AND MILITARY BODIES

(Council of Delegates, Seoul, 2005, Resolution 7)

The Council of Delegates,

recalling Action 15 of the 2001 Strategy for the International Red Cross and Red Crescent Movement on the Movement's relations with key players in the political and military sphere and the need to establish and maintain appropriate mechanisms for consultation and coordination,

recognizing the continuing work of the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (International Federation) and National Red Cross and Red Crescent Societies to identify a clearer and more comprehensive understanding of the status of National Societies as auxiliaries to the public authorities in the humanitarian field, in relation to Action 14 of the 2001 Strategy for the Movement and Resolution 6 of the 2003 Council of Delegates, always respecting the Fundamental Principles,

considering that all components of the Movement frequently interact with military bodies in times of armed conflict or internal strife, in the course of natural and/or technological disasters, as well as in non-emergency peacetime situations,

considering also the need to have common guidance that provides general direction to all components of the Movement on the interaction between the components of the Movement and military bodies, both in national and in international contexts,

expressing its appreciation for the initiative of a number of National Societies, the ICRC and the International Federation in working on this subject and preparing the annexed guidance document on relations between the components of the Red Cross and Red Crescent Movement and military bodies,

1. *adopts* the annexed guidance document on relations between the components of the Movement and military bodies;
2. *requests* the components of the Movement to use the annexed guidance document on relations between the components of the Movement and military bodies in their internal reflections as a basis prior to taking decisions on their interaction with military bodies;
3. *further requests* all components of the Movement to use the document as well in their discussions with external interlocutors regarding their interaction with military bodies;

4. *invites* the components of the Movement to consult governments and military bodies in a continuing dialogue on the basis of the annexed guidance document;
5. *further invites* the components of the Movement to share among each other the substance and results of their dialogue and decisions regarding interaction with military bodies, so that the outcome of such consultations is taken into due account in the report to the 2007 International Conference on the National Societies as auxiliaries to the public authorities in the humanitarian field and, consequently;
6. *invites* the International Federation of Red Cross and Red Crescent Societies to take into account the experience and dialogue between components of the Movement and the public authorities or military bodies, in the ongoing study regarding the role of National Societies as auxiliaries to the public authorities in the humanitarian field that is presently being conducted by the International Federation in consultation with the ICRC and National Societies.

RELATIONS BETWEEN THE COMPONENTS OF THE MOVEMENT AND MILITARY BODIES⁸⁷

Annex to Resolution 7

Part I: Introduction

1. Strategy for the Movement

The present document constitutes a follow-up to Action 15 of the 2001 Strategy for the International Red Cross and Red Crescent Movement, adopted in Resolution 3 of the 2001 Council of Delegates. It responds to the Strategy's statement that, "*when establishing cooperative relationships with governments or the military, the Movement's components should make sure that they promote effective assistance and protection of victims of conflict and vulnerable people, and that they respect the Fundamental Principles*" of the Red Cross and Red Crescent.

"Particularly in contexts where there is a trend towards integrating humanitarian action into a wider political and military framework, it is essential for the Movement to retain its identity as an independent, neutral and impartial humanitarian force. In situations where there are military operations, the components of the Movement need to clearly delineate their humanitarian activities from those carried out by military bodies and to explain their modus operandi to the latter".⁸⁸

⁸⁷ The present document relates to all bodies and groups carrying out military tasks and operations

⁸⁸ Action 15 of the Strategy for the International Red Cross and Red Crescent Movement - The implementation of this action does not affect the obligations of National Societies working as auxiliaries to the medical services of the armed forces, in accordance with Article 26 of the First Geneva Convention (see Part III.1).

This document provides guidance aimed at enabling the Movement to preserve its identity and to coordinate its activities as far as possible with other entities, without compromising respect for the Fundamental Principles.

2. The Red Cross and Red Crescent Movement

National Red Cross and Red Crescent Societies, the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies are components of the International Red Cross and Red Crescent Movement. The humanitarian mission of the Movement is to prevent and alleviate human suffering wherever it is found, by means of independent, neutral and impartial humanitarian action.

The mandates of the Movement's three components are specified in its Statutes.⁸⁹ When fulfilling their mission and on the basis of their mandates, all components frequently interact with military bodies. In order to facilitate this interaction, the components generally maintain a dialogue with them. The components may establish and maintain cooperative relationships in order to carry out their mission.

3. Purpose and scope

The purpose of the present document is to provide general guidance on the relationship between the components of the Movement and military bodies, both in the national and international contexts. This relationship can arise in all kinds of situations: non-emergency peacetime, armed conflict, internal strife or other violence, and natural and/or technological disasters. Although a number of examples of interaction between the Movement and the military are explored below, these are not exhaustive. This document should be taken into account in all decisions by the Movement's components concerning their relations with military bodies. Its aim is to safeguard the independence, neutrality and impartiality of their humanitarian work.

4. General framework

In their relationships with military bodies, the Movement's components ensure that they promote effective assistance for and protection of the victims of conflict and vulnerable people, and that they respect the Fundamental Principles, in particular those of humanity, impartiality, neutrality and independence.

Relations between the Movement's components and military bodies must be conducted in particular within the following framework:

- the Fundamental Principles of the International Red Cross and Red Crescent Movement
- international humanitarian law (IHL), especially the four Geneva Conventions of 1949 and their Additional Protocols
- the Statutes of the International Red Cross and Red Crescent Movement

⁸⁹ Statutes of the International Red Cross and Red Crescent Movement, in particular Articles 3 to 7.

- the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief
- the Principles and Rules for Red Cross and Red Crescent Disaster Relief
- the Seville Agreement⁹⁰ and other mechanisms in force for coordination within the Movement
- other relevant resolutions and regulations adopted by the International Conference of the Red Cross and Red Crescent and the Council of Delegates, in particular on armed escorts⁹¹ and the use of the emblems.⁹²

Part II: Guiding principles

Principles guiding interaction between the components of the Movement and military bodies

In carrying out their mission, it is recognized that the components of the Movement often interact with military bodies. They do so on the basis of their mandates in areas relevant to their respective recognized roles and expertise. The guiding principles for such interaction are the following:

- while maintaining a dialogue with armed forces at all levels, the components of the Movement preserve their independence of decision-making and action, in order to ensure adequate access to all people in need of humanitarian assistance⁹³
- when establishing and maintaining relationships with military bodies, the components of the Movement ensure that such relationships seek to enhance effective assistance to and protection of the victims of armed conflict and vulnerable people
- all components of the Movement ensure that their decisions are taken with due consideration for potential consequences for other components and the positioning of the whole Movement
- all components of the Movement ensure that they act and are perceived as acting in accordance with the Fundamental Principles, in particular independence, neutrality and impartiality

⁹⁰ Agreement on the Organization of the International Activities of the Components of the International Red Cross and Red Crescent Movement, Council of Delegates Resolution 6, Seville, 1997.

⁹¹ Resolution 9, Council of Delegates, Geneva, 1995

⁹² Resolution 5, Council of Delegates, Budapest, 1991.

⁹³ It is recognized that National Society personnel, when acting as auxiliaries to the military medical services, are subject to military command (see Article 26 of the First Geneva Convention: "The staff of National Red Cross Societies and that of other Voluntary Aid Societies, duly recognized and authorized by their Governments, who may be employed on the same duties as the personnel named in Article 24, are placed on the same footing as the personnel in the said Article, provided that the staff of such societies are subject to military laws and regulations. Each High Contracting Party shall notify to the other, either in time of peace or at the commencement of or during hostilities, but in any case before actually employing them, the names of the societies which it has authorized, under its responsibility, to render assistance to the regular medical service of its armed forces.").

- each component favours a clear distinction between the respective roles of military bodies and humanitarian actors, paying particular attention to perceptions locally and within the wider public
- in their relations with military bodies, the components of the Movement ensure that their activities do not amount to a contribution to the military effort and are not perceived as such
- the more military bodies are perceived as party to an armed conflict, the more the components of the Movement weigh the intensified need for interaction with those bodies against the consequences of such relations on their observance of the Fundamental Principles
- the Movement's components always take care that their relationship with military bodies does not negatively affect the safety and security of beneficiaries and humanitarian personnel.

Part III: Specific considerations

1. Relations between the Movement's components and military bodies on the latter's national territory

Dialogue

National Societies generally maintain a dialogue with the military bodies in their respective countries. They exchange views and information on areas of possible interaction, including working methods and scope of activities, with a view to establishing mutual understanding of roles and mandates and mutual trust and respect. When other components of the Movement have contact with these military bodies on the territory covered by these National Societies, they must keep them informed of any activities planned or conducted.

Components of the Movement may establish formal agreements or other arrangements with military bodies concerning issues such as dissemination, disaster-preparedness and response, health, social welfare services, first-aid training, and tracing.

Activities

On the basis of their mandates, the components of the Movement often interact with military bodies. Appropriate interaction includes:

- disseminating knowledge of IHL (including provisions on the emblems), the Fundamental Principles, and the mandates and activities of the components of the Movement
- helping military bodies to implement IHL
- ICRC work in accordance with its specific mandate and role
- working with military bodies in disaster-preparedness and -response, in accordance with the policies and framework set out at the national level
- health and social welfare services, as well as first-aid training

- tracing services, restoring family links and ascertaining the fate of missing persons.

National Societies as auxiliaries to the medical services of the armed forces

According to Article 26 of the First Geneva Convention, a National Society may assist its national armed forces medical services during an armed conflict.⁹⁴ The National Society personnel then operate under the authority of the armed forces, while strictly adhering to the Fundamental Principles. In this auxiliary capacity, the main role of National Societies is to carry out medical activities on behalf of wounded and sick military personnel.

2. Relations between the Movement's components and the military deployed outside the latter's national territory

Dialogue with military bodies

When components of the Movement engage in a dialogue with military bodies at the international level, they inform and consult other components of the Movement for whom such dialogue can have operational implications.

International activities of the Movement's components

All Movement components involved in international activities must safeguard the neutrality and independence of their work and clearly distinguish themselves from military bodies at all times. Movement coordination agreements and mechanisms must always be observed. National Societies working internationally (other than in the situation described by Article 26 of the First Geneva Convention) in the same theatre of operations as their national military forces take special care that they are not, and are not perceived to be, part of that military operation. This is particularly important if the armed forces in question are, or are perceived as being, party to the armed conflict.

Military bodies involved in missions outside their national territory

As a matter of principle, special attention should be given to avoiding a situation in which a National Society is concurrently operating, within in the same country, as part of its national armed forces and as part of a humanitarian operation carried out collectively by the Movement.

In international armed conflicts or internationally mandated missions, a National Society may accompany the armed forces of its country abroad in its capacity as an auxiliary to the medical services of the armed forces. In such cases it should come to an agreement with the authorities of its country on the scope and manner of its involvement. National Societies who feel it is not their task to become involved in such operations, or who base their decision on whether to participate on certain criteria, inform their authorities of their position well in advance in order to enable the relevant military bodies to adequately plan possible operations of this type.

⁹⁴ The decision of the National Society is based on the Guiding Principles as set out above.

Where there is a trend towards integrating humanitarian action into a wider political and military framework, components of the Movement promote and safeguard a clear distinction between their humanitarian work and the military/political actions of others.

When one of the parties to an international armed conflict occupies part or all of the territory of another party to an armed conflict, the National Society of the occupying country must follow the policies and coordination mechanisms of the Movement, except in situations where it is acting under Article 26 of the First Geneva Convention.

Where military bodies are involved in disaster-response abroad and the National Society is asked to assist them in this, it makes its decision in accordance with the general framework and guiding principles set out above.

3. Information-sharing with military bodies

When relevant, components of the Movement share with military bodies with whom they are in contact information on the situation in humanitarian terms, provided that this does not threaten the neutrality and independence of their humanitarian action.

4. Participation in training and exercises

Components of the Movement may participate in military training and exercises. When they do so, the purpose is to raise awareness among military bodies of the mandate(s) and activities of the Movement's components,⁹⁵ the Fundamental Principles and the protective role of the emblems, and to promote IHL. Whenever more than one component of the Movement is engaged in an exercise, they keep each other informed and duly coordinate their activities. Participation in exercises may also serve to promote mutual understanding between components of the Movement and military bodies.

5. Use of the emblems

Components of the Movement must promote correct use of the emblems by all, including military bodies, and make widely known the provisions of IHL regarding legitimate use.

6. Use of military logistical assets by components of the Movement

In contexts affected by armed conflict or strife or other violence, the use of military assets can have a negative impact on the way the whole Movement is perceived and on the independence of its decision-making. In other situations, such use may be in greater accordance with the Fundamental Principles. Even then, however, it may create precedents of cooperation that might be difficult to change subsequently.

⁹⁵ In particular the role of National Societies in disaster-preparedness and disaster-response.

In all cases, due consideration needs to be given to the setting of precedents, the need to preserve neutral and independent humanitarian action and the need to consult other components of the Movement.⁹⁶

The use of military assets by a component of the Movement – particularly in countries affected by armed conflict and/or strife or other violence – should be a last resort: it can be justified only by the serious and urgent need for life-saving humanitarian action and when there is no alternative means of taking that action. Such a serious decision must be taken by the senior leadership of the organization concerned. Any use of military assets should be prompted by needs rather than by availability.

7. Use of escorts and armed protection

Components of the Movement may not resort to armed protection. Exceptions can be considered only in cases defined by Resolution 9 of the 1995 Council of Delegates.⁹⁷

⁹⁶ The ICRC often provides contextualized guidance on such matters.

⁹⁷ The criteria are set out in the Report on the Use of Armed Protection for Humanitarian Assistance, adopted by the Council of Delegates (1995, Resolution 9). The Council of Delegates endorsed “the guiding principles laid down in Section III of the report and particularly the minimal criteria laid down for the exceptional use of armed protection of humanitarian convoys”.

IV

THE CODE OF CONDUCT FOR THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT AND NON-GOVERNMENTAL ORGANIZATIONS (NGOs) IN DISASTER RELIEF

*(Approved by the Council of Delegates, Birmingham, 1993 - Resolution 6;
see also, Principles and action in international humanitarian assistance and
protection, 26th International Conference of the Red Cross and Red Crescent,
Geneva, 1995, Resolution 4, E)*

*Prepared jointly by the International Federation of Red Cross and Red Crescent
Societies and the International Committee of the Red Cross⁹⁸*

Purpose

- This Code of Conduct seeks to guard our standards of behaviour. It is not about operational details, such as how one should calculate food rations or set up a refugee camp. Rather, it seeks **to maintain the high standards of independence, effectiveness and impact to which disaster response NGOs and the International Red Cross and Red Crescent Movement aspires. It is a voluntary code, enforced by the will of each organization accepting it to maintain the standards laid down in the Code.**
- In the event of armed conflict, the present Code of Conduct will be interpreted and applied in conformity with international humanitarian law.
- The Code of Conduct is presented first. Attached to it are three annexes, describing the working environment that we would like to see created by Host Governments, Donor Governments and Intergovernmental Organizations in order to facilitate the effective delivery of humanitarian assistance.

Definitions

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

NGHAs: For the purposes of this text, the term Non-Governmental Humanitarian Agencies (NGHAs) has been coined to encompass the components of the International Red Cross and Red Crescent Movement – The International Committee of the Red Cross, The International Federation of Red Cross and Red

⁹⁸ Sponsored by: Caritas Internationalis*, Catholic Relief Services*, International Federation of Red Cross and Red Crescent Societies*, International Save the Children Alliance*, Lutheran World Federation*, Oxfam*, The World Council of Churches*, The International Committee of the Red Cross. (* members of the Steering Committee for Humanitarian Response)

Crescent Societies and its member National Societies – and the NGOs as defined above. This code refers specifically to those NGHAs who are involved in disaster response.

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

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

The Code of Conduct: Principles of Conduct for The International Red Cross and Red Crescent Movement and NGOs in Disaster Response Programmes

1. The humanitarian imperative comes first

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

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

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

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

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

delivery or distribution of assistance to the embracing or acceptance of a particular political or religious creed.

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

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

5. We shall respect culture and custom

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

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

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

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

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

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

All relief actions affect the prospects for long-term development, either in a positive or a negative fashion. Recognizing this, we will strive to implement relief

programmes which actively reduce the beneficiaries' vulnerability to future disasters and help create sustainable lifestyles. We will pay particular attention to environmental concerns in the design and management of relief programmes. We will also endeavour to minimize the negative impact of humanitarian assistance, seeking to avoid long-term beneficiary dependence upon external aid.

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

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

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

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

The Working Environment

Having agreed unilaterally to strive to abide by the Code laid out above, we present below some indicative guidelines which describe the working environment we would like to see created by donor governments, host governments and the intergovernmental organizations – principally the agencies of the United Nations – in order to facilitate the effective participation of NGHAs in disaster response.

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

Annex I: Recommendations to the governments of disaster affected countries**1. Governments should recognize and respect the independent, humanitarian and impartial actions of NGHAs**

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

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

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

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

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

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

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

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

The overall planning and coordination of relief efforts is ultimately the responsibility of the host government. Planning and coordination can be greatly enhanced if NGHAs are provided with information on relief needs and government systems for planning and implementing relief efforts as well as

information on potential security risks they may encounter. Governments are urged to provide such information to NGHAs.

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

5. Disaster relief in the event of armed conflict

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

Annex II : Recommendations to donor governments

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

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

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

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

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

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

Annex III : Recommendations to intergovernmental organizations

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

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

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

NGHAs do not usually have the mandate to provide the overall coordinating framework for disasters which require an international response. This

responsibility falls to the host government and the relevant United Nations authorities. They are urged to provide this service in a timely and effective manner to serve the affected state and the national and international disaster response community. In any case, NGHAs should make all efforts to ensure the effective co-ordination of their own services.

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

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

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

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

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

V**ARMED PROTECTION OF HUMANITARIAN ASSISTANCE**

(Council of Delegates, Geneva, 1995, Resolution 9)

The Council of Delegates,

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

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

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

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

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

USE OF ARMED PROTECTION

Extract of the report on the Use of Armed Protection for Humanitarian Assistance

(Council of Delegates, Geneva, 1995)

1. Basic principle: no armed protection

As a general principle, any armed protection for any component of the Movement is in conflict with the following Fundamental Principles:

- humanity;
- independence;
- impartiality;
- neutrality.

As a rule, the different components of the Movement should not use armed protection or deterrent force against those tempted to use violence. This basic principle concerns above all the use of armed escorts.

2. Exceptional use of armed protection

There might be situations in which human lives may be saved only by accepting an armed escort because the refusal of such an escort would lead to the paralysis of humanitarian activities, and consequently the possibility that the victims would die. In such cases, the principle of humanity requires that the components of the Movement thoroughly assess the situation, attempt to find the best solution and, in certain circumstances, accept changes to their normal operating procedures.

However, the use of armed escorts may affect the image of all the components of the Movement, now and in the future, and place in jeopardy the acceptance of the emblem and the future possibility of access and action by other components of the Movement in that area. In other words, the armed protection may help get one aid convoy through but eventually jeopardise the operation as a whole. It is therefore important to have a minimum set of guidelines on the issue.

The case of protection of fixed assets and security at distribution sites will be dealt with in an appropriate section.

3. Criteria for accepting an armed escort

For those situations in which recourse to armed escort is the only means of conducting humanitarian activities and ensuring the delivery of assistance to the victims, the component of the Movement considering the use of an armed escort should ensure before making its decision that the answers to the following questions are in the affirmative. These are the *minimal* conditions under which armed escorts might be used.

- Are the needs so pressing (e.g. saving lives on a large scale) as to justify an exceptional way of operating and can they be met only with the use of an armed escort?
- Is the Movement's component concerned sure that the use of an armed escort will not have a detrimental effect upon the security of the intended beneficiaries?
- Is the component concerned the most capable of covering the identified needs? Is there no other agency or body external to the Movement that is in a position to carry out the same activities or to cover the same needs?
- Is armed protection being considered primarily for its deterrent value and not for its fire-power, recognising the extreme reluctance with which the Movement would condone the use of violence and the threat of violence to deter attack?
- Has the party or authority controlling the territory through which the convoy will pass and in which the humanitarian assistance will be delivered given its full approval to the principle and modalities of an armed escort? Remember that should this approval be withdrawn, the situation must be reassessed and negotiations must once again take place.
- Is the escort intended to provide protection against bandits and common criminals in situation of general law-and-order breakdown? Remember that there should be no risk of confrontation between the escort and the actual parties to the conflict or organised armed groups which control part of the area through which the humanitarian convoy has to travel.

Each component of the Movement should lay down clear instructions as to who in the organisation has authority to take decisions on the acceptability or otherwise of armed escorts in concordance with the responsibilities and procedures outlined in section 6 below.

4. Criteria for deciding the composition and the behaviour of the armed escort

In a normal situation, the authority controlling a territory ensures security and maintains law and order. When this is not possible and the use of an escort becomes necessary, it should be seen as a preventive measure, its main feature being the deterrent effect. In such a case, the concerned component of the Movement must find a contractor, who is able to provide the escort and agrees to work according to these general guidelines and the component's directives.

Depending on the situation, the escort may successively be provided for by:

- 1) a reputable private company;
- 2) the police;
- 3) military personnel.

Members of the escort must not be Movement staff and are not allowed to display the emblem. They must travel in vehicles that are identifiably different from those of the Red Cross and Red Crescent and that are not marked with the emblem.

Members of the escort must receive strict instructions from their employers, who are under contract with a component of the Movement, particularly as regards the use of weapons and rules of engagement. These instructions must also be conveyed to the concerned component. That component must reserve the right at all times to give directions regarding matters such as schedule, itinerary or speed of the convoy. Weapons must only be used in self-defence, i.e. when the convoy is under attack and there is no other way to save the lives of the people in the convoy. Those using weapons must strictly respect the principle of proportionality as laid down by the international standards on the use of force and firearms by law-enforcement officials.

Technical questions such as the type of weaponry to be used must be directly dealt with by the security organisation under contract, but with a view to avoiding any confusion as regards the humanitarian nature of the convoy.

Armed escorts and the United Nations

The concerned components of the Movement often have to work in situations in which peace-keeping or peace-enforcement operations are being carried out by or authorised by the UNO under either Chapter VI or Chapter VII of the UNO Charter. The reality today is that in many instances, and not only when clear enforcement actions under Chapter VII are under way, such forces are not perceived as neutral by the warring parties and may even be considered as hostile. As a result, the neutrality of other organisations associated with them is also called into question. Since the components of the Movement have to maintain their independence and their neutrality and to ensure that their operations are perceived as independent and neutral, any situation that could lead to confusion must be avoided.

Therefore, the concerned components of the Movement should not avail themselves of armed protection for their operations when this is offered by UN troops during an enforcement action under Chapter VII or when it is possible that the UNO sooner or later be considered as a party to the conflict by the local population or by the belligerents.

5. Protection of installations and security for distribution sites

The general principles outlined above also apply to the armed protection of fixed assets and security of distribution sites. However, ensuring the security of fixed assets and distribution sites is easier than that of convoys. The components of the Movement should first look to the law-enforcement authorities of the country or area concerned to provide protection as part of their normal duties. In most instances this would be the local police force. If the local authority is not able to provide sufficient protection, then a reputable private security company should be approached and contracted to provide it.

6. Responsibility and procedures

Any component of the Movement working with an armed escort may endanger the other components and must therefore be aware of its responsibility in this regard.

ICRC and Federation delegations must obtain formal written approval from their respective headquarters prior to using armed escorts.

When the need for an armed escort is being discussed by National Societies, prior consultation with the Geneva-based institutions must be held before taking the final decision on using an armed escort in order to protect the neutrality and independence of the whole Movement. A thorough review of the responses to the questions raised above must be submitted as part of this consultation.

The bodies concerned should agree on a mechanism for the transmission of information between the ICRC, the International Federation and the National Societies, each designating a unit responsible for this matter. This mechanism should be made widely known within the Movement.

SECTION IV

STRATEGIES AND PLAN OF ACTION

I

STRATEGY FOR THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

(Council of Delegates, Seoul, 2005, Resolution 6)

The Council of Delegates,

recalling Resolution 3 of the 2001 Council of Delegates, which adopted the Strategy for the International Red Cross and Red Crescent Movement with the ambition that the Movement is stronger when working together in reaching out to vulnerable people with effective humanitarian action throughout the world,

recalling further Resolution 7 of the 2003 Council of Delegates requesting the Standing Commission of the Red Cross and Red Crescent (Standing Commission), the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (International Federation) to submit to the 2005 Council of Delegates a consolidated report on the implementation of the Strategy by all components of the Movement and a proposal for updating the Strategy,

taking note with appreciation of the consolidated report by the Standing Commission, the ICRC and the International Federation to the 2005 Council of Delegates, which demonstrates the importance of a common Strategy for the Movement,

appreciating further the continued progress made since 2003 by all components of the Movement in the implementation of the Actions and the efforts by all components to fulfil the three Strategic objectives laid down in the Strategy for the Movement,

bearing in mind the need for ongoing strategic analysis by all the components of the Movement in response to changing contexts and new challenges,

1. *adopts* the Update of the Strategy for the International Red Cross and Red Crescent Movement, replacing the text adopted in 2001;
2. *calls upon* all components of the Movement as a matter of priority to implement all 10 Actions within set timeframes and to promote the Updated Strategy and ongoing strategic dialogue within the Movement;
3. *requests* the Standing Commission to establish a mechanism to see to the implementation, in consultation with all components of the Movement, of Action 4 of the Strategy for the Movement in order to secure a review of the

entire construct of Movement fora and make recommendations on reducing unnecessary complexities and improving effectiveness, and to present the review and recommendations to the Council of Delegates in 2007;

4. *invites* the International Federation, the ICRC and the Standing Commission to monitor the implementation of the updated Strategy and to report to the 2007 Council of Delegates its findings based on implementation reports submitted to it by the components of the Movement along with pertinent recommendations as necessary;
5. *further recommends* that the Updated Strategy for the Movement be circulated to member States and invited observers of the International Conference of the Red Cross and Red Crescent and presented with the monitoring report to the International Conference in 2007.

UPDATE OF THE STRATEGY FOR THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

Annex to Resolution 6

The International Red Cross and Red Crescent Movement is composed of the **International Committee of the Red Cross (ICRC)**, the **National Societies** and the **International Federation of Red Cross and Red Crescent Societies**.

Together, the above components of the International Red Cross and Red Crescent Movement (the “Movement”) are guided by the same seven Fundamental Principles: humanity, impartiality, neutrality, independence, voluntary service, unity and universality. All Red Cross and Red Crescent activities have one central purpose: to help without discrimination those who suffer and thus contribute to peace in the world.

The **International Committee of the Red Cross** is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance. It directs and coordinates the international relief activities conducted by the Movement in situations of conflict. It also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the International Red Cross and Red Crescent Movement.

The **International Federation of Red Cross and Red Crescent Societies** works on the basis of the Principles of the Red Cross and Red Crescent Movement to inspire, facilitate and promote all humanitarian activities carried out by its member National Societies to improve the situation of the most vulnerable people. Founded in 1919, the Federation directs and coordinates international assistance of the Movement to victims of natural and technological disasters, to refugees and in

health emergencies. It acts as the official representative of its member Societies in international fora. It promotes cooperation between National Societies, and works to strengthen their capacity to carry out effective disaster preparedness, health and social programmes.

National Red Cross and Red Crescent Societies (181) form the basic units and constitute the vital force of the International Red Cross and Red Crescent Movement. National Societies act as auxiliaries to the public authorities of their own countries in the humanitarian field and provide a range of services including disaster relief, health and social programmes. During wartime, National Societies assist the affected civilian population and support the army medical services where appropriate.

The seven Fundamental Principles

Proclaimed in Vienna in 1965, the seven Fundamental Principles bond together the National Red Cross and Red Crescent Societies, the International Committee of the Red Cross and the International Federation of the Red Cross and Red Crescent Societies. They guarantee the continuity of the Red Cross and Red Crescent Movement and its humanitarian work.

Humanity

The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

Impartiality

It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

Neutrality

In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

Independence

The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

Voluntary service

It is a voluntary relief movement not prompted in any manner by desire for gain.

Unity

There can be only one Red Cross or one Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

Universality

The International Red Cross and Red Crescent Movement, in which all Societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.

The aim of the Strategy for the Movement (Strategy)**The Movement's ambition is to be stronger together in reaching vulnerable people with effective humanitarian action throughout the world.**

It is not the purpose of this Strategy to re-define what the Movement does and for whose benefit. That is already clearly stated in the Movement's mission statement, as contained in the preamble to its Statutes of 1986 and which reads as follows:

to prevent and alleviate human suffering wherever it may be found, to protect life and health and ensure respect for the human being, in particular in times of armed conflict and other emergencies, to work for the prevention of disease and for the promotion of health and social welfare, to encourage voluntary service and a constant readiness to give help by the members of the Movement and a universal sense of solidarity towards all those in need of its protection and assistance.

The mission statement defines what the Movement does through National Societies, the International Federation and the ICRC. It remains entirely valid and is in no way affected by this update of the Strategy.

Every day millions of volunteers worldwide assist people in need. They are guided by their National Societies' strategic plans, which ideally should build on the Federation's Strategy 2010, which sets out their core activities.

The "Federation of the Future" process has described how the International Federation operates. ICRC's strategic planning provides direction.

With the mission and the core activities defined, this Strategy is about *how the components of the Movement can work better together* for the victims of conflicts, natural and technological disasters. It supports and complements existing agreements and strategies, respecting and clarifying the mandates and competencies of the components. Simply put, this Strategy is not about what we do, but about how we can do our work better, and how we do it together as a Movement.

By working better together as a Movement, all components will be able to meet the challenge of increasing vulnerabilities across the world, and scale up their interventions to reach more vulnerable people.

The Strategy is first and foremost for leaders within the Movement – Presidents and Chief Executives of National Societies, the leadership of the International Federation and the ICRC – who come together regularly in the Council of Delegates to discuss and decide on strategic objectives, to monitor and evaluate results and to formulate new objectives for the Movement when appropriate. Rather than being a document set in stone, the Strategy aims at building a dynamic process of strategic thinking within the Movement. It formulates priority strategic objectives and translates these into expected results and concrete implementation measures.

Finally, the Strategy is also meant to help every Red Cross and Red Crescent volunteer and staff around the world gain a clearer understanding of the nature and of the goals of the Movement to which he or she belongs and to do his or her job more effectively.

Keeping the Strategy alive

In 2001, when the Strategy for the Movement was first adopted, it aimed to improve the way in which the Components worked together to reach common goals.

This is still the purpose of the Strategy, further strengthened by the four years of experience of its implementation.

The Strategy does not stand alone. It builds on the policies and plans of the ICRC, the International Federation and individual National Societies and on the Movement's "Agenda for Humanitarian Action" adopted at the 28th International Conference of the Red Cross and Red Crescent.

The challenge before us is to ensure that the rich and well-informed discussions that take place at the various Movement events and meetings lead towards a coherent whole. It is with this in mind that the Movement Strategy includes a strong statement to the effect that it should be a standing item on the agenda of each regional conference and similar gathering – whether statutory or not – and that a mechanism is established which helps prepare for and capture the outcome of the discussions at these.

Well managed, such a mechanism for integration of decision-making, gives the Movement the opportunity to tap into the combined wisdom of National Societies, the ICRC and the International Federation and progressively map out a path towards achieving the aim of the Strategy – which is the aim of the Movement.

Are we doing what we said we would? Are we on track to reach our strategic objectives? Monitoring provides an opportunity for the components to share their progress in the implementation of the Strategy. Achieving the Strategic Objectives will strengthen the components individually through strengthening the network that the Movement represents. Review procedures, evaluation and reporting will ensure that the Strategy can promote and further a process of learning.

National Societies, the ICRC and the International Federation provide, as part of existing reporting mechanisms, progress reports on the implementation of the

Strategy through the International Federation Secretariat to the Standing Commission for analysis and for submission to and negotiation at the Council of Delegates. The Standing Commission leads the analysis of these reports, together with the ICRC and the International Federation Secretariat. The report to the Council of Delegates may include individual reactions from National Societies and evaluations of joint tasks undertaken during the previous two years. The report should give a brief update of external trends, opportunities and challenges and also recommendations for adjustments and changes to be made in the Strategy. The Council of Delegates, the highest deliberative body for internal matters within the Movement, decides on and approves the Strategy for the Movement and monitors its implementation.

The external world

One cannot talk about the Movement's future and about a strategy for it without considering current global trends. We live in an exceptional period in the history of mankind. In the relatively short time-span since the Movement came into being, science has made enormous progress, to the good (with advances in medicine and communications) and bad (with weapons of mass destruction). The world's population has grown five-fold, and pollution on the land, in the seas and in the atmosphere adversely affects many people.

The state of today's world is characterized by, among others, the following factors:

The fragility of our planet, its limitations and its vulnerability: defending it against the onslaughts of natural and technological disasters, as well as from the many on-going armed conflicts, is a new and urgent challenge for humanity.

The growing interdependence of phenomena: a major war concerns everyone; nuclear weapons know no borders; there are no empty spaces where people fleeing from poverty or disasters seek safety; global warming affects us all.

Ours is a period of uncertainty and doubt. While some believe that economic liberalism is the path to a better world for all, others think this is just another illusion. Globalization, coupled with population growth, has generated great increases in wealth and well-being, but millions of people remain untouched by its benefits. The failure of past ideologies has encouraged the rise of amoral behaviour and cynicism (self-enrichment, corruption, organized crime) and of extremisms of all kinds.

At the same time, extraordinary progress has been achieved in areas such as public health, agricultural technology, transport and communications. There is greater awareness of human rights and of the responsibility of political leaders in this area; struggles against racism, for women's rights and for the protection of children have made considerable advances, even though more still needs to be done.

The adoption by governments, at the United Nations, of the Millennium Development Goals (MDGs) reflects the need for greater focus and attention on

the situation of the poor. The goals cannot be achieved without the active involvement of communities. By pursuing its own objectives, working on the basis of its own principles and following its own policies, the Components of the Movement contribute to achieving the MDGs.

Both positive and negative phenomena develop at an increasing speed; mankind is engaged in a race against the clock to secure the planetary stability necessary for its survival.

What is the role for the Red Cross and Red Crescent in all this? At the time of Solferino, there was one clearly defined need and a simple proposal to satisfy it: protecting and assisting the wounded on the battlefield. Today's problems are infinitely more complex, far-reaching and manifold, as evidenced by the declaration on 'the power of humanity' pronounced by the 27th International Conference of the Red Cross and Red Crescent:

"In spite of positive changes in recent decades, conflicts still rage in many countries. Attacks on civilian populations and objects are commonplace. Hundreds of thousands of people have been forced to leave their homes. International humanitarian law is often flouted. Highly destructive natural disasters continue to shatter the lives of large numbers of people. New and old diseases cause widespread suffering. Health services and social and economic systems struggle to cope with increasing demands. The weakest around the world continue to suffer most".

Other global phenomena and trends should also be considered as they have their own, more or less direct, bearing on humanitarian endeavours:

- Governments will have less and less control over flows of information, technology, diseases, migrants, arms and financial transactions, whether legal or illegal, across their borders.
- Technological developments and growing economic imbalances will further widen the gap between haves and have-nots, not only materially, but also in terms of knowledge, education and human rights. Poverty will continue to be a major challenge, and many lives will be lost due to re-emerging epidemics (such as malaria and tuberculosis) and infectious diseases including diarrhoea, acute respiratory infections and measles.
- The HIV/AIDS pandemic represents an unprecedented humanitarian and development disaster. It is most severe in Africa, but increasingly serious in other parts of the world, and requires a massive global response.
- Unequal access to health and health services reflect uneven distribution of resources. This inequity is, in itself, morally unacceptable and, at the same time, endangers the welfare of all.
- 'Mega-cities' and other urban centres will continue to grow, straining or even crippling their infrastructures and generating new catastrophes centred around food, water and energy shortages, diseases triggered by unsanitary conditions in overcrowded slums and growing numbers of street children and orphans.

- New types of armed conflicts and belligerents (motivated by social, economic and territorial concerns) will affect many countries and regions. More conflicts will be fought over dwindling natural resources such as water. The proliferation of small arms will act as fertilizer on these conflicts and nurture a spreading culture of violence.
- Trends towards polarization and radicalization are emerging, both at international level and within nation States. The frequency of acts of terror, and the increased efforts of states to combat this phenomenon, adds a new dimension to local, national and regional conflicts, and to the maintenance of security.
- The number of internally displaced people and refugees will continue to grow as a result of conflicts, natural and environmental disasters and economically motivated south-to-north migration. These, as well as the rapidly ageing populations in many countries of the north, will put increasing pressure on health care and social welfare systems.
- Power will continue to shift from governments to other elements of society (the private sector, NGOs), favouring problem solving by markets and citizens. This will create more demand in, and opportunities for, the increasingly competitive voluntary sector and lead to a shift of responsibility in service delivery from paid employees to informal carers.

The humanitarian environment in which the Movement is evolving is also growing increasingly complex. Victims' needs are changing with the changing nature of crises, and the best approaches to satisfying them have to be constantly re-invented. The growth and proliferation of humanitarian agencies, with the resulting competition and confusion, creates problems in both ethical and operational terms. Media coverage distorts the setting of humanitarian priorities. The involvement of political players in the 'humanitarian market' – and especially the action taken by forces mobilized by the United Nations and other organizations in search of new roles – is on the increase. Erosion of human values adversely affects the respect for human dignity; it is consequently becoming more difficult to persuade warring parties and governmental authorities to accept humanitarian action and allow access to the victims. The job of humanitarian workers – volunteers and staff – is becoming ever more dangerous.

In view of these trends, it is more crucial than ever for each individual National Society to be close to the vulnerable people in its own country, aware of their particular needs and ready to assist them. On an on-going basis it should carefully assess those needs not answered by public authorities and other organizations, and define and adjust its priorities accordingly.

The Movement of the Red Cross and Red Crescent is firmly based on principles of humanity, neutrality, impartiality and independence and on international humanitarian law. These determine its overall priorities as well as the conduct of its international relief workers. The Movement aspires to be a global network whose components have complementary roles and mandates, which are mutually

respected. The global nature of this network is, paradoxically, both a major strength and a major weakness. On the one hand it gives the Movement unique access to vulnerable people and the ability to respond to needs from bases already existing in a given country or region. On the other hand, the lack of common understanding of the identity of the Movement and of mutual respect among its components, as well as the unequal availability of resources, create disparity and lack of cohesion, and greatly reduce the effectiveness of the whole.

One of the major challenges which the Movement faces is how best to reconcile the diverse domestic priorities and cultural particularities of the National Societies with its ambition to be a global network for humanitarian action that works together effectively as a Movement.

Strategic objectives

The ultimate aim is to optimize the Movement's action to help vulnerable people by working together more effectively as a global network, in a spirit of cooperation, respect and harmony. The strategic objectives also aim to strengthen the Movement's position in the global humanitarian scene.

The updated Strategy maintains the three objectives:

Strategic objective 1

- Strengthening the components of the Movement.

Strategic objective 2

- Improving the Movement's effectiveness and efficiency through increased cooperation and coherence.

Strategic objective 3

- Improving the Movement's image and the components' visibility and relations with governments and external partners.

Under each strategic objective, one or several actions are set out. Each identifies and explains what needs to be done, and by whom, followed by a listing of expected results and of concrete implementation measures.

Strategic Objective 1:

Strengthening the components of the Movement

Having components with complementary roles, operating internationally as well as being rooted locally, gives the Movement a comparative advantage. However, if the Movement is to have a greater impact, the operational capacity in particular of the National Societies to assist vulnerable people in their own countries must be strengthened by developing management skills, good programmes, governance structures and the ability of governance to carry out its responsibilities, and comply with the Fundamental Principles.

Action 1: Develop a Movement approach to capacity building in National Societies and promote joint planning, resource mobilization and evaluation of development and cooperation activities in a given region or country.

Building local capacities, by investing in people and organizational development, is a crucial factor in achieving our humanitarian mission. All components of the Movement are involved in capacity building and organizational development of National Societies.

Capacity building depends on coordinated approaches and agreed frameworks and methodologies. Well-designed and accessible Cooperation Agreement Strategies [CAS], expressing the external dimension of National Societies' development plans provide a mechanism for achieving coherence in this regard.

Capacity building and organizational development is needed for a National Society to be able to handle emergencies. This requires funding and support, independent of disaster response, and significant programming, such as that available from the International Federation's Capacity Building Fund.

All National Societies need to build their own capacities to respond to needs in their respective countries or internationally.

Expected results

- A single, common Movement approach to capacity building and organizational development, including specific focus on the development of volunteering, is agreed and applied.
- More resources are committed to capacity building, and the capacity building fund is strengthened.
- Common terminology and performance indicators with regard to capacity building, organizational development and planning, are established in National Societies, the International Federation Secretariat and the ICRC.
- There is an enhanced sense of discipline and commitment by all components present in a given country to maximize the use of available resources and to work together in a coordinated and effective manner.

Implementation

- The *International Federation Secretariat* leads the development of a Movement approach, common terminology and indicators for capacity building and organizational development.
- *National Societies, the ICRC and the International Federation Secretariat* encourage Movement networks on capacity building and organizational development to form and exchange best practices.
- *National Societies working internationally, the ICRC and the International Federation Secretariat* coordinate their plans and implementation of support for capacity building in National Societies.
- *National Societies* take responsibility to focus their support on capacity building efforts in the core areas of Strategy 2010 and in Cooperation Agreement Strategies.

- *The ICRC, the International Federation and the host National Society*, wherever possible, promote a policy of shared office locations. Other National Societies seek to integrate their representatives into existing structures, avoiding independent field offices.
- *The ICRC and the International Federation Secretariat* explore possibilities of establishing pilot projects for joint delegations in the field.

Action 2: Systematically train and share knowledge among Red Cross and Red Crescent leadership at all levels of governance and management, on the Movement's mission, history and organization, Fundamental Principles, and International Humanitarian Law.

Competent leaders are indispensable in making the Red Cross and Red Crescent function efficiently. It is first and foremost the responsibility of every National Society to provide training in governance and management skills to its leadership at both board and executive levels.

National Society leaders also have the responsibility, supported by the ICRC and the International Federation, to ensure that volunteers and staff, and in particular young people, have the knowledge needed to promote understanding and respect for the Red Cross and Red Crescent as a universal network, its values and organization.

At Movement level, a systematic approach to leadership training and development has been developed as a support programme for Red Cross and Red Crescent leaders.

Knowledge sharing on governance policy and skills between governing bodies within the Movement must be encouraged and developed, and the use of modern technology such as the Internet should be expanded and supported.

Expected results

- Red Cross and Red Crescent leaders at all levels are knowledgeable in the Fundamental Principles, the Mission of the Movement and International Humanitarian Law, possess the governance and management skills required to run their respective organizations effectively and in conformity with the Fundamental Principles and are prepared to share this knowledge.
- Volunteers, – especially the young – leaders and staff, including delegates, within the Movement have a sense of belonging to a Movement that is wider than the organizational unit to which they belong.
- The Seville Agreement is known, understood and respected by all components of the Movement both at governance and management levels.
- All components of the Movement have presence on the web and their websites are interlinked.

Implementation

- *National Societies* deepen their knowledge of the Fundamental Principles, International Humanitarian Law (IHL) and of the history of the Movement in

cooperation with the International Federation and the ICRC and, especially in relation to IHL, academic institutions.

- *National Societies, the ICRC and the International Federation* increase their degree of knowledge of the Seville Agreement and promote common understanding of the Agreement.
- *Each National Society, the ICRC and the International Federation* take action to strengthen the knowledge, understanding and respect for the emblems among their volunteers and staff at all levels.
- *National Societies* provide development programmes for young volunteers and staff to develop into responsible leaders in their societies and in the Movement.

Action 3: Monitor and protect the integrity of the components, and ensure that every component complies with the Fundamental Principles.

One of the main assets of the Movement is the fact that its actions are based on its Fundamental Principles, helping it to provide humanitarian assistance to vulnerable people in an independent, neutral and impartial way. While acting in accordance with these Principles, it must also be accountable to its stakeholders for the efficient use of resources put at its disposal.

Failure by any component of the Movement to maintain its integrity and credibility has negative consequences for the whole. Every component therefore has a formal obligation to carry out its activities in conformity with the Fundamental Principles of the Red Cross and Red Crescent and by following generally agreed rules of good governance and effective management.

As the institution entrusted with the task of recognizing National Societies as new members of the Movement, the ICRC is responsible for ensuring that the conditions for such recognition are respected at all times. The International Federation Secretariat and the ICRC are cooperating closely in supporting National Societies in the promotion and practical application of the Fundamental Principles.

The International Federation's Constitution calls upon the Federation to be the guardian of the National Societies' integrity and the protector of their interests. The policy on Integrity adopted at the International Federation's General Assembly in 2005 reinforced and developed this role.

Good Statutes, based on established guidelines, are a very important part of the legal base of a National Society, alongside instruments such as the laws and decrees of recognition. They define its legal status, structure, tasks and mode of functioning. They also spell out its obligation to adhere to, and apply in its daily work, the Fundamental Principles.

Expected results

- The credibility of the Movement and the trust it receives from the people it serves and the institutions supporting it, is enhanced through strengthened integrity and transparency of all its components.
- While taking appropriate measures to maintain their own integrity and integrating the Fundamental Principles into all operational and strategic

planning and implementation, the ICRC and the International Federation follow common strategies to ensure that recognition conditions are respected at all times by National Societies.

- National Societies have updated Statutes.
- All agreements between the components of the Movement and States, intergovernmental institutions and other humanitarian players are in conformity with the Fundamental Principles.

Implementation

- *The International Federation*, in close consultation with the ICRC, analyses on a regular basis all integrity issues and takes necessary actions alone or jointly with the ICRC – including peer review – as the case requires.
- *The ICRC, in consultation with the International Federation Secretariat*, develops standards for permanent compliance with the conditions for recognition of National Societies.
- *All components of the Movement* address integrity issues proactively and organize their structures, procedures and operating methods with a view to strengthen their integrity, and produce and publish audited accounts on an annual basis.
- *All National Societies* examine their Statutes and related legal texts by 2010, and, where necessary, adopt new constitutional texts, in accordance with the “Guidance for National Society Statutes” and relevant Resolutions of the International Conference (Resolution 6 of the 22nd International Conference, Tehran 1973, and Resolution 20 of the 24th International Conference, Manila, 1981).
- *The components of the Movement* comply with the Fundamental Principles in their relations and in any formal agreements with states, intergovernmental institutions and other humanitarian players, in accordance with Resolution 10 of the 2003 Council of Delegates (“Minimum Elements to be Included in Operational Agreements Between Movement Components and their Operational Partners”).
- *The International Federation Secretariat and the ICRC* present a report on the on-going process of review of National Society Statutes to every Council of Delegates. When appropriate, they report to the Council of Delegates and initiate debate on major issues and trends relating to the respect of the Fundamental Principles shown by the components of the Movement.

Strategic Objective 2:

Improving the Movement’s effectiveness and efficiency through increased cooperation and coherence

The Movement must respond with swiftness and flexibility to the needs of those calling for impartial humanitarian assistance and protection. In order to increase its efficiency and effectiveness, functional cooperation among the components has to be improved, capitalizing on their complementarities. Effective coordination should be given precedence over the different operational cultures and approaches

of National Societies, the International Federation Secretariat and the ICRC. This requires mutual respect and support and a sense of shared identity.

In a world of rapid changes and complex emergencies, the components of the Movement need reliable information about actual humanitarian situations and development trends, which have a bearing on their ability to assist victims and the most vulnerable people. The need in this respect is to make better use of existing systems and data rather than creating additional capacity for monitoring and analysis of political, social, economic and humanitarian developments, which is already done routinely by many Movement components.

Action 4: Enhance dialogue and consultations within the Movement through better use of existing fora, and improved coordination of the agendas of statutory and other meetings.

The Movement has numerous fora for discussion and debate, foremost among them the Council of Delegates and the International Conference. Commitment to implementation and systematic follow-up of decisions help maintain the Movement's unity of purpose. Regional meetings are important for both the Federation and the ICRC to take part. Coordination of the agendas of the different fora should be improved, and there should be more consultations in-between meetings. In order to have an effect, decisions at the level of the Movement have to be integrated in policies and plans of the individual components.

Expected results

- Consistency between outcomes of meetings.
- The components of the Movement have an increased sense of unity of purpose.

Implementation

- *Every new meeting* reviews what progress has been made with regard to decisions taken by the previous one of the same statutory nature.
- *The International Federation* organizes consultations with the ICRC and the Standing Commission in the preparatory phase of its statutory regional conferences and sub-regional meetings.
- *Organizing committees for regional conferences* ensure that they include on their agendas and take into account Movement matters and the decisions taken at the Council of Delegates and the International Conference. Likewise informal meetings of National Societies ensure a Movement perspective in their discussions.
- *The Council of Delegates* reviews the entire construct of Movement fora and makes recommendations on reducing unnecessary complexities and improving effectiveness.

Action 5: Monitor external trends and analyse data from relevant sources with a view to facilitating coherent policies and approaches to issues of common concern.

The Red Cross and Red Crescent, based on its ability to mobilize large numbers of people in all parts of the world should influence decisions made by others, particularly when these decisions affect humanitarian action.

To be able to exercise that influence, the Movement needs to monitor and analyse external trends and draw upon research carried out by others.

Expected results

- Improved common understanding across the Movement of external trends and their effect on humanitarian action.
- Improved strategic planning in National Societies and the Movement's statutory bodies, leading to enhanced decision-making capability on major humanitarian issues.
- Increased impact on global agendas and improved inputs into decision-making in external fora, which impact on humanitarian work.

Implementation

- *The components of the Movement* will meet periodically at all levels and exchange and analyse information on external trends and their potential impact on on-going activities.
- *The ICRC and the International Federation Secretariat* establish a section on their websites where data and web links on external trends are collected and made available. National Societies will provide links to their sources of information and analysis of common interest.

Action 6: Improve and coordinate the Movement's response to emergencies

Efficiency in reaching the victims in emergency situations, including health emergencies, is of crucial importance. There is a continuous need to look for ways to improve the conduct of emergency response operations. Over the past few years, the ICRC and the International Federation Secretariat have made progress in making their management systems and relief mechanisms more compatible and all National Societies participating in international emergency operations should join them.

National Societies participating in international emergency operations will carry out their contributions in accordance with the needs of the affected people, priorities and plans of the host National Society and abiding by the Movement cooperation and coordination mechanisms. All National Societies have priorities, roles and mandates in their own countries, which also apply in an emergency situation. The host Society's priorities are a cornerstone for support and partnership by other components of the Movement.

Consultative processes are key to smoothly running operations and to allocating responsibilities and tasks between the Red Cross and Red Crescent partners in the transition period and to facilitate coordination with other national and global agencies. Components of the Movement involved in an emergency situation should initiate such processes.

The recommendations of the Ad Hoc Group on the Conduct of International Relief Operations, as adopted by the Council of Delegates (Resolution 2, CoD 2001) remain a useful reference for further work.

Expected results

- Through its coordinated work in emergency situations, including health emergencies, the components of the Movement reach more vulnerable people.
- A harmonized and systematic use of standards enhances the quality of humanitarian assistance provided by the components of the Movement in emergencies.
- The components of the Movement are trusted and preferred as partners by the beneficiaries as well as by other partners in the delivery of humanitarian assistance.
- Emergency operations are used effectively to strengthen National Societies' capacity.

Implementation

- *The ICRC, the International Federation and the host National Society* establish, in advance, adequate coordination mechanisms taking into account the Seville Agreement, in the form of a common Movement framework working at strategic, operational and technical levels, that apply to all Red Cross and Red Crescent activities in a given situation.
- *All components of the Movement* carry out their activities within the framework of Movement coordination established in this manner, contributing to the overall humanitarian objectives of the Movement.
- *The components of the Movement*, in their operational planning, give priority to maximizing the impact of collective action and to building the capacity of the host National Society.
- *The ICRC and the International Federation* ensure that contributions to a given operation are visible and valued in accordance with their usefulness in meeting the needs of the victims and vulnerable people.
- *The International Federation Secretariat and the ICRC* continue to develop relations with other humanitarian actors with a view to establishing frameworks of cooperation within which National Societies may operate.
- *The ICRC and the International Federation Secretariat* promote increased joint use by components of the Movement of existing tools, such as the Disaster Management Information System (DMIS), Emergency Response Units (ERUs), FACT, and others, including those appropriate to health emergencies. They will encourage joint training in their use and facilitate contributions from all components to the continued development of such common tools for disaster management and quality control within the Movement.
- *The International Federation Secretariat and the ICRC*, in consultation with the National Societies, continue the implementation of the recommendations of the Ad Hoc Group on the conduct of International Relief Operations.
- *The ICRC and the International Federation Secretariat* continue to make their management systems for international emergency operations compatible with one another. National Societies seek to develop their management systems for international relief operations in a direction, which facilitates linkages with those of the ICRC and the International Federation Secretariat.

Action 7: Promote learning from experience through systematic evaluations of national and international activities, and through a system of knowledge sharing and ‘best practice’ within the Movement.

In a rapidly changing world, where the humanitarian agenda is becoming ever more demanding, improved performance and accountability are essential for institutional credibility. Systematic use of the National Society Self-Assessment tool and of evaluations provide data, which can help the components of the Movement determine whether policies and strategies are producing the expected results and can promote a culture of learning where ‘best practices’ are shared among the components and incorporated into the formulation of new directions.

Expected results

- Improved performance through continuous learning.
- Improved transparency and accountability.

Implementation

- *All components of the Movement* make the results of major evaluations and examples of best practice available to each other and, when relevant, to the public.
- *The International Federation* compiles data on National Society activities annually on the basis of their self-assessment and reports biannually on this to its General Assembly.
- *National Societies* take responsibility for their own learning. They initiate reviews of their own performance and measure this against recognized standards with a view to improve transparency and accountability.
- *The Federation Secretariat* and the ICRC continue to support and foster the growth of formal and informal networks of National Societies to exchange knowledge and best practices.

Strategic Objective 3:**Improving the Movement’s image and the components’ visibility and relations with governments and external partners**

It is of vital importance for the Movement to cooperate with all key players in order to assist better the vulnerable people who are at the centre of its work, while at the same time strengthening its position and profile in the humanitarian sphere. Its specific role is to safeguard independent humanitarian action and humanitarian values at all times. The ability of the Movement to present a coherent image through its objectives and actions depends first and foremost on smooth internal functioning. Only to the extent that harmony reigns within the Movement itself can a strong Movement image be presented to others.

Action 8: Communicate effectively and powerfully about Red Cross and Red Crescent actions and consistently advocate on humanitarian issues of common concern.

The public at large perceives the Red Cross and Red Crescent as one humanitarian network. This perception generates massive moral and financial support. However, there is a gap between the perception of the Red Cross and Red Crescent as one network on the one hand, and the reality of a complex Red Cross and Red Crescent Movement structure on the other. The Movement seeks to project a consistent image and have a clear voice in national and international media.

While advocacy on humanitarian matters is often pursued through bilateral presentations and dialogue with governments and other concerned partners, there are opportunities for presentations in a public forum or conference setting, which necessitate a public stand. Resolution 6 of the 1999 Council of Delegates encourages Movement components to pursue advocacy initiatives aimed at creating awareness of the conditions of victims of armed conflict and disasters and vulnerable people, as well as promoting international humanitarian law.

It is important that National Societies, as well as the ICRC and the International Federation, build the capacity required to strengthen the Movement's visibility and image and add value to their work through strong relationships with external actors.

Expected results

- The Movement as a whole and its individual components are perceived as the prime humanitarian force both in terms of actions and of impact on humanitarian policies.
- A coherent image of the Red Cross and Red Crescent is projected to the public at large, while retaining the separate identities of the components of the Movement for particular audiences.
- The Movement has clear and coherent common positions on major issues confronting the international community and external partners.
- The Movement has clear advocacy strategies, including prioritization of issues.
- The Movement's priorities are reflected in the current international humanitarian debate.

Implementation

- *The Council of Delegates* identifies key Movement messages and advocacy issues. The International Federation and the ICRC will support National Societies in their communications relating to issues agreed by the Council of Delegates.
- *National Societies* build on the positions and messages of the Movement in their opinion work with the general public, civil society organizations, partners and with their respective governments.
- *Each Council of Delegates* reviews the implementation of the advocacy strategies previously agreed.

- At the sub-regional, regional and international level, *National Societies* share experience in terms of best practice in communications using networks of National Societies, centres of competence or other mechanisms, and with the active support of the International Federation and the ICRC.
- *National Societies, the ICRC and the International Federation* commit themselves to have an interlinked and visually consistent presence on the web, thereby reflecting the Movement's ambition of being a single, efficient humanitarian force based on a global network.

Action 9: Analyse the National Societies' role as auxiliary to their governments and the Movement's relations with political and military players. Secure appropriate mechanisms for consultation and coordination in the Movement.

The nature of the relationship between states and National Societies is unique and offers many benefits to both parties. The National Societies' role as auxiliary to the public authorities is based on international humanitarian law (e.g. Geneva Convention I 1949, Article 26) and the Statutes of the Movement (e.g. Articles 3(1) and 4(3)). It has also been recognized by the United Nations General Assembly, for example in resolution 49/2 of 1994. The auxiliary role gives National Societies a special status: they are, at the same time, private institutions and public service organizations. The principle of independence stipulates that National Societies must always maintain sufficient autonomy so as to be able to act at all times in keeping with the Fundamental Principles. Moreover, the Movement's Statutes indicate that National Societies, while retaining independence of action, should give priority to cooperation with other components of the Movement. Thus there must be an appropriate balance between the need for close relations between a state and its National Society on the one hand, and the need to maintain the independence of the National Society on the other.

The Study specifically stresses that when cooperating with governments, the military or other partners, Movement components promote effective assistance to and protection of victims of conflict and vulnerable people, and respect for the Fundamental Principles. The components of the Movement will always safeguard their independence from activities of a political and/or military nature.

There is a trend towards integrating humanitarian action into a wider political and military framework, well beyond the traditional political and military fields. It is essential for the Movement to retain its identity as an independent, neutral and impartial humanitarian force. In situations where there is an international military mission, the components of the Movement need to clearly delineate their humanitarian activities from those carried out by the military and to explain their *modus operandi* to the latter. This is also important in situations not characterized by armed conflict, where the role of National Societies as auxiliaries has become more prominent in recent years.

These points are consistently underlined in relevant presentations to international organizations and governments, which are becoming more aware of the importance of respect for the auxiliary role.

Expected results

- The Movement preserves its status as an independent, neutral and impartial humanitarian network. Its components coordinate their activities to the extent possible with other key players on the scene, without compromising the Fundamental Principles.
- Components of the Movement, states, and other actors have a clear and shared understanding of the National Society auxiliary role, its advantages and restrictions, in the light of changing needs and of the evolving roles of other service providers.
- The emblems are understood and respected both in conflict and non-conflict situations by all players and parts of society.

Implementation

- *The International Federation Secretariat in cooperation with the ICRC* will present the results of consultations with National Societies and states on the Characteristics of a well-balanced Relationship between National Societies and states to the International Conference in 2007 including an agreed description of the auxiliary role, for adoption. As a part of this process, the ICRC in cooperation with the International Federation will present the result of a consultation with States on the document on National Societies as auxiliaries to the public authorities in the humanitarian field in situations of armed conflict and internal strife.
- *The ICRC*, in close consultation with the International Federation Secretariat and National Societies, formulates common positions of the Movement on issues concerning relations with political and military players.
- *The ICRC*, in consultation with the International Federation Secretariat and National Societies, provides guidelines for cooperation with political and military players. The ICRC will facilitate the use and implementation of the guidelines, and develop a communication plan for explaining the Movement's position to external partners.
- *The International Federation and the ICRC* will articulate the auxiliary role in appropriate presentations to government and international organizations at the international level, to promote a consistent respect for National Societies when they act in emergency and other humanitarian situations.
- *National Societies* promote and explain the characteristics of a balanced relationship between states and National Societies to their governments.
- *The ICRC*, supported by the International Federation Secretariat and in consultation with National Societies, reviews the adequacy of existing rules and regulations concerning the emblems.

Action 10: Strengthen the components of the Movement's relationship with the private sector.

The Movement will increase its dialogue with the private sector to build awareness of the important role it plays in communities where it has business interests. The components will encourage the private sector to contribute to improving the lives of vulnerable people in these communities.

Clear ethical criteria for fundraising from and with corporations will assist the Movement in selecting the best private sector partners, in providing guidance on the appropriateness of unsolicited donations and serve to better understand the role and responsibilities of all parties concerned.

Expected results

- A common and harmonized approach to private sector relationships is reinforced, safeguarding the integrity of the components of the Movement and ensuring respect for the emblems.
- The private sector contributes to humanitarian action and helps the components of the Movement to improve their capacity to deliver services.
- The private sector is aware of and understands the social and humanitarian implications of their activities and takes responsibility for these.

Implementation

- *National Societies, the International Federation Secretariat and the ICRC* engage in a dialogue with targeted corporations to increase their awareness of the humanitarian impact of their business operations.
- *National Societies, the International Federation Secretariat and the ICRC* actively use the Guidelines for Corporate Sector Partnerships adopted by the Council of Delegates in 2005.
- *The International Federation Secretariat* provides guidance to National Societies about how to apply for funding from international sources.
- *The ICRC*, in consultation with the International Federation Secretariat and National Societies, initiates a comprehensive study of operational and commercial issues involving the use of the emblems.

Implementation

By developing a common strategy, the components of the Movement of the Red Cross and Red Crescent have opened a path towards greater unity and cooperation. Sharing, participating and harmonizing are key words to make this strategy happen.

The implementation of shared strategic planning will take the form of a process, which includes several steps.

1. At the Council of Delegates the components of the Movement decide on strategic objectives and on the actions to be taken in order to proceed towards the objectives.
2. Every Council of Delegates reviews the results achieved and adjusts the actions and/or objectives.
3. Revisiting and formulating the strategic approach every two years gives the Movement flexibility to develop its strategic directions taking into account new demands and needs in the world.

This updated Strategy consists of three strategic objectives and 10 actions. Each action includes expected results and implementation measures. When implementing the Strategy, some of the expected results can be reached through incorporation into yearly plans of the components and ensuring that these plans are implemented. Some actions might be implemented within the framework of a Cooperation Agreement Strategy or through joint projects, in which several components participate. National Societies, the International Federation Secretariat and the ICRC are individually responsible for integrating the directions given in this Strategy into their respective strategies, plans and training programmes at national, regional and international level.

Sharing the costs

Implementing this Strategy is about sharing with other components, about participating in common tasks and joint policies, and about adjusting methods and tools to obtain compatibility with the other components of the Movement.

Several of the 10 actions are already part of approved budgets of the components of the Movement. The costs of other actions have to be carefully calculated and integrated in the budgets of the components over the coming years.

Timeframe

This updated Strategy for the Movement was adopted by the Council of Delegates in 2005. The governing bodies of each National Society, the International Federation and the ICRC will examine it with a view to implementing the responsibilities entrusted to them and will make further suggestions for its implementation and continued review. Based on a report submitted by the Standing Commission, the Strategy will be reviewed as necessary by the next Council of Delegates.

II**INTERNATIONAL RED CROSS AID TO REFUGEES:
STATEMENT OF POLICY¹**

(adopted by the 24th International Conference, Manila, 1981)

1. The Red Cross should at all times be ready to assist and to protect refugees, displaced persons and returnees, when such victims are considered as protected persons under the Fourth Geneva Convention of 1949, or when they are considered as refugees under Article 73 of the 1977 Protocol I additional to the Geneva Conventions of 1949, or in conformity with the Statutes of the International Red Cross, especially when they cannot, in fact, benefit from any other protection or assistance, as in some cases of internally displaced persons.
2. The services offered by a National Society to refugees should conform to those offered to victims of natural disasters, as indicated in the Principles and Rules for Red Cross Disaster Relief. These services should be of an auxiliary character and undertaken in agreement with the authorities. They should be in strict accordance with Red Cross Fundamental Principles.
3. Assistance from the Red Cross should at all times take due account of the comparable needs of the local population in the areas in which refugees, displaced persons and returnees are accommodated. Since Red Cross relief programmes are essentially of an emergency character, they should be phased out as soon as other organizations are in a position to provide the aid required.
4. All National Society actions for the benefit of refugees and displaced persons should be immediately reported to the League² and/or the ICRC.
5. It is the responsibility of each National Society to inform the League and/or ICRC of any negotiations likely to lead to a formal agreement between the Society and the UNHCR. The League and/or ICRC should be associated with the Society in the negotiations and concur with the terms of agreement.
6. Societies, when possible, should use their influence to encourage their Governments to accept refugees for resettlement as well as to participate as appropriate by assisting with welfare programmes in the resettlement process in close cooperation and coordination with their Governments.

¹ A proposed amendment aimed at adding the words "and Red Crescent" wherever the Red Cross alone is mentioned will be submitted to the 26th International Conference of the Red Cross and Red Crescent.

² On 28 November 1991 the League changed its name to "International Federation of Red Cross and Red Crescent Societies".

7. The ICRC, League and National Societies should cooperate to the maximum possible extent with UNHCR and all other institutions and organizations (governmental, intergovernmental and non-governmental) working in the field of refugee relief.
8. As a neutral and independent humanitarian institution, the ICRC offers its services whenever refugees and displaced persons are in need of the specific protection which the ICRC may afford them.
9. The Central Tracing Agency of the ICRC is also always ready in cooperation with National Societies to act in aid of refugees and displaced persons, for instance by facilitating the reuniting of dispersed families, by organizing the exchange of family news and by tracing missing persons.

When necessary, it offers its cooperation to the UNHCR, as well as its technical assistance to National Societies to enable them to set up and develop their own tracing and mailing services.

10. The international institutions of the Red Cross will have regular consultations with the Office of the United Nations High Commissioner for Refugees on matters of common interest and, whenever considered useful, will coordinate their humanitarian assistance in favour of refugees and displaced persons in order to ensure complementarity between their actions.³

³ See below Resolution XXI of the 24th International Conference (Manila, 1981), Resolution XVII of the 25th International Conference (Geneva, 1986) and Resolution 9 of the Council of Delegates (Budapest, 1991), quoted in Part Four, Section IV, Chapter IV D.

III

MOVEMENT ACTION IN FAVOUR OF REFUGEES AND INTERNALLY DISPLACED PERSONS

(Council of Delegates, Geneva, 2001, Resolution 4)

The Council of Delegates,

expressing its deep concern about the need to improve protection and assistance to the tens of millions of persons who have been forcibly uprooted and displaced by armed conflict, violations of international humanitarian law and human rights and natural or other human-induced disasters,

welcoming the document prepared by the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (International Federation) entitled Movement Action in Favour of Refugees and Internally Displaced Persons (Document CD2001/6/1),

recalling and reaffirming the resolutions adopted by the International Conference of the Red Cross and Red Crescent (Resolution XXI, Manila 1981; Resolution XVII, Geneva 1986, Resolution 4A, Geneva 1995 and Goal 2.3 of the Plan of Action of the 27th International Conference, Geneva 1999) as well as the Resolutions adopted by the Council of Delegates (Resolution 9, Budapest 1991 and Resolution 7, Birmingham 1993),

recalling that in situations of armed conflict refugees and internally displaced persons are protected by international humanitarian law, recalling also the protection afforded by refugee law, human rights law and national law and encouraging all components of the Movement, in accordance with their mandates, to take appropriate measures to ensure that States are aware of their responsibilities under international humanitarian law, refugee law, human rights law as well as national law applicable to refugees and internally displaced persons,

emphasising the importance of respect for international humanitarian law for the prevention of displacement,

noting the need for the components of the Movement to agree upon and implement a coherent strategy for ensuring a predictable response to the needs of refugees and internally displaced persons, while retaining a global approach based on a response to needs rather than on categories of persons,

noting further the requirements that all activities carried out by the components of the Movement in favour of refugees and internally displaced persons be in accordance with their respective mandates as outlined in the Statutes of the Movement and the Seville Agreement and in respect of the Fundamental Principles of the Movement.

Movement response to the needs of refugees and internally displaced persons

1. *calls upon* the ICRC, the International Federation and National Red Cross and Red Crescent Societies (National Societies), in accordance with their respective mandates, to seek to ensure at all times that the Movement's response adopts a global approach, addressing both the needs of refugees and internally displaced persons – whenever possible, by appropriately addressing all stages of displacement, from prevention to return – and also the needs of the resident population in order to ensure respect for the Principle of Impartiality at all times. In particular, such a response should take into account:
 - the need for protection, assistance, tracing, family reunification and durable solutions such as return, local settlement, or resettlement in a third country;
 - the specific needs of different groups within populations of refugees and internally displaced persons, as well as their different needs at different stages of displacement;
 - the need for short-term interventions and long-term solutions;
 - the need to involve refugees and internally displaced persons in planning and implementing programmes for their own benefit;
 - the needs of host and local communities;
 - the need for burden sharing within the Movement to assist National Societies where responding to displacement is beyond their individual capacities;
 - the need to develop a strong advocacy platform with common Movement positions.

Coordination and cooperation within the Movement

2. *requests* the ICRC and the International Federation to develop a strategy to address the issues and challenges identified in Section VI of the above-mentioned document (CD 2001/6/1) by means of a regular and efficient exchange of information between the various components of the Movement as well as between the headquarters and the field;
3. *recognises* that there may be circumstances in which the ICRC, as the Lead Agency in situations of armed conflict must focus on the priority needs of refugees and internally displaced persons who find themselves closest to areas of conflict, while there may be displaced persons located at a distance from the theatre of hostilities who may also be in dire need of assistance, and urges the ICRC, in consultation with the International Federation and National Societies, to develop, within the framework of the Seville Agreement, operational solutions to such situations;
4. *calls on* National Societies to support ICRC and/or International Federation programmes in favour of refugees and internally displaced persons mobilising public as well as government support and coordinating their action with the Lead Agency to ensure the most effective Movement response.

Coordination and cooperation with other humanitarian actors

5. *requests* the ICRC, the International Federation and National Societies jointly and individually, in accordance with their respective mandates, to continue to closely co-ordinate their activities in this area and promote real coordination with other humanitarian actors, aiming to achieve a coherent approach by the components of the Movement in their relations with other humanitarian actors to achieve greater complementarity in their activities;
6. *urges* National Societies to ensure that their activities in favour of refugees and internally displaced persons are carried out in respect of the Fundamental Principles of the Movement and existing policy at all times, and particularly when they are acting as implementing partners for other humanitarian actors;
7. *reminds* National Societies of their obligation to inform the International Federation and/or the ICRC of any negotiations likely to lead to a formal agreement between them and any agency of the United Nations or any other international organisation. The International Federation and/or the ICRC will assist National Societies in negotiations likely to lead to an agreement with the United Nations High Commissioner for Refugees (UNHCR) and must concur with the terms of any such agreement in order to ensure coherence and complementarity;
8. *requests* that the ICRC and the International Federation jointly initiate a process of consultation with the UNHCR with a view to clarifying the terms upon which the components of the Movement engage in cooperation with the UNHCR, and to report thereon to the next Council of Delegates.

Development of Movement Strategy

9. *calls upon* the ICRC and the International Federation to further develop proposals for Movement strategy on refugees and internally displaced persons, in consultation with National Societies, and to report to the next Council of Delegates;
10. *further calls upon* the International Federation, in consultation with National Societies to develop proposals for a plan of action on other aspects of population movement. This plan of action will address, *inter alia*, migration and resultant vulnerability, migrants in irregular situations, and action to address discrimination and xenophobia. The International Federation will report thereon to the next session of its General Assembly.

IV

MOVEMENT ACTION IN FAVOUR OF REFUGEES AND INTERNALLY DISPLACED PERSONS AND “MINIMUM ELEMENTS TO BE INCLUDED IN OPERATIONAL AGREEMENTS BETWEEN MOVEMENT COMPONENTS AND THEIR OPERATIONAL PARTNERS”

(Council of Delegates, Geneva, 2003, Resolution 10)

The Council of Delegates,

continuing to express its deep concern about the need to improve protection and assistance to the tens of millions of persons who have been forcibly uprooted and displaced by armed conflict, violations of international humanitarian law and human rights as well as natural or other human-induced disasters; and about people who have migrated to avoid untenable circumstances and find themselves in a situation of vulnerability in their new country of residence;

noting the profound vulnerability that often accompanies the return of refugees and internally displaced persons («IDPs») to their places of origin;

recalling and *reaffirming* the resolutions on this topic adopted by the International Conference of the Red Cross and Red Crescent (Resolution XXI, Manila 1981; Resolution XVII, Geneva 1986, Resolution 4A, Geneva 1995 and Goal 2.3 of the Plan of Action of the 27th International Conference, Geneva 1999) as well as the resolutions adopted by the Council of Delegates (Resolution 9, Budapest 1991, Resolution 7, Birmingham 1993 and Resolution 4, Geneva 2001);

recalling that Resolution 4 of the 2001 Council of Delegates *inter alia* requested the components of the Movement to ensure that their activities for refugees, IDPs and migrants are carried out in respect of the Fundamental Principles of the Movement and existing policy at all times, particularly when they are acting as implementing partners for other humanitarian actors;

welcoming the document prepared by the ICRC and the International Federation entitled “Report on the Implementation of Resolution 4 of the 2001 Council of Delegates – Movement Action in Favour of Refugees and Internally Displaced Persons”;

commending the components of the Movement for their valuable contributions to improving the response to the plight of refugees, IDPs and migrants;

1. *calls upon* the components of the Movement to continue to pursue and develop their activities for refugees, IDPs and migrants, in accordance with their respective mandates and in respect of the Fundamental Principles, striving always to adopt a global approach addressing all stages of displacement from prevention through displacement to return, resettlement and re-integration as well as the needs of resident populations in accordance with the Principle of Impartiality;

2. *recalls* the obligation of National Societies to inform the International Federation Secretariat and/or the ICRC of any negotiations likely to lead to a formal agreement with any United Nations agency or other international organization ; and *reminds* National Societies that the International Federation and/or the ICRC must concur with the terms of any such agreements, in particular those concluded with the Office of the United Nations High Commissioner for Refugees (UNHCR);
3. *welcomes* the document entitled “Minimum Elements to be Included in Operational Agreements between Movement Components and their External Operational Partners” attached hereto and *calls upon* all components of the Movement to comply with these Minimum Elements when formulating operational partnerships with all external organizations and/or agencies, particularly, but not exclusively, UNHCR.¹

¹ Annex Minimum Elements to be included in operational agreements between Movement components and their external operational Partners under Part Three, Section III, Chapter III.

V

THE MOVEMENT'S POLICY ON ADVOCACY

(Council of Delegates, Geneva, 1999, Resolution 6)

The Council of Delegates,

welcoming the follow-up given to its debate at the 1997 Council of Delegates on the subject of advocacy,

taking note of the paper presented to the Council of Delegates and entitled "The International Red Cross and Red Crescent Movement's Involvement in Advocacy",

recalling that advocacy, i.e. "pleading in support of, supporting or speaking in favour of someone (a cause or a policy)", is a part of the Red Cross and Red Crescent mission, in addition to or in support of services rendered to the community,

recalling further the Principle of humanity stating that the International Red Cross and Red Crescent Movement endeavours to prevent and alleviate human suffering wherever it may be found,

noting that whereas advocacy may normally be pursued through dialogue with governments and other concerned parties, private diplomacy, communications, and conference or public statements of policy, there may be issues at the national or international level where, owing to their significance and the small likelihood of achieving change through traditional means of advocacy, a public campaign is deemed necessary,

noting further the results achieved by the International Red Cross and Red Crescent Movement on both the national and international level in favour of victims of conflict and disaster and vulnerable people,

1. *encourages* the components of the Movement to pursue advocacy initiatives aimed at creating awareness of the conditions of victims of conflicts and disasters and vulnerable people;
2. *confirms* that whereas advocacy initiatives may normally involve dialogue and private diplomacy, public campaigns and other means may be deemed necessary, taking into account the mandates as defined in the Statutes of the Movement, and capacities, and operational environments of the different components of the Movement;
3. *decides* with regard to public campaigns, as follows:
 - a) A National Society or group of National Societies considering the launch of a national campaign should bear in mind:
 - the likely consequences on maintaining positive relations with the government or other organizations affected by the campaign;

- the need, while considering co-operation with other organizations with similar interests, to preserve its distinct identity;
 - the possible consequences for other components of the Movement.
- b) Concerning internationally promoted campaigns for wider respect for international humanitarian law, better assistance for victims of conflicts and disasters, or a more effective response to the needs of the most vulnerable members of society:
- any decision to launch such campaigns must be reached through a rigorous, structured and transparent process;
 - and should be launched within the framework and general guidelines to be issued by the ICRC, the International Federation or jointly by the two components.

Such internationally promoted public campaigns must respect the following criteria:

- the launching of the campaign is prepared by early consultation with all the components of the Movement, is based on their missions as defined by the Statutes of the Movement, and is agreed by the appropriate governance body;
- the timetable of any internationally led advocacy campaign should be agreed by the ICRC and the International Federation;
- through their operations and programmes, the components of the Movement have sufficient knowledge and experience of the issue to be raised, so as to be credible and effective advocates;
- the desired outcome of the campaign is precisely defined and the long-term allocation of resources for running the campaign are clearly identified;
- the lines of communication and decision-making relating to the campaign are determined within the Movement and mechanisms for evaluating the impact of the campaign are identified;
- the action to be taken and the messages to be put across are not expected to have a negative impact on the work of any component of the Movement or to severely jeopardize its identity or working relations with the authorities or its operation capacity or efficiency.

VI**MOVEMENT STRATEGY ON LANDMINES**

(Council of Delegates, Geneva, 1999, Resolution 10)

The Council of Delegates,

recalling that Resolution 8, point 3, of the 1997 Council of Delegates requested the ICRC and the International Federation, in consultation with National Societies, to elaborate a long-term strategy to address the anti-personnel mines problem,

aware that the National Societies have the capacity and the potential to help improve the situation of mine victims and meet their specific needs,

recalling also the Movement's concern in the face of the proliferation of these weapons and deeply alarmed by the horrendous suffering caused by the presence of millions of anti-personnel landmines throughout the world,

welcoming the entry into force on 1 March 1999 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, signed in Ottawa in December 1997,

1. *adopts* the Movement Strategy on Landmines and *urges* all the Movement's components to implement it;
2. *asks* the ICRC to assume the lead role in this field and to offer advice and support to National Societies wishing to launch programmes within the framework of the Strategy;
3. *asks* the ICRC, in consultation with the International Federation, to follow developments in the situation, to support the National Society programmes and activities in the framework of the Movement Strategy on Landmines, and to report on the progress made to the 2001 session of the Council of Delegates.

Summary

The purpose of the Movement Strategy on Landmines is to provide stimulus, guidance and support for coherent action by the Red Cross/Red Crescent in this area for the next five years.

The Strategy contains background information on past Red Cross/Red Crescent activities, an overview of assumptions and constraints, overall objectives for the promotion of international norms, mine awareness, the protection of the civilian population, care and assistance to mine victims, and ways of taking concerted action in the future.

The Strategy emphasizes the importance of unity and cooperation among the Movement's components, and emphasizes that their institutional knowledge and capacity must be strengthened. It calls for an effective exchange of information and communication, with a lead role assumed by the ICRC.

National Societies are the most powerful Red Cross/Red Crescent advocates at country level, and the Strategy aims to help them, with the support of the ICRC and the International Federation, to gain the skills and mobilize the resources they need to become effective campaigners and players in long-term mine-related activities.

Core elements of the strategy

- To achieve universal adherence to and effective implementation of the norms established by the Ottawa Treaty and amended Protocol II to the 1980 Convention on Certain Conventional Weapons.
- To reduce civilian casualties in mine-contaminated areas through community-based education programmes about mine risks.
- To remind parties to armed conflicts of their responsibility to comply with humanitarian law as regards landmines, and of the humanitarian consequences of the use of mines.
- To ensure that mine victims have equal and impartial access to proper care and assistance.
- To assist the National Societies of the most affected countries in incorporating mine-related activities and services into their regular programmes, and to support National Society endeavours on mine-related issues.
- To cooperate with mine-clearance organizations according to humanitarian priorities, by developing mine-awareness activities and providing medical assistance to clearance teams, in accordance with the *Guidelines on Red Cross/Red Crescent involvement in mine-clearance activities*, adopted at the 1997 session of the Council of Delegates.

A. Activities

1. Promoting international norms

Background

The Ottawa treaty banning the production, development, transfer, stockpiling and use of anti-personnel landmines was ratified by the required number of States in 1998 and entered into force on 1 March 1999. As at 30 April 1999, 133 States had signed the treaty and 74 had ratified it. Those States which have not yet signed or ratified the treaty must do so if future crises are to be prevented. The treaty must be universally accepted as the fundamental norm governing anti-personnel mines. All States must be encouraged rapidly to implement the treaty's provisions on the destruction of stockpiles, mine clearance, mine awareness, and victim care and assistance.

Amended Protocol II to the 1980 Convention on Certain Conventional Weapons (CCW) limits the use of anti-personnel mines and also governs the use of landmines not covered by the Ottawa treaty (namely anti-vehicle mines). It entered into force in 1998. It will be reviewed and hopefully strengthened in 2001.

The ICRC played a significant role in the promotion and negotiation of both treaties. It worked closely with National Society legal advisers in developing the Movement's position on the matter and in commenting on draft texts and proposals. National Society representatives also served on the ICRC and Federation delegations to the relevant diplomatic conferences. Many National Society legal advisers played a major role in national efforts to obtain a ban on anti-personnel landmines and ratification of the treaties.

Securing universal accession to and implementation of both treaties requires further efforts on the part of the entire Movement. National Society initiatives are particularly important in enhancing government awareness and understanding of both treaties and their relevance in addressing the problem.

Constraints

The constraints are:

- security concerns and the need to protect long borders;
- a military preference for a step-by-step approach until alternatives are found;
- lack of understanding about the scope of the treaties, the extent of their prohibitions and obligations, and the types of mines and weapons they ban;
- a shortage of funds to implement the treaty obligations.

Strategies

The strategies are to:

- encourage governments which have not yet done so to adopt a pro-ban position, by signing and ratifying the Ottawa treaty;
- maintain awareness about the mines issue among the general public in order to create the political will in support of ratification and rapid implementation;
- engage the military in discussion of the landmines problem, humanitarian law and alternatives to anti-personnel mines.

Objectives

The objectives are to obtain:

- universal ratification of the Ottawa treaty, particularly from major mine producers;
- universal ratification of amended Protocol II (and the CCW's other three Protocols, including the Protocol on blinding laser weapons);
- the adoption of national legislation for implementation of the above treaties;
- a ban on the transfer of all anti-personnel mines;
- ratification of the Ottawa treaty by two or more additional regional powers;
- stronger CCW provisions on anti-vehicle mines, to be negotiated at the Review Conference in 2001;

- the destruction of stockpiles;
- universal stigmatization of the use of anti-personnel mines, wherever it may occur.

Implementation

- a) **All components of the Movement** are asked to pursue their efforts to promote awareness of and accession to the Ottawa treaty and amended Protocol II through, among other things, international meetings, regional seminars and the placement of advertisements in the international media.
- b) **The ICRC** should monitor interpretations of the treaties, new technological developments which may have an impact on them or their objectives, and developments in other international fora which may undermine or weaken the norms established. It will assist National Societies in their efforts to obtain ratification of the treaties.

I. In States which have ratified the treaties:

- a) **National Societies** will work with their governments to ensure that the treaties are implemented, by means inter alia of national implementing legislation, regulations, administrative orders and other measures.
- b) **The ICRC** Legal Division will provide the National Societies with technical expertise, material and advice in their endeavours to obtain government implementation of the treaties.

II. In States which have not ratified the treaties:

- a) National Societies are asked to encourage their governments to accede to the Ottawa treaty and amended Protocol II by organizing public events and/or entering into dialogue with government officials.
- b) The ICRC will promote discussion within military circles of the landmine problem and accession to the treaties at the earliest possible date.

2. Mine-awareness activities

Background

Mine awareness is an essential means of preventing mine-related deaths and injuries among the civilian population in mine-affected countries.

The Movement's global network, experience in the field and relations with the community give it a comparative advantage in helping the civilian population protect itself from a life-threatening risk.

Constraints

The constraints are:

- the need for a solid and extensive community-based and participatory approach if mine-awareness programmes are to be effective;

- the lack of commitment to make mine awareness one of the Movement's priorities;
- the absence of an overall approach including the various areas of mine action;
- insufficient incorporation of mine-awareness activities in the overall programmes of National Societies;
- a shortage of human resources within the Movement with expertise and experience in mine-awareness activities.

Strategies

The strategy is:

- to adopt a community-based approach for any new programme, and to implement it in cooperation with National Societies;
- to ensure that mine-awareness programmes are incorporated in the regular activities of the National Societies;
- to establish professional development training on landmines-related issues for selected Red Cross and Red Crescent employees in order to have a core group of "experts";
- to promote improved cooperation between emergency/relief/development organizations involved in mine action;
- to influence the conduct of arms bearers by promoting humanitarian law on issues such as indiscriminate mine usage and non-compliance with proper mine-laying procedures. The question of the military usefulness of anti-personnel mines should be systematically included in dissemination sessions for the armed forces.

Objectives

The objectives are:

- to reduce the risk of civilian casualties in mine-contaminated areas;
- to reinforce existing mine-awareness programmes in an effective manner;
- to encourage and promote mine awareness as a National Society activity in mine-affected countries;
- to carry out assessments and surveys so as to determine the feasibility of and need for additional projects and, if appropriate, to support them.

Implementation

The National Societies in mine-affected countries will:

- assess the need for and feasibility of mine-awareness programmes and establish a plan of action for the implementation of such activities, seeking the support of other partners whenever necessary;
- carry out activities to promote mine-related issues with a view to ensuring greater respect for existing humanitarian law instruments and preventing the indiscriminate use of mines.

The ICRC will:

- establish a list of countries in which mine-awareness activities should be a priority, said list to include the countries most affected by landmines and those countries in which mine-awareness programmes have already been started by a component of the Movement and should be pursued;
- support mine-awareness activities carried out by National Societies, promote the development of such activities, and complement them whenever necessary;
- consider implementing mine-awareness programmes as part of its operations and activities for the civilian population in countries or territories where a National Society does not exist or where it may not be in a position to implement such activities;
- make every effort to influence the conduct of soldiers in battle and of other arms bearers by promoting humanitarian law on issues such as the indiscriminate use of mines and non-compliance with proper mine-laying procedures. The question of the military usefulness of anti-personnel mines should be systematically included in dissemination sessions for arms bearers.

The Federation will:

- assist National Societies in mine-affected countries to integrate a mine-sensitive approach into the overall activities of the Society;
- enhance their capacity to implement mine-awareness programmes, particularly through the Societies' youth programmes and community health programmes.

3. Protection**Background**

One of the fundamental principles of customary and treaty-based international humanitarian law is the distinction between combatants and the civilian population. In the ICRC's field of activity, the notion of protection encompasses any activity whose purpose is to protect the victims of armed conflicts and internal disturbances. That is the framework within which the ICRC carries out its work for mine victims.

Since 1945, the rise in the number of non-international armed conflicts has led to a sharp increase in the number of mines. As a result:

- entire regions have been emptied of their population;
- people have been terrorized and their movements restricted;
- communities have been isolated and the possibilities to provide humanitarian assistance greatly reduced;
- people have been cut off from local resources such as wells;
- refugees and displaced people have been deprived of the possibility of return.

The use of landmines against civilian populations is a violation of the customary rules of international humanitarian law, for the use of mines is governed by legal norms.

Constraints

The constraints are:

- the need for trustworthy information on security incidents to obtain an accurate overall picture;
- the limited access of humanitarian practitioners to the areas concerned, for security reasons or because they have been denied access to the front line;
- the difficulty of convincing the military authorities in countries that have not ratified the Ottawa treaty, who are often of the opinion that mines can be used exclusively against military targets, that landmines are indiscriminate weapons and should not be used;
- the difficulty of identifying who (individuals or authorities) is responsible for incidents involving mines, and therefore of taking action when the civilian population is victimized.

Strategies

The ICRC's protection work with regard to mines is a specific but integrated part of its protection approach to conflict victims. In the narrow sense, the "protection" aspect of a mines-related operation comprises:

- identifying groups of vulnerable persons (residents, displaced persons, etc.);
- collecting specific information, if possible from eyewitnesses, on all incidents if the context permits, or on indicative incidents;
- making representations to and talking with local, regional and national military and political officials;
- when representations and dialogue have no effect, heightening awareness of and mobilizing those on the international scene in a position to influence the parties to the conflict.

Objectives

The objectives are:

- systematically to incorporate the mines issue and its consequences in the institution's overall representations with regard to protection so as to further ICRC field activities;
- to establish for each context how serious the mines problem is, its connections, if any, with other violations, for example forced displacement or planned starvation, and to draw up a protection strategy;
- to give those involved or the parties to the conflict a greater sense of responsibility and to make them aware of protection issues and the humanitarian consequences of the use of mines;
- to recommend that the necessary measures be taken.

Implementation**In countries in which the ICRC is present, it will:**

- remind the authorities of the rules of customary law and of humanitarian law on the use of mines, and in countries that have ratified the Ottawa treaty it will recall the obligations arising therefrom;
- make overall representations to the parties to the conflict with regard to the mines ban and the consequences of the use of mines on the civilian population;
- collect and process reliable information – from the population, local NGO networks and others – on each mine incident affecting the civilian population;
- submit documented confidential files to the parties to the conflict on individual mine incidents affecting the civilian population;
- write confidential summary reports for the authorities on identified phenomena (use of mines against the population, relationship with other violations, etc.).

4. Care and Assistance**Background**

The various components of the International Red Cross and Red Crescent Movement, in accordance with their respective mandates, provide care and assistance to the victims of armed conflict during or after the hostilities. The latter is the case with anti-personnel landmines, which continue to take a toll long after the fighting has stopped. The Ottawa treaty also calls on States to provide assistance to landmine victims *inter alia* through the Red Cross and Red Crescent Movement.

In conformity with their principles, the Movement's components do not distinguish between the victims on the basis of the cause of injury. They recognize the needs of all the wounded and the special situation of those suffering from a disability because of their wounds. First aid, surgical and rehabilitative programmes are launched to respond to those needs, and landmine victims are among the many beneficiaries. There are no programmes exclusively for mine victims, but it must be acknowledged that treatment of their injuries places an enormous burden on health facilities and that their care requires inordinate human and physical resources.

To turn an injured person into a hospital patient entails evacuation from the minefield, first aid and transport. To turn the patient into a survivor requires adequate surgical facilities and expertise, and sufficient quantities of safe blood for transfusion.

Access to treatment and health services for those wounded by mines is irregular and unequal throughout the world. Medical and rehabilitative care reflect the availability, or lack thereof, of basic services, which must be reinforced in mine-infested countries, especially in those with high numbers of mine victims.

The challenge of caring for and assisting mine victims is how to transform an injured person into a fully integrated and productive member of society. For those survivors whose injuries result in the amputation of a limb, loss of eyesight or paralysis, the fitting of an artificial limb, physiotherapy and rehabilitation, vocational and technical training, and psychological support will all be necessary if that challenge is to be met.

These services are part of a functioning health and social-welfare system and are all essential for the treatment of trauma victims in general and of mine victims in particular. They often fail to function when hostilities break out, and are rarely among the first priorities of the authorities once the hostilities are over.

Mine victims are among the beneficiaries of well-funded post-conflict reconstruction and the concomitant rehabilitation of the health-care system, through existing World Bank, UNDP and bilateral programmes to improve the situation overall of the sick and wounded in what is very often a “disabled society”.

Constraints

The constraints are:

- health services that function poorly, if at all, in war;
- limited access to care (for reasons of distance, scarce means of transportation, instability, military threats, poverty);
- unsafe working conditions that often oblige humanitarian workers to abandon the victims;
- health-care personnel who are killed or flee the area; if they remain at work, they are rarely paid and the Ministry of Public Health often cannot maintain an adequate distribution of supplies to health facilities;
- political and administrative limitations, a shortage of trained staff, and inadequate information on the location and needs of victims.

Strategies

The strategy is:

- **To ensure equal and impartial access to health care**

Various Movement components are involved in different aspects of caring for the war wounded and mine injured: first aid, ambulance transport, surgical care, blood transfusion, prosthetic workshops, and care for the disabled.

- **To support existing health and social service structures**

Health and social service structures should be properly prepared to deal with the inordinate demands on resources that caring for the mine injured can entail. But those structures must first exist and function correctly.

- **To support National Societies engaged in mine-related activities**

It taxes the resources of a National Society to work in a conflict environment, and the situation usually remains unchanged in the post-conflict period. Coordinated support to Operating Societies, in accordance

with the provisions of the Seville Agreement and the Societies' plans of action, is necessary to meet the needs of conflict and post-conflict victims.

Implementation

The ICRC will:

- provide hospital assistance and support in surgery in conflict situations, when necessary;
- assess, in conflict situations and in conjunction with the National Society concerned, the need for blood transfusion services and support them when necessary;
- assess, in conflict situations, the need for prosthetic workshops and patient rehabilitation and provide such services, when necessary;
- in post-conflict situations, draw on the Red Cross Special Fund for the Disabled to support the work of various organizations, both within and outside the Movement, that meet the Fund's requirements;
- back National Society efforts to provide psychological support to mine victims, to help them achieve social reintegration and to take other small-scale assistance initiatives.

The National Societies in mine-affected countries will:

- strengthen their services to provide first aid to, evacuate and transport the war wounded;
- provide services to beneficiaries of prosthetics and rehabilitation services, such as transport and accommodation for treatment and rehabilitation sessions, or any other small-scale assistance required;
- assess needs for psychological support services and social reintegration of mine victims and incorporate such activities into their overall social programme.

The International Federation will:

- help the National Societies concerned incorporate mine-related programmes into their overall development plans;
- support their capacity-building efforts;
- help them develop human resources.

5. Mine Clearance

Background

Mine clearance represents one of the key tools in the world-wide efforts to rid the earth of mines, yet the number of priority areas demined each year continues to be low, mainly for lack of sufficient political determination and funding. The information coming from agencies involved in mine-clearance operations tends to underline the unsatisfactory reality that, in spite of the Ottawa treaty, there has so

far been no increase in the amount of funds set aside for demining. Much of the money allocated by governments to demining activities is given to national research programmes which will produce results only in a few years' time.

Strategies

In June 1997, the Movement produced the *Guidelines on Red Cross/Red Crescent involvement in mine-clearance activities*. At the Council of Delegates in November 1997, Resolution 8 was adopted, *encouraging "all components of the Movement, when considering support for mine-clearance activities, to follow the guidelines for the Movement on this subject"*.

Implementation

The Guidelines clearly recommend that the Red Cross/Red Crescent should **not** become involved in mine-clearance work or finance such activities.

However, the Red Cross/Red Crescent may cooperate in the medical sphere with mine-clearance organizations and in mine-awareness programmes. National Societies can encourage their governments to contribute to the United Nations Voluntary Fund for Mine Clearance or to agencies which conduct demining operations according to humanitarian criteria.

B. Cooperation

Initially, the Movement's approach to the landmines issue was highly focused: it sought to achieve a specific goal (the banning of landmines) within a certain time. Now that approach will become broader. While there will still be a specific focus on persuading States to ratify the Ottawa treaty, mine-related activities will start to be incorporated in other, ongoing programmes such as emergency preparedness, community health and protection.

In a handful of seriously-affected countries, landmine victims may be sufficiently numerous as compared with other beneficiaries and the problem of landmines may be sufficiently pervasive in terms of other threats such as drought, flooding, galloping inflation and communicable diseases for the National Societies to legitimately focus programming on landmine victims.

National Societies are involved in three main ways:

- lobbying governments to sign and/or ratify the treaties;
- promoting mine awareness in order to reduce the risk of civilian casualties;
- providing care and services to landmine victims as part of their services to traumatically injured and disabled people in their communities.

Where landmine victims and potential victims are being targeted as part of a much larger group (e.g. disabled people), then it is clear that a National Society's landmine strategy must be part of its larger development strategy. The Federation plays a key role in helping National Societies put landmines issues on their long-term agendas, at the appropriate level.

A lead role within the Movement for mine-related issues

The Geneva Conventions and the Movement's Statutes confer specific areas of competence to each component, which therefore plays a lead role in those areas. The concept of Lead Role, according to the provisions of the Seville Agreement, implies the existence of other partners in the Movement with rights and responsibilities in these matters. This is clearly the case of work relating to victims of landmines.

The institution entrusted with the lead role in mine-related activities will actively encourage and promote the involvement of its partners in the Movement in such activities.

Because of the nature of its specific mandate, the ICRC has extensive expertise in most areas related to mine action. It is therefore in a position to be the "reference institution" within the Movement for activities related to mine action and to assist other components engaged in this type of activity.

Given its role in supporting National Society development, the Federation has built up specific expertise in community-based rehabilitation programmes and will therefore be in a position to assist National Societies in these areas.

As a matter of policy, expertise and technical support should be made available to National Societies choosing to pursue activities related to the landmines issue in affected countries on the priority list. This should be done at their request.

Since the response to the landmines crisis focuses on long-term programmes on the ground in mine-affected areas, the ICRC and Participating National Societies should consider the Operating National Societies as privileged partners in the programmes they conduct or plan.

Nonetheless, effective action in any given national or local context will require integrated and concerted efforts with national and local NGOs and with international organizations and agencies. The Movement's components are encouraged to cooperate, to the maximum extent possible in a given context, with other organizations working in the field of mine action. Such interaction is an essential element of success on the ground.

Funding

In assuming the lead role within the Movement for all mine-related issues, the ICRC will also be responsible for the mobilization of financial resources and for the launching of appeals, when necessary integrating mines-related programmes carried out by National Societies. This may also include coverage of costs incurred by the International Federation for technical consultancy.

As a result, the ICRC will thus not only seek funding for cost coverage of its own programmes but will also include mine-related activities, carried out by other components of the Movement outside the scope of ICRC's objectives and budgets. The allocation of funds for such programmes will be carried out in close consultation with the International Federation.

VII

EXPLOSIVE REMNANTS OF WAR AND THE MOVEMENT STRATEGY ON LANDMINES

(Council of Delegates, Geneva, 2003, Resolution 11)

The Council of Delegates,

welcoming the report of the ICRC on the follow-up to Resolution 8 of the 2001 Council of Delegates concerning the 1980 Convention on Certain Conventional Weapons (CCW) and to Resolution 10 of the 1999 Council of Delegates adopting the Movement Strategy on Landmines,

remaining alarmed about the widespread and preventable death and injury caused during and after armed conflict by landmines and explosive remnants of war, which no longer serve any military purpose, and their devastating long-term consequences for civilians,

noting that the similar effects on civilian populations of landmines and of explosive remnants of war call for similar humanitarian responses, including the establishment of legal norms, the raising of awareness in affected communities of the dangers posed by these devices, the provision of care and assistance for victims, and measures to facilitate mine clearance,

expressing satisfaction at the significant progress in anti-personnel mine destruction, awareness and clearance made since the entry into force in 1999 of the Convention on the Prohibition of Anti-Personnel Mines (the “Ottawa Convention”), and *recalling* the instrumental role of the components of the Movement in achieving that progress,

stressing the need to achieve universal adherence to the “Ottawa Convention” and the importance of continued efforts by the components of the Movement to promote this objective,

emphasizing that the period between the First Review Conference of the Ottawa Convention in 2004 and the mine-clearance deadlines occurring for many States Parties in 2009 will be crucial in the effort to ensure that the promises made by the Convention to mine-affected communities are fulfilled,

expressing satisfaction with the results of the 2001 Review Conference of States Parties to the CCW, which extended the Convention’s scope of application to non-international armed conflict, led to negotiations on explosive remnants of war and commissioned further work on anti-vehicle mines,

warmly welcoming the adoption on 28 november 2003 by States Parties to the CCW of a new Protocol V on explosive remnants of war,

1. *extends* the Movement Strategy on Landmines through 2009 and extends the activities listed therein to cover all explosive remnants of war;

2. *calls on* all components of the Movement to mobilize their members and staff, civil society, the media and governments with a view to ensuring, by the 2004 Ottawa Convention Review Conference, commitment to the full implementation of the Ottawa Convention at the highest political levels, in particular through increased efforts to achieve mine clearance by the 10-year deadlines beginning in 2009 and the mobilization of adequate resources to ensure that all the Convention's objectives are met;
3. *urges* all components of the Movement to work to ensure that States party to the CCW adhere to the new Protocol on explosive remnants of war, and that States which are not yet party adhere to the Convention, to all its Protocols and to the amendment adopted in 2001 extending its scope to non-international armed conflicts;
4. *urges* all components of the Movement to work to ensure that States take effective measures to reduce the likelihood that ordnance will become explosive remnants of war, and to support ongoing efforts to prohibit the use of cluster-bombs and other submunitions against military objectives located in or near civilian areas;
5. *requests* the ICRC to report to the 2005 Council of Delegates on the progress made in implementing the Movement Strategy on Landmines, and on explosive remnants of war and the extension of the scope of application of the CCW.

VIII

PLAN OF ACTION CONCERNING CHILDREN IN ARMED CONFLICT

(endorsed by the Council of Delegates, Geneva, 1995, Resolution 5)

1. INTRODUCTION

The International Red Cross and Red Crescent Movement has in a number of resolutions committed itself to promote the rights of children. In 1993 the Council of Delegates adopted resolution 4 on Child Soldiers. The resolution requests the International Committee of the Red Cross, 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 years in armed conflicts and at taking concrete action to protect and assist child victims of armed conflicts.¹

The Movement has demonstrated that it is strongly committed *to the protection and assistance to child victims of armed conflicts and to the promotion of the principle of non-recruitment and non-participation of children below the age of eighteen years in armed conflicts*. The challenge for the Movement is to implement these commitments. To this end the proposed medium term Plan of Action has been developed.

2. COMMITMENTS, OBJECTIVES AND ACTION

COMMITMENT 1:

TO PROMOTE THE PRINCIPLE OF NON-RECRUITMENT AND NON-PARTICIPATION IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18 YEARS.

This first commitment aims to prevent children from being used as soldiers. Three objectives have been identified to fulfil this commitment :

OBJECTIVE 1.1

Promote national and international legal standards (such as an Optional Protocol to the Convention on the Rights of the Child) prohibiting the military recruitment and use in hostilities of persons younger than 18 years of age, and also the recognition and enforcement of such standards by all armed groups (governmental and non-governmental).

BASIS FOR ACTION

The 1989 Convention on the Rights of the Child (the Child Convention) and the first additional protocol to the Geneva Conventions of 1949, prohibit the recruitment

¹ For the purpose of this Plan of Action a child is defined as a person under 18 years of age.

of children under the age of 15 years into the armed forces and also stipulate that the States Parties shall take all feasible measures to prevent children under that age from participating in the hostilities. Further, in recruiting among children between 15 and 18 years of age, the States Parties shall give priority to those who are oldest. According to the second additional protocol to the Geneva Conventions, applicable in internal armed conflicts, no child under the age of 15 years shall be recruited or allowed to take part in the hostilities.

International law protecting children is often extended to and developed in domestic laws and regulations. The national and international rules cover most of the areas vital to a child's well-being and developmental process. However, two areas remain to be developed; namely 1) affording the same protection to children in armed conflict as to children in peace, which means *a clear 18 year age limit* for recruitment and participation in armed conflicts, and also 2) the enormous task of ensuring *the implementation and enforcement* of the existing rules.

In order to promote the principle of non-recruitment and non-participation of children under 18 years, there is a need for improvement and reinforcement of international and national legal standards. An Optional Protocol to the Child Convention is presently being drafted by a working group under the UN Commission on Human Rights.

The Movement should strive to influence all governments to approve and enforce an Optional Protocol prohibiting the military recruitment and use of children younger than 18 years of age, and also to urge all armed groups (governmental and non-governmental) to recognize and enforce the standards of that Optional Protocol. Should such an Optional Protocol be approved during the period covered by this Plan of Action, the Movement should also promote the implementation of that Protocol. Depending on the local situation, National Societies could urge non-governmental armed opposition groups to refrain from using children as soldiers. National Societies might be able to reach these groups through activities such as dissemination and first aid courses.

International legal standards are supplemented by domestic laws enforceable at the national level. National Societies should strive to initiate and influence the process of improving domestic laws establishing the minimum age of recruitment and participation in armed conflict at 18 years. National Societies should also work to ensure the implementation and enforcement of such laws within the armed forces or groups.

ACTION PROPOSED

National Societies are asked to:

- approach their government to make Red Cross/Red Crescent view on 18 year age limit known,
- in cooperation with other organizations as appropriate, persuade governments

to adopt the idea of the 18 year age limit; and when and if appropriate, persuade governments to promote this idea internationally and to adopt national legislation, and

- raise public awareness of the need for the 18 year age limit, e.g. (depending on local circumstances and relevance) through articles in newspapers and magazines, radio programs, and on buses in the street, etc.

To support activities of National Societies, the ICRC and the International Federation are asked to:

- supply National Societies with relevant background documents (including draft letters, legal texts, campaign materials, information from other countries, organizations, etc.),
- make the Red Cross and Red Crescent view on 18 year age limit known internationally through active participation in UN and regional fora,
- lobby government representatives internationally, and participate in international and national efforts to raise public awareness about child soldiers,
- participate actively in the UN working-group to draft the new Optional Protocol to the Child Convention (if still relevant after the adoption of this Plan of Action), and
- collect, analyze and process information from National Societies' programs in order to facilitate reports to donors and the general public.

OBJECTIVE 1.2.

Prevent children from joining armed forces or groups by offering them alternatives to enlistment.

BASIS FOR ACTION

To prevent children from becoming soldiers there is also a need for measures directed to the children themselves. Studies imply that many children do not join the armed forces or groups voluntarily. Many child soldiers would have chosen other activities if alternatives to participation in the conflict had been offered.

National Societies could play a critical role in providing alternatives to children at-risk of becoming soldiers. They could initiate assessments to identify such children. Regional assessment criteria should be developed for this purpose. Alternative activities could be offered to these children such as education, vocational training, and the opportunity to fulfil purposeful tasks within the community (for example as Red Cross/Red Crescent volunteers). Care should be taken, however, that the tasks offered are appropriate to the age of the child. If possible, a child-to-child or youth-to-youth approach could be developed.

This is a difficult objective to accomplish since so many children are at-risk of becoming soldiers. Many of the reasons for children joining are born from socio-economic problems that will not be solved in a short period. Although some children

become soldiers because they want to be heroes or martyrs, many would rather have attended school given the opportunity. Activities created for and with these children could therefore make a great difference in the choices they make in life.

ACTION PROPOSED

National Societies are asked to:

- initiate assessment, in cooperation with other organizations, governments and military as appropriate, to :
 - identify children at risk of becoming soldiers; and
 - identify reasons for them potentially joining ;
- decide on what programs/activities to set up to counter these reasons; such activities could include :
 - education;
 - income generation (vocational training or short-term material support);
 - recreational activities, and
 - empowering children to play a positive role in their community (e.g. as youth volunteer, first-aider, ambulance volunteer, or other responsible tasks within National Society).

To support activities of National Societies, the ICRC and the International Federation are asked to:

- encourage and support the setting up of programs,
- facilitate contacts between National Societies in order to exchange experience (such as organize meetings for exchange of experience and develop existing and new programmes, as well as training for trainer workshops for volunteers and personnel); collect, analyze, and process information from National Societies' programs in order to facilitate reports to donors and the general public, and develop, in cooperation with National Societies, guidelines, standardized needs-assessment and reporting procedures, etc.

OBJECTIVE 1.3.

Raise awareness in society of the need not to allow children to join armed forces or groups.

BASIS FOR ACTION

Responsibility for using children as soldiers lies with all of the adults who accept or encourage children to participate in armed conflict. These are parents and other adults from the child's community, local commanders accepting children in their ranks, and peer groups glorifying the "free lifestyle" of the soldiers. There is therefore a need to raise public awareness of the long-term effects on the children themselves and on the society in which they live, and to advocate against the use of

children as soldiers.

Many of the children recruited have a background as street children and many former child soldiers become street children when they leave the army or the guerrilla group.

Thus, depending on local circumstances, National Societies should raise public awareness about the negative effects on children and society which result from allowing children to participate in armed conflicts. The influential role of religious and community leaders should be utilized whenever possible.

ACTION PROPOSED

National Societies are asked to:

- initiate articles in newspapers and magazines, radio programmes, etc., in cooperation with organizations and authorities and depending on local circumstances and relevance, and
- initiate, with support in local traditions, a discussion in society of the long- and short-term disadvantages of children participating in violence; such activities could include :
 - training of teachers and care-givers in children's rights;
 - discussions in mother's and women's clubs;
 - discussing the issue and children's rights with children in schools and through youth organizations (this could especially be done by Red Cross/Red Crescent youth volunteers);
 - establishing a dialogue with the army and, if possible, other armed groups; and
 - pursuing a dialogue with government and relevant structures in the community.

To support activities of National Societies, the ICRC and the International Federation are asked to:

- supply National societies with relevant background documents (including campaign materials, information from other countries, organizations, etc.),
- facilitate, coordinate and encourage the work of National Societies, as proposed in the case of Objective 1.2.

COMMITMENT 2:

TO TAKE CONCRETE ACTION TO PROTECT AND ASSIST CHILD VICTIMS OF ARMED CONFLICT

OBJECTIVE 2.1.

Address psychosocial as well as physical needs of children living with families.

BASIS FOR ACTION

Few of the children's most basic needs are met in armed conflicts. It is therefore necessary to identify and counter the obstructions hindering children in armed conflict from having their needs fulfilled. Like the situation in which they live, the counter-measures for these children vary in a number of ways. First, the immediate needs of physical and economic security need to be met, often in the form of relief assistance. Second, children have a need for order in life. Schooling and kindergarten can provide this structure and routine which is especially critical during the chaos that accompanies armed conflict.

Psychosocial rehabilitation² presupposes a certain degree of physical security and economic stability before a person is prepared to, or even able to, come to terms with the experiences of armed conflict. Most children who experience violence need special care and attention. The family is the basic and most important ingredient in a child's physical and psychological rehabilitation. In most cases, psychosocial support must be offered to the parents as well as the children if the assistance to the children is going to make a difference. In many cases, the family (in armed conflicts often the mother) needs support to help their children overcome experiences and anxieties.

The Movement works extensively to alleviate human suffering in armed conflict, through assistance to all victims of armed conflict including children. The programs often concentrate on meeting the victims' immediate needs such as food, clean water, shelter, clothing, and medical assistance. But the Movement also engages in more long-term physical and psychological rehabilitation. In refugee camps, camps for displaced persons, and in host countries, the Movement initiates various activities to help the people cope with their situation.

Many National Societies and the Federation have recently taken a growing interest in the psychological and social well-being of the people served by the Movement's programs. Several National Societies have established programs for social counselling or psychosocial support to victims of disasters or other stressful events. In 1991, the Federation established a Psychological Support Programme. The Federation Reference Centre for Psychological Support is situated in the Danish Red Cross.

² The expression psychosocial rehabilitation is used to signify measures to assist persons to overcome upsetting or disturbing experiences in the context of their social and cultural surroundings, including their family and community.

Many National Societies possess the tools necessary to provide psychosocial support to the children and their families, both in rehabilitation and in re-integration of the children into their communities.

Psychosocial rehabilitation programs should be flexible and adapted to local circumstances. Children with special needs are often difficult to identify, since they at first may show no signs of distress. However, various kinds of play-programs or other activities which encourage children to express memories of the armed conflict might assist in the process of identifying the children in need of psychosocial rehabilitation. In areas where physical and economic security are not certain, the programs will mostly include the establishment of routines and an ordered life, in the form of kindergartens and schools, etc. In more secure areas, parents could be encouraged to talk to their children about their experiences of the armed conflict.³ Parents, other care-givers, and volunteers will often have similar experiences to those of the children and it will therefore be important when setting-up programs to include opportunities for the adults to discuss and come to terms with their own experiences.

Care-givers, volunteers, and other adults close to children should be able to identify children who have participated in armed violence and to work with these children. However, former child soldiers should not be singled out, but integrated in programs for other children affected by armed conflict. The purpose of these activities should be to rehabilitate and reintegrate the children into their local communities.

ACTION PROPOSED

National Societies are asked to:

- initiate assessment of needs in cooperation with other organizations, local leaders, and government/authorities;
- in cooperation with other organizations, decide on what programs or activities to set up to assist the children. Activities could, depending on local circumstances, include :
 - schooling and vocational training;
 - training courses for teachers, nurses, and other professionals who work with children in order for them better to assist the children;
 - training of volunteers (non-professionals) to work with children in their communities (e.g. in play-groups or youth clubs) and also to know their limits;

³ For an example of such a project, please see the report by Nancy Baron for the Sri Lanka Red Cross Society and the International Federation entitled *Psycho-social Needs Assessment. The Voice of Internally Displaced People in the Non-conflict Area of Sri Lanka*, as well as the book *A Little Elephant Finds His Courage* by the same author.

- training on how to assist children who have participated in the violence;
- setting-up a support network of professionals to assist the volunteers and parents working with the children; and
- provide practical assistance to refugees and asylum-seekers in their new countries to empower the refugees and facilitate their entry into the new society (including awareness-building in the host-country of the needs and background of the refugees).

To support activities of National Societies, the ICRC and the International Federation are asked to:

- facilitate, coordinate and encourage the work of National Societies, as proposed in the case of Objective 1.2.

OBJECTIVE 2.2.

Address psychosocial as well as physical needs of unaccompanied children.

Children who are not accompanied by a family member or not cared for by any person who would normally be entrusted with that responsibility by law or custom are referred to as “unaccompanied children”.

Unaccompanied children have the same basic needs for food, shelter, clothing, and medical care that all children have. But, in addition, they also need to be reunified with their families or to be placed with foster families. Institutionalization should be avoided as much as possible. The ICRC and National Societies have a long tradition of tracing family members in times of armed conflict, exchanging family messages, and eventually reunifying families. If the family cannot be found (or until the family has been found), measures should be taken to place the child with a family of the same ethnic, religious, and linguistic background, whenever possible. Tracing and reunification activities need to be accompanied by follow-up, support and evaluation, both in the case where a foster-family is found and where the child is reunited with her or his close family. In many cases there will be a need for psychosocial support for the child and the family.

National Societies should try to organize educational and recreational activities and vocational training for unaccompanied children who are in refugee camps, orphanages, or other transitional settings. Some of the children will be in need of psychosocial rehabilitation. In addition, some of these children will have participated in the conflict and might therefore need special attention to come to terms with the experiences from fighting and living with the soldiers.

Since many of the needs of unaccompanied children will be similar to the needs of all children experiencing armed conflict, programs for and together with these children should be developed in a similar way to those for other children, as outlined under Objective 2.1.

ACTION PROPOSED

National Societies are asked to:

- initiate assessment of needs in cooperation with other organizations, local leaders, and government/authorities,
- in cooperation with other organizations, decide on what programs or activities to set up to assist the children. Activities could, depending on local circumstances, include:
 - relief assistance;
 - tracing and family reunification or establishing foster families;
 - recreational activities in orphanages, camps, etc.;
 - follow-up, support, and evaluations after the child is reunited with the family or if a home is found outside the child's close family;
 - psychosocial support to unaccompanied children in camps, orphanages, and foster-homes;
 - schooling and other types of education to restore the child's confidence and identity;
 - activities and training in reconciliation and non-violent conflict resolution; and
 - protection against abuse, abduction, and revenge including the initiation or implementation of legal frameworks to protect children.

To support activities of National Societies, the ICRC and the International Federation are asked to:

- facilitate, coordinate and encourage the work of National Societies, as proposed in the case of Objective 1.2.

OBJECTIVE 2.3.

Advocate in favour of children who participated in armed conflict in order to make society and the local community accept these children.

Children who have participated in armed conflict might not be accepted back by their local communities or even their families. Many of the children are violent and aggressive, and might have committed atrocities well known to the community surrounding them. Parents might not dare to take their children back for fear of reprisals.

When the conflict is over, many children are not formally recognized as former soldiers, and, therefore, will not be included in demobilization programs. These children risk ending up on the streets, possibly still possessing their weapons and still threatening their societies long after the armed conflict is over.

Thus, there is a need to advocate in favour of these children. Efforts should be made to encourage the communities to recognize these children as the victims they are and to accept them back into civil society.

ACTION PROPOSED

National Societies are asked to:

- raise awareness in society and initiate discussions with various target groups, as proposed in the case of Objective 1.3.

To support activities of National Societies, the ICRC and the International Federation are asked to:

- supply National Societies with relevant background documents, and
- facilitate, coordinate and encourage the work of National Societies, as proposed in the case of Objective 1.2.

3. MONITORING AND FACILITATING THE IMPLEMENTATION

It is recommended that an *international coordinating group* be established to monitor the implementation of this Plan of Action. The group should be comprised of representatives from five National Societies implementing or supporting programs for children in armed conflict, the International Federation, and the ICRC. The representatives should have expertise in the field of children in armed conflict. The Coordinating Group should be appointed by the International Federation and the ICRC in consultation with National Societies.

The responsibilities of the International Coordinating Group would be to facilitate and monitor the implementation of this Plan of Action and to continuously evaluate, revise, and develop the Plan. It should report to the Council of Delegates in 1999.

The tasks of the International Coordinating Group would include :

- to follow the implementation of the Plan of Action, including its international aspects,
- to support National Societies working with children in armed conflict;
- to encourage and support the setting up of new programs for children in armed conflict under the Plan of Action;
- to develop or improve methods and materials that would serve the needs of several National Societies (such as how to use non-professional volunteers in psychosocial programs, or the development of background material for lobbying);
- to prepare joint international action by the Movement in favour of children in armed conflict;

-
- to organize a review meeting with National Societies in two years time, and
 - to raise funding for the Coordinating Group and for common activities that benefit several National Societies.

It is also recommended that the International Federation and the ICRC, in cooperation with the Coordinating Group, designate a National Society as *International Focal Point* for the implementation of this Plan of Action.

Likewise, a network of National Societies at the sub-regional level should be developed with the intention of facilitating and coordinating the activities of those National Societies, and to encourage and support the setting up of programs.

IX

**RESTORING FAMILY LINKS STRATEGY
(AND IMPLEMENTATION PLAN) FOR THE
INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT
(2008-2018)**

(adopted by the Council of Delegates, Geneva, 2007, Resolution 4)

1. VISION AND INTRODUCTION

Whenever people are separated from, or without news of, their loved ones as a result of armed conflict, other situations of violence, natural disaster or other situations requiring a humanitarian response, the International Red Cross and Red Crescent Movement responds efficiently and effectively by mobilizing its resources to restore family links.

Armed conflicts, other situations of violence, natural and man-made disasters, international migration and other hardships leave countless people seeking news of family members. Respect for family unity goes hand in hand with respect for human dignity. A person's well-being depends greatly on his/her ability to stay in touch with loved ones or at least receive information about what has happened to them. The various components of the International Red Cross and Red Crescent Movement (Movement) have been striving for decades to restore family links (RFL). This unique service, with the moral support it affords, lies at the heart of the Movement's work. Every year RFL benefits hundreds of thousands of people.

RFL is the generic term given to a range of activities that aim to prevent separation and disappearance, restore and maintain contact between family members and clarify the fate of persons reported missing. These activities are often interconnected with psychological, legal and material support for families and persons affected, resettlement or reintegration programmes and social-welfare services. Other activities include the management of human remains and forensic identification.

The International Committee of the Red Cross (ICRC) is strongly committed to helping people left without news of their relatives. In reaffirming and implementing the commitments it made at the International Conference of Governmental and Non-Governmental Experts on the Missing and their Families (2003) and as part of the Agenda for Humanitarian Action of the 28th International Conference of the Red Cross and Red Crescent (2003), the organization launched a global initiative to strengthen the Movement's ability to restore family links. The RFL Strategy for the International Red Cross and Red Crescent Movement is the outcome of this initiative. It is also a reaffirmation of the ICRC's support for National Societies in meeting their RFL obligations, as defined in the Movement's Statutes and in resolutions adopted over the years by the Council of Delegates and the International Conference of the Red Cross and Red Crescent.

Today, the Family Links Network (comprising the Central Tracing Agency, the tracing agencies in ICRC delegations, and the National Societies' tracing services) faces significant challenges. Across the Network there is insufficient understanding of the work of restoring family links and an inadequate sense of commitment and responsibility. When this is combined with the problem of scarce resources, the increasing scale and complexity of the situations requiring humanitarian action, and the growing number of other entities involved in this traditional field of Movement activity, great effort is needed if the various components of the Movement are to retain their high profile.

The ICRC, the National Societies and the International Federation of Red Cross and Red Crescent Societies (International Federation) all have a responsibility to build, strengthen and maintain the Family Links Network. The effectiveness of this unique international network depends on the components' ability to strengthen capacity, intensify cooperation and prioritize action. To address these issues, the Movement needs to take a more global approach to building capacities across the Network by:

- increasing National Society participation;
- strengthening the operational efficiency of the ICRC and its partnership approach with National Societies in operational contexts;
- increasing cooperation between the ICRC and the International Federation to support both the development of National Societies and their RFL activities.

The RFL Strategy for the Red Cross and Red Crescent Movement builds on the Movement's Statutes and on resolutions of the International Conference and the Council of Delegates, and is underpinned by the Agreement on the Organization of the International Activities of the Components of the International Red Cross and Red Crescent Movement (Seville Agreement, Council of Delegates, November 1997) and its subsequent Supplementary Measures (Council of Delegates, Seoul, November 2005). The Strategy was not drawn up in a vacuum. It is based on the strengths and knowledge of individual National Society tracing services and the experience and expertise of the ICRC, and seeks to develop a consistent approach that will enhance RFL work, both locally and worldwide.

Effective change takes time and needs resources. The RFL Strategy for the Red Cross and Red Crescent Movement recognizes the importance of the task and expresses the Movement's long-term commitment to shouldering it.

2. RESTORING FAMILY LINKS STRATEGY

2.1 RESTORING FAMILY LINKS AND THE ROLE OF THE MOVEMENT'S COMPONENTS

The RFL activities of the various components of the International Red Cross and Red Crescent Movement, in particular the ICRC and the National Societies, are drawn from the Geneva Conventions and their Additional Protocols, the Movement's Statutes, and the resolutions of the International Conference of the Red Cross and Red Crescent and those of the Council of Delegates. They are further based on resolutions of the International Federation's statutory meetings,

together with the policy frameworks of the ICRC, individual National Societies and the International Federation.

Under international law, everyone has the right to know what has happened to missing relatives, and to correspond and communicate with members of their family from whom they have been separated. The main responsibility for ensuring that these rights are respected lies with authorities of the State (including armed security forces) and, in situations of armed conflict, any other organized armed groups. However, they may be unable or unwilling to do so.

The Movement's principal strength lies in its potential to provide a worldwide RFL Network and at the same time a grassroots network in each country that can apply the same principles and working methods. The Movement can thus achieve greater results than any other humanitarian organization in the world.

The relevant components of the Movement undertake RFL activities whenever required and for as long as needed, helping people whose loved ones are unaccounted for or who are separated from them as a consequence of specific situations such as:

- armed conflicts and other situations of violence;
- natural and man-made disasters;
- population movements including international migration;
- other situations requiring a humanitarian response and where the specific capacities and mandates of the components of the Movement and the Red Cross/Red Crescent principles represent added value.

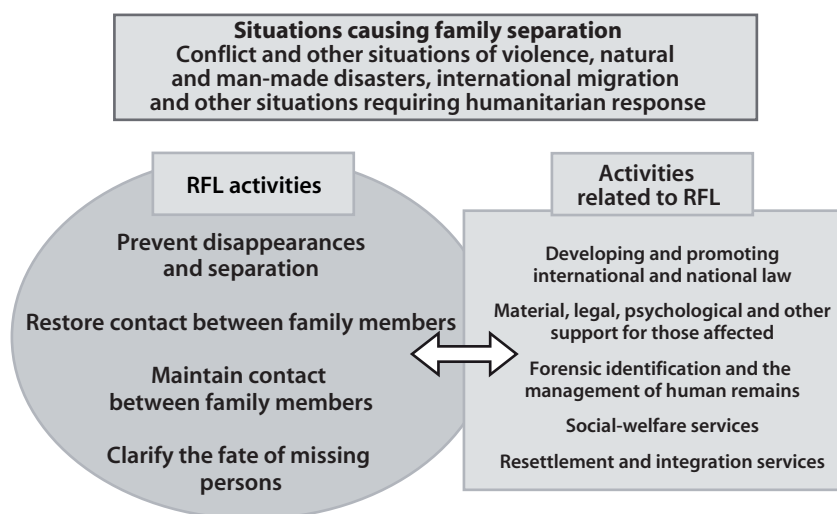
RFL activities may take various forms, depending on the situation and context:

- organizing the exchange of family news;
- tracing individuals;
- registering and following up individuals (children or adults) to prevent their disappearance and to enable their families to be informed;
- reuniting families and repatriation;
- collecting, managing and forwarding information on the dead (location, recovery and identification);
- transmitting official documents, such as birth certificates, identity papers or various other certificates issued by the authorities;
- issuing attestations of individual detention and documents attesting to other situations that led to individual registration;
- issuing ICRC travel documents;
- monitoring the integration of those reunited with their family members;
- promoting and supporting the establishment of mechanisms to clarify the fate of persons unaccounted for.

These activities imply regular contact and interventions with the authorities on the right of relatives to communicate with one another and be informed of each other's whereabouts or fate.

These activities relate to other activities including:

- the development and promotion of international law and support for its application, including reform of existing law where needed;
- the management of human remains and forensic identification;
- material, legal and psychological support to the families of missing persons;
- resettlement services or reintegration programmes for vulnerable groups, such as street children, where family reunification has failed or is not possible;
- dealing with cases of successful reunification where, however, there may be a need for integration (e.g. children formerly affiliated with fighting forces);
- social-welfare services.



Restoring Family Links

This requires a cross-disciplinary approach and almost always involves working with actors outside the Movement, including the private sector.

Protecting personal data and confidential handling of other sensitive information are crucial to people's safety. This must be kept in mind when using public information networks, forwarding data electronically, conducting active searches in the field and making use of other organizations or individuals.

The safety of Red Cross and Red Crescent workers must also be ensured.

The Seville Agreement and its Supplementary Measures re-emphasize the crucial importance of coordinating the efforts of the Movement's components to optimize assistance. They also confirm the organizational concept of a "lead role" based on specific competencies assigned to a component by the Geneva Conventions, the Movement's Statutes and/or resolutions of the International Conference of the Red Cross and Red Crescent. The concept of lead role implies the existence of other partners with rights and responsibilities in these matters.

The role of the ICRC

As a neutral and independent organization, the ICRC has the role of protecting and assisting the victims of international and non-international armed conflict and other situations of violence. Article 5.3 of the Movement's Statutes expands this role to include other types of situations, and establishes a permanent basis on which the ICRC can take any humanitarian initiative compatible with its status as a specifically neutral and independent organization and intermediary.

The ICRC has the important task of reminding the authorities of their obligations under international humanitarian law and other relevant bodies of law with regard to family links, and carrying out direct action in the field when and for as long as required and possible. In this regard the ICRC takes a comprehensive approach to RFL and aims to prevent separation, restore and maintain contact between separated family members, clarify what has happened to persons reported missing, and provide support for their families. Unaccompanied children separated from their families are of particular concern to the ICRC, given their vulnerability, as are other affected persons such as women acting alone as heads of households.

The part played by the ICRC in RFL, including its lead role within the Movement, is more precisely defined by the following instruments:

- the Geneva Conventions and their Additional Protocols;
- the Statutes of the Movement, in particular Article 5.2 (e) specifying that the ICRC must ensure the operation of the Central Tracing Agency (CTA) as stipulated by the Geneva Conventions;
- resolutions of the Movement's statutory bodies, in particular, those of the 25th and 26th International Conferences (Geneva, 1986 and 1995), which draw the attention of the States to the role of the ICRC's CTA as coordinator and technical adviser to National Societies and governments;
- resolutions of the Council of Delegates, and the Seville Agreement and its Supplementary Measures.

In addition to its operational responsibilities the ICRC, through the CTA, must coordinate, advise and strengthen the capacity of its partners within the Movement in RFL matters, whether in connection with a conflict or other situation of violence, natural or man-made disaster, international migration or other situations requiring a humanitarian response from the Movement.

The CTA promotes consistency within the Network and provides the National Societies with methods and guidelines.¹

As coordinator, the CTA decides what action is to be taken in armed conflict or other situations of violence. In other circumstances requiring an international effort it coordinates the activities of National Society tracing services to ensure the most effective possible response to RFL needs.

¹ Such as *Restoring Family Links: A guide for National Red Cross and Red Crescent Societies* (ICRC, November 2000) and the *Recommendations and Conclusions of the International Conference of Governmental and Non-Governmental Experts on the Missing and their Families* (2003).

As technical adviser, the CTA establishes working practices for tracing services in all situations. Training seminars and regional meetings are held for the purpose of pooling experience and consolidating shared knowledge.

The role of the National Societies

The functions of the National Societies are set out in Article 3 of the Movement's Statutes. The National Societies must carry out their humanitarian activities in conformity with their own statutes and national legislation and act as auxiliaries to their national authorities in the humanitarian field. In particular, their role is to assist the victims of armed conflict as stipulated by the Geneva Conventions, and the victims of natural disasters and other emergencies for whom help is needed (Arts 3.1 and 3.2). They contribute, as far as they are able, to the development of other National Societies (Art. 3.3). The Seville Agreement stresses that a National Society is responsible for its own development.

As outlined in Resolution XVI of the 25th International Conference of the Red Cross, National Societies have an important role as components of the international network for tracing and reuniting families. They must continue their work as long as needs exist, and this may extend well beyond the end of a conflict, natural or man-made disaster, or other emergency.

National Societies are also called upon to take action in accordance with the resolutions of regional Red Cross and Red Crescent conferences and the policy frameworks established within the International Federation. These cover migration as well as natural and man-made disasters.

In view of the Movement's responsibility for helping to preserve or restore the family unit, the National Societies need to incorporate their RFL activities in an overall plan of action. They must also draw the attention of the public, humanitarian agencies and governments to the existence and significance of their RFL activities.

Individual National Societies are responsible for setting up or consolidating an effective national RFL network. Depending on the circumstances, they must work with the CTA, the relevant ICRC delegations and/or the tracing services of other National Societies. They must decide what action is to be taken during national disasters, and may call on the ICRC where the RFL response is beyond their capacity.

The role of the Secretariat of the International Federation

The functions of the Secretariat of the International Federation are defined in Article 6 of the Movement's Statutes, and in the Seville Agreement and its Supplementary Measures. The Secretariat has the lead role regarding the development of National Societies and coordinating support for those Societies in terms of institutional development.

Although the Movement's Statutes do not specifically mention the part played by the International Federation in RFL, the Federation Secretariat strives, in coordination with the ICRC, to have RFL activities included in National Society

development plans and to ensure that disasterpreparedness and response plans emphasize the role and importance of RFL.

In the event of a natural or man-made disaster, the Secretariat will ensure that assessments of the situation take into account the need for RFL and the degree to which the National Societies of affected countries can respond. The role of the Secretariat also includes liaising with the ICRC, particularly the CTA (so that the ICRC can play its lead role), and cooperation in the deployment of tracing delegates.

2.2 THE STATUS OF THE FAMILY LINKS NETWORK

To determine how the Movement will achieve its vision in RFL, it is necessary to understand the current capabilities of the National Society tracing services, the CTA and ICRC delegations, and to identify the key issues.

The capacities of the National Societies

In 2005, a global mapping exercise was initiated to assess the capacities of the National Societies' tracing services. Over a 12-month period, 154 National Societies completed an RFL assessment, often in consultation with ICRC delegations.

The capacity assessment considered five core areas:

- programme ownership;
- programme planning and organization;
- the skills and expertise needed to carry out and manage RFL activities;
- the network of relationships;
- tools and other resources needed to achieve professionalism and efficiency.

The assessment indicates that there is an overall lack of a sense of commitment to RFL activities within the National Societies. While some Societies see RFL as part of their responsibilities, generally RFL is not viewed as something that should be placed at the centre of the Movement's humanitarian response. While some National Societies are well able to conduct RFL activities, capacity across the Network is uneven and in some areas insufficient. Very few National Societies have assessed needs in terms of RFL. Such assessments are an important means of identifying individuals and populations requiring help and of supporting programme planning, resource allocation and service delivery.

While some National Societies have a good understanding of RFL and of the expertise needed to conduct and manage those activities, the majority could improve in this area. Programme tools and resources require further development if the National Societies are to fully provide professional and effective services. Without the knowledge, skills and material resources required to carry out RFL, it is impossible to meet the needs.

It is essential for a National Society to develop and maintain relationships with other components of the Movement, and to have contact with other humanitarian agencies and national authorities as well as affected individuals and populations, if it is to engage in strategic dialogue, develop targeted services and disseminate information. However, the majority of National Societies have few or no

relationships of this sort, and have little or no regular contact with other components of the Movement regarding RFL, at either strategic or service delivery levels.

Overall, the capacity of National Society tracing services to identify and meet RFL needs is insufficient. The Movement faces significant challenges if it is to have a truly functional worldwide Network to help people who are without news of loved ones. However, strengths do exist within National Societies in all areas covered by the capacity assessment. The Network must capitalize on these strengths, making better use of information, skills, tools and resources to enhance the capacity of individual Societies and to strengthen the Network as a whole.

The capacity of the ICRC, through the CTA, to act as coordinator and technical adviser on RFL

In 2006, the ICRC/CTA undertook a review of its capacity to act as coordinator and technical adviser on RFL to National Societies. This assessment entailed interviews with headquarters staff, field questionnaires and visits involving other humanitarian actors, national authorities and some National Societies.

The assessment considered several key areas:

- the role of coordinator and technical adviser;
- the management and development of human resources;
- RFL methods and tools.

The review highlighted the importance of the ICRC's proximity to individuals and populations through its extensive, long-term field presence, and the strength this provides. Its solid experience in the field of RFL and its ability to mobilize financial resources are well recognized and considered a strength that could be further exploited. Nevertheless, the ICRC could do more to mainstream RFL in emergency and contingency planning. Systematic deployment of RFL specialists in emerging situations or in the start-up phase of new operations would enhance both assessment and planning.

The definition and positioning of RFL within the ICRC plays an important role in communication, promotion and lobbying, both internally and externally. There is a need for clear definitions of the role of coordinator and technical adviser, and of RFL itself. These terms are understood in different ways within the ICRC and this has an impact on how National Societies and others outside the Movement understand the concepts. Clear terminology should be consistently applied in all documentation and communication regarding RFL.

One of the strengths of the CTA is its expertise in protecting and managing personal data and its tradition of confidentiality. The value of this cannot be overstated.

On the other hand, the ICRC/CTA could strengthen its quality-assurance role by clearly defining the desired RFL results and developing indicators for monitoring and performance management. Systematic consultation of beneficiaries would also provide an opportunity to learn more about their needs and expectations.

RFL knowledge management has a significant impact on the effectiveness by which the Network and the ICRC undertake RFL. While tools are available, they are often not known, or are not used consistently. Up-to-date, accessible, high-quality tools are essential to improving performance and to raising the ICRC's and National Societies' profile in the field of RFL.

As coordinator of the Family Links Network, the CTA has the role of both facilitating and leading. The ICRC/CTA nevertheless needs to improve its understanding of the needs of the Network and its activities. The ICRC could strengthen this role by aiming to become a centre of excellence while broadening access across the Network to RFL knowledge, principles and tools. In addition, the ICRC/CTA could take greater advantage of the experience and interest of National Societies to build capacity across the Network.

Overall, the ICRC/CTA has great ability in terms of its traditional tasks. However, further investment is needed in building National Society capacity and exploiting the resources available within the Network.

2.3 THE EXTERNAL ENVIRONMENT

The work of restoring family links takes place in an ever-changing environment to which the Movement must constantly adapt. The changing nature of armed conflict and other situations of violence, the increase in the number of natural and man-made disasters, massive population movements and forgotten social cases, and the emergence of new technologies all affect the environment in which the Movement undertakes RFL.

Armed conflicts and other situations of violence

- Today, internal armed conflicts and other types of internal violence account for most cases of armed violence. These are generally characterized by the widespread proliferation of weapons and by mass displacement, especially from the countryside to towns, resulting in sprawling urban centres in many countries. In such situations, families become dispersed, combatants and civilians are wounded, people are killed and their bodies are not properly identified, and people are detained without anyone being notified. In addition, regions become inaccessible and means of communication are disrupted. While the total number of refugees has decreased in recent years to an estimated 8.4 million persons,² the number of internally displaced persons resulting from conflict and other situations of violence is currently estimated at around 23.7 million, involving some 50 countries.³

² *Global Refugee Trends* (UNHCR, 9 June 2006): "By the end of 2005, the global number of refugees reached an estimated 8.4 million persons, the lowest level since 1980." This figure does not include 4.3 million Palestinian refugees falling under the responsibility of the United Nations Relief and Works Agency for Palestinian Refugees in the Near East.

³ *Internal Displacement: Global Overview of Trends and Developments in 2005* (Internal Displacement Monitoring Centre, March 2006).

Natural and man-made disasters

- Global climate change is expected to have wide-ranging effects on the natural environment, on societies and on economies. Scientists predict that this change will increase the number of extreme weather events. Population growth, urbanization and the impact of poverty on people's ability to move make it more likely that increasing numbers will be vulnerable to natural disasters. From 2004 to 2006, millions of people were displaced and hundreds of thousands lost their lives or livelihoods as a result of tsunamis, earthquakes and hurricanes.

Management of human remains and information on the dead

- Failure to identify people who have died during emergencies – especially armed conflicts or other situations of violence – significantly increases the number of persons classified as missing. Very often, little or nothing is done to find, collect and deal with the remains of those killed in fighting or in other circumstances. Human remains are often buried without being identified and graves are often not marked. As a result, valuable information on the dead is lost or unavailable, and families either do not know that their missing relatives have died at all, or are aware of their death but do not know the location of their bodies.

Managing human remains is also one of the most difficult aspects of the response to natural and man-made disasters. Recent events – the continuing plight of relatives of persons missing in connection with the conflicts in the Balkans and the massive loss of life following the South Asian tsunami in 2004 and several other recent major disasters in the Americas and South Asia – highlighted limits to the ability of local systems to enable identification of human remains. There are also challenges involving inter-agency coordination, especially in situations where fact-finding missions are taking place alongside humanitarian operations, with clear differences in mandates and priorities.

International migration

- Cross-border population movements have steadily increased and now constitute one of the most complex issues faced by governments, humanitarian organizations and other bodies. The United Nations⁴ estimated the number of migrants⁵ at 191 million in 2005 and this figure is projected to reach 230 million by 2050. International migration affects countries at different levels of economic development and of varying ideologies and cultures. Migrants are now to be found in every part of the world, with many States being simultaneously countries of origin, transit and destination. Increasingly restrictive migration policies have resulted in the proliferation of processing and detention centres

⁴ *Trends in Migrant Stock* (United Nations, Revision 2005).

⁵ People who crossed an international border.

and the increased involvement of various organizations in helping people deprived of their freedom in the areas of legal and psychological support, family tracing and integration. In addition, trafficking in persons and human smuggling are two of the fastest growing areas of international criminal activity.

According to various studies, 600,000 to 800,000⁶ people are allegedly trafficked each year, the majority women and children. Extreme poverty, lack of economic opportunity, civil unrest, political uncertainty and disregard for the basic principles of humanity all contribute to an environment that encourages the smuggling and trafficking of human beings.

Civil society

- Demands on public services for support to individuals and whole communities continue to grow as a result of conflicts, natural and man-made disasters, poverty and the movement of populations within and from outside countries. Public services will face increasing pressure to meet the need for:
 - information on the whereabouts of family members,
 - legal advice and social and psychological support for the families of missing persons and for migrant populations,
 - family reunification, integration and resettlement services.

Science

- Forensic sciences play an increasingly important role in the management and identification of the remains of people who have disappeared or been killed in connection with conflict or other man-made or natural disasters. In particular, forensic procedures (autopsies, fingerprinting, dental examinations and DNA analysis) are used to identify remains and to find out what has happened to missing persons.

Technology

- Access to information technology continues to grow across the world, providing greater opportunities for communication and shortening the time needed for a humanitarian response. Major differences in access to and use of these technologies persist, but substantial change has taken place. Mobilephone capacity has grown significantly in recent years in nearly all parts of the world, particularly Asia and Latin America. Despite major differences between countries and areas, Africa is also experiencing impressive growth in mobilephone use. Increased access to the Internet, greater use of computers and regionally accessible protected databases are providing more effective ways of communicating and transmitting data. At the same time this raises issues for the protection of personal data and other sensitive information.

⁶ "Migration in an interconnected world: New directions for action", *Report of the Global Commission on International Migration* (October 2005).

Media

- The media are present on the ground in selected crises of humanitarian concern, playing a catalytic role as formers of public opinion and affecting the way in which governments and humanitarian agencies deal with those crises. The immediacy of international news (especially television) and widespread access to information technologies increase, it is true, the ability of the humanitarian sector to respond rapidly to needs. But they also generate unrealistic expectations. Meanwhile, other crises – often with a more severe impact in humanitarian terms – receive little media attention. The media can today define what is and what is not a “humanitarian emergency” by emphasizing or ignoring an event.

Other actors

- The number of organizations conducting, or willing to conduct RFL continues to increase, especially in connection with unaccompanied minors and/or minors separated from their families. The United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the Save the Children Fund, the International Rescue Committee and World Vision International are some of the best-known organizations helping these children. The International Organization for Migration is stepping up its work in the field of migration, and other bodies such as the International Commission on Missing Persons are intensifying their work to resolve cases of persons unaccounted for. Increasingly the Movement finds itself in competition with international and national organizations that today engage in this traditional Movement activity. There is often a lack of interagency cooperation and coordination owing to inadequate specialized skills and common standards and procedures, to an absence of operational planning and knowledge of activities carried out by others, to limited financial resources and to a desire to promote one's own organization. The corporate sector – especially software companies – is increasingly itself taking RFL action or supporting others in this realm during high-profile natural and man-made disasters.

In an increasingly competitive environment, the impact of external trends must be anticipated, with services reviewed and adapted to render them increasingly professional, targeted and innovative. Intensified coordination within the Movement and cooperation with external actors is essential if the Family Links Network is to help affected groups and individuals and if the service is not to be taken over by other humanitarian organizations.

2.4 STRATEGIC OBJECTIVES

The capacity assessments and the factors in the external environment highlight the significant challenges faced by the Movement in improving RFL performance. While conflicts and other situations of violence account for the bulk of its work, the Family Links Network also meets RFL needs arising from natural and man-

made disasters, population movements (including international migration) and other situations requiring a humanitarian response.

Specific situations require specific RFL responses. Before any services can be provided, the needs related to dispersed family members and missing persons must first be identified, then the gaps in services and the resources required to fill them. This process must ensure that RFL needs are met somehow either by components of the Movement or by other entities.

The RFL Strategy for the Movement therefore proposes three objectives. These objectives flow from an analysis of the current status of the Family Links Network and the present and future challenges presented in the external environment.

STRATEGIC OBJECTIVE 1

Improving restoring family links capacity and performance

- Building a Family Links Network that is robust and meets the needs of affected individuals and populations requires medium- and long-term investment in order to enhance and effectively utilize skills and resources. Building capacity requires coherent methodology, effective mobilization of human resources, training and systematic exchange of information to ensure that the best practices are employed.

The Movement must also better understand the environment in which it works and be able to adapt and fully utilize modern technologies.

STRATEGIC OBJECTIVE 2

Enhancing coordination and intra-Movement cooperation

- The Movement's ability to effectively meet the needs of people separated from their families depends on the efficiency and effectiveness of the Family Links Network. Improving capacity to respond rapidly in emergencies, enhancing functional cooperation and coordination within the Movement at all times and strengthening interaction with the authorities and other organizations will improve performance across the Network.

As coordinator of the Family Links Network, the ICRC draws more than previously on National Society contributions to build capacity, strengthen regional linkages and share responsibility for building a stronger Network.

STRATEGIC OBJECTIVE 3

Strengthening support for restoring family links

- The Movement is in a unique position to conduct RFL since it is the only organization having a worldwide network with the potential to aid affected individuals and populations everywhere. To lead in the field of RFL, the Movement must place its work on a solid foundation, encourage and motivate staff and volunteers to adopt its vision and practices, and improve communication so as to assume a commanding position in the humanitarian sector. The Movement can enhance its leading role in RFL by strengthening its components.

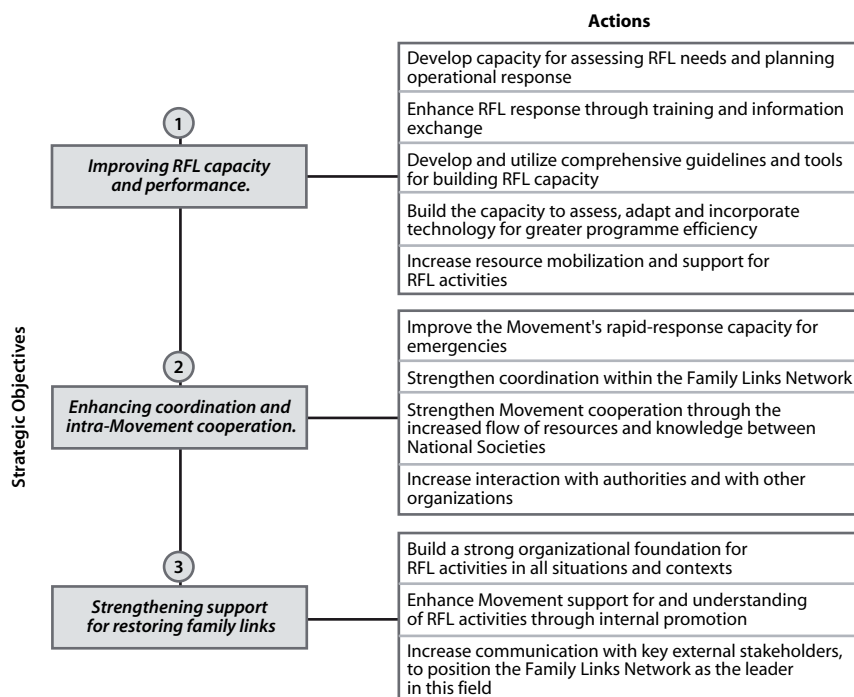
For the Family Links Network, building capacity means investing in the development and strategic orientation of RFL activities. The Implementation Plan for the RFL Strategy focuses on the following actions:

- understanding RFL and the related needs of separated and missing people;
- strengthening programme ownership for RFL activities;
- raising the profile of RFL and enhancing its positioning;
- improving RFL capability and services;
- improving cooperation between National Societies and across the Network as a whole;
- coordinating more effectively and consistently; and
- understanding and improving coordination with authorities and other organizations providing services in this field.

Restoring Family Links Strategy for the International Red Cross and Red Crescent Movement – Summary chart

Vision

Whenever people are separated from their loved ones as a result of armed conflict and other situations of violence, natural disaster or other situations requiring a humanitarian response, the Movement responds efficiently and effectively by mobilizing its resources to restore family links.



3. IMPLEMENTATION PLAN FOR THE MOVEMENT

The ultimate aim of the RFL Strategy for the International Red Cross and Red Crescent Movement is to better meet the needs of individuals and entire populations by improving the performance of the Family Links Network.

The three strategic objectives cover performance management, coordination and cooperation, and leadership and positioning in the field of RFL. The strategic objectives are all interlinked and the measures taken for one will affect the others.

The Implementation Plan outlines the actions to be taken to achieve each of the strategic objectives and lists the results expected. It also proposes implementation measures and sets out the responsibilities and time frames for the Movement components concerned.

The time frames proposed for implementation of the various measures should guide all components in adapting the Strategy and developing their individual plans. The time frames take into consideration – and may be adapted according to – global, regional, national and local particularities. They are intended to be specific enough to indicate the measures required but general enough to allow adaptation to local circumstances and needs.

Underpinning the Strategy is the effort to enhance participation in the Family Links Network by all the Movement’s components. The Strategy and Implementation Plan outlines a Movement-wide approach which recognizes that meeting RFL needs and building capacity is not only an ICRC responsibility but a responsibility for all the components within the framework of their respective mandates.

STRATEGIC OBJECTIVE 1: IMPROVING RESTORING FAMILY LINKS CAPACITY AND PERFORMANCE

Building a Family Links Network that is robust and meets the needs of affected individuals and populations requires medium- and long-term investment in order to enhance and effectively utilize skills and resources. Building capacity requires coherent methodology, effective mobilization of human resources, training and systematic exchange of information to ensure that the best practices are employed.

The Movement must also better understand the environment in which it works and be able to adapt and fully utilize modern technologies.

Action 1

Develop capacity for assessing RFL needs and planning operational response

RFL needs and the capacity to meet them must be systematically and meticulously assessed. The Movement must regularly review and adapt its services to account for needs, capacities, resources and the operational context.

Expected results

- RFL needs are identified, the ability to meet them known. There is regular assessment and adaptation.
- The affected individuals and populations take part in the RFL assessments.

- Plans of action are developed to provide suitable programmes for affected individuals and populations.
- Operational plans clearly respond to national, regional and international needs in emergencies and non-emergencies.

Implementation

The **National Societies** and the **ICRC/CTA** will:

- 1.1.1 ► Undertake, in consultation with the affected individuals, populations and other concerned parties, comprehensive RFL assessments incorporating:
- existing and potential populations in need of RFL assistance (RFL core activities and interconnected activities);
 - the capacity of the National Society or the ICRC to respond;
 - the role and activities of authorities and other organizations in this field;

Assessments of RFL needs should include, according to the respective contexts;

- people affected by armed conflict (international and non-international);
 - people affected by internal disturbances and other situations of internal violence;
 - refugees and asylum seekers;
 - migrants
 - people affected by natural and man-made disasters.
 - particularly vulnerable people (children, the elderly and social cases, where the components of the Movement may play a specific role by virtue of their respective mandates);
- 1.1.2 ► Develop operational plans to meet the needs of affected populations and respond to enquiries from within the Family Links Network. Plans should include systematic consultations with beneficiaries and review of RFL action, and consider, where necessary, combining RFL activities with other programmes (e.g. health, social-welfare, disaster preparedness and response, first aid).
- 1.1.3 ► Revise, by 2010, the assessment tools needed to systematically include RFL in surveys of vulnerable populations.

The **ICRC** will:

- 1.1.4 ► Develop, by 2009, comprehensive RFL assessment tools in consultation with National Societies.
- 1.1.5 ► Support National Societies, where requested, in the incorporation of RFL in operational plans.

The **International Federation** will:

- 1.1.6 ► Include RFL in disaster-preparedness and emergency-response plans.
- 1.1.7 ► Encourage and, in coordination with the ICRC, support National Societies in their incorporation of RFL in operational plans.

Action 2
*Enhance RFL
response through
training and
information
exchange*

To improve performance and build professional practices, it is important to develop the knowledge and skills required for RFL. Greater awareness of the connections between RFL and other Movement programmes leads to better service.

Investing in professional development for staff and volunteers will have a direct, positive impact on performance and enhance the Movement's credibility.

Expected results

- RFL staff and volunteers possess the professional skills and adopt the practices needed for high-quality RFL.
- Greater exchange of information between RFL practitioners at the ICRC and in National Societies.
- International Federation Secretariat staff and delegates understand RFL and the connection between RFL and other programmes.

Implementation

The **National Societies** will:

- 1.2.1 ► Devise and run training programmes for professional staff and volunteers covering RFL response to national needs and to requests from the Family Links Network. RFL will be incorporated into training programmes for volunteers wherever possible.
- 1.2.2 ► Develop RFL programmes to supervise and support RFL practitioners at headquarters and in the branches.
- 1.2.3 ► Carry out staff exchanges, programme visits or internships involving other National Societies, convey useful practices and build an understanding of RFL across a variety of contexts.

The **ICRC/CTA** will:

- 1.2.4 ► Devise and conduct, by 2010, a professional training and development programme enabling heads of National Society tracing services and ICRC practitioners to build skills, consolidate knowledge and enhance information exchange.
- 1.2.5 ► Devise, by 2011, RFL training modules for various types of situations on the basis of the *Restoring Family Links Manual for the Movement*.

- 1.2.6 ► Incorporate the following into professional development programmes for ICRC staff: staff exchanges, programme visits to or internships in National Societies.
- 1.2.7 ► Every three years conduct regional capacity-building courses for RFL practitioners (commencing in 2011). These workshops will focus on developing professional skills and knowledge, regional and inter-regional issues and the Implementation Plan of the RFL Strategy for the Red Cross and Red Crescent Movement.
- 1.2.8 ► Further develop and run training programmes for ICRC staff covering RFL response to national needs and response to requests from the Family Links Network. Increase involvement and training of locally hired ICRC staff in RFL.
- 1.2.9 ► Increase knowledge and understanding of RFL capacity-building principles and concepts among ICRC staff.
- 1.2.10 ► Encourage National Societies to carry out staff exchanges, programme visits and internships with other National Societies.

The **International Federation** will:

- 1.2.11 ► Include, by 2010, RFL in training programmes for Secretariat staff, disaster-preparedness and emergency-response teams and field delegates, utilizing the RFL modules devised in cooperation with the ICRC.
- 1.2.12 ► Include, by 2010, RFL in training programmes for organizational development delegates.

Action 3
Develop and utilize comprehensive guidelines and tools for building RFL capacity

Restoring family links across a range of diverse situations of humanitarian concern requires common guidelines and tools for building coherent methods, practices and understanding across the Network. To measure performance and ensure that services are of high quality and truly benefit those in need, performance indicators, monitoring and evaluation tools must be used.

Expected results

- Standard guidelines and tools for the development of RFL activities are developed and utilized across the Movement.
- Performance management in RFL is improved through the development and use of indicators, monitoring, evaluation and regular reporting systems.

Implementation

The **National Societies** will:

- 1.3.1 ► Regularly collect, by 2013, data on RFL using the *Family Links Network data collection tool* and analyse that data to ensure high-quality service and optimum use of resources.

- 1.3.2 ► Establish, by 2013, processes for the monitoring and evaluation of RFL activities, using the *Family Links Network performance management tools*.
- 1.3.3 ► Develop, by 2013, RFL guidelines and tools adapted to the context and culture, in accordance with the *Restoring Family Links Manual for the Movement* and the *Family Links Network performance management tools*.
- 1.3.4 ► Disseminate, by 2014, RFL guidelines and tools throughout their headquarters and branches.

The **ICRC/CTA** will:

- 1.3.5 ► Lead the development of a comprehensive *Restoring Family Links Manual for the Movement*. Such a manual will build on *Restoring Family Links: A Guide for National Red Cross and Red Crescent Societies, Conclusions and Recommendations of the Expert Conference on the Missing and their Families, Guiding Principles for Separated and Unaccompanied Children, Guidelines for Tracing in Disasters, Management of Dead Bodies after Disasters: A Field Manual for First Responders*, and the forthcoming *Field Manual for Restoring Family Links in Disasters*, to be completed by 2011.
- 1.3.6 ► Finalize, by 2008, the *Field Manual for Restoring Family Links in Natural or Man-made Disasters*.
- 1.3.7 ► Adapt, by 2009 and in cooperation with National Societies and the International Federation, traditional RFL guidelines and tools for use in migration situations and human trafficking.
- 1.3.8 ► Develop, by 2011, a single RFL *data-collection tool* for use by all National Societies and the ICRC, and produce periodic reports on the activities of the Family Links Network.
- 1.3.9 ► Develop, by 2011 and in consultation with National Societies, *performance-management tools* for the Family Links Network including: indicators (for example timeliness, situations analysis), monitoring, evaluation and impact assessment.
- 1.3.10 ► Support National Societies in incorporating RFL guidelines into disaster-preparedness and response plans, and performance-management systems.
- 1.3.11 ► Increase, by 2012, the use of qualitative data collection and analysis in the monitoring systems for ICRC operations.

The **International Federation** will:

- 1.3.12 ► Encourage and, in coordination with the ICRC, support National Societies in incorporating the ICRC's RFL guidelines and tools in disaster preparedness and response, and in performance-management systems.

Action 4

Build the capacity to assess, adapt and incorporate technology for greater programme efficiency.

The Movement's components use methods and technologies adapted to the context. To ensure that the Network is responsive and effective, they use electronic data transmission, mobile computers, database systems, the Internet, and new technologies. Modern technologies are assessed and integrated to provide increasingly professional, targeted and innovative services, and thus improved response.

All RFL activities must ensure the protection of individual data and of any other sensitive information, at all times. The confidentiality of personal and other sensitive data is paramount and the principles for their protection must be respected by all.

Expected results

- The Movement has the ability to use the methods and technology best suited to each situation. It anticipates, reviews, adapts and applies new methods and technologies to improve its services.
- The Family Links Network utilizes information technologies according to need, culture and operational context to ensure maximum effectiveness. It protects personal and other sensitive data.

Implementation

The **National Societies** will:

- 1.4.1 ► Ensure that their tracing services have access to the Internet and other technologies that help improve performance.
- 1.4.2 ► Share with the ICRC applications or technologies developed for RFL.
- 1.4.3 ► Contribute, by 2012 and in cooperation with the ICRC, to the appraisal and development of new RFL methods and technologies.
- 1.4.4 ► Approach the CTA to use the ICRC's Family Links website for RFL response in major natural or man-made disasters.

The **ICRC** will:

- 1.4.5 ► Conduct, by 2010, regular assessments of existing and new RFL methods and technologies.
- 1.4.6 ► Propose and implement, by 2012, new methods and technologies, backed up by guidelines, for the Family Links Network. These will be based on needs, culture and context.
- 1.4.7 ► Assess, by 2012, the feasibility of cooperation with private companies to further develop technical tools and provide support materials in accordance with Movement standards.
- 1.4.8 ► Develop, by 2012 and in consultation with National Societies, standardized software with training materials for National Society RFL activities.

- 1.4.9 ► Continue to provide National Societies with space on the ICRC's Family Links website, in accordance with defined guidelines.

The **International Federation** will:

- 1.4.10 ► Support, in coordination with the ICRC, National Societies in making the Internet available to tracing services and accessing other needed technologies.

Action 5

Increase resource mobilization and support for RFL activities

In order to support the development and delivery of RFL activities, the Movement's components must better utilize the resources they have and increase the resources at their disposal. All the components can boost their ability to raise funds. In addition to financial resources, the Movement will better identify the skills, capacities and contributions that the various components need to share. In this way, resources can be better utilized across the Network.

Expected results

- National Societies have the capacity and expertise to raise funds for RFL activities and to support service delivery.
- The different components of the Movement mobilize the resources (financial and non-financial) required to meet the need for RFL.
- Governments and private donors provide financial and material support for RFL.

Implementation

The **National Societies** will:

- 1.5.1 ► Ensure cooperation between fundraising, communication and tracing services and develop plans of action to raise funds for RFL that are part of the overall fundraising policy.
- 1.5.2 ► Share with each other information and best practices regarding fundraising.
- 1.5.3 ► Allocate core funds to develop and maintain RFL, and assess diversified funding sources.
- 1.5.4 ► Incorporate RFL in their regular fundraising appeals.
- 1.5.5 ► Participate, in 2008, 2011, 2014 and 2017, in the RFL *contributions assessment* that will identify the skills, capacities, time and resources that can be shared across the Network.

The **ICRC** will:

- 1.5.6 ► Coordinate a pan-Movement effort to devise tools to raise funds for National Society RFL, a process to be completed by 2011.

-
- 1.5.7 ► Work with National Societies to devise communication and marketing tools for RFL by 2010.
 - 1.5.8 ► Commencing in 2008, undertake every three years an RFL *contributions assessment* together with National Societies to identify the skills, capacities, time and resources available within the Network and to maximize their use.

The **National Societies** and the **ICRC** will:

- 1.5.9 ► Devise fundraising proposals based on identified RFL projects.
- 1.5.10 ► Talk to donors about RFL to ensure that this work is known and understood.

The **International Federation** will:

- 1.5.11 ► Work with the ICRC to support National Societies in their efforts to ensure cooperation between their fundraising, communication and tracing services, and to include RFL as part of their overall fundraising policies.
-

STRATEGIC OBJECTIVE 2: ENHANCING COORDINATION AND INTRA-MOVEMENT COOPERATION

The Movement's ability to effectively meet the needs of people separated from their families depends on the efficiency and effectiveness of the Family Links Network. Improving capacity to respond rapidly in emergencies, enhancing functional cooperation and coordination within the Movement at all times and strengthening interaction with the authorities and other organizations will improve performance across the Network.

As coordinator of the Family Links Network, the ICRC draws more than previously on National Society contributions to build capacity, strengthen regional linkages and share responsibility for building a stronger Network.

Action 1 *Improve the Movement's rapid-response capacity for emergencies*

Increasingly major and complex emergencies, combined with varying capacities for RFL response within the Movement, require better coordinated and faster response. Reducing the time taken to assess needs and deliver RFL activities is essential for effectiveness.

Taking into account that RFL operational activities are coordinated by:

- the ICRC in conflicts and other situations of violence or in disasters requiring an international response,

- individual National Societies during national disasters, and
 - the ICRC at the request of the National Society where the RFL response is beyond the latter's capacity during national disasters,
- greater emphasis must be placed on a rapid and coordinated response, making better use of Movement resources and experienced RFL specialists.

Expected results

- The Movement's various components have incorporated RFL in emergency-preparedness and response plans.
- The components respond rapidly and effectively to RFL needs in emergencies.
- The components mobilize resources at a local, regional and/or international level, as required by the emergency.

Implementation measures

The **National Societies** will:

- 2.1.1 ► Incorporate RFL action in emergency-preparedness and response plans in accordance with ICRC guidelines for RFL response in natural or man-made disasters, and ensure appropriate training for all first responders.
- 2.1.2 ► In national disasters, call on the ICRC without delay for support where the need for RFL outstrips their capacity.
- 2.1.3 ► In accordance with the Framework for Deployment of International RFL Specialists during Disasters, provide the ICRC/CTA with trained RFL specialists for rapid deployment. Such specialists for rapid deployment will be taken from a predefined pool only with the agreement of each National Society.
- 2.1.4 ► Assess, by 2011, the need for, and feasibility of, establishing National Society sub-regional focal points for RFL response in natural or man-made disasters. If deemed useful, establish such RFL focal points.

The **ICRC/CTA** will:

- 2.1.5 ► Systematically deploy RFL specialists in conflict or other situations of violence to assess the situation and plan action. Ensure that RFL is included as part of the general rapid-response approach.
- 2.1.6 ► Help National Societies, in cooperation with the International Federation, to incorporate RFL in emergency-preparedness training programmes.
- 2.1.7 ► Launch and guide, by 2008, the development and management of an international disaster-response mechanism for rapid deployment of RFL specialists and devise a Framework for the Deployment of International RFL Specialists during Disasters.

- 2.1.8 ► Activate, according to established criteria and at the request of the National Societies, the disaster-response mechanism in natural or man-made disasters.
- 2.1.9 ► Ensure suitable training for staff to be deployed and monitor and evaluate both the deployment and RFL response.
- 2.1.10 ► When coordinating the RFL response in natural or man-made disasters, deploy RFL specialists to assess and plan an action strategy, and disseminate information through the Family Links Network. Ensure cooperation with the International Federation disaster-response teams.
- 2.1.11 ► Help National Societies, by 2011, to assess the need for, and feasibility of, establishing sub-regional RFL focal points for natural or man-made disasters, in collaboration with the International Federation and other National Societies. Support the establishment of such focal points if deemed useful.

The **International Federation** will:

- 2.1.12 ► Support National Societies, in cooperation with the ICRC, and help them include RFL in their disaster-preparedness and response plans in accordance with ICRC guidelines for RFL response in natural or man-made disasters.
- 2.1.13 ► Ensure that any RFL-relevant information gathered by emergency-response teams will be shared with the host National Society and the CTA to ensure optimum RFL response.
- 2.1.14 ► Incorporate RFL requirements in emergency appeals where requested by the ICRC.
- 2.1.15 ► Encourage National Societies to share with the ICRC/CTA best RFL practices in natural and man-made disasters.

Action 2
***Strengthen
 coordination within
 the Family Links
 Network***

Harmonizing the Movement's work to provide an internationally consistent response over the short, medium and long terms requires participation by all components. This should not be a static exercise – coordination requires increased interaction, the exchange of information, the identification of issues and the building and retention of RFL knowledge. Employing a specific regional focus, enhance services and make better use of existing knowledge and skills within the Family Links Network.

Expected results

- Information exchange is stronger, leading to better building and coordination of organization-wide RFL knowledge.
- Regional interaction is increased and issues identified. Consistent action is taken to address existing and emerging RFL needs.

- The role of the ICRC as the facilitator and coordinator of the Family Links Network is strengthened and National Society participation is increased.

Implementation

The **National Societies** will:

- 2.2.1 ► Contribute to greater regional coordination in RFL by prioritizing this subject in regional forums, strengthening the exchange of information and best practices with other National Societies and the ICRC/CTA, and building stronger links with other National Societies in their respective regions.
- 2.2.2 ► Seek to harmonize criteria for the acceptance of RFL cases, ensuring that they take into account regional particularities.

The **ICRC/CTA** will:

- 2.2.3 ► Devise, by 2010, a new interactive *Family Links Network Extranet* that provides on-line training tools and offers the possibility of exchanging best practices, data, tracing criteria and thoughts on development issues, among other things.
- 2.2.4 ► Explore, by 2011, the establishment of new regional ICRC/CTA RFL units that act as focal points for networking and information exchange, professional development training and capacity building in restoring family links. If deemed useful, set them up.
- 2.2.5 ► Commencing in 2009, conduct biennial regional RFL meetings for National Society practitioners, ICRC staff and representatives of the International Federation to coordinate and develop consistency in RFL policy, implementation and methodology.

The **International Federation** will:

- 2.2.6 ► Incorporate RFL in regional meetings with National Societies, when needed to improve coordination.

Action 3
Strengthen Movement cooperation through the increased flow of resources and knowledge between National Societies.

High-quality RFL in both emergency situations and stable environments means involving different components of the Family Links Network at different times. The Network's resources are better utilized and cooperation strengthened if the National Societies play a greater role in RFL capacity building (within an agreed framework).

Expected results

- Strategic partnerships between National Societies and the CTA support long-term capacity development.

- Sufficient RFL specialists are available for capacity-building programmes and operational deployment.
- Stronger relationships exist between RFL practitioners and there is an improved exchange of best practices.

Implementation measures

The **National Societies** will:

- 2.3.1 ► Contribute, by 2009 and in coordination with the ICRC, to a framework for partnerships addressing the international involvement of National Societies in programmes to build the capacity of tracing services.
- 2.3.2 ► Use, commencing in 2010 and for all international RFL, the ICRC's capacity-building framework for RFL together with National Societies.
- 2.3.3 ► Contribute, by 2011 and in cooperation with the ICRC, to the development of training modules for RFL capacity building.
- 2.3.4 ► Increase the availability and training of, and support for, experienced RFL staff to create a pool of capacity-building experts for international work.
- 2.3.5 ► Regularly engage in bilateral contacts with the tracing services of other National Societies, to improve RFL results and better share information.

The **ICRC** will:

- 2.3.6 ► Review and revise, by 2009 and in coordination with interested components of the Movement, the framework for partnerships for National Societies working internationally in programmes to build the capacity of tracing services.
- 2.3.7 ► Promote and support partnerships with National Societies working internationally to build the capacity of individual National Societies or across regions within the above-mentioned framework.
- 2.3.8 ► Maintain an overview of bilateral cooperation and exchanges between the tracing services of National Societies.
- 2.3.9 ► Create, by 2012, a pool of RFL capacity-building experts to work with National Societies, supervised and coordinated by the ICRC at the regional and worldwide levels.
- 2.3.10 ► Adapt and further develop RFL capacity-building tools, including training modules, all by 2011.
- 2.3.11 ► Devise, by 2008, minimum conditions for commencing RFL capacity-building programmes with National Societies, and indicators to measure progress.
- 2.3.12 ► Support joint pilot initiatives by National Societies wishing to be involved in RFL for specific situations, particularly migration.

The **International Federation** will:

- 2.3.13 ► In conjunction with the ICRC, help National Societies incorporate RFL in organizational-development programmes.
- 2.3.14 ► Work in cooperation with the ICRC to ensure best use of resources, programme planning and management for organizational-development activities and capacity-building programmes.

Action 4

Increase interaction with the authorities and with other organizations

Successful implementation requires a better integrated, more compatible and better coordinated approach when dealing with the various interested parties outside the Movement. To avoid duplication of effort and achieve better results, there must be greater understanding of the role and activities of non-Movement parties concerned with RFL, the development of common principles for RFL and improved consistency in selecting target populations, identifying areas of expertise and determining which activities are needed.

Expected results

- Common definitions and principles regarding RFL are applied by the various components of the Movement and other parties concerned with this work.
- Optimum interaction is achieved with the authorities and other organizations, thus improving RFL response.
- State authorities comply with their obligations under international law regarding dispersed family members and missing persons and cooperate with National Societies and the ICRC on the basis of the Geneva Conventions and the resolutions of the International Conferences of the Red Cross and Red Crescent.

Implementation

The **National Societies** will:

- 2.4.1 ► Regularly both remind State authorities of their responsibilities towards affected individuals and populations requiring RFL assistance and seek their increased support for that work.
- 2.4.2 ► Ensure that they comply with national laws on the protection of personal data.
- 2.4.3 ► Develop a close relationship with governmental services in order to avoid delays in response. Consider memorandums of understanding with governmental bodies.
- 2.4.4 ► Establish and strengthen relationships with the authorities and other organizations providing similar or related services at the local and national levels.

- 2.4.5 ► Review national legislation to ensure that family links issues are included in national disaster-preparedness and response plans, and engage with State authorities for their inclusion where necessary. This should include ensuring that such plans set out the role of the National Society in restoring family links.

The **ICRC/CTA** will:

- 2.4.6 ► Regularly remind State authorities, armed groups and security forces of their obligations under international law and commitments undertaken at the International Conference of the Red Cross and Red Crescent.
- 2.4.7 ► Support National Societies, where needed, in their discussions with State authorities on their responsibilities and the role of the National Societies and the ICRC in RFL. Support adaptation of relevant national legislation if necessary.
- 2.4.8 ► Work for the development, by 2013, of common principles for RFL. Such principles would include common definitions, professional standards and ethical norms, compatible procedures and systems, the definition of target populations, specific aspects of RFL activities (e.g. child protection), data protection and needed coordination mechanisms.
- 2.4.9 ► By 2010, collect examples of good practice in collaboration with international and national organizations, and draw up a list of factors contributing to success.
- 2.4.10 ► Draw up, by 2012, guidelines on how the Movement can cooperate with international and national organizations on RFL in emergencies, and disseminate those guidelines throughout the Movement and as appropriate within other international organizations.
- 2.4.11 ► Strengthen dialogue with international organizations with which the Movement seeks coordination regarding RFL and, where necessary, explore framework agreements aimed at better meeting needs.

STRATEGIC OBJECTIVE 3: STRENGTHENING SUPPORT FOR RESTORING FAMILY LINKS

The Movement is in a unique position to conduct RFL since it is the only organization having a worldwide network with the potential to aid affected individuals and populations everywhere. To lead in the field of RFL, the Movement must place its work on a solid foundation, encourage and motivate staff and volunteers to adopt its vision and practices, and improve communication so as to assume a commanding position in the humanitarian sector. The Movement can enhance its leading role in RFL by strengthening its components.

Action 1

Build a strong organizational foundation for RFL activities in all situations and contexts.

The Movement's ambition is to lay a solid foundation for RFL. Much remains to be done for its components to shoulder their responsibility in this field. The process of revising both National Society statutes and the policy frameworks of the various components to reflect RFL signals a commitment to improving RFL activities and working toward a consistent response to needs. So too does the effort to improve service development and management.

Expected results

- National Society statutes and policy frameworks reflect the legal basis for RFL, its objectives and the specific tasks involved.
- National Society strategic and development plans specifically address RFL commitments made at statutory meetings of the Movement.
- National Societies have management structures that support and develop RFL activities.

Implementation

The **National Societies** will:

- 3.1.1 ► Define their precise RFL roles and functions in the different situations that may arise, taking into account the Movement's resolutions.
- 3.1.2 ► Revise their Statutes, in accordance with the International Federation's Guidance for National Society Statutes, to reflect their RFL roles and responsibilities as defined in the Movement's Statutes and resolutions.
- 3.1.3 ► Create or revise national strategic and development plans to include national and international RFL activities.
- 3.1.4 ► Establish operational links between tracing services, disaster-preparedness and disaster-response programmes, volunteer management and other relevant units such as dissemination and information.
- 3.1.5 ► Develop an internal system to support RFL, including management, service development and involvement of volunteers.

The **ICRC** will:

- 3.1.6 ► Coordinate with the International Federation in supporting revision and amendment by the National Societies of their Statutes, development plans and strategies.
- 3.1.7 ► Review, by 2009, internal policies and guidelines in situations of violence (including conflict) and other situations to ensure that RFL activities are included.

The **International Federation** will:

- 3.1.8 ► Review and revise, by 2011, policy and strategic documents, tools and guidelines for inclusion of National Society RFL activities across all programme areas.
- 3.1.9 ► Support, and actively promote, the inclusion of RFL in the revision of Strategy 2010.
- 3.1.10 ► Support, in conjunction with the ICRC, the National Societies in revising their Statutes and incorporating RFL in their development plans and strategies.
- 3.1.11 ► Undertake, by 2009, a mapping exercise with National Societies for organizational development and work closely with the ICRC to ensure the incorporation of RFL.

Action 2
Enhance Movement support for and understanding of RFL activities through internal promotion

Making RFL responsibilities and action better known among the Movement's components will increase both understanding and support. Since RFL needs are inadequately communicated within the Network, continuous effort is required to raise awareness and pool information. This will lead to National Society leaders feeling a greater sense of direct responsibility for RFL activities and to volunteers and staff better identifying needs, and to a more integrated response.

Expected results

- All governance representatives, volunteers and staff understand the importance of RFL and the respective roles of the Movement's different components.
- National Societies have a consistent approach to promoting their RFL activities.
- Knowledge and understanding of RFL is strengthened across organizational departments and programmes.

Implementation

The **National Societies** will:

- 3.2.1 ► Keep governing bodies, volunteers and staff informed about the RFL roles of the National Society and the Family Links Network.
- 3.2.2 ► Incorporate RFL news in meetings and other means of disseminating information within the organization.
- 3.2.3 ► Strengthen relationships between communication departments and tracing services and draw up plans of action for publicly promoting this work.
- 3.2.4 ► Regularly communicate to governing bodies, staff and volunteers the outcomes and commitments regarding RFL of the Movement's statutory meetings.

The **ICRC** will:

- 3.2.5 ► Undertake, by 2009, an inventory of guidelines and communication tools, and revise them to ensure clear terminology regarding the definition of RFL-related terms.
- 3.2.6 ► Regularly remind all staff of the importance of RFL and the role played by the ICRC and the Family Links Network.

The **International Federation** will:

- 3.2.7 ► Undertake, by 2009, a knowledge inventory, both within its Secretariat and together with field staff, of RFL activities across all programming areas, and draw up action plans to fill gaps.
- 3.2.8 ► Regularly remind all staff of the respective roles of the Movement's components regarding RFL.

Action 3

Increase communication with key external stakeholders, to position the Family Links Network as the leader in this field

To be more effective in RFL, the Movement's components must disseminate information and raise public awareness of the needs of people separated from their families. The Movement must promote a strong and consistent image of this unique and very human service, raising its profile and ensuring that the general public, governments, donors and others all view the Movement's RFL activities as a vital humanitarian service.

Expected results

- A consistent image of the Family Links Network is projected to key external stakeholders concerned by this work.
- The Movement's components take clear positions on the need for RFL, highlighting its impact on affected individuals and populations.
- Those concerned recognize and support the RFL role played by the National Societies and the ICRC/CTA.

Implementation

The **National Societies** and the **ICRC** will:

- 3.3.1 ► Draw up and share with the Family Links Network, by 2009, a *worldwide communications plan* to support implementation of the RFL strategy. This plan will include:
 - key messages on RFL activities adapted to the various target groups and contexts;
 - communication tools to explain and promote RFL activities, the role of the Network and the plight of people left without news of loved ones;
 - an increased focus on RFL in the various promotional activities;
 - devising a visual identity for the Family Links Network;

- exploring the concept of “goodwill ambassadors” to raise awareness of the impact of family separation and to promote RFL activities;
 - identifying promotional opportunities;
 - engaging media representatives in raising awareness of RFL needs and promoting RFL itself.
- 3.3.2 ► Undertake regular meetings with affected individuals and populations to promote RFL and the Family Links Network.
- 3.3.3 ► Give regular information on RFL to donors, the authorities and other organizations.

The **National Societies** will:

- 3.3.4 ► Devise, by 2013, a communication plan to support RFL. National Society communication plans can be further strengthened on the basis of the *worldwide communication plan*.

The **International Federation** will:

- 3.3.5 ► Disseminate to National Societies, by 2009, the *Communication Guide* for use in promoting RFL.

All **components of the Movement** will:

- 3.3.6 ► Use existing forums, meetings and networks to spark interest about individuals and populations affected by family separation and to promote the Movement’s RFL work.

4. MONITORING IMPLEMENTATION OF THE STRATEGY

Responsibility for implementing the RFL Strategy for the Movement is shared by all the components.

The National Societies, the ICRC and the International Federation are individually responsible for incorporating the Strategy’s contents in their own strategies, plans and training programmes at the national, regional and international levels.

Each action defined in the Strategy has expected results and implementation measures. It will be possible to achieve some of the expected results via the annual operational plans of the various components, while others can be achieved through the capacity-building programmes of the ICRC, the organizational-development or disaster-management programmes of the International Federation, or in partnership with National Societies working internationally. Regional meetings that the ICRC organizes for RFL practitioners constitute further opportunities for implementation, as do regional disaster-preparedness and response meetings

conducted by the International Federation. Additional opportunities exist within the Movement's regional statutory meetings.

As the Movement's RFL coordinator and technical adviser, the ICRC will supervise the Strategy's implementation in cooperation with other components. It will set up an Implementation Group, including National Societies and the International Federation, to provide guidance and support for the implementation process. The Group will, as a priority, clarify what success would look like if the Movement were to achieve the strategic objectives and individual actions, and devise guidelines to measure that success. Indicators will be developed at the global, regional and national levels to measure performance and progress in implementing the strategy. Given the considerable differences in criteria for success across the Network, different degrees of implementation should be expected and varying practical targets aimed at as a result. The emphasis will be on the grassroots level (including branches and volunteers) in order to build on existing practical examples.

At the 2011 and 2015 Council of Delegates, the ICRC will present the results achieved based on a self-assessment of the Movement's components. In this way the actions and/or objectives may be adjusted where needed. On each occasion, the report presented will include a brief overview of any new external trends, together with recommendations for any modifications to the strategic approach.

In 2016 the ICRC will undertake a reassessment of the global mapping of the Family Links Network, as a means of measuring progress and generating recommendations for changes to the Strategy.

5. RESOURCES FOR IMPLEMENTATION

The resources needed to implement the Strategy go beyond the realm of fundraising. Human resources, various skills, different kinds of knowledge, greater cooperation and participation by all the components of the Movement – all play a role in ensuring successful implementation.

The key is a sense of direct responsibility and commitment.

As a first step toward ensuring that sense, RFL must be recognized as a core activity at all levels, first and foremost by the leadership. Recognition and ownership will ultimately lead to RFL being incorporated in the National Society structures. This is indispensable for sustainability. To successfully raise funds and mobilize resources for RFL, emphasis must therefore be placed entirely on further promoting recognition, which will lead to a sense of responsibility and commitment, to incorporation of RFL and, ultimately, to sustainability.

Regarding fundraising, in its lead role for RFL within the Movement the ICRC will explore the establishment of funding tools.

Since developing the capabilities of National Societies and strengthening the Family Links Network are long-term commitments, the ICRC and participating National Societies will establish partnerships to support capacity development within the Network.

All National Societies are responsible for helping people without news of their families, so individual Societies will include RFL activities in national fundraising plans as a means of supporting self-sustaining RFL.

Glossary

Contributions assessment

A contributions assessment across the Family Links Network will gather information on the skills, resources, tools, time and interest that exist in RFL within each National Society, and maximize the use of those resources to address needs within the Network.

Family Links Network

The Family Links Network comprises the ICRC (CTA and tracing units in the delegations) and the National Society tracing services. Also referred to as “the Network.”

Family Links Network data-collection tool

Data-collection tool used jointly by all National Societies and the ICRC to gather standardized information on RFL.

Family Links Network Extranet

An interactive Extranet for Restoring Family Links. The Extranet is a web-based resource centre incorporating online training tools, RFL information by context, films, photos, networking and information exchange.

Framework for deployment of international RFL specialists during disasters

The framework will incorporate information on the mechanism for deployment, human-resource management and training.

Global mapping exercise

A global mapping of the status of the Family Links Network was undertaken between 2005-2006 by the ICRC and National Societies. It comprised three assessments: (i) capacity of National Society tracing services, (ii) capacity of the ICRC/CTA to act as coordinator and technical advisor on RFL to National Societies, and (iii) an initial RFL needs survey.

International disaster-response mechanism for RFL

To mobilize Movement resources for rapid response where needed at national, regional or international levels.

Performance-management tools in RFL

Such tools would include: performance indicators (incorporating tools to measure timeliness of action and contextual analysis), monitoring and evaluation, and impact assessment.

Regional ICRC/CTA units

The ICRC will explore the establishment of regional ICRC/CTA units to act as focal points for capacity building, professional development, networking and information exchange in RFL. Such units would explore RFL-related issues from the regional perspective and develop plans to address these issues with the National Societies concerned.

Restoring Family Links (RFL)

Restoring Family Links is the generic term given to a range of activities aimed at preventing separation, restoring and maintaining contact between family members and clarifying what has happened to persons reported missing (*see point 2.1 above*).

Restoring Family Links manual for the Movement

A comprehensive handbook covering a wide range of situations in which the Movement must take action. Such a manual would contain training modules and case studies, explain how to provide emotional support for beneficiaries, staff and volunteers, give advice on community networking and referral models, teach presentation skills, and present guidelines for different beneficiary populations.

Sub-regional National Society focal points for natural or man-made disasters

Consortiums of National Societies within a sub-region might designate one Society as the focal point for RFL response in disasters. The focal point could provide RFL assistance to the Society of the affected country.

Tracing services

Tracing services are units within National Societies that help to restore or maintain contact between members of families separated as a consequence of armed conflict or other situations of violence, natural disasters or any other situations requiring a humanitarian response. The National Society tracing services form part of the Family Links Network. Each tracing service works in accordance with CTA guidelines. (*N.B. In some countries tracing services may be named differently.*)

Restoring Family Links Strategy (and Implementation Plan) for the International Red Cross and Red Crescent Movement (2008-2018)

The Council of Delegates,

recalling with deep concern the suffering endured by those who have lost contact with, or have no news of, their loved ones as a consequence of armed conflict or other situations of violence, natural or man-made disasters or other circumstances requiring a humanitarian response,

recognizing that families provide the basis for all individuals to cope with the consequences of these tragic events, and *reiterating* the responsibility of each component of the International Red Cross and Red Crescent Movement (Movement) to help in the restoration or maintenance of contact between members of families separated in such circumstances,

recalling the role which the Central Tracing Agency (CTA) of the International Committee of the Red Cross (ICRC) plays as a coordinator and as a technical adviser to National Societies and governments and the specific responsibility of the National Societies in restoring family links and also *recalling* the importance for the Movement of relying on a sound international Red Cross and Red Crescent network in order to take effective action in restoring family links (RFL) as recognized in Resolution 16 of the 25th International Conference of the Red Cross,

recognizing and *reaffirming* the lead role of the ICRC in RFL within the Movement,

noting the need to strengthen the capacity of the Family Links Network to assist people who are without news of their families,

recalling further the Agenda for Humanitarian Action adopted in Resolution 1 of the 28th International Conference, in particular its General Objective 1 on respecting and restoring the dignity of missing persons and their families and General Objective 3 on reducing the risk and impact of disasters,

expressing appreciation for the efforts and the commitment of the ICRC to develop the Restoring Family Links Strategy (and Implementation Plan) for the International Red Cross and Red Crescent Movement 2008-2018 (RFL Strategy) as part of the implementation of the Agenda for Humanitarian Action,

noting with satisfaction the consultation process within the Movement that led to the successful development of the RFL Strategy, in particular the role played by the Advisory Group composed of 19 National Societies, the International Federation of Red Cross and Red Crescent Societies (International Federation) and the ICRC and by the four regional RFL conferences attended by the leaders of National Societies in 2006,

1. *reaffirms* the commitment of the Movement to RFL and *reinforces* its resolve to stay the leader in this field;
2. *adopts* the Restoring Family Links Strategy (and Implementation Plan) for the International Red Cross and Red Crescent Movement 2008-2018;
3. *commends* the commitment expressed so far by all the components of the Movement to contribute to the implementation of the RFL Strategy;
4. *calls upon* all National Societies, the ICRC and the International Federation to:
 - a) promote knowledge and understanding of this Strategy at all levels of their respective organizations,
 - b) implement the actions outlined in this Strategy as part of their organizational strategies and plans at national, regional and international levels,

- c) allocate the necessary resources to carry them out;
5. *recommends* that the ICRC and the International Federation further enhance their cooperation with a view to supporting National Societies in their efforts to implement the Strategy, taking into consideration the challenges that National Societies have identified and highlighted during the consultation process;
 6. *encourages* partnerships amongst National Societies to support each other in building their RFL capacity;
 7. *requests* the ICRC to bring the RFL Strategy to the attention of the 30th International Conference of the Red Cross and Red Crescent with a view in particular to encouraging member States to better understand and support the RFL activities carried out by the Movement;
 8. *welcomes* the ICRC's initiative to establish and chair an implementation group composed of National Societies, the International Federation and the ICRC, to provide guidance and support in the implementation process as well as to develop the criteria for its success and indicators to measure that success;
 9. *further requests* all the components of the Movement to carry out the required self-assessments on the implementation of the Strategy and provide this information to the ICRC for monitoring and reporting purposes;
 10. *invites* the ICRC to report to the 2011 and 2015 Council of Delegates on the results achieved through the implementation of the Strategy.

(Council of Delegates, Geneva, 2007, Resolution 4)

PART FOUR

SELECTED RESOLUTIONS OF THE INTERNATIONAL
CONFERENCE OF THE RED CROSS AND RED CRESCENT,
THE COUNCIL OF DELEGATES
AND THE GENERAL ASSEMBLY OF THE INTERNATIONAL
FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES

SECTION I

BASIS FOR AND PRINCIPLES OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

See also more specifically:

Part Two

Doc. I	Resolutions and Recommendations of the Geneva International Conference of 1863
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Part Three

Section I	The Fundamental Principles
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Part Four

Section IV, Chap. IV	Agenda for Humanitarian Action (International Conference, Geneva 2003, Resolution 1), p. 1186
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CHAPTER I

USE OF THE NAME AND EMBLEM OF THE RED CROSS, RED CRESCENT OR RED CRYSTAL

See also:

Part One

- First Geneva Convention of 1949, Arts 38-44, 53 and 54
- Second Geneva Convention of 1949, Arts 41-45
- Fourth Geneva Convention of 1949, Arts 18, 20-22
- Additional Protocol I of 1977, Art. 18, 37, 85, and Annex I, Chapter II
- Additional Protocol II of 1977, Art. 12
- Additional Protocol III of 2005

Part Two

Doc. I	Resolutions and Recommendations of the Geneva International Conference of 1863 Recommendation C
Doc. IX	Regulations on the use of the emblem of the red cross or the red crescent by the National Societies

Part Four

Section II, Chap. IV D	Resolution XLI of the 17th International Conference (Stockholm, 1948), p. 1069
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Misuse of the emblem of the Red Cross

The XXIIIrd International Conference of the Red Cross,

having considered the difficulties arising in several countries by the misuse of the emblem of the red cross, red crescent, red lion and sun by numerous unauthorized persons, private enterprises and organizations,

recalling the provisions of the First Geneva Convention of 12 August 1949 restricting the use of the emblem, by which the States Parties to this Convention have undertaken to take necessary measures for the prevention and repression at all times of the misuse of the emblem,

invites the Governments of States Parties to the Geneva Convention to enforce effectively the existing national legislation repressing the abuses of the emblem of the red cross, red crescent, red lion and sun, to enact such legislation wherever it does not exist at present and to provide for punishment by way of adequate sentences for offenders,

takes note with satisfaction of the steps undertaken by the ICRC in this field with National Societies and invites it to continue its efforts in conjunction with those Governments wherever necessary,

invites the National Societies to assist their own Governments in fulfilling their obligations in this respect and to support the efforts of the ICRC to that end.
(Bucharest, 1977, Resolution XI)

Use of the emblem by National Societies

The Council of Delegates,

aware that respect for the emblem of the red cross or the red crescent is of vital importance for the protection of the victims of armed conflict and those who care for them,

convinced that clear and widespread knowledge of the uses authorized under the Geneva Conventions of 12 August 1949 is a prerequisite for respect for the emblem,

recalling that the First Geneva Convention places an obligation on States to take the necessary measures to prevent and suppress misuse of the emblem at all times,

recalling that the 24th International Conference of the Red Cross (Manila, 1981) requested the ICRC to prepare a draft revision of the *Regulations on the use of the emblem of the red cross, red crescent and red lion and sun by National Societies* (Resolution XII),

recalling Resolution 6 of the 1987 Council of Delegates and Resolution 6 of the 1989 Council of Delegates,

noting that the drafts prepared by the ICRC in consultation with the National Societies and the Federation Secretariat have been examined in detail within the International Red Cross and Red Crescent Movement,

aware of the need to have, as soon as possible, Regulations replacing the 1965 Regulations,

1. adopts the *Regulations on the use of the emblem of the red cross or the red crescent by the National Societies*, contained in the report on the subject submitted by the International Committee of the Red Cross;¹
2. invites the ICRC to submit these Regulations and this Resolution to the States party to the Geneva Conventions, encouraging them to endorse the Regulations and, where necessary, to authorize their National Societies to observe them;
3. recommends that National Societies, in the light of the deferment of the 26th International Conference of the Red Cross and Red Crescent, comply with the new Regulations, in accordance with national legislation, at the earliest possible date;
4. invites National Societies to assist their governments in meeting their obligations under the Geneva Conventions with regard to the emblem, in particular to prevent its misuse, and to support the activities of the ICRC in that respect;
5. invites the ICRC, in cooperation with the Federation, to examine any questions submitted to it with regard to compliance with and interpretation of the Regulations on the use of the emblem and to report to the next Council of Delegates. (Council of Delegates, Budapest, 1991, Resolution 5)

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. (Council of Delegates, Birmingham, 1993, Resolution 8)

¹ See Part Two, Document IX.

The emblem

The Council of Delegates,

bearing in mind Articles 38 and 44 of the First Geneva Convention of 1949 on the protective and indicative uses of the emblems,

emphasizing the long-standing and incontestable value of the red cross and the red crescent as protective and indicative emblems for the Movement and that both emblems are widely known around the world and deeply meaningful to many millions of people,

noting that the emblems are above all treaty-based distinctive signs designed to protect the victims and that it is primarily the responsibility of the States party to the Geneva Conventions to take the necessary measures to strengthen their protective force,

recognizing the need to improve the protection of the victims and of those who come to their aid in situations where the emblems are not respected or where there is a danger that they will not be respected,

1. *takes note* of the interim report submitted by the Standing Commission and of the working paper attached to it;
2. *recalls* operative paragraph 8 of Resolution 3 on the Future of the Movement (Geneva, 1995), and *encourages* the ICRC, the International Federation, National Societies and States to take steps at the legislative, preventive and repressive levels to ensure greater respect for the emblems and to inform the Council of the measures adopted;
3. *requests* that the “Criteria for evaluating possible solutions”¹, as defined on page 13 of the working paper attached to Report CD 97/4.1/1, serve as a basis for the discussions aimed at finding an overall solution, mindful of the emblems, to the specific problems that arise;

¹ “Criteria for evaluating possible solutions

On the basis of past and more recent discussions within the Movement on the plurality of the emblems, the following six criteria have been defined for judging any proposed solution:

1. Any solution must be assessed primarily in the light of the protection afforded to victims and must actually lead to an improvement in such protection.

2. Any solution must be based on the existence of the two emblems currently in use, that is, the cross and the crescent, which are *de facto* placed on an equal footing - even though such equality has not yet been enshrined in the Conventions - and which are known worldwide.

3. Any solution must avoid creating new obstacles for the Movement’s ideal of unity and must, on the contrary, be compatible with that ideal.

4. Even though this ideal of unity naturally extends to the emblem, the objective of having a single emblem for both protective and indicative purposes is not on the agenda at present; the aim is to solve the problems mentioned on pages 9-12.

5. Any solution must be capable of settling these problems without creating new ones for National Societies which have no difficulties in this respect, and which must be able to carry on with their present emblems (*status quo*).

6. The issue of the emblem must not cause division within the Movement; any solution must be very widely acceptable and any resolution on this crucial matter must be adopted by consensus.”

recommends that the Standing Commission continue its consultations with the National Societies and government experts from States party to the Geneva Conventions and report to the next Council of Delegates, in the hope that all the components of the Movement can adopt a common position that will lead to a dialogue with States. (Council of Delegates, Seville 1997, Resolution 2)

Resolution on emblems

The 27th International Conference,

taking into account Resolution 2 concerning the establishment of a working group on the emblems adopted by the Council of Delegates on 29 October 1999 (attached),

recognizing the points raised in the above-mentioned Resolution,

accepts the proposals made in the Resolution. (27th International Conference, Geneva, 1999, Resolution 3)

Annex

Council of Delegates of the Red Cross and Red Crescent (Geneva, 28-30 October 1999)

Resolution 2: Emblem

The Council of Delegates,

recognizing the International Red Cross and Red Crescent Movement's Fundamental Principle of universality and the common goal of States, which are parties to the Geneva Conventions, and of the Movement to remove any obstacles to the universal application of the 1949 Geneva Conventions,

further recognizing the current problems in some States and National Societies regarding the emblems of the red cross or red crescent,

taking into account and commending the work and consultations undertaken since 1995 by the Standing Commission of the Red Cross and Red Crescent at the request of the Movement, and in particular resolution 2 of the 1997 Council of Delegates,

1. *calls upon* the 27th International Conference

- a) *to invite* the Standing Commission of the Red Cross and the Red Crescent to establish a joint working group from the Movement and States on the emblems with a mandate to find a comprehensive solution, as rapidly as possible, which is acceptable to all parties in terms of substance and procedure;
- b) *to invite* the Standing Commission of the Red Cross and Red Crescent, to nominate the membership of the joint working group which will represent the shared responsibility of the Movement and States on the emblem, and to establish its terms of reference;

- c) *to request* the Standing Commission of the Red Cross and Red Crescent to establish the practical arrangements with States to carry out the tasks of the joint working group;
- d) *to request* the joint working group to report back, through the Standing Commission, to the 2001 Council of Delegates and to the 28th International Conference of the Red Cross and Red Crescent.

Emblem

The Council of Delegates,

having taken note of the report presented by the Standing Commission of the Red Cross and Red Crescent (Standing Commission) on the follow-up given to Resolution 2 of the Council of Delegates convened in Geneva on 29 and 30 October 1999 and Resolution 3 of the 27th International Conference of the Red Cross and Red Crescent,

1. *commends* the efforts made by the joint working group on the emblems, which was set up by the Standing Commission with a view to finding a comprehensive solution to the question of the emblem and is composed of representatives of the Movement and of States;
2. *recalls* the Fundamental Principles of the International Red Cross and Red Crescent Movement, in particular the Principle of the Universality of the Movement;
3. *confirms* its objective of finding, as rapidly as possible, a comprehensive solution to the emblem issue which is acceptable to all parties in terms of substance and procedure;
4. *recognizes* the legal and protective value of the emblems used by the International Red Cross and Red Crescent Movement, which, by virtue of their inclusion in the 1949 Geneva Conventions and continuous practice for over a century, have become universally recognized symbols of impartial and neutral aid and protection to the victims of war, natural disasters and other catastrophes;
5. *notes* that the adoption of an additional emblem which is devoid of any political, national or religious connotation whatsoever will be conducive to strengthening the protection of the victims of war and other situations of violence;
6. *notes* that the draft third protocol additional to the Geneva Conventions, which was drawn up by the International Committee of the Red Cross (ICRC) in consultation with the International Federation of Red Cross and Red Crescent Societies (International Federation) and was circulated on 12 October 2000 by Switzerland in its capacity as the depositary of the Geneva Conventions, constitutes an acceptable working basis for the resumption of negotiations when circumstances permit;
7. *sincerely regrets* the fact that developments in the Middle East in September 2000 created a situation which compelled Switzerland to postpone the Diplomatic Conference which was to be convened with a view to examining and, if possible, adopting the Third Protocol;

8. *expresses* the wish that the Diplomatic Conference can meet as soon as circumstances suggest favourable prospects for reaching an agreement;
9. *invites* the International Federation and the ICRC to take all possible initiatives with a view to pursuing cooperation – in particular in the operational field – with the National Societies which are not yet recognized;
10. *requests* the Standing Commission to continue consultations with a view to finding a comprehensive solution to the question of the emblem on the basis of the work already carried out and to report on the implementation of the present resolution at the next Council of Delegates and the 28th International Conference of the Red Cross and Red Crescent. (Council of Delegates, Geneva, 2001, Resolution 6)

Emblem

The 28th International Conference of the Red Cross and Red Crescent, *recalling* Resolution 3 (27th International Conference) adopted on 6 November 1999,

adopts Resolution 5 adopted by the Council of Delegates on 1 December 2003 (see annex). (Geneva, 2003, Resolution 3)

Annex

Resolution 5

Follow-up to Resolution 6 of the Council of Delegates in 2001

Emblem

The Council of Delegates

taking note of the report submitted by the Standing Commission as requested by the 27th International Conference of the Red Cross and Red Crescent, held in Geneva in 1999, and Resolution 6 of the Council of Delegates in 2001,

reiterating the commitment of the International Red Cross and Red Crescent Movement to achieve, with the support of the States Parties to the 1949 Geneva Conventions, a comprehensive and lasting solution to the question of the emblem, on the basis of the proposed draft Third Protocol Additional to the Geneva Conventions, once it is adopted, as soon as circumstances permit,

recalling the legal and protective value of the emblems used by the International Red Cross and Red Crescent Movement, which, by virtue of their inclusion in the Geneva Conventions and continuous practice for over a century, have become universally recognized symbols of impartial and neutral aid and protection to the victims of war, natural disasters and other catastrophes,

1. *welcomes* the work of the Standing Commission, its Special Representative on the Emblem and its *ad hoc* Working Group, the ICRC and the International Federation to develop the basis for a comprehensive and lasting solution to the question of the emblem;
2. *further welcomes* the progress made since the 27th International Conference, in particular the drafting of the proposed Third Protocol Additional to the Geneva Conventions on the Emblem (12 October 2000) as well as the adoption of Resolution 6 of the 2001 Council of Delegates;
3. *deeply regrets* developments which have made it impossible to bring the process to its expected outcome with the adoption of the draft Third Additional Protocol;
4. *recalls* the Fundamental Principles of the Red Cross and Red Crescent, in particular the principle of universality;
5. *underlines* the urgency of reinforcing measures for the protection of war victims, medical personnel and humanitarian workers in all circumstances, and the significance in this context of the proposed Third Additional Protocol;
6. *requests* the Standing Commission to continue to give high priority to securing, as soon as circumstances permit, a comprehensive and lasting solution to the question of the emblem, in cooperation with the Swiss government as depositary of the Geneva Conventions and with other concerned governments and components of the Movement, on the basis of the proposed draft Third Additional Protocol;
7. *requests* the Special Representative of the Standing Commission on the Emblem to bring this resolution to the attention of the 28th International Conference of the Red Cross and Red Crescent. (28th International Conference, Geneva, 2003, Resolution 3)

Emblem

The Council of Delegates,

taking note of the report submitted by the Standing Commission on developments with regard to the issue of the emblem since Resolution 5 of the Council of Delegates and Resolution 3 of the 28th International Conference held in 2003 in Geneva,

reiterating the commitment of the International Red Cross and Red Crescent Movement to achieve, with the support of the States Parties to the 1949 Geneva Conventions, a comprehensive and lasting solution to the question of the emblem, on the basis of the proposed draft Third Protocol Additional to the Geneva Conventions,

recalling the Fundamental Principles of the Red Cross and Red Crescent, in particular the principle of universality,

recognizing the legal and protective value of the emblems used by components of the International Red Cross and Red Crescent Movement, which, by virtue of

their inclusion in the Geneva Conventions and continuous practice for over a century, have become universally recognized symbols of impartial and neutral aid and protection to the victims of war, natural disasters and other catastrophes,

1. *notes with appreciation* the continued efforts of the Standing Commission, its Special Representative on the Emblem and its *ad hoc* Working Group, the ICRC and the International Federation in support of the process to achieve a comprehensive and lasting solution to the question of the emblem;
2. *welcomes* the work achieved since the 28th International Conference, in particular by the Government of Switzerland in its capacity as depositary of the Geneva Conventions, resulting in the convening on 5 December 2005 of the Diplomatic Conference necessary for the adoption of the proposed Third Protocol Additional to the Geneva Conventions on the Emblem;
3. *urges* National Societies to approach their respective governments in order to underline to them the necessity to settle the question of the emblem at the Diplomatic Conference through the adoption of the proposed draft third additional Protocol;
4. *requests* the Standing Commission, the ICRC and the Federation as a matter of urgency to undertake the measures needed to give effect to the third Protocol after its adoption, especially with a view to ensuring the achievement as soon as possible of the Movement's principle of universality;
5. *further requests* the Special Representative of the Standing Commission on the Emblem to report on the implementation of this resolution to the 29th International Conference of the Red Cross and Red Crescent. (Council of Delegates, Seoul, 2005, Resolution 5, Follow-up to Resolution 5 of the Council of Delegates in 2003)

29th International Conference of the Red Cross and Red Crescent

Resolution 1

The 29th International Conference of the Red Cross and Red Crescent,
noting the report of the Standing Commission of the Red Cross and Red Crescent on the follow-up to Resolution 3 of the 28th International Conference,
taking account of the Third Protocol Additional to the Geneva Conventions adopted on 8 December 2005 in Geneva, and of the Final Act of the Diplomatic Conference on the emblem,

acknowledging that the Memorandum of Understanding signed on 28 November 2005 and referred to in paragraph 15 of the Final Act of the Diplomatic Conference was concluded in an effort to facilitate the adoption of the Third Protocol and to pave the way for the membership of both signatory societies in the International Red Cross and Red Crescent Movement,

considering the unique and special situation of the Palestine Red Crescent Society,

emphasizing that the recognition and admission of the Palestinian Red Crescent Society do not under any circumstances create a precedent for any other entity or territory,

guided by the Fundamental Principles of the Red Cross and Red Crescent, in particular the Principle of Universality,

1. *adopts* the draft amendments to the Statutes of the International Red Cross and Red Crescent Movement annexed hereto;
2. *decides* that the Third Protocol emblem will henceforth be designated as the “red crystal”;
3. *requests* the International Committee of the Red Cross to recognize the Palestine Red Crescent Society, and requests the International Federation of Red Cross and Red Crescent Societies to admit this National Society as a member. (Geneva, 2006, Resolution 1)

Annex to Resolution 1

Proposed amendments to the Statutes of the International Red Cross and Red Crescent Movement

Statutes of the International Red Cross and Red Crescent Movement

TITLE

Complete as follows the parenthesis below the title (adopted by the Twenty-fifth International Conference of the Red Cross at Geneva in 1986, amended in 1995 and 2006)

ARTICLE 3

Replace as follows the last sentence of **Article 3, paragraph 2**: “They also co-operate with their governments to ensure respect for international humanitarian law and to protect the distinctive emblems recognized by the Geneva Conventions and their Additional Protocols.”

ARTICLE 4

Replace as follows **Article 4, paragraph 5**: “5. Use a name and distinctive emblem in conformity with the Geneva Conventions and their Additional Protocols.”

ARTICLE 21

Replace as follows **Article 21, paragraph 2**: “2. The present amended Statutes shall enter into force on 22 June 2006.”

**INTRODUCTION TO THE MODEL LAW
ON THE USE AND PROTECTION OF THE EMBLEM**

The ICRC model law concerning the use and the protection of the red cross and red crescent emblem was first developed and proposed to States by the ICRC in pursuance of the Final Declaration of the International Conference for the Protection of War Victims (Geneva, 30 August to 1 September 1993) and of the Recommendations of the Intergovernmental Group of Experts (Geneva, 23 to 27 January 1995).*

The 26th International Conference of the Red Cross and Red Crescent (Geneva, 3-7 December 1995), in its Resolution 1, endorsed the Final Declaration and the Recommendations and strongly urged States to adopt appropriate measures at the national and international levels in order to implement and to disseminate international humanitarian law, as well as to support international organizations working in this field (see the IRRC, No. 310, January-February 1996).

The following model law has been adapted in consideration of the provisions of Protocol Additional III to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem, as adopted in Geneva on 8 December 2005.

* First published in the International Review of the Red Cross, no. 313, 1996, p.486-495.

MODEL LAW¹ CONCERNING THE USE AND PROTECTION OF THE EMBLEMS OF THE RED CROSS, THE RED CRESCENT AND THE RED CRYSTAL²

I. GENERAL RULES

ARTICLE 1

Scope of protection

Having regard to:

- the Geneva Conventions of 12 August 1949, their Additional Protocols I and II of 8 June 1977,³ including Annex I to Additional Protocol I as regards the regulations concerning identification of medical units and transports,⁴ and Additional Protocol III of 8 December 2005;⁵
- the Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National Societies, as adopted by the 20th International Conference of the Red Cross, and subsequent amendments;⁶

¹ This model law is proposed for consideration by States that have a civil law system. It outlines the provisions that should be included in a comprehensive legal regime regulating the use and protection of the emblem in conformity with the requirements of the Geneva Conventions, their two Additional Protocols of 1977 and Additional Protocol III of 2005. The said requirements may be met through the adoption of a stand-alone legislation for which the following may serve as a model.

In States with a common law system, the protection of the emblem is usually regulated in a chapter of a Geneva Conventions' Implementation Act. In consideration of Additional Protocol III, such States should review their Geneva Conventions' Act to both extend the protective regime of the red cross and the red crescent to the new emblem – the red crystal – and to incorporate the text of Additional Protocol III as a schedule. The ICRC Advisory Service on international humanitarian law has developed a model Geneva Conventions' Act and may be contacted for technical assistance in the implementation of the provisions of Additional Protocol III.

² The "red crystal" is not formally recognized as the designation of the new distinctive emblem in the text of Protocol III additional to the Geneva Conventions, as adopted on 8 December 2005. It was decided by Resolution 1 of the 29th International Conference of the Red Cross and Red Crescent (Geneva, 20-21 June 2006) to use the name "red crystal" to designate the distinctive emblem of Protocol III. Accordingly, Article 1 of the preamble to the following model law provides for the protection of the "red crystal" designation.

³ To make it easier to find these treaties, it is advisable to indicate their precise locations in the official national compendium of laws and treaties. They are also reproduced in the *Treaty Series of the United Nations*, Vol. 75 (1950), pp. 31-417, and Vol. 1125 (1979), pp. 3-699 and posted on the website of the Swiss Federal Department of Foreign Affairs (<http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html>).

⁴ This Annex was revised on 30 November 1993 and its amended version entered into force on 1 March 1994. It is reproduced in the *International Review of the Red Cross*, No. 298, January-February 1994, pp. 29-41.

⁵ The full text of Additional Protocol III is available on the website of the Swiss Federal Department of Foreign Affairs (<http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic/gvapr3.html>).

⁶ The current Regulations were adopted by the 20th International Conference of the Red Cross in 1965 and revised by the Council of Delegates in 1991. They were submitted to the States party to the Geneva Conventions and entered into force on 31 July 1992. The Regulations are reproduced in the *International Review of the Red Cross*, No. 289, July-August 1992, pp. 339-362.

- Resolution 1 of the 29th International Conference of the Red Cross and Red Crescent (Geneva, 20-21 June 2006);⁷
- the law (decree, or other act) of *[date]* recognizing the *[National Society of ...]*;⁸

the following are protected by the present law:

- the emblems of the red cross, the red crescent and the red crystal on a white ground;⁹
- the designations “red cross,” “red crescent” and “red crystal”;¹⁰
- the distinctive signals for identifying medical units and transports.

ARTICLE 2

Protective use and indicative use

1. In time of armed conflict, the emblem used as a protective device is the visible sign of the protection conferred by the Geneva Conventions and their Additional Protocols on medical personnel and medical units and transports. The dimensions of the emblem shall therefore be as large as possible.
2. The emblem used as an indicative device shows that a person or an object is linked to an institution of the International Movement of the Red Cross and Red Crescent. The emblem shall be of a small size.

II. RULES ON THE USE OF THE EMBLEM

A. Protective use of the emblem¹¹

ARTICLE 3

Use by the medical service of the armed forces

1. Under the control of the Ministry of Defence, the medical service of the armed forces of *[name of the State]* shall, both in peacetime and in time of armed

⁷ Accessible on the ICRC website at <http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/international-conference-resolution-220606?opendocument>

⁸ As a voluntary relief society, auxiliary to the public authorities in the humanitarian sphere. Wherever the present law refers to the “National Society of ...,” the name of the Society should be inserted. The official name as it appears in the law or instrument of recognition should be used.

⁹ It is important that national legislation in all cases protect the emblems of the red cross, the red crescent and the red crystal, as well as the names “red cross,” “red crescent” and “red crystal.”

¹⁰ When reference is made to the emblem, the term “red cross,” “red crescent” or “red crystal” is generally in lower case while the designation “Red Cross,” “Red Crescent” or “Red Crystal” with initial capitals is reserved for Red Cross, Red Crescent or Red Crystal institutions. This rule helps to avoid confusion.

¹¹ In order to confer optimum protection, the dimensions of the emblem used to mark medical units and transports shall be as large as possible. The distinctive signals provided for in Annex I to Protocol I shall also be used.

conflict, use the emblem of the [*name of the emblem to be used*] to mark its medical personnel, medical units and transports on the ground, at sea and in the air.

Medical personnel shall wear armlets and carry identity cards displaying the emblem. These armlets and identity cards shall be issued by ... [*e.g. Ministry of Defence*].¹²

Religious personnel attached to the armed forces shall be afforded the same protection as medical personnel and shall be identified in the same way.

2. Where this may enhance protection, the medical services and religious personnel attached to the armed forces may, without prejudice to their current emblem, make temporary use of either of the other distinctive emblems recognized by, and enjoying equal status under, the Geneva Conventions and their Additional Protocols.

ARTICLE 4

Use by hospitals and other civilian medical units

With the express authorization of the Ministry of Health¹³ and under its control, civilian medical personnel, hospitals and other civilian medical units, as well as civilian medical transports, assigned in particular to the transport and treatment of the wounded, sick and shipwrecked, shall be marked by the emblem, used as a protective device, in time of armed conflict.¹⁴

Civilian medical personnel shall wear armlets and carry identity cards displaying the emblem. These armlets and identity cards shall be issued by ... [*Ministry of Health*].¹⁵

Civilian religious personnel attached to hospitals and other medical units shall be identified in the same way.

¹² Pursuant to Article 40 of the First Geneva Convention, armlets are to be worn on the left arm and shall be water-resistant; the identity card shall bear the holder's photograph. States can model the identity card on the example attached to this Convention. The authority within the Ministry of Defence which is to issue armlets and identity cards must be clearly specified.

¹³ It is important to indicate clearly the authority which is competent to grant such authorization and monitor the use of the emblem. This authority shall work together with the Ministry of Defence, which may, if necessary, give advice and assistance.

¹⁴ See Articles 18 to 22 of the Fourth Geneva Convention, and Articles 8 and 18 of Protocol I. Article 8 in particular defines the expressions "medical personnel," "medical units" and "medical transports." Hospitals and other civilian medical units should be marked by the emblem only during times of armed conflict. Marking them in peacetime risks causing confusion with property belonging to the National Society.

¹⁵ As concerns armlets and identity cards for *civilian* medical personnel, Article 20 of the Fourth Geneva Convention and Article 18, para. 3, of Protocol I provide for their use in occupied territory and in areas where fighting is taking place or is likely to take place. It is, however, recommended that armlets and identity cards be widely distributed during times of armed conflict. A model of an identity card for civilian medical and religious personnel is given in Annex I to Protocol I. The authority which is to issue the armlets and identity cards (for example a department of the Ministry of Health) should be specified.

ARTICLE 5

Use by the [National Society of ...]¹⁶

1. The [*National Society of ...*] is authorized to place medical personnel and medical units and transports at the disposal of the medical service of the armed forces.

Such personnel, units and transports shall be subject to military laws and regulations and may be authorized by the Ministry of Defence to display as a protective device the emblem of the red cross [*red crescent or red crystal*], or, where this may enhance protection, to make temporary use of either of the other distinctive emblems recognized by, and enjoying equal status, under the Geneva Conventions and their Additional Protocols.¹⁷

Such personnel shall wear armlets and carry identity cards, in accordance with Article 3, paragraph 2, of the present law.

2. The National Society may be authorized to use the emblem as a protective device for its medical personnel and medical units in accordance with Article 4 of the present law.

¹⁶ Pursuant to Article 27 of the First Geneva Convention, a National Society of a neutral country may also place its medical personnel and medical units and transports at the disposal of the medical service of the armed forces of a State which is party to an armed conflict.

Articles 26 and 27 of the First Geneva Convention also provide for the possibility that other voluntary aid societies recognized by the authorities may be permitted, in time of war, to place medical personnel and medical units and transports at the disposal of the medical service of the armed forces of their country or of a State which is party to an armed conflict. Like the personnel of National Societies, such personnel shall then be subject to military laws and regulations and shall be assigned exclusively to medical tasks. These aid societies may be authorized to display the emblem. Such cases are rare, however. If such an authorization has been granted, or is to be granted, it might be useful to mention this in the present law.

Furthermore, Article 9, para. 2, sub-paragraph c) of Protocol I provides for the possibility of an *impartial international humanitarian organization* placing medical personnel and medical units and transports at the disposal of a State which is party to an international armed conflict. Such personnel shall then be placed under the control of this party to the conflict and subject to the same conditions as National Societies and other voluntary aid societies. They shall in particular be subject to military laws and regulations.

¹⁷ This should in principle be the same emblem as that used by the medical service of the armed forces. With the consent of the competent authority, the National Society may, in time of peace, use the emblem to mark units and transports whose assignment to medical purposes in the event of armed conflict has already been decided. See Article 13 of the Regulations on the Use of the Emblem.

B. Indicative use of the emblem¹⁸

ARTICLE 6

Use by the [National Society of ...]

1. The [*National Society of ...*] is authorized to use the emblem as an indicative device in order to show that a person or an object is linked to the National Society. The dimensions of the emblem shall be small, so as to avoid any confusion with the emblem employed as a protective device.¹⁹
2. The [*National Society of ...*] may, in accordance with national legislation and in exceptional circumstances and to facilitate its work, make temporary use of the red crystal.²⁰
3. The [*National Society of ...*] shall apply the “Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National Societies.”²¹
4. National Societies of other countries present on the territory of [*name of the State*] shall, with the consent of the [*National Society of ...*], be entitled to use the emblem under the same conditions.

¹⁸ Pursuant to Article 44, paragraph 4, of the First Geneva Convention, the emblem may be used, *as an exceptional measure* and in peacetime only, as an indicative device for marking vehicles, used as ambulances by third parties (not forming part of the International Red Cross and Red Crescent Movement), and aid stations exclusively assigned to the purpose of giving treatment free of charge to the wounded or sick. Express consent for displaying the emblem must however be given by the National Society, which shall control the use thereof. Such use is not recommended, however, because it increases the risk of confusion and might lead to misuse. The term “aid station” by analogy also covers boxes and kits containing first-aid supplies and used, for example, in shops or factories.

The *United Nations Convention of 8 November 1968 on road signs and signals* provides for road signs displaying the emblem to mark hospitals and first-aid stations. As these signs are not in conformity with the rules on the use of the emblem, it is advised to employ alternative signs, for example the letter “H” on a blue ground to indicate hospitals.

¹⁹ The emblem may not, for example, be placed on an armlet or the roof of a building. In peacetime, and as an exceptional measure, the emblem may be of large dimensions, in particular during events where it is important for the National Society’s first-aid workers to be identified quickly.

²⁰ Paragraph 2 is not applicable for the domestic legislation of States which National Societies have opted to use the “red crystal” in accordance with Article 3, paragraph 1, of Protocol III.

²¹ These Regulations enable the National Society to give consent, in a highly restrictive manner, for third parties to use the name of the Red Cross or the Red Crescent and the emblem within the context of its fundraising activities (Article 23, “sponsorship”).

C. International Red Cross and Red Crescent organizations

ARTICLE 7

Use by the international organizations of the International Red Cross and Red Crescent Movement

1. The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies may make use of the emblems of the red cross and red crescent at any time and for all their activities.²²
2. The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, and their duly authorized personnel, may make use of the red crystal in exceptional circumstances and to facilitate their work.²³

III. CONTROL AND PENALTIES

ARTICLE 8

Control measures

1. The authorities of [*name of the State*] shall at all times ensure strict compliance with the rules governing the use of the emblems of the red cross, the red crescent and the red crystal, the names “red cross,” “red crescent” and “red crystal”, and the distinctive signals. They shall exercise strict control over the persons authorized to use the said emblems, names and signals.²⁴
2. They shall take every appropriate step to prevent misuse, in particular:
 - by disseminating the rules in question as widely as possible among the armed forces, the police forces, the authorities and the civilian population;²⁵
 - by issuing instructions to national civilian and military authorities on the use of the distinctive emblem in accordance with the Geneva Conventions and their Additional Protocols and by providing for the necessary penal, administrative and disciplinary sanctions in cases of misuse.

²² Article 44, paragraph 3, of the First Geneva Convention and Article 1, paragraph 4 of the Internal Regulations of the International Federation of Red Cross and Red Crescent Societies.

²³ Article 4 of Additional Protocol III.

²⁴ It is recommended that responsibilities be clearly set down, either in the present law or in an implementing regulation or decree.

²⁵ In particular among members of the medical and paramedical professions, and among non-governmental organizations, which must be encouraged to use other distinctive signs.

ARTICLE 9

Misuse of the emblem as a protective device in time of armed conflict²⁶

1. Anyone who has wilfully committed or given the order to commit acts resulting in the death of, or causing serious harm to the body or health of, an adversary by making perfidious use of the red cross, the red crescent, or a distinctive signal, has committed a war crime and shall be punished by imprisonment for a period of [...] years.²⁷ Perfidious use of the red crystal under the same conditions shall be subject to the same penalty.²⁸
 Perfidious use means appealing to the good faith of the adversary, with the intention to deceive him and make him believe that he was entitled to receive or was obliged to confer the protection provided for by the rules of international humanitarian law.
2. Anyone who in time of armed conflict has used wilfully and without entitlement the red cross, the red crescent, or the red crystal, or a distinctive signal, or any other sign or signal which constitutes an imitation thereof or which might lead to confusion, shall be punished by imprisonment for a period of [... months or years].

ARTICLE 10

Misuse of the emblem as an indicative device in peacetime and in time of armed conflict²⁹

1. Anyone who, wilfully and without entitlement, has made use of the emblem of the red cross, the red crescent or the red crystal, the words “red cross,” “red crescent” or “red crystal”, a distinctive signal or any other sign, designation or signal which constitutes an imitation thereof or which might lead to confusion, irrespective of the aim of such use;
 anyone who, in particular, has displayed the said emblem or words on signs, posters, announcements, leaflets or commercial documents, or has affixed them

²⁶ This is the most serious type of misuse, for in this case the emblem is of large dimensions and is employed for its primary purpose, which is to protect persons and objects in time of war. This Article should be brought into line with penal legislation (for example, the military penal code), which generally provides for the prosecution of violations of international humanitarian law, and in particular the Geneva Conventions and their Additional Protocols.

²⁷ By virtue of Article 85, paragraph 3, sub-paragraph f) of Protocol I, perfidious use of the emblem is a grave breach of this Protocol and is regarded as a *war crime* (Article 85, para. 5). Such misuse is therefore particularly serious and must be subject to very severe penalties.

²⁸ See Article 6, paragraph 1, of Additional Protocol III.

²⁹ Even though misuse of the emblem as an indicative device is less serious than the misuse described in Article 9, it must be taken seriously and rigorously prevented or, failing that, suppressed. Indeed, the emblem will be better respected during an armed conflict if it has been protected effectively in peacetime. Such effectiveness derives in particular from the severity of any penalties imposed. Consequently, it is recommended that the penalties include imprisonment and/or a heavy fine likely to serve as a deterrent.

to goods or packaging, or has sold, offered for sale or placed in circulation goods thus marked;

shall be punished by imprisonment for a period of [... *days or months*] and/or by payment of a fine of [*amount in local currency*].³⁰

2. If the offence is committed in the management of a corporate body (commercial firm, association, etc.), the punishment shall apply to the persons who committed the offence or ordered the offence to be committed.

ARTICLE 11

Misuse of the white cross on a red ground

Owing to the confusion which may arise between the arms of Switzerland and the emblem of the red cross, the use of the white cross on a red ground or of any other sign constituting an imitation thereof, whether as a trademark or commercial mark or as a component of such marks, or for a purpose contrary to fair trade, or in circumstances likely to wound Swiss national sentiment, is likewise prohibited at all times; offenders shall be punished by payment of a fine of [*amount in local currency*].

ARTICLE 12

Interim measures

The authorities of [*name of the State*]³¹ shall take the necessary interim measures. The authorities may in particular order the seizure of objects and material marked in violation of the present law, demand the removal of the emblem of the red cross, the red crescent or the red crystal and of the words “red cross,” “red crescent” or “red crystal” at the cost of the instigator of the offence, and order the destruction of the instruments used for their reproduction.

ARTICLE 13

Registration of associations, trade names and trademarks

1. The registration of associations and trade names, and the filing of trademarks, commercial marks and industrial models and designs making use of the emblem of the red cross, the red crescent or the red crystal or the designation “red cross,” “red crescent” or “red crystal” in violation of the present law shall be refused.
2. Persons making use of the red crystal or the designation “red crystal,” or of any sign constituting an imitation thereof, prior to the adoption of Additional

³⁰ In order to maintain the deterrent effect of the fine, it is important that its amount be periodically reviewed so as to take account of the depreciation of the local currency. This remark also applies to Article 11. It might therefore be appropriate to set the amounts of the fines by other means than the present law, for example in an implementing regulation.

³¹ Indicate the competent authority (e.g. courts, administrative authorities, etc.).

Protocol III³² shall be permitted to continue such use, provided that the said use shall not be such as would appear, in time of armed conflict, to confer the protection of the Geneva Conventions and their Additional Protocols, and provided that such rights were acquired prior to the entry into force of this Act.

ARTICLE 14

Role of the [National Society of ...]

The [*National Society of ...*] shall cooperate with the authorities in their efforts to prevent and repress any misuse.³³ It shall be entitled to inform [*competent authority*] of such misuse and to participate in the relevant criminal, civil or administrative proceedings.

IV. APPLICATION AND ENTRY INTO FORCE

ARTICLE 15

Application of the present law

The ... [*Ministry of Defence, Ministry of Health*] is responsible for the application of the present law.³⁴

ARTICLE 16

Entry into force

The present law shall enter into force on [*date of promulgation, etc.*].

³² Additional Protocol III was adopted on 8 December 2005.

³³ The National Societies have a very important role to play in this regard. The Statutes of the International Red Cross and Red Crescent Movement stipulate expressly that the National Societies shall “also cooperate with their governments to ensure respect for international humanitarian law and to protect the red cross and red crescent emblems” (Article 3, paragraph 2).

³⁴ It is particularly important to specify which national authority has ultimate responsibility for applying this law. Close cooperation between the ministries directly concerned, generally the Ministries of Defence and Health, would be advisable. A national committee for the implementation of international humanitarian law could play a useful role in this respect.

CHAPTER II

THE MOVEMENT'S MISSION

Mission of the Red Cross

The XXIIIrd International Conference of the Red Cross, recognizing the great significance for the Red Cross of the Geneva Conventions of 1949 and the Protocols additional to these Conventions, stressing the attachment of the Red Cross to the Fundamental Principles adopted by the XXth International Conference of the Red Cross (Vienna, 1965),

- 1. confirms the dedication of the Red Cross movement to its fundamental mission of preventing and alleviating human suffering wherever it may be found; protecting life and health and ensuring respect for the human being; and affording impartially, without discrimination as to race, nationality, religious beliefs or political opinions, protection and assistance to those who need it, in the event of armed conflicts and other disasters,*
- 2. emphasizes the extreme importance of the work carried out by National Societies within their medico-social programmes for the prevention of disease and the promotion of health, and in the encouragement of social responsibility and voluntary service among their members,*
- 3. considers that the Red Cross, in respecting its principles and in developing its manifold activities, should play an essential part in disseminating to the population, and especially to youth, the spirit of mutual understanding and friendship among all peoples, and thus promoting lasting peace. (Bucharest, 1977, Resolution I)*

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

The 26th International Conference of the Red Cross and Red Crescent, *adopts*, in conformity with Article 20 of the Statutes and with immediate effect, the amendment to the Statutes and the Rules of Procedure of the International Red Cross and Red Crescent Movement presented in document 95/P.II/4/1, whereby the name of the League of Red Cross and Red Crescent Societies in these Statutes and Rules is changed to the International Federation of Red Cross and Red Crescent Societies. (International Conference of the Red Cross and Red Crescent, Geneva, 1995, Resolution 7)

* See also Annex to Resolution 1, 29th International Conference of the Red Cross and Red Crescent, Geneva, 2006, page 988

CHAPTER III

THE MOVEMENT, PROMOTION OF NON-DISCRIMINATION AND PEACE

See also:

Part Three

Section I The Fundamental Principles

Section II Promotion of non-discrimination

Part Four

Section I, Chapter IV The Movement, weapons and disarmament

Section III, Chap. IV Res. 4 of the Council of Delegates
(Rio de Janeiro, 1987), p. 1121

The Red Cross as a factor in world peace

*The XXth International Conference of the Red Cross,
noting with satisfaction the Resolution entitled "Red Cross as a factor in World
Peace" adopted by the Council of Delegates (Geneva, 1963),*

*recalling Resolutions previously adopted in this field particularly by the XIXth
International Conference of the Red Cross (New Delhi, 1957),*

*welcomes the efforts made by various Governments to eliminate the danger of
armed conflicts through disarmament and, in particular, through the conclusion of the
1963 Treaty banning nuclear weapon tests in the atmosphere, in outer space, and
under water and also the 1963 Resolution of the United Nations General Assembly
banning the stationing of weapons of mass destruction in outer space,*

*expresses its profound anxiety with regard to the suffering endured by the
populations of a number of countries where armed conflicts are being waged,*

*further expresses its deep concern at and deplores the repeated use of force directed
against the independence or the right to self determination of all peoples,*

*urges all Governments to settle their international disputes by peaceful means in
the spirit of international law,*

*appeals to all Governments to pursue their efforts to reach agreement on the ban
of all nuclear weapon tests and on general and complete disarmament under effective
international control as well as to consider taking such partial measures as the
establishment of nuclear free zones and agreements for the non-proliferation of
nuclear weapons,*

*encourages the International Committee of the Red Cross to undertake, in constant
liaison with the United Nations and within the framework of its humanitarian
mission, every effort likely to contribute to the prevention or settlement of possible
armed conflicts, and to be associated, in agreement with the States concerned, with
any appropriate measures to this end,*

urges the ICRC and the League of Red Cross Societies, the National Societies and Governments to redouble their efforts with a view to the universal and scrupulous application, in a spirit of humanity, of the Geneva Conventions, in all armed conflicts, expresses its appreciation for the efforts of the ICRC, the League, the National Societies and Governments for the alleviation of suffering, and encourages them to continue such efforts in the future. (Vienna, 1965, Resolution X)

Red Cross, factor of peace in the world

The XXIst International Conference of the Red Cross,

considering that the International Red Cross, in accordance with its fundamental humanitarian principles adopted by the XXth International Conference, is called upon to promote mutual understanding, friendship, cooperation and lasting peace amongst all peoples,

confirming all previous resolutions in support of peace condemning any threat or use of force which jeopardizes the independence and right of self-determination of all people, and the appeals of previous Red Cross Conferences to all Governments to settle their disputes by effective peaceful means, within the spirit of international law,

expressing its anxiety at the threat to world peace and international security resulting from armed conflicts in different regions of the world which are causing great suffering and distress, and prompted by the necessity for effective measures to ensure the maintenance of international peace security which requires, as an essential element, respect for international agreements and international law,

reaffirming that the Red Cross is always faithful to its traditional commitments for the benefit of all mankind and calls for respect of the internationally accepted fundamental human rights of all persons and of all human societies,

noting with satisfaction Resolution 2444 of the United Nations General Assembly adopted on 19 December 1968, requests the leaders of the International Red Cross to maintain constant and close contact with the United Nations in respect of activities on behalf of peace and human rights,

urgently appeals to all Governments and to the United Nations to take all measures to put an end to armed conflicts and to establish a lasting peace; urges renewed efforts to halt the nuclear arms race, including the establishment of an adequately verified treaty banning nuclear weapons tests in all environments, a seabeds arms control treaty, sound and effective arrangements covering chemical and biological weapons, and general and complete disarmament under effective international control,

proposes that funds that would have been assigned to the purchase of armaments be used for the service of mankind, the protection of the lives and health of people, first and foremost the younger generation, and for the improvement of education and teaching,

urges all States to accept and effectively put into practice the standards established by international law, the Charter of the United Nations, international humanitarian conventions and declarations and all previous humanitarian resolutions of the International Red Cross and the United Nations,

recommends that the International Red Cross bodies and the Red Cross, Red Crescent and Red Lion and Sun Societies, in constant liaison with the Specialized Agencies of the United Nations, take active measures to initiate the whole population, particularly youth, in Red Cross activities by training youth in a spirit of international brotherhood, solidarity, friendship with all peoples and social responsibility for the destiny of their peoples; in this spirit it invites the International Red Cross bodies, in liaison with UNESCO, other UN Specialized Agencies and youth organizations, to initiate an educational programme on peace,

urgently invites and recommends the National Societies to increase and maintain closer contacts with each other for the purpose of exchanging experiences, and achieving closer cooperation and mutual understanding in the promotion of peace,

draws the attention of the International Red Cross to the need to have further recourse to all media of information in support of peace, human rights and fundamental freedoms, and to the need for extensive dissemination of the humanitarian principles of the Red Cross,

recommends to the International Red Cross organs and to all National Societies to convene meetings and study groups to seek practical ways of enabling the Red Cross to participate more effectively in the cause of safeguarding peace and preventing wars. (Istanbul, 1969, Resolution XX)

Contacts between National Societies in cases of armed conflicts

The XXIst International Conference of the Red Cross,

recalling that, according to the principle of humanity which it has proclaimed, the Red Cross “promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples”,

recalling that the XXth International Conference in its Resolution No. X encouraged the ICRC to undertake, in constant liaison with the UN and within the framework of its humanitarian mission, every effort likely to contribute to the prevention or settlement of possible armed conflicts in agreement with the States concerned, and asked the Red Cross and Governments to work for the universal and scrupulous application of the Geneva Conventions in all armed conflicts,

considering that the XVIIth International Conference in its Resolution No. XXVII in particular considered “essential the development of relations between National Societies of friendly and enemy States”,

recommends that in cases of armed conflicts or of situations which are a threat to peace the ICRC shall, if necessary, ask the representatives of the National Societies of the countries concerned to meet together or separately with the ICRC to study the resolution of humanitarian problems involved and in agreement with the Governments concerned to examine what contribution the Red Cross could make to preventing the outbreak of the conflict or achieving a ceasefire or cessation of hostilities,

recommends the National Societies to comply with the request of the ICRC and give it all desirable cooperation in this field. (Istanbul, 1969, Resolution XXI)

Action to be taken on the World Red Cross Conference on Peace

The Council of Delegates,

considering that the World Red Cross Conference on Peace, organized in Belgrade, Yugoslavia, in June 1975, on the basis of Resolution No. 37 of the XXXIInd session of the Board of Governors, represents an important demonstration of the unity of the world Red Cross family in favour of peace, the development of cooperation, friendship and understanding among peoples,

recalling that this World Conference

- assembled 220 delegates from 81 National Red Cross Societies throughout the world including seven still in process of formation, as well as delegates from the League of Red Cross Societies, the International Committee of the Red Cross and the Henry Dunant Institute;
- examined the role of the Red Cross for the promotion of peace from all the aspects concerning the Red Cross;
- adopted the Programme of Action of the Red Cross as a Factor of Peace,¹ as guidelines and with all the views expressed and recorded in the League's report on the Conference;

having noted the League's report on the World Red Cross Conference on Peace,

1. expresses its recognition of Red Cross work accomplished with regard to peace for many years, and of its contribution to the general efforts undertaken in the world for the strengthening of the foundations of peace,
2. considers that National Red Cross, Red Crescent and Red Lion and Sun Societies, the League of Red Cross Societies and the ICRC should take their inspiration as guidelines for their work from the Programme of Action as adopted at the Conference, that they should keep it in mind in all their activities and that they should strive for its creative implementation,
3. recommends
 - a) that National Societies should submit the Programme of Action to be examined by their leading bodies with a view to the adoption of concrete measures for its implementation;
 - b) that the ICRC and the League, each in its own respective sphere, should cooperate to put into action the tasks which the Programme of Action invites them to undertake;
4. requests that the item "Implementation of the Programme of Action of the Red Cross as a Factor of Peace" be included in the agenda of the next ordinary session of the Council of Delegates and that, prior to that session a Working Group be set up by the League in consultation with the ICRC to consider the comments expressed and the annexes proposed and required to report, for the

¹ See below Annex to Decision 1 of the Council of Delegates (Bucharest, 1977).

consideration of the session, any proposals they may evolve to resolve or otherwise provide for meeting such comments and annexes, this being without prejudice to the recommendations in paragraph 3. (Council of Delegates, Geneva, 1975, Resolution 2)

Red Cross and peace

The Council of Delegates,

having taken note of the report by the Working Group constituted pursuant to point 4 of Resolution No. 2 (1975),

noting with satisfaction that the Group reached a consensus on ways to meet the comments contained in the League report on the World Red Cross Conference on Peace and in Annex 6 of that report,

approves the proposals of the Working Group intended to define the meaning of the recommendations in the Programme of Action of the Red Cross as a Factor of Peace¹ which were the subject of such comments,

considers the interpretations¹ so approved to be an integral part of the Programme of Action,

asks the League, therefore, to include the interpretations of the Working Group in its report on the World Red Cross Conference on Peace,

considers that the implementation by the Red Cross Institutions of the Programme of Action should fully respect the Fundamental Principles of the Red Cross and take the aforesaid interpretations into account,

considers that the Working Group has thus fulfilled its mandate, and thanks it for its services. (Council of Delegates, Bucharest, 1977, Decision 1)

PROGRAMME OF ACTION OF THE RED CROSS AS A FACTOR OF PEACE

adopted by the World Red Cross Conference on Peace (Belgrade, 1975)

Preamble

All members of the world Red Cross family should make constant efforts to safeguard and strengthen peace, and combat forces violating or threatening it, in the spirit of their tenet "*Per humanitatem ad pacem*".

To establish peace as an inalienable human right is the greatest aspiration of all peoples in the world. Without peace a full life and the development of each nation and individual are an impossibility.

Humanitarian ideals and the need to mitigate, if not eliminate, human suffering and distress have found fulfillment in the Red Cross movement, whose history dates back to over a century.

¹ See below.

Red Cross action for peace is therefore an essential part of mankind's quest for peace. The Red Cross is duty bound to support efforts to consolidate detente and strengthen world peace.

Peace is still being violated in different parts of the world, in different ways involving varying means and degrees.

Preventing conflicts, relieving the consequences of war, and helping victims of conflicts, has always been the fundamental aim and task of the Red Cross and hence an important contribution to peace.

The Red Cross does not view peace simply as the absence of war, but rather as a dynamic process of cooperation among all States and peoples; cooperation founded on freedom, independence, national sovereignty, equality, respect of human rights, as well as a fair and equitable distribution of resources to meet the needs of peoples.

The Red Cross considers respect of humanitarian rules, in all circumstances, essential to peace.

Peace is indivisible – it should be understood that peoples and races constitute one and the same family. They are one body and if one limb is indisputably contaminated, the whole body will be contaminated too.

Peace is indivisible and the Red Cross has to act, not to divide but to unify, not to disintegrate, but to consolidate.

All the Fundamental Principles of the Red Cross: humanity, impartiality, neutrality, independence, voluntary service, unity and universality, underlying all Red Cross activities, contribute to peace by developing understanding, strengthening friendship, collaboration and mutual aid between the Red Cross organizations, as members of the world Red Cross family, and among peoples in general.

Red Cross action for promoting peace must be founded on the ethical principles of the Red Cross, which are a factor of rapprochement among men and peoples.

In pooling their efforts towards this end, all members of the world Red Cross family act to promote peace while, at the same time, respecting each National Society's independence and freedom.

Continuous action to promote reform of bodies of the world Red Cross family, so as to adapt their structure to the needs and demands of contemporary society, leads to greater democratization and creates conditions for accomplishing more and more complex tasks facing the world, especially where peace is concerned.

Recalling the suffering of peoples in World War II and other wars, all Red Cross members are morally bound to struggle, in conformity with the principles and objectives of the organization, to prevent a recurrence of such suffering anywhere and to build a lasting peace, paving the way to the progress of mankind.

1975 is international Women's Year. Women have always been, ever since the Red Cross movement was founded, a living force in that movement and are among its most active members and most vigorous champions of Red Cross ideals.

Numerous recommendations, resolutions and appeals for peace adopted by various organs of the International Red Cross in past years reflect the constant desire

and concern of the world Red Cross family to work for peace. They are accordingly a valuable starting point and encourage more intensive Red Cross action for peace.

In the light of the world Red Cross movement's rich experience, the World Red Cross Conference on Peace, fully alive to the principles of the movement, presents a Red Cross Programme of Action for Peace based on the reports, statements submitted at the Conference, and on the discussions during the Conference itself.

I. Solidarity

A. Relief

1. Principles

- 1.1 Practising solidarity helps to safeguard and promote peace.
- 1.2 International solidarity today is marked by awareness that the distress of an individual or a community entails the responsibility of all others. The duty to help has replaced mere charitable action.
- 1.3 Through international assistance organized by the Red Cross to assist victims of natural disasters, and through international relief actions, the Red Cross is a factor of peace.
- 1.4 Consequently, the duty of Red Cross members is to associate themselves in the greatest possible measure with international Red Cross relief actions.

2. Tasks

National Societies are asked to:

- 2.1 Work out a national disaster relief preparedness plan, if there is not one already, in full cooperation with Governments concerned and with their help, and in accordance with Resolution 2816/XXVI of the UN General Assembly.
- 2.2 Develop plans for regional cooperation in case of disaster and set up structures, methods and forms of cooperation adapted to local conditions, such as setting up relief supplies warehouses, training officers, relief actions, etc.
- 2.3 Organize informal gatherings amongst Societies to strengthen cooperation for mutual advantage.
- 2.4 Strengthen exchanges of information, especially to prevent disasters.
- 2.5 Undertake joint programmes for training qualified personnel in cooperation with League bodies.
- 2.6 Maintain close cooperation with national and international disaster relief organizations.
- 2.7 Take an active part in the League's international relief operations by giving material assistance, providing necessary personnel, and helping in every other way possible.

3. *The League of Red Cross Societies* is asked to:

- 3.1 Continue helping National Societies which need to strengthen their activities in this direction.
- 3.2 Promote regional conferences and encourage meetings.
- 3.3 Redefine and specify the role of experts attached to National Societies.

4. *Red Cross institutions* are asked to:

- 4.1 Examine the feasibility of setting up an international "Solidarity Fund" financed from National Societies' and other voluntary contributions. The fund would collect money for extremely urgent action and finance pilot projects (such as scientific studies) in disaster areas. (*See below: Interpretative Texts – Section 1*).
- 4.2 Have studies carried out on the basis of relief experience, find new and better ways of helping victims of natural disasters.

B. Development

5. *Principles*

- 5.1 Equality of all men and peoples, and human dignity, are man's essential attributes and must be respected. The Red Cross should help to eliminate the great disparities and inequalities in the distribution of material wealth, which threaten world peace.
- 5.2 Security for all is not complete unless it includes economic security guaranteeing to all countries the right to develop free from economic aggression.

6. *Tasks*

- 6.1 Participation by National Societies and their Federation in developing structures and programmes of Societies in developing countries, on a bilateral and multilateral basis, under the Development Programme.
- 6.2 Amplifying the League Development Programme on a decentralized regional basis.
- 6.3 Progressive integration of the Development Programme extraordinary budget into the League ordinary budget (*See below: Interpretative Texts – Section 2*).
- 6.4 Training personnel in modern techniques by means of courses, seminars and regional and national institutes.

C. Health*7. Principles*

- 7.1 The Red Cross must be active in every way calculated to protect life and health and develop community services, with full participation by young people at all levels.
- 7.2 Man and his environment are seriously threatened by uncontrolled use of scientific and technical development and ill-considered activities, which cause air and water pollution and accumulation of waste dangerous to health. The Red Cross has work of major importance to do in improving the environment.

8. Tasks

National Societies should:

- 8.1 Educate their public and make it aware of its health responsibilities.
- 8.2 Establish close cooperation with public health services and national public health institutions to improve living conditions and protection against disease.
- 8.3 Promote a network of human relations among peoples, especially by organizing “inter-country” assistance to sick foreigners, holidays abroad for the handicapped, international camps for handicapped youth, etc.
- 8.4 Set up effective regional cooperation on first aid and health programmes. These will benefit the community and bring peoples closer together in health matters, which are very important.
- 8.5 Include in National Societies’ programmes, especially in health education, more work to protect man and his environment, and so, safeguard health.
- 8.6 Get neighbouring countries and regions to cooperate in protecting the environment.

D. Youth*9. Tasks*

National Societies should:

- 9.1 Involve young people in their decision-making bodies to the fullest extent possible, give them important responsibilities, and consider revising the Statutes of the National Society to include youth in Central, Regional and Local Committees.
- 9.2 Draw up programmes to educate young people for peace, and get them to take part in solidarity actions such as relief teams, relief activities, anti-hunger campaigns, etc., and in carrying out programmes for the diffusion of

the Geneva Conventions and the principles of humanitarian law, in cooperation with other National Societies.

- 9.3 Hold numerous international meetings and exchanges of experience, such as international camps, seminars and the like, possibly under League auspices, for young people alone and for young people together with adults.
- 9.4 With League and ICRC cooperation, organize central courses on the Red Cross for secondary school teachers, either on a national or regional basis. Regional courses would enable those attending central courses to pass on their knowledge to others, who would teach it to classes.
- 9.5 Cooperate with the Ministry of National Education to have lessons on the Red Cross included in civic, moral and ethical education.

10. *The League of Red Cross Societies* is asked to:

- 10.1 Foster the award of travel grants and scholarships, especially to young people from developing countries.
- 10.2 Create and administer a “Friendship Fund” (*See below: Interpretative Texts – Section 3*).
- 10.3 Organize seminars and set up an effective guidance programme to clarify the role of youth in Red Cross activities.

The League and the ICRC are asked to publish a manual for secondary school teachers in consultation with experts from National Societies from different geographical and linguistic regions. It would include a presentation of basic Red Cross Principles; a brief historical introduction to the Red Cross and a statement on its organization and basic activities and a chapter on “The Red Cross as a factor of peace”.

II. Protection

I. HUMANITARIAN LAW

11. Principles

- 11.1 The Red Cross demands humane treatment for all men in all circumstances.
- 11.2 The Red Cross is duty bound to forward the widest possible application of existing humanitarian rules. Developing international humanitarian law is a contribution to peace and the Red Cross should be the main driving force behind its development, which should be carried on in the form adopted by the present Diplomatic Conference, i.e., in close cooperation with National Societies and Governments (*See below: Interpretative Texts – Section 4*).

- 11.3 Members of the International Red Cross must therefore help to formulate humanitarian rules, to ensure that Red Cross role and activities are reinforced in international law.
- 11.4 They must keep the public constantly informed of the great moral responsibility of the Red Cross for developing and implementing international humanitarian law.
- 11.5 The Red Cross must also promote the widest possible application of humanitarian principles in case of armed conflict, even when this exceeds the strict application of international humanitarian law.

A. Knowledge and dissemination of humanitarian law

12. Principles

- 12.1 Teaching and disseminating the Geneva Conventions and the principles of international humanitarian law in general, which are the expression of the Fundamental Principles of the Red Cross, are a factor of peace and therefore a duty.
- 12.2 The great efforts already made by the ICRC and National Societies to induce all Governments to take effective action for this purpose, particularly with regard to their armed forces, police, senior civil servants and universities, but also to the public, should be completed and developed, in particular:
 - by institutionalizing cooperation between Red Cross Societies and their Governments to improve the dissemination of humanitarian law;
 - by incorporating Red Cross Principles and ideals into educational programmes and producing appropriate material for teaching and disseminating them.

13. Tasks

- 13.1 *National Societies* should:
Propose that a *Standing Committee* be formed in their country, composed of Government representatives and representatives of the National Red Cross Society, to evolve and implement adequate means for systematic dissemination of the Geneva Conventions in the armed forces and universities and among young people, and also among the civilian population.

14. The International Committee of the Red Cross, in cooperation with the League of Red Cross Societies, is asked to:

- 14.1 Promote new methods for spreading and disseminating the Geneva Conventions.
- 14.2 Take part in organizing programmes for practical cooperation, jointly with National Societies.
- 14.3 Elaborate youth programmes adapted to different communities.

B. Development of humanitarian law

15. Principles

(See below: Interpretative Texts – Section 5)

- 15.1 The development of human society and technical progress have led to use of the most modern military techniques and to drastic changes in ways of war and combatant status. This is particularly marked in wars of liberation and resistance movements. To protect victims of modern war, international humanitarian law should be extended and adapted to these new conditions.
- 15.2 Under the United Nations Declaration of 24 October 1970, on the principles of international law affecting friendly relations and cooperation between States, wars of aggression are crimes against peace. Consequently, international humanitarian law should give increased protection to every victim of such wars, “including the population and fighters who resist aggression and occupation”. *(See below: Interpretative Texts – Section 6)*
Under Resolution 3314/XXIX of the United Nations General Assembly, it is the duty of States not to use armed force to deprive peoples of their right to self-determination. International humanitarian law should accordingly protect freedom fighters and peoples exercising their right to self-determination.
- 15.3 Efforts to prohibit weapons, including those with indiscriminate effects, also contribute to the promotion of peace, therefore any efforts to limit the arms race and promote disarmament should be strongly supported by the Red Cross movement; this could ultimately increase economic and social cooperation among nations. *(See below: Interpretative Texts – Section 7)*
- 15.4 The Red Cross should, more than ever, take part in formulating new legal standards at the Diplomatic Conference now being held. This principle should apply especially where appropriate rules for protection, such as those mentioned above and those for protecting victims of non-international armed conflicts, were felt to be lacking. Interest in development in international humanitarian law is thus a permanent task for the Red Cross and should be continued even after the present Diplomatic Conference ends. *(See below: Interpretative Texts – Section 8).*

16. Tasks

National Societies should continue:

- 16.1 To urge their Governments so that these give National Red Cross Societies and international Red Cross institutions the protection and facilities they need to carry out their humanitarian activities.
- 16.2 Red Cross institutions, in particular the ICRC, should encourage meetings and seminars of the Red Cross and non-Red Cross experts on international humanitarian law.

II. RED CROSS ACTIVITIES FOR RELIEVING THE SUFFERING OF WAR VICTIMS

17. *Principles*

- 17.1 Relieving the suffering of war victims is one of the fundamental tasks of the Red Cross for the promotion of peace. The International Red Cross should not only intervene when a conflict has broken out but also organize preparatory action in case of danger of armed conflict.
- 17.2 In this connection, Resolution No. XXI of the XXIst International Conference of the Red Cross held in Istanbul, recommended unanimously that in case of armed conflict or of a threat to peace, the ICRC should, in case of need invite representatives of National Societies of countries concerned to meet it, either all together or separately to discuss humanitarian problems involved and with the agreement of Governments concerned to consider what contribution the Red Cross could make to prevent the conflict or achieve a ceasefire or the cessation of hostilities.

18. *Tasks*

National Societies should:

- 18.1 Help their Government to apply the Geneva Conventions and urge it even in time of peace to undertake all necessary measures to ensure implementation of international humanitarian law in case of armed conflict (penal sanctions for violations, legislation on use of the Red Cross emblem, dissemination, etc.).
- 18.2 Offer their services, especially qualified personnel, for discharging the duties of the Protecting Power.
- 18.3 Do all that is possible to implement Resolution No. XXI of the XXIst International Conference of the Red Cross, especially by drawing the attention of their respective Governments at an appropriate moment, to the opportunities it offers for humanitarian action and even for the cessation of hostilities.
- 18.4 Cooperate as closely as possible with the ICRC to implement plans of action prepared to help the victims.
- 18.5 Help in every possible way all victims of conflicts without discrimination of any kind, in accordance with The Fundamental Principles of the Red Cross.
- 18.6 Take part in ICRC activities extending beyond existing law (political detainees, stateless persons, national minorities, unprotected civilians, etc.).
- 18.7 Follow the conflict, protest in case of violation of international humanitarian law by either party and inform the competent authorities thereof, so that steps be taken to prevent further violations.

- 18.8 Endeavour to act if internal conflict occurs in their country, assuming the National Society is left free to act in complete impartiality and enjoys the trust of the authorities and population.

*19. The League of Red Cross Societies
and the International Committee of the Red Cross are asked to:*

- 19.1 Act in closest cooperation with National Societies in all matters related to relieving the suffering of victims of conflicts.
- 19.2 Prepare a practical manual of National Societies' duties towards war victims.

20. The International Committee of the Red Cross is asked:

- 20.1 To see that the Geneva Conventions are fully applied.
- 20.2 To maintain "humanitarian contact" with warring countries, particularly when political and diplomatic relations between them have been broken off. Maintenance of humanitarian contact enables other relations to be built up.

III. DIRECT RED CROSS CONTRIBUTION TO PEACE

(See below: Interpretative Texts – Section 10)

21. Principles

- 21.1 The Red Cross should use its moral influence to help to eliminate imminent threats to peace. It should try to prevent the outbreak of hostilities and help to bring about a ceasefire or cessation of hostilities.

22. Tasks

The International Committee of the Red Cross with or without League cooperation, is asked:

- 22.1 To ask representatives of National Societies to meet to discuss ways of solving humanitarian problems and, in accord with Governments concerned, to consider what the Red Cross could do to prevent the outbreak of conflict or bring about a ceasefire or cessation of hostilities.
- 22.2 In accordance with Resolution No. X of the XXth International Conference of the Red Cross (Vienna, October 1965), and if it believes such a course possible, to make a direct appeal to the Governments concerned and even to the Secretary General of the United Nations when an armed conflict appears imminent.

Protection of the civilian population should be one of the principal aims and preoccupations of action by the International Committee of the Red Cross.

23. National Societies are asked to:

- 23.1 Appeal to the International Committee of the Red Cross and the League of Red Cross Societies whenever a conflict threatens to break out, so enabling them to approach the Parties in the name of the members of the Red Cross and take action to safeguard peace.

24. Red Cross institutions are asked to:

- 24.1 Cooperate more closely with the United Nations in all cases of aggression, bearing in mind the specific humanitarian tasks of the Red Cross.
- 24.2 Such cooperation should be effective in preparing documents condemning aggression, racial discrimination, apartheid and political detention (*See below: Interpretative Texts – Section 11*)

IV. ORGANIZING AND COORDINATING RED CROSS WORK FOR PEACE

25. Principles

- 25.1 The promotion of peace has always been one of the essential tasks of the League of Red Cross Societies, and National Societies have also an important part to play. The main task of the Red Cross in this direction is to create an atmosphere conducive to better understanding among peoples.
- 25.2 Coordination of Red Cross activities for peace is essential to success. Research on peace is one of the main aspects of its promotion.
- 25.3 The Red Cross should accordingly maintain very close contact with scientific institutions undertaking such research and should give its material support.
- 25.4 The promotion of human equality and opposition to all forms of discrimination are important Red Cross contributions to peace.

The Red Cross must work to implement the programmes and plans already approved by the International Red Cross, e.g. the Red Cross Plan of Action in the struggle against racism and racial discrimination-Racism and racial discrimination are violations of essential human rights and human dignity, and are contrary to the Red Cross Principles.

26. National Societies are asked to:

- 26.1 Include in their statutory texts in accordance with the spirit of the Fundamental Principles of the Red Cross in so far as this has not been done already and as one of its main objectives, contributing to establishing and safeguarding a lasting peace, by developing and reinforcing international

cooperation, humanitarianism, solidarity, respect and understanding between men and peoples.

- 26.2 Establish “National Peace Committees” which could advise National Societies on matters connected with peace.

27. Tasks

The League is asked to:

- 27.1 Continue to carry out its development programme, which is the best means by which the International Red Cross can add to its power to promote peace.
- 27.2 Form a “League Committee on Peace” as a permanent body, to advise the Board of Governors on what should be done to promote peace.

The Committee should be mainly concerned with promoting and stimulating research in cooperation with specialized institutes, collecting information, giving suggestions, following the progress of work begun, etc.

28. Red Cross institutions are asked to:

- 28.1 Enlist expert help to organize meetings and symposiums on Red Cross work for peace, these coinciding with Red Cross international or regional meetings.
- 28.2 Promote programmes to inform public opinion and eliminate causes of conflicts such as racial discrimination and colonialism.
- 28.3 Publish documents to guide the millions of Red Cross members on how to perform their task of promoting peace.
- 28.4 Promote research on peace and instruct the Henry Dunant Institute, the International Red Cross research centre, to carry out teaching, study and research on the subject, publish works thereon, and make all necessary contacts with scientific institutes doing research on peace.
- 28.5 Consider the idea of instituting a “Red Cross Prize” to encourage and honour the National Society making the greatest contribution to international solidarity and thereby promoting the Red Cross image.
- 28.6 Find a new Red Cross way of describing ideals and activities so that young people understand better Red Cross Principles and programmes.
- 28.7 Encourage representatives of various parts of the community, such as schools, universities, the armed forces and the churches, to say what they believe to be most important and shoulder their responsibilities in their own way, producing adequate material on the Red Cross. (*See below: Interpretative Texts – Section 13*)

INTERPRETATIVE TEXTS

adopted by the Council of Delegates (Bucharest, 1977)

Section 1 – Solidarity

A. Relief

*Comment expressed during the Belgrade Conference
(Programme of Action – para. 4.1)*

“Delete paragraph 4.1 in which Red Cross Institutions are called upon to examine the advisability of the creation of an international ‘Solidarity Fund’ financed through voluntary contributions of National Societies and other sources. This fund should accumulate sufficient resources to intervene in cases of extreme emergency and finance pilot projects in the areas of disasters: scientific studies, etc.”.

Interpretative text adopted by the Council of Delegates

After taking note of the League Secretariat’s point of view on the expediency of setting up a solidarity fund, the Council of Delegates accepts, in order to take into account the concern expressed by the authors of the proposed amendment referred to above, that the League be invited to continue this study and so seek a solution which would meet with general approval.

Section 2 – Solidarity

B. Development

*Comment expressed during the Belgrade Conference
(Programme of Action – para. 6.3)*

“Delete paragraph 6.3 which stipulated the ‘Progressive integration of the extraordinary budget of the Development Programme’ into the ordinary budget of the League”.

Interpretative text adopted by the Council of Delegates

The Council of Delegates did not feel it useful to propose an interpretative text for point 6.3 of the Programme of Action or for the corresponding comment above since the League has already implemented that recommendation and intends to specify progressively the measures involved in putting point 6.3 into effect.

The Council of Delegates therefore accepts that the League be requested to continue the policy which it has already put into practice with regard to the integration of the extraordinary budget into the League ordinary budget.

Section 3 – Solidarity

D. Youth

*Comment expressed during the Belgrade Conference
(Programme of Action – para. 10.2)*

“Delete paragraph 10.2 in which the League is asked to create a ‘Friendship Fund’”.

Interpretative text adopted by the Council of Delegates

Having noted that various methods have been worked out by the League to attain the goal set in this recommendation of the Programme of Action, the Council of Delegates accepts that the League be encouraged to continue its information and coordination efforts, in order to develop communication and mutual understanding between young people of various countries.

Section 4 – Protection

Principles – Humanitarian law

Contribution of the Red Cross to the development of international humanitarian law.

*Comment expressed during the Belgrade Conference
(Programme of Action – para. 11.2)*

“To read at the end: ‘in close collaboration with Governments on the one hand and with National Societies and their Federation, the League, and the ICRC on the other’”.

Interpretative text adopted by the Council of Delegates

This new wording is in no way in contradiction with the idea expressed in paragraph 11.2 of the Programme of Action. It is even more explicit. Accordingly, the Council of Delegates accepts that in compliance with the wish of the authors of this comment, the text of the Programme of Action be understood as including, besides the National Societies, the ICRC and the League among the Red Cross institutions which are invited to cooperate with the Governments in the development of international humanitarian law.

Section 5 – Development of humanitarian law

*Comment expressed during the Belgrade Conference
(Conference Report – para. 74, sub-para. 2)
(Programme of Action – para. 15)*

“(Some speakers)... hoped this section would be reconsidered in the interest of avoiding any misunderstanding, and that experts would be asked to help in drafting its final text”.

Interpretative text adopted by the Council of Delegates

The Council of Delegates accepts not retaining the suggestion to submit the chapter in question to qualified experts, in view of the fact that the passages in the Programme of Action having motivated this suggestion are dealt with specifically in sections 6, 7 and 8 of Part III.

Section 6 – Legal protection for victims of wars of aggression

Comments expressed during the Belgrade Conference

a) (Conference Report – para. 74, sub-para. 1)

“(Some speakers)... In their opinion the Red Cross could not subscribe to the United Nations Declaration of 24 October 1970...”.

b) (Programme of Action – para. 15.2)

“After ‘every victim of such wars’, delete ‘including the population and the fighters who resist aggression and occupation’...”.

Interpretative text adopted by the Council of Delegates

As long as it is clear that:

- the passage under point 15.2 of the Programme of Action “... wars of aggression are crimes against peace...” is a quotation from the United Nations Declaration of 24 October 1970;
- the passage under point 15.2, sub-para. 1: “... international law should give increased protection...” is understood as follows: “... international humanitarian law should give strengthened protection...”

The Council of Delegates,

- a)* considers possible to maintain in the Programme of Action the reference to the above mentioned declaration,
- b)* accepts that the passage under No. 15.2, para. 1 of the Programme of Action (“... including the population and fighters who resist aggression and occupation...”) should be understood as being intended to improve the legal protection for certain victims who are inadequately protected by existing international humanitarian law. Clearly the wording in neither case implies any discrimination in the assistance which should be given to all conflict victims to whatever party they may belong. This is very appropriately pointed out in point 18.5 of the Programme of Action (“... help in every possible way all victims of conflicts without discrimination of any kind, in accordance with the Fundamental Principles of the Red Cross”).

Section 7 – Arms race limitation and disarmament

*Comment expressed during the Belgrade Conference
(Conference Report – para. 75)
(Programme of Action – para. 15.3)*

“There was controversy on whether the Red Cross should join in attempts to limit the armament race and obtain disarmament. Some speakers in favour of its doing so, whilst others thought it would thereby exceed its terms of reference”.

Interpretative text adopted by the Council of Delegates

The Council of Delegates did not deem it advisable to propose that a follow-up be given to the comment made on this subject at the Belgrade Conference, since the International Conference of the Red Cross had twice (New Delhi 1957, Res. No. XVIII and Vienna 1965, Res. No. XXVIII), taken a stand in general terms on the contribution of our movement to the efforts aimed at limiting armaments – whilst specifying that the nature and the extent of this contribution must retain a general character. The Council of Delegates moreover, accepted that “prohibit weapons” mentioned in the first line of Point 15.3 of the Programme of Action was intended to mean “prohibit weapons of war”.

Section 8 – Red Cross participation in the development of international humanitarian law

*Comment expressed during the Belgrade Conference
(Programme of Action – para. 15.4)*

“Second sentence: For ‘this principle would apply’ substitute ‘the principles of humanitarian law should apply’”.

Interpretative text adopted by the Council of Delegates

To avoid any confusion with the Fundamental Red Cross Principles, the Council of Delegates accepts that the word “principle” in passage 15.4 of the Programme or Action be understood to mean “requirement”: “This requirement should apply ...”

Section 9 – Reunion and repatriation of families

*Comment expressed during the Belgrade Conference
(Conference Report – para. 71)*

“(Delegates...) indicated their preference for practical work to which the report had given insufficient prominence, such as reuniting dispersed families, repatriating families to their countries of origin, etc.”.

Interpretative text adopted by the Council of Delegates

Considering that recommendation 18.5 of the Programme of Action already urges National Societies to “help in every possible way all victims of conflicts without discrimination of any kind, in accordance with the Fundamental Principles of the Red Cross”, the Council of Delegates accepts that this recommendation be understood to include help also to families seeking to be reunited or repatriated.

Section 10 – Direct Red Cross contribution to peace

Comment expressed during the Belgrade Conference

(Programme of Action – paras 21 to 24)

(Conference Report – paras 33 to 38)

“33. Several delegates were of the opinion that the Red Cross contribution to peace could not be direct, unless the Red Cross took part in the strategy of preventing armed conflicts by eliminating their causes. To do so the Red Cross would have to participate in the establishment of a political, economic and social programme which is now the responsibility of the United Nations. This would infringe its Basic Principles.

34. The delegates could not agree to the Red Cross, through its governing bodies or National Societies, protesting against all acts or threats of aggression.

35. Other speakers, whilst understanding that the Red Cross could not remain indifferent to the gap between rich and poor nations and should attempt to narrow it, thought that every direct Red Cross action for peace should remain within certain limits if the Red Cross were to safeguard its unity and retain the confidence of all.

36. By taking part in peace conferences organized by public authorities, and cooperating with the UN and its special institutions in preparing documents condemning the perpetration of violations of human rights, aggression and discrimination, the Red Cross was in danger of becoming involved in controversy which would inevitably lead it to discord and paralyse its activities.

37. A number of delegates took the contrary view that Red Cross contribution to peace could not be complete if the Red Cross did not attack racial discrimination, colonialism, infringement of peoples’ right to self-determination, aggression, and other causes of conflicts.

38. For these delegates, it was the duty of the Red Cross to denounce all forms of aggression, set up a national committee for safeguarding peace and cooperate extensively with the UN for that purpose”.

Interpretative text adopted by the Council of Delegates

In view of the controversy within the Red Cross movement on the principle of a direct Red Cross contribution to safeguarding or maintaining peace, the Council

of Delegates did not consider that it was its task to put forward a proposal calculated to overcome these differences. It seemed to it more appropriate to study the comments to which the specific tasks allotted under Point 24 of the Programme of Action to the Red Cross international institutions had given rise. These comments are the subject of Section 11 below.

Section 11 – Cooperation with the United Nations

Comment expressed during the Belgrade Conference

a) (Programme of Action – para. 24)

“Modify the text of Point 24 of the Programme of Action as follows: ‘Red Cross institutions are asked to:

24.1 cooperate more closely with the United Nations for humanitarian purposes in case of armed conflicts’.

24.2 Delete this paragraph”.

b) (Conference Report – para. 36)

“By taking part in peace conferences organized by public authorities and cooperating with the UN and its special institutions in preparing documents condemning the perpetration of violations of human rights, aggression and discrimination, the Red Cross was in danger of becoming involved in controversy which would inevitably lead it to discord and paralyse its activities”.

Interpretative text adopted by the Council of Delegates

The Council of Delegates,

- mindful of the fact that para. 24 is an invitation which each institution of the Red Cross is free to follow up or not, in accordance with the Principles of the Red Cross and taking into account its own role and its particular position,
- considering that para. 24.1 can in no case be interpreted as implying any discrimination in the protection and assistance which must be given the victims of all conflicts,
- noting that in para. 24.2 “aggression, racial discrimination, apartheid and political detention” are evils that must be understood in a general sense, without reference to a particular situation and that the essential aim of the Red Cross is to help,
- considers that para. 24, thus interpreted, can be maintained.

Section 12 – Return to a single protective emblem

*Comment expressed during the Belgrade Conference
(Conference Report – paras 30, 31 and 72)*

“Include in the Programme of Action the proposal to adopt a new single emblem, viz. a Heart (Humble Heart)”.

Interpretative text by the Council of Delegates

The Council of Delegates, having noted that the question of the return to a single emblem was studied by the XXIIIrd International Conference of the Red Cross (Bucharest 1977) and was the subject of Council of Delegates Decision No. 3, considers that the suggestion to include in the Programme of Action the proposal to adopt a new single emblem, the humble heart, could be taken into consideration by the Working Group set up under Council of Delegates Decision No. 3. It does not feel that it can at this stage make any proposal on this subject.

Section 13 – Organizing and coordinating Red Cross work for peace

*Comment expressed during the Belgrade Conference
(Programme of Action – para. 28.7)*

“a) At the end of paragraph 28.7, read ‘concerning humanitarian commitment and law’ instead of ‘on the Red Cross’.

b) Add after ‘churches’ – ‘and in some countries trade unions’ ”.

Interpretative text adopted by the Council of Delegates

The Council of Delegates, having considered the foregoing comments appropriate, accepts that recommendation 28.7 of the Programme of Action be understood as including, in some countries trade unions among institutions which should be encouraged to produce their own methods and adequate material on the Red Cross.

It accepts moreover that it be understood that these methods and this material concern also humanitarian commitment and law.

Contribution of the Red Cross and Red Crescent to safeguarding and consolidating true peace

The Council of Delegates,

recalling Resolutions LXIV of the Seventeenth International Conference of the Red Cross, XI of the Eighteenth, XVIII of the Nineteenth, XXVIII of the Twentieth, XX of the Twenty-first, XII of the Twenty-third and XIII of the Twenty-fourth Conference and Resolutions 23 and 4 adopted respectively by the sessions of the Council of Delegates in 1963 and 1979,

deploring the recurrence of armed conflicts in various parts of the world, noting with deep concern the deplorable state of international relations and the

existence of areas of tension entailing the risk of war, which involves the risk of the use even of nuclear weapons and other weapons of mass destruction,

realizing that, while wars are becoming ever more horrendous, a possible large scale use of armaments, including nuclear weapons and other weapons of mass destruction, would have effects exceeding by far those of the weapons commonly used so far and would pose grave risks to human civilization,

confirming that the Red Cross, nationally and internationally, through its many and varied activities, is an effective moral force capable of promoting true peace,

supporting the Appeal by the Chairman of the Standing Commission of the International Red Cross, the President of the ICRC and the President of the League to the United Nations General Assembly at its second special session devoted to disarmament,

recognizing that the continuation of the arms race at the present rate may contribute to the risk of war and is not conducive to true peace, which could only be attained through a process involving steps towards general and complete disarmament under strict and effective control and the promotion of friendly relations and cooperation among States,

recognizing moreover that a curbing of the present arms race might render it possible for substantial parts of the resources now being used for military purposes to be reallocated to development programmes directed at alleviating human suffering and responding to basic human needs,

1. Urgently appeals to governments of all States to continue to pursue negotiations in good faith on effective measures leading to the prevention of a further build-up of armaments, including nuclear weapons and other weapons of mass destruction,
2. Expresses its conviction that all Red Cross and Red Crescent members should work for the prevention of war and for constructive efforts towards resolving disputes through peaceful means,
3. Proposes that all National Societies, the ICRC and the League, should use their best endeavours to make the Red Cross members aware of the terrible effects of the use of weapons, in particular of nuclear weapons and other weapons of mass destruction,
4. Recommends that the National Societies, the ICRC and the League broaden their contacts and their exchange of views on the most adequate means for the National Societies of the Red Cross and the Red Crescent, acting within their accepted area of responsibility, to contribute, in the respect of their fundamental principles, to an improvement of mutual understanding and true peace,
5. Emphasizes that the National Societies, the ICRC and the League should, in all circumstances and in their accepted area of responsibility, use their moral authority to support the efforts made to prevent and end armed conflicts, causing disasters and suffering throughout the world. (Council of Delegates, Geneva, 1983, Resolution 2)

**FUNDAMENTAL GUIDELINES FOR THE CONTRIBUTION
OF THE RED CROSS AND RED CRESCENT MOVEMENT
TO A TRUE PEACE IN THE WORLD**

adopted by the Second World Red Cross and Red Crescent Conference on
Peace (Council of Delegates, Aaland – Stockholm 1984)

The Red Cross and Red Crescent Movement and peace

Since its inception and by its very existence our Movement has striven to contribute to peace in the world.

For over 120 years, it has sincerely attempted to limit by its action and through the provisions of humanitarian law, the horrors of war, from which it was created. In fact, what it does, in time of peace as in time of war, helps – directly or indirectly – to defuse the causes of conflicts and thereby contributes to the dynamic process that leads to true peace.

Indeed, for our Movement, “peace is not simply the absence of war, but rather a dynamic process of cooperation among all States and peoples; cooperation founded on freedom, independence, national sovereignty, equality, respect of human rights, and a fair and equitable distribution of resources to meet the needs of peoples”.

All components of the Red Cross and Red Crescent Movement undertake to support, in compliance with its Fundamental Principles, efforts to preserve and strengthen true peace.

Fundamental Guidelines

The Red Cross and Red Crescent Movement has already adopted a *Programme of Action for the Red Cross as a Factor of Peace* which is to remain the basis of Red Cross and Red Crescent activities in favour of peace. To facilitate implementation of this programme and to contribute even more constructively to peace, it has formulated these *Fundamental Guidelines* which are intended to encourage and guide the activities of its members for a true and lasting peace in the world.

As they are fundamental, they focus on essentials and set forth in simple language what the Movement does and wants to do for peace, inspired by the conviction and enthusiasm instilled by its ideals and principles.

A dynamic process and Fundamental Principles

The Red Cross and Red Crescent Movement’s strategy for peace is both dynamic and stable.

By their *humanitarian action*, the National Societies, the ICRC and the League constantly further the cause of peace. Through consistent, patient and all-encompassing effort, each component of the Movement contributes to this *dynamic process of cooperation*, which is to build such future of humanity to which we all aspire. Whereas war is most often the consequence of a long process of increasing tension, the Red Cross and Red Crescent Movement contributes to

reducing tensions and defusing the causes of conflicts. In this way it works constantly – within the limits of its competence – for true peace.

This long-term action is guaranteed by respect for the *Fundamental Principles*, which are an inspiration and a guide for all the Movement's humanitarian activities and which give it its unity, its strength, its orientation and its staying power.

Contribution of each Fundamental Principle to peace

By respecting and implementing each of these Principles, the Red Cross and Red Crescent Movement is making a specific contribution to a true peace in the world:

HUMANITY

The Red Cross, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours – in its international and national capacity – to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

Founded on the respect of the human being, this is the superior principle inseparably linked with the idea of peace, the principle that sums up our Movement's ideal and on which all the other principles are based. To see and share the suffering of others, prevent and alleviate it in the face of violence is life-giving work. It is the first step on the road to preventing and eliminating war: Humanity is an essential factor of true peace which can never be attained through domination and military superiority.

“Per humanitatem ad pacem” – Through humanity to peace.

IMPARTIALITY

It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

This positive principle of helping others without discrimination reminds us that no distinction should be applied to people in distress. It is the opposite of the feelings of superiority, or acts of discrimination, which are at the origin of so many conflicts.

NEUTRALITY

In order to continue to enjoy the confidence of all, the Red Cross may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

For the Red Cross and Red Crescent Movement, neutrality is a means and not an end. Neutrality does not imply indifference to suffering nor acceptance of war. It is an indispensable condition for effective humanitarian action dependent on the confidence of all.

INDEPENDENCE

The Red Cross is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with Red Cross principles.

The independence of the Red Cross and Red Crescent Societies from public powers is essential for their humanitarian activities in the respect of the Fundamental Principles. It allows that spirit of peace which is characteristic of our Movement to reign in the hearts of the men and women comprising it. Without isolating the Red Cross and Red Crescent from others, it gives it the necessary autonomy for its humanitarian work, which makes it a unifying force amongst all peoples.

VOLUNTARY SERVICE

The Red Cross is a voluntary relief organization not prompted in any manner by desire for gain.

To bring relief to one's fellow man, voluntarily and unselfishly, bespeaks the generous spirit of service and the fellowship that opens the door to reconciliation.

UNITY

There can be only one Red Cross Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

The Red Cross and Red Crescent Movement unites all people within each country's borders and so is a factor of internal peace.

UNIVERSALITY

The Red Cross is a worldwide institution in which all Societies have equal status and share equal responsibilities and duties in helping each other.

Our Movement's universality stems from the attachment of each of its members to common values. One of its characteristics being the duty to help one another, it makes for the propagation in all countries of these values, seeds for rapprochement and peace among men.

Fostering a spirit of peace

World solidarity in humanitarian work

Solidarity in the Red Cross and Red Crescent Movement brings together men, irrespective of their nationality, race, religion, ideology and beliefs: it speaks for human dignity because it exists only to assist and protect those who suffer and are without help in adversity. Solidarity in action is the essence of the whole Movement's contribution to peace.

An ideal to confront violence, fear and distrust

Against the vicious circle of violence, fear, and distrust, the Red Cross and Red Crescent Movement opposes forces threatening or violating peace by setting up an

ideal based on respect for one's fellow man which dispels hatred, encourages confidence and fosters a spirit of peace and cooperation.

Speaking with one voice to the peoples of the world

On peace as on all other matters, our Movement speaks for itself. Being independent of governments and outside the political field, it speaks a univocal humanitarian language: millions of members in over 130 countries share this ideal and address a common message to all their fellow men. Our Movement looks for a true dialogue in the humanitarian field, with a view to a better mutual understanding and dissemination of Red Cross and Red Crescent ideals. It thus brings its specific contribution to global efforts for peace, whenever it takes place with due respect for its independence and its Fundamental Principles.

Red Cross and Red Crescent Youth: a hope for peace

Youth in today's world is a dynamic, mobile social force. Young people aware of their duties towards all persons contribute to understanding between men. Faithful to the ideals and spirit of the Movement, Red Cross and Red Crescent Youth, by their readiness to work, serve and accept sacrifice, can set an example for others and be a catalyst for peace.

Youth education for peace

The components of the Movement should pay great attention to educating young volunteers in the spirit of peace and friendship among peoples. They should actively encourage the development of Red Cross programmes for strengthening mutual understanding and solidarity among youth, together with the exchange of information of different countries. In particular, Red Cross must fight all attempts to imbue children with contempt or hatred for other peoples.

Red Cross and Red Crescent, peace and human rights

The humanitarian activity of the Movement, undertaken in compliance with its Fundamental Principles, is not only a contribution to peace but also a contribution to the respect of basic human rights.

Consolidating peace by reducing suffering

Solidarity through development

Preservation of world peace is inseparable from cooperation among peoples. Confronted with inequalities of resources and means, the Movement's contribution to the development of National Societies, in the spirit of friendship and mutual understanding, is a positive recognition and is proof in action that we are all united in one cause. This helps decrease inequality and contributes to a more tolerant and thus more peaceful world.

Compassion towards the victims of disaster

Assisting the victims of catastrophes and disasters, whenever they occur and no matter what the cause, is a direct acknowledgement of worldwide responsibility.

Understanding and fulfilling this “duty to help” is a powerful factor for peace among peoples.

Prevention is better than cure

The “silent disasters” like hunger, population explosion, drought, lead people to despair and violence. To anticipate silent and other, more sudden, disasters, in order to prevent them or be better able to face them, is to work for peace.

Health through social action

Caring for and assisting the most needy everywhere, improving health, contributes to a more just and humane society and thereby to reducing the causes of tension. This is the daily work of millions of members of the Red Cross and Red Crescent Movement throughout the world.

The Red Cross and Red Crescent Movement is peace even in war

Awareness of perils of war

Remembering the sufferings of the peoples during the Second World War and other wars, conscious of the terrible consequences of the use of arms especially nuclear arms and other weapons of mass destruction, all members of the Red Cross and Red Crescent consider it their moral duty to work, in conformity with the principles and ideals of the Movement, for the prevention of these sufferings in any part of the world and for a lasting peace as an indispensable condition of social progress. This task is more indispensable than ever in the present international situation where mankind is threatened with huge accumulation of increasingly sophisticated weapons that are a waste of material and other resources.

Easing the tensions that cause the arms race

Trust leads to disarmament and disarmament to peace. Our Movement supports the final goal of complete disarmament, with the necessary means of control. It can help to create the climate of confidence indispensable to attaining this goal, especially by contributing to reducing, in its specific field of action, the causes of tension. It appeals to governments to spare no effort for progress towards complete disarmament in conventional weapons and weapons of mass destruction, including nuclear arms.

A spirit of peace in the thick of the fighting

Born of the horrors of war, our Movement demonstrates a spirit of peace, even in the heat of battle. By respecting those who can no longer fight, whichever side they are on, by helping the wounded and protecting civilians and prisoners, it creates “zones” of peace in the thick of the fighting, thereby facilitating a process of cooperation and peace between the belligerents.

Protecting the weak by law

Developing international humanitarian law, teaching the soldier in time of peace to respect non-combatants in time of war, is to try and attenuate the horrors of battle through respect for the defenceless; it is to limit suffering and thereby facilitate the return to peace; it is to contribute to a spirit of peace.

Giving refugees new reasons for and means of living

Providing shelter for refugees, whether temporarily or permanently, helping them live, forwarding their messages, tracing missing persons and uniting families, is to give inner peace, dignity as human beings and hope to those who have left all. It is an essential contribution of the Red Cross and Red Crescent Movement to the bringing of true peace to a world where individuals are threatened by so much violence.

Helping without taking sides

Because it must help the victims of all parties in conflict, our Movement does not choose sides. It remains above all political controversy in its own humanitarian field and thus safeguards its possibilities to carry out humanitarian work for all, without exception.

Laying the ground for prevention of wars and for peaceful solution of armed conflicts

The National Red Cross and Red Crescent Societies and their federation the League, besides their own efforts, support the ICRC in the activities it can undertake to prevent conflicts or to facilitate their peaceful solution, its resolve strengthened by the universal confidence it has won.

THE RED CROSS AND RED CRESCENT MOVEMENT HOPES THAT, BY
FOLLOWING THESE GUIDELINES, IT WILL GIVE INSPIRATION TO ALL THE
PEOPLES AND GOVERNMENTS OF THE WORLD, AND WILL THUS
CONTRIBUTE TO FINDING THE PATHS WHICH WILL LEAD HUMANITY
TO LASTING PEACE.

(Council of Delegates, Aaland – Stockholm, 1984)

The Red Cross and Red Crescent development and peace

*The Twenty-fifth International Conference of the Red Cross,
recognizing that poor people in affected countries are most vulnerable to disasters,
both natural and man-made,*

*referring to Resolutions XV and XVII adopted by the Twenty-third International
Conference of the Red Cross,*

*recalling Resolution 2 of the 1983 Council of Delegates which states that “a curbing
of the present arms race might render it possible for substantial parts of the resources
now being used for military purposes to be reallocated to development programmes
directed at alleviating human suffering and responding to basic human needs”,*

*emphasizing the potential of the International Red Cross and Red Crescent
Movement to participate in raising the living conditions of the poor, particularly in
developing countries, as expressed in the Programme of Action of the Red Cross as a
Factor of Peace and in the Message to the World Community at the Second World
Red Cross and Red Crescent Conference on Peace,*

urges the Movement, in its development efforts, to reduce tension by contributing towards a more just and humane society through development efforts, inter alia:

- a) by working towards a better balance between man and nature through protection and rehabilitation of the environment, in order to prevent and to improve the situation of the people living in disaster-prone areas, thus reducing the potential risk of unrest and conflict.*
- b) by strengthening the capacity of National Red Cross and Red Crescent Societies as a contribution to national development and national humanitarian mobilization,*
- c) by setting up long-term integrated programmes with a view to strengthening the capability of National Societies to cope with future disasters,*
- d) by integrating the dissemination of international humanitarian law and its underlying principles in all national development plans,*
- e) by paying special attention to improving health and nutrition through training and support services adapted to local needs, respecting traditions and securing the dignity of human beings,*
- f) by contributing to practical and acceptable measures to solve demographic problems and to improve economic and social conditions, thus creating conditions for a more secure life,*
- g) by setting aside adequate funds for long-term development programmes. (Geneva, 1986, Resolution XXVI)*

CHAPTER IV

THE MOVEMENT, WEAPONS AND DISARMAMENT

See also :

Part Three

Section IV, Doc. VI Movement Strategy on Landmines

Part Four

Section III, Chap. V Resolutions concerning weapons, arms, landmines

Section IV, Chap IV E Res. 2, 26th International Conference, (Geneva, 1995),
p. 1158

Atomic, chemical and bacteriological weapons

The Board of Governors,

considering that whereas the Red Cross is a purely humanitarian organization, striving at all times to relieve human suffering and thereby working for peace, and

whereas during previous International Conferences of the Red Cross similar Resolutions have been adopted which are hereby reaffirmed, and

whereas recent experiments have conclusively proved the great danger to which mankind is exposed by the use of nuclear weapons of war,

recognizing that the most practical contribution which the Red Cross can make towards ensuring a lasting peace is to fulfil its fundamental purpose – the relief and prevention of human suffering irrespective of class, creed, nationality or race,

pledges anew all the National Societies to work unceasingly to achieve this end, thus helping to bring about a better understanding between the peoples of the world,

pleads with all the Powers

- a) to intensify their efforts for a peaceful settlement of conflicts;
- b) to continue to work unceasingly for general disarmament;
- c) to agree to prohibit absolutely and effectively the use of all nuclear weapons of war as well as the use of asphyxiating and poison gases and bacteriological warfare;
- d) to establish effective international control of atomic energy which will ensure that this is used solely for peaceful purposes, and
- e) to take prompt and effective measures to protect all peoples from harm and damage resulting from tests of atomic energy. (Board of Governors, XXIIIrd Session, Oslo, 1954, Resolution 1)

Contribution of the International Committee to the elimination of a menace against peace

The Council of Delegates,

after having taken cognizance of the conditions in which the International Committee of the Red Cross was invited by the United Nations Organization, with the agreement of the parties concerned, to intervene in the Cuba incident,

considering it is desirable that the Committee respond to the call made upon it simultaneously by States in conflict to act as intermediary or assist in the proper discharge of the obligations they have undertaken, thus contributing to the maintenance of peace,

approves the action taken by the International Committee in the Cuba incident and congratulates it for having accomplished that action. (Council of Delegates, Centenary Congress, Geneva, 1963, Resolution 24)

Weapons of mass destruction

The XXIst International Conference of the Red Cross,

considering that the first and basic aim of the Red Cross is to protect mankind from the terrible suffering caused by armed conflicts,

taking into account the danger threatening mankind in the form of new techniques of warfare, particularly weapons of mass destruction,

confirming the Resolutions adopted by the International Conferences of the Red Cross as well as the United Nations General Assembly Resolutions Nos. 2162 (XXI), 2444 (XXIII) and 2454 (XXIII) and the Resolution No. XXIII of the International Conference on Human Rights of 1968,

considering that the adoption of a special agreement on the prohibition of weapons of mass destruction would be an important contribution to the development of international humanitarian law,

requests the United Nations to pursue its efforts in this field,

requests the ICRC to continue to devote great attention to this question, consistent with its work for the reaffirmation and development of humanitarian law and take every step it deems possible,

renews its appeal to the Governments of States which have not yet done so to accede to the 1925 Geneva Protocol and to comply strictly with its provisions,

urges Governments to conclude as rapidly as possible an agreement banning the production and stock-piling of chemical and bacteriological weapons. (Istanbul, 1969, Resolution XIV)

Disarmament, weapons of mass destruction and respect for non-combatants

The XXIVth International Conference of the Red Cross,

emphasizing that the vacation of the International Red Cross, in conformity with its fundamental principle of humanity, is to prevent and alleviate human suffering in all circumstances, to protect life and health, to ensure respect for the human being and to promote mutual understanding, friendship, cooperation and lasting peace amongst all peoples,

recalling Resolutions XXIV, XVIII, XVIII, XXVIII, XIV and XII, adopted respectively by the Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-first and Twenty-third International Conferences of the Red Cross,

reaffirming the duty of the Parties to an armed conflict to renounce the use of methods or means of warfare that do not make any distinction between combatants and non-combatants,

drawing attention to the fact that the Red Cross has constantly shown particular concern about the use and the existence of weapons of mass destruction, which cause damage without discrimination,

convinced that the Red Cross shall encourage all the efforts leading to disarmament, but aware that some means of achieving disarmament are subject to political controversies, taking part in which is prohibited by its principle of neutrality,

- 1. urges Parties to armed conflicts not to use methods and means of warfare that cannot be directed against specific military targets and whose effects cannot be limited,*
- 2. fully endorses the appeal launched by the ICRC to Governments participating in the First Special Session of the United Nations General Assembly on Disarmament, requesting them in particular to do their utmost to establish the atmosphere of confidence and security that would allow the deadlock, in which*

mankind is, to be broken and an agreement on disarmament to be reached above particular interests. (Manila, 1981, Resolution XIII)

Red Cross and disarmament

The Council of Delegates,

considering that the Red Cross role in promoting disarmament is an inherent part of its contribution towards true peace, and that its efforts should be integrated in the general endeavour to attain peace, which the Preamble to the Programme of Action of the Red Cross as a Factor of Peace defines as “a dynamic process of cooperation among all States and peoples; cooperation founded on freedom, independence, national sovereignty, equality, respect of human rights, as well as a fair and equitable distribution of resources to meet the needs of peoples”,

recalling that the Programme of Action of the Red Cross as a Factor of Peace, adopted in Bucharest in 1977, emphasizes that it is the duty of all National Societies, and of the League and the ICRC, to contribute to disarmament and support efforts in that direction,

noting that the United Nations have launched a world campaign for disarmament and asked non-governmental organizations to support it,

defines its position as follows:

1. World campaign for disarmament

The Red Cross, as a pacific, active and efficient – i.e. pacifying – organization, should associate itself with this world campaign for disarmament in accordance with the Red Cross ideal and principles whilst keeping away from inter-State quarrels and rivalry.

2. The moral authority of the Red Cross

It is the Red Cross ideal, and respect for its principles, that give the Red Cross moral authority to promote disarmament. This authority is inoperative unless the Red Cross movement is united; therefore, International Red Cross decisions in support of disarmament must be adopted by consensus.

3. General attitude

The Red Cross is deeply concerned by the arms race and especially with the existence of weapons of mass destruction. It ardently desires disarmament and feels duty-bound to urge governments to take all possible action to achieve it.

It is preparing for the 1986 International Red Cross Conference in that spirit and at the same time acknowledging the respective competences of governments and of the Red Cross.

4. Bringing about an atmosphere conducive to disarmament

The Red Cross must do what it can to bring about an atmosphere favourable to the lessening of tension, as a necessary preliminary to adopting agreements on disarmament.

The following are some of the ways in which such an atmosphere can be brought about:

1. Actions of human solidarity by the constituent bodies of the International Red Cross, in conformity with their respective mandates, in aid of victims of armed conflicts or natural disasters, and activities to promote the dissemination and respect of international humanitarian law.
2. Urging governments to accede to instruments of international humanitarian law, and instruments additional thereto, by which they are not yet bound.
3. Efforts to introduce into educational programmes the study of international humanitarian law and of the Red Cross ideals and principles.
4. Enlisting the support of the public at large for the principles of international humanitarian law and Red Cross ideals and principles.

5. Information

It is for each National Society to make known in its own country, particularly to the government, the International Red Cross attitude to disarmament and the action taken by the International Red Cross to promote disarmament. Where it sees fit the Society may also make known the action taken by the constituent bodies of the Red Cross movement to promote disarmament, in accordance with Red Cross goals and principles and the respective powers and responsibilities of these bodies.

6. Special recommendations

1. A historical study should be made of Red Cross action to promote disarmament, beginning with the resolutions adopted by the various constituent bodies of the International Red Cross. The Henry Dunant Institute might be asked to do this.
2. The creation in universities of chairs of international humanitarian law should be encouraged.
3. The Second World Red Cross and Red Crescent Conference on Peace should, when examining the implementation of the above-mentioned Programme of Action of the Red Cross as a Factor of Peace, attach special importance to the Red Cross contribution to disarmament.

7. Conclusion

Action by the National Societies, the League and the ICRC to promote disarmament should be prompted by the above resolution. (Council of Delegates, Geneva, 1983, Resolution 1)

CHAPTER V

THE MOVEMENT AND HUMAN RIGHTS

See also:

Chap. III above Fundamental guidelines for the contribution of the Red Cross and Red Crescent Movement to a true peace in the world (Aaland – Stockholm, 1984), p. 1024

War crimes and crimes against humanity

The XXIst International Conference of the Red Cross,

recalling that the respect and defence of human rights and dignity are the basis of humanitarian Red Cross activities and the aim of humanitarian law, the development of which is of common concern to the United Nations and the Red Cross,

noting once more that war is the most serious violation of human rights and dignity,

considering that war crimes and crimes against humanity are the most flagrant breach of human rights and aggravate the plight of war victims,

recognizing that it is the duty of the Red Cross to give support, through its moral authority and prestige, to measures intended to avoid the recurrence of such crimes,

noting furthermore that the adoption by the XXIIIrd Session of the United Nations General Assembly in 1968 of the convention on the imprescriptibility of war crimes and crimes against humanity is an important step in this direction,

requests the Governments of all States to accede to this Convention which is now inseparable from the system designed to safeguard human rights. (Istanbul, 1969, Resolution XII)

The International Red Cross and Red Crescent Movement and human rights

The Council of Delegates,

having taken note with interest of the report submitted by the Group of Experts on Human Rights to the Commission on the Red Cross, Red Crescent and Peace, in accordance with Decision I of the 1985 Council of Delegates,

1. thanks the Commission as well as the Group of Experts on Human Rights for their excellent work,
2. accepts the report of the Group of Experts on Human Rights as approved by the Commission,
3. urges National Societies, the ICRC and the League to do their utmost to implement the conclusions and recommendations of this report. (Council of Delegates, Geneva, 1989, Resolution 2)

CONCLUSIONS AND RECOMMENDATIONS OF THE GROUP OF EXPERTS ON HUMAN RIGHTS

*Extract from the Final report adopted by the Commission on the Red Cross,
Red Crescent and Peace at its XXVIth Session, April 1989*

1. Conclusion

The Movement contributes considerably to the implementation of human rights. It has done so without always being fully aware of its contributions, but the analysis of its activities demonstrates that virtually all of them make contributions to the implementation of human rights. While the Movement is not considered as a movement “for human rights”, it can assert without hesitation that it is one of the most active in implementing these rights.

Recommendation

The Movement should make efforts to increase awareness of the link between its activities and respect for human rights. This report should be distributed widely among the components of the Movement to make them aware of this link and to enable them to explain and demonstrate the role played by the Movement in fostering respect and concern for human rights.

2. Conclusion

The Movement demonstrates its effectiveness in supporting human rights essentially through its work, whether this is connected with its role in armed conflicts, as assigned by international humanitarian law, its operations in the event of natural disasters, or its activities to assist men and women in need of help in peacetime, based in every case on its mission and its Fundamental Principles.

Recommendation

The Movement should continue to give the highest priority to direct action to protect and assist the victims not only of armed conflict and natural and man-made disasters, but also of indigence and under-development, thereby alleviating the human suffering which led to the creation of the Movement.

3. Conclusion

The Movement’s traditional role in relation to international humanitarian law through dissemination activities and efforts aimed at encouraging the adoption of conventions or other measures in promoting disarmament is a major contribution to respect for human rights.

Recommendation

The Movement as a whole should further intensify its activities, in accordance with the respective spheres of competence of its components, aimed at the promotion and application of the Geneva Conventions of 12 August 1949 and their Additional Protocols of 8 June 1977. It should support the adoption of Conventions or other measures prohibiting or restricting the use of particularly cruel weapons.

4. Conclusion

The Movement's activities contributing to human rights are factual confirmation of the specific roles of each of its components, as expressed by its Statutes. Their diversity strengthens the whole Movement in its work to foster human rights.

Recommendation

The Movement's activities furthering human rights, accomplished through the efforts of its components, should be reviewed continually, in the appropriate bodies of the Movement, in order to inform the entire Movement regularly of the work of each of its components and to consider ways in which the Movement's activities could be expanded, consistent with the Fundamental Principles, to make an enhanced contribution to human rights.

5. Conclusion

The Movement's contributions to peace and to development, respectively, through its activities in favour of human rights, must be understood as a whole. It does not appear to be useful to classify the Movement's activities contributing to human rights in order of their greater or lesser contribution to peace or development. It is important, however, for the Movement to establish its priorities in this field pursuant to an established policy.

Recommendation

The Movement should contribute to respect for basic human rights, to the cause of peace and to goals for development, in the knowledge that its efforts in each of these fields contribute to the furtherance of the others. In particular, care should be taken to ensure that all development work undertaken respects and enhances human rights.

The priorities in relation to development should be determined by the Movement's competent bodies, taking into account the activities planned by the National Societies, as deduced from the questionnaire. The part to be played by the Movement in environmental protection should be studied at the same time.

The Movement should seek appropriate methods to make its position in favour of peace and disarmament better known.

6. Conclusion

The areas of human rights to which the Movement's resolutions make specific reference are not necessarily those in which the Movement is most active. However, it should be noted that many resolutions concern activities that contribute to respect for human rights, without mentioning these rights.

Among the resolutions that specifically mention human rights, the following subjects are given special emphasis: torture, forced or involuntary disappearances, racial discrimination, and children's rights.

In some cases – in particular, in combating torture and forced or involuntary disappearances – the ICRC plays a direct role with Governments, with the support of the National Societies.

Concerning the protection of children's rights, the National Societies occupy a privileged position in their own countries.

Finally, the Movement as a whole may act as a catalyst in opposing any infringement of these four groups of human rights.

Recommendation

Without denying that there are many human rights for respect of which further action by the Movement is feasible and necessary, the Movement as a whole should become more active in particular against torture, racial discrimination, forced or involuntary disappearances, and all abusive treatment of children.

Those National Societies that are able to do so should urge their Governments to improve procedures for monitoring the application of human rights.

The National Societies should also increase their activities directly aimed at children, not only when they are victims of armed conflicts or natural disasters, but also when they are suffering from poverty, exploitation or indifference. There should be greater encouragement to the Societies to incorporate these activities systematically in their development programmes.

Street children

The Council of Delegates,

deeply alarmed by the phenomenon of street children, their increasing numbers, the deprivation of their rights, and the abuse, exploitation and neglect experienced by them,

recognising their needs as one of the most vulnerable groups in society,

reaffirming the long standing concern of the Movement expressed most notably through Resolution 2 of the 1995 Council of Delegates and Resolution 8.2 of the 1997 Council of Delegates on the plight of street children,

recalling the efforts made by the international community to foster respect for human rights and in particular the rights of the child through the UN Convention on the Rights of the Child and Resolution 51/77, Chapter VI of the General Assembly of the United Nations of 12 December 1996 which focuses on the plight of street children,

aware of the capacities and potential of National Societies to advocate the plight of street children, to contribute towards the improvement of their situation and to meet their particular needs,

1. *takes* note of progress made and the work carried out by the International Federation and National Societies in compliance with the Council of Delegates Resolution 8.2 in 1997, *and thanks* them for the work undertaken;
2. *welcomes* the establishment of an International Federation Task Force on Street Children and the preliminary work which has been carried out concerning the formulation of a Plan of Action, and *recognises* the need to reinforce these activities;

3. *urges* National Societies, as part of their action to improve the situation of the most vulnerable, to initiate, or to become more involved in street children's programmes, and to focus their work on long-term strategies, including advocacy and prevention, leading to concrete and sustainable improvement in the health and social situation of street children;
4. *urges* National Societies to carry out such activities emphasizing the principle of child participation and the need for effective collaboration within and outside the International Red Cross and Red Crescent Movement;
5. *requests* National Societies to actively support the Task Force on Street Children through the provision of the funding necessary for the continuation of its work and by providing substantive input and ideas for the development of a plan of action;
6. *requests* the International Federation to continue to co-ordinate the work of the Task Force in developing and implementing the plan of action. (Council of Delegates, Geneva, 1999, Resolution 9)

CHAPTER VI

THE MOVEMENT AND MAJOR CHALLENGES
OF THE 21st CENTURY**Together for humanity**

The 30th International Conference of the Red Cross and Red Crescent,
taking account of the views expressed during the Conference on the humanitarian consequences of major challenges facing the world today,

welcoming the many pledges made by members and observers of the Conference in response to these humanitarian challenges,

taking note with appreciation of the measures taken by States and the components of the International Red Cross and Red Crescent Movement¹ to implement the 2003 Agenda for Humanitarian Action, Declaration “Protecting human dignity” and pledges as requested in Resolution 1 of the 28th International Conference, and *welcoming* the follow-up report prepared by the ICRC and the International Federation on progress made,

1. *adopts* the Declaration “Together for humanity” of the 30th International Conference;
2. *encourages* all members of the Conference, in accordance with their respective powers, mandates and capacities, to work together to alleviate the suffering caused by the humanitarian consequences of the challenges outlined in the Declaration;
3. *urges* all members of the Conference to include the resolutions adopted and their pledges made at the Conference in their efforts to optimize interaction and partnerships amongst themselves and together with other actors at the international, regional and local levels;
4. *invites* all members of the Conference to keep the ICRC and the International Federation informed of actions taken and progress made with respect to the implementation of the Declaration and the resolutions of the Conference as well as of their pledges;
5. *requests* the ICRC and the International Federation to report to the 31st International Conference on the follow up by Conference members to the resolutions and pledges of this Conference;

¹ The International Red Cross and Red Crescent Movement is composed of the International Committee of the Red Cross (ICRC), the National Red Cross and Red Crescent Societies (National Societies) and the International Federation of Red Cross and Red Crescent Societies (International Federation). Throughout this document, the term “Movement” covers all the aforementioned components.

6. *welcomes* the adoption by the Movement of its Restoring Family Links Strategy (2008-2018) in Resolution 4 of the 2007 Council of Delegates and *calls upon* State authorities to continue their support for the activities of the components of the Movement in the field of restoring family links, particularly by strengthening National Societies' capacities, in conformity with their role and mandate;
7. *notes* that the International Federation has circulated its Global Health and Care Strategy 2006-2010 to member States and National Societies within the framework of the World Health Assembly and on other occasions, and *expects* that this document will add value to partnerships aimed at meeting public-health challenges, including those identified at this Conference;
8. *thinks* the ICRC for its comprehensive work on the study on customary international humanitarian law and for initiating, with the British Red Cross, the updating of the "practice" volume of the study;
9. *expresses* its appreciation to the ICRC for its report on International Humanitarian Law and the Challenges of Contemporary Armed Conflicts, and invites it to continue to analyse current and emerging challenges, to generate reflection and to conduct broad consultations on the issues identified;
10. *urges* all members of the Conference to continue and intensify their efforts to implement the 2003 Agenda for Humanitarian Action as a relevant and comprehensive framework for action to address:
 - the suffering caused by family separation and the persistent tragedy of persons missing in connection with armed conflict or other situations of armed violence;
 - the human costs of the uncontrolled availability and misuse of weapons in armed conflicts;
 - the risk and impact of disasters and the improvement of preparedness and response mechanisms;
 - the risk and impact of HIV and other infectious diseases in relation to vulnerable people. (Geneva, 2007, Resolution 1)

*Annex to Resolution 1***Declaration: Together for humanity**

Gathered in Geneva for the 30th International Conference of the Red Cross and Red Crescent, we, the members of this Conference, have focused on the humanitarian consequences of four great challenges facing the world today which affect the individual and specifically the most vulnerable people:

- environmental degradation and climate change;
- humanitarian concerns generated by international migration;
- violence, in particular in urban settings;
- emergent and recurrent diseases and other public-health challenges, such as access to health care.

The global scale of each of these challenges requires a collective response as it exceeds the coping capacity of individual States or humanitarian organizations. In addressing the humanitarian consequences of those challenges, and in the spirit of the slogan of this Conference, “Together for humanity”, we need to intensify operational interaction and partnerships among ourselves, and with other institutions – e.g. intergovernmental, supranational, non-governmental, academic – as well as with the media and the private sector. For the components of the International Red Cross and Red Crescent Movement (Movement) this must be done in accordance with the Fundamental Principles and policies of the Movement.

Humanitarian consequences of environmental degradation and climate change

We are deeply concerned that people everywhere, especially the poorest of the poor, face an increased burden due to the rise in disasters and the scarcity of resources induced by multiple factors, such as environmental degradation and climate change, which contribute to poverty, migration, health risks and an aggravated risk of violence and conflict.

We are resolved to work with partners to raise awareness of these serious humanitarian concerns, including their causes, and to provide humanitarian assistance to the most vulnerable people, in particular those in affected developing countries.

We will capitalize on the community base of National Societies to decrease the vulnerability of communities where environmental hazards and degradation are severe and adaptive capacity is low.

We reaffirm that preparedness for disaster is a key element in the management of response, and we will seek to improve individual and collective capacity to respond swiftly to humanitarian challenges induced by environmental degradation and climate change.

We are resolved to ensure that environmental degradation and adaptation to climate change are integrated, where relevant, in disaster-risk-reduction and

disaster-management policies and plans. We will seek to mobilize the necessary human and financial resources to implement them, giving priority to actions for the most vulnerable people.

We acknowledge the commitment of States to the United Nations Framework Convention on Climate Change (UNFCCC) as the core mechanism for addressing climate change at the global level, and we affirm that aspects of the Movement's work support and complement elements of the UNFCCC.

Humanitarian concerns generated by international migration

While acknowledging the many benefits of international migration as well as its complex and multifaceted nature, we recognize that migration may generate issues of humanitarian concern in all regions of the world. We are particularly concerned that migrants, irrespective of their status, may live outside conventional health, social and legal systems and for a variety of reasons may not have access to processes which guarantee respect for their fundamental rights.

We reaffirm the importance of examining ways and means to reinforce international cooperation at all levels to address the humanitarian concerns generated by international migration.

We acknowledge the role of governments, within the framework of national laws and international law, especially international human rights law, refugee law and international humanitarian law, to address the humanitarian needs of persons negatively affected by migration, including families and communities, and to take effective measures. We are deeply concerned by all forms of human trafficking and exploitation, in particular those involving children and women, and we acknowledge the role of governments in preventing such practices, in providing protection and assistance to all victims of such practices and in ensuring respect for the national and international instruments prohibiting them. We also acknowledge the role of the International Red Cross and Red Crescent Movement in this respect.

When addressing the humanitarian needs of persons negatively affected by migration, particularly migrants and members of their families, in their countries of origin, transit and destination, we take into account, where relevant, the considerable experience of the Red Cross and Red Crescent with respect to:

- (a) Humanitarian assistance: e.g. providing food, shelter, clothing, health care, first aid, psycho-social support, etc.
- (b) Protection: e.g. restoring family links, legal and administrative advice, acting against exploitation and deception, providing information on the risks of irregular migration, visiting migrants in detention with a view to helping improve their detention conditions and their treatment when necessary.
- (c) Advocacy: bringing a humanitarian perspective to policy decisions, combating racism, xenophobia and discrimination, promoting international norms in that respect.

(d) Integration and reintegration: e.g. reception services, fostering social participation and solidarity (e.g. as Red Cross and Red Crescent volunteers).

(e) Human dignity: promoting respect for human dignity.

Taking into account the negative consequences of large-scale influxes resulting from humanitarian crises, international actors should consider the needs of host-country communities.

We acknowledge the role of National Societies, based on the principles of humanity and impartiality, and in consultation with public authorities, in providing humanitarian assistance to vulnerable migrants, irrespective of their legal status.

Violence, in particular in urban settings

We recognize that violence is a leading cause of preventable death, injury and human suffering worldwide. Violence in urban areas poses a particular challenge, where problems are often aggravated by rapidly growing populations, poverty and economic inequalities, unemployment, social exclusion and marginalization, insufficient public security and services, and the easy availability of drugs and weapons.

We acknowledge that States are responsible for providing safety and ensuring adequate care and support for the victims of violence, to the extent feasible, and for the creation of policies and legal frameworks which aim to prevent and mitigate violence. Such policies and frameworks may also need to address cases of urban armed violence between organized groups.

We are resolved to work together to develop at all levels comprehensive violence-prevention and reduction programmes in order to build safer communities through practical measures that take into account social and economic development objectives, and to facilitate the rehabilitation of youth affected by violence in order to reduce their alienation and radicalization and reduce their vulnerability to drugs and crime. We will intensify efforts to mobilize community respect for diversity and action against racism, discrimination, xenophobia, marginalization and other forms of exclusion, faced by all vulnerable groups, also empowering volunteers and youth in humanitarian activities to prevent, defuse or mitigate violence, particularly in urban settings, basing ourselves on the considerable experience of National Societies.

Emergent and recurrent diseases and other public health challenges

We recognize that HIV, pandemic influenza, tuberculosis, malaria and other communicable diseases as well as other public-health threats endanger individuals and communities everywhere in the world, and particularly women and children. We also note the disproportionate impact of HIV, tuberculosis and malaria on

communities in Sub-Saharan Africa. The decline in capacity of the public-health infrastructure in many countries and in its ability to cope, as well as demographic change, water and sanitation shortcomings, food insecurity and poor nutrition and their consequences for increased morbidity and mortality have also exacerbated these threats, with a particular impact on the poorest of the poor.

We stress the need to strengthen health systems and develop national health plans with the involvement of National Societies, and to include the empowerment of volunteers and affected groups to ensure that programming and its implementation reach all affected and vulnerable populations – such as people living with HIV, drug users, communities exposed to the threat of emergent and recurrent diseases, victims of sexual exploitation and human trafficking and other forms of violence, prisoners and former prisoners and orphaned children.

We acknowledge the need for these vulnerable people to have access, without discrimination, to prevention, health promotion and curative care as well as to essential medicines, vaccines and other health-care products. Access to safe blood through voluntary non-remunerated blood donation is and will remain an essential public-health objective.

We also stress the importance for medical services to have access to any individual in need, on the basis of accepted domestic and international norms and regardless of his/her legal status, and the importance for such services to enjoy the necessary protection.

We are resolved to include public health as an integral part of effective disaster management (comprising public health, water and sanitation, epidemic control and public-health emergencies).

We recognize that a comprehensive public-health approach must address the issue of tuberculosis, HIV and other health threats in prisons, including the necessary follow up of former prisoners.

In responding to all of these challenges, we will:

- take into consideration the varying capacities of States and National Societies;
- strengthen our operational capacity and resources accordingly;
- optimize the role of National Societies as auxiliaries to the public authorities at all levels in the humanitarian field;
- capitalize on the community and volunteer base (particularly the youth) of National Societies to influence positively and act upon vulnerable communities from within, particularly in situations beyond the reach of the public authorities;
- take into account considerations of diversity;
- ensure that gender considerations are mainstreamed into all programmes and activities;
- learn from the experiences and best practices worldwide of the various components of the Movement;

- promote knowledge of and respect for the relevant provisions of international law, including international humanitarian law, international human rights law and refugee law;
- build on the unique ability of the components of the Movement, in acting at all times in accordance with the Fundamental Principles, to gain the confidence of all in order to have access to those in need;
- intensify and coordinate operational interaction and partnerships among ourselves, the members of this Conference, and with other institutions, whenever there is a clear benefit for the victims and the most vulnerable people.

Our work together needs to be measurable, with transparency accompanying action at the national level and through sharing best practices and experiences. The International Federation and the ICRC agree to support National Societies in their work, including through representation of their interests and concerns at the international level, and will provide the necessary knowledge-sharing mechanisms to facilitate these tasks.

International Migration

Background report

This report provides background for a draft resolution on international migration proposed for adoption by the 2007 Council of Delegates.

The components of the International Red Cross and Red Crescent Movement (Movement) have been providing assistance and protection to uprooted populations since the origins of the Movement. The topic has already been raised on a number of occasions at the International Conference of the Red Cross and Red Crescent (*Resolution XXI, Manila 1981; Resolution XVII, Geneva 1986, Resolution 4A, Geneva 1995 and Goal 2.3 of the Plan of Action of the 27th International Conference, Geneva 1999*) as well as in the Council of Delegates (*Resolution 9, Budapest 1991, Resolution 7, Birmingham 1993 and Resolution 4, Geneva 2001, Resolution 10, Geneva 2003*).

However, feedback from the different components of the Movement shows that these statutory decisions do not always provide sufficient guidance for the Movement in its work to address the plight of persons in need of assistance and protection in the course of their migratory movements. The decisions mainly cover asylum-seekers, refugees, displaced persons and returnees and to a lesser extent people moving due to reasons other than persecution or armed conflict.

During the last decades an increasing number of people are leaving their home countries for social, economic and environmental reasons. Many of these people find themselves in situations where they are in urgent need of humanitarian assistance and protection. Many components of the Movement have taken the needs of vulnerable migrants (especially irregular migrants) to heart and provide

assistance on a regular basis. The response varies from country to country depending on the different mandates of the Movement components and the specific domestic context. Until now such assistance has not been guided by a statutory commitment of all the components of the Movement.

The recent Regional Conferences of the Federation –“the 7th European Regional Conference” (20-24 May 2007, in Istanbul, Turkey) and “the XVIIIth Inter-American Conference” (4-7 June 2007, in Guayaquil, Ecuador)–, as well as the “Xth Mediterranean Conference” (27-31 March 2007, in Athens, Greece), placed migration at the centre of their discussions and reaffirmed their commitment to alleviate the plight of vulnerable migrants.

The Red Cross and Red Crescent Movement has already developed activities in support of people in the different stages of the migratory cycle in source, transit, and destination countries, in the following fields:

1. The Red Cross and Red Crescent National Societies play a role as humanitarian actors in the field of migration, i.e., as auxiliary to the government with respect to the humanitarian consequences, or through the provision of services under a contract. The response to vulnerability and needs among migrants should, depending on domestic contexts, take into account actions in the following fields:
 - **Humanitarian assistance:** e.g. providing food, shelter, clothing, health care, first aid, psycho-social support;
 - **Protection:** e.g. restoring family links, legal and administrative advice, acting against exploitation and deception, information on the risks of irregular migration, monitoring of detention conditions and treatment;
 - **Integration/re-integration:** e.g. reception services, helping migrants to get included in labour markets; fostering social participation and solidarity (e.g. as RC volunteers).
 - **Advocacy:** providing the humanitarian perspective to policy decisions, combating racism, xenophobia and discrimination; promoting international norms protecting migrants.
2. The role of the International Federation is to support and assist National Societies ‘to improve the lives of vulnerable people’, which in the context of migration includes all vulnerable migrants, regardless of their legal status. The Federation is responsible for support to National Societies in their efforts to enhance and build capacity in order to respond to needs of people affected by the migratory process; facilitate knowledge-sharing between National Societies and different Movement components; promote greater cooperation for activities in favour of migrants and returnees in countries of origin, transit and destination; and strengthening partnerships with external actors working in this field.
3. In general, the role of the ICRC with regard to migrants complements that of National Societies and the International Federation. During armed conflict, migrants are protected by International Humanitarian Law (IHL) as civilians, as is the case with persons internally displaced by such a conflict. The ICRC

addresses their needs according to their particular vulnerability if any. In other situations of violence, the ICRC may offer its services to help migrants. The ICRC also has a specific role and expertise in the field of protection. In particular, in its role as coordinator and technical adviser in the field of restoring family links, the ICRC can provide technical services to National Societies on matters including disappearances of migrants during journeys and the management of human remains. It can also orient and advise National Societies wishing to engage in activities in favour of detained migrants or any other protection issue.

The International Federation has acted upon the request of the regional conferences in Istanbul and Guayaquil by including migration as a separate agenda item of its General Assembly (2007) which is expected to task its Governing Board to develop a Federation policy on Migration, benefiting from the expertise of the ICRC in relevant fields. The ICRC has also increased its involvement on migration issues, be it in its operations in some countries or through counselling and support to other Movement partners. The Federation, with the support of the ICRC, has produced a background paper on migration for the purpose of the General Assembly.

Furthermore, the 'Restoring Family Links Strategy for the International Red Cross and Red Crescent Movement' and related background documentation, prepared by the ICRC for the purpose of the Council of Delegates 2007, is also relevant for the discussions relating to the migration issue.

The outcome of such discussions at the upcoming Council of Delegates should further strengthen the ability and commitment of all the components of the Movement to achieve our common objective: *to ensure that migrants who are left without any suitable form of protection and assistance receive the help they need, regardless of their status, thus preserving their lives, health, and dignity.*

International Migration

The Council of Delegates,

recalling and reaffirming the resolutions on topics relating to migration adopted by the International Conference of the Red Cross and Red Crescent (Resolution XXI, Manila, 1981; Resolution XVII, Geneva, 1986; Resolution 4A, Geneva 1995; and Goal 2.3 of the Plan of Action of the 27th International Conference, Geneva, 1999) and the resolutions adopted by the Council of Delegates (Resolution 9, Budapest, 1991; Resolution 7, Birmingham, 1993; and Resolution 4, Geneva, 2001),

taking into account the respective roles and mandates of the different components of the International Red Cross and Red Crescent Movement (Movement) as outlined in the Statutes of the Movement and the Seville Agreement and as inspired by the Movement's Fundamental Principles,

1. *recognizes* that migration is a multifaceted and complex global issue, which today affects every country in the world;
2. *calls upon* the components of the Movement to seek to give more prominence to the humanitarian consequences of migration at international, regional, national and local levels;
3. *welcomes* the decision by the General Assembly of the International Federation of Red Cross and Red Crescent Societies (International Federation) to develop a policy on migration for National Societies,¹ noting that it will benefit from the specific role, experience, and expertise of the ICRC in restoring family links and other protection issues, in particular regarding persons deprived of their liberty, and *requests* the Federation to report back on this at the next Council of Delegates in 2009;
4. *takes into account* previous resolutions on restoring family links and its relevance to the field of migration;
5. *requests* the ICRC, in close consultation with the International Federation and National Societies, to develop guidelines for National Societies working or wishing to work in places where migrants are being detained, basing itself on the work already initiated by the ICRC and several National Societies in this respect, and to report back on this to the next Council of Delegates in 2009;
6. *endorses* the general orientations described in the background note concerning the respective roles of the different components of the Movement in the field of cross-border migration;
7. *requests* the ICRC and the International Federation, in accordance with their respective mandates, to support the efforts of National Societies to gain access and provide impartial humanitarian services to migrants in need, regardless of their status, and to do so without being penalized for such action;
8. *invites* National Societies to utilize their capacity as auxiliaries to the public authorities in the humanitarian field to engage in a dialogue with their public authorities to clarify their respective roles relating to the humanitarian consequences of migration, noting that while acting in an auxiliary capacity National Societies will be in a position to base their services strictly on vulnerabilities and humanitarian needs and maintain their independence and impartiality at all times;
9. *calls upon* the different components of the Movement, in accordance with their respective mandates, to promote in this context respect for international law, including international human rights law, refugee law and international humanitarian law;

¹ In 2003 the International Federation adopted a Policy on Refugees and other Displaced People. However, feedback from National Societies shows that this policy does not provide them with sufficient guidance in their work to address the plight of persons made vulnerable as a consequence of migration.

10. *requests* the various components of the Movement, in conformity with their respective mandates, to cooperate in the development of advocacy strategies addressing the humanitarian consequences of migration;
11. *requests* the International Federation, National Societies and the ICRC, in accordance with their respective mandates, to cooperate closely and coordinate within and beyond the Movement to support the provision of the necessary services and protection to vulnerable persons throughout the entire migratory cycle, including return and reintegration. (Geneva, 2007, Resolution 5)

SECTION II

INTERNATIONAL ORGANIZATION OF THE MOVEMENT

CHAPTER I

INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT

See also:

Part Two

Doc. II and III Statutes and Rules of Procedure of the International Red Cross and Red Crescent Movement.

Doc. VII Agreement on the organization of the international activities of the components of the International Red Cross and Red Crescent Movement and Supplementary measures to enhance the implementation of the Seville Agreement

Part Three

Section III Organization of National Societies and their relations with actors outside the Movement

Strengthening of the constitutive organs of the International Red Cross

The XVIIth International Red Cross Conference,

recommends that one of the two members representing the International Committee of the Red Cross and one of the two members representing the League of Red Cross Societies on the Standing Commission of the International Red Cross Conference be always respectively the President of the International Committee of the Red Cross and the Chairman of the Board of Governors of the League of Red Cross Societies,

considers that it is the function of the Standing Commission of the International Red Cross Conference, acting in the spirit of Article I of the Statutes of the International Red Cross during the periods between the meetings of the International Conference, to coordinate and harmonize the work of the International Committee of the Red Cross and that of the League of Red Cross Societies,

recommends that the Standing Commission meet regularly at least twice a year, that its activities be not confined to arbitrating differences arising from interpretation of the Statutes and to making preparations for the next International Conference, but that, in order to carry out in the period between the Conferences the latter's functions of coordinating and harmonizing the work of the National Societies, of the International

Committee of the Red Cross and of the League of Red Cross Societies, the Standing Commission examine if necessary all questions common to these two latter bodies and which demand their cooperation, and take such measures as the circumstances may demand, subject to their being subsequently referred to the next International Conference. Notwithstanding, it shall be clearly understood that the right of initiative, in their respective fields of activity, of the different bodies of the International Red Cross shall, in all cases, be strictly safeguarded. Any questions brought to the knowledge of the Standing Commission, or raised in the monthly meetings to be held from now on in Geneva between the officers of the Secretariats of the International Committee of the Red Cross and the League of Red Cross Societies, and any matters resulting from world events, may be laid before the Standing Commission,

recommends that the Standing Commission authorize the three Presidents, who are among its members, i.e. the Chairman of the Standing Commission itself, the President of the International Committee of the Red Cross and the Chairman of the Board of Governors of the League of Red Cross Societies, or failing them, deputies already appointed by each of them, to consult or meet in cases of emergency, to take whatever measures may be required. In any case, the Presidents should meet at least once between the biannual sessions of the Standing Commission and, furthermore, meet or consult whenever one of them shall make a request to this effect. The officers of the Secretariats of the International Committee of the Red Cross and the League of Red Cross Societies, who confer every month in Geneva, shall act as secretaries to the Presidents' meeting and shall submit to it all questions, apart from those resulting from outside events, which may have been examined by them jointly, or brought up by any National Society. The Presidents shall report on the measures which they may have been led to take to the following meeting of the Standing Commission,

considers that it is for the Standing Commission itself which, in accordance with its Statutes, shall fix its own procedure, to decide as to the creation of the post of Secretary of the Standing Commission. (Stockholm, 1948, Resolution XIII)

Invitation procedure for Red Cross Conferences

The XIXth International Red Cross Conference,

having taken note of the invitations issued, according to the Statutes of the International Red Cross, by the Standing Commission, to Governments parties to the Geneva Conventions, to the Red Cross Societies and international organizations of the Red Cross, as well as to other organizations,

having noted also the observations made, at its first meeting, on the subject of these invitations,

expresses its thanks to the Standing Commission for the work which it has accomplished,

reaffirms the general principle that the National Society which offers its hospitality to an international Conference acts in accordance with the Statutes in transmitting the invitations merely as an intermediary and that, therefore, all members must refrain from addressing themselves in this matter to the inviting National Society as such,

desires that, also in future, the invitations to all International Conferences of the Red Cross be issued in a spirit of broad universality and include in the interest of humanitarian law, all Governments exercising authority over territories where the Geneva Conventions are applicable, this regardless of whether these Governments enjoy recognition by other signatories,

underlines that, in the field of the Red Cross, the criteria of recognition customary in the intercourse between States do not apply, and that consequently the decisions regarding the invitations to Red Cross Conferences do not and cannot set a precedent in other fields. (New Delhi, 1957, Resolution XXXV)

Invitation to Red Cross Conferences

The XIXth International Red Cross Conference,

having in mind the report of the Chairman of the Standing Commission, confirming the statement of the Chairman of the Standing Commission that the Red Cross is not concerned with juridical and political questions regarding the status of Governments,

resolves in accordance with the traditional Principles of the Red Cross that it is the sense of the Conference that all Governments invited to attend the Conference be addressed according to their own official titles. (New Delhi, 1957, Resolution XXXVI)

Participation of authorized delegations in the international meetings of the Red Cross

The Board of Governors,

wishing to call attention to the need to respect the principles of universality and non-discrimination of the International Red Cross,

recalling, in particular, Resolution No. 25 of the 87th Session of the Executive Committee (Geneva, 1968), which requires: "Countries submitting invitations for Red Cross or Regional Conferences and Meetings to deposit with the Standing Commission or the League, as the case may be, the firm assurances of their Governments that all duly authorized delegations will be permitted to attend without impediment or discrimination. In the absence of such assurances, the invitation of the Society concerned will not be considered to be a valid invitation",

expressing their unshakable determination to guarantee full and unrestricted acceptance of these principles as well as their implementation,

calls upon all Societies issuing invitations to international conferences and meetings to comply with these principles,

requests the representatives of the League to the Standing Commission of the International Red Cross to ensure that the Standing Commission does not accept an invitation from a National Society which has not given the necessary assurances. (Board of Governors, XXXIst Session, Mexico, 1971. Resolution 3)

Appeal to the governments

The Council of Delegates,

expressing the views of the components of the International Red Cross and Red Crescent Movement meeting in Budapest,

concerned by the Movement's inability to hold the 26th International Conference, which was to have brought together the Movement's various components and the governments of States party to the Geneva Conventions,

considering that, as a result, the development of international humanitarian law, to which the Movement makes an essential contribution, has been set back,

aware that this state of affairs was brought about by the introduction of political issues and concerns that do not come within its purview and which are foreign to the ideals, principles and activities of the Movement,

anxious to maintain the independence of National Societies and other components of the Movement by not involving them in issues which are not within their competence,

pointing out that whereas neutrality enables States to abstain, it allows the Red Cross and Red Crescent to act,

requests governments and other political entities to make sure that their future relations with Red Cross and Red Crescent bodies do not jeopardize the latter's compliance with the principles of impartiality and neutrality, with a view to enabling the 26th International Conference to meet as soon as possible in order to advance and develop international humanitarian law. (Council of Delegates, Budapest, 1991, Resolution 2)

CHAPTER II

INTERNATIONAL COMMITTEE OF THE RED CROSS

See also:

Part Two

Doc. I Statutes of the Movement, Art. 5

Doc. IV Statutes of the International Committee of the Red Cross

International organization of the Red Cross

The Xth International Red Cross Conference,

recognizing the eminent services of the International Committee of the Red Cross in time of war and in time of peace, decides to maintain the existing organization of the Committee and confirms the mandates given to it by the previous Conferences, especially those referring to the accession of further States to the Geneva Convention, the recognition of new Red Cross Societies, the editing of the "Bulletin international de

la Croix-Rouge”, the communication of Resolutions of the International Conferences and the administration of special funds with which it has been entrusted.

It invites the Committee to continue its supervision to ensure respect for the Geneva Convention and to intervene whenever necessary to ensure that its principles are applied.

The Conference approves the activity of the International Committee in peacetime. It recognizes the Committee as the guardian and propagator of the fundamental, moral and legal principles of the organization and appoints it to watch over their dissemination and application throughout the world. (Geneva, 1921, Resolution XVI, para. 3)

CHAPTER III
INTERNATIONAL FEDERATION OF RED CROSS
AND RED CRESCENT SOCIETIES

See also:

Part Two

Doc. II	Statutes of the Movement, Art. 6
Doc. V and VI	Constitution and Rules of Procedure of the International Federation of Red Cross and Red Crescent Societies

Part Three

Section III, Chap. I	Strategy 2010 “To improve the lives of vulnerable people by mobilizing the power of humanity”
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Proposals¹

We are assembled at the invitation of the Committee of Red Cross Societies to assist in the task for which that Committee was constituted, namely: “To formulate and propose to the Red Cross societies of the world an extended programme of Red Cross activities in the interest of humanity.” In addressing ourselves to this task we desire to express our belief that while every measure should be taken to repair the ravages of war and to prevent all wars, it is no less important that the world should address itself to the prevention and amelioration of those ever present tragedies of unnecessary sickness and death which occur in the homes of all peoples.

This worldwide prevalence of disease and suffering is in considerable measure due to causes which science has not yet disclosed, but a great part of it is due to widespread ignorance and lack of application of well-established facts and methods capable either of largely restricting disease or of preventing it altogether.

¹ Heading added by the editor.

It is clear that it is most important to the future progress and security of civilization that intelligent steps be taken to instruct the peoples of the world in the observance of those principles and practices, which will contribute to their health and welfare.

In the accomplishment of these great aims it is of supreme consequence that the results of the studies and researches of science should be made available to the whole world; that high standards of practice and proficiency in the prevention of disease and preservation of health should be promoted and supported by an intelligent and educated public opinion; and that effective measures should be taken in every country to secure the utmost cooperation between the people at large and all well directed agencies engaged in the promotion of health.

We have carefully considered the general purpose of the Committee of Red Cross Societies, whereby it is proposed to utilize a central organization which shall stimulate and coordinate the voluntary efforts of the peoples of the world through their respective Red Cross Societies; which shall assist in promoting the development of sound measures for public health and sanitation, the welfare of children and mothers, the education and training of nurses, the control of tuberculosis, venereal diseases, malaria, and other infectious and preventable diseases; and which shall endeavour to spread the light of science and the warmth of human sympathy into every corner of the world and shall invoke in behalf of the broadest humanity not alone the results of science but the daily efforts of men and women of every country, every religion, and every race.

We believe that the plans now being developed should at the earliest practicable moment be put into effect and placed at the disposal of the world. In no way can this be done so effectively as through the agency of the Red Cross, hitherto largely representing a movement for ameliorating the conditions of war but now surrounded by a new sentiment and the wide support and confidence of the peoples of the world equipping it to promote effective measures for human betterment under conditions of peace.

We are confident that this movement, assured as it is at the outset of the moral support of civilization, has in it great possibilities of adding immeasurably to the happiness and welfare of mankind. (Proposals of the Medical Conference convened by the Committee of Red Cross Societies of France, Great Britain, Italy, Japan and the United States, Cannes, 1919)

CHAPTER IV

NATIONAL SOCIETIES

A. Creation, organization, recognition and admission

See also:

Part Two

Doc. II	Statutes of the Movement, Arts 3 and 4
Doc. IV	Statutes of the ICRC, Art. 4, para. I b)
Doc. V	Constitution of the Federation, Arts 4-7

Part Three

Section III	Organization of National Societies and their relations with actors outside the Movement
Chapter I	Organization <ul style="list-style-type: none"> - Guidance for National Societies Statutes - Characteristics of a well-functioning National Society - Policy on the protection of integrity of National Societies
Chapter II	Relations between National Societies and their public authorities

Organization and duties of National Societies¹

The General Council of the League of Red Cross Societies,

whereas under Article 25 of the League of Nations Charter “the members of the League agree to encourage the establishment and cooperation of duly authorized voluntary Red Cross organizations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world”,

whereas the League of Red Cross Societies has been founded to aid in the accomplishment of such purposes,

has unanimously adopted, in the form of Resolutions, the following Recommendations:

1. That widespread and popular membership in a National Red Cross Society is the necessary condition of success in its peacetime programme.
2. That a National Red Cross Society should endeavour to cover the expenses of administration and of its normal activities by membership dues and the income of permanent investments.

¹ Heading added by the editor.

3. That the members of a National Red Cross Society should be afforded suitable opportunities to render definite services for public welfare in their respective localities.
4. That a National Red Cross Society should organize the youth of its country for Red Cross service.
5. That a National Red Cross Society should assist in relief operations in the event of national disaster and should always be prepared to take prompt and effective action.
6. That the League of Red Cross Societies should maintain for the member Societies a rapid service of information regarding calamities and disasters, in order to ensure the immediate mobilization of every possible form of assistance, and that effective communication should be established with meteorological and seismological stations throughout the world.
7. That the three principal duties of the National Red Cross Society in the field of health service should be:
 - a) to stimulate and maintain interest in public health work;
 - b) to support and, if need be, supplement the work of Government agencies;
 - c) to disseminate useful knowledge concerning health through demonstration, education or otherwise.
8. That a National Red Cross Society should employ properly qualified persons to direct its health service and make suitable arrangements for training its non-professional workers.
9. That a National Red Cross Society should endeavour to secure the cooperation and coordination of voluntary organizations engaged in any work similar to that which it may undertake. (General Council, Ist Session, Geneva, 1920, Resolution 2)

Creation of National Societies in countries where none exists¹

The General Council recommends that the League Secretariat undertake suitable measures to stimulate the creation of Red Cross Societies in countries where none at present exist, and to assist existing unrecognized Societies, with a view to securing their recognition by the International Committee of the Red Cross and their subsequent admission into the League. (General Council, IIInd Session, Geneva, 1922, Resolution 6, para. 2)

Recognition of National Societies

The XVIIth International Red Cross Conference,
approves the policy followed by the International Committee of the Red Cross,
firstly, in postponing all recognition of National Societies for the duration of the war,

¹ Heading added by the editor.

and until the international situation had again become normal and, secondly, in maintaining the de facto relations necessary for the accomplishment of its humanitarian tasks, with all Red Cross Societies or groups, whether recognized or not,

expresses its approval of the only exceptions made by the International Committee of the Red Cross to the principle of postponing further recognitions in time of war, namely, as regards the Red Cross Societies of Eire and Liechtenstein since these were formed independently of any situation connected with a state of war,

approves the International Committee of the Red Cross in having considered, immediately upon cessation of hostilities, that National Societies – which had returned to their liberated and independent territory and were recognized by their Government, which had itself returned to its own soil – should benefit by the recognition granted by the International Committee of the Red Cross before hostilities, subject only to their Articles of Association still conforming to the conditions for recognition. (Stockholm, 1948, Resolution XII)

Review of statutes of National Societies

The XXIIInd International Conference of the Red Cross,

considering that National Societies are recognized by the ICRC and admitted to the League after verification that their statutes fulfil the conditions for recognition and admission, as laid down by international meetings of the Red Cross,

considering that National Societies shall always comply with the basic principles of the Red Cross movement in order to retain valid membership of the International Red Cross,

considering further that if the statutes of a National Society cease to be in conformity with the conditions for recognition and admission, that Society would lay itself open to question,

decides that any Society wishing to change its statutes on points relating to the conditions for recognition and admission will submit such changes to the ICRC and the League, and will take their recommendations into account. (Teheran, 1973, Resolution VI)

Joint Commission for National Society statutes

The XXIVth International Conference of the Red Cross,

having taken cognizance of the report of the Joint Commission set up by the ICRC and the League to examine National Society statutes,

acknowledging the cooperation established between the two international Red Cross institutions to watch over the application and constant observance of the rules governing the recognition of new National Societies and their admission to the League, recalling Resolution VI of the XXIIInd International Conference of the Red Cross,

- 1. requests the National Societies to continue their collaboration with the Joint Commission, by regularly communicating to the League and the ICRC the*

amendments which they plan to introduce in their statutes, and by adapting them to the Joint Commission's recommendations,

2. *expresses the wish that, in respect of recognition of new Societies by the ICRC and their admission to the League, the Joint Commission continue its work in cooperation with the League Development Programme, within the framework of the Strategy for Development of National Societies in the 80s.*
3. *approves the report and thanks the Joint Commission for its work.* (Manila, 1981, Resolution XX)

Report of the Joint ICRC/Federation Commission on National Society Statutes

The Council of Delegates,

recalling Resolution VI of the 22nd International Conference and Resolution XX of the 24th International Conference,

stressing the importance of the mandate conferred on the Joint ICRC/Federation Commission on National Society Statutes to ensure respect for the Fundamental Principles within the Movement,

approves the report submitted by the Joint ICRC/Federation Commission on National Society Statutes and *invites* the ICRC and the Federation to continue their work in this respect;

requests National Societies to submit the draft texts of their new or amended statutes to the ICRC and the Federation before their final adoption, and to follow up the recommendations made by the Joint Commission;

stresses the need for the Federation and the ICRC to have on file the current statutes of all National Societies which are members of the Movement;

calls on governments to respect at all times the commitment of all the Movement's components to observe the Fundamental Principles. (Council of Delegates, Budapest, 1991, Resolution 19)

B. Development

See also:

Part Four

Section I, Chap. III

Res. XXVI of the 25th International Conference (Geneva, 1986) p. 1029

Section II, Chap. V

Res. XXXV of the 20th International Conference (Vienna, 1965) p. 1076

Assistance to National Societies in realizing the ideals of the Red Cross

The Board of Governors,

recalling Resolutions Nos. XXII and XXXIII on Technical and Financial aid of the XIXth International Red Cross Conference and Resolution No. 17 of the XXVth Session of the Board of Governors on Financing of Missions and Study Visits,

recognizing the ever-increasing needs, especially of sister Societies recently formed,

recommends that the National Societies and the League of Red Cross Societies, bearing in mind their principles of worldwide human solidarity, international collaboration and the needs in countries under development, render efficient assistance to National Societies in their efforts to serve and realize the ideals of the Red Cross,

that the integrity and independence of the Red Cross be respected if cooperation with the United Nations, its specialized agencies or other organizations, has been established. (Board of Governors, XXVIth Session, Prague, 1961, Resolution 9)

**Technical and financial assistance to National Societies
(Development Programme)**

The Board of Governors,

having taken cognizance of the report of the Red Cross Development Programme presented by the Secretary General in keeping with the mandate contained in Resolution No. 10 of the 82nd Session of the Executive Committee in 1962,

noting with keen satisfaction the results achieved in the past year,

reiterating Resolutions Nos. XXII and XXXIII of the XIXth International Conference of the Red Cross, Resolution No. 17 of the XXVth Session of the Board of Governors, Resolutions Nos. 8 and 9 of the XXVIth Session of the Board of Governors, on the urgent need for enlarged technical and financial assistance to National Societies in realizing the ideals of the Red Cross,

accepts the programme presented by the Secretary General and authorizes the Chairmen of the League and the Secretary General to carry out the said programme in keeping with the principles expressed therein,

requests the Chairman of the League and the Secretary General to constitute an Advisory Committee for the development and expansion of this programme,

appeals to the National Societies to make the execution of the Development Programme possible through voluntary contributions, in cash, material and personnel, either alone or in cooperation with other Societies, within the pattern of a rational development of the Red Cross. (Board of Governors, XXVIIth Session, Geneva, 1963, Resolution 6)

**Development of National Societies
in the context of national development plans**

*The XXIVth International Conference of the Red Cross,
having taken note of the League General Assembly's deliberations and decisions
regarding the "Strategy for the Development of National Societies",
sharing the concern of the General Assembly about the need for a realistic Red
Cross development strategy,
being aware that the strengthening of the organizational and operational capacity
of the National Red Cross and Red Crescent Societies of the developing countries is a
prerequisite to their primary health care, preparedness for situations of natural
disasters and of armed conflicts including relief as well as participation in other
service programmes for their communities and concurring with the other views
expressed by the General Assembly,
recognizing the need for cooperation between the League, the ICRC, the National
Societies, the Governments and other organizations, both governmental and non-
governmental,
invites Governments and other organizations to cooperate with the Red Cross
movement by supporting its efforts to develop self-reliant and capable National
Societies in all countries. (Manila, 1981 Resolution XXV)*

Women in Red Cross/Red Crescent development

The General Assembly,
recalling the Decision of the VIth General Assembly in 1987 which requested
the League "to draw up a plan of action to safeguard that the resources and
potential of women can be fully utilized to the benefit of development work in the
Red Cross/Red Crescent",
further recalling Resolution No. XV of the XXIIIrd International Conference of
the Red Cross in 1977 in which Governments and National Societies are urged to
"raise the status of women socially and economically by providing opportunities
for learning and leadership",
noting with satisfaction that the Henry Dunant Institute in collaboration with
the League Secretariat conducted a study on the role of women in the Red
Cross/Red Crescent in which almost one hundred National Societies participated,
mindful of the fact that numerous National Societies participating in the study
on Women in the Red Cross/Red Crescent registered dissatisfaction with the
current level of female participation,
taking into consideration the recommendation from the Women in Development
Seminar arranged by the Nordic Red Cross Societies in Norway, June 1989,
endorses the Plan of Action on women in Red Cross/Red Crescent
Development presented by the Secretary General and expresses its determination
to realize its proposals,

acknowledges in particular the need for concrete policies and sustained commitments to strengthen the role of women in Red Cross/Red Crescent development,

urges National Red Cross and Red Crescent Societies:

- to respond to the needs of women in all services and training programmes,
- to ensure that women assume a legitimate share of responsibility in determining priorities and implementing policies and programmes,
- to create a favourable environment for the advancement of women in managerial and decision-making positions,
- to share with each other and the League information, support and financial assistance towards the ultimate goal of attaining equal opportunities for men and women in all Red Cross/Red Crescent work,

urges the League in cooperation with the ICRC to submit to the Council of Delegates in 1991 a report on the results achieved within the components of the Movement in cooperation with the Henry Dunant Institute,

requests the Secretary General:

- to initiate and coordinate fund-raising efforts for the implementation of the Plan of Action,
- to ensure that League-coordinated disaster relief and development programmes take into account women's resources and needs, in particular in implementing the Strategic Work Plan of the League for the 90s,
- to initiate and coordinate the financing and organization of regional workshops that will draw up regional action plans for the advancement of women,
- to design and implement a strategy to increase the number of competent women in management and senior delegate positions, whereby the Secretariat may serve as a model for National Societies,
- to present progress reports on the implementation of the Plan of Action to each session of the Executive Council between the sessions of the General Assembly. (General Assembly, VIIth Session, Geneva, 1989, Decision 33)

The role of Red Cross and Red Crescent in development

The General Assembly,

endorses the following draft Resolution on the role of the Red Cross and Red Crescent in Development addressed to the XXVIth International Conference of the Red Cross and Red Crescent with a view to its adoption:

“The Twenty-sixth International Conference,

recalling that under the Fundamental Principle of Humanity, the International Red Cross and Red Crescent Movement endeavours “to prevent and alleviate human suffering wherever it may be found”,

cognizant that the implementation of development projects and programmes aimed at protecting and assisting vulnerable people, i.e. “development with a human face”, is a key activity for the Red Cross and Red Crescent Movement,

aware of the increasing incidence of vulnerability and the urgent need for action to reverse this trend through sustainable improvements in the well-being of vulnerable individuals, families and communities,

recalling Article 2 of the Statutes of the International Red Cross and Red Crescent Movement, which provides that “each State shall promote the establishment on its territory of a National Society and encourage its development”,

aware that the enhancement of its institutional capabilities is a necessary prerequisite for the Movement to fulfil its mandate,

realizing that the provision of resources needs to be increased, especially to support the development programmes and the institutional capabilities of National Societies that are most in need of improving their capacity,

1. supports the Principles and Rules for Development Cooperation as policy guidelines for Red Cross and Red Crescent development;
2. appeals to Governments:
 - a) to cooperate with all components of the Movement for the purpose of encouraging, supporting, and providing disaster preparedness, relief and development activities in support of the most vulnerable;
 - b) to generously provide financial support to the development projects and programmes of National Societies, especially in those countries where the needs are greatest;
3. requests the various components of the Movement, in accordance with their respective mandates:
 - a) to ensure that Frameworks for Development Cooperation are designed and adhered to, in order to strengthen the effectiveness of cooperation among the National Societies, the International Federation of Red Cross and Red Crescent Societies (“Federation”) and the International Committee of the Red Cross (“ICRC”);
 - b) to generously provide financial, personnel and material support to both development projects and institutional development of National Societies, especially those that are most in need of improving their capacity;
 - c) to increase their support to development projects and programmes of National Societies by responding benevolently to the annual Development Appeal of the Federation;
 - d) to support the development of National Societies by contributing generously to the Development Fund of the International Federation of Red Cross and Red Crescent Societies”. (General Assembly, VIIIth Session, Budapest, 1991, Decision 21)

Women in Red Cross/Red Crescent development

The Council of Delegates,

recalling Decision 33 of the VIIth Session of the League General Assembly in 1989, and the endorsement of the Plan of Action on Women in Red Cross/Red Crescent Development,

increasingly concerned about the vulnerability of women and children in situations of deprivation, including disasters,

aware of the often weak economic, social and legal position of women, aggravated by the current adverse socio-economic conditions,

concerned about the continued use of harmful traditional practices threatening the lives of women,

recognizing that the hard life endured by women in the countryside and urban slums is not only a question of basic injustice, but also an impediment to economic and social development,

urges all National Society and Federation representatives responsible for the implementation of development programmes to:

- recognize women as a major beneficiary group for Red Cross/Red Crescent development programmes,
 - ensure that the role of women in situations of disaster is being taken into account adequately,
 - ensure that literacy and other training schemes for women are linked to their daily concerns and aimed at improving their lives,
 - put emphasis on community-based primary health care, including child spacing, family planning and clean water supply, in order to meet some of the most urgent needs of women and children,
 - review the ongoing health activities, particularly first-aid training, to ensure that they cater to the needs of the most vulnerable,
 - promote income-generating activities for women, and ensure that such projects are economically viable and become independent of subsidies from the National Societies,
 - embark upon labour-saving development projects for women, giving high priority to water and fuel supply, child care, agriculture and food processing.
- (Council of Delegates, Budapest, 1991, Resolution 10)

C. Protection of integrity

See also:

Part Three

Section III

Chapter I, Doc. V Policy on the protection of integrity of National Societies

Intervention of the League when two Societies use the name Red Cross Society

The Board of Governors,

taking into account that sometimes there exists, at the same time as a National Society, another Society which illegally uses the same name,

considers that in such a situation, the League should intervene to stop this state of affairs and request Governments to support National Societies in their efforts to that effect. (Board of Governors, XIXth Session, Oxford, 1946, Resolution 9)

Collaboration of National Societies in time of war Sections of National Societies in a territory occupied by the opposing belligerent

The XVIIth International Red Cross Conference,

endorses the following Resolution adopted at the XIXth Session of the Board of Governors of the League of Red Cross Societies:

“If an Occupying Power suppresses a National Red Cross Society which has obtained formal recognition, the Executive Committee of the League of Red Cross Societies shall meet forthwith to examine in what circumstances such suppression took place and shall take every action which is possible and appropriate, at the same time appealing to the conscience of the world, for a decision to be taken by the next International Conference; the same procedure shall be followed if, in consequence of the total or partial occupation of a country, the Occupying Power interferes in the administration of the National Society of the occupied country or in any way impedes it in the pursuit of its aims, or replaces it by a puppet Society”.

recommends that the International Committee of the Red Cross, either independently or, if circumstances require, in consultation with those National Societies which are accessible, take all steps considered possible and useful in response to the appeal of a National Society in occupied territory, both for the security of its funds and the protection of its personnel,

affirms that it is the duty of the National Society of the Occupying Power to intervene with its own Government with a view to ensuring the existence and activities of the National Society of the occupied country. (Stockholm, 1948, Resolution XXIX)

Integrity of National Societies

The Board of Governors resolves that,

- a) in a case where integrity of a National Society is menaced by its own action, the warning of the League should take the form of a resolution by the Executive Committee, which would be communicated by the Secretariat to the Society concerned. This procedure would be applicable prior to the procedure laid down in Article 4 of the Articles of Association, which stipulates action by the Board of Governors;
- b) in a case where integrity is menaced by restrictive action of a Society's own Government, the League shall have the right to take the initiative of addressing itself to Governments to secure information on measures compromising the integrity of Red Cross Societies. This right, however, shall only be exercised in circumstances to be defined by the Board of Governors and according to the procedure which shall be laid down by that Board;
- c) in a case where integrity is menaced by the action of an Occupying Power, a resolution of the Board of Governors shall be conveyed by the Secretariat through the intermediary of the International Committee of the Red Cross, to the Red Cross Society of the Occupying Power. (Board of Governors, XXth Session, Stockholm, 1948, Resolution 5)

D. Relations

See also:

Part Three

Section III	Organization of National Societies and their relations with actors outside the Movement
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Part Four

Section II, Chap V	Res. XXXV of the 20th International Conference (Vienna, 1965) p. 1076
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Section IV, Chap. IV D	Res. 7 of the Council of Delegates (Birmingham, 1993) p. 1156
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Legal protection of privileges and rights of the Red Cross

(IXth International Conference)

States signatory to the Geneva Convention are asked to be good enough to make legal provision for according privileges and rights to Red Cross Societies, such as exemption from taxes and fiscal charges, postal and telegraphic charges, customs duty and others. (Washington, 1912, Resolution IV)

Relations between National Societies

(Xth International Conference)

1. *No Red Cross Society shall set up a Section, Delegation, Committee or Organization, or have any activity in a foreign country without the consent of the Central Committee of the National Society of that country and its own Central Committee, especially as far as the use of the name and emblem of the Red Cross is concerned.*

Central Committees are requested to give such approval generously when it is clear that the foreign Section is working exclusively on behalf of its own countrymen. In case of disagreement, the Central Committees may refer the question to the supreme authority of the International Red Cross.

It goes without saying that foreign Sections should, in the same way as the National Red Cross, respect the legislation and administrative measures of the country in which they are working, and operate always in agreement with the National Red Cross.

Where it is desired to set up foreign Sections in countries which have no National Red Cross or Red Crescent, prior approval of the International Committee of the Red Cross must be obtained. Such Sections, once constituted, are invited, in the highest interest of the Red Cross, to encourage, by their example and influence, the formation of a National Society at the earliest date.

2. *Such undertakings must be exclusively humanitarian, and*
3. *must be recognized and approved by the foreign Red Cross Society.*

It is desirable that the sending of a Red Cross mission, or the constitution of a Section on foreign territory, should be notified to the International Committee, with the names of the responsible directors, and that the International Committee should be kept informed of the activities of such missions or Sections. (Geneva, 1921, Resolution XI)

Relations between National Societies

The XVIth International Red Cross Conference,

having taken cognizance of the proposal of the Chilean Red Cross and the Chilean Government, supported by eleven other delegations, regarding the relationship of National Societies inter se;

considering the recommendations of the Second Pan-American Red Cross Conference held in Washington in 1926,

considering that in order to safeguard the rights of each National Society on its own territory, the meaning of Resolution No. XI of the Xth International Red Cross Conference should be clarified as follows,

recommends to National Societies,

- a) *that no Red Cross Delegation, Section or Committee shall be established in foreign territory without the consent of the Central Committee of the National Society of the country concerned,*
- b) *that this consent should only be asked for in exceptional circumstances, for purposes definitely determined in advance, and for a limited period of time.* (London, 1938, Resolution VII)

Relations between National Societies and the International Committee of the Red Cross

The XVIIth International Red Cross Conference,

expresses the opinion, in which the International Committee of the Red Cross concurs, that the latter, when acting in any given country, particularly in time of war or occupation, should do so, unless circumstances make it impossible or inadvisable, through the medium of the National Society concerned, and should in any event inform that Society of all its activities in the said country, including its dealings with the Government or any of its agencies. (Stockholm, 1948, Resolution XXX)

Relations of National Societies with Governments and national or international organizations in regard to relief

The XVIIth International Red Cross Conference,

recommends that National Societies, while at all times continuing to demonstrate their desire to cooperate with Governments or international organizations for the relief of suffering, and continuing normally to supplement official aid and to give assistance in emergencies, should safeguard their identity and avoid compromising their privileged position of absolute impartiality by combining with other official or non-official organizations,

resolves that appeals made in the name of the Red Cross should relate solely to objectives connected with Red Cross work, that it is contrary to this principle to join with other organizations, and that to do so would result in a loss of prestige to the Red Cross and the weakening of its whole position,

resolves that a National Society should, in no circumstances, share the name or the emblem of the Red Cross, the use of which is governed by the Geneva Convention,

resolves that cooperation between National Societies, Governments or national or international relief organizations may be authorized on the condition that the name and emblem of the Red Cross be used in conformity with the Geneva Conventions. (Stockholm, 1948, Resolution XLI)

Cooperation between the National Societies and the Governments

The XVIIIth International Red Cross Conference,

considering that a National Society, to become a member of the International Red Cross, must first be recognized by its own Government,

considering Resolution LV (1) adopted by the General Assembly of the United Nations on November 19, 1946, which recommends that Governments assist in the establishment and cooperation of National Red Cross, Red Crescent, Red Lion and Sun Societies, while respecting their independent voluntary nature,

considering Resolution No. XL of the XVIIIth International Red Cross Conference enumerating the special facilities that Governments are requested to grant to their National Societies for the carrying out of their tasks,

recommends that the National Societies, while preserving their independence, maintain with their respective Governments regular cooperation in time of peace as in time of war and conclude specific agreements for determining the particular tasks which may be entrusted by Governments to National Societies and accepted by the latter,

reiterates its previous requests to all Governments with a view to obtaining from them the special facilities referred to in Resolution No. XL of the XVIIIth International Red Cross Conference, so as to facilitate, both in time of peace and in time of war, the accomplishment of the humanitarian work of the Red Cross. (Toronto, 1952, Resolution XII)

E. Voluntary service

See also:

Part Four

Section VI, Chap. I

Res. XXVII of the 19th International Conference (New Delhi, 1957) p. 1240

Meaning of the term “volunteer”¹

The Board of Governors,

whereas there is general agreement that in the spirit of the Founder of the Red Cross the word “volunteer” means “one who enters into, or offers himself for any service of his own free will”, the word is applied in some countries to designate unpaid workers,

recommends that in the future National Societies, when using the word “voluntary”, indicate their interpretation of it. (Executive Committee, Geneva, 1950, Resolution 4, para. 3, adopted by the Board of Governors, XXIst Session, Monte Carlo, 1950)

¹ Heading added by the editor.

Role of voluntary service in the Red Cross

The XXIVth International Conference of the Red Cross,
recognizing that voluntary service is a fundamental principle and an essential characteristic of the world Red Cross movement,
considering that the rapid development of contemporary society and, its socio-economic implications generate new needs,
noting the diversification of Red Cross activities and the part taken by a large number of volunteers in the life of their communities, bringing assistance to people in need of aid,
bearing in mind the necessity for continuity in the provision of voluntary service, where applicable in close cooperation with public bodies,
expressing its gratitude to the Henry Dunant Institute and to the League for their excellent and constructive report,
endorsing Recommendation 4 of the Third Regional Conference of European National Red Cross and Red Crescent Societies, held in Budapest in May 1981,

1. *recommends the National Societies:*
 - a) *to proceed to re-examine their activities in order to cause a larger number of volunteers to take part in determining, organizing and carrying out their tasks;*
 - b) *to provide opportunities to volunteers in cooperating, when appropriate, with the authorities and private organizations in planning health and social welfare programmes to cover the needs of the population, and in implementing plans made;*
 - c) *to associate volunteers more closely with the development of health and social welfare activities in their own country, and to give them such tasks as will rouse their sense of responsibility and maintain their interest;*
 - d) *to offer youth real opportunities for training and participation, as volunteers, in all their National Societies activities including management and decision-making;*
 - e) *to encourage dissemination within and outside the Red Cross of the objectives and means of using voluntary services; and to pay more attention to recruiting, selecting and training methods;*
 - f) *to make sure that volunteers admitted to National Societies are fully informed on the ideals and fundamental principles of the Red Cross and are ready to serve them with the loyalty and devotion to duty that are the hallmark of their work for human solidarity;*
2. *recommends the League of Red Cross Societies, within the limits of its plan and budget:*
 - a) *to disseminate the experience acquired in the field of voluntary service, facilitate the setting up and strengthening of links between National Societies, and support them in developing such activities as require the participation of volunteers; and on the basis of information received to see that guidelines on voluntary service are published;*

- b) to invite inter-governmental and non-governmental organizations to recognize the actual and potential value of Red Cross volunteers in humanitarian activities, support them and help them within the limits of their ability to carry out their mission;*
- 3. *recommends Governments:*
 - a) to support the National Societies' efforts to extend the scope of voluntary services and increase their efficiency;*
- 4. *recommends the Henry Dunant Institute:*
 - a) to work in close cooperation with the League and the ICRC for more effective adaptation of voluntary service to the actual needs of society by means of studies and seminars on voluntary service in all its forms;*
 - b) to submit its study to the next International Conference. (Manila, 1981, Resolution XIX)*

Red Cross and Red Crescent voluntary service in today's world

The Twenty-fifth International Conference of the Red Cross,

recalling that the humanitarian work of the International Red Cross and Red Crescent Movement is in the main based on voluntary service, one of the Fundamental Principles of the Movement,

recalling that the new needs resulting from the rapid development of today's society and its socio-economic implications call for the establishment of new community-based services,

emphasizing the increasingly important role played by volunteers in providing these services,

aware of the fact that, more than ever, National Red Cross and Red Crescent Societies are confronted with emergency situations and must be able to rely on an ever larger number of volunteers capable of coping with the consequences of conflicts, natural disasters or the flow of refugees,

taking into account the growing number of humanitarian aid agencies and groups,

- 1. *reaffirms Resolutions XIX and XXIII of the Twenty-fourth International Conference of the Red Cross regarding the role and involvement of volunteers,*
- 2. *takes note of the conclusions of the First World Meeting on Red Cross Voluntary Service (Mexico, 1983),*
- 3. *expresses its gratitude to the Secretariat of the League of Red Cross and Red Crescent Societies and the Henry Dunant Institute for their excellent report drawn up in consultation with the International Committee of the Red Cross,*
- 4. *thanks the Henry Dunant Institute for its constructive study on Red Cross Voluntary Service in Today's Society.*

5. *invites members of the International Red Cross and Red Crescent Movement to continue being extremely attentive to the status, rights and duties of volunteers, their motivation, their recruitment, their training, the integration and participation of volunteers in all phases of planning and implementation of activities, relations between volunteers and remunerated professionals, and finally the relations of volunteers with the other voluntary agencies,*
6. *recommends to National Societies, on the basis of the conclusions and recommendations of the First World Meeting on Red Cross Voluntary Service and of the Henry Dunant Institute study:*
 - a) *to define – already in peacetime and in agreement with the competent authorities or organizations of their respective countries – the arrangements for cooperation, in the event of armed conflict, of voluntary medical personnel with the medical services of the armed forces, in compliance with Articles 24 and 26 of the First Geneva Convention, and with the civil defence services and other health institutions,*
 - b) *to define, already in peacetime in agreement with government health services, the contribution which volunteers, be they on the same footing as military medical personnel or not, can make to tasks not specifically stipulated in Article 24 of the First Convention,*
 - c) *to define with government and regional authorities the contribution which their volunteers should make in the event of natural disasters, in the context of national relief plans,*
 - d) *to facilitate making qualified personnel available for urgent international humanitarian missions,*
 - e) *to promulgate, if they do not already have one, a national charter for volunteers specifying their rights and duties,*
 - f) *to take all suitable measures to ensure that volunteers and those they assist are protected both in their normal activities and in emergency situations,*
 - g) *to lay down practical guidelines for the recruitment of volunteers, taking into account their qualifications and their aspirations, and also the needs to be met,*
 - h) *to ensure that volunteers receive basic training on the Fundamental Principles of the Movement and specific training adapted to the various tasks they may be called on to undertake; this applies in particular to medical personnel likely to be made available to the medical services of the armed forces,*
 - i) *to encourage the participation of volunteers in the planning of programmes of activities and in their evaluation,*
 - j) *to provide for a plan for the personal development of volunteers enabling them to improve their knowledge and have access to greater responsibilities,*
 - k) *to review regularly their international structures at national, regional and local levels in order to adapt them to needs and activities, to ensure the best possible use of human resources, to reinforce the motivation of volunteers and develop their sense of responsibility,*

- l) to set up and develop multidisciplinary teams with a view to integrated activities,*
- m) to cooperate with voluntary agencies and groups and coordinate their activities, notably with respect to the identification of needs, the recruitment and training of volunteers, and the dissemination of humanitarian ideals in strict compliance with the Fundamental Principles of the Movement,*
- 7. *recommends to the League of Red Cross and Red Crescent Societies:*
 - a) that it support National Societies which ask for help in drawing up guidelines for their policy on volunteers,*
 - b) that it continue cooperation with governmental and non-governmental organizations concerned with voluntary service or other subjects in which National Societies play an active role, particularly through their volunteers,*
- 8. *recommends to the International Committee of the Red Cross:*
 - a) that it contribute to the supplementary training of volunteers with a view to their activities in case of conflict or similar situations,*
 - b) that it assist National Societies requesting such assistance in defining with the competent authorities the arrangements for cooperation by voluntary medical personnel in case of armed conflict,*
- 9. *recommends to governments that they support National Society efforts to develop their voluntary services, particularly in emergency situations,*
- 10. *recommends to the Henry Dunant Institute that, in close cooperation with the League and ICRC, it continue and encourage studies on voluntary service and that it organize symposiums, seminars and workshops on the different aspects of voluntary service, reinforcing all the while its training programme for National Society leaders, officers and volunteers. (Geneva, 1986, Resolution XXIII)*

CHAPTER V

INTERNATIONAL RELATIONS

See also:

Part Two

Doc. II	Statutes of the Movement, Art. 7, para. 5
Doc. IV	Statutes of the ICRC, Art. 6
Doc. V	Constitution of the Federation, Art. 40
Doc. VII	Agreement on the organization of the international activities of the components of the International Red Cross and Red Crescent Movement

Doc. X	Principles and Rules for Red Cross and Red Crescent Disaster Relief
Part Three	
Section IV, Doc. II	International Red Cross Aid to Refugees: Statement of Policy, Arts 5, 7, 9 and 10
Part Four	
Section II, Chap. IV D	Res. XLI of the 27Ith International Conference (Stockholm, 1948) p. 1069
Section VI, Chap. I	Res. XXIII of the 19th International Conference (New Delhi, 1957) p. 1240

Relations with the United Nations Organization

The Board of Governors,

decides to recommend to the General Assembly to draw the attention of the members of the United Nations Organization to the fact that it is of a special and particular interest:

1. that the members should encourage and promote the establishment and cooperation of the voluntary National Red Cross and Red Crescent organizations duly authorized;
2. that the independent and voluntary character of the National Red Cross and Red Crescent Societies should be respected in all and every circumstance, provided that such Societies are recognized by their Governments and exercise their action in conformity with the principles of the Geneva and Hague Conventions and in the humanitarian spirit of the Red Cross;
3. that the necessary measures should be taken to maintain contact in all circumstances between the National Red Cross and Red Crescent Societies of all countries, in order to secure the carrying out of their humanitarian work. (Board of Governors, XIXth Session, Oxford, 1946, Resolution 1)

Red Cross relations with the United Nations and other international organizations

The XVIIth International Red Cross Conference,

in view of the non-political character of the constituent bodies of the International Red Cross,

recommends that the International Committee of the Red Cross, the League of Red Cross Societies and the National Societies exercise the greatest care in regulating their relationship with inter-governmental, governmental or non-governmental organizations,

is of opinion that the launching by Governments of appeals for contributions from private sources throughout the world creates a precedent which might endanger the

opportunities of voluntary organizations in appealing for funds; this practice should only be resorted to in time of great emergency. (Stockholm, 1948, Resolution XVIII)

**Development of National Societies
in the fields of health, social welfare and education**

The XXth International Conference of the Red Cross,

conscious of the beneficial results of effective collaboration between the Secretariat of the League of Red Cross Societies and the United Nations, its specialized agencies and other international non-governmental organizations,

aware of the value and importance of good working partnerships between National Societies and governmental, health, education and welfare agencies, especially in developing countries,

stresses the need to promote and expand such working partnerships at both national and international levels,

draws the attention of Governments to the role which National Societies can play in the humanitarian field in their own territories by promoting measures related to the Development Programme approved by the Board of Governors of the League in Vienna in 1965, and

recommends that National Societies establish and/or extend health, education and welfare programmes for youths and adults alike in collaboration with governmental and other non-governmental voluntary agencies to meet specific needs in developing areas. (Vienna, 1965, Resolution XXXV)

CHAPTER VI

FINANCING

**Commission for the financing
of the International Committee of the Red Cross**

The XIXth International Red Cross Conference,

whereas the Commission set up by the XVIIth International Conference of the Red Cross in its Resolution No. VIII has concluded its work and submitted its report,

whereas, according to this report, a number of National Societies have made regular voluntary annual contributions to the International Committee, and whereas the continuation of this support and contributions from all National Societies are desirable, justified, and necessary,

whereas, also, appeals are made by the International Committee to Governments which are members of the International Conference of the Red Cross in accordance with the Resolution of the Diplomatic Conference held in Geneva in 1949, and the participation of National Societies in passing on and supporting these appeals varies of necessity from country to country according to national custom,

decides:

- a) that the report of the Commission set up by the XVIIth International Conference of the Red Cross in accordance with the above-mentioned Resolution is approved;*
- b) that each National Red Cross Society accepts its obligation as a member of the International Red Cross to pay regular, voluntary, annual contributions to the International Committee;*
- c) that each National Red Cross Society will continue to take such steps as it considers advisable with regard to financial appeals made to Governments by the International Committee in accordance with the above Resolution of the 1949 Diplomatic Conference;*
- d) that a new Commission shall be appointed consisting of the National Societies of Czechoslovakia, Great Britain, India, Mexico and The Netherlands. (New Delhi, 1957, Resolution IX)*

Tax exemption for contributions to the Red Cross

The Board of Governors,

being of the opinion that all individuals and corporate bodies should be exempted from income tax in respect of membership fees or contributions to National Red Cross Societies,

recommends National Societies of countries where such exemption does not exist, to approach their Governments with a view to adopting the necessary measures to this end. (Board of Governors, XXVth Session, Athens, 1959, Resolution 24)

Minimal contribution for very small Societies

The Board of Governors,

authorizes the Permanent Scale of Contributions Commission, when presented by a very small Society with a request for a reduction of the minimum quota, to make such reduction if, in the Commission's view, the financial resources of the Society are such as to justify the reduction. (Board of Governors, XXXth Session, Istanbul, 1969, Resolution 13)

Admission fees for new League members

The Board of Governors,

bearing in mind that most National Societies applying for membership of the League have financial problems,

finding it equitable that a Society should not contribute to the budget both for the year of admission and for the following year,

noting that to waive the contribution from newly admitted National Societies for one of these years would not have a significant influence upon the budget,

adopts the following amendment of the Regulation for the admission of new National Societies to the League of Red Cross Societies (adopted by the Board of Governors in 1948) Article 4 (e):

“(e) A statement in which the applicant Society pledges itself to pay its financial contribution for the financial year of its admission, which contribution would also cover the following financial year”. (Board of Governors, XXXIst Session, Mexico, 1971, Resolution 7)

Financing of the ICRC by governments

The XXIVth International Conference of the Red Cross,

noting the specific mandates entrusted to the International Committee of the Red Cross by the Geneva Conventions of 1949, their 1977 Protocols, and the Statutes of the International Red Cross relating to armed conflicts and similar situations,

recognizing the need for adequate financial support for ICRC activities carried out in fulfilment of these mandates, in particular for those activities which the ICRC alone is capable of discharging, especially in the field of protection,

recalling the resolution adopted by the 1949 Diplomatic Conference requesting Governments to provide the ICRC with regular financial support,

recalling also the resolutions adopted by previous International Conferences on the financing of the ICRC,

- 1. appeals to all Governments to provide the ICRC, through sufficient regular annual and special contributions, with the means required to carry out its humanitarian tasks,*
- 2. recommends that Governments include in their budgets provision for regular financial support for the humanitarian assistance activities carried out by the ICRC in aid of victims of armed conflicts or similar situations,*
- 3. decides to renew the mandate of the Commission for the Financing of the ICRC, the members of which shall be the National Societies of Algeria, Colombia, Denmark, Germany (Fed. Rep.), Honduras, Japan, Malaysia, Mauritania and Romania. (Manila, 1981, Resolution XVII)*

Financing of the ICRC by National Societies

The XXIVth International Conference of the Red Cross,

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

noting the continual increase in the ICRC's tasks and the financial burden arising therefrom,

drawing attention to the resolutions adopted by numerous previous International Conferences,

stressing that by virtue of the principle of solidarity binding the members of the Red Cross and Red Crescent, National Societies should help the ICRC to achieve its humanitarian objectives,

1. *encourages the National Societies to support the ICRC in its negotiations with their Governments,*
2. *expresses the wish that the National Societies will do their utmost so that their total voluntary contributions should reach 10% of the ICRC's ordinary account expenditure for the preceding year. The share of each National Society in these contributions should be equal to the percentage assigned to that Society in the League's scale of contributions,*
3. *proposes that the said amount of 10% be re-examined at each meeting of the Council of Delegates. (Manila, 1981, Resolution XVIII)*

Financing of the ICRC by National Societies

The Twenty-fifth International Conference of the Red Cross,

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

having noted with satisfaction an increase in the financial support for the ICRC by a growing number of National Societies,

noting the ICRC's financial needs arising from the increase in its permanent activities, as set out in the document entitled The International Committee of the Red Cross and its future – Five-year Programme, which was published in August 1985 and forwarded to all National Red Cross and Red Crescent Societies,

recalling the resolutions relative to the financing of the ICRC adopted by previous International Conferences,

1. *thanks National Societies which have, on the basis of Resolution XVIII of the Twenty-fourth International Conference, voluntarily contributed to the financing of the ICRC,*
2. *invites them to continue their efforts in order to enable the ICRC to meet the increase in its permanent expenditure,*
3. *mandates the Commission for the Financing of the ICRC to set each year, in conjunction with the ICRC, the rate of the National Societies' overall voluntary contribution to the financing of the ICRC's regular budget, this rate being expressed as a percentage of the regular budget expenditure and it being understood that the said rate shall on no account entail an increase of more than ten per cent from one year to the next in the contribution of each National Society and that each National Society's share in these contributions shall be equal to the percentage assigned to that Society in the League's scale of contributions,*

4. *reiterates its appeal to National Societies which have not yet contributed to the financing of the ICRC, by emphasizing the importance of demonstrating universal solidarity, even through symbolic contributions,*
5. *urges all National Red Cross and Red Crescent Societies to intensify their support for the ICRC in its approaches to their governments. (Geneva, 1986, Resolution XXIV)*

Financing of the ICRC by governments

*The Twenty-fifth International Conference of the Red Cross,
having taken note, of the report submitted by the Commission for the Financing of the ICRC,*

recalling that the humanitarian mandate of the ICRC is based essentially on the 1949 Geneva Conventions, to which 165 States are Parties, which have thereby undertaken to provide the ICRC with the means required to discharge that mandate,

considering the sizeable increase in the ICRC's permanent activities and the resulting increase in its expenditure, as shown in the document entitled The International Committee of the Red Cross and its future – Five-year Programme, which was published in August 1985 and sent to all governments,

recalling Resolution 11 of the 1949 Diplomatic Conference as well as the resolutions, adopted by numerous previous International Conferences, relative to the Financing of the ICRC by governments,

1. *thanks the members of the Commission for the Financing of the ICRC for their work to help increase the ICRC's financial resources,*
2. *renews the mandate of the Commission and decides to raise the number of its members from 9 to 12, one third of whom will be replaced every four years,*
3. *appoints the National Societies of the following countries to be members of the Commission: Algeria, China, Colombia, France, Federal Republic of Germany, Japan, Kuwait, Mauritania, New Zealand, Panama, Romania and Spain,*
4. *notes with satisfaction that a number of governments – though unfortunately too few – have increased their contributions to the ICRC since the previous International Conference,*
5. *appeals to all States Parties to the Geneva Conventions to demonstrate more forcefully their financial support for the work of the ICRC. (Geneva, 1986, Resolution XXV)*

Changes in Scale of Contributions formula

The General Assembly,

approves the following changes for establishing the quotas of National Societies:

- | | | |
|---|-------------|-------------|
| 1. Change in Formula Weighing | From | To |
| National Societies' financial resources | 35% | 40% |
| United Nations' Scale of Contributions | 35% | 40% |
| Six-years' experience factor | 30% | 20% |
| Total | <u>100%</u> | <u>100%</u> |
2. The minimum quota be abolished; and
 3. The Scale of Contributions to be updated annually based on input received from financial resource questionnaires from National Societies. (General Assembly, VIIIth Session, Budapest, 1991, Decision 13)

Travel assistance procedures

The General Assembly,

approves the revised travel assistance as proposed by the Finance Commission to the Executive Council in October 1990 which will provide members with reimbursement for travel costs, hotel and per diem incurred in connection with participation in meetings of the General Assembly, the Executive Council, Constitutional Commissions of the League and Commissions appointed by the General Assembly.

These reimbursements will continue to be subject to the Rules for Travel Assistance laid down by the General Assembly. (General Assembly, VIIth Session, Budapest, 1991, Decision 15)

Financing of the ICRC

The Council of Delegates,

having taken note of the report submitted by the Commission for the Financing of the International Committee of the Red Cross,

having noted that a stable number of National Societies make regular contributions to the ICRC's headquarters budget,

having noted with satisfaction the increase in the number of staff seconded by National Societies to take part in the ICRC's field operations, and the increase in the overall amount of contributions made by National Societies and governments to the ICRC's field budgets,

1. *thinks* National Societies and governments which, by making contributions in cash, kind or services, provide essential support to the ICRC;

2. *thanks* the Commission for the Financing of the ICRC for its work;
3. *decides* to renew the mandate of the Commission for the Financing of the ICRC for four years;
4. *appoints* the National Societies of the following countries to be members of the Commission:
Australia, Costa Rica, Finland, Libyan Arab Jamahiriya and Sierra Leone,
and renews the mandate of National Societies of the following countries:
Algeria, China, Colombia, France, Germany, Japan and Mauritania;
5. *sets* as the objective for the Commission to increase by 10 per cent at least the number of National Societies that contribute to the budgets of the ICRC;
6. *urges* all National Societies to contribute to the activities of the ICRC and to support the ICRC's appeals to their respective governments. (Council of Delegates, Budapest, 1991, Resolution 18)

SECTION III

INTERNATIONAL HUMANITARIAN LAW (IHL)

CHAPTER I

IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW

See also:

Part Four

- | | |
|------------------------|--|
| Section IV, Chap. IV D | Res. 7 of Council of Delegates (Birmingham, 1993)
p. 1156 |
| Chap. V | Res. XIV of the 23rd International Conference
(Bucharest, 1977) p. 1201 |
| Chap. V | Res. XIV of the 24th International Conference (Manila,
1981) p. 1203 |

**Application of the Geneva Conventions
by the United Nations Emergency Forces**

The XXth International Conference of the Red Cross,
considering that the States parties to the Geneva Conventions have undertaken to
respect them and make them respected in all circumstances,
considering further that it is necessary for the United Nations Emergency Forces to
respect these Conventions and be protected by them,
expresses its satisfaction at the practical measures already taken by the United
Nations,
recommends:

1. *that appropriate arrangements be made to ensure that armed forces placed at the disposal of the United Nations observe the provisions of the Geneva Conventions and be protected by them;*
2. *that the Governments of countries making contingents available to the United Nations give their troops – in view of the paramount importance of the question – adequate instruction in the Geneva Conventions before they leave their country of origin as well as orders to comply with these Conventions;*
3. *that the authorities responsible for the contingents agree to take all the necessary measures to prevent and suppress breaches of the said Conventions.* (Vienna, 1965, Resolution XXV)

Protection of prisoners of war

*The XXIst International Conference of the Red Cross,
recalling the Third Geneva Convention of 1949 on the treatment of prisoners of war, and the historic role of the Red Cross as a protector of victims of war,*

considering that the Convention applies to any armed conflict of whatsoever nature between two or more parties to the Convention,

recognizing that, irrespective of the Convention, the international community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, authorization for prisoners to communicate with each other and with the exterior, the prompt repatriation of seriously sick or wounded prisoners, and protection at all times from physical and mental torture, abuse and reprisals,

requests each party to the Convention to take all appropriate measures to ensure humane treatment and prevent violations of the Convention,

calls upon all parties to honour the obligations set forth in the Convention and upon all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are treated humanely and given the fullest measure of protection prescribed by the Convention, and further calls upon all parties to allow the Protecting Power or the International Committee of the Red Cross free access to prisoners of war and to all places of their detention. (Istanbul, 1969, Resolution XI)

Activities of the International Committee of the Red Cross (ICRC)

The XXIIInd International Conference of the Red Cross,

having noted the work which the ICRC has been carrying out on behalf of the victims of conflicts which, unhappily, have continued or which have broken out since the XXIst International Conference of the Red Cross,

noting, however, with concern, that this work encounters all too often insurmountable obstacles resulting in particular from a restrictive interpretation by certain belligerents of the humanitarian obligations incumbent on them under the terms of the Geneva Conventions,

recalling, in this connection, that these Conventions to provide essential protection for the human person constitute solemn commitments vis-à-vis the whole international community, and that the application of the provisions contained therein cannot therefore be subject to reciprocity or to political or military considerations,

considering it essential that Red Cross relief action, carried out by the ICRC in cooperation with National Societies and their Federation, the League of Red Cross Societies, should be speedily available to the victims of every kind of armed conflict in order effectively to relieve human suffering and ensure respect for the human person in all circumstances, which are fundamental aims of the Red Cross,

requests the ICRC, acting in the name of the community of nations and the whole Red Cross movement, to persevere in its efforts to continue to provide essential humanitarian assistance to victims of conflicts,

invites the authorities concerned to permit in all circumstances the accomplishment of the work of the ICRC without subjecting it to conditions or demands which are alien to the spirit and the letter of the Geneva Conventions, of which the provisions are binding on all and are not conditional upon reciprocity. (Teheran, 1973, Resolution I)

Application of the Fourth Geneva Convention of 12 August 1949

The XXIVth International Conference of the Red Cross,

having considered the reports of the ICRC on its activities from 1973 to 1980 and from 1 January to 30 June 1981,

recalling and confirming Resolutions X of 1969, III of 1973 and X of 1977 of the previous International Conferences of the Red Cross,

deeply concerned about the continued refusal of the occupying power to acknowledge the applicability and comply with the totality of its obligations under the Fourth Geneva Convention of 12 August 1949 relative to the protection of civilian persons in time of war,

deeply disturbed by the policies contrary to Article 49 paragraph 6 of the Fourth Geneva Convention affecting the Arab population in the occupied territories in the Middle East,

conscious of the fact that the Parties to the Geneva Conventions have undertaken, not only to respect, but also to ensure respect for the Conventions in all circumstances,

- 1. expresses once more its deep concern for the situation of the Arab civilian population of the occupied territories in the Middle East,*
- 2. reaffirms the applicability of the Fourth Geneva Convention to the occupied territories in the Middle East,*
- 3. request the authorities concerned to fulfil their humanitarian obligations by facilitating the return of people to their homes and their reintegration into their communities,*
- 4. calls upon the occupying power to acknowledge and comply with its obligations under the Fourth Geneva Convention, and to this effect cease forthwith all policies and practices in violation of any article of this Convention,*
- 5. affirms that the settlements in the occupied territories are incompatible with Articles 27 and 49 of the Fourth Geneva Convention,*
- 6. expresses its appreciation to the ICRC and its delegates in the Middle East for their continuous efforts in that region. (Manila, 1981, Resolution III)*

**Respect for international humanitarian law
and for humanitarian principles and support for the activities
of the International Committee of the Red Cross**

*The XXIVth International Conference of the Red Cross,
deeply concerned by the Report on the Activities of the International Committee of
the Red Cross,*

*noting that in several armed conflicts fundamental provisions of the Geneva
Conventions are violated and that these grave violations have often the consequence
of impeding the International Committee of the Red Cross in the discharge of its
activities pursuant to international law applicable in armed conflicts – international,
internal or mixed,*

*observing further that the International Committee of the Red Cross is not always
able to discharge its humanitarian activities in internal disturbances and tensions,*

*alarmed by such violations of the rules of the law of nations and of humanitarian
principles, and likewise by the development of violence and contempt for human
rights in the world,*

*recalling that, pursuant to the Geneva Conventions, the States have the obligation
not only to respect but to ensure respect for these Conventions,*

*makes a solemn appeal that the rule of international humanitarian law and the
universally recognized humanitarian principles be safeguarded at all times and in all
circumstances and that the International Committee of the Red Cross be granted all
the facilities necessary to discharge the humanitarian mandate confided to it by the
international community. (Manila, 1981, Resolution VI)*

**Respect for international humanitarian law in armed conflicts
and action by the ICRC for persons protected by the Geneva Conventions**

The Twenty-fifth International Conference of the Red Cross,

*having taken note of the ICRC's Annual Report since 1981, the five-year report
covering 1981 to 1985 and the half-yearly report for 1986 presented to the Conference
by the ICRC and having heard the report on respect for international humanitarian
law in armed conflicts, delivered by the President of the ICRC,*

*observing with concern the increase in the number of ongoing armed conflicts and
the very long duration of several of the conflicts,*

*having taken note of the report of the President of the ICRC, particularly of the
difficulties encountered by the ICRC in its efforts to protect and assist military and
civilian victims of armed conflicts,*

*deploring the indiscriminate attacks inflicted on civilian populations, the use of
prohibited weapons such as chemical weapons, the forceful displacement of civilian
populations by occupation troops and the destruction of civilian housing in violation
of the laws and customs of war,*

noting a disturbing decline in respect for international humanitarian law, particularly as regards the treatment of prisoners of war, civilian internees and other persons captured in armed conflicts, and as regards the conduct of hostilities and the treatment of civilian populations in violation of the laws and customs of war,

recalling Resolution III of the Twenty-fourth International Conference of the Red Cross which reaffirmed the applicability of the Fourth Geneva Convention to the Arab occupied territories in the Middle East in 1967,

deeply concerned at the difficulties created for the ICRC in its efforts to protect and assist all the military and civilian victims of armed conflicts, including during the carrying out of relief operations,

- 1. regrets that disputes about the legal classification of conflicts too often hinder the implementation of international humanitarian law and the ICRC's work,*
- 2. appeals to all Parties involved in armed conflicts to fully respect their obligations under international humanitarian law and to enable the ICRC to carry out its humanitarian activities,*
- 3. appeals in particular to all such Parties to grant regular access to the ICRC to all prisoners in armed conflicts covered by international humanitarian law and to carry out the early repatriation by phases of prisoners of war in accordance with the Third Geneva Convention and further beyond its provisions as might be acceptable in the interest of humanitarian considerations,*
- 4. also appeals to Parties to the Geneva Conventions to fully carry out their obligations under the Fourth Geneva Convention and to enable the ICRC to fulfil its humanitarian tasks in that context,*
- 5. reminds all Parties to the Geneva Conventions of their common obligation to respect and ensure respect for those Conventions in all circumstances and invites them to support the ICRC in carrying out its humanitarian activities,*
- 6. expresses its conviction that the strict application of the Geneva Conventions could contribute to the peaceful settlement of conflicts,*
- 7. invites the ICRC to inform all Parties to the Geneva Conventions, in accordance with the ICRC rules of confidentiality, of the progress made in the respect for and application of international humanitarian law. (Geneva, 1986, Resolution I)*

Protection of the civilian population in armed conflicts

The Twenty-fifth International Conference of the Red Cross,

deeply alarmed by the reports on the activities of the ICRC covering the period 1981 to 1986,

noting that during this period the Movement has had to intervene in more than thirty armed conflicts,

noting further that most of those conflicts have been of a non-international or mixed character, only covered in part by existing international humanitarian law,

alarmed by the magnitude of the acts of unnecessary cruelty committed during these conflicts, often against innocent civilians,

noting that reprisal attacks not limited to military objects have been carried out in several armed conflicts,

deeply concerned by information that prohibited weapons, including chemical weapons, have been used in some conflicts,

recalling the many previous resolutions of the International Conferences of the Red Cross for the protection of civilian populations against indiscriminate warfare and against the use of certain weapons,

- 1. appeals to all States which have not yet done so to consider becoming Parties to the Protocols additional to the Geneva Conventions and to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons of 1980, which both improve the protection of civilian population in armed conflicts,*
- 2. appeals to all Parties to armed conflicts to require of their armed forces to strictly observe international humanitarian law and rules with regard to the protection of the civilian population,*
- 3. recommends a universal campaign to make known to all, not only to the armed forces, but to the civilians, the rights of the latter according to international law,*
- 4. requests the ICRC to intensify its efforts to improve and secure the protection of non-combatants in non-international or mixed armed conflicts,*
- 5. encourages an expanded use of protective zones in all armed conflicts,*
- 6. recommends also that measures be taken to facilitate the use of modern telecommunication and rapid response systems as a means of protecting groups at risk. (Geneva, 1986, Resolution VIII)*

Formal commitment by the Movement to obtain the full implementation of the Geneva Conventions

The Council of Delegates,

recalling Resolutions I, VIII and IX of the Twenty-fifth International Conference of the Red Cross, held in Geneva in October 1986,

having heard the tribute paid by the Standing Commission of the Red Cross and Red Crescent, through its Chairman, to the International Committee of the Red Cross for its humanitarian activity,

recognizing both the efforts made by the ICRC to discharge its mandate to protect and assist victims of armed conflicts, and the difficulties it encounters in so doing,

concerned about the urgent need to secure the full respect from all governments of the Geneva Conventions, especially with regard to prisoners of war and civilian populations,

1. requests the ICRC in particular to pursue and intensify its endeavours to visit regularly and without any exception all combatants and non-combatants protected by the Third and Fourth Geneva Conventions,
2. invites the ICRC to take all necessary steps to enable it to protect and assist civilian victims of indiscriminate attacks, and victims of the use of prohibited weapons such as chemical weapons,
3. encourages the ICRC in its immensely vital and difficult task, so essential to ensure universal respect for non-combatants, and assures it of the full support of all members of the Movement in the accomplishment of its work. (Council of Delegates, Rio de Janeiro, 1987, Resolution 5)

Humanitarian assistance in situations of armed conflict

The Council of Delegates,

deeply concerned by the suffering of civilian victims of international and non-international armed conflicts and by the scale of ensuing needs,

recalling that the principle of humanity and the rules of international humanitarian law recognize the victims' right to receive protection and assistance in all circumstances,

recalling also that States affected by an armed conflict have the primary responsibility for assisting victims,

stressing that a relief action which is neutral, humanitarian and impartial in character does not constitute interference in the internal affairs of States,

pointing out that respect for the rules of international humanitarian law, in particular those protecting the civilian population against the effects of hostilities, contributes to alleviate the need for food and medical relief,

noting that the destruction of existing infrastructures and the existence of zones of military operations put specific constraints on the transport and distribution of humanitarian aid during armed conflict,

stressing the urgency of the needs and the necessity of gaining access rapidly to the victims in the areas affected by armed conflict,

urges therefore all the parties to an armed conflict and, where applicable, any High Contracting Party:

- a) to respect and ensure respect for the rules of international humanitarian law protecting the civilian population against the effects of hostilities and, in particular, those that prohibit the use of starvation of civilians as a method of combat;

- b) to allow free passage of medicines and medical equipment, foodstuffs, clothing and other supplies essential to the survival of the civilian population of another Contracting Party, even if the latter is its adversary, it being understood that they are entitled to ensure that the consignments are not diverted from their destination;
- c) to agree to and cooperate in relief actions which are exclusively humanitarian, impartial and non-discriminatory in character, within the meaning of the Fundamental Principles of the International Red Cross and Red Crescent Movement;

urges the States to support the work of the ICRC and other humanitarian organizations that are in a position to conduct humanitarian assistance operations for victims of armed conflict in a neutral and impartial manner;

invites the ICRC to pursue its efforts to ensure that the rules of international humanitarian law protecting civilians are implemented, in particular the latter's right to receive supplies essential to their survival, in cooperation with National Societies and in conjunction with all intergovernmental agencies and non-governmental organizations concerned. (Council of Delegates, Budapest, 1991, Resolution 12)

Protection of the civilian population against famine in situations of armed conflict

The Council of Delegates,

having taken note with interest of the report submitted by the ICRC on aid to famine victims during armed conflicts,

deeply concerned by the frequency, extent and duration of famines that have occurred in such situations in recent years,

noting that, in general, the most severe outbreaks of famine are not due to a lack of local natural resources, but to the disruption or deliberate destruction of normal means of production, acquisition and distribution of basic foodstuffs,

noting further that famine tends to become endemic when population movements and the destruction of vital resources are associated with military operations,

stressing that respect for the rules of international humanitarian law, as codified or expanded in Articles 23 and 59 to 61 of the Fourth Geneva Convention of 1949, and Articles 54 and 70 of Additional Protocol I, and Articles 14, 17 and 18 of Additional Protocol II, would in many cases suffice to prevent or reduce the risk of famine as a result of an armed conflict,

1. reminds the authorities concerned and the armed forces under their command of their obligation to apply international humanitarian law, in particular the following humanitarian principles:
 - the prohibition on starvation of civilians as a method of combat,
 - the prohibition on attacking, destroying, removing or rendering useless objects indispensable to the survival of the civilian population,

- the prohibition on displacing civilians unless their security or imperative military reasons so demand and, should such displacements have to be carried out, the stipulation that all possible measures be taken to ensure that the civilians are received under satisfactory conditions of shelter, hygiene, health, safety and nutrition,
 - the obligation to allow humanitarian and impartial relief operations for the civilian population when supplies essential for its survival are lacking;
2. urges the Parties to armed conflicts to maintain conditions enabling civilians to provide for their needs, in particular by refraining from taking any measures destined to deprive them of their sources of food or of access to their crops;
 3. invites governments, with the support of the International Red Cross and Red Crescent Movement, to spread knowledge of and ensure respect for the principles and rules of international humanitarian law which, if applied in situations of armed conflict, suffice to avert or limit famine. (Council of Delegates, Budapest, 1991, Resolution 13)

**Involvement of Red Cross and Red Crescent workers in proceedings
related to violations of International Humanitarian Law**

The Council of Delegates,

recalling the obligations of States to suppress and repress violations of international humanitarian law,

noting with great satisfaction the current national and international developments for more effective repression of breaches of international humanitarian law,

taking note of the efforts of National Red Cross and Red Crescent Societies (National Societies) in promoting international humanitarian law in their countries and encouraging their governments to adopt appropriate national legislation for the punishment of violations of international humanitarian law,

recalling further the Principles of Neutrality and Impartiality as essential conditions for the fulfilment of the humanitarian mandate of the Movement, especially for the activities of the International Committee of the Red Cross (ICRC),

expressing appreciation for the recognition of the testimonial privilege of the ICRC in the jurisprudence of the International Criminal Tribunal for the former Yugoslavia and in the Draft Rules of Procedure and Evidence of the International Criminal Court,

being aware of the potential dangers for the future work of the Movement if representatives of any of the components are called upon to give evidence in proceedings for the punishment of violations of international humanitarian law,

stressing the great importance of a concerted approach of the components of the Movement on this issue,

1. *takes note* of the work and consultations of National Societies, the International Federation of Red Cross and Red Crescent Societies (International Federation) and the ICRC, regarding the involvement of individual components of the Movement in proceedings for the punishment of violations of international humanitarian law;
2. *invites* the National Societies, together with the International Federation and the ICRC, to continue their efforts to raise awareness of this issue within the Movement and with relevant public authorities, explaining the potential risk to the humanitarian action of all components of the Red Cross/Red Crescent involvement in proceedings on violations of international humanitarian law;
3. *requests* the ICRC and the International Federation, together with the National Societies, to develop appropriate briefing on this issue and to elaborate practical measures to introduce the issue into the training of Red Cross/Red Crescent workers and delegates;
4. *further invites* the National Societies and the International Federation to review and promote standard clauses in the contracts of Red Cross/Crescent workers in order to ensure appropriate actions when asked for cooperation;
5. *suggests* that National Societies, when their delegates or staff are asked for information obtained during their missions to be used in national or international procedures for the punishment of violations related to crimes under international humanitarian law, inform the International Federation and the ICRC for advice prior to taking further action;
6. *encourages* States, when ratifying the Statute of the International Criminal Court, not to make the declaration provided for in Article 124 of this Statute;
7. *requests* the ICRC and the International Federation to report to the 2003 session of the Council of Delegates on the progress made. (Council of Delegates, Geneva 2001, Resolution 9)

See also:

Part Three

Section IV, Doc. VIII Plan of Action concerning children in armed conflict

Part Four

Section IV, Chap IV Assistance and protection for conflict victims

Child soldiers

The Council of Delegates,

recalling that children suffer particular hardship during armed conflicts and that international humanitarian law in general, and the Geneva Conventions and their Additional Protocols in particular, afford them special attention and protection,

recalling that international humanitarian law, as expressed in Protocol I, Article 77, and Protocol II, Article 4, sets at fifteen the minimum age for the participation of children in hostilities, and stipulates that in recruiting persons between the ages of fifteen and eighteen priority is to be given to those who are oldest,

recalling Resolution IX entitled “Protection of children in armed conflicts”¹ and Resolution XX entitled “Assistance to children in emergency situations”² of the 25th International Conference of the Red Cross,

mindful of Article 38 of the United Nations Convention on the Rights of the Child³ concerning children in situations of armed conflict,

welcoming the provision of the African Charter on the Rights and Welfare of the Child, which requires respect for the rules of international humanitarian law specially protecting children,

having taken note of the report of the Conference on Children of War held in Stockholm from 31 May to 2 June 1991,

deeply concerned that in many areas of the world children continue to take part in hostilities and are recruited into armed forces, and that some governments and armed non-governmental entities encourage and sometimes compel children to take part in hostilities,

deploring the fact that many child soldiers have been killed or seriously injured and that others languish as prisoners of war,

concerned that children in areas affected by armed conflict may be induced to participate in hostilities for lack of alternative means of satisfying their basic needs of food, clothing and shelter,

also concerned that persons under the age of eighteen years may not be sufficiently mature to understand the consequences of their actions, and to comply with international humanitarian law,

recognizing that children who have been caught up in armed conflicts, and particularly those who have participated in hostilities, are often mentally, morally and physically marked for life,

deeming it necessary to take steps to afford children better protection during armed conflicts and to put an end to their participation in hostilities,

1. appeals to all Parties to armed conflicts strictly to observe the rules of international humanitarian law affording special protection to children;
2. invites States and other parties to armed conflicts to strengthen the protection of children in armed conflicts through unilateral declarations or bilateral or regional instruments setting at eighteen the minimum age for participation in hostilities;

¹ See Part Four, Section IV, Chapter IV

² See Part Four, Section V, Chapter III A

³ Part One, B XVI

3. invites National Red Cross and Red Crescent Societies to do everything possible to protect children during armed conflicts, particularly by ensuring that their basic needs are met and by organizing peaceable and educational activities for them;
4. requests the Henry Dunant Institute to undertake a study, subject to financing, on the recruitment and participation of children as soldiers in armed conflicts, and on measures to reduce and eventually eliminate such recruitment and participation;
5. decides to re-examine, at the Council of Delegates in 1993, on the basis of the aforementioned study, the situation of children in armed conflicts. (Council of Delegates, Budapest, 1991, Resolution 14)

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. (Council of Delegates, Birmingham, 1993, Resolution 4)

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 inter-governmental 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. (Council of Delegates, Birmingham, 1993, Resolution 2)

Armed protection of humanitarian assistance¹

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;

¹ See also Part Three, Section III, Chapter III

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. (Council of Delegates, Birmingham, 1993, Resolution 5)

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. (Council of Delegates, Birmingham, 1993, Resolution 11)

International humanitarian law applicable to armed conflicts at sea

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

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

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

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

- 1. urges States that have not yet done so to draft manuals on international humanitarian law applicable to armed conflicts at sea;
- 2. encourages States to take into account, whenever possible, the provisions of the *San Remo Manual* when drafting manuals and other instructions for their naval forces;

3. *invites* the ICRC, the International Federation of Red Cross and Red Crescent Societies and the National Red Cross and Red Crescent Societies to promote knowledge of contemporary international humanitarian law applicable to armed conflicts at sea. (Geneva 1995, Resolution 3)

Peace, international humanitarian law and human rights

The Council of Delegates,

having taken cognizance of the various interim and progress reports on work accomplished in areas pertaining to children in armed conflicts, street children, and the role and attitude of the Movement in regard to arms transfers, anti-personnel landmines and the security of field personnel,

recalling all the efforts made to foster peace and develop the Movement's contribution to respect for human rights and for international humanitarian law, and the importance of ensuring the promotion and implementation thereof,

stressing the need to encourage any initiative aimed at promoting indigenous local capacities for conflict resolution and peace building, tolerance, solidarity, dialogue and mutual understanding, at combating all forms of discrimination and at raising awareness of those values,

reaffirming the necessity for the Movement, which upholds such values, to continue its efforts to spread knowledge of the rules of international humanitarian law and the principles and ideals of the Movement and to achieve greater respect for the fundamental rights of the individual,

1. With regard to children affected by armed conflict:

recalling Resolution 2C of the 26th International Conference of the Red Cross and Red Crescent (1995), recommending that "parties to conflict refrain from arming children under the age of 18 years and take every feasible step to ensure that children under the age of 18 years do not take part in hostilities", and Resolution 5 of the Council of Delegates (1995) endorsing a Plan of Action for the Red Cross and Red Crescent Movement concerning children in armed conflicts,

welcoming the resolution adopted by the Organization of African Unity (Sixty-sixth Ordinary Session of the Council of Ministers, 26-30 May 1997, Harare, Zimbabwe) condemning recruitment and conscription of children under the age of 18 years,

mindful that the Geneva Conventions of 1949 and their 1977 Additional Protocols establish protection for children affected by armed conflict and provide a basis for the Movement's services on behalf of these children,

commending the progress made by the ICRC, the National Societies and the International Federation in implementing the Movement's Programme on Children Affected by Armed Conflict (CABAC),

welcoming the work of the international coordinating group set up to monitor implementation of the Plan of Action, and the cooperation established between the Movement and other organizations,

concerned by the number of contexts in which armed conflict is still having a serious effect on children, and by the resulting need to increase support for activities on their behalf,

regretting the fact that no international agreement has yet been reached to set at 18 years the minimum age limit for recruitment into armed forces or armed groups and for participation in hostilities,

1. *urges* all National Societies, the International Federation and the ICRC to implement the Plan of Action for the Red Cross and Red Crescent Movement concerning children in armed conflicts;
2. *further urges* all National Societies, the International Federation and the ICRC to support the work of the international coordinating group set up to facilitate and monitor implementation of the Plan of Action;
3. *takes note* with interest of the report on progress achieved in implementing the Plan of Action and requests the international coordinating group to submit a report to the Council of Delegates in 1999;
4. *calls on* all the components of the Movement to undertake specific action aimed at providing all necessary psychological and social assistance to children affected by armed conflict, and to take every feasible measure to help reintegrate the children into their families, their communities and their normal environment after the conflict;
5. *appeals* to all National Societies to promote the Movement's position on the 18-year age limit for recruitment and participation in hostilities, with a view to encouraging their respective governments to adopt national legislation and recruitment procedures in line with this position;
6. *asks* National Societies of countries that have already adopted the 18-year age limit for recruitment and participation to urge their respective governments to make their positions known to other governments, and to encourage their respective governments to participate in and support the process of drafting an optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts;
7. *acknowledges* the efforts made by the ICRC and the International Federation to support and facilitate action by National Societies with regard to this 18-year age limit and to promote the minimum age limit in the relevant international fora, and *requests* them to continue those efforts within the framework of the Plan of Action for the International Red Cross and Red Crescent Movement concerning children affected by armed conflict.

2. *With regard to street children:*

deeply concerned about the growing number of street children in the vast majority of countries and the conditions in which they are forced to live, which deprive them of their basic rights,

expressing grave concern at all forms of abuse, exploitation and neglect to which street children are particularly vulnerable,

aware of the capacities and potential of National Societies to advocate the plight of street children and to contribute to improving their situation and meeting their particular needs,

recalling Resolution 2, operative para. 5, adopted by the 1995 Council of Delegates and resolution 51/77, Chapter VI, of the General Assembly of the United Nations of 12 December 1996, on the plight of street children,

recalling the UN Convention on the Rights of the Child as the major international legal instrument for the protection of the rights of all children, including street children,

1. *takes note* of and congratulates the Henry Dunant Institute for its study on street children carried out in collaboration with the ICRC and the International Federation and thanks National Societies which have actively contributed to it;
2. *urges* National Societies to include street children in their health, social, or youth programmes, since they are an especially vulnerable group;
3. *recommends* that National Societies draw inspiration from experiences developed within the Movement with street children, and *strongly encourages* them to cooperate effectively within the Movement and with intergovernmental and non-governmental organizations which have expertise in this domain;
4. *calls upon* National Societies to actively take part in advocating the plight of street children, since this problem is still denied in some countries;
5. *invites* National Societies to create preventive programmes, to provide assistance to street children in order to guarantee their rights as set down notably in the UN Convention on the Rights of the Child, and to ensure their reintegration into society, with the participation of the children themselves;
6. *requests* the International Federation to establish a task force on street children to reinforce awareness of this issue, to draw up and implement a Plan of Action on the basis of the study of the Henry Dunant Institute, with the aim of encouraging action by National Societies, and to report back to the next Council of Delegates.

3. *With regard to anti-personnel landmines:*

deeply alarmed by the appalling level of suffering caused by the presence of millions of anti-personnel landmines worldwide,

endorsing the campaign of the International Red Cross and Red Crescent Movement against the scourge of anti-personnel mines,

noting with appreciation the proposals made by the ICRC to the international community to greatly improve assistance to landmine victims,

welcoming the increasing number of unilateral decisions to ban anti-personnel mines and of regional initiatives for the establishment of zones free of these weapons,

welcoming also the rapid progress being made towards the global prohibition of the production, transfer, stockpiling and use of anti-personnel mines,

welcoming in particular the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, adopted in Oslo on 18 September 1997,

taking into account Resolution 10 of the 1995 Council of Delegates,

1. *urgently calls upon* National Societies to promote the signing by their governments, in Ottawa in December 1997, of the aforementioned comprehensive international humanitarian law Convention prohibiting anti-personnel mines, to work for the earliest possible national ratification of this treaty to ensure its rapid entry into force, and to encourage their governments to take all appropriate additional means to achieve the total elimination of all anti-personnel mines;
2. *calls upon* National Societies, where required, to encourage their governments to adopt national legislation outlawing anti-personnel landmines;
3. *urges* all components of the Movement to intensify their efforts in support of the total prohibition and elimination of all anti-personnel mines, the care, treatment and rehabilitation of landmine victims, including their social and economic reintegration, and mine awareness programmes as foreseen, *inter alia*, in Article 6 of the aforementioned Convention;
4. *encourages* all components of the Movement, when considering support for mine clearance activities, to follow the guidelines for the Movement on this subject;
5. *requests* the ICRC and the International Federation, in consultation with National Societies, to elaborate a long-term strategy to address the anti-personnel mines problem, in particular the suffering of victims, and further develop mine-awareness programmes, thus showing the continuing commitment of the Movement to the mines issue;
6. *requests* the ICRC and the International Federation to report to the 1999 meeting of the Council of Delegates on progress made towards the total prohibition and elimination of all anti-personnel landmines, in alleviating the suffering of victims, and in elaborating and carrying out the aforementioned long-term strategy of the Movement.

4. *With regard to arms transfers:*

noting with concern the easy access of combatants and civilians unfamiliar with the requirements of international humanitarian law to a wide variety of weapons, particularly small arms, and their frequent use against civilian populations and in violation of basic humanitarian principles,

recalling Council of Delegates Resolution 2, para. 8, of 1995, which called for study and clarification of the Movement's role and attitude on the problem of arms transfers,

recalling further the concern about the proliferation of weapons expressed by the Movement to the 26th International Conference of the Red Cross and Red Crescent and the Conference's mandate to the ICRC to study the relationship between arms availability and violations of international humanitarian law,

welcoming the ICRC's discussions with legal advisers of National Societies, in October 1996, on the subject of arms transfers and international humanitarian law,

taking note of the report to the present Council of Delegates on changing patterns of arms transfers since the end of the Cold War,

1. *expresses* its concern about the easy availability of arms which may facilitate violations of international humanitarian law;
2. *supports* the ICRC's efforts to document the manner in which unrestrained arms transfers may facilitate violations of international humanitarian law and increase the suffering of civilians in situations of armed conflict;
3. *requests* that the role and attitude of the Movement on this issue be further clarified, before the next meeting of the Council of Delegates.

5. *With regard to the security and safety of the staff of humanitarian organizations:*

alarmed by the ever-more frequent threats to the safety and security of Red Cross and Red Crescent personnel and of the staff of other humanitarian organizations, in particular through intentional and often fatal violent attacks, as well as by hostage-taking,

worried that the targeting of acts of violence against neutral and impartial humanitarian activities is likely to put threatened populations in jeopardy through lack of protection and assistance,

concerned by the failure to respect the red cross and red crescent emblems in these situations and aware of the increased risk of confusion in the field between the humanitarian players and between their different modes of action, and of the consequent deterioration of security,

reaffirming that humanitarian law also extends protection to the relief work of impartial and humanitarian organizations which is carried out, without any adverse distinction, in favour of the civilian population,

aware of the forthcoming Periodical Meeting of States, where the security and safety of humanitarian personnel will be discussed,

recalling Resolution 9 of the 1995 Council of Delegates,

1. *appeals* to all components of the Movement to urge States to take all necessary steps, both nationally and internationally, without prejudice to the Fundamental Principles, to ensure unimpeded access to vulnerable people;
2. *appeals* to all components of the Movement to urge States to take all necessary steps, both nationally and internationally, without prejudice to the Fundamental Principles, to maximize the security and the safety of humanitarian workers;
3. *reaffirms* the obligation, under international humanitarian law, of parties to armed conflicts to respect and protect relief work and in particular personnel engaged in relief operations;
4. *reaffirms* the obligation of the States party to the Geneva Conventions of August 12, 1949 to adopt national legislation protecting the red cross and red crescent emblems and the need to broaden awareness of the protective significance of these emblems by the States and by the components of the Movement;
5. *reminds* all components of the Movement of the necessity to adhere strictly to the Fundamental Principles in all their actions, of their obligations under Resolution 9 of the 1995 Council of Delegates and of the need to promote clear and consistent humanitarian principles and standards among all humanitarian agencies providing assistance and protection;
6. *strongly recommends* that all components of the Movement further develop recruitment and training policies and activities, as well as improve their communication and information networks on these issues;
7. *recommends* that all components of the Movement working in the field seek and rely more on informed local knowledge of the safety and security situation;
8. *expresses* its deepest sympathy to the families of the murdered Red Cross and Red Crescent staff and volunteers.

6. Follow-up:

decides to continue placing a regular item on its agenda devoted to the promotion of activities aimed at fostering peace and achieving greater respect for the rules of international humanitarian law and the fundamental rights of the individual. (Council of Delegates, Seville, 1997, Resolution 8)

Customary international humanitarian law

The Council of Delegates,

reaffirming the undertaking of all States and parties engaged in armed conflict to respect and ensure respect for international humanitarian law,

recognizing the importance of working toward the universal ratification of treaties on international humanitarian law,

considering the continued importance of customary international humanitarian law in the light of the fact that not all humanitarian treaties have been universally ratified,

noting that treaty law governing non-international armed conflicts is not well developed although these conflicts predominate today,

recalling Resolution 1 of the 26th International Conference of the Red Cross and Red Crescent and the mandate entrusted to the ICRC to prepare a study on customary rules of international humanitarian law applicable in international and non-international armed conflicts,

noting with great appreciation the extensive efforts undertaken by the ICRC to prepare this study in accordance with the above-mentioned mandate,

1. *welcomes* the study on customary international humanitarian law published by the ICRC as an important contribution to the protection of war victims;
2. *recommends* the study to all components of the Movement as a basis for discussion, where relevant, with national authorities, armed forces, academic circles and parties to an armed conflict;
3. *invites* National Societies, to the extent of their capacities, to disseminate the findings of the study as widely as possible. (Council of Delegates, Seoul, 2005, Resolution 1)

**Reaffirmation and implementation of
international humanitarian law**

“Preserving human life and dignity in armed conflict”

The 30th International Conference of the Red Cross and Red Crescent, *recalling* the Declaration and the Agenda for Humanitarian Action adopted by the 28th International Conference of the Red Cross and Red Crescent, *stressing* that these documents remain as pertinent today as they were in 2003, and *encouraging* all members of the Conference to continue to work towards their full implementation,

convinced that international humanitarian law remains as relevant today as ever before in international and non-international armed conflicts and continues to provide protection for all victims of armed conflict,

underlining, in this regard, that the protection offered by human rights law does not cease in the event of armed conflict, save through the effect of provisions for derogation, *recalling* that while some rights may be exclusively matters of international humanitarian law, others may be exclusively matters of human rights law and yet others may be matters of both these branches of international law, and *emphasizing* that human rights law, international humanitarian law and refugee law provide protection to victims of armed conflict, within their respective spheres of application,

renewing the unequivocal commitment of all members of the Conference to respect and ensure respect for international humanitarian law in all circumstances,

stressing, however, that international humanitarian law governs only situations of armed conflict, and should not be extended to other situations,

welcoming ongoing discussions on international humanitarian law in view of its reaffirmation and implementation in facing the challenges posed by contemporary armed conflict,

deeply concerned that civilian populations and individual civilians continue to bear the brunt of armed conflicts and remain the main victims of violations of international humanitarian law committed by parties to an armed conflict, and *strongly condemning*, in this regard, attacks on civilian objects and civilians not taking a direct part in hostilities, including humanitarian relief personnel, journalists, other media professionals and associated personnel, as well as the use of human shields,

recalling the need to take into account the specific requirements in terms of protection, health and assistance of women, children, the elderly, the disabled, the infirm, displaced persons, refugees, persons deprived of their liberty and other persons with specific needs,

welcoming the universal ratification of the 1949 Geneva Conventions, expressing the hope that other international humanitarian law treaties will also

achieve universal acceptance and *calling upon* all States to consider adhering to international humanitarian law treaties to which they are not yet party,

noting the entry into force of Protocol III additional to the 1949 Geneva Conventions on 14 January 2007,

noting that the principles and provisions of international humanitarian law derive not only from international treaties, but also from customary international law,

recalling that the obligation to respect international humanitarian law binds all parties to an armed conflict, and *emphasizing* that this obligation is not based on reciprocity,

welcoming the progress made in the implementation of international humanitarian law and *acknowledging* the importance of taking measures at all levels to achieve effective implementation, dissemination and enforcement of international humanitarian law,

noting with appreciation the increasing number of partnerships and synergies, in the fields of implementation, dissemination and development of international humanitarian law, between States, international and regional organizations, the ICRC, National Red Cross and Red Crescent Societies and their International Federation, academic institutions, non-governmental organizations and civil society,

recalling, in particular, the special responsibilities of National Societies, as auxiliaries to the public authorities of their respective States in the humanitarian field, to cooperate with and assist their governments in the dissemination and implementation of international humanitarian law, including its provisions for the protection of the emblems,

acknowledging that, while progress has been made, efforts to enforce international humanitarian law at the domestic and international levels still fall far short of the requirements of justice, and *recognizing* that impunity for crimes under international law is not acceptable and that victims' rights can no longer be disregarded,

Resolves as follows:

Respect and ensure respect

1. *reaffirms* the obligation of all States and parties to an armed conflict to respect and ensure respect for international humanitarian law in all circumstances;
2. *stresses*, in this regard, the obligation of all States to refrain from encouraging violations of international humanitarian law by any party to an armed conflict and to exert their influence, to the degree possible, to prevent and end violations, either individually or through multilateral mechanisms, in accordance with international law;

Fundamental guarantees

3. *reaffirms* that all persons in the power of a party to an armed conflict, including persons deprived of their liberty for reasons related to the armed conflict, are entitled to the fundamental guarantees established by international humanitarian law in both international and non-international armed conflict and that, as a result, no one can be outside the law;
4. *stresses* that these fundamental guarantees apply without any adverse distinction based upon race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or upon status, or on any other similar criteria;
5. *reaffirms*, in this regard, the continued importance of full compliance with Article 3 common to the 1949 Geneva Conventions, which expresses certain fundamental guarantees, as supplemented by applicable treaty law and customary international law;
6. *reaffirms* the obligation of humane treatment for all persons in the power of a party to an armed conflict, including persons deprived of their liberty for reasons related to the armed conflict, and the obligation to respect their personal convictions and religious practices, and *reaffirms*, in this regard, the prohibition of murder, torture, whether physical or mental, cruel or inhuman treatment, outrages upon personal dignity, in particular humiliating and degrading treatment, corporal punishment, mutilations, medical or scientific experiments, rape and other forms of sexual violence, the taking of hostages, enforced disappearance and collective punishments;
7. *stresses* the vital importance of providing all persons deprived of their liberty for reasons related to an armed conflict, whether detained or interned, with procedural safeguards aimed at ensuring that such detention or internment is lawful and does not amount to arbitrary deprivation of liberty, including a review of the basis for and continued legality of the detention or internment by an independent and impartial body, without prejudice to the legal regime applicable to prisoners of war;
8. *reaffirms* that all persons subject to arrest on a criminal charge and those on trial are entitled to a fair trial affording all the essential judicial guarantees, including the presumption of innocence, trial by an independent, impartial and regularly constituted court, and necessary rights and means of defence;
9. *recognizes* that additional, specific protections are provided under international humanitarian law to prisoners of war and other protected persons, such as civilian internees;

Humanitarian and medical assistance

10. *reaffirms* the obligation of parties to an armed conflict, as well as third States, to grant humanitarian relief and relief workers rapid and unimpeded access to

civilian populations in need, subject to and in accordance with international humanitarian law, including sovereign consent, and further *reaffirms*, in this regard, the obligation to respect and to protect humanitarian relief personnel;

11. *recalls* the obligation to respect and to protect medical personnel, including Red Cross and Red Crescent workers, their means of transport, as well as medical establishments and other medical facilities at all times, in accordance with international humanitarian law, and *recognizes* the importance of medical personnel having access to any place where their medical services are required;
12. *stresses* the obligation of all parties to an armed conflict to recognize and uphold the protective value of the distinctive emblems recognized by the Geneva Conventions and, where applicable, their Additional Protocols;
13. *deplores* the misuse of medical establishments and other medical facilities and of the distinctive emblems to carry out military operations that place civilians, the wounded and sick, and medical personnel in danger;

Conduct of hostilities

14. *reaffirms* the principle of distinction between civilians and combatants and between civilian objects and military objectives as a cardinal principle of international humanitarian law to be strictly observed by all parties to armed conflict at all times, regardless of the motives underlying the armed conflict;
15. *reaffirms* the prohibition of attacks directed at civilians or civilian objects, the prohibition of indiscriminate attacks, the principle of proportionality in attack, the obligation to take all feasible precautions in attack as well as against the effects of attack and, to protect and spare the civilian population, and the prohibition on using human shields;
16. *reaffirms* the prohibition of acts or threats of violence, the primary purpose of which is to spread terror among the civilian population;
17. *reaffirms* that the right of the parties to an armed conflict to choose methods and means of warfare is not unlimited and that it is prohibited to employ weapons, projectiles and materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering;
18. *calls* on all States to increase their efforts to strengthen the protection of civilians against the indiscriminate use and effects of weapons and munitions and *recognizes*, in this regard, the need to urgently address the humanitarian impact of explosive remnants of war and cluster munitions, including through rigorous application of existing rules of international humanitarian law and additional national and international actions that will minimize the harmful effects of these munitions on civilians and on assistance to victims;
19. *recalls* the obligation as expressed in Additional Protocol I (Art. 36) to review the legality of new weapons, means and methods of warfare and urges all States to consider establishing specific review mechanisms to this effect;

20. *stresses* that, in light of the obligation of States to respect and ensure respect for international humanitarian law, adequate measures to control the availability of arms and ammunition are required so that they do not end up in the hands of those who may be expected to use them in violation of international humanitarian law;

Achieving effective implementation

a. National implementation

21. *recalls* that the obligation to respect international humanitarian law cannot be fulfilled without domestic implementation of international obligations and therefore *reiterates* the need for States to adopt all the legislative, regulatory and practical measures that are necessary to incorporate international humanitarian law into domestic law and practice;
22. *emphasizes*, in this regard, the need to adopt such measures for the use and protection of the distinctive emblems, the repression of serious violations of international humanitarian law, the protection of cultural property, the regulation of means and methods of warfare and the protection of the rights of missing persons and their families, among others;
23. *acknowledges* with satisfaction the effective role and increasing number of national committees and other bodies involved in advising and assisting national authorities in implementing, developing and spreading knowledge of international humanitarian law, and *encourages* States which have not yet established such a national committee or similar body to consider doing so;

b. Doctrine, training and education

24. *recalls* that, in order to ensure respect for international humanitarian law in the conduct of military operations, it is essential that the law be translated into measures and mechanisms, at the level both of doctrine and of procedures. It is equally important that armed forces personnel at all levels be properly trained in the application of international humanitarian law;
25. *stresses*, in this regard, the responsibility of military commanders for the training of their personnel and for the orders they give to their subordinates, and *recalls* that it is essential therefore that commanders receive training commensurate with their responsibility;
26. *recalls* the importance, to this end, of the availability within the armed forces of legal advisers to advise commanders, at the appropriate level, on the application of international humanitarian law;
27. *reaffirms* that it is equally important that the civilian population be educated about international humanitarian law and, in this regard, *encourages* States to intensify their efforts and, in particular, to adopt educational programmes for

young people, such as the Exploring Humanitarian Law education modules, and *encourages* National Societies to increase their efforts to spread knowledge of international humanitarian law in all sectors of society;

c. Ending impunity

28. *recognizes* that while implementation, training and education are prerequisites for States to comply with their obligation to respect international humanitarian law, enforcement, in particular through the rigorous application of the system of individual responsibility for serious violations of international humanitarian law, is required to put an end to impunity and to encourage future respect;
29. *stresses*, in this regard, that it is indispensable that all States create a domestic legal framework for the investigation of crimes under international law, in particular war crimes, and for the prosecution or extradition of persons suspected of having committed such crimes;
30. *underlines* the importance of visible, predictable and effective sanctions, whether penal or disciplinary, in order to ensure respect for international humanitarian law and to deter future violations;
31. *urges* States to make further progress in promoting accountability for the commission of crimes under international law by making domestic criminal justice more effective through, *inter alia*, assistance to States in developing the capacities of their domestic courts, by improving international judicial cooperation among States, as well as between States and international and “mixed” criminal courts and tribunals, by considering becoming party to the Statute of the International Criminal Court and by providing for jurisdiction over such crimes consistent with international law;
32. *encourages* the use of fact-finding mechanisms, such as the International Fact-Finding Commission established under Article 90 of Additional Protocol I, in restoring respect for international humanitarian law;
33. *invites* the ICRC, in furtherance of its previously reported efforts, to continue its reflection and work on improving compliance with international humanitarian law, and to include, where appropriate, an update in its reporting to the next International Conference on this issue;
34. *reminds* States of the need to address victims’ rights in accordance with international law;
35. *calls upon* all members of the Conference to take effective measures to implement this resolution.
(Geneva, 2007, Resolution 3)

CHAPTER II

ADDITIONAL PROTOCOLS **(RATIFICATION, ACCESSION)**

See also:

Part One

International humanitarian law, Section A – Geneva Conventions and Additional Protocols

Part Four

Section I, Chap. I Res. 1 of the 29th International Conference (Geneva 2006), p. 987

Section III, Chap. I Res. VIII, para. 1, of the 25th International Conference (Geneva, 1986), p. 1088

The Protocols additional to the Geneva Conventions

*The Twenty-fifth International Conference of the Red Cross,
recalling Resolution VII adopted by the Twenty-fourth International Conference of
the Red Cross,*

*having examined the ICRC report on signatures, ratifications and accessions to the
Protocols additional to the Geneva Conventions of 1949, adopted by consensus on
8 June 1977 at the Diplomatic Conference in Geneva,*

*confirming the interest of the International Conference in the reaffirmation and
development of international humanitarian law applicable in armed conflicts,*

*mindful of the need for consolidating and implementing the existing body of
international humanitarian law and for the universal acceptance of such law,*

*particularly mindful of the need to protect the civilian population against the
effects of hostilities and of the role of the ICRC, National Red Cross and Red Crescent
Societies and civil defence organizations in this respect,*

1. *appreciates the virtually universal acceptance of the Geneva Conventions of 1949,*
2. *notes, however, the fact that so far a more limited number of States have become Parties to the two Additional Protocols,*
3. *appeals to all States Parties to the Geneva Conventions of 1949 to consider becoming Party also to the Additional Protocols at the earliest possible date,*
4. *calls upon all States becoming Parties to Protocol I to consider making the declaration provided for under Article 90 of that Protocol,*
5. *requests the ICRC, within its statutory mandate and in cooperation with National Societies, to promote knowledge of the Additional Protocols for the purpose of realizing the above objectives. (Geneva, 1986, Resolution II)*

CHAPTER III

NATIONAL MEASURES TO IMPLEMENT
INTERNATIONAL HUMANITARIAN LAW**National measures to implement international humanitarian law**

The Twenty-fifth International Conference of the Red Cross,

conscious of the fact that the Parties to the Geneva Conventions and the Additional Protocols have undertaken to respect and also to ensure respect for these instruments in all circumstances,

recalling the duty of the States Parties to communicate to one another, through the depositary and, during hostilities, through the Protecting Powers, the official translations of the Conventions and the Additional Protocols, as well as the laws and regulations they may adopt to ensure their application,

having examined the document presented by the ICRC on Respect for international humanitarian law – National measures to implement the Geneva Conventions and their Additional Protocols in peacetime,

reaffirming that the very applicability of international humanitarian law depends largely upon the adoption of appropriate national legislation,

- 1. urges governments of States Parties to the Geneva Conventions and, as the case may be, to the Additional Protocols to fulfil entirely their obligation to adopt or supplement the relevant national legislation, as well as to inform one another, as stated above, of the measures taken or under consideration for this purpose,*
- 2. invites National Societies to assist and cooperate with their own governments in fulfilling their obligation in this respect,*
- 3. appeals to governments and National Societies to give the ICRC their full support and the information to enable it to follow up the progress achieved in legislative and other measures taken for the implementation of international humanitarian law,*
- 4. requests the ICRC to gather and assess the said information, and to report regularly to the International Conferences of the Red Cross and Red Crescent on the follow-up to the present resolution. (Geneva, 1986, Resolution V)*

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

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

noting with great concern the increasing number of armed conflicts taking place in various parts of the world,

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

deeply concerned about the grief and suffering resulting from such violations,
deploring the decrease in respect for international humanitarian law,

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

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

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

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

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

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

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

1. *strongly condemns* the violations of international humanitarian law taking place in various parts of the world;
2. *solemnly reaffirms* that every State must respect in all circumstances the relevant principles and norms of humanitarian law and that States party to the 1949 Geneva Conventions and States party to the 1977 Additional Protocols must ensure respect for the Conventions and Protocols;
3. *endorses* the Final Declaration of the International Conference for the Protection of War Victims, adopted on 1 September 1993, which confirms the need to reinforce implementation of and respect for international humanitarian law and which is attached to the present Resolution;
4. *also endorses* the Recommendations drawn up by the Intergovernmental Group of Experts which aim at translating the Final Declaration of the Conference into concrete and effective measures and which are attached to the present Resolution;

5. *strongly urges* States to implement the Recommendations addressed to them, especially by adopting appropriate measures at the national and international level and supporting international organizations working in this field, and *invites* them to consider further steps towards the effective protection of war victims;
6. *encourages* States and National Red Cross and Red Crescent Societies (National Societies) to organize meetings, workshops and other activities on a regional basis to enhance the understanding and implementation of international humanitarian law;
7. *recommends* that the outcome of meetings convened by the Depositary of the 1949 Geneva Conventions, including those mentioned in Recommendation VII of the Intergovernmental Group of Experts, be transmitted to the next International Conference of the Red Cross and Red Crescent as well as to States party to those Conventions;
8. *urges* the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (International Federation) and the National Societies to carry out the tasks entrusted to them by the Recommendations and calls upon States to give them adequate support in this regard;
9. *invites* States to respond generously to the annual Appeal made jointly by the ICRC and the International Federation in pursuance of Recommendation VIII of the Intergovernmental Group of Experts for the financing of concrete dissemination projects proposed by National Societies, to support financially the dissemination component of regular relief and development programmes of the ICRC and of the International Federation, and to support domestic dissemination programmes of the National Societies of their respective countries;
10. *invites* the ICRC, in cooperation with the International Federation, to report to the 27th International Conference on the implementation of the present Resolution. (Geneva, 1995, Resolution 1)

National implementation of international humanitarian law

The Council of Delegates,

recalling Resolution 1 of the 26th International Conference of the Red Cross and Red Crescent (1995), entitled “International humanitarian law: From law to action. Report on the follow-up to the International Conference for the Protection of War Victims”,

stressing the importance of implementation of international humanitarian law at the national level,

noting that all States must take national measures to implement international humanitarian law, including dissemination to the armed forces and to the general public, the adoption of legislation to punish war crimes and protect the use of the red cross/red crescent emblems, and other relevant measures,

1. *welcomes* the valuable contribution of the ICRC's Advisory Service in assisting States with the adoption of national measures to implement international humanitarian law, in promoting the exchange of information on such measures, and in encouraging the ratification of international humanitarian law treaties;
2. *reaffirms* the special role of National Societies in cooperating with their governments in the implementation and dissemination of international humanitarian law;
3. *welcomes* the work of many National Societies in drawing the attention of their respective governments to the need for legislation and other measures to be adopted nationally in order to implement international humanitarian law, in assisting their governments in adopting such measures, and in promoting the ratification of international humanitarian law treaties;
4. *encourages* all National Societies to promote the adoption of implementation measures at the national level and to cooperate regionally and internationally with other National Societies, with the International Federation of Red Cross and Red Crescent Societies and with the ICRC in this field;
5. *notes* the valuable role played by existing national committees for the implementation of international humanitarian law in advising and assisting their governments on implementation and dissemination of international humanitarian law;
6. *encourages* all National Societies to make every effort to promote the establishment of national committees and, where such committees already exist, to play an appropriate role in their work;
7. *takes note of* the proposal to establish a voluntary review procedure on national implementation of international humanitarian law;
8. *invites* National Societies to examine the proposal with their respective governments. (Council of Delegates, Seville, 1997, Resolution 4)

International Criminal Court

The Council of Delegates,

deeply alarmed by the large-scale and continuing violations of international humanitarian law, both in international and in non-international armed conflicts,

recalling the obligation of States to repress violations of international humanitarian law and of the Convention on the Prevention and Punishment of the Crime of Genocide,

recalling also resolution 2 of the 26th International Conference of the Red Cross and Red Crescent, which urges States to increase international efforts to permanently establish an international criminal court,

considering the efforts already undertaken to that end, and, in particular, the planning of an international diplomatic conference in Rome in 1998, to set up such an international criminal court,

considering also the efforts of the ICRC to further the establishment of an effective and impartial international criminal court,

1. *invites* National Societies to support all these efforts and to promote the creation of such a court, while at the same time encouraging States to comply with their existing obligation under international humanitarian law to repress violations of this law and of the Convention relating to the crime of genocide;
2. *requests* the ICRC, in consultation with the International Federation, to follow developments closely, to actively keep National Societies informed, and to report to the 1999 meeting of the Council of Delegates on progress made in establishing an international criminal court. (Council of Delegates, Seville, 1997, Resolution 5)

International Criminal Court

The Council of Delegates,

deeply alarmed by the large-scale and continuing violations of international humanitarian law, both in international and in non-international armed conflicts,

recalling the obligation of States to suppress and repress violations of international humanitarian law,

noting with great satisfaction the adoption of the Rome Statute for the creation of the International Criminal Court as a complementary tool for a more effective repression of war crimes,

considering the efforts already undertaken by the Preparatory Commission for the International Criminal Court with a view to draft the Elements of Crime and the Rules of Procedure and Evidence,

taking note with appreciation of the previous contributions of the ICRC and the International Federation to the negotiating process and the on-going efforts of the ICRC, especially to assist States in the drafting of the Elements of War Crimes,

1. *invites* National Societies to support all these efforts and to promote the ratification of the Rome Statute without making the declaration under Art. 124 of the Rome Statute, while at the same time encouraging States to comply with their existing obligation under international humanitarian law to suppress and repress violations of this law;
2. *requests* the ICRC to continue to participate actively in the on-going negotiations in the Preparatory Commission, especially to work that the “acquis” with regard to international humanitarian law are properly reflected in the document on the Elements of Crimes;
3. *further requests* the ICRC, in consultation with the International Federation, to follow developments closely, to actively keep National Societies informed, and to report to the 2001 session of the Council of Delegates on progress made in establishing an International Criminal Court. (Council of Delegates, Geneva, 1999, Resolution 11)

Protection of cultural property in the event of armed conflict

The Council of Delegates,

deeply alarmed at the destruction of monuments, works of art, manuscripts and books and other objects of cultural property during armed conflicts,

recognising that cultural property, monuments and cultural heritage are essential elements of the identity of peoples, the importance of their preservation as part of the cultural heritage of the world and as part of promoting mutual understanding and peace, and the protection afforded to cultural property under criminal law,

noting that protection of cultural property during armed conflicts is enhanced by adherence to the relevant rules of international humanitarian law, in particular, the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols of 1954 and 1999,

recalling the Plan of Action of the 27th International Conference of the Red Cross and Red Crescent and relevant resolutions of earlier International Conferences which call upon States to consider becoming party to relevant treaties concluded since the adoption of the 1949 Geneva Conventions to enhance the universal character of international humanitarian law,

recognising that many of the rules contained in the 1954 Hague Convention and its two Protocols of 1954 and 1999 require implementation in peacetime in order to be effective during situations of armed conflict,

recalling the special role of the International Committee of the Red Cross (ICRC) and of National Red Cross and Red Crescent Societies (National Societies) in the promotion, dissemination and implementation of international humanitarian law,

1. *notes* with appreciation the increasing role of the ICRC, in cooperation with UNESCO, in encouraging ratification and implementation of the Hague Convention and its Protocols;
2. *encourages* National Societies to include the Hague Convention and its Protocols in their activities to promote, disseminate and implement international humanitarian law, either on their own initiative or in cooperation with their governments;
3. *invites* the States that have not yet done so to become party to the relevant treaties concluded since the 1949 Geneva Conventions, in particular the 1954 Hague Convention and its two Protocols, with a view to strengthening the universality of international humanitarian law. (Council of Delegates, Geneva 2001, Resolution 11)

CHAPTER IV

DISSEMINATION OF INTERNATIONAL HUMANITARIAN LAW

See also:

Part Three

Section I Fundamental Principles

Part Four

Section I, Chap. III Res. XXVI, d, of the 25th International Conference (Geneva, 1986), p. 1029

Section III, Chap. I Res. VIII, para. 3, of the 25th International Conference (Geneva, 1986), p. 1088

Res. 13, para. 3, of the Council of Delegates (Budapest, 1991), p. 1091

Section IV, Chap. IV Res. IX, para. 1, of the 25th International Conference (Geneva, 1986), p. 1147

Section IV, Chap. IV D Res. XVII, para. 2, of the 25th International Conference (Geneva, 1986), p. 1152

Res. 9, b, of the Council of Delegates (Budapest, 1991), p. 1155

Section IV, Chap. V Res. XIV of the 23rd International Conference (Bucharest, 1977), p. 1201

Section VI, Chap. V Res. 20 of the Council of Delegates (Geneva, 1963), p. 1252

**Dissemination of knowledge of international humanitarian law
and of the Red Cross principles and ideals**

The XXIVth International Conference of the Red Cross,

having with satisfaction taken cognizance of the work accomplished by the ICRC, the League, the National Societies and the Henry Dunant Institute for the implementation of Resolution VII of the XXIIIrd International Conference of the Red Cross, including the drawing up of a Programme of Action of the Red Cross with respect to dissemination of knowledge of international humanitarian law and of the principles and ideals of the Red Cross,

mindful that, pursuant to Articles 47, 48, 127 and 144 of, respectively, the First, Second, Third and Fourth 1949 Geneva Conventions and to Article 83 of the 1977 Protocol I and Article 19 of the 1977 Protocol II, the States Parties have undertaken a commitment to disseminate knowledge of these treaties as widely as possible, an obligation of which, moreover, they were reminded by Resolution 21 on the dissemination of knowledge of international humanitarian law applicable in armed

conflicts adopted by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts,

- 1. urges the Governments of States Parties to the Geneva Conventions and, as the case may be, to the 1977 Protocols, to fulfil entirely their obligation to disseminate knowledge of international humanitarian law among their armed forces, ministries, academic circles, schools, medical professions and general public, in particular by encouraging the establishment of joint committees representing the appropriate ministries and National Red Cross and Red Crescent Societies to develop such activities,*
- 2. notes the special responsibilities of National Societies to assist their Governments in this work and invites National Societies, in cooperation with the ICRC, the League and with the assistance of the Henry Dunant Institute, to train national officials to be responsible for dissemination, and to cooperate also with their authorities, especially on the joint committee on dissemination,*
- 3. asks the ICRC and the League, each within its own sphere, to help National Societies to draw up and implement national and regional, dissemination programmes,*
- 4. requests the ICRC and the League to report jointly to the next meeting of the Council of Delegates and to the XXVth International Conference of the Red Cross on international, regional and national dissemination action, and on the follow-up of the present resolution. (Manila, 1981, Resolution X)*

International courses on law applicable in armed conflicts

The Twenty-fifth International Conference of the Red Cross,

considering that States Parties to the Geneva Conventions have the duty of disseminating as widely as possible the provisions of these treaties and the other rules of international law applicable in armed conflicts, particularly among their respective armed forces,

considering also that many members of the armed forces still have little or no knowledge of the Conventions and other rules,

noting with satisfaction the efforts already made by the ICRC to help the competent national authorities to train officers responsible for providing instruction, within their respective national armed forces, on the Geneva Conventions and the other rules of international law applicable in armed conflicts,

noting the need for the ICRC to continue supporting States with a view to enabling them to meet their obligation, under the Conventions, to disseminate and thereby help to ensure respect for the Conventions and other rules,

- 1. invites the competent national authorities to step up their efforts systematically to include the teaching of the Geneva Conventions and the other rules of international law applicable in armed conflicts in programmes of military instruction,*

2. *encourages the ICRC to continue organizing or sponsoring, on a regular basis, international courses on the Conventions and other rules for members of the armed forces, such as the courses organized by the International Institute of Humanitarian Law in San Remo,*
3. *recommends the ICRC to adapt the programmes of these international courses to the respective needs of jurists who have to interpret the above-mentioned rules, and of other commanding officers and senior staff officers of various military academies and military units,*
4. *encourages all States to send armed forces jurists and officers to the international courses organized either by the ICRC or under its patronage,*
5. *recommends that all States organize such courses on a systematic and continuous basis in their national military institutions, bearing in mind the international courses which are given in this field, to achieve some standardization of the teaching of the Conventions and other rules on an international scale. (Geneva, 1986, Resolution VI)*

See also:

Section I, Chap. IV The Movement and Peace

**Information and dissemination of international humanitarian law
as a contribution to peace**

The Council of Delegates,

recalling resolutions on the dissemination of international humanitarian law adopted by previous International Conferences of the Red Cross,

convinced that the dissemination of international humanitarian law and of the Fundamental Principles cannot be dissociated from propagation of a spirit of peace and that it constitutes a major contribution by the Movement to peace,

noting, moreover, the need for the Movement's role in promoting peace to be made better known,

1. encourages National Societies which have not already done so to appoint officers to disseminate international humanitarian law and the Fundamental Principles and to make approaches to the authorities with a view to setting up joint committees composed of representatives of the relevant ministries and National Societies,
2. invites the entire Movement to continue and expand its activities for the dissemination of knowledge of international humanitarian law and the Fundamental Principles in various circles, including young people, nationally, regionally and internationally,

3. encourages the Commission on the Red Cross, Red Crescent and Peace to take all necessary steps to improve ways and means of making better known and understood, the role of the, Movement in favour of peace by pointing out the connection between disseminating international humanitarian law and the Movement's Fundamental Principles and developing a spirit of peace,
4. requests the Commission to hold its second 1988 session (with participation extended to include dissemination and information specialists from National Societies and communication experts) in the framework of which the host Society, i.e. the Alliance of Red Cross and Red Crescent Societies of the USSR, the ICRC and the League would organize a seminar in order to implement the objective set out in the previous paragraph. (Council of Delegates, Rio de Janeiro, 1987, Resolution 4)

**Dissemination of international humanitarian law
and of the principles and ideals of the Movement**

The Council of Delegates,

having taken note of the joint ICRC/Federation report on the many dissemination activities carried out since 1977 by the National Societies, the ICRC, the Federation and the Henry Dunant Institute, and on the implementation of the recommendations contained in Resolution IV of the 25th Conference,

stressing once again that responsibility for the dissemination and teaching of international humanitarian law lies mainly with the States, by virtue of the obligations set out in the four Geneva Conventions of 1949 and their two Additional Protocols of 1977,

deploring the fact that there are still too many violations of international humanitarian law,

recalling that the dissemination of international humanitarian law and of the principles and ideals of the Red Cross and Red Crescent is one of the Movement's permanent activities and aims to:

- limit the suffering caused by armed conflicts and other situations of violence,
 - make certain that humanitarian work may proceed safely, by ensuring that the emblems of the red cross and red crescent are respected,
 - strengthen the image of the Movement, and
 - contribute to promoting a spirit of peace,
1. adopts the *Guidelines for the '90s*¹ and recommends that they be circulated as widely as possible;
 2. urges the States fully to discharge their treaty obligations so that international humanitarian law may be known, understood and respected at all times;

¹ See below.

3. reiterates the recommendation that National Societies appoint and train dissemination experts, and cooperate with their countries' authorities, particularly within the framework of joint dissemination committees;
4. invites the ICRC, in cooperation with the Federation, to maintain and if possible increase its support for dissemination activities and national and regional dissemination programmes. (Council of Delegates, Budapest, 1991, Resolution 8)

DISSEMINATION OF INTERNATIONAL HUMANITARIAN LAW AND OF THE MOVEMENT'S PRINCIPLES AND IDEALS

GUIDELINES FOR THE '90s

adopted by the Council of Delegates (Budapest, 1991)

1. Definition

Dissemination is the spreading of knowledge of international humanitarian law (IHL) and of the Fundamental Principles and ideals of the Movement so that they may be understood, accepted and respected; it is also intended to facilitate humanitarian work.

2. Objectives

- 2.1 Through a knowledge of and respect for IHL, **to limit the suffering** caused by armed conflicts and by situations of disturbances and tension.
- 2.2 To ensure that **humanitarian activities** are carried out **in safe conditions** and in particular that Red Cross/Red Crescent (RC) staff are respected so that effective assistance can be provided to the victims.
- 2.3 To strengthen **the Movement's identity and image**, to enhance its unity through promoting knowledge and understanding of its principles, history, structures and activities.
- 2.4 To help propagate a **spirit of peace**.

3. Recommendations

What?

- 3.1 The **subject matter** for dissemination comprises two main topics:
 - a) IHL, in particular the four 1949 Geneva Conventions and their two 1977 Additional Protocols;
 - b) The Fundamental Principles, the Movement's ideals, its activities and its historical background.

In certain cases, it may be useful to link the dissemination of IHL with that of other branches of law, such as human rights or refugee law.

The choice of dissemination material and the degree of detail appropriate depend on the objective, the audience and the social and cultural context:

- IHL – or the law of armed conflicts or the law of war – is in general the primary topic for dissemination among the military, in government circles and in universities;
- dissemination programmes for National Societies and young people should focus on the Fundamental Principles and the RC ideals and on the general principles of IHL;
- since the role of journalists is to inform, they are especially interested in humanitarian work and in facts concerning ongoing operations and the application of IHL.

In countries which are not yet bound by certain IHL treaties, in particular the 1977 Additional Protocols, one of the primary objectives of dissemination must be to persuade the States concerned to ratify or accede to those treaties.

Comments and examples relevant to each specific culture or society should be added for the sake of effectiveness, with due regard to the universal nature of IHL and the Fundamental Principles.

By whom?

3.2 By virtue of IHL and the Statutes of the Movement, dissemination is primarily the responsibility of:

- the military and civilian **authorities**, whose task it is to implement IHL treaties;
- all the **National Societies**, which must provide training for their own members and to encourage, assist and, when necessary, stand in for the State authorities;
- the **ICRC**, whose mandate includes upholding the Fundamental Principles and promoting and developing IHL and which has the primary responsibility for dissemination at the international level;
- the **Federation**, which assists the ICRC in the promotion and development of IHL and cooperates with it in the dissemination of both this body of law and the Fundamental Principles amongst the National Societies.

Over and above those special responsibilities, all persons and organizations concerned have a moral (and in some cases a legal) responsibility to promote the essentials of IHL according to their means, circumstances and mandates.

For whom?

3.3 In 1986, eight main **target groups** were identified, namely:

- the armed forces
- National Societies

- government circles
- universities
- schools
- medical circles
- the mass media
- the general public.

This list is still valid, but it is necessary to narrow it down to the groups that the Movement should preferably focus on over the next few years, namely:

- the **armed forces** and other **authorities** responsible for applying IHL;
- **National Society leaders, staff and volunteers;**
- **young people** and **teachers.**

The attention to be devoted to other target groups must be determined at the national and local levels according to short- and long-term humanitarian requirements and resources that are already available or can be mobilized.

The **media** will always constitute a priority in terms of the Movement's public relations activities, considering their impact on the public at large and their role in enhancing the image of the Movement and its components.

Target groups that are not listed above but may become a priority depending on the circumstances are, for example, governmental and non-governmental organizations and certain categories of victims.

Training National Society staff and volunteers requires considerable and persistent effort if National Societies are to remain or become effective participants in the Movement's overall dissemination programme and useful partners of the ICRC or the Federation, possibly even of government authorities, in seeing it through.

In many countries National Society dissemination projects must focus primarily on young people and teachers.

How?

3.4 The golden rule is to use the means of communication and teaching methods and aids best suited to a particular cultural environment and level of knowledge and the resources available.

Each National Society, on its own or in cooperation with the authorities concerned, should first of all assess the needs and resources required and then draw up a plan of action which should be dynamic but remain realistic.

Dissemination as an end in itself is not productive. It must be related to and/or reflect other community-oriented activities carried out by the National Societies.

The objective of setting up or strengthening dissemination activities or units within each National Society must be maintained.

The complementarity of dissemination, information and public relations objectives and activities must be taken into account and strengthened.

Since resources are always limited, emphasis should be placed on training teachers and instructors.

Voluntary support and cooperation should be sought from experts such as lawyers, officers, teachers and public relations specialists.

With help from the Federation, the ICRC must continue to produce and supply material and devise methods that can be used in most countries.

Priority should be given to the most suitable methods and means of developing local initiatives and projects.

Financial, technical or educational considerations are undoubtedly major aspects of dissemination work, but sensitivity, imagination, creativity and dedication are by far its most important components.

CHAPTER V

DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW

See also:

Part Three

Section IV, Doc. VI Movement Strategy on Landmines

Part Four

Section I, Chap.IV	The Movement, weapons and disarmament Res. 1 Board of Governors, Oslo, 1954, p. 1030 Res. XIV, 21st International Conference, Istanbul, 1969, p. 1031 Res. XIII, 24th International Conference, Manila, 1981, p. 1032 Res. 1 of the Council of Delegates (Geneva, 1983), p. 1033
Section IV, Chap. V	Res. X, para. 2, of the 25th International Conference (Geneva, 1986), p. 1204

Protection of the civilian population against the dangers of indiscriminate warfare

The XXth International Conference of the Red Cross, in its endeavours for the protection of the civilian population, reaffirms Resolution No. XVIII of the XVIIIth International Conference of the Red Cross (Toronto, 1952), which, in consideration of Resolution No. XXIV of the XVIIth International Red Cross Conference (Stockholm, 1948) requested Governments to agree, within the framework of general disarmament, to a plan for the international control of atomic energy which

would ensure the prohibition of atomic weapons and the use of atomic energy solely for peaceful purposes,

thanks the International Committee of the Red Cross for the initiative taken and the comprehensive work done by it in defining and further developing international humanitarian law in this sphere,

states that indiscriminate warfare constitutes a danger to the civilian population and the future of civilization,

solemnly declares that all Governments and other authorities responsible for action in armed conflicts should conform at least to the following principles:

- that the right of the parties to a conflict to adopt means of injuring the enemy is not unlimited;*
- that it is prohibited to launch attacks against the civilian populations as such;*
- that distinction must be made at all times between persons taking part in the hostilities and members of the civilian population, to the effect that the latter be spared as much as possible;*
- that the general principles of the Law of War apply to nuclear and similar weapons;*

expressly invites all Governments who have not yet done so to accede to the Geneva Protocol of 1925 which prohibits the use of asphyxiating, poisonous, or other gases, all analogous liquids, materials or devices, and bacteriological methods of warfare,

urges the ICRC to pursue the development of International Humanitarian Law in accordance with Resolution No. XIII of the XIXth International Red Cross Conference, with particular reference to the need for protecting the civilian population against the sufferings caused by indiscriminate warfare,

requests the ICRC to take into consideration all possible means and to take all appropriate steps, including the creation of a committee of experts, with a view to obtaining a rapid and practical solution of this problem,

requests National Societies to intervene with their Governments in order to obtain their collaboration for an early solution of this question and urges all Governments to support the efforts of the International Red Cross in this respect,

requests all National Societies to do all in their power to persuade their Governments to reach fruitful agreements in the field of general disarmament. (Vienna, 1965, Resolution XXVIII)

Weapons of mass destruction

The XXIIIrd International Conference of the Red Cross,

recalling that, in compliance with the fundamental principle of humanity adopted by the XXth International Conference (Vienna, 1965), the International Red Cross is called upon to carry out its humanitarian mission aimed at protecting the life and health of man, to prevent and alleviate suffering and contribute to lasting peace throughout the world,

confirming the resolutions promoting peace and condemning the arms race, in particular Resolutions Nos XXIV, XVIII, XVIII, XXVIII and XIV, respectively adopted by the XVIIth, XVIIIth, XIXth, XXth and XXIst International Conferences of the Red Cross,

expressing its deep concern about the dangers threatening universal peace and security, the life and health of man as a result of the existence and the development of weapons of mass destruction,

noting that these weapons are in contradiction to the aspirations of all men of good will for the further relaxation of international tension and the establishment of a lasting peace in the world,

invites all governments to take urgent measures to reach agreement on the prohibition of weapons of mass destruction,

invites the ICRC to pursue its efforts to contribute to ensuring the better protection of the civilian population, in particular by paying special attention to the need for protecting it from the sufferings resulting from the use of weapons of mass destruction,

asks National Societies to reinforce their cooperation with their governments with a view to solving this problem in good time and calls on all governments to support the efforts of the International Red Cross in this field. (23rd International Conference, Bucharest, 1977, Resolution XII)

Conventional weapons

The XXIVth International Conference of the Red Cross,

recalling the general principle of the protection of the civilian population against the effects of hostilities, the principle of international law that the right of the Parties to an armed conflict to choose methods or means of warfare is not unlimited, and the principle that prohibits the employment in armed conflicts of weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering,

recalling the deliberations on the use of certain conventional weapons by an ad hoc Committee of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, Geneva (1974-1977), and, amongst others, the Conferences of Government experts held at Lucerne (1974) and Lugano (1976) under the auspices of the ICRC,

recalling also Resolution 22 of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts,

1. *notes with satisfaction the adoption by a United Nations Conference, on 10 October 1980, of a 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 of its annexed Protocols, and the adoption by this Conference, at its 1979 session, of a Resolution on small-calibre weapon systems,*

2. *invites States to become Parties to the Convention and its annexed Protocols as soon as possible, to apply them and examine the possibility of strengthening or developing them further,*
3. *appeals to Governments, in conformity with the above Resolution, to exercise the utmost care in the development of small-calibre weapon systems, so as to avoid an unnecessary escalation in the injurious effects caused by such systems,*
4. *invites the ICRC to follow these matters and to keep the International Conference of the Red Cross informed.* (Manila, 1981, Resolution IX)

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. (Council of Delegates, Birmingham, 1993, Resolution 3)

Anti-personnel landmines

The Council of Delegates,

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

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

1. *expresses* its great concern about the indiscriminate effects of anti-personnel landmines and the consequences for civilian populations and humanitarian action;
2. *urges* all components of the International Red Cross and Red Crescent Movement, in accordance with their respective mandates and within their capabilities, to work for a total ban on anti-personnel landmines which, from a humanitarian viewpoint, is the only effective solution;
3. *invites* National Societies to intensify contacts with their respective governments in order to obtain a total ban on anti-personnel landmines;
4. *encourages* all measures to alleviate the suffering of victims and to remove mines already in place;
5. *requests* the ICRC and the International Federation to report to the 1997 meeting of the Council of Delegates on progress made in introducing a total ban in international law and in alleviating the suffering of victims. (Council of Delegates, Geneva, 1995 , Resolution 10)

See also:

Part Four

Section III, Chap. I Res. 8 of the Council of Delegates (Seville, 1997), p. 1099

Arms availability and the situation of civilians in armed conflict and post-conflict situations

The Council of Delegates,

reiterating the preoccupation of the Council of Delegates with the easy access of combatants untrained in international humanitarian law, civilian populations and even children to a wide variety of weapons, particularly small arms, and their frequent use against civilian populations and in violation of basic humanitarian principles,

recalling the mandate of the 26th International Conference to the ICRC to study the relationship between arms availability and violations of international humanitarian law, as well as the Resolutions 2.8 of the 1995 Council of Delegates and 8.4 of the 1997 Council of Delegates requesting that the role and attitude of the Movement on arms availability be clarified by the 1999 Council of Delegates,

welcoming the ICRC's new study on "Arms Availability and the Situation of Civilians in Armed Conflict" and its consultations since 1997 with all components of the Movement on this subject,

convinced that the proliferation of arms and ammunition can increase tensions, heighten civilian casualties, prolong the duration of conflicts and hinder the provision of humanitarian assistance to populations in need,

further convinced of the relationship between unregulated availability of arms and violations of international humanitarian law and a deterioration of the situation of civilians,

1. *endorses* the overall analysis and conclusions of the ICRC's study on "Arms Availability and the Situation of Civilians in Armed Conflict";
2. *calls on States* to review their policies concerning the production, availability and transfer of arms and ammunition, as well as explosives and other related materials, in light of their responsibility to ensure respect for international humanitarian law and to assist and protect civilian populations;
3. *calls on States*, which have not already done so, to elaborate rules, based on respect for international humanitarian law and other appropriate norms, governing the transfer and availability of arms and ammunition. The Council of Delegates *calls on States*, as a first step, to halt arms transfers to parties committing or tolerating serious violations of human rights or of international humanitarian law;
4. *calls on all components of the Movement* to help ensure, during the 27th International Conference, that clear proposals for action on these concerns are maintained in the Plan of Action;
5. *encourages National Societies*, to the extent possible in their own contexts, to actively raise public awareness of the human costs of the widespread availability of arms and ammunition and of its implications for the fabric of international humanitarian law. The ICRC is requested to support such efforts by providing technical advice and information materials in order to promote a culture of non-violence;
6. *discourages components of the Movement* from engaging in public debate on specific transfers of weapons to specific recipients in ways which could compromise the Movement's neutrality or operational capacity;
7. *requests the ICRC, in consultation with the International Federation*, to submit to the next Council of Delegates a report on Movement activities and international progress in this field with a view to consideration by the Council of any further steps which may be appropriate. (Council of Delegates, Geneva, 1999, Resolution 12)

**The United Nations Convention on Certain Conventional Weapons:
Explosive remnants of war and non-international armed conflicts**

The Council of Delegates,

alarmed by the widespread and preventable death and injury caused during and after armed conflict by explosive remnants (unexploded ordnance/UXO) of war — which no longer serve any military purpose,

deeply concerned by the long-term consequences for civilian populations of unexploded ordnance, particularly their role in preventing the return of refugees and internally displaced persons, blocking the delivery of humanitarian aid and other services to vulnerable populations, and hindering reconstruction and economic development,

stressing the need for the provisions of international humanitarian law governing specific weapons to apply in all situations of armed conflict,

noting that the second Review Conference of the United Nations Convention on Certain Conventional Weapons will take place from 11 to 21 December 2001,

recalling the Movement Strategy on Landmines adopted by Resolution 10 of the Council of Delegates in October 1999,

1. *welcomes* the proposal made by the International Committee of the Red Cross (ICRC) for consideration by the Review Conference on explosive remnants of war;
2. *further welcomes* the proposals made by the ICRC on the extension of the Convention's scope of application to non-international armed conflicts;
3. *urges* all States party to the Convention to participate in the Review Conference;
4. *calls upon* the Review Conference to initiate negotiations, beginning in early 2002, on a new protocol to address the problems caused by explosive remnants of war;
5. *calls upon* States party to the Convention to reach agreement as quickly as possible on extending the Convention's scope of application;
6. *urges* all States which have not yet done so to adhere to the Convention as soon as possible and to participate in the Review Conference;
7. *reaffirms* the Movement's commitment to the Movement Strategy on Landmines, and to continuing its efforts in the fields of care and rehabilitation of victims of landmines and UXO, mine and UXO awareness, and the promotion of adherence to and implementation of the relevant treaties of international humanitarian law;
8. *encourages* all components of the Movement to raise public and governmental awareness of the human cost of explosive remnants of war and to promote the negotiation of an effective new protocol to the United Nations Convention on Certain Conventional Weapons to address this problem;
9. *requests* the ICRC to report on the progress made on explosive remnants of war and the extension of the scope of application of the United Nations Convention on Certain Conventional Weapons to the 2003 session of the Council of Delegates. (Council of Delegates, Geneva, 2001, Resolution 8)

Biotechnology, weapons and humanity

The Council of Delegates,

recognizing that advances in biotechnology carry enormous potential to benefit humanity;

deeply concerned by the risk that the same advances could be put to hostile use;

regretting the inability of the Fifth Review Conference of States Parties to the Biological Weapons Convention to agree on a compliance-monitoring regime;

stressing the need to ensure that ancient taboos and modern laws against poisoning and the deliberate spread of disease are upheld and reinforced in the face of new scientific developments:

1. *endorses* the Appeal of the ICRC on “Biotechnology, Weapons and Humanity”;
2. *encourages* the ICRC, National Red Cross and Red Crescent Societies and the International Federation to promote the “Biotechnology, Weapons and Humanity” initiative with national authorities, the scientific and medical communities, industry and civil society; and in particular:
 - a) *to call* on States party to the 1925 Geneva Protocol and the 1972 Biological Weapons Convention to resume efforts to ensure that these treaties are reinforced in the light of scientific developments and faithfully implemented; and
 - b) *to urge* the scientific and medical communities and the biotechnology industry to ensure that the use of biotechnology for hostile purposes is prevented through the development of codes of conduct and strict controls on dangerous research and biological agents;
3. *supports* in particular the call on States to reaffirm their commitment to the existing norms prohibiting the hostile uses of biological agents in a high-level political Declaration; and
4. *requests* the ICRC to report to the 2005 Council of Delegates on the progress made in promoting the measures proposed in the Appeal on “Biotechnology, Weapons and Humanity”. (Council of Delegates, Geneva, 2003, Resolution 4)

Weapons and international humanitarian law

The Council of Delegates,

welcoming the ICRC’s report on *Weapons and International Humanitarian Law*,

stressing that the promotion of adequate controls on the development, use and proliferation of weapons is essential to protecting civilians from their indiscriminate use and effects and combatants from unnecessary suffering,

recalling the obligation of States to ensure the legality of their weapons under international law,

deeply concerned about the threats that civilians face during and after conflicts owing to the presence of landmines and explosive remnants of war, as well as the unregulated availability of small arms and light weapons; and acknowledging the obstacles these weapons pose to post-conflict reconstruction and development,

emphasizing the urgent need for an integrated, collaborative and preventive approach to minimizing the risk that advances in the life sciences may be used for hostile purposes,

highlighting the opportunities to advance the Movement's objectives in this field provided by the Review Conferences in 2006 of the Convention on Certain Conventional Weapons, the United Nations Programme of Action on Small Arms and the Biological Weapons Convention,

reaffirming the commitments undertaken in resolutions on weapons adopted by previous meetings of the Council of Delegates and those contained in General Objective 2 of the Agenda for Humanitarian Action adopted by the 28th International Conference of the Red Cross and Red Crescent,

1. *calls upon* all components of the Movement to continue and, if possible, step up their efforts to implement the Movement Strategy on Landmines and Explosive Remnants of War, and in particular to strive to ensure that victims receive the long-term care and assistance they need, to urge mine-affected States party to the Convention on the Prohibition of Anti-Personnel Mines to meet their mine-clearance deadlines and to encourage all States to adhere to the Convention on the Prohibition of Anti-Personnel Mines and the Protocol on Explosive Remnants of War and to make available adequate resources to ensure their full implementation;
2. *urges* all components of the Movement to raise awareness of the Third Review Conference of the Convention on Certain Conventional Weapons in late 2006, to encourage all States to participate in the Review Conference, and to use this event to promote adherence to the Convention and the amendment extending its scope of application to non-international armed conflicts and to its five Protocols;
3. *encourages* all components of the Movement to promote national measures to address the humanitarian concerns resulting from the use of cluster munitions and other submunitions, in particular by encouraging States to prohibit the use of submunitions against military objectives located in or near civilian areas, to eliminate submunitions that are inaccurate or have high failure rates, and to refrain from transferring inaccurate or unreliable submunitions to others;
4. *requests* all components of the Movement to use the Review Conference of the UN Programme of Action on Small Arms in July 2006 as an opportunity to encourage a more comprehensive approach to reducing the human suffering that results from the unregulated availability and misuse of small arms, in particular by encouraging States to make respect for humanitarian law one of the basic criteria on which arms transfer decisions are assessed, to develop common standards regulating international arms transfers and the activities of

arms brokers, to promote respect for international humanitarian law and human rights law among arms bearers, to enhance armed-violence prevention efforts and to assist the victims;

5. *encourages* all components of the Movement to raise awareness of the need for increased efforts by governments, scientists and industry to ensure that advances in the life sciences are not used for hostile purposes, and to urge governments to work towards a successful outcome of the Sixth Review Conference of the Biological Weapons Convention by solemnly reaffirming the Convention's aims and by agreeing on concrete preventive measures;
6. *requests* components of the Movement to encourage States that have not yet done so to establish formal review procedures to determine the legality of new weapons and means and methods of warfare, and to exchange information about these procedures with other States and with the ICRC, and *notes* the ICRC's development of a *Guide* for this purpose;
7. *requests* the ICRC to report to the 2007 Council of Delegates on the progress made in implementing these objectives. (Council of Delegates, Seoul, 2005, Resolution 2)

SECTION IV
ACTIVITIES DURING ARMED CONFLICTS

CHAPTER I
PREPARATIONS FOR SITUATIONS OF ARMED CONFLICT

See also:

Part One

Section A The 1949 Geneva Conventions (especially C.I, Art. 47; C.II, Art. 48; C.III, Art. 127; C.IV, Art. 144) and 1977 Additional Protocol I (Arts 6 and 83); Additional Protocol II (Art. 19); Additional Protocol III (Art. 7)

Part Two

Doc. VII Agreement on the organization of the international activities of the components of the International Red Cross and Red Crescent Movement, and
Supplementary measures to enhance the implementation of the Seville Agreement

Part Four

Section II, Chap. IV E Res. XXIII, paras 1 and 2, of the 25th International Conference (Geneva, 1986), p. 1072

Chap. IV B below Res. 1 of the 24th International Conference (Manila, 1981), p. 1143

Organization of health teams

*The XXIst International Conference of the Red Cross,
considering that armed conflicts, of whatever kind, may necessitate medical aid
from the ICRC or the National Societies of neutral countries,
whereas in such cases the ICRC may be called upon to recruit health personnel in
countries which are not parties to the conflict,
considering further that aid to victims of natural disasters may also require the
participation of health personnel, through the intermediary of the League and the
National Red Cross Societies,*

recommends that National Societies establish in their respective countries, in cooperation with official and private bodies, a pool of health personnel who could be made available to the ICRC and the League at their request, or who could be used in accordance with Article 27 of the 1st 1949 Geneva Convention,

recommends that Governments of States parties to the Geneva Conventions support the efforts of their National Societies and encourage the recruitment and training of personnel for this pool,

recommends that the ICRC and the League take the requisite steps to undertake with the assistance of WHO, the studies necessary for carrying out this project and drawing up regulations defining, inter alia, the status of the personnel comprising these teams. (Istanbul, 1969, Resolution XXXI)

National Information Bureau (NIB)

The Twenty-fifth International Conference of the Red Cross,

mindful that the Geneva Conventions help to ensure protection for prisoners of war and for civilians during armed conflicts through the establishment of National Information Bureaux (Third Convention, Art. 122; Fourth Convention, Art. 136),

noting the obligation of States Parties to the Conventions to institute such Bureaux,

considering the National Information Bureaux to be one of the most effective means of protecting victims of armed conflicts,

- 1. urges States Parties to the Conventions to consider taking such measures as may be necessary, to institute their National Information Bureau in peacetime in order for it to fulfil its tasks as soon as possible at the outbreak of an armed conflict,*
- 2. further recommends that States Parties to the Conventions invite their Red Cross or Red Crescent Society as well as the ICRC to lend such assistance needed to establish the National Information Bureau. (Geneva, 1986, Resolution XIV)*

CHAPTER II

COOPERATION AMONG NATIONAL SOCIETIES DURING ARMED CONFLICTS

See also:

- | | |
|------------------------|---|
| Section I, Chap. III | Res. XXI of the 21st International Conference (Istanbul, 1969), p. 1002 |
| Section II, Chap. IV C | Res. XXIX of the 17th International Conference (Stockholm, 1948), p. 1066 |
| Section IV, Chap. IV C | Res. XV of the 25th International Conference (Geneva, 1986), p. 1145 |

Collaboration of National Societies in wartime**Relations between National Societies of friendly and enemy States**

The XVIIth International Red Cross Conference,

considers essential the development of relations between National Societies of friendly and enemy States and, in all cases where these cannot be direct, that the International Committee of the Red Cross continue to act as intermediary,

urges that all the constituent bodies of the International Red Cross, according to their possibilities, give their fullest support to all such action. (Stockholm, 1948, Resolution XXVII)

Collaboration of National Societies in wartime**Possibilities for National Societies of neutral States to facilitate the relations between National Societies of belligerent countries**

The XVIIth International Red Cross Conference,

considers that it is the duty of National Societies of neutral States to facilitate the relations between National Societies of belligerent countries, at the request of such Societies; the International Committee of the Red Cross shall be kept informed of action taken in this connection,

recommends that the assistance of the League of Red Cross Societies in such circumstances be made available to the International Committee of the Red Cross,

recommends that the League of Red Cross Societies maintain contact between National Societies in time of war. (Stockholm, 1948, Resolution XXVIII)

CHAPTER III**NON-INTERNATIONAL ARMED CONFLICTS****Civil war**

(Xth International Conference)

General principles

- I. *The Red Cross, which stands apart from all political and social distinctions, and from differences of creed, race, class or nation, affirms its right and duty of affording relief in case of civil war and social and revolutionary, disturbances.*

The Red Cross recognizes that all victims of civil war or of such disturbances are, without any exception whatsoever, entitled to relief, in conformity with the general principles of the Red Cross.

- II. *In every country in which civil war breaks out, it is the National Red Cross Society of the country which, in the first place, is responsible for dealing, in the most complete manner, with the relief needs of the victims; for this purpose, it is indispensable that the Society shall be left free to aid all victims with complete impartiality.*
- III. *If the National Red Cross cannot alone, on its own admission, deal with all the relief requirements, it shall consider appealing to the Red Cross Societies of other countries, in conformity with the following general principles:*
- a) *Requests for foreign assistance cannot be accepted from one or other of the parties in conflict but only from the National Red Cross Society of the country devastated by the civil war; such requests must be addressed by it to the International Committee of the Red Cross.*
 - b) *The International Committee of the Red Cross, having ensured the consent of the Government of the country engaged in civil war shall organize relief, appealing to foreign relief organizations.*

Should the Government in question refuse its consent, the International Committee of the Red Cross shall make a public statement of the facts, supported by the relevant documents.

Exceptional cases

- I. *When, following the dissolution of the National Red Cross Society, or by reason of the inability or unwillingness of such Society to request foreign aid or accept an offer of relief received through the intermediary of the International Committee of the Red Cross, the unrelieved suffering caused by civil war imperatively demands alleviation, the International Committee of the Red Cross shall have the right and the duty to insist to the authorities of the country in question, or to delegate a National Society to so insist, that the necessary relief be accepted and opportunity afforded for its unhindered distribution. Should the authorities of a country refuse to permit such relief intervention, the International Committee of the Red Cross shall make a public statement of the facts, supported by the relevant documents.*
- II. *Should all forms of Government and National Red Cross be dissolved in a country engaged in civil war, the International Committee of the Red Cross shall have full power to endeavour to organize relief in such country, insofar as circumstances may permit.*

Resolutions

1. *The Xth International Red Cross Conference approves the above proposals and recommends them for study to all National Red Cross Societies.*
2. *The Conference recommends that, in agreement with the International Committee of the Red Cross, all Red Cross Societies should undertake intensive propaganda to create in all countries an enlightened public opinion, aware of the complete impartiality of the Red Cross, in order that the Red Cross may enjoy throughout the world, on all occasions and without any exception, the confidence and*

affection of the people without distinction of party, creed, class or persons, which are indispensable conditions to enable the Red Cross to accomplish its tasks fully and to secure the most effective safeguard possible against any violation of Red Cross principles in the event of civil war

3. *The Xth International Red Cross Conference entrusts the International Committee of the Red Cross with the mandate to engage in relief in the event of civil war, in accordance with the above prescriptions.*
4. *The Xth International Red Cross Conference, recalling the distressing experiences of the Red Cross in countries engaged in civil war, draws the attention of all peoples and Governments, of all political parties, national or other, to the fact that the state of civil war cannot justify violation of international law and that such law must be safeguarded at all cost.*
5. *The Xth International Red Cross Conference condemns the political hostage system, and emphasizes the non-responsibility of relatives (especially children) for the acts of the head or other members of the family.*
6. *The Xth International Red Cross Conference deplores the unlimited suffering to which prisoners and internees are sometimes subjected in countries engaged in civil war, and is of opinion that political detainees in time of civil war should be considered and treated in accordance with the principles which inspired those who drew up the 1907 Hague Convention. (Geneva, 1921, Resolution XIV)*

Role and activity of the Red Cross in time of civil war

The XVIth International Red Cross Conference,

having taken cognizance with keen interest of the report presented by the International Committee of the Red Cross on the role and activity of the Red Cross in the time of civil war,

recalling the Resolution relating to civil war adopted by the Xth Conference in 1921,

pays tribute to the work spontaneously undertaken by the International Committee of the Red Cross in hostilities of the nature of civil war and relies upon the Committee to continue its activity in this connection with the cooperation of the National Societies, with a view to ensuring on such occasions respect for the high principles which are at the basis of the Red Cross movement,

requests the International Committee and the National Red Cross Societies to endeavour to obtain:

- a) *the application of the humanitarian principles which were formulated in the Geneva Conventions of 1929 and the Xth Hague Convention of 1907, especially as regards the treatment of the wounded, the sick, and prisoners of war, and the safety of medical personnel and medical stores;*
- b) *humane treatment for all political prisoners, their exchange and, so far as possible, their release;*

- c) *respect of the life and liberty of non-combatants;*
- d) *facilities for the transmission of news of a personal nature and for the reunion of families;*
- e) *effective measures for the protection of children,*

requests the International Committee, making use of its practical experience, to continue the general study of the problems raised by civil war as regards the Red Cross, and to submit the results of its study to the next International Red Cross Conference. (London, 1938, Resolution XIV)

Relief in the event of internal disturbances

The XIXth International Red Cross Conference,

considering it necessary to ensure maximum efficiency and equity in the distribution of relief supplies in the event of internal disturbances,

declares that relief supplies of all types must be distributed equitably among the victims by the National Red Cross Society, without hindrance on the part of the local authorities,

considers that, in the event of the National Red Cross Society being unable to come to the assistance of the victims, or whenever it may be deemed necessary or urgent, the International Committee of the Red Cross should take the initiative for the distribution of relief supplies, in agreement with the authorities concerned,

requests authorities to grant the Red Cross every facility in carrying out relief actions. (New Delhi, 1957, Resolution XIX)

CHAPTER IV

ASSISTANCE AND PROTECTION FOR CONFLICT VICTIMS

A. Prisoners of war and civilian internees

See also:

Chap. I above

Res. XIV of the 25th International Conference
(Geneva, 1986), p. 1138

Work of National Societies on behalf of enemy prisoners of war and civilian internees

The XVIIth International Red Cross Conference,

recommends that National Societies contribute to the relief of enemy prisoners of war and civilian internees, which should be afforded on the basis of the most complete impartiality. (Stockholm, 1948, Resolution XXVI)

B. The dead and the missing

The missing and dead in armed conflicts

*The XXIIInd International Conference of the Red Cross,
recognizing that one of the tragic consequences of armed conflicts is a lack of
information on persons missing, killed or deceased in captivity,*

*complying with the humanitarian traditions of the Red Cross, and with the spirit
of the Geneva Conventions of 1949,*

*calls on Parties to armed conflicts, during hostilities and after cessation of
hostilities, to help locate and care for the graves of the dead, to facilitate the
disinterment and return of remains, and to provide information about those who are
missing in action,*

*further calls on Parties to armed conflicts to cooperate with Protecting Powers,
with the ICRC and its Central Tracing Agency, and with such other appropriate bodies
as may be established for this purpose, and in particular National Red Cross Societies,
to accomplish the humanitarian mission of accounting for the dead and missing,
including those belonging to third countries not parties to the armed conflict.
(Teheran, 1973, Resolution V)*

Wearing of identity discs

*The XXIVth International Conference of the Red Cross,
considering that, in several situations of armed conflict, the identification of
members of the armed forces killed on the battlefield is made extremely difficult for
lack of identification documents,*

*recalling that Articles 16 and 17 of the First Geneva Convention of 12 August 1949
provide for identity discs to be worn by members of the armed forces to facilitate their
identification in case they are killed and the communication of their deaths to the
Power on which they depend,*

- 1. urges the Parties to an armed conflict to take all necessary steps to provide the
members of their armed forces with identity discs and to ensure that the discs are
worn during service,*
- 2. recommends that the Parties to an armed conflict should see that these discs give
all the indications required for a precise identification of members of the armed
forces such as full name, date and place of birth, religion, serial number and blood
group; that every disc be double and composed of two separable parts, each
bearing the same indications; and that the inscriptions be engraved on a substance
as resistant as possible to the destructive action of chemical and physical agents,
especially to fire and heat,*
- 3. reminds the Parties to an armed conflict that one half of each disc must, in case of
death, be detached and sent back to the Power on which the member of the armed
forces depended, the other half remaining on the body,*

4. *notes that the International Committee of the Red Cross is prepared to provide models to States asking for them. (Manila, 1981, Resolution 1)*

**Obtaining and transmitting personal data
as a means of protection and of preventing disappearances**

The Twenty-fifth International Conference of the Red Cross,

recalling the principle by which families have the right to know the fate of their members, as laid down in particular in the Geneva Conventions of 1949 and their Additional Protocols of 1977,

deeply moved by the suffering caused to families when one of their members disappears, whether it is a question of unidentified servicemen on the battlefield, prisoners of war and civilian internees whose names have not been registered and transmitted civilians who have been arrested,. imprisoned or otherwise confined without their families being informed,

recalling Resolution I of the Twenty-fourth International Conference of the Red Cross on the wearing of identity discs and the relevant articles in the Geneva Conventions (First Convention, Art. 16 and 17, Second Convention, Art. 19 and 20),

recalling the articles of the Geneva Conventions (Third Convention, Art. 122; Fourth Convention; Art. 136), requiring each Party to a conflict to set up a National Information Bureau (NIB),

recalling Resolution II of the Twenty-fourth International Conference of the Red Cross on forced or involuntary disappearances,

1. *urges the Parties to every international armed conflict to implement the provisions of Articles 16 and 17 of the First Geneva Convention, prescribing the wearing of identity discs by members of the armed forces, in order to facilitate the identification of the wounded and the dead and the forwarding of information concerning them to the Power on which they depend,*
2. *stresses the importance of establishing a National Information Bureau and points out that to do so governments which so wish may receive technical advice from the Central Tracing Agency (CTA) of the ICRC, in particular concerning preparatory steps to be taken in peacetime,*
3. *condemns any act leading to the forced or involuntary disappearance of individuals or groups of individuals and urges governments to endeavour to prevent them. (Geneva, 1986, Resolution XIII)*

C. Dispersed families

Cooperation between National Red Cross and Red Crescent Societies and governments in the reuniting of dispersed families

The Twenty-fifth International Conference of the Red Cross,

considering that, as a result of continuing international and non-international armed conflicts and political tension, a large number of persons have been separated from their families,

recalling and reaffirming Resolutions XX, XX and XIX respectively of the Eighteenth, Nineteenth and Twentieth International Conferences of the Red Cross,

aware that not all of the dispersed families for whom the afore-mentioned resolutions were intended to afford assistance have yet been reunited in accordance with their wishes,

considering that there are also many people who, despite possessing an entry permit, are denied the right to emigrate to the country of their choice for purposes of family reunification,

conscious of the large number of refugees and deportees in many parts of the world and of the great suffering deriving from the separation of persons from their countries and families for reasons no longer always attributable to the Second World War or its aftermath as well as from uncertainty concerning the fate of family members,

expressing its gratitude to governments, the ICRC and National Red Cross and Red Crescent Societies for the successful cooperation that has hitherto taken place,

- 1. reaffirms the constant willingness of National Red Cross and Red Crescent Societies to cooperate in humanitarian action, in reuniting members of dispersed families, in exchanging information regarding families and in facilitating the search for missing persons,*
- 2. calls upon all governments to support the efforts of National Red Cross and Red Crescent Societies dealing with the problems of conducting searches and reuniting families,*
- 3. requests governments to treat in a favourable and humanitarian manner the applications of persons who wish to leave the country and to be reunited with members of their families in a receiving State, which has declared its willingness to accept them, to give due and sympathetic consideration to such applications and to decide on them swiftly and in a humanitarian spirit, ensuring that no application receives unfair or discriminatory treatment,*
- 4. urges National Red Cross and Red Crescent Societies to act as neutral intermediaries with their respective governments with a view to helping to solve these humanitarian problems,*

5. *recommends that National Red Cross and Red Crescent Societies intensify their contacts and discussions among themselves and with the ICRC with a view to rendering mutual assistance in the reuniting of dispersed families, thereby helping to foster understanding and peace.* (Geneva, 1986, Resolution XV)

**The role of the Central Tracing Agency
and National Societies in tracing activities and the reuniting of families**

The Twenty-fifth International Conference of the Red Cross,

acknowledging the International Red Cross and Red Crescent Movement's responsibility in helping to re-establish or maintain contact between members of families separated as a consequence of armed conflicts, tensions or natural disasters,

recalling the role which the Central Tracing Agency (CTA) of the ICRC plays as a coordinator and technical adviser to National Societies and governments, as defined in the report presented by the ICRC and the League and adopted by the Twenty-fourth International Conference of the Red Cross,

noting that progress in this area has already been made throughout the Movement,

noting furthermore the steady increase throughout the world of situations resulting in mass movements of people and loss of any contact between family members,

recognizing that, in order to take effective action, the Movement must be able to rely on a sound network composed of all the National Societies' tracing services and the CTA, in liaison, when necessary, with the League Secretariat,

1. *emphasizes the mandate entrusted to the CTA by the Twenty-fourth Conference, congratulates it on the initiatives already taken and, encourages, it to continue its efforts to coordinate activities, to harmonize operating principles and working methods, and to train responsible tracing personnel,*
2. *congratulates National Societies which have worked towards reuniting separated families and calls on them to pursue their efforts,*
3. *requests all National Societies to carry out to the best of their capacity the role which they are called upon to play as components of the international network for tracing and reuniting families,*
4. *asks governments to facilitate and support the work of the Red Cross and Red Crescent Movement in this domain.* (Geneva, 1986, Resolution XVI)

Protection of children in armed conflicts

The Twenty-fifth International Conference of the Red Cross,

recalling Resolution XIII of the Sixteenth International Conference of the Red Cross concerning the protection of women and children in armed conflicts,

having taken note of the Final Document of the Second World Red Cross and Red Crescent Conference on Peace in Aaland and Stockholm in 1984 and of the recommendations of the Red Cross and Red Crescent Symposium, held in San Remo in 1985, on the protection of children,

deeply concerned that in many parts of the world children continue to take a direct part in hostilities and are recruited into the armed forces,

recalling that, in conflicts where weapons are used indiscriminately, significant proportion of victims are innocent civilians and especially children,

noting that children are especially vulnerable when they are separated from their families,

recognizing that children who have been trained to hate and have participated in atrocities of war are often mentally and morally crippled for life,

stressing that the Geneva Conventions of 1949 and the two Additional Protocols of 1977 accord to children special protection and treatment,

- 1. requests governments and the International Red Cross and Red Crescent Movement to disseminate widely the provisions of international humanitarian law protecting children in armed conflicts, as well as publications concerning this question,*
- 2. recalls that, in accordance with Article 77 of Additional Protocol I to the Geneva Conventions, “the Parties to the conflicts shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, the Parties to the conflict shall endeavour to give priority to those who are oldest”,*
- 3. recalls also that, according to the Geneva Conventions and the two Additional Protocols, children under the age of 15 years who have taken direct part in hostilities and fall into the power of an adverse Party continue to benefit from special protection, whether or not they are prisoners of war,*
- 4. expresses its deep concern that children under the age of 15 years are trained for military combat and recommends that in all circumstances children should be educated to respect humanitarian principles,*
- 5. recommends that, according to the Geneva Conventions and the two Additional Protocols, all necessary measures be taken to preserve the unity of the family and to facilitate the reuniting of families,*
- 6. invites governments and Movement to do their utmost to ensure that children who have taken part, directly or indirectly, in hostilities are systematically rehabilitated to normal life,*
- 7. expresses its support for the work of the United Nations Commission on Human Rights regarding the drafting of a Convention on the Rights of the Child and stresses that the protection accorded by the new Convention should be at least the same as that accorded by the Geneva Conventions and the two Additional Protocols. (Geneva, 1986, Resolution IX)*

Children in armed conflicts

The Council of Delegates,

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

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

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

deeply concerned that children suffer particular hardship during armed conflicts,

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

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

1. *urges* the ICRC, National Societies and the International Federation to work for improved implementation, at the national level, of existing international legal standards and increased dissemination thereof;
2. *endorses* the Plan of Action for the Red Cross and Red Crescent Movement, prepared by the International Federation and the ICRC in cooperation with the Henry Dunant Institute, which aims to promote the principle of non-participation and non-recruitment of children below the age of 18 years in armed conflicts and to take concrete action to protect and assist child victims of armed conflicts;
3. *urges* all National Societies, the International Federation and the ICRC to implement or support the implementation of the Plan of Action;
4. *requests* the International Federation and the ICRC, in order to monitor and facilitate the implementation of the Plan of Action, to establish a coordinating group comprised of representatives of the International Federation, the ICRC and five National Societies implementing or supporting programmes for children in armed conflicts;
5. *requests* the International Federation and the ICRC to report on progress in implementing the Plan of Action to the Council of Delegates in 1997. (Council of Delegates, Geneva, 1995, Resolution 5)

Children affected by armed conflict

The Council of Delegates,

recalling previous Resolutions adopted by International Conferences and Councils of Delegates, in particular Resolution 5 of the 1995 Council of Delegates, and Resolution 8.1 of the 1997 Council of Delegates relative to the protection of children in armed conflict and the role and action of the International Red Cross and Red Crescent Movement in their favour,

seriously alarmed by the increasing number of children involved in armed conflict and by the tremendous suffering endured by those children, and deeply concerned by the seriousness and magnitude of the long-term consequences and the need for physical and psychological rehabilitation of children affected by armed conflict,

gravely alarmed and concerned by the fact that children even under the age of 15 years are recruited in armed forces and armed groups in violation of international humanitarian law,

stressing the importance to raise to 18 years the minimum age for recruitment and participation in hostilities and to reinforce or develop the existing legal provisions,

reaffirming the relevance of the objectives set out in the Plan of Action and the need to pursue efforts to ensure its full implementation,

1. *takes note* of the report “Children Affected by Armed Conflict” and the other work of the International Co-ordinating Group, set up to facilitate and monitor the implementation of the Plan of Action of the Movement, and *thanks* it for its work and contribution to actions taken in favour of children affected by armed conflict;
2. *requests* the ICRC, the International Federation and the National Societies to pursue and strengthen the implementation of the Programme concerning children affected by armed conflict;
3. *invites* all components of the Movement to better report on their activities in favour of children and to include this topic regularly on the agenda of all meetings of the Movement and *urges* the ICRC and the International Federation to re-examine the coordination mechanisms to make them as effective as possible and to develop with National Societies a consultation process aimed at reinforcing the commitment to children affected by armed conflict;
4. *encourages* all National Societies to support, particularly through contacts with their government, the adoption of international instruments implementing the principle of non-participation and non-recruitment of children below the age of 18 in armed conflicts with a view to such instruments being applicable to all situations of armed conflict and to all armed groups;
5. *urges* the ICRC and the International Federation in conjunction with interested National Societies and in consultation with specialised organizations to draw up guidelines for prevention, rehabilitation and reintegration of children in

their communities in order to give direction to National Societies in their work in these fields;

6. *asks* the ICRC and the International Federation to report on progress of the work and initiatives undertaken within the Movement at the next meeting of the Council of Delegates. (Council of Delegates, Geneva, 1999, Resolution 8)

D. Refugees

See also:

Part Three

Section IV, Doc. II	International Red Cross aid to refugees: statement of Policy
Section IV, Doc. III	Movement action in favour of refugees and internally displaced persons
Section IV, Doc. IV	Movement Action in favour of refugees and internally displaced persons and “Minimum Elements to be Included in Operational Agreements between Movement Components and their Operational Partners”

Relations of Red Cross Societies with other philanthropic associations and the League of Nations (Xth International Conference)

The Red Cross Societies should always remember that their character and ideal are essentially independent, universal and international. They should therefore devote particular care to the question of assisting aliens established in or passing through the territory in which they operate. The earnest attention of the Red Cross Societies in all countries is drawn to the often precarious situation of sick and needy aliens, which is still generally ill-regulated in practice. (Geneva, 1921, Resolution IX, para. 1, d)

Customs exemption on gifts intended for refugees

The XIIth International Red Cross Conference,

requests the National Societies to approach their Governments with a view to obtaining customs exemption on gifts intended for refugees. (Geneva, 1925, Resolution IV, para. 2)

Legal assistance to aliens

The XVIIth International Red Cross Conference,

recommends that National Societies include in their activities, should the necessity arise, legal and social assistance to stateless persons, refugees and war victims,

requests the League of Red Cross Societies and the International Committee of the Red Cross to establish a standard programme in this field. (Stockholm, 1948, Resolution XXXI)

International Red Cross aid to refugees

The XXIVth International Conference of the Red Cross,

recalling Resolution I of the XXIIIrd International Conference of the Red Cross which stated that the fundamental mission of the Red Cross includes the provision, without discrimination as to race, nationality, religious beliefs or political opinions, of protection and assistance to those who need it, in the event of armed conflict and other disasters,

conscious of the large number of refugees, returnees and displaced persons and the extent of human misery caused by the displacement of populations in many parts of the world,

recalling the primary responsibilities of the Governments of countries of asylum for the care of refugees on their territories, while bearing in mind the obligation of the international community to share equitably the burden of refugee protection, assistance and resettlement, in accordance with accepted principles of international solidarity and cooperation,

recalling that in accordance with their auxiliary role in the humanitarian services of their Governments and with the relief principles of the International Red Cross, National Red Cross and Red Crescent Societies should take immediate actions to alleviate suffering of victims of calamities, including emergency aid to refugees, returnees and displaced persons,

recalling the primary function of the Office of the United Nations High Commissioner for Refugees (UNHCR) in the field of international protection and material assistance to refugees, persons displaced outside their country of origin and returnees, as laid down by its Statutes, the United Nations Conventions and Protocol relating to the status of refugees and relevant resolutions adopted by the United Nations General Assembly,

considering that the ICRC and the League have respective functions in coordinating international Red Cross assistance to these victims, especially when they do not fall under the competence of the Office of the UNHCR,

- 1. approves the policy of the Red Cross in this field as set out in the statement annexed,¹*
- 2. pledges the unremitting support and the collaboration of the Red Cross with the United Nations High Commissioner for Refugees in their respective activities in favour of refugees and displaced persons, within the framework of this policy. (Manila, 1981, Resolution XXI)*

¹ See pp 906 and 907 (Part Three, Section IV, Doc. II).

The Movement and refugees

The Twenty-fifth International Conference of the Red Cross, recalling Resolution XXI and the accompanying statement of policy on International Red Cross aid to refugees, adopted by the Twenty-fourth International Conference of the Red Cross,²

conscious that the number of refugees, asylum-seekers and displaced persons has steadily grown over the past five years, creating even greater requirements for humanitarian aid, especially among the most vulnerable groups (women who are alone or who are heads of families, unaccompanied children, the physically and mentally handicapped, and the elderly),

recognizing that movements of refugees will continue until their causes are eliminated,

welcoming the initiative taken by the 36th session of the United Nations General Assembly to establish the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees (United Nations Document A/41/324 of 13 May 1986) and noting the action being taken on this issue at the 41st session of the General Assembly,

recognizing that persons displaced within their own country do not always benefit from the protection and assistance with which the International Red Cross and Red Crescent Movement is at all times willing to provide them,

sharing the concerns expressed by the 37th session of the United Nations High Commissioner for Refugees' Executive Committee that military or armed attacks on refugee camps and settlements continue, since such attacks claim many victims particularly among women, children and the elderly in such camps and settlements as well as among the host population,

recalling the primary function of the Office of the United Nations High Commissioner for Refugees in the field of international protection of and material assistance to refugees, and in the search for lasting solutions,

- 1. calls upon States, in the search for lasting solutions, to address first and foremost the causes of movements of refugees from their countries of origin,*
- 2. invites governments and the International Red Cross and Red Crescent Movement to pursue their efforts in disseminating knowledge of international humanitarian law and the Fundamental Principles of the Movement to ensure greater respect for the human person,*
- 3. encourages the Movement both to step up its own information and training activities and to take a greater part in providing information aimed at better understanding and mutual acceptance between refugees and their host communities,*

² See pp 906 and 907 (Part Three, Section IV, Doc. II).

4. *urges National Red Cross and Red Crescent Societies to spare no effort to ensure that refugees and asylum-seekers receive humane treatment and decent material conditions in host countries,*
5. *reminds governments, in a spirit of humanity, of their legal and moral obligations regarding refugees, in particular that of respect for the principle of non-refoulement, and encourages them to do everything possible to accelerate the procedures for consideration of asylum applications while maintaining fundamental legal safeguards,*
6. *requests governments to permit the Movement to come to the aid of persons without any other suitable protection or assistance, as in certain cases where persons are displaced within their own country,*
7. *calls upon governments to continue their efforts to find in the near future a solution to the problem of military or armed attacks on refugee camps and settlements, in accordance with the conclusion of the 37th session of the UNHCR Executive Committee, and reaffirms the willingness of the Movement to assist in this endeavour,*
8. *asks governments, the Office of the United Nations High Commissioner for Refugees, National Societies, and non-governmental organizations to give special attention to the problems of refugees, returnees and displaced persons, particularly the most vulnerable groups, and encourages them vigorously to pursue appropriate lasting solutions, within the competence of the UNHCR,*
9. *pledges the continued support and enhanced collaboration of the Movement with the United Nations High Commissioner for Refugees. (Geneva, 1986, Resolution XVII)*

Aid to refugees

The General Assembly,

recognizing that refugees, asylum seekers, displaced persons and returnees have become one of the major concerns of the international community as a whole, that mass uprooting is an ongoing phenomenon of today's world, and that the needs of these people call for a positive response on the part of all concerned governments and humanitarian organizations,

recalling Resolution XXI of the XXIVth International Conference of the Red Cross at Manila and its Statement of Policy, which provided a broad framework for Red Cross/Red Crescent work with refugees, returnees and displaced persons, and Resolution XVII of the XXVth International Conference on the Movement and refugees,

aware that in the face of great needs of uprooted people, many National Societies have been called upon, in response to the Red Cross/Red Crescent Fundamental Principles and sometimes at the behest of their government or by UNHCR, to mount major relief operations to assist refugees, asylum seekers, displaced persons and returnees in their countries,

aware that such operations have raised urgent needs for staff, for training programmes and for well-conceived information programmes, to ensure that the Red Cross/Red Crescent response is efficient, cohesive and does not lead to disaffection amongst either staff or members,

concerned that amongst the many medico-social aspects of work with uprooted people, the question of psychological trauma be properly addressed by the Movement,

takes note with appreciation of the multiple activities of many National Societies over the past few years in favour of refugees, returnees, asylum seekers and displaced persons,

commends the Secretary General for the lead he has taken in spearheading a focus on refugee issues within the Secretariat, and on implementing the terms of Resolutions XXI (1981) and XVII (1986) by assisting National Societies in their need for material or technical support, information, training and consultation on these issues,

recommends that whereas some Red Cross/Red Crescent activities, such as support to survivors of torture, may be seen as going beyond the provision of emergency relief, they not only be maintained but be developed on a wider geographical basis,

requests the Secretary General and National Societies to pursue their efforts in the areas of staff training, information sharing and consultation in regard to their work, current or future, with uprooted people,

reminds National Societies that in accordance with points 4 and 5 of the Statement of Policy approved as part of Resolution XXI (1981), they should keep the League (and/or the ICRC) informed of actions initiated for the benefit of refugees and displaced persons, and of any negotiations likely to lead to a formal agreement with UNHCR which should be undertaken in association with the League and/or ICRC,

encourages the Secretary General and National Societies to study the specific needs of refugee children, in cooperation with all concerned, and to find ways in which the Movement can contribute more to meeting these needs,

reiterates the readiness of the Red Cross/Red Crescent Movement to respond to refugee emergencies, in cooperation with other representatives of the international community, and to continue to provide information aimed at better understanding and mutual acceptance between refugees and their host communities, particularly with respect to voluntary repatriation,

requests the Secretary General, to take initiatives which may lead to the establishment of new programmes for refugee populations all over the world. (General Assembly, VIIth Session, Geneva, 1989, Decision 34)

The International Red Cross and Red Crescent Movement and refugees

The Council of Delegates,

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

concerned that the number of refugees, asylum-seekers and persons displaced within their own countries has continued to grow steadily,

aware that many long-standing refugee situations are still awaiting solutions, and that continued dependence by large numbers of refugees on the support and protection of host countries may progressively increase their vulnerability,

recognizing that a large number of these persons suffer from psychological problems and that the most vulnerable, in particular refugee children, may be exposed to high risks and severe deprivation having a lasting effect on their lives,

taking note that violations of human rights, armed conflict and violations of international humanitarian law are amongst the main causes of population movements,

noting with concern that the majority of refugees find asylum in low-income countries in which they share scarce resources with the local population, thereby aggravating conditions of poverty and instability,

recalling the primary function of the Office of the United Nations High Commissioner for Refugees to ensure international protection and material assistance to refugees, persons displaced outside their countries of origin and returnees, and to seek durable solutions,

recognizing that new forms of movements of persons, due principally to economic and social hardship, frequently leading to severe malnutrition and famine conditions, and often associated with political instability, have emerged, and that these persons, while not fulfilling the international criteria for refugee status, are in need of humanitarian support,

noting the tasks carried out by the various components of the International Red Cross and Red Crescent Movement on behalf of refugees, asylum-seekers, displaced persons and returnees, and the efforts made to provide information and training within the Movement in order to keep pace with these growing tasks,

requests the various components of the Movement, in accordance with their respective mandates:

- a) to act vigorously in favour of refugees, asylum-seekers, displaced persons and returnees,
- b) to pursue their efforts in disseminating international humanitarian law, human rights law, of which refugee law is part, and the Fundamental Principles of the Movement in order to enhance protection and humane treatment of refugees, asylum-seekers, displaced persons and returnees,
- c) to cooperate actively in supporting activities designed to enhance refugees' self-reliance in camps and on their safe return to their home countries,

- d) to focus attention on the psychological problems encountered by most refugees, asylum-seekers, displaced persons and returnees and on the care needed for the most vulnerable among them, giving due support to children through activities such as community-based health services and assistance in psychological and social readjustment,
- e) to enhance training and information, including exchanges of experiences, of its members and representatives in this field,
- f) to draw the attention of host communities to the problems of humanitarian concern encountered by refugees, asylum-seekers and displaced persons, and to fight xenophobia and racial discrimination,
- g) to continue and further strengthen cooperation with the Office of the United Nations High Commissioner for Refugees and other international organizations acting in favour of refugees, asylum-seekers, displaced persons and returnees,
- h) to actively seek the support of governments with a view:
 - i) to permit the Movement to assist those who are deprived of any suitable protection or assistance,
 - ii) to address first and foremost the causes of people fleeing their homes, and to promote peace and respect for human rights and to intensify cooperation in socio-economic development, particularly among low-income countries,
 - iii) to ensure that, in all circumstances, refugees, asylum-seekers and displaced persons receive humane treatment and decent material conditions,
 - iv) in the search for durable solutions, to see that the voluntary character of repatriation and the safety of returning refugees in their countries of origin are fully ensured,
 - v) to support the development of refugee hosting areas in the event of mass influxes of refugees, so as to avert any deterioration in living conditions and ensure the security of the refugee and local population,
 - vi) to ensure that a decision to deny asylum is taken only within the framework of fair and proper procedures and that the principle of return in safety and dignity of rejected asylum-seekers is reaffirmed and, if assistance is given by National Societies, to respect their adherence to the Fundamental Principles of the Movement. (Council of Delegates, Budapest, 1991, Resolution. 9)

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. (Council of Delegates, Birmingham, 1993, Resolution 7)

E. Protection in armed conflict

Protection of the civilian population in period of armed conflict

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

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

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

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

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

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

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

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

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

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

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

- (a) *reaffirms* the obligation of all States to respect in all circumstances the relevant principles and norms of international humanitarian law, and of States party to the 1949 Geneva Conventions and States party to the 1977 Additional Protocols to ensure respect for the Conventions and Protocols;
- (b) *strongly condemns* the systematic and massive killing of civilians in armed conflicts;
- (c) *urges* States and all parties to armed conflicts to comply in all circumstances and to ensure compliance by their armed forces with the relevant principles and norms of international humanitarian law and, with the support of the

International Red Cross and Red Crescent Movement (Movement), to take the necessary measures to disseminate them;

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

B. With regard to women:

- (a) *expresses* its outrage at practices of sexual violence in armed conflicts, in particular the use of rape as an instrument of terror, forced prostitution and any other form of indecent assault;
- (b) *recognizes* the fundamental link between assistance to and protection of women victims of conflict, and *urges* that strong measures be taken to provide women with the protection and assistance to which they are entitled under national and international law;

- (c) *strongly condemns* sexual violence, in particular rape, in the conduct of armed conflict as a war crime, and under certain circumstances a crime against humanity, and urges the establishment and strengthening of mechanisms to investigate, bring to justice and punish all those responsible;
- (d) *underlines* the importance of providing appropriate training to prosecutors, judges and other officials in handling such cases, in order to preserve the dignity and interests of the victims;
- (e) *encourages* States, the Movement and other competent entities and organizations to develop preventive measures, assess existing programmes and set up new programmes to ensure that women victims of conflict receive medical, psychological and social assistance, provided if possible by qualified personnel who are aware of the specific issues involved;

C. With regard to children:

- (a) *urgently draws attention* to the obligation to take all requisite measures to provide children with the protection and assistance to which they are entitled under national and international law;
- (b) *strongly condemns* deliberate killing and sexual exploitation of, and abuse of and violence against children, and *calls for* particularly stringent measures to prevent and punish such behaviour;
- (c) *also strongly condemns* recruitment and conscription of children under the age of 15 years in the armed forces or armed groups, which constitute a violation of international humanitarian law, and *demand*s that those responsible for such acts be brought to justice and punished;
- (d) *recommends that* parties to conflict refrain from arming children under the age of 18 years and take every feasible step to ensure that children under the age of 18 years do not take part in hostilities;
- (e) *supports* the work being done by the United Nations Commission on Human Rights on the involvement of children in armed conflicts with a view to adopting an optional Protocol to the 1989 Convention on the Rights of the Child, the purpose of which is to increase the protection of children involved in armed conflicts;
- (f) *takes note of* the efforts of the Movement to promote a principle of non-recruitment and non-participation in armed conflicts of children under the age of 18 years, and supports its practical action to protect and assist all children who are victims of conflict;
- (g) *encourages* States, the Movement and other competent entities and organizations to develop preventive measures, assess existing programmes and set up new programmes to ensure that child victims of conflict receive medical, psychological and social assistance, provided if possible by qualified personnel who are aware of the specific issues involved;

D. With regard to the reunification of families:

- (a) *demands* that all parties to armed conflict avoid any action aimed at, or having the effect of, causing the separation of families in a manner contrary to international humanitarian law;
- (b) *appeals* to States to do their utmost to solve the serious humanitarian issue of dispersed families without delay;
- (c) *emphasizes* that family reunification must begin with the tracing of separated family members at the request of one of them and end with their coming together as a family;
- (d) *stresses* the particular vulnerability of children separated from their families as a result of armed conflict, and *invites* the ICRC, the National Societies and the International Federation, within the scope of their respective mandates, to intensify their efforts to locate unaccompanied children, to identify them, to re-establish contact and reunite them with their families, and to give them the necessary assistance and support;
- (e) *notes* that the form of a family may vary from one culture to the other, *recognizes* the aspiration of separated families to be reunited and *appeals* to States to apply criteria for family reunification in such a way that they take into account the situation of those family members who are most vulnerable;
- (f) *requests* that the legal status of family members in a host country be determined swiftly and in a humanitarian spirit, with a view to ensuring the facilitation of family reunification;
- (g) *calls upon* States to facilitate the tracing activities of their respective National Red Cross or Red Crescent Societies by granting them access to the relevant data;
- (h) *encourages* National Societies to maximize their efficiency in carrying out tracing work and family reunifications by strengthening their tracing and social welfare activities and maintaining close cooperation with the ICRC, government authorities and other competent organizations, such as the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and non-governmental organizations (NGOs) involved in such work;
- (i) *calls upon* States to support National Societies in carrying out such tracing work and family reunifications;
- (j) *commends* the role of the ICRC's Central Tracing Agency (CTA) in tracing and reuniting family members, and *encourages* the CTA to continue to coordinate, whenever necessary, National Society activities in tracing and reuniting families and to train National Society staff in the principles and techniques of tracing;
- (k) *stresses* the need and the right of families to obtain information on missing persons, including missing prisoners of war and those missing in action, and *strongly urges* States and parties to armed conflict to provide families with information on the fate of their missing relatives;

- (l) *urges* States and parties to armed conflict to cooperate with the ICRC in tracing missing persons and providing necessary documentation;
- (m) *notes* the increasing importance of the psychological and social aspects of the needs of victims of armed conflict, and *encourages* the International Federation to advise and train National Societies in this field;

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

- (a) *strongly condemns* attempts to starve civilian populations in armed conflicts;
- (b) *stresses* the following provisions of international humanitarian law:
 - the prohibition on using starvation of civilians as a method of warfare and on attacking, destroying, removing or rendering useless, for that purpose, objects indispensable to the survival of the civilian population,
 - the prohibition on attacking, destroying, removing or rendering useless any objects indispensable to the survival of the civilian population,
 - the general prohibition on forced displacement of the civilian population, which often causes widespread famine,
 - the obligation to accept, under the conditions prescribed by international humanitarian law, impartial humanitarian relief operations for the civilian population when it lacks supplies essential to its survival;
- (c) *urges* parties to conflict to maintain conditions in which the civilian population is able to provide for its own needs, in particular by refraining from any measure intended to cut it off from its sources of supply or access to its crops or arable land or generally depriving it of objects indispensable to its survival;

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

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

G. With regard to anti-personnel landmines:

- (a) *expresses deep concern and indignation* that anti-personnel landmines kill or maim hundreds of people every week, mostly innocent and defenceless civilians, obstruct economic development and have other severe consequences for years

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

H. With regard to blinding and other weapons:

- (a) *recalling* Resolution VII of the 25th International Conference of the Red Cross concerning the work on international humanitarian law in armed conflicts at sea and on land;

- (b) *reaffirms* that international humanitarian law must be respected in the development of weapons technology;
- (c) *welcomes* the adoption by the above-mentioned Review Conference of a new fourth Protocol on blinding laser weapons as an important step in the development of international humanitarian law;
- (d) *emphasizes* the prohibition on the use or transfer of laser weapons specifically designed to cause permanent blindness;
- (e) *urges* States to declare themselves bound by the provisions of this Protocol at the earliest possible date and to ensure they have in place necessary national measures of implementation;
- (f) *welcomes* the general agreement achieved at the Review Conference that the scope of application of this Protocol should apply not only to international armed conflicts;
- (g) *requests* States to consider, for example at a subsequent Review Conference, further measures on the production and stockpiling of blinding laser weapons prohibited by this Protocol and *requests* that other issues, such as measures concerning compliance, should be further considered;
- (h) *underlines* that proper attention should be given to other existing conventional weapons or future weapons which may cause unnecessary suffering or have indiscriminate effects;
- (i) *concerned* about the threat to civilian shipping posed by free-floating naval mines, and *notes* that a proposal to deal with problems such as this has been under discussion;
- (j) *invites* the ICRC, in consultation with the International Federation and National Societies, to follow developments in these fields, in particular the expansion of the scope of application of the new fourth Protocol, and to keep the International Conference of the Red Cross and Red Crescent informed. (Geneva, 1995, Resolution 2)

Plan of Action for the years 2000-2003

The members of the 27th International Conference of the Red Cross and Red Crescent, held in Geneva from 31 October to 6 November 1999, adopt the following Plan of Action for the coming four years in order to improve the care and protection of victims of armed conflicts and disasters and more generally of the most vulnerable people. They will implement the actions set out in the Plan of Action in accordance with their respective powers, mandates and capacities.

In adopting this Plan of Action, the International Conference recognizes the unique nature of the cooperation between the International Red Cross and Red Crescent Movement¹ and States² and the specific mandates of each component of the Movement. It also reaffirms the commitment of States, adhering to the purposes and principles of the United Nations Charter, to meet their existing obligations under international humanitarian law to support the work of each component of the Movement and to respect at all times the components' adherence to the Fundamental Principles.

The Plan of Action is divided into long-term goals and specific actions which represent the main areas where a renewed effort is required from States and the Movement for their respective commitments in the coming four years.³

The 28th International Conference will evaluate the results attained over the next four years. The Standing Commission of the Red Cross and Red Crescent will encourage and further the implementation of the Plan of Action, according to its statutory mandate, through consultations with States party to the Geneva Conventions, components of the Movement and other actors, as to the best methods of achieving this.

1. Protection of victims of armed conflict through respect of international humanitarian law

Final goals

- 1.1** Full compliance by all the parties to an armed conflict with their obligations under international humanitarian law to protect and assist the civilian population and other victims of the conflict and to respect protected objects
- 1.2** An effective barrier against impunity through the combination of relevant international treaties and national laws concerning the repression of violations of international humanitarian law, and the examination of an equitable system of reparations

¹ The International Red Cross and Red Crescent Movement is composed of the International Committee of the Red Cross (referred to herein as the "ICRC"), National Red Cross and Red Crescent Societies (referred to herein as "National Societies") and the International Federation of Red Cross and Red Crescent Societies (referred to herein as the "International Federation"). Throughout this document, the term "Movement" covers all the aforementioned components.

² Throughout this document the term "States" refers to States party to the Geneva Conventions of 1949.

³ In this document actions to be undertaken solely by States or the Movement only commit the specified actors.

- 1.3** Universal acceptance of international humanitarian law and the adoption of all necessary measures by States at the national level to ensure the implementation of their obligations under international law
- 1.4** Integration, by States, of their obligations under international humanitarian law in relevant procedures and training. Promotion of this law among relevant persons and bodies
- 1.5** Conformity of weapons with international humanitarian law, the establishment of effective controls on the availability of arms and ammunition, and an end to the human tragedy caused by anti-personnel landmines

Actions proposed

Final goal 1.1 – Full compliance by all the parties to an armed conflict with their obligations under international humanitarian law to protect and assist the civilian population and other victims of the conflict and to respect protected objects

1. All the parties to an armed conflict take effective measures to respect and ensure respect for international humanitarian law and to ensure, in particular, in accordance with their relevant obligations under international humanitarian law, that:
 - (a) in the conduct of hostilities, every effort is made – in addition to the total ban on directing attacks against the civilian population as such or against civilians not taking a direct part in hostilities or against civilian objects – to spare the life, protect and respect the civilian population, with particular protective measures for women and girls, and groups with special vulnerabilities such as children, the elderly, persons with disabilities and displaced persons and to protect civilian objects including cultural property, places of worship and diplomatic facilities;
 - (b) strict orders are given to prevent all serious violations of international humanitarian law, including massacres, summary executions, torture, gender-based violence in particular rape and other forms of sexual violence, harassment, enforced disappearances, collective punishment, looting, wanton property destruction, and threats to carry out such actions; effective mechanisms are established to ensure that these orders are duly implemented at all levels and perpetrators punished;
 - (c) actions provoking unwarranted population displacements are avoided and if displacement occurs, that displaced persons are respected and protected, appropriate assistance is provided to them and they are able to return voluntarily, in peaceful conditions and in safety to their home or to resettle voluntarily elsewhere;
 - (d) all persons deprived of their liberty for reasons related to the armed conflict are fully respected and protected; prisoners of war are released and repatriated without delay after the cessation of active hostilities, unless subject to due judicial process; the prohibition of taking hostages is strictly respected;

the detention of prisoners and internees is not prolonged for bargaining purposes which practice is prohibited by the Geneva Conventions;

- (e) every effort is made to clarify the fate of all persons unaccounted for and to inform the families accordingly, and to identify dead persons, inform their families and return their bodies to them; in order to ensure this, appropriate procedures be put into place at the latest from the beginning of an armed conflict;
 - (f) children receive the special protection, care and assistance, including access to educational and recreational facilities, to which they are entitled under national and international law; all measures, including penal measures, are taken to stop the participation of children under the age of 15 years in armed hostilities and their recruitment into the armed forces or into armed groups, which constitute a violation of international humanitarian law; and, in this context, recall Resolution 2 C (d) of the 26th International Conference of the Red Cross and Red Crescent of 1995, which recommends that: "parties to conflict refrain from arming children under the age of 18 years and take every feasible step to ensure that children under the age of 18 years do not take part in hostilities";
 - (g) every possible effort is made to provide the civilian population with all essential goods and services for its survival; rapid and unimpeded access to the civilian population is given to impartial humanitarian organizations in accordance with international humanitarian law in order that they can provide assistance and protection to the population; the reports and recommendations of impartial humanitarian organizations are seriously taken into account;
 - (h) an attempt is made wherever possible to enhance the safety of protected persons, and in the framework of international humanitarian law or the United Nations Charter, to create a humanitarian space through the establishment of safety zones, humanitarian corridors, and other forms of special protection for civilian populations and other persons protected under international humanitarian law.
2. States stress the provisions of international humanitarian law prohibiting the use of starvation of civilians as a method of warfare and on attacking, destroying, removing or rendering useless, for that purpose, objects indispensable to the survival of the civilian population.
 3. Organized armed groups in non-international armed conflict are urged to respect international humanitarian law. They are called upon to declare their intention to respect that law and teach it to their forces.
 4. Parties to an armed conflict use their best endeavours to ensure that conditions of security are guaranteed in order that the ICRC, in accordance with international humanitarian law, has access to, and can remain present in, all situations of armed conflict to protect the victims thereof and, in cooperation

with National Societies and the International Federation, to provide them with the necessary assistance. Furthermore, the ICRC continues its efforts to seek to engage in a constructive dialogue with all parties to an armed conflict, in cooperation with them and with their consent in regard to which full account of the Geneva Conventions has to be taken, with a view to assisting them in meeting their obligations under international humanitarian law.

5. Contributing States, the United Nations or regional organizations ensure as appropriate that personnel under the command of the United Nations or regional organizations are instructed in international humanitarian law and observe the relevant principles and rules of this law.
6. In situations of serious violations of international humanitarian law, States party to the Geneva Conventions act, jointly or individually, in cooperation with the United Nations and in conformity with the United Nations Charter. Regional intergovernmental organizations may participate in these efforts on the same legal basis.
7. The International Federation, National Societies and the ICRC will continue their efforts in pursuance of decisions taken within the International Movement and notably the *Plan of Action for Children Affected by Armed Conflict* (CABAC), to “promote the principle of non-recruitment and non-participation of children below the age of 18 years in armed conflicts”; meet the physical, psychological and social needs of children who have been affected by an armed conflict; and to contribute to the reintegration into their communities and social environment of children who have participated in armed conflicts.

States are encouraged to engage in a constructive dialogue with the International Federation, National Societies and the ICRC on the *Plan of Action for Children Affected by Armed Conflict* (CABAC).

8. The ICRC formulates a set of guidelines aimed at better addressing the protection and assistance needs of women and girls affected by armed conflict.
9. States take into consideration the report and recommendations of the United Nations Secretary General on the Protection of Civilians in Armed Conflict (S/1999/957 of 8 September 1999).

Final goal 1.2 – An effective barrier against impunity through the combination of relevant international treaties and national laws concerning the repression of violations of international humanitarian law, and the examination of an equitable system of reparations

10. States vigorously implement their international obligations regarding the repression of war crimes, cooperating with each other in doing so where necessary. States search for persons alleged to have committed, or to have ordered to be committed, grave breaches and bring them, regardless of their nationality, before their own courts or if they prefer, and in accordance with the

provisions of their own legislation, hand over such persons for trial to another State with jurisdiction and consider taking similar action pursuant to international law in respect of other war crimes. States are invited actively to consider contributing to the setting up of the International Criminal Court and to adhere to its Statute.

11. States examine mechanisms for making reparations for damage inflicted on the victims of violations of international humanitarian law.

Final goal 1.3 - Universal acceptance of international humanitarian law and the adoption of all necessary measures by States at the national level to ensure the implementation of their obligations under international law

12. States consider or reconsider, in order to enhance the universal character of international humanitarian law, becoming party to the relevant treaties concluded since the adoption of the 1949 Geneva Conventions. States express their appreciation of the ICRC's continued efforts to promote universal adherence to these treaties. States re-examine ratified instruments with a view to considering the possibility of withdrawing existing reservations.
13. States adopt the necessary implementing measures, in particular national legislation for the repression of war crimes, genocide and crimes against humanity and for the protection of the red cross and red crescent emblems. States are encouraged to create or further develop national committees or other mechanisms, with the support of National Societies, in order to facilitate coordination between ministries. Cooperation also takes place at the regional and international levels. An information exchange system on implementation of international humanitarian law is to be considered.
14. The ICRC Advisory Service on International Humanitarian Law, with the assistance of National Societies, strengthens its capacity to advise and assist States, with their consent, in their efforts to adopt national measures of implementation and further develop the database on such measures. States and national committees or other mechanisms are encouraged to send information on legislation, case law and other measures taken and planned to the ICRC Advisory Service.
15. States party to Additional Protocol I to the Geneva Conventions which have not yet recognized the competence of the International Fact-Finding Commission pursuant to Article 90 thereof consider again the possibility of doing so. Parties to armed conflicts are called upon to examine systematically the utility and the possibility of resorting to the Commission in order to clarify facts or facilitate respect for international humanitarian law through its good offices. The International Fact-Finding Commission acts in accordance with international law.

Final goal 1.4 – Integration, by States, of their obligations under international humanitarian law in relevant procedures and training. Promotion of this law among relevant persons and bodies

16. States examine their educational and training curricula to ensure that international humanitarian law is integrated in an appropriate manner in their training programmes for armed and security forces and relevant civil servants. States promote knowledge of international humanitarian law among decision-makers and the media and work for the inclusion of international humanitarian law in the general educational programmes of relevant organizations, professional bodies and educational institutions. To facilitate these tasks, the ICRC will provide, where required, guidelines and material for international humanitarian law training. National Societies will cooperate in providing such training where necessary.
17. States ensure that the rules of international humanitarian law are incorporated into the operational procedures of their armed and security forces and applied by their forces when they are engaged in operations to which the rules apply. To this effect, international humanitarian law will be integrated into their field manuals and, as appropriate, into command procedures, and become a standard norm in command post and staff exercises as well as in military manoeuvres.
18. The ICRC, in cooperation with National Societies and the International Federation, develops innovative ways, in collaboration with bodies such as the media, and religious and other comparable institutions, to promote the acceptance of international humanitarian law and Red Cross and Red Crescent principles by all relevant actors in armed conflict situations. States facilitate this analysis and action by the Movement as appropriate.

Final goal 1.5 – Conformity of weapons with international humanitarian law, the establishment of effective controls on the availability of arms and ammunition, and an end to the human tragedy caused by anti-personnel landmines

19. States make all possible efforts to end the human tragedy caused by anti-personnel landmines through concrete steps towards their elimination, for example, considering adherence to relevant international legal instruments and prohibiting the transfer of anti-personnel landmines, and through national and international measures and cooperative efforts in the fields of mine clearance, mine awareness and assistance to mine victims and their communities.

The Movement implements the long-term “Movement Strategy on Landmines” adopted by the 1999 Council of Delegates.
20. States should endeavour, wherever appropriate, to engage in post-conflict discussions with respect to aiding the victims of war.
21. States which have not done so are encouraged to establish mechanisms and procedures to determine whether the use of weapons, whether held in their inventories or being procured or developed, would conform to the obligations binding on them under international humanitarian law. States are encouraged to promote, wherever possible, exchange of information and transparency in relation to these mechanisms, procedures and evaluations.

States and the ICRC may engage in consultations to promote these mechanisms, and in this regard analyse the extent to which the ICRC *SIRUS (Superfluous Injury or Unnecessary Suffering) Project Report* to the 27th Conference and other available information may assist States.

22. States take all possible measures for the negotiation of international instruments in order to adequately address the problems caused by weapons. States will make all efforts towards the successful conclusion of the negotiations on a protocol to strengthen the Biological and Toxin Weapons Convention.
23. States enhance the protection of civilians in armed conflict and post-conflict situations by seeking to strengthen controls on the availability of arms, in particular small arms and ammunition, at the national, regional and international levels, including by improving national export regulations. States examine the establishment of means to integrate consideration of respect for international humanitarian law into national decision-making on transfers of arms and ammunition, and, where relevant, examine ways of integrating such considerations into “codes of conduct”.

The Movement will promote public awareness of the human costs of unregulated arms transfers and widespread arms availability and continue to promote the ratification, and faithful implementation, of the relevant norms of international humanitarian law governing weapons.

2. Humanitarian action in times of armed conflict and other disasters

Final goals

- 2.1.** Effective response in disaster situations through improved national and international preparedness
- 2.2.** Strengthened mechanisms of cooperation and coordination amongst States, the Movement and other humanitarian actors
- 2.3.** Provision for the rights and acute needs of the most vulnerable people as the first priority for humanitarian action
- 2.4.** Understanding of the respective roles of political, military and humanitarian actors, and protection of humanitarian personnel

Actions proposed

Final goal 2.1 – Effective response in disaster situations through improved national and international preparedness

1. States will:
 - (a) establish or update national disaster preparedness plans which incorporate linkages, where necessary, to international systems of disaster response and have clearly defined and agreed roles and responsibilities for National Societies, including representation on appropriate national policy and coordination bodies;

- (b) examine the vulnerability of their disaster response systems to disaster damage and take steps to ensure that these systems can continue to operate effectively in responding to the needs created by disasters;
 - (c) help, as appropriate, National Societies, in cooperation with the International Federation, to access and benefit from international funding within the multilateral context, with a view to strengthening disaster preparedness.
2. National Societies, supported by their respective governments, the International Federation and the ICRC, will:
 - (a) strengthen their disaster preparedness and response capacities, including the raising of community awareness and support, both nationally and internationally, in response to changing patterns of risk and vulnerability, and through lessons learned from experience gained over the past decade, including those within the framework of the International Decade for Natural Disaster Reduction (IDNDR);
 - (b) examine the vulnerability of their disaster response systems to disaster damage and take steps to ensure that these systems can continue to operate effectively in responding to the needs created by disasters.
 3. The International Federation, while drawing upon existing research and the competence of relevant international bodies, will undertake a study to assess the future impact of climatic changes upon the frequency and severity of disasters and the implications for humanitarian response and preparedness.

Final goal 2.2 – Strengthened mechanisms of cooperation and coordination amongst States, the Movement and other humanitarian actors

4. The Movement, supported where appropriate by States, undertakes to improve cooperation and coordination in its international activities, both internally as set out in the 1997 Seville Agreement, and with States, the United Nations system, regional, national and sub-national authorities, international organizations and other actors, based upon the “Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations in Disaster Relief”.
5. States and the Movement will support efforts to develop minimum practical standards for the delivery of humanitarian assistance, such as those elaborated in the *Sphere project* (Humanitarian Charter and Minimum Standards in Disaster Response).
6. The Movement will develop its activities in post-conflict situations. In particular, the International Federation will develop its strategy to guide post-conflict relief and rehabilitation programming based on National Societies’ capacity for social mobilization and service provision. States and the Movement will promote better coordination between States, international organizations, the Movement, NGOs and other organizations in managing the transition from emergency humanitarian assistance to longer term development assistance.

7. States and the Movement will cooperate to further develop:
- (a) response mechanisms that are, above all, rapid, flexible and effective in responding to needs of victims and vulnerable people;
 - (b) funding mechanisms that provide more predictable and appropriate funding while recognizing the accountability requirements of all parties.

Final goal 2.3 – Provision for the rights and acute needs of the most vulnerable people as the first priority for humanitarian action

8. States and all parties to an armed conflict will take all necessary measures to ensure the civilian character of refugee and internally displaced persons camps, and that appropriate conditions are met regarding location, environment, camp security, law and order, and registration. The Movement will offer its services, where required, in assisting to meet these responsibilities.
9. National Societies, the International Federation and the ICRC, according to their respective mandates and in accordance with international humanitarian law, may offer their services on behalf of refugees and asylum seekers in cooperation with UNHCR, and, taking note of the Guiding Principles on Internal Displacement, may also offer their services on behalf of internally displaced persons, and will:
- (a) extend support to States in fulfilling their obligations to assist and protect refugees, asylum seekers and internally displaced persons;
 - (b) ensure that their programmes support host government efforts to seek durable solutions for displaced populations, including voluntary repatriation in safety and dignity, in dialogue with countries of origin;
 - (c) promote efforts to develop solidarity and understanding between host communities and refugees, asylum seekers and internally displaced persons.
10. States and the Movement encourage the United Nations Security Council, before applying economic sanctions, to take into account the needs of the civilian population and apply humanitarian exemptions, as appropriate. States welcome the note by the President of the Security Council of 29 January 1999 on the work of the sanctions committees, in particular the paragraphs relating to the humanitarian impact of sanctions.

Final goal 2.4 – Understanding of the respective roles of political, military and humanitarian actors, and protection of humanitarian personnel

11. Political and military actors and humanitarian organizations, while acknowledging and respecting the clear distinction between their different missions and modes of operations, will undertake at the national and international levels to strengthen their dialogue in order to ensure a clear understanding of, and respect for, each others' mandates and roles.

12. Humanitarian personnel will be respected and protected at all times. Threats to, and attacks on, such personnel will be duly investigated and those alleged to have committed such attacks will be brought to justice under due process of law. In this context, States are encouraged to consider becoming parties to the 1994 Convention on the Safety of United Nations and Associated Personnel.

3. Strategic partnership to improve the lives of vulnerable people

Final goals

- 3.1** Improved health for vulnerable people based on strengthened cooperation between States and National Societies
- 3.2** New initiatives to meet the needs of vulnerable people and to reduce discrimination and violence in the community
- 3.3** Increased National Society capacities and effective partnership with States, and cooperation with relevant humanitarian and development organizations

Actions proposed

Final goal 3.1 – Improved health for vulnerable people based on strengthened cooperation between States and National Societies

1. States note the important role of National Societies in providing and advocating for improved health and social services particularly for vulnerable groups, and will strengthen their cooperation with their National Societies to further this end. States will provide opportunities, where appropriate, for National Societies to be represented in policy, planning and implementation bodies.
2. States, National Societies, and the International Federation, together with the appropriate international and national bodies, will develop their collaboration to increase promotion and provision of primary health care, with particular emphasis on preventative primary health care and the well-being of vulnerable people in inaccessible and under-served areas, and in the most deprived sections of large cities.
3. States recognize that blood service provision as part of health care is the overall responsibility of governments. National Societies will support national blood programmes as needed through the provision of high quality and safe blood services based upon voluntary, non-remunerated blood donation. To this end, States will strive to ensure, where appropriate, that adequate resources are made available to National Societies involved in such programmes.
4. The International Federation and National Societies will, in cooperation with States, and appropriate national and international bodies, further strengthen their capacity to prevent, treat and control communicable diseases (including emerging and re-emerging diseases), especially tuberculosis, HIV/AIDS and other sexually transmitted diseases, malaria and vaccine-preventable diseases.

5. States recognize the intrinsic value of first-aid training for the public as an effective means for prevention, preparedness and response to emergencies as well as day-to-day health problems. Accordingly, States, where appropriate, will give consideration to providing opportunities for first-aid training for school children, public servants, health professionals and members of the community, utilizing in particular the expertise and capacity of their National Societies.
6. States will respond to the growing global problem of road accidents through, for example, the further development of road safety measures in collaboration with all concerned partners, in particular National Societies. Concerned National Societies will develop their role in support of first-aid training and public awareness activities to reduce levels of road accidents and the resulting casualties, especially amongst vulnerable populations.

Final goal 3.2 – New initiatives to meet the needs of vulnerable people and to reduce discrimination and violence in the community

7. The ICRC, the International Federation and National Societies, with the support of States where applicable, will develop innovative ways to explain and communicate the Fundamental Principles of the Red Cross and Red Crescent, inside the Movement and externally to local authorities and the community, as a means of:
 - (a) ensuring that all volunteers and staff of the Movement understand and act on the basis of the Fundamental Principles in their day-to-day work;
 - (b) ensuring that public authorities understand the role of the Movement, use its capacity and facilitate its access to vulnerable people in peaceful and violent circumstances, in accordance with applicable international law;
 - (c) developing mutual understanding and fostering initiatives in the community, taking into account the diversity of its cultural, religious and other representative features, to protect life and health and to ensure respect for the human being.
8. States, where appropriate, will facilitate access to schools and universities for National Societies, the International Federation and the ICRC, and will contribute to the development of communication and teaching materials which foster understanding of the Fundamental Principles.
9. National Societies will review and adjust their service delivery and communication programmes to ensure that they fully represent the application of the Fundamental Principles, with particular reference to advocacy for, and services to, the most vulnerable people in the community.
10. National Societies, in reviewing their programmes, will pay special attention to the needs of children living in difficult circumstances, in particular street children. With the support of the International Federation, they will develop their activities and advocacy, where appropriate, to contribute to meeting these

needs. States, where appropriate, will draw on the capacities of National Societies, and support their actions in meeting the needs of street children.

11. States will seek to improve the plight of children living in difficult circumstances by meeting their special needs, with emphasis on prevention of sexual exploitation and physical and other forms of abuse and the sale of children with the ultimate objective of the reintegration of these children into their families and society. States will strive to achieve the rapid conclusion of the work of the United Nations Working Group on an Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography.
12. National Societies and States will cooperate and, as appropriate, take initiatives to promote tolerance, non-violence in the community and respect for cultural diversity.

Final goal 3.3 – Increased National Society capacities and effective partnership with States, and cooperation with relevant humanitarian and development organizations

13. States, recognizing the auxiliary role of National Societies and the growing significance of their work in the provision of services and the fostering of respect for the human being, will:
 - (a) where necessary, commit to further strengthening the capacity of the National Society of their own country, facilitating and supporting its role in response to new challenges in the national context;
 - (b) recognize the growing importance of volunteers as providers of practical and emotional support to vulnerable people in the community, thus complementing the coverage of needs not met by the formal service delivery system. States consequently review, and where necessary, introduce or update legislation so as to facilitate the efficient work of relevant voluntary organizations;
 - (c) increase their support for building a stronger, global National Society network, better able to respond to needs in the community and to disasters. In this they will give due recognition to the experience of the “Tripartite Process” launched by the International Federation in follow-up to the 26th International Conference;
 - (d) as appropriate, increase their support for coordination between the National Society network and relevant humanitarian and development organizations.
14. National Societies, in order to ensure their capacity to respond more effectively to new challenges, will:
 - (a) take new initiatives to ensure a well-balanced participation by people from all sectors of society in their organization and programmes, and promote their integration into National Society decision-making processes and leadership positions;

- (b) review their legal base and statutes to determine whether they need to be updated. As part of this process they will consider the draft model law prepared by the International Federation and the ICRC, the guidelines for National Society statutes and other relevant decisions of Movement and International Federation statutory bodies;
- (c) commit themselves to increased coordination and cooperation with relevant humanitarian and development organizations.

15. The International Federation will:

- (a) continue its research, in cooperation with National Societies, on specific aspects of voluntarism, in order to develop updated policy and guidelines;
- (b) initiate, in cooperation with National Societies and the ICRC, an in-depth study into the working relationship between States and National Societies, taking into account the changing needs in the humanitarian, health and social fields, the auxiliary role of National Societies and the evolving role of the State, the private sector and voluntary organizations in service provision;
- (c) implement “Strategy 2010”, adopted by its General Assembly in October 1999, which seeks to build the individual and collective actions of National Societies, in cooperation with States, in order to improve the lives of vulnerable people.
(Geneva, 1999, Resolution 1, Annex 2)

Movement action in favour of refugees and internally displaced persons

The Council of Delegates,

expressing its deep concern about the need to improve protection and assistance to the tens of millions of persons who have been forcibly uprooted and displaced by armed conflict, violations of international humanitarian law and human rights and natural or other human-induced disasters,

welcoming the document prepared by the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (International Federation) entitled Movement Action in Favour of Refugees and Internally Displaced Persons (Document CD2001/6/1),

recalling and reaffirming the resolutions adopted by the International Conference of the Red Cross and Red Crescent (Resolution XXI, Manila 1981; Resolution XVII, Geneva 1986, Resolution 4A, Geneva 1995 and Goal 2.3 of the Plan of Action of the 27th International Conference, Geneva 1999) as well as the Resolutions adopted by the Council of Delegates (Resolution 9, Budapest 1991 and Resolution 7, Birmingham 1993),

recalling that in situations of armed conflict refugees and internally displaced persons are protected by international humanitarian law, recalling also the protection afforded by refugee law, human rights law and national law and encouraging all components of the Movement, in accordance with their mandates, to take appropriate measures to ensure that States are aware of their responsibilities under international humanitarian law, refugee law, human rights law as well as national law applicable to refugees and internally displaced persons,

emphasizing the importance of respect for international humanitarian law for the prevention of displacement,

noting the need for the components of the Movement to agree upon and implement a coherent strategy for ensuring a predictable response to the needs of refugees and internally displaced persons, while retaining a global approach based on a response to needs rather than on categories of persons,

noting further the requirements that all activities carried out by the components of the Movement in favour of refugees and internally displaced persons be in accordance with their respective mandates as outlined in the Statutes of the Movement and the Seville Agreement and in respect of the Fundamental Principles of the Movement,

Movement response to the needs of refugees and internally displaced persons

1. *calls upon* the ICRC, the International Federation and National Red Cross and Red Crescent Societies (National Societies), in accordance with their respective mandates, to seek to ensure at all times that the Movement's response adopts a global approach, addressing both the needs of refugees and internally displaced persons – whenever possible, by appropriately addressing all stages of displacement, from prevention to return – and also the needs of the resident

population in order to ensure respect for the Principle of Impartiality at all times. In particular, such a response should take into account:

- the need for protection, assistance, tracing, family reunification and durable solutions such as return, local settlement, or resettlement in a third country;
- the specific needs of different groups within populations of refugees and internally displaced persons, as well as their different needs at different stages of displacement;
- the need for short-term interventions and long-term solutions;
- the need to involve refugees and internally displaced persons in planning and implementing programmes for their own benefit;
- the needs of host and local communities;
- the need for burden sharing within the Movement to assist National Societies where responding to displacement is beyond their individual capacities;
- the need to develop a strong advocacy platform with common Movement positions;

Coordination and cooperation within the Movement

2. *requests* the ICRC and the International Federation to develop a strategy to address the issues and challenges identified in Section VI of the above-mentioned document (CD 2001/6/1) by means of a regular and efficient exchange of information between the various components of the Movement as well as between the headquarters and the field;
3. *recognizes* that there may be circumstances in which the ICRC, as the Lead Agency in situations of armed conflict must focus on the priority needs of refugees and internally displaced persons who find themselves closest to areas of conflict, while there may be displaced persons located at a distance from the theatre of hostilities who may also be in dire need of assistance, and urges the ICRC, in consultation with the International Federation and National Societies, to develop, within the framework of the Seville Agreement, operational solutions to such situations;
4. *calls on* National Societies to support ICRC and/or International Federation programmes in favour of refugees and internally displaced persons mobilizing public as well as government support and coordinating their action with the Lead Agency to ensure the most effective Movement response;

Coordination and cooperation with other humanitarian actors

5. *requests* the ICRC, the International Federation and National Societies jointly and individually, in accordance with their respective mandates, to continue to closely co-ordinate their activities in this area and promote real coordination with other humanitarian actors, aiming to achieve a coherent approach by the components of the Movement in their relations with other humanitarian actors to achieve greater complementarity in their activities;

6. *urges* National Societies to ensure that their activities in favour of refugees and internally displaced persons are carried out in respect of the Fundamental Principles of the Movement and existing policy at all times, and particularly when they are acting as implementing partners for other humanitarian actors;
7. *reminds* National Societies of their obligation to inform the International Federation and/or the ICRC of any negotiations likely to lead to a formal agreement between them and any agency of the United Nations or any other international organization. The International Federation and/or the ICRC will assist National Societies in negotiations likely to lead to an agreement with United Nations High Commissioner for Refugees (UNHCR) and must concur with the terms of any such agreement in order to ensure coherence and complementarity;
8. *requests* that the ICRC and the International Federation jointly initiate a process of consultation with the UNHCR with a view to clarifying the terms upon which the components of the Movement engage in cooperation with UNHCR, and to report thereon to the next Council of Delegates;

Development of Movement Strategy

9. *calls upon* the ICRC and the International Federation to further develop proposals for Movement strategy on refugees and internally displaced persons, in consultation with National Societies, and to report to the next Council of Delegates;
10. *further calls upon* the International Federation, in consultation with National Societies to develop proposals for a plan of action on other aspects of population movement. This plan of action will address, *inter alia*, migration and resultant vulnerability, migrants in irregular situations, and action to address discrimination and xenophobia. The International Federation will report thereon to the next session of its General Assembly. (Council of Delegates, Geneva, 2001, Resolution 4)

Adoption of the Declaration and Agenda for Humanitarian Action

The 28th International Conference of the Red Cross and Red Crescent (“the Conference”),

A.

Taking note with appreciation of the measures taken to implement the Plan of Action adopted by the 27th International Conference,

welcoming the report on implementation of the Plan of Action adopted by the 27th International Conference, prepared by the ICRC and the International Federation,

encouraging all members of the Conference to continue their work on the implementation of that Plan of Action.

B.

1. *adopts* the Declaration of the 28th International Conference,
2. *stresses* the need to reinforce implementation of and respect for international humanitarian law, and in this regard
 - *notes* that all States must take national measures to implement international humanitarian law, including training of the armed forces and making this law known among the general public, as well as the adoption of legislation to punish war crimes in accordance with their international obligations,
 - *calls upon* States to use and to ensure the effective functioning of existing implementation mechanisms of international humanitarian law, pursuant to international obligations undertaken by them, and calls upon States party to the 1977 Additional Protocol I to the 1949 Geneva Conventions, which have not yet recognized the competence of the International Fact-Finding Commission pursuant to Article 90 thereof, to consider again the possibility of doing so,
3. *adopts* the Agenda for Humanitarian Action,
4. *urges* all members of the Conference to implement the Declaration and the Agenda for Humanitarian Action, in accordance with their respective powers, mandates and capacities, with a view to reaching the goals defined,
5. *invites* international and regional organizations to implement the commitments of the Declaration and the Agenda for Humanitarian Action which concern them,
6. *requests* all members of the Conference to make every possible effort to ensure that all actors concerned implement, as appropriate, the Declaration and the Agenda for Humanitarian Action,
7. *requests* the Standing Commission of the Red Cross and Red Crescent to encourage and further the implementation of the present Resolution, including the Declaration and the Agenda for Humanitarian Action, according to its statutory mandate, through consultations with States party to the Geneva Conventions and other actors,
8. *requests* all members of the Conference to inform the ICRC and the International Federation on progress made with the implementation of the Declaration and the Agenda for Humanitarian Action, with a view to the presentation of a report on implementation to the International Conference in 2007,
9. *requests* the ICRC and the International Federation to implement and support the implementation of the Declaration and the Agenda for Humanitarian Action through the work of their respective headquarters and delegations,
10. *requests* the members of the Conference to report to the International Conference in 2007, on the follow-up given to their pledge(s).

C.

11. *thanks* the ICRC for its report on “International Humanitarian Law and the Challenges of Contemporary Armed Conflicts” and invites it to continue to generate reflection and conduct consultations on the issues identified therein as well as to analyse future challenges,
12. *notes with appreciation* the efforts undertaken by the ICRC to conduct the study on customary international humanitarian law and requests the ICRC to continue its work and to report to the International Conference in 2007,
13. *welcomes* the study carried out by the International Federation in response to the request made by the 27th International Conference on “National Red Cross and Red Crescent Societies as auxiliaries to the Public Authorities in the Humanitarian Field”, in particular *notes* the concept outlined in the conclusions of the study concerning the “Characteristics of a balanced relationship between States and National Societies”, and *invites* the International Federation to continue its work on this subject, further extending the work to include more in-depth consultations with States, as well as with National Societies and to report further to the International Conference in 2007.

Declaration
“Protecting human dignity”

Gathered in Geneva for the 28th International Conference of the Red Cross and Red Crescent we, members of this Conference, cannot accept that millions of people are unable to meet their basic needs because of armed conflicts, disasters and diseases. As representatives of the States party to the Geneva Conventions and the components of the International Red Cross and Red Crescent Movement, we therefore affirm our commitment, through this Declaration, *to protect human dignity* in all circumstances by enhancing respect for the relevant law and reducing the vulnerability of populations to the effects of armed conflicts, disasters and diseases.

Protecting human dignity calls for a renewed partnership between States and components of the Movement to promote respect for all human beings in a spirit of solidarity, irrespective of their origins, beliefs, religions, status or gender. We thus commit ourselves to reaffirming and applying the principles and rules of international humanitarian law, including customary rules, to increasing respect for humanitarian principles and values, to promoting tolerance, non-discrimination and respect for diversity among all peoples, and we welcome regional and other initiatives to promote respect for all human beings.

Armed conflicts, indiscriminate violence and acts of terror continue to threaten the safety and security of innumerable people and undermine efforts to bring about lasting peace and stability in the world. We call on States to consider ratification of, or accession to, treaties of international humanitarian law to which they are not yet party. We reaffirm the responsibility of all States to respect and ensure respect for

international humanitarian law, regardless of the nature or origin of the conflict. We also call upon them to make use of existing implementation mechanisms, such as Protecting Powers and the International Fact-Finding Commission, pursuant to international obligations undertaken by them. States shall disseminate international humanitarian law to their armed forces and the civilian population. Efforts to educate the civilian population may be undertaken in collaboration with the Movement and such bodies as the media and religious and other comparable institutions. Convinced that the existing provisions of international humanitarian law form an adequate basis to meet challenges raised by modern armed conflicts, we solemnly urge all parties to an armed conflict to respect all applicable treaties and customary rules of international humanitarian law.

We call upon all parties to an armed conflict to make all efforts to reduce incidental and prevent deliberate injury, death and suffering of civilian populations. The principle of distinction between the civilian population and combatants and between civilian objects and military objectives, and the principle of proportionality in the conduct of hostilities must be upheld in all circumstances. We call upon all parties to an armed conflict to take all feasible precautionary measures to minimize incidental civilian casualties and damage. We urge all parties to an armed conflict to ensure special respect and protection of women and children in accordance with international humanitarian law. In addition, the cultural heritage of peoples should be protected. We call on all parties to an armed conflict to take all feasible measures to prevent pillage of cultural property and places of worship and acts of hostility against such property not used for military purposes, as well as to prevent adverse effects on the environment. We also call on States to comply fully with the provisions of international humanitarian law, in particular, the Fourth Geneva Convention in order to protect and assist civilians in occupied territories.

Deploing in particular the rising humanitarian costs of non-international armed conflicts, we urge States to strengthen implementation of existing protections for civilian objects and persons affected by these conflicts and to examine if more elaborate rules on their protection are needed. In no case should existing standards of protection be weakened.

New security threats endanger the world today. International humanitarian law is applicable to all situations of armed conflict and foreign occupation. We vigorously condemn all acts or threats of violence aimed at spreading terror among the civilian population. In addition, we recall the protections granted by international humanitarian law to persons captured in connection with an armed conflict. All detainees must be treated with humanity and with respect for their inherent dignity. The inherent dignity of every human being can best be promoted and safeguarded through a complementary application of, in particular, international humanitarian law, human rights law and refugee law, as appropriate. International humanitarian law is not an obstacle to justice, and it requires that all persons alleged to have committed crimes be granted due process of law and fair trial. Moreover, we affirm that no State, no group or individual is above the law and no one should be considered or treated as beyond its reach.

Every year, millions of people are killed as a consequence of disasters, diseases and armed conflicts. The largest number of deaths occur from these events among the world's most vulnerable populations living in poverty and lacking access to basic services, information, or decision-making processes. Infectious diseases such as HIV/AIDS, tuberculosis and malaria are having a staggering effect on our world. Those who suffer most are the poor, refugees, internally displaced persons, migrants, minorities, the indigenous, and disabled persons, together with others rendered vulnerable by armed conflicts, disasters or social marginalization, in particular, women and children. Stigma and discrimination against such persons further increases their vulnerability and risk. ***Protecting human dignity*** requires the raising of health standards and the reduction of health risks through comprehensive prevention, treatment and care measures, including access to medicines at affordable prices. Accordingly, we commit ourselves to efforts to reduce the risks and effects of disasters on vulnerable populations, as well as to reduce their vulnerability to disease due to stigma and discrimination, particularly that faced by people living with and affected by HIV/AIDS. In doing this, we will work together through new initiatives to respond to the challenges in building local capacity and enhance volunteerism and strengthen partnership between States, the components of the Movement and other organizations.

Profoundly alarmed by the growing number of acts of violence or threats against humanitarian workers, we state that they must be respected and protected in all circumstances in their vital role to prevent and alleviate suffering. Their independence from political and military actors must be reaffirmed. States are urged to ensure that crimes against humanitarian workers do not remain unpunished. They shall denounce such crimes and do their utmost to prevent attacks on humanitarian workers and relief aid. Furthermore, humanitarian workers should be allowed free and unimpeded access in accordance with the rules provided for in relevant international law to populations affected by armed conflicts, disasters and diseases, or under foreign occupation. We reaffirm the responsibility of States to respect the adherence of the components of the International Red Cross and Red Crescent Movement to its Fundamental Principles in order to provide impartial, neutral and independent protection and assistance for all those most in need. We also reaffirm the responsibility of the components of the Movement to cooperate with States in accordance with their respective mandates and the Statutes of the Movement.

The commitment in this Declaration is complemented by our resolve to undertake specific actions identified in the Agenda for Humanitarian Action which focuses on four issues: missing persons and their families; the human costs of the availability, use and misuse of weapons; reducing the risk and impact of disasters on vulnerable populations; and reducing the vulnerability to HIV/AIDS and other diseases due to stigma and discrimination.

These threats to human dignity represent some of the most pressing humanitarian challenges facing the world today.

Agenda for Humanitarian Action

The Agenda for Humanitarian Action focuses on the main theme and overall goal of the International Conference, namely **Protecting Human Dignity**, and sets out action-oriented goals and measures that States and the components of the International Red Cross and Red Crescent Movement¹ can undertake to protect human dignity.

Four humanitarian concerns are addressed in the Agenda:

- *Address the issue of persons missing in connection with armed conflict or other situations of armed violence leading to numerous persons becoming missing (hereinafter referred to as “other situations of armed violence”) and that of assistance to their families, taking into account the observations and recommendations of the ICRC International Conference of Governmental and Non-Governmental Experts held in Geneva on 19-21 February 2003;*
- *Address the human costs of the availability, use and misuse of weapons in armed conflicts;*
- *Reduce the risk and impact of disasters and improve preparedness and response mechanisms;*
- *Reduce the risk and impact of HIV/AIDS and other infectious diseases with regard to vulnerable people.*

The Agenda for Humanitarian Action sets out a number of clear, measurable, realistic objectives for Conference members to achieve from 2004 to 2007. These objectives relate to areas in which the International Conference, as a unique forum bringing together States and the components of the Movement, can make a specific contribution to solving current concerns and challenges in the humanitarian field, without duplicating existing efforts in other international forums to address similar issues. However, the impact of the Agenda for Humanitarian Action will depend on the active commitment of all Conference members to its full implementation.

Enhancing protection in armed conflicts and other situations of armed violence

General objective 1 – Respect and restore the dignity of persons missing as a result of armed conflicts or other situations of armed violence and of their families

The aim is to resolve the problem of missing persons, assist their families and prevent others from becoming missing,
by increasing efforts by governments, the military, and national and international organizations – including the worldwide Red Cross and Red Crescent network – to

¹ The International Red Cross and Red Crescent Movement is composed of the International Committee of the Red Cross (referred to herein as the “ICRC”), the National Red Cross and Red Crescent Societies (referred to herein as the “National Societies”) and the International Federation of Red Cross and Red Crescent Societies (referred to herein as the “International Federation”). Throughout this document, the term “Movement” covers all the aforementioned components.

take concrete action and to reaffirm, reinforce and steadfastly respect and implement the protection afforded by international law,
in order to ensure accountability on the part of the authorities responsible for resolving these issues.

● **Final Goal 1.1 – Prevent persons from becoming missing**

In armed conflict or other situations of armed violence, all persons are protected from becoming missing, without distinction as to the deliberate or incidental character of the event.

Actions proposed

- 1.1.1 State authorities take effective measures to provide means of personal identification, at a minimum identification discs, for all members of armed and security forces and to ensure their compulsory and proper use.
- 1.1.2 State authorities take effective measures to provide means of personal identification for minors at risk and to make such means readily available to all concerned persons.
- 1.1.3 State authorities and other concerned actors, in particular National Societies, take effective measures to increase knowledge among civilians on how to protect themselves from becoming missing. These concerned actors and the ICRC take measures to gain access to all civilians and to register those at risk of becoming missing.
- 1.1.4 State authorities and other concerned actors, in particular National Societies and the ICRC, take effective measures to ensure that during armed conflict or other situations of armed violence all persons are allowed to maintain contact with their relatives.
- 1.1.5 State authorities take effective measures to immediately notify families, counsel and any other person with a legitimate interest in the matter, of the situation of persons deprived of their liberty and to prevent extra-judicial executions, torture and detention in secret locations.

● **Final Goal 1.2 – Ascertain the fate of missing persons**

Article 32 of the 1977 Additional Protocol I refers to the right of families to know the fate of their relatives. In this spirit, families are to be informed of the fate, including the whereabouts, and, if dead, the cause of death of their family members who are missing as a result of armed conflict or other situations of armed violence. Families and communities receive acknowledgement of the events leading to persons becoming missing, and the perpetrators of violations leading to such situations are held accountable.

Actions proposed

- 1.2.1 State authorities and other concerned actors, in particular National Societies and the ICRC, take effective measures to ensure that families know the fate, including the whereabouts, of their missing relatives. In case of death of these

relatives, family members should know the cause and circumstances of death, in order to facilitate acceptance of their death and the commencement of the mourning process.

- 1.2.2 State authorities take effective measures to set up, whenever necessary, appropriate mechanisms for responding to the need of families for information, official acknowledgement and accountability.

● **Final Goal 1.3 – Manage information and process files on missing persons**

The collection and sharing of information by all those concerned is properly and actively undertaken and coordinated, thereby strengthening the effectiveness of actions taken to ascertain the fate of missing persons as a result of armed conflict or other situations of armed violence.

Actions proposed

- 1.3.1 State authorities and other concerned actors, in particular National Societies and the ICRC, take effective measures to properly compile, manage and process files on missing persons and to properly centralize personal information that may serve to ascertain their fate.
- 1.3.2 State authorities and other concerned actors, in particular National Societies and the ICRC, take effective measures to respect relevant standards and principles regarding the protection of personal information wherever such information, including medical and genetic information, is collected, managed and processed.

● **Final Goal 1.4 – Manage human remains and information on the dead**

Information is provided on those who have died in connection with armed conflict or other situations of armed violence so as to reduce the number of missing persons, help ascertain the fate of those who are missing and put an end to the uncertainty and anxiety of their families.

Actions proposed

- 1.4.1 State authorities and other concerned actors, in particular National Societies and the ICRC, take effective measures to properly search for, collect, identify and dispose of human remains without adverse distinction, while respecting the dead and the secular and religious mourning practices of the individuals and communities concerned.
- 1.4.2 State authorities and other concerned actors take effective measures to agree upon a framework for exhumation and identification before beginning any such process, and ensure that forensic specialists, whenever possible, carry out all procedures to exhume and identify human remains.

● **Final Goal 1.5 – Support families of missing persons**

While the families of missing persons undergo much the same experiences as the rest of the population affected by armed conflict or other situations of armed violence, in addition, they have unique needs associated with the disappearance of a relative, which vary according to the context and are specifically addressed.

Actions proposed

- 1.5.1 State authorities and other concerned actors, in particular National Societies, the ICRC and the International Federation, take targeted measures to protect and assist the families of missing persons, paying attention to the particular needs of women and children.

● **Final Goal 1.6 – Encourage organized armed groups engaged in armed conflicts to resolve the problem of missing persons, assist their families and prevent others from becoming missing**

States Parties to the Geneva Conventions and other concerned actors, in particular the ICRC and, where possible, National Societies, encourage organized armed groups to fulfil general objective 1, including its final goals and the corresponding actions.

General objective 2 – Strengthen the protection of civilians in all situations from the indiscriminate use and effects of weapons and the protection of combatants from unnecessary suffering and prohibited weapons through controls on weapons development, proliferation and use

The aim is to protect human dignity in the face of continued human suffering caused by anti-personnel mines and explosive remnants of war, the widespread proliferation of weapons and disregard of rules concerning their use, and the development of new weapons and technologies that can be used for hostile purposes,
by reaffirming, reinforcing and steadfastly respecting and implementing the protections afforded by international humanitarian law,
in order to ensure that the means used to conduct military operations are consistent with international humanitarian law; that adequate measures are taken to prevent serious violations of the law; and that existing legal norms are maintained in the face of scientific developments.

● **Final Goal 2.1 – End the suffering caused by anti-personnel mines**

Global mine action efforts are increased and the goal of the eventual global elimination of anti-personnel mines is pursued.

Actions proposed

- 2.1.1 States, in partnership with the components of the Movement, will provide assistance for the care, rehabilitation, social and economic reintegration of war-wounded, including mine victims; for mine-awareness and clearance programmes. The ICRC will continue to play a lead role in the implementation of the Movement Strategy on Landmines. National Societies, in partnership with the ICRC and States, will maintain mine action among their priorities and develop their capacity in this regard.
- 2.1.2 All States will pursue the ultimate goal of the eventual global elimination of anti-personnel mines. States not yet party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, are encouraged to consider adhering to it at the earliest opportunity.

- 2.1.3 States party to this Convention should develop, in time for the First Review Conference, national programmes for clearance, stockpile destruction, mine awareness and victim assistance consistent with the Convention's deadlines. States Parties in a position to do so are encouraged to increase their efforts to ensure the resources necessary to fully implement the Convention. Each State party to this Convention should adopt all necessary measures to implement it, including criminal sanctions and the harmonization of military doctrine with the Convention's obligations.

● **Final Goal 2.2 – Minimize suffering from weapons that may be excessively injurious or have indiscriminate effects**

Civilian deaths and injuries caused by explosive remnants of war should be significantly reduced. Adherence to the Convention on Certain Conventional Weapons, its Protocols and the amendment extending the Convention's scope of application to non-international armed conflict is increased.

Actions proposed

- 2.2.1 The Conference warmly welcomes the adoption of the Protocol on Explosive Remnants of War to the Convention on Certain Conventional Weapons (CCW, Protocol V), and encourages States to consider its ratification as soon as possible. The global human and social costs of explosive remnants of war should be addressed through increased international efforts in the fields of clearance, risk education and victim assistance and, when ratified, the implementation of the new Protocol. The Movement will implement its Strategy on Landmines, as extended to explosive remnants of war, and develop its capacity for this purpose.
- 2.2.2 States are encouraged to continue efforts to reduce the effects on civilians of mines, booby-traps and similar devices through considering ratification of amended Protocol II to the CCW and its full implementation.
- 2.2.3 States, both through national measures and further efforts in the context of the CCW, are encouraged to consider measures to minimize the risk of explosive ordnance becoming explosive remnants of war and to reduce the human costs of mines other than anti-personnel mines.
- 2.2.4 In order to minimize civilian deaths and injuries resulting from certain munitions, including submunitions, States will rigorously apply the rules on distinction, proportionality, and precautions in attack. In this regard, components of the Movement will continue to promote measures to avoid civilian casualties resulting from explosive remnants of war and submunitions.
- 2.2.5 States should take all necessary measures to ensure the full implementation of the Protocols to the CCW to which they are a party. States not yet party to the CCW and all its Protocols are encouraged to consider adhering to these instruments. States Parties that have not already done so should consider adhering to the extension of the Convention's scope of application to non-international armed conflict.

- **Final Goal 2.3 – Reduce the human suffering resulting from the uncontrolled availability and misuse of weapons**

In recognition of States' obligation to respect and ensure respect for international humanitarian law, controls on the availability of weapons are strengthened – in particular on small arms, light weapons and their ammunition – so that weapons do not end up in the hands of those who may be expected to use them to violate international humanitarian law. Complementary steps are taken to reduce the misuse of weapons through the promotion of respect for this law.

Actions proposed

- 2.3.1 States should make respect for international humanitarian law one of the fundamental criteria on which arms transfer decisions are assessed. They are encouraged to incorporate such criteria into national laws or policies and into regional and global norms on arms transfers.
- 2.3.2 States should take concrete steps to strengthen controls on arms and ammunition. In particular, States should urgently enhance efforts to prevent the uncontrolled availability and misuse of small arms and light weapons, taking into account the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, and other relevant instruments, particularly those developed in a regional framework.
- 2.3.3 States, with the support of the ICRC and National Societies, should ensure that armed, police and security forces receive systematic training in international humanitarian law and human rights law, in particular concerning the responsible use of weapons. Where appropriate, similar training should be encouraged for organized armed groups.
- 2.3.4 States, the ICRC and National Societies should strive to reduce the demand for and misuse of weapons by promoting a culture of tolerance and establishing educational programmes or similar initiatives among the civilian population. They will also increase awareness of the risks to safety of small arms and light weapons, especially among children.
- 2.3.5 States, the ICRC and National Societies in a position to do so will strengthen efforts to record and document the impact of armed violence on civilians, contributing to a better understanding of its human costs. The ICRC will also document the impact of armed violence on its operations.

- **Final Goal 2.4 – Protect humanity from poisoning and the deliberate spread of disease**

In light of recent advances in biotechnology that could be misused to create new means or methods of warfare, urgent action is taken to prevent the misuse of biotechnology for hostile purposes and the erosion of the prohibitions of poisoning and the deliberate spread of disease contained in international humanitarian law.

Actions proposed

- 2.4.1 States party to the 1972 Biological Weapons Convention are encouraged to continue their efforts under the Biological Weapons Convention Programme of Work to reduce the threat posed by biological weapons.
- 2.4.2 Recognizing the primary importance of the Biological Weapons Convention Programme of Work, States are invited to work with the ICRC to develop a ministerial-level declaration that would support efforts in the framework of the 1972 Biological Weapons Convention, on preventing the hostile use of biological agents as called for in the ICRC Appeal on Biotechnology, Weapons and Humanity. The components of the Movement will promote the concerns expressed in the ICRC Appeal.
- 2.4.3 States that have not yet done so are encouraged to:
- consider becoming party to the 1925 Geneva Protocol, the 1972 Biological Weapons Convention and the 1993 Chemical Weapons Convention before the International Red Cross and Red Crescent Conference in 2007;
 - adopt appropriate national legislation to investigate and prosecute acts prohibited by the 1925 Geneva Protocol, the 1972 Biological Weapons Convention and the 1993 Chemical Weapons Convention;
 - integrate relevant ethical and legal norms into medical and scientific education, as well as professional and industrial codes of conduct at national and international levels with a view to minimizing the risk of use of biological agents for hostile purposes; and
 - continue efforts to establish comprehensive surveillance and assistance mechanisms at the national and international levels to detect, analyse and respond to unusual outbreaks of disease.
- 2.4.4 States are called upon to uphold the object and purpose of the 1925 Geneva Protocol, the 1972 Biological Weapons Convention and other relevant norms of international law, including by monitoring closely advances in the field of the life sciences, taking practical action to effectively control biological agents that could be put to hostile use, and by improving international cooperation.

● Final Goal 2.5 – Ensure the legality of new weapons under international law

In light of the rapid development of weapons technology and in order to protect civilians from the indiscriminate effects of weapons and combatants from unnecessary suffering and prohibited weapons, all new weapons, means and methods of warfare should be subject to rigorous and multidisciplinary review.

Actions proposed

- 2.5.1 In accordance with 1977 Additional Protocol I (Article 36), States Parties are urged to establish review procedures to determine the legality of new weapons, means and methods of warfare. Other States should consider establishing such review procedures. Reviews should involve a multidisciplinary approach, including military, legal, environmental and health-related considerations.

- 2.5.2 States are encouraged to review with particular scrutiny all new weapons, means and methods of warfare that cause health effects with which medical personnel are unfamiliar.
- 2.5.3 The ICRC will facilitate the voluntary exchange of experience on review procedures. States that have review procedures in place are invited to cooperate with the ICRC in this regard. The ICRC will organize, in cooperation with government experts, a training workshop for States that do not yet have review procedures.

Reducing the risk and impact of disasters

General objective 3 – Minimize the impact of disasters through implementation of disaster risk reduction measures and improving preparedness and response mechanisms

The aim is to protect human dignity, lives and livelihoods from the devastating impact of disasters,

by fully integrating disaster risk reduction into national and international planning and policy instruments and implementing appropriate operational measures to reduce risks, and

by implementing appropriate legal, policy and operational measures to facilitate and expedite effective responses to disasters,

in order to reduce the risks and effects of disasters on marginalized and vulnerable populations.

● **Final Goal 3.1 – Acknowledge the importance of disaster risk reduction and undertake measures to minimize the impact of disasters on vulnerable populations**

Comprehensive disaster risk reduction, including disaster management, prevention and mitigation can be achieved through education and awareness-raising activities. Other measures to minimize the impact of disasters include: effective management of natural resources and protection of the environment; the implementation of early warning systems; ensuring that building codes, particularly in disaster prone countries, are implemented and enforced to limit suffering caused by structural damage; supporting sustainable recovery; and optimizing capacity-building opportunities for vulnerable populations. Of particular importance is directing such efforts towards populations that are most at risk, including those marginalized because of poverty, discrimination or social exclusion, or those that do not have access to disaster preparedness and response services as a consequence of their circumstances or legal status.

Actions proposed

- 3.1.1 States should, in accordance with the United Nations International Strategy for Disaster Reduction, review their existing legislation and policies to fully integrate disaster risk reduction strategies into all relevant legal, policy and

planning instruments in order to address the social, economic, political and environmental dimensions that influence vulnerability to disasters.

- 3.1.2 State authorities should take appropriate operational measures to reduce disaster risks at the local and national levels, including sustainable natural resource, environmental and land-use management, appropriate urban planning, and enforced building codes. States should, in cooperation with National Societies and other concerned agencies, implement disaster risk awareness programmes, public education programmes, early-warning systems, contingency planning, disaster management training and other mitigation and preparedness measures, based on risk, vulnerability and capacity assessments.
- 3.1.3 States, in cooperation with National Societies, are urged to incorporate risk reduction as a central feature in national development plans, poverty-reduction strategies and post-disaster recovery plans, be it on their own territory or through their development and cooperation assistance in a bilateral, multilateral or regional context, with a special emphasis on reducing the vulnerability of populations in hazard-prone areas or otherwise at risk owing to poverty, marginalization, social exclusion or discrimination.
- 3.1.4 States are strongly encouraged to prioritize and provide resources to implement comprehensive disaster risk reduction measures, including measures to address issues relating to climate change and variability. National Societies will increase their cooperation with States and experts in the area of climate change in order to limit the potential negative impact on vulnerable populations. In so doing, they may draw on the recommendations outlined in the report "Preparedness for climate change" as requested by the Plan of Action of the 27th International Conference in 1999.
- 3.1.5 States, recognizing the importance of the independent and auxiliary role of National Societies with respect to the public authorities in providing humanitarian services in the field of disaster management, should negotiate clearly defined roles and responsibilities with their respective National Societies in risk reduction and disaster management activities. This may include National Society representation on relevant national policy and coordination bodies as collaborative partners with States. States should also take specific legal and policy measures to support and assist National Societies in building sustainable volunteer and community capacity, particularly promoting the participation of women, in the areas of risk reduction and disaster management.
- 3.1.6 The components of the Movement, in cooperation with States, will prioritize and scale up efforts to build sustainable capacity and improve performance in the area of disaster risk reduction, including disaster management, awareness-raising and advocacy activities at the local, national and regional levels. This will include an emphasis on building effective and inclusive partnerships with populations that live in hazard-prone areas or are

otherwise vulnerable owing to poverty, marginalization, social exclusion or other forms of discrimination and will involve all relevant partners.

- 3.1.7 The International Federation will support the efforts of National Societies to strengthen their capacity in the field of disaster risk reduction through continued knowledge sharing on best practices, resource mobilization and advocacy on disaster risk reduction issues with States and other relevant international, regional and national actors, including with the private sector.

● **Final Goal 3.2 – Enhance international disaster response through support for the compilation and application of the laws, rules and principles applicable to international disaster response**

It is essential to provide neutral and impartial assistance to all populations affected by disasters, without discrimination and on the basis of vulnerability and need. Experience has shown that achieving this goal depends to a significant extent on improved understanding of the regulatory framework within which international disaster response is provided. Global research conducted as part of the International Federation's IDRL Project identified that there are many instruments aimed at improving international disaster response but that awareness of them is often lacking and implementation inconsistent.

Actions proposed

- 3.2.1 All members of the Conference welcome the work undertaken by the International Federation in cooperation with National Societies, States, the United Nations and other bodies to collate and examine the effectiveness of laws, rules and principles applicable to international disaster response, as noted in United Nations General Assembly Resolution on strengthening the effectiveness and coordination of international urban search and rescue assistance (A/RES/57/150).
- 3.2.2 All members of the Conference recognize that improved awareness, clarification, application and development of laws, rules and principles applicable to international disaster response will assist in facilitating and improving the coordination, timeliness, quality and accountability of international disaster response activities and can therefore make a major contribution to the protection of human dignity in situations of disasters.
- 3.2.3 States and the components of the Movement are encouraged to work together to ensure the fullest possible consideration and application, where appropriate, of the laws, rules and principles that pertain to international disaster response, as well as the recommendations of Resolution 6 of the 23rd International Conference of the Red Cross and Red Crescent on measures to expedite international relief and United Nations General Assembly Resolution on strengthening the coordination of emergency humanitarian assistance of the United Nations and its accompanying Annex (A/RES/46/182).
- 3.2.4 States, recognizing the importance of the independent and auxiliary role of National Societies with respect to the public authorities in providing

humanitarian services in the event of disaster, are encouraged to work in cooperation with their respective National Societies and the International Federation to review existing disaster management laws and operational instruments at the national, regional and international levels so as to enhance harmonization with relevant laws, rules and principles, and where feasible, guidelines applicable to international disaster response.

- 3.2.5 States that have not yet done so are encouraged to consider acceding to and implementing the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations in order to facilitate the effective use of telecommunications in disaster and emergency relief operations. States will, as appropriate, also implement the relevant resolutions of the International Conference of the Red Cross and Red Crescent, International Telecommunication Union and United Nations related to the use of telecommunications in disasters, as well as access and protection of disaster response and mitigation workers.
- 3.2.6 The International Federation and National Societies will continue to lead collaborative efforts, involving States, the United Nations and other relevant bodies, in conducting research and advocacy activities relating to the compilation of the laws, rules and principles applicable to international disaster response. This includes identifying any outstanding needs in terms of the legal and regulatory framework and the development of models, tools and guidelines for practical use in international disaster response activities. This also includes the active promotion of the awareness, dissemination, clarification and application, where appropriate, of the laws, rules and principles applicable to international disaster response, as well as applicable guidelines by States and the international community at all levels. The International Federation will submit a progress report to the International Conference of the Red Cross and Red Crescent in 2007.

Reducing the risk and impact of diseases

General objective 4 – Reduce the increased vulnerability to diseases arising from stigma and discrimination and from the lack of access to comprehensive prevention, care and treatment

The aim is to protect human dignity from the devastating consequences of HIV/AIDS and other diseases faced, in particular, by groups that are stigmatized, discriminated against or socially marginalized because of their situation or circumstances and often lack access to comprehensive prevention, treatment, care and support,

by addressing the legal and policy barriers, as well as underlying societal attitudes, which stigmatize and discriminate against people living with HIV/AIDS (PLWHA) and other highly vulnerable populations, and

by providing equitable access to prevention, treatment and health care, including psychosocial support, for all people, including displaced persons and other marginalized groups, such as prisoners and detainees,
in order to reduce the impact and further spread of HIV/AIDS and other diseases and promote the enjoyment of the highest attainable standard of health as one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition, with a special emphasis on marginalized and vulnerable populations.

● **Final Goal 4.1 – Eradicate the stigma, discrimination and denial faced by populations affected by and living with HIV/AIDS**

HIV/AIDS represents one of the most serious threats to human dignity today. Despite a growing awareness of the scale of the epidemic, the global response to HIV/AIDS continues to be hampered by attitudes that stigmatize people affected by and living with HIV/AIDS and highly vulnerable populations. Discriminatory legislation and policies directly and indirectly deny these populations access to adequate prevention, treatment and care. The response to HIV/AIDS must address social, legal and policy barriers that stigmatize and discriminate against infected, affected and highly vulnerable populations. Health care and social services must be based on the humanitarian principle of protecting and respecting human dignity, and be provided without discrimination, on the basis of need and vulnerability, using approaches that encourage tolerance, respect and social inclusion.

Actions proposed

- 4.1.1 States, in fulfilment of the commitments made in the Declaration of Commitment adopted by the United Nations General Assembly Special Session on HIV/AIDS (UNGASS), should eliminate any laws, policies and practices that adversely discriminate against people living with HIV/AIDS (PLWHA), with special attention to women and girls and highly vulnerable groups.
- 4.1.2 States undertake to adopt appropriate and effective measures aimed at enforcing policies and strategies aimed at eradicating HIV/AIDS-related stigma and discrimination, with specific attention paid to the gender implications of HIV/AIDS, and an emphasis on the social inclusion of people affected by and living with HIV/AIDS and other highly vulnerable groups, notably by ensuring the full enjoyment of their human rights and fundamental freedoms.
- 4.1.3 States, assisted and supported by National Societies, are urged to undertake operational measures, with special emphasis on empowering women and addressing the gender imbalance, to promote the widespread availability of and equitable access to comprehensive prevention, care and treatment, including improved and enhanced sexual and reproductive health care.
- 4.1.4 States are urged to ensure that a wide range of prevention programmes which take account of local circumstances, ethics and cultural values, is available in

all countries, particularly the most affected countries, including information, education and communication, in languages most understood by communities and respectful of cultures, aimed at reducing risk-taking behaviour and encouraging responsible sexual behaviour, including: abstinence and fidelity; expanded access to essential commodities, including male and female condoms and sterile injecting equipment; harm-reduction efforts related to drug use; expanded access to voluntary and confidential counselling and testing; safe blood supplies; and early and effective treatment of sexually transmittable infections.

- 4.1.5 States, assisted and supported as appropriate by the components of the Movement, should undertake operational measures aimed at ensuring continuous progress in the availability of treatment and care for people living with HIV/AIDS, with an emphasis on reaching marginalized groups that do not have ready access to such treatment and care, in order to protect their dignity, lives and livelihoods and prevent the transmission of HIV.
- 4.1.6 States are urged to adopt and implement legislative measures to eradicate discrimination against people living with HIV/AIDS in the workplace. In close cooperation with States, civil society organizations and international organizations, the components of the Movement will carry out awareness and education activities aimed at creating positive, socially inclusive workplace environments for staff, volunteers and beneficiaries, and will provide support and assistance for other organizations wishing to implement workplace initiatives to eradicate stigma and discrimination against people living with HIV/AIDS.
- 4.1.7 States, recognizing the importance of the independent and auxiliary role of National Societies with respect to the public authorities in providing humanitarian services in the field of health and care should negotiate clearly defined roles and responsibilities with their respective National Societies in public health, development and social activities. This could include representation of National Societies on relevant national policy and coordination bodies. States should also take specific legal and policy measures to support and assist National Societies in building sustainable volunteer and community capacity in the area of HIV/AIDS and health promotion and prevention activities.
- 4.1.8 States should facilitate civil society participation in planning and implementation through participation in processes such as the Country Coordinating Mechanisms of the Global Fund to fight AIDS, Tuberculosis and Malaria. This would ensure that disease responses benefit from the unique perspectives, capacities and reach of civil society, and in particular the voice and contribution of affected communities. This includes developing and utilizing the full potential of the network of National Society volunteers to reach vulnerable populations at the community and household levels.

- 4.1.9 States and National Societies are urged to provide in conformity with paragraph seven of the Declaration, including through international cooperation, the necessary human and financial resources and institutional support needed to reduce the risk and impact of diseases.
- 4.1.10 National Societies will continue to implement the global campaign against AIDS-related stigma and discrimination (“The truth about AIDS... Pass it on”) and, in cooperation with States, will prioritize and scale up efforts to strengthen sustainable capacity and improve the effectiveness of health and HIV/AIDS awareness and advocacy activities at the local and national levels, with an emphasis on building effective and inclusive partnerships with people affected by and living with HIV/AIDS and other populations that are vulnerable owing to poverty, marginalization, social exclusion and discrimination.
- 4.1.11 The International Federation will support the efforts of National Societies to strengthen their capacity to implement HIV/AIDS and community health interventions through continued knowledge sharing on best practices, resource mobilization and advocacy on stigma and discrimination issues with States and the international community.
- 4.1.12 The Movement will cooperate closely with UNAIDS and its co-sponsors at all levels. National Societies will contribute to and strengthen the International Federation’s status as a UNAIDS Collaborating Centre and its partnership with the Global Network of PLWHA (GNP+) for the elimination of stigma and discrimination, through the mobilization of volunteers at the national, regional and international levels.
- **Final Goal 4.2 – Reduce the risk of and vulnerability to HIV/AIDS and other diseases faced by people who suffer most as defined in paragraph seven of the Declaration and other marginalized groups, such as prisoners and detainees. Because of their legal status or circumstances, such people have limited access to health education, promotion and care, treatment, and disease prevention**

It is imperative, both from humanitarian and public-health perspectives, to provide neutral and impartial assistance for all populations affected by HIV/AIDS and other diseases, without discrimination and on the basis of vulnerability and need. Many groups do not have full access to basic prevention, health-care and social services as a result of legislation, policies and practices with discriminatory effects, thereby increasing their risk of and vulnerability to diseases. Of particular concern are migrants and displaced populations, prisoners and detainees. Effective health programmes based on tolerance and social inclusion, and focusing on physical, mental and social well-being are critical to protecting the human dignity of these populations and ensuring their successful integration into society.

Actions proposed

- 4.2.1 States are urged, in cooperation with National Societies, to review existing laws and policies in order to promote the enjoyment of the highest attainable standard of health as one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.
- 4.2.2 States, in close cooperation with the components of the Movement and vulnerable populations, should implement socially inclusive prevention and health-care interventions appropriate for displaced and marginalized populations. This implies moving beyond emergency needs to integrate physical and mental health and social well-being into programming.
- 4.2.3 States and the components of the Movement, with other relevant partners, are called upon to address, in a multi-sectoral and coordinated manner, the problems associated with HIV/AIDS and other diseases in armed conflicts, disasters and emergencies, recognizing the special vulnerability and capacity of displaced populations, host communities, military and peace-keeping personnel.
- 4.2.4 States, in cooperation with the Movement, are urged to address the special needs and vulnerability of people affected by HIV and AIDS in emergency situations with special attention to food security.
- 4.2.5 States, in cooperation with the components of the Movement, are urged to implement policies and operational measures in prisons in order to create a safer environment and reduce the risk of transmission of HIV, Tuberculosis and other diseases among detainees, prisoners and staff. This includes voluntary and confidential testing for HIV infection, adequate pre-and post-test counselling and awareness programmes.
- 4.2.6 National Societies will prioritize and expand efforts to build sustainable capacity and increase their effectiveness in health awareness and advocacy activities at the local and national levels, with an emphasis on building effective and inclusive partnerships with populations that are vulnerable owing to poverty, marginalization, social exclusion and discrimination.
- 4.2.7 The International Federation will support the efforts of National Societies to strengthen their capacity in the field of community health through the continued sharing of best practices, resource mobilization and advocacy on stigma and discrimination issues with States and the international community.
(28th International Conference of the Red Cross and Red Crescent, Geneva, 2003, Resolution 1)

CHAPTER V
COMBATING HOSTAGE-TAKING, TORTURE,
FORCED DISAPPEARANCE AND PIRACY

See also:

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| Chap. III above | Res. XIV, para. 5, of the 10th International Conference (Geneva, 1921), p. 1139 |
| Chap. IV B above | Res. XIII, para. 3, of the 25th International Conference (Geneva, 1986), p. 1144 |

Taking of hostages

The XXIIIrd International Conference of the Red Cross, concerned by the increase in hostage-taking in the world, alarmed by the suffering inflicted on the hostages involved in these acts and on their families,

1. *condemns the taking of hostages,*
2. *urges all governments to take the necessary measures to prevent the recurrence of such acts. (Bucharest, 1977, Resolution VIII)*

Torture

The XXIIIrd International Conference of the Red Cross, alarmed by the recrudescence of torture in the world, aware that torture is forbidden by numerous national and international provisions and that it violates basic human rights, debases human dignity and degrades the torturers as well as their victims,

considering that torture offends the conscience of mankind and, by the hatred which it arouses, is a threat to peaceful relations between peoples and to peace and security,

mindful of Article 5 of the Universal Declaration of Human Rights, Article 7 of the International Covenant on Civil and Political Rights, and the United Nations Declaration of 9 December 1975 on the Protection of all Persons from being Subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,

reaffirming that torture is contrary to the Fundamental Principles of the Red Cross and considering that its elimination is essential for the observance of those Principles,

bearing in mind the need to make known and ensure respect for those provisions in the Geneva Conventions and their Additional Protocols which prohibit torture and for those resolutions of the International Conference of the Red Cross which condemn inhuman and degrading treatment.

1. *condemns all forms of torture,*
2. *urges governments and appropriate international organizations to ensure application of the international instruments and laws forbidding torture and to do their utmost to eliminate its practice,*
3. *invites the Red Cross organizaions to cooperate in the realization of this objective. (Bucharest, 1977, Resolution XIV)*

Forced or involuntary disappearances

*The XXIVth International Conference of the Red Cross,
alarmed at the phenomenon of forced or involuntary disappearances, perpetrated,
connived at or consented to by governments,*

*deeply moved by the great suffering such disappearances cause not only to the
missing persons themselves and their families but also to society,*

*considering that such disappearances imply violations of fundamental human
rights such as the right to life, freedom and personal safety, the right not to be
submitted to torture or cruel, inhuman or degrading treatment, the right not to be
arbitrarily arrested or detained, and the right to a just and public trial,*

*pointing out that families have a right to be informed of the whereabouts, health
and welfare of their members, a right which is laid down in various resolutions of the
United Nations General Assembly,*

*commending the efforts of the ICRC, the Working Group established by the UN
Commission on Human Rights to investigate the phenomenon of forced or involuntary
disappearances and various impartial humanitarian organizations for the benefit of
missing persons and their families,*

1. *condemns any action resulting in forced or involuntary disappearances, conducted
or perpetrated by governments or with their connivance or consent,*
2. *recommends that the ICRC take any appropriate action which might reveal the
fate of missing persons or bring their families relief and urges that the ICRC
Central Tracing Agency and any other impartial humanitarian organization be
granted the facilities necessary to take effective action in this matter,*
3. *urges governments to endeavour to prevent forced or involuntary disappearances
and to undertake and complete thorough inquiries into every case of
disappearance occurring in their territory,*
4. *urges governments to cooperate with humanitarian organizations, and with the
relevant bodies of the United Nations and of intergovernmental organizations, in
particular those which investigate forced or involuntary disappearances, with a
view to putting an end to that phenomenon. (Manila, 1981, Resolution II)*

Anti-piracy efforts

*The XXIVth International Conference of the Red Cross,
profoundly concerned that persons seeking asylum continue to be attacked by
pirates at sea,*

*emphasizing the urgency of further steps to combat this heinous crime against
humanity,*

- 1. calls on States parties to the International Convention on the High Seas (Geneva, 1958) to discharge to the full their obligations under that Convention,*
- 2. urges all States, the Office of the United Nations High Commissioner for Refugees, the ICRC, as well as concerned governmental international organizations to cooperate to the fullest extent possible in measures designed to assist regional and other efforts in eradicating piracy on the high seas and in territorial waters. (Manila, 1981, Resolution V)*

Torture

*The XXIVth International Conference of the Red Cross,
noting that torture is condemned and forbidden by international humanitarian
law, international instruments relating to human rights and the general principles of
international law,*

*noting that despite such prohibition torture is practised to an alarming extent in
many countries,*

- 1. urges the Governments of all States and the international organizations concerned to make greater efforts to ensure universal respect for these prohibitions,*
- 2. requests the United Nations Organization to expedite the adoption of an international convention against torture and other cruel, inhuman or degrading treatment or punishment, and including provision for the effective supervision and enforcement of its application,*
- 3. appeals to National Red Cross and Red Crescent Societies as well as to the League to enhance public awareness of and support for the struggle against torture and to support all efforts, in particular those of the International Committee of the Red Cross, designed to prevent and eliminate torture. (Manila, 1981, Resolution XIV)*

Torture

*The Twenty-fifth International Conference of the Red Cross,
deeply concerned at the increasing use of torture in the world,
noting with profound disquiet the development of ever more sophisticated methods
of physical and psychological torture which inflict on victims suffering that at times
does not leave any visible trace,*

*emphasizing that torture is a practice which not only injures the physical and
moral integrity of its immediate victims but also harms their families and the entire*

society in which it occurs and that it casts the greatest discredit on those responsible for it and on States which authorize it, condone it, or are party to it,

recalling Resolution XIV on torture of the Twenty-fourth International Conference of the Red Cross,

recalling also that that resolution requested the United Nations Organization to expedite the adoption of an international Convention against torture and other cruel, inhuman or degrading treatment or punishment,

- 1. welcomes with satisfaction the adoption by the General Assembly of the United Nations, on 10 December 1984, of the Convention against torture and other cruel, inhuman or degrading treatment or punishment and invites States to ratify it,*
- 2. encourages States and intergovernmental regional organizations to undertake or continue to work according to their rules and practices with a view to drawing up regional conventions against torture and other cruel, inhuman or degrading treatment or punishment, providing efficient supervisory mechanisms,*
- 3. requests governments to continue and to intensify their efforts aimed at achieving, in addition to formal prohibitions, the actual elimination of all forms of torture,*
- 4. appeals to National Red Cross and Red Crescent Societies as well as to the League to continue and to develop their action to enhance public awareness of and support for the struggle against torture and to support all efforts, in particular those of the ICRC, designed to prevent and eliminate torture. (Geneva, 1986, Resolution X)*

Assistance to victims of torture

The Twenty-fifth International Conference of the Red Cross,

recalling Resolutions XIV and XV of the Twenty-fourth International Conference of the Red Cross on torture and assistance to victims of torture,

considering the experience gained from rehabilitation activities in a number of countries, such as humanitarian, legal, medical, psychological and social assistance to victims of torture,

urges National Societies, to take the initiative to give, either independently or in cooperation with their governments, humanitarian, legal, medical, psychological and social assistance to victims of torture in exile and, whenever possible, in their own countries. (Geneva, 1986, Resolution XI)

Assistance to victims of torture

The Twenty-fifth International Conference of the Red Cross,

recalling Resolution XIV on torture adopted by the Twenty-third International Conference of the Red Cross in which all forms of torture were condemned, governments and appropriate international organizations were urged to do their utmost to eliminate such practices and Red Cross organizations were called on to cooperate in the realization of this objective,

recalling Resolution XV on assistance to victims of torture adopted by the Twenty-fourth International Conference of the Red Cross which welcomed “current efforts within the United Nations to establish a Voluntary Fund for the victims of torture, enabling the fund, through established channels of humanitarian assistance, to extend humanitarian, legal and financial aid to individuals whose fundamental rights have been severely violated as a result of torture and to relatives of such victims”, and urged “governments to consider responding favourably to requests for contributions to such a fund”,

welcoming the establishment in December 1981 in pursuance of General Assembly Resolution 36/151 of the United Nations’ Voluntary Fund for victims of torture and the authorization of the Board of Trustees of the Fund to promote and solicit contributions and pledges,

taking note of the recent information provided by the Secretary-General of the United Nations on the activities of the United Nations’ Voluntary Fund for victims of torture,

noting with satisfaction that rehabilitation centres for torture victims have been established and their important role in providing assistance to victims of torture,

expressing its gratitude and appreciation to those who have contributed to the United Nations’ Voluntary Fund for victims of torture and to the rehabilitation centres for torture victims,

- 1. appeals to governments in a position to do so to respond favourably to requests for further contributions to the United Nations’ Voluntary Fund for victims of torture,*
- 2. requests the ICRC and National Red Cross and Red Crescent Societies, as well as the League, to assist in making the Voluntary Fund and the existence of rehabilitation centres for torture victims better known. (Geneva, 1986, Resolution XII)*

SECTION V

RELIEF ACTIVITIES IN DISASTER SITUATIONS

CHAPTER I

RELIEF ORGANIZATION OF NATIONAL SOCIETIES

See also:

Part Two

Doc. X The Principles and Rules for Red Cross and Red Crescent Disaster Relief,

Part Four

Section II, Chap. IV D Res. XLI of the 17th International Conference (Stockholm, 1948), p. 1069

Section IV, Chap. III Res. XIX of the 19th International Conference (New Delhi, 1957), p. 1142

Section VI, Chap. I Decisions 24 and 26 of the General Assembly, IXth Session (Birmingham, 1993), pp 1243-1244

International relief action for populations in case of public disaster

The XIth International Red Cross Conference,

recommends that each National Red Cross Society should set up a Disaster Relief Service, with branches or sub-divisions in each local or regional Committee,

recommends that each National Society should prepare instructions for the various types of relief, train voluntary reserve personnel, enlighten public opinion and constitute reserve funds and easily accessible supplies for relief work. (Geneva, 1923, Resolution VI, para. 2 b and c)

Preparations to meet natural disasters

The XXIst International Conference of the Red Cross,

noting Resolution No. 2435 of 19 December, 1968 of the United Nations General Assembly inviting Governments to make preparations at the national level to meet natural disasters,

aware of the need for prompt measures when a disaster strikes any country,

urges all Governments which have not already done so to prepare and to pass the necessary legislation enabling immediate and adequate action to be taken, in conjunction with the Red Cross, along the lines of a pre-established plan based on the disaster relief rules adopted by this Conference. (Istanbul, 1969, Resolution XXV)

Relief actions

*The XXIIInd International Conference of the Red Cross,
noting the report from the Conference Workshop on the aims and methods of relief
operations in armed. conflicts, held in Norway in August 1973,*

*referring to Resolution No. XXVI entitled “Declaration of principles for
international humanitarian relief to the civilian population in disaster situations”
approved at the XXIst International Conference of the Red Cross in Istanbul in 1969,*

*mindful of the need to improve relief operations in cases of catastrophe, whether
natural or man-made,*

stressing the need to extend advance preparations for this purpose,

*emphasizing that the primary responsibility rests with the national and local
authorities of the stricken country or territory,*

*emphasizing also the responsibility of the international community to be prepared
for assistance when this is called for by such national and local authorities,*

recommends:

- 1. at the national and local levels, that preparations for relief be made through
national and local emergency plans, that arrangements be made for the
establishment of revolving stocks and the planning for the mobilization of supplies,
that national and local personnel be trained to take part in relief operations, that
preparations be made in the fields of medicine and of food and nutrition, including
the collection of advance information on the public health situation and on food
and dietary habits;*
- 2. at the international level, that an appropriate disaster relief plan be drawn up, that
international centres for education and training of selected relief personnel be set
up, that UNDRO and the International Red Cross, cooperating with other
international agencies, should be the focal point in the main coordination of relief,
including in particular the advance collection of information generally,*

requests the ICRC and the League to follow up the above recommendations.

(Teheran, 1973, Resolution VIII)

CHAPTER II

INTERNATIONAL RELIEF ACTIONS

A. Principles and rules governing disaster relief

See also:

Part Two

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| Doc. VII | Agreement on the organization of the International Activities of the components of the International Red Cross and Red Crescent Movement (The Seville Agreement – Council of Delegates, Seville, 1997) |
| | Supplementary measures to enhance the implementation of the Seville Agreement (Annex to Resolution 8, Council of Delegates, Seoul, 2005) |
| Doc. X | The Principles and Rules for Red Cross and Red Crescent Disaster Relief. |

Declaration of principles for international humanitarian relief to the civilian population in disaster situations

The XXIst International Conference of the Red Cross,

noting that in the present century the international community has accepted increased responsibility for relief of human suffering in any form,

whereas human suffering in all its manifestations is of deep concern to the conscience of mankind and world opinion requires effective action for the relief of such suffering,

affirming that one of the major purposes of the community of nations as laid down in the Charter of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian nature,

noting with satisfaction the improvements in the ability of the international community to provide various forms of humanitarian relief as a result of international agreements and through the International Red Cross and other impartial international humanitarian organizations,

recognizing that further steps have to be taken by the international community to ensure prompt and effective relief action to civilian populations in natural or other disaster situations,

adopts the following Declaration of Principles:

- 1. The fundamental concern of mankind and of the international community in disaster situations is the protection and welfare of the individual and the safeguarding of basic human rights.*

2. *Relief by impartial international humanitarian organizations for civilian populations in natural or other disaster situations should as far as possible be treated as a humanitarian and non-political matter and should be so organized as to avoid prejudicing sovereign and other legal rights in order that the confidence of the parties to a conflict in the impartiality of such organizations may be preserved.*
3. *The activities of impartial international humanitarian organizations for the benefit of civilian populations should be coordinated in order to secure prompt action and effective allocation of resources and to avoid duplication of effort.*
4. *Disaster relief for the benefit of civilian populations is to be provided without discrimination and the offer of such relief by an impartial international humanitarian organization ought not to be regarded as an unfriendly act.*
5. *All States are requested to exercise their sovereign and other legal rights so as to facilitate the transit, admission and distribution of relief supplies provided by impartial international humanitarian organizations for the benefit of civilian populations in disaster areas when disaster situations imperil the life and welfare of such populations.*
6. *All authorities in disaster areas should facilitate disaster relief activities by impartial international humanitarian organizations for the benefit of civilian populations.* (Istanbul, 1969, Resolution XXVI)

Adoption of the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance

The 30th International Conference of the Red Cross and Red Crescent, *concerned* by the serious plight of all those who urgently require emergency relief and recovery assistance in the wake of disasters;

reaffirming that the fundamental concern of mankind and of the international community in disaster situations is the protection and welfare of the individual and the safeguarding of basic human rights, as stated in the Declaration of Principles for International Humanitarian Relief to the Civilian Population in Disaster Situations, adopted by the 21st International Conference of the Red Cross in 1969;

recalling that the International Red Cross and Red Crescent Movement (Movement) considers it a fundamental right of all people both to offer and receive humanitarian assistance, as stated in the Principles and Rules of the Red Cross and Red Crescent in Disaster Relief as amended by the 26th International Conference of the Red Cross and Red Crescent in 1995;

reiterating that relief actions are an expression of international solidarity and that the extending of relief strengthens friendly relations among peoples and thus contributes to the consolidation of world peace, as stated in Resolution 18 of the 20th International Conference of the Red Cross in 1965;

noting that the United Nations General Assembly has repeatedly highlighted the importance of humanitarian assistance to persons affected by disasters, including

in Resolutions 46/182 of 1991, 43/131 of 1988, and 57/150 of 2002, and that both United Nations General Assembly Resolution 32/56 of 1977 and Resolution 6 of the 23rd International Conference of the Red Cross of 1977 adopted a set of “Measures to Expedite Emergency Relief” to facilitate international relief operations;

recalling the commitments undertaken by the international community in the Millennium Declaration of 2000 to intensify cooperation to reduce the number and effects of natural and man-made disasters, and in the Hyogo Declaration and Framework for Action of 2005 to improve national institutional and legal frameworks and to strengthen disaster preparedness for increased resilience and effective response to disasters at all levels;

noting with appreciation the practice of many States to facilitate international disaster relief and recovery assistance when needed and the increased attention and activity of the international humanitarian community to improve the coordination and effectiveness of disaster relief and recovery assistance;

welcoming the progress that has been made in the elaboration and operation of the International Search and Rescue Advisory Group with the support of the United Nations Office for the Coordination of Humanitarian Affairs and the pioneering efforts made by international humanitarian organizations to develop minimum quality and accountability standards and mechanisms for disaster relief and recovery assistance, such as the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief of 1994 and the Sphere Humanitarian Charter and Minimum Standards in Disaster Response as amended in 2004;

recalling Final Goal 2.1.1 of the 27th International Conference of the Red Cross and Red Crescent of 1999 calling upon States, where necessary, to incorporate linkages to international systems of disaster response in their national disaster-preparedness plans as well as to include clearly defined roles and responsibilities for National Red Cross and Red Crescent Societies, including representation on appropriate national policy and coordination bodies;

recalling further Final Goal 3.2 of the 28th International Conference of the Red Cross and Red Crescent of 2003, and its determination that improved awareness, clarification, application and development of laws, rules and principles applicable to international disaster response will assist in facilitating and improving the coordination, timeliness, quality and accountability of international disaster-response activities and can therefore make a major contribution to the protection of human dignity in situations of disasters;

noting the findings of the International Federation of Red Cross and Red Crescent Societies (International Federation), as expressed in the background document to the Conference (30IC/07/9.1), that the framework of international laws and standards on international disaster relief and recovery remains dispersed and under-utilized, that there is often a lack of harmonization between national law and international standards, and that legal barriers to effective international disaster relief and recovery assistance still persist;

recognizing that the increasing breadth and diversity of international actors involved in disaster relief and recovery has brought important opportunities but also some challenges to assisting persons in need effectively and ensuring the complementarity of international disaster relief and recovery assistance with domestic response efforts and mechanisms;

recognizing the sovereign right of affected States to seek, accept, coordinate, regulate and monitor disaster relief and recovery assistance provided by assisting actors in their territory;

considering the crucial role of domestic law and policy in this respect, which should be further developed consistent with relevant norms and principles of international law;

1. *adopts* the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance;
2. *encourages* States to make use of the Guidelines to strengthen their national legal, policy and institutional frameworks as well as when developing, if appropriate, bilateral and regional disaster-assistance agreements, understanding that the Guidelines do not constitute binding legal obligations;
3. *emphasizes* that, with regard to Red Cross and Red Crescent disaster relief and recovery activities, the Guidelines will be read consistent with the established rules, principles and practices of the Movement, including the Statutes of the Movement as amended in 1995 and 2006, the Principles and Rules for Red Cross and Red Crescent Disaster Relief as amended in 1995, the Seville Agreement on the Organization of the International Activities of the Components of the International Red Cross and Red Crescent Movement of 1997, and the Supplementary Measures to Enhance the Implementation of the Seville Agreement of 2005, and will not affect any existing legal arrangements between the individual components of the Movement and concerned States;
4. *invites* States, the International Federation and National Societies to bring these Guidelines to the attention of international and regional inter-governmental and non-governmental organizations concerned with disaster relief and recovery assistance;
5. *invites* the International Federation and National Societies, in close collaboration with the United Nations as well as other relevant international and regional organizations, to:
 - (i) disseminate and support the use of the Guidelines in strengthening national legal policy and institutional frameworks for disaster response;
 - (ii) promote the mainstreaming of the Guidelines in all relevant existing legal-development, disaster management and risk reduction initiatives, particularly the strengthened International Strategy for Disaster Reduction (ISDR) system and its regional platforms for disaster risk reduction; and
 - (iii) continue their research and advocacy efforts, and the development of tools and models for the improvement of legal preparedness for disasters;

6. *invites* the International Federation, in consultation with National Societies, to submit a progress report on the implementation of this resolution to the 31st International Conference of the Red Cross and Red Crescent.
(Geneva, 2007, Resolution 4)

*Annex to Resolution 4***Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance****Introduction****1. Purpose and scope**

1. These Guidelines are non-binding. While it is hoped that States will make use of them to strengthen their laws, policies and/or procedures related to international disaster response, as appropriate, the Guidelines do not have a direct effect on any existing rights or obligations under domestic law.
2. They draw from many existing international instruments, including United Nations General Assembly Resolutions 46/182 of 1991 and 57/150 of 2002, the Measures to Expedite International Relief of 1977 and the Hyogo Framework for Action of 2005.
3. Their purpose is to contribute to national legal preparedness by providing guidance to States interested in improving their domestic legal, policy and institutional frameworks concerning international disaster relief and initial recovery assistance. While affirming the principal role of domestic authorities and actors, they recommend minimum legal facilities to be provided to assisting States and to assisting humanitarian organizations that are willing and able to comply with minimum standards of coordination, quality and accountability. It is hoped that the use of these Guidelines will enhance the quality and efficiency of international disaster relief and initial recovery assistance in order to better serve disaster-affected communities.
4. These Guidelines are not intended to apply to situations of armed conflict or to disasters that occur during armed conflicts, or to imply changes in any rules governing relief in those contexts. They are also not intended to recommend any changes to, or affect the meaning or implementation of, any existing international law or agreements, including but not limited to:
 - a) International humanitarian, human rights and refugee law;
 - b) The legal personality and status of States, inter-governmental organizations, the International Federation of Red Cross and Red Crescent Societies (International Federation) and the International Committee of the Red Cross (ICRC);
 - c) International law related to privileges and immunities;
 - d) The Statutes and regulations of the International Red Cross and Red Crescent Movement (Movement) and existing legal arrangements between the individual components of the Movement and States; and
 - e) Existing agreements between States or between States and assisting actors.

2. Definitions

For the purposes of these Guidelines,

1. **“Disaster”** means a serious disruption of the functioning of society, which poses a significant, widespread threat to human life, health, property or the environment, whether arising from accident, nature or human activity, whether developing suddenly or as the result of long-term processes, but excluding armed conflict.
2. **“Disaster relief”** means goods and services provided to meet the immediate needs of disaster-affected communities.
3. **“Initial recovery assistance”** means goods and services intended to restore or improve the pre-disaster living conditions of disaster-affected communities, including initiatives to increase resilience and reduce risk, provided for an initial period of time, as determined by the affected State, after the immediate needs of disaster-affected communities have been met.
4. **“Goods”** means the supplies intended to be provided to disaster-affected communities for their relief or initial recovery.
5. **“Services”** means activities (such as rescue and medical care) undertaken by disaster-relief and initial-recovery personnel to assist disaster-affected communities.
6. **“Equipment”** means physical items, other than goods, that are necessary for disaster relief or initial recovery assistance, such as vehicles and radios.
7. **“Personnel”** means the staff and volunteers providing disaster relief or initial recovery assistance.
8. **“Affected State”** means the State upon whose territory persons or property are affected by a disaster.
9. **“Assisting State”** means a State providing disaster relief or initial recovery assistance, whether through civil or military components.
10. **“Originating State”** means the State from which disaster relief and initial recovery personnel, goods and equipment begin travel to the affected State.
11. **“Transit State”** means the State through whose territorial jurisdiction disaster relief or initial recovery assistance has received permission to pass on its way to or from the affected State in connection with disaster relief or initial recovery assistance.
12. **“Assisting humanitarian organization”** means a foreign, regional, intergovernmental or international non-profit entity whose mandate and activities are primarily focused on humanitarian relief, recovery or development.

13. **“Eligible assisting humanitarian organization”** means an assisting humanitarian organization determined to be eligible to receive legal facilities pursuant to Part V by the originating, transit or affected State, as applicable.
14. **“Assisting actor”** means any assisting humanitarian organization, assisting State, foreign individual, foreign private company providing charitable relief or other foreign entity responding to a disaster on the territory of the affected State or sending in-kind or cash donations.

Part I: Core responsibilities

3. Responsibilities of affected States

1. Affected States have the primary responsibility to ensure disaster risk reduction, relief and recovery assistance in their territory. National Red Cross and Red Crescent Societies, as auxiliaries to the public authorities in the humanitarian field, and domestic civil society actors play a key supporting role at the domestic level.
2. If an affected State determines that a disaster situation exceeds national coping capacities, it should seek international and/or regional assistance to address the needs of affected persons.
3. Affected States have the sovereign right to coordinate, regulate and monitor disaster relief and recovery assistance provided by assisting actors on their territory, consistent with international law.

4. Responsibilities of assisting actors

1. Assisting actors and their personnel should abide by the laws of the affected State and applicable international law, coordinate with domestic authorities, and respect the human dignity of disaster-affected persons at all times.
2. Assisting actors should ensure that their disaster relief and initial-recovery assistance are provided in accordance with the principles of humanity, neutrality and impartiality, and in particular that:
 - a) Aid priorities are calculated on the basis of need alone;
 - b) It is provided without any adverse distinction (such as in regards to nationality, race, ethnicity, religious beliefs, class, gender, disability, age and political opinions) to disaster-affected persons;
 - c) It is provided without seeking to further a particular political or religious standpoint, intervene in the internal affairs of the affected State, or obtain commercial gain from charitable assistance;
 - d) It is not used as a means to gather sensitive information of a political, economic or military nature that is irrelevant to disaster relief or initial recovery assistance.

3. To the greatest extent practicable, their disaster relief and initial-recovery assistance should also be:
 - a) Responsive to the special needs, if any, of women and particularly vulnerable groups, which may include children, displaced persons, the elderly, persons with disabilities, and persons living with HIV and other debilitating illnesses;
 - b) Adequate for the needs of affected persons and consistent with any applicable international standards of quality;
 - c) Coordinated with other relevant domestic and assisting actors;
 - d) Provided and conducted in a manner that is sensitive to cultural, social and religious customs and traditions;
 - e) Carried out with adequate involvement of affected persons, including women, youth and the elderly, in their design, implementation, monitoring and evaluation;
 - f) Provided by competent and adequately trained personnel;
 - g) Commensurate with their organizational capacities;
 - h) Built upon and conducted in a manner that strengthens local disaster risk reduction, relief and recovery capacities and reduces future vulnerabilities to disasters;
 - i) Carried out so as to minimize negative impacts on the local community, economy, job markets, development objectives and the environment; and
 - j) Provided in a transparent manner, sharing appropriate information on activities and funding.

5. Additional responsibilities of all States

1. States providing funding to other assisting actors should encourage them to act in a manner consistent with the provisions of paragraph 4.
2. All States should actively encourage members of the public interested in contributing to international disaster relief or initial recovery to make financial donations where possible or otherwise donate only those types of relief goods expressly requested by the affected State.

6. Responsibilities concerning diversion and the intended use of resources

1. States and assisting humanitarian organizations should cooperate to prevent unlawful diversion, misappropriation, or fraud concerning disaster relief or initial recovery goods, equipment or resources and initiate proceedings as appropriate.
2. Affected States should use funds and relief goods donated to them, and which they have accepted in relation to a disaster, in a manner consistent with the expressed intent with which they were given.

Part II: Early warning and preparedness**7. Early warning**

1. In order to minimize transboundary impacts and maximize the effectiveness of any international assistance that might be required, all States should have procedures in place to facilitate the expeditious sharing of information about disasters, including emerging hazards that are likely to cause disasters, with other States and assisting humanitarian organizations as appropriate, including the United Nations Emergency Relief Coordinator.

8. Legal, policy and institutional frameworks

1. As an essential element of a larger disaster risk reduction programme, States should adopt comprehensive legal, policy, and institutional frameworks and planning for disaster prevention, mitigation, preparedness, relief and recovery which take full account of the auxiliary role of their National Red Cross or Red Crescent Society, are inclusive of domestic civil society, and empower communities to enhance their own safety and resilience. States, with the support, as appropriate, of relevant regional and international organizations, should devote adequate resources to ensure the effectiveness of these frameworks.
2. These frameworks should also adequately address the initiation, facilitation, transit and regulation of international disaster relief and initial recovery assistance consistent with these Guidelines. They should allow for effective coordination of international disaster relief and initial recovery assistance, taking into account the role of the United Nations Emergency Relief Coordinator as central focal point with States and assisting humanitarian organizations concerning United Nations emergency relief operations. They should also clearly designate domestic governmental entities with responsibility and authority in these areas. Consideration should be given to establishing a national focal point to liaise between international and government actors at all levels.
3. Where necessary and appropriate, national governments should encourage other domestic actors with authority over areas of law or policy pertinent to international disaster relief or initial recovery assistance, such as provincial or local governments and private regulatory bodies, to take the necessary steps at their level to implement the Guidelines.

9. Regional and international support for domestic capacity

1. With a view to increasing resilience and reducing the need for international disaster relief and initial recovery assistance, the international community, including donors, regional and other relevant actors, should support developing States, domestic civil society actors and National Red Cross and Red Crescent Societies to build their capacities to prevent, mitigate, prepare for and respond to disasters domestically.

2. The international community should also support developing States to build their capacity to adequately implement legal, policy and institutional frameworks to facilitate international relief and initial recovery assistance. This support should be provided to States in a coordinated manner by the relevant actors.

Part III: Initiation and termination of international disaster relief and initial recovery assistance

10. Initiation

1. Disaster relief or initial recovery assistance should be initiated only with the consent of the affected State and, in principle, on the basis of an appeal. The affected State should decide in a timely manner whether or not to request disaster relief or initial recovery assistance and communicate its decision promptly. In order to make this decision, the affected State should promptly assess needs. Consideration should be given to undertaking joint needs assessments with the United Nations and other assisting humanitarian organizations.
2. Requests and offers for assistance should be as specific as possible as to the types and amounts of goods as well as the services and expertise available or required, respectively. Affected States may also wish to indicate particular types of goods and services likely to be offered that are not needed.
3. Affected States should make available to assisting actors adequate information about domestic laws and regulations of particular relevance to the entry and operation of disaster relief or initial recovery assistance.

11. Initiation of military relief

Military assets should be deployed for disaster relief or initial recovery assistance only at the request or with the express consent of the affected State, after comparable civilian alternatives have been considered. Prior to any such deployment, terms and conditions (including such issues as the duration of deployment, whether they must be unarmed or may be armed, the use of their national uniforms, and mechanisms for cooperation with civilian actors) are to be agreed by the affected and assisting States.

12. Termination

When an affected State or an assisting actor wishes to terminate disaster relief or initial recovery assistance, it should provide appropriate notification. Upon such notification, the affected State and the assisting actor should consult with each other, bearing in mind the impact of such termination on disaster-affected communities.

Part IV: Eligibility for legal facilities**13. Facilities for assisting States**

It is recommended that transit and affected States grant, at a minimum, the legal facilities described in Part V to assisting States with respect to their disaster relief or initial recovery assistance.

14. Facilities for assisting humanitarian organizations

1. Subject to existing international law, it is the prerogative of originating, transit and affected States to determine which assisting humanitarian organizations will be eligible to receive the legal facilities described in Part V with respect to their disaster relief or initial recovery assistance.
2. It is recommended that States establish criteria for assisting humanitarian organizations seeking eligibility for legal facilities. These criteria should include a showing by the organization of its willingness and capacity to act in accordance with the responsibilities described in paragraph 4 of these Guidelines.
3. Any additional requirements imposed on assisting humanitarian organizations should not unduly burden the provision of appropriate disaster relief and initial recovery assistance.
4. Determination of eligibility by the State granting the facilities should be possible in advance of a disaster, or as soon as possible after its onset. Applicable procedures and mechanisms should be as simple and expeditious as possible. They should be clearly described and information about them should be made freely available. They might include the use of a national roster, bilateral agreements or reliance upon international or regional systems of accreditation, if available.
5. Retention of the legal facilities in Part V should be made dependent on ongoing compliance with the provisions of subsection 2 of this paragraph. However, entitlement to legal facilities should not be changed arbitrarily, retroactively or without notice appropriate to the circumstances.

15. Facilities for other assisting actors

Affected States may also wish to extend, upon request, some of the legal facilities in Part V to assisting actors other than those covered by paragraphs 13 and 14, such as private companies providing charitable relief, provided this does not negatively affect operations of assisting humanitarian organizations or assisting States. Any actor receiving such facilities should be required to abide, at a minimum, by the same conditions described in paragraph 14.

Part V: Legal facilities for entry and operations

It is recommended that States provide the legal facilities described in paragraphs 16-24 to assisting States and eligible assisting humanitarian organizations. It is understood that the granting of these facilities will be subject to the interests of national security, public order, public and environmental health, and public morals of the concerned affected, originating and transit States. Measures to protect such interests should be tailored to the exigencies of the specific disaster and be consistent with the humanitarian imperative of addressing the needs of affected communities.

Where specific facilities recommended here are within the competence of authorities other than the national government, the national government should, where possible and appropriate, encourage those authorities to provide the relevant facilities to assisting States and eligible assisting humanitarian organizations.

16. Personnel

1. With regard to disaster relief and initial recovery personnel of assisting States and eligible assisting humanitarian organizations, affected States should:
 - a) Grant visas and any necessary work permits, ideally without cost, renewable within their territory, for the time necessary to carry out disaster relief or initial recovery activities;
 - b) In disaster relief operations, waive or significantly expedite the provision of such visas and work permits;
 - c) Establish expedited procedures for temporary recognition of professional qualifications of foreign medical personnel, architects, and engineers, driving licences and other types of licence and certificate that are necessary for the performance of disaster relief or initial recovery functions and that have been certified as genuine by the concerned assisting State or eligible assisting humanitarian organization, for the time necessary to carry out disaster relief or initial recovery activities;
 - d) Facilitate freedom of access to and freedom of movement in and from the disaster affected area, bearing in mind the safety of disaster relief and initial recovery personnel.
2. Upon request, originating and transit States should likewise waive or promptly issue, ideally without cost, exit or transit visas, as appropriate, for the disaster relief and initial recovery personnel of eligible assisting humanitarian organizations.
3. Assisting States and eligible assisting humanitarian organizations should consider to what degree disaster relief and initial recovery objectives can be met through hiring local staff.

17. Goods and equipment

1. With regard to disaster relief and initial recovery goods and equipment exported or imported by, or on behalf of, assisting States and eligible assisting humanitarian organizations, originating, transit and affected States should:

- a) Exempt them from all customs duties, taxes, tariffs and governmental fees;
 - b) Exempt them from all export, transit, and import restrictions;
 - c) Simplify and minimize documentation requirements for export, transit and import;
 - d) Permit re-exportation of any equipment or unused goods which the assisting State or assisting humanitarian organization owns and wishes to retain.
2. With regard to disaster relief goods and equipment only, originating, transit and affected States should additionally:
 - a) Waive or reduce inspection requirements; where waiver is not possible, clear relief goods and equipment rapidly and as a matter of priority through, a pre-clearance process where feasible; and
 - b) Arrange for inspection and release outside business hours and/or at a place other than a customs office, as necessary, to minimize delay, in accordance with the safety regulations of the affected State. Assisting States and eligible assisting humanitarian organizations should respect any routes and delivery points prescribed by the affected State.
3. In order to benefit from the above facilities, assisting States and assisting humanitarian organizations should, in accordance with agreed international standards, appropriately pack, classify and mark disaster relief and initial recovery goods and equipment, and include detailed manifests with each shipment. They should additionally inspect all such goods and equipment to ensure their quality, appropriateness for the needs in the affected State, and conformity with the national law of the affected State and international standards.
4. Assisting States and eligible assisting humanitarian organizations should assume responsibility for removing or disposing of any unwanted and unused disaster relief and initial recovery goods, particularly if they may pose a threat to human health or safety, or to the environment.

18. Special goods and equipment

In addition to the facilities described in paragraph 17:

1. Affected States should grant temporary recognition to foreign registration and plates with regard to vehicles imported by assisting States and eligible assisting humanitarian organizations or on their behalf in disaster relief and initial recovery assistance.
2. Affected States should waive or expedite the granting of any applicable licences and reduce any other barriers to the use, import or export of telecommunications and information technology equipment by assisting States and assisting humanitarian organizations, or on their behalf, in disaster relief and initial recovery assistance. Without discrimination against or negative impact to domestic relief actors, affected States should also grant (or, where appropriate,

encourage other domestic actors to grant) assisting States and eligible assisting humanitarian organizations priority access to bandwidth, frequencies and satellite use for telecommunications and data transfer associated with disaster relief operations.

3. Originating, transit and affected States should reduce legal and administrative barriers to the exportation, transit, importation and re-exportation of medications and medical equipment by assisting States and eligible assisting humanitarian organizations, or on their behalf, in disaster relief and initial recovery assistance, to the extent consistent with public safety and international law. Assisting States and eligible assisting humanitarian organizations should take all reasonable steps to ensure the quality, appropriateness and safety of any such medications and equipment and in particular:
 - a) Any medications they import should be approved for use in the originating and affected States;
 - b) Medications they use in their own operations should be:
 - (i) transported and maintained in appropriate conditions to ensure their quality and;
 - (ii) guarded against misappropriation and abuse.
 - c) Any medications they donate for use by others in the affected State should be:
 - (i) at least 12 months from their expiry date upon arrival, unless otherwise agreed by the receiving authorities;
 - (ii) transported and maintained in appropriate conditions to ensure their quality until they reach the affected State; and
 - (iii) appropriately labelled in a language understood in the affected State with the International Nonproprietary Name or generic name, batch number, dosage form, strength, name of manufacturer, quantity in the container, storage conditions and expiry date.
4. Originating, transit and affected States should consider whether normal requirements regarding fumigation and prohibitions and restrictions on food imports and exports by assisting States and eligible assisting humanitarian organizations in disaster relief operations can be modified or reduced.

19. Transport

1. Originating, transit and affected States should grant, without undue delay, permission for the speedy passage of land, marine and air vehicles operated by an assisting State or eligible assisting humanitarian organization, or on its behalf, for the purpose of transporting disaster relief or initial recovery assistance and, ideally, waive applicable fees.
2. In particular, permission should be granted for overflight, landing and departure of aircraft. Such aircraft should also be authorized to operate within the territory of the affected State as required for the delivery of assistance.

3. Any applicable exit, transit and entry visas for the operating personnel of such transport vehicles should be promptly issued.

20. Temporary domestic legal status

1. Affected States should grant relevant entities of assisting States and eligible assisting humanitarian organizations, upon entry or as soon as possible thereafter, at least a temporary authorization to legally operate on their territory so as to enjoy the rights, *inter alia*, to open bank accounts, enter into contracts and leases, acquire and dispose of property and instigate legal proceedings, for the purpose of providing disaster relief and initial recovery assistance.
2. Assisting States and eligible assisting humanitarian organizations should also be granted the right to freely bring the necessary funds and currencies in or out of the country through legal means and to obtain legal exchange rates in connection with their disaster relief or initial recovery assistance.
3. Affected States should allow assisting States and eligible assisting humanitarian organizations to legally hire and terminate the contracts of local personnel.

21. Taxation

Affected States should provide exemptions to assisting States and eligible assisting humanitarian organizations from value-added and other taxes or duties directly associated with disaster relief and initial recovery assistance.

22. Security

Affected States should take appropriate measures to address the safety and security of disaster relief and initial recovery personnel of assisting States and eligible assisting humanitarian organizations and of the premises, facilities, means of transport, equipment and goods used in connection with their disaster relief or initial recovery assistance. Assisting States and assisting humanitarian organizations should also take appropriate steps in their own planning and operations to mitigate security risks.

23. Extended hours

Affected States should endeavour to ensure, when necessary, that State-operated offices and services essential to the timely delivery of international disaster relief function outside of normal business hours.

24. Costs

1. The costs of providing international disaster relief or initial recovery assistance pursuant to these Guidelines should normally be borne by the assisting State or assisting humanitarian organization. However, assisting States may agree in advance with the affected State for the reimbursement of certain costs and fees, or for the temporary loan of equipment.
2. Affected States should consider, when it is in their power and to the extent possible under the circumstances, providing certain services at reduced or no

cost to assisting States and eligible assisting humanitarian organizations, which may include:

- a) In-country transport, including by national airlines;
- b) Use of buildings and land for office and warehouse space; and
- c) Use of cargo-handling equipment and logistic support.

B. General organization

See also:

Chap. I above

Res. VIII, para. 2, of the 22nd International Conference (Teheran, 1973), p. 1207

Coordination and standardization of Red Cross emergency relief

The Board of Governors,

recognizing the necessity for the coordination and standardization of Red Cross emergency relief under the auspices of the League,

recommends to National Societies that they conclude bilateral or regional agreements covering mutual assistance in cases of calamities or disasters. (Board of Governors, XXIst Session, Monte Carlo, 1950, Resolution 6)

Red Cross as an international disaster relief organization

The Board of Governors,

considering that the Red Cross, has demonstrated, particularly during the last few years, its ability to meet disaster situations requiring emergency action,

further considering that such actions require coordination on an international level and that the League Secretariat is the natural agency to effect this coordination,

instructs the League Secretariat to reinforce and expand its services to the National Societies in the field of emergency disaster relief and to enter into conversation through the National Societies with the appropriate national authorities and, directly, with international authorities to assure their collaboration and to ensure recognition of the Red Cross as the organization best qualified to meet natural disaster situations. (Board of Governors, XXIIIrd Session, Oslo, 1954, Resolution 10 a)

Air transport in international relief actions

The XXIst International Conference of the Red Cross,

considering that each year numerous natural disasters cause loss of life, loss of property and great suffering,

whereas mutual disaster relief strengthens ties of friendship and solidarity,

considering further that international relief activities are an important form of Red Cross action on a national and international scale,
whereas assistance given quickly alleviates suffering caused by disasters,
refers to Resolution 2435 on assistance in cases of natural disaster adopted on 19 December 1968 by the General Assembly of the United Nations,
thanks the International Air Transport Association (IATA) and the airline companies which have granted free air transport or reduced rates,
requests airline companies to transport relief supplies under conditions in no way prejudicial to the conveyance of such supplies, and in particular to reduce freight charges. (Istanbul, 1969, Resolution XXIII)

**Issue of visas to delegates appointed in connection with appeals
for assistance in time of disaster**

The XXIIIrd International Conference of the Red Cross,
recalling that the Principles and Rules for Red Cross Disaster Relief, approved by the XXIst International Conference of the Red Cross (Istanbul, 1969), stress the need for rapid action in time of disaster, which necessitates careful and complete pre-disaster planning in National Societies and in the international bodies of the Red Cross,

noting that in Article 13 of the said Principles and Rules, National Societies are in particular responsible for obtaining travel facilities and the quick granting of visas for Red Cross personnel in relief operations,

observing that, in Resolution No. XXV, the XXIst International Conference of the Red Cross (Istanbul, 1969) “urges all Governments, which have not already done so to prepare and to pass the necessary legislation enabling immediate and adequate action to be taken, in conjunction with the Red Cross, along the lines of a pre-established plan based on the disaster relief rules. adopted by this Conference”,

regretting that experience indicates that the obtaining of visas for disaster and relief delegates and teams remain a time-consuming procedure which often delays their departure,

urges National Societies to make representations to their Governments, with a view to achieving an easing of governmental formalities for the entry of official League delegates or official national teams provided by other Societies in response to a League appeal,

recommends any National Society requesting assistance following a disaster to obtain from its Government the assurance that the relief personnel sent out at the request of the League, whether official League delegates or teams made available by National Societies, will be given the advantage of simplified entry formalities, such as exemption from visa obligation, issue of visa at points of entry, or any other facility enabling this relief personnel to fulfil its mission without delay, while respecting local legislation; the Society launching the appeal shall inform the League of the measures taken by the Government in this respect. (Bucharest, 1977, Resolution V)

Measures to expedite international relief

*The XXIIIrd International Conference of the Red Cross,
considering the important part played by the Red Cross in assistance to the victims
of natural disasters and other emergency situations,*

*reaffirming the solidarity of National Red Cross Societies and their duty to help
each other when one of them is struck by an emergency situation exceeding its
resources,*

*recalling that the plight of victims to a large extent depends on the speed with
which adequate help arrives,*

*noting that there are still too many obstacles and difficulties which slow down the
movement of international relief supplies and relief personnel to the detriment of
those in urgent need of assistance,*

*noting with satisfaction the joint League of Red Cross Societies-UNDRO study on
these obstacles, and the resulting recommendations concerning the measures to be
taken to overcome them and to speed up the movement of relief personnel and
supplies,*

*taking into consideration Resolution No. 2102 (LXIII) adopted by the Economic
and Social Council of the United Nations on 3 August 1977 at its 2084th plenary
meeting,*

supports the League – UNDRO recommendations as set out in the annex,

hopes that the United Nations General Assembly will adopt them,

*urges National Societies, Governments, inter-governmental bodies and non-
governmental organizations concerned with relief operations to implement these
recommendations to the fullest possible extent,*

*requests the League, in liaison with the ICRC, to continue in its endeavours with
organizations engaged in disaster relief, and in particular UNDRO, with a view to
surmounting the obstacles and difficulties in the way of the despatch of international
relief and the movement of relief personnel.*

ANNEX

RECOMMENDATIONS

Measures to expedite international relief

Recommendation A

It is recommended in accordance with paragraph 8 (b) of General Assembly Resolution 2816 (XXVI) that potential recipient Governments, if they have not already done so, designate one single national relief authority to coordinate all domestic relief activities: this authority will collaborate with appropriate government departments and with domestic and international relief agencies in defining and quantifying those relief items required from abroad.

Recommendation B

It is recommended that potential recipient Governments waive requirements for consular certificates of origin and invoices, with respect to relief consignments (as distinct from normal commercial imports), on condition that adequate documentation from recognized relief agencies accompany such consignments. Examples of such documentation are provided in the LICROSS Recommended Procedures for Packaging and Labelling or Marking Consignments of Supplies for International Disaster Relief Operations, UNICEF shipping list, and similar documents from other recognized relief agencies.

Recommendation C

It is recommended that potential recipient Governments waive requirements for import and/or export licences, possibly through extending the scope of the Annex to the Convention of the Customs Cooperation Council (Provisions 3 to 28) to apply to relief shipments destined for any kind of disaster.

Recommendation D

It is recommended that potential recipient Governments waive – to the extent compatible with minimum standards of hygiene and animal protection – normal requirements regarding fumigation certificates and restrictions on food imports where these would impede the admission of relief essential for the protection of disaster victims.

Recommendation E

It is recommended, that all Governments waive requirements for transit, entry and exit visas for relief personnel acting in their official capacity as representatives of internationally recognized relief agencies. In this connexion, attention is drawn to Resolution No. 13 adopted by the Board of Governors of the League of Red Cross Societies at their 33rd Session, and Governments are urged to approve its adoption at the forthcoming 23rd International Conference of the Red Cross as well as to generalize its provisions so as to apply them to all relief personnel representing internationally recognized relief agencies.

Recommendation F

It is recommended that all donors restrict their relief contributions to those high-priority relief needs identified by appropriate relief authorities and agencies with a view to more efficient utilization of resources and more rapid fulfilment of essential relief needs.

Recommendation G

It is recommended that all Governments, inter-governmental agencies and non-governmental organizations concerned with relief operations undertake programmes to educate donors on the importance of avoiding contributions of non-essential items for relief purposes.

Recommendation H

It is recommended that all donors ensure that prompt notification is given to consignees of impending relief shipments; that they review procedures for consigning relief shipments; that they include detailed manifests with each consignment; and that they seek to secure prompt acknowledgement of arrival of the consignee. In this connexion, donors are encouraged to refer to the Recommended Procedures for Packaging and Labelling or Marking Consignments of Supplies for International Disaster Relief Operations, prepared by the League of Red Cross Societies.

Recommendation I

It is recommended that Governments of transit and recipient countries ensure that their customs authorities receive standing instructions to expedite processing of relief shipments in their custody. In this connexion, Governments are urged to consider acceding to Annex F.5 concerning Urgent Consignments adopted in Brussels in 1976 as an annex to the International Convention on the Simplification and Harmonization of Customs Procedures adopted by the Customs Cooperation Council at Kyoto (1973).

Recommendation J

It is recommended that all Governments authorize their national airlines whether members of IATA or not – to accord free transportation or, if this is not possible, transportation at minimal rates to relief consignments and relief personnel wherever reasonably possible. Potential recipient Governments in particular should instruct their national airlines to accord such treatment to incoming relief personnel and relief shipments, even to the extent of deferring transport of regular passenger and commercial cargo.

Recommendation K

It is recommended that all Governments relax limitations imposed on carriers not possessing traffic rights where this action would facilitate the travel of relief personnel or the transport of relief supplies and equipment.

Recommendation L

It is recommended that all Governments explore the possibility of according overflight permission and landing rights for aircraft transporting international relief at the outset of disaster emergency operations. It would be desirable for such authorizations to be valid for the duration of the emergency relief phase, thereby obviating the need for subsequent time-consuming ad hoc overflight and landing requests.

Recommendation M

It is recommended that potential recipient Governments take advance measures to authorize recognized relief agency personnel to have access to all available telex, cable, wire, telephone and radio facilities, as disaster relief circumstances require, for their internal and external communications. (Bucharest, 1977, Resolution VI and Annex)

**The role of medical personnel in the preparation
and execution of Red Cross emergency medical actions**

The XXIVth International Conference of the Red Cross,

aware of the great number of armed conflicts and natural disasters in which the National Societies, the ICRC and the League must provide emergency medical assistance,

desiring the experience acquired by the Red Cross to be fully used in the better preparation of medical personnel and material,

mindful of the Red Cross need to obtain for that purpose the services of experienced members of the health professions for the analysis of needs and for the planning, coordination, conduct and appraisal of emergency medical actions,

bearing in mind Resolution XVII of the XXIIIrd International Conference of the Red Cross recommending that the skills and knowledge of professionals be mobilized in the planning and implementation of all humanitarian activities,

- 1. recommends the ICRC and the League to improve the instruction material to be made available to National Societies and to help the National Societies to train personnel for national and international emergency medical actions,*
- 2. urges the National Societies to follow the guidelines issued by the ICRC and/or the League when making medical personnel and material available to those two organizations,*
- 3. recommends each National Society wishing to participate in ICRC and League emergency medical actions to use for their preparation members of the health professions having the necessary experience of emergency medical action, who could also assess the work of returning teams and process their reports,*
- 4. recommends also each National Society undertaking a medical action in a country where neither the ICRC nor the League is operating to follow the rules and*

principles evolved by the International Red Cross and to entrust the planning and conduct of the action to experienced members of the health professions,

5. *requests all National Societies to participate in Red Cross national and international development programmes for emergency medical action. (Manila, 1981, Resolution XXVI)*

Medical supplies in Red Cross and Red Crescent emergency operations

*The Twenty-fifth International Conference of the Red Cross,
aware that the physical and mental health of victims is affected by any emergency,
recognizing that in relief operations health personnel must have the appropriate
medicaments and medical supplies at their disposal when they are needed, in order to
provide efficient assistance to victims,*

*recalling that, especially in relief operations, medicaments and medical supplies
may be dangerous if used by other than qualified health personnel,*

*being anxious to avoid misuse of medicaments and to obtain the maximum results
from relief operations with limited financial and manpower resources,*

1. *recommends that each National Society and government wishing to participate in ICRC or League relief operations requiring medical relief supplies should limit their gifts to the needs identified by the ICRC or League in prior consultation with those organizations,*
2. *recommends that any gift of medicaments or medical supplies to an ICRC or League relief operation should be in accordance with guidelines issued by the ICRC and the League, under the supervision of qualified health personnel and in conformity with the recipient country's drug policy, if any,*
3. *recommends that National Societies and governments participating in Red Cross and Red Crescent relief operations should use the WHO Standard list of drugs and clinic equipment for League operations and the ICRC Standard list of medicaments and medical material for ICRC operations,*
4. *recommends that all medicaments and medical supplies provided through the ICRC or the League should be packed and labelled in accordance with the guidelines issued by the ICRC or the League, depending upon the character of the operation. (Geneva, 1986, Resolution XIX)*

Disaster relief in case of technical and other disasters

*The Twenty-fifth International Conference of the Red Cross,
recognizing that technological developments in many areas constantly progress
and that many States carry out nuclear activities,*

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

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

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

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

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

expressing the wish that to this end international cooperation may be reinforced and intensified,

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

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

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

- 1. requests governments to intensify future international cooperation for the safe development and application of new technologies and to undertake efforts to conclude further bilateral and multilateral agreements on mutual, timely and comprehensive information as well as on measures for mutual assistance,*
- 2. recommends to governments and international organizations when concluding such agreements and conventions also to take proper account of the capacity of their corresponding National Red Cross and Red Crescent Societies and of the entire Movement to participate in relief action and to include them in their information system at an early stage,*
- 3. further recommends to governments vigorously to support their National Red Cross and Red Crescent Societies in their efforts to improve their capacity for assistance in this field,*
- 4. calls upon National Red Cross and Red Crescent Societies to approach their governments in the manner outlined above and to undertake efforts that promote improvement of their own capacity for assistance,*
- 5. encourages National Red Cross and Red Crescent Societies to intensify their efforts to arrive at bilateral and multilateral agreements and commitments to mutual assistance in case of major disasters of any kind,*

6. *recommends that the League of Red Cross and Red Crescent Societies and the Henry Dunant Institute undertake a study concerning the possibilities and necessities of improved assistance from the Movement in case of technical and other disasters and that the results of this study be reported to the next International Conference,*
7. *calls upon the Movement not to slacken its efforts to support National Red Cross and Red Crescent Societies in their endeavour to conclude agreements for mutual assistance in case of technical disasters and all other kinds of disasters in as comprehensive a manner as possible and in the spirit of human solidarity and to carry out a regular exchange of experience.* (Geneva, 1986, Resolution XXI)

Coordination of non-governmental disaster relief in time of peace

The Council of Delegates,

noting with satisfaction the growing governmental and non-governmental humanitarian response to international disaster relief operations,

aware of the responsibility of the recognized relief agencies to promote information, cooperation and coordination in case of international disaster relief operations,

referring to the *Principles and Rules for Red Cross and Red Crescent Disaster Relief* adopted by the 21st International Conference of the Red Cross in Istanbul (1969), amended by the 22nd International Conference in Teheran (1973), by the 23rd International Conference in Bucharest (1977), by the 24th International Conference in Manila (1981), and by the 25th International Conference in Geneva (1986),

stressing the function of the International Federation of Red Cross and Red Crescent Societies to act as the permanent body of liaison, coordination and information exchange between the National Societies, in accordance with the *Principles and Rules for Red Cross and Red Crescent Disaster Relief*,

recalling Resolution VII adopted at the 22nd International Conference in Teheran (1973) requesting the Federation, the ICRC and National Societies to maintain and further strengthen their association with UNDRO with a view to effecting closer cooperation and coordination in the field of relief assistance in cases of disaster, including also other specialized UN agencies,

recognizing the commitment of the Federation to supporting the International Decade for Natural Disaster Reduction (1990-1999),

recognizing that governments of countries prone to natural disasters are increasingly acknowledging the important roles played by national and international voluntary relief agencies in times of disaster and are further strengthening their mechanisms for effectively utilizing international NGO relief,

recognizing the need for disaster-prone countries to have in place a disaster preparedness plan which includes a policy on the role of international NGOs offering assistance in times of disaster, in order to avoid confusion, duplication and waste of effort which would reduce the effectiveness of assistance to disaster victims,

recognizing that disaster preparedness covers both natural and man-made disasters, including movements of refugees and displaced persons,

taking note of the growing number of NGOs involved in disaster relief and the variety of skills they bring to the disaster area, which can be of importance in increasing the benefits accruing to disaster victims, if well coordinated with national relief efforts,

recognizing the well-founded and increasing demands of donor governments and other donor institutions for improved effectiveness in disaster relief through better coordination, and the need to present a coherent picture of international humanitarian action to world public opinion,

1. appeals to all governments of disaster-prone countries to take steps, as a disaster preparedness measure, to ensure the establishment of National Disaster Relief Committees to provide overall coordination in times of disaster;
2. urges that National Red Cross and Red Crescent Societies should be represented on such committees along with other relevant national NGOs;
3. recommends that National Red Cross and Red Crescent Societies, in cooperation with the Federation and abiding by the *Principles and Rules for Red Cross and Red Crescent Disaster Relief*, take steps to facilitate the coordination of NGO efforts in disaster relief or to assist other appropriate national NGOs in so doing;
4. urges the Federation to take steps to assist National Societies in fulfilling this role. These should include, *inter alia*:
 - pre-disaster preparedness assistance to National Societies to aid them in preparing for a possible coordination role, including the provision of training and communications equipment where appropriate,
 - assistance to National Societies in times of disaster to carry out timely needs assessments and formulate effective relief action plans,
 - the provision of specifically allocated and suitably equipped international personnel, in times of disaster, to assist National Societies in the critical work of gathering, analysing and sharing information pertinent to the disaster, within the responding NGO community, with a view to providing a common basis of understanding from which cooperation and coordination can grow,
 - assistance to National Societies, in times of disaster, to develop the potential to act as a facilitator between the NGO community and the host government, if so requested. (Council of Delegates, Budapest, 1991, Resolution 15)

Harnessing international humanitarian assistance for disaster reduction

The Council of Delegates,

notes the growing international awareness of the increasing scale of disasters and the detrimental effect they have on attaining sustainable development targets of disaster-prone countries and communities;

notes the increasing willingness of multinational and national bodies to take action in support of foreign disaster relief;

notes the growing phenomenon of short-lived NGOs created in response to particular disaster events, which on occasion act as channels for donor government funding;

notes in particular the present discussions in, *inter alia*, the UN, EC and the Council of Europe on strengthening their respective disaster relief responses,

notes with regret that in the above discussions the emphasis is placed upon high-profile short-term relief measures with consequential reduction in the resources available for the vital work of disaster preparedness and prevention;

appeals to governments and multilateral bodies to re-examine the existing arrangements for delivering relief with a view to making these structures function effectively rather than creating new, possibly short-lived, fractionated arrangements;

appeals to governments to demonstrate a clear commitment to funding and carrying out disaster preparedness programmes aimed at reducing people's vulnerability to disasters and increasing agencies' ability to respond to disasters;

affirms the willingness and capacity of the Red Cross and Red Crescent Societies to act in disaster preparedness, relief and rehabilitation across all major disaster-prone countries;

calls upon the Federation to continue to increase its competence in disaster response, thus increasing its viability as an operational partner for major government and multilateral donor institutions while keeping its independence. (Council of Delegates, Budapest, 1991, Resolution 16)

C. Technical provisions

Red Cross/Red Crescent international radio communication network

The XXth International Conference of the Red Cross,

having taken note of the report presented by the International Committee of the Red Cross and the League of Red Cross Societies on the subject of the establishment of a Red Cross international radio communication network,

notes with satisfaction the results already obtained and invites the two international institutions and National Societies to continue their efforts in this field,

expresses to the Plenipotentiary Conference of the International Telecommunication Union at present meeting in Montreux, to the Governments members of the Union and to the Secretariat of the Union its sincere gratitude for the facilities already granted and the help given and

expresses the wish that they will continue to cooperate in the establishment of the Red Cross international emergency radio communication network. (Vienna, 1965, Resolution XV)

Red Cross emergency radiocommunications

*The XXIIIrd International Conference of the Red Cross,
taking note with satisfaction of the considerable developments in the Red Cross
emergency radiocommunications network,
stressing that in emergency situations the Red Cross must have at its command,
direct, independent and speedy communications for its action for the victims,
thinks the national and international administrations which have granted the
Red Cross many facilities in this field,
requests the World Administrative Radiocommunications Conference, to be held at
Geneva in 1979, to take a constructive approach to all practical measures which might
make this emergency network still more effective, in particular by according
additional frequencies. (Bucharest, 1977, Resolution IX)*

Use of radiocommunications by the Red Cross organizations

The Council of Delegates,
considering that:

- a) Recommendation 34 of the Administrative Radiocommunications Conference is the original basis of the use of radiotelegraph and radiotelephone links by Red Cross organizations;
 - b) the Twenty-third International Red Cross Conference in Bucharest in 1977 adopted Resolution IX: "Red Cross emergency radiocommunications", addressed to the International Telecommunication Union for presentation to the World Administrative Radiocommunications Conference (WARC) in Geneva in 1979;
 - c) the WARC acted upon this resolution by replacing Recommendation 34 by Resolution 10, which is included in the Radio Regulations appended to the International Telecommunications Convention;
 - d) the Twenty-fourth International Red Cross Conference, took note of this with satisfaction in Resolution VIII, after having examined in Commission 1, under item 3.2 of the agenda, the action taken pursuant to Resolution IX adopted in Bucharest;
requests National Societies
1. to submit to their national telecommunications administration their requirements for radiotelecommunication facilities, notably for a call-sign and the necessary frequency assignments, in conformity with Resolution 10 of the Radio Regulations;
 2. to ask their national telecommunications administration for a licence to operate a national Red Cross emergency radiotelecommunications network;

3. to make provision, in their request, for emergency links between the national Red Cross emergency network and the emergency network of the International Red Cross in Geneva;
4. to inform their national telecommunications administration of the characteristics of the emergency network of the International Red Cross in Geneva, which is the subject of a licence granted by the Swiss telecommunications administration (PTT) to the ICRC in Geneva in 1963;
5. to do their utmost, in collaboration with their national telecommunications administration, to make their national emergency radiocommunications network operational. (Council of Delegates, Geneva, 1983, Resolution 5)

CHAPTER III

BENEFICIARIES OF RELIEF ACTIONS¹

A. Assistance to children

See also:

Part One

Chap. B, Doc. XVI Art. 38 of the UN Convention on the Rights of the Child

Part Four

Section III, Chap. I Res. 14 of the Council of Delegates (Budapest, 1991),
p. 1092

Res. 4 of the Council of Delegates (Birmingham, 1993),
p. 1094

Section IV, Chap. IV C Res. IX of the 25th International Conference (Geneva,
1986), p. 1146

Res. 5 of the Council of Delegates (Geneva, 1995), p. 1148

Res. 8 of the Council of Delegates (Geneva, 1999), p. 1149

Section IV, Chap. IV E Res. 2, C, of the 26th International Conference
(Geneva, 1995), p. 1161

Assistance to children in emergency situations

The Twenty-fifth International Conference of the Red Cross,

noting with satisfaction the progress of the work of the United Nations Commission on Human Rights on the draft Convention on the Rights of the Child, while drawing governments' attention to the fact that it is essential for that work to

¹ On assistance to refugees and aliens, see Section IV, Chapter IV D above.

result in provisions granting protection comparable to and, if possible, greater than existing international instruments,

being conscious of the major challenge that the plight of children in emergency situations, whether accompanied or not, represents to governments, National Societies and other relief agencies,

deeply worried about the security of unaccompanied children, especially in emergencies,

recognizing that children during emergency situations have the right of access to parental or family care to the greatest possible extent and stressing the need for governments, National Societies and other relief agencies to take the necessary steps to ensure this,

- 1. urges governments, National Societies, the League, the ICRC and other relief agencies especially to take care of children when emergency situations occur and to protect them from all forms of physical and mental injury or abuse,*
 - 2. urges governments, National Societies, the League, the ICRC and other relief agencies to take appropriate measures to combat the illicit international transfer and non-return of children,*
 - 3. urges governments, National Societies, the League, the ICRC and other relief agencies to take appropriate measures to identify unaccompanied minors as soon as possible, establish and maintain an individual file and ensure that tracing efforts are made with a view to family reuniting,*
 - 4. recommends governments and National Societies to take appropriate steps for the successful rehabilitation of children who have been victims of emergencies,*
 - 5. asks governments and National Societies to report to the next International Conference on the measures taken to assist children in emergency situations.*
- (Geneva, 1986, Resolution XX)*

B. Assistance to famine-stricken populations

See also:

Section III, Chap. I

Res. 12 and 13 of the Council of Delegates (Budapest, 1991), pp 1089-1091

Relief in famine situations

The XVIIIth International Red Cross Conference,

noting there is from time to time famine in various parts of the world, that is especially serious at present,

calls upon National Societies to respond to appeals from sister Societies, recommends to all National Societies that they coordinate with the League of Red Cross Societies their relief contributions in order to effect the most urgently required aid, and in the most expeditious manner,

urges that assistance so extended be made on the unconditional basis of pure humanitarianism and in the spirit of mutual assistance and brotherhood among the peoples of all nations, under the principles of the League of Red Cross Societies,

recommends that the recipient Societies report to the League of Red Cross Societies their use and/or distribution of these supplies, and, further,

recommends that, in order to coordinate the efforts of National Societies, the League of Red Cross Societies make a special study of the needs of famine areas, so that advice concerning the urgency of needs of the respective famine-stricken areas may be given to National Societies. (Toronto, 1952, Resolution XXVI)

The Red Cross and famine

The XXIIIrd International Conference of the Red Cross,

considering that malnutrition and famine still prevail in many parts of the world and are a constant threat to human life, health and economic stability,

stressing that its fundamental principle of humanity necessitates Red Cross intervention,

recalling Resolution No. 12/1975 of the XXXIIIrd session of the Board of Governors of the League,

calls upon National Societies in famine-prone regions to include all feasible preventive measures in their current activities and disaster preparedness plans,

requests the Red Cross to collaborate more closely, especially in acute situations, with Governments and intergovernmental organizations working in this field, in particular the Food and Agriculture Organization, the World Food Programme, the World Health Organization, the United Nations Children's Fund and the United Nations Disaster Relief Office,

appeals to Governments to intensify their efforts to alleviate suffering in such catastrophes and urges the Red Cross to coordinate its activities more closely with those of Governments. (Bucharest, 1977, Resolution IV)

Nutrition and food donation policy in Red Cross and Red Crescent emergency operations

The Twenty-fifth International Conference of the Red Cross,

aware that the physical and mental health of victims is affected by any emergency,

recalling that malnutrition is often one of the major problems identified during health assessments following emergencies,

recognizing that, since the factors which affect nutrition are many and complex and food distribution alone is not always the most appropriate response to nutritional problems, a professional approach is essential,

recognizing further that maximum advantage must be derived from available manpower and resources,

1. *recommends that all Red Cross and Red Crescent nutritional programmes be integrated into the general health programme adapted specifically to each emergency operation,*
2. *recommends that any Red Cross and Red Crescent nutritional response, including food distribution, be undertaken within the framework of a clearly established Red Cross and Red Crescent nutritional programme which is effectively planned, monitored and evaluated,*
3. *urges that all nutritional programmes of the ICRC, the League and National Societies be developed in accordance with the Nutrition and food donation policy in Red Cross and Red Crescent emergency operations and be established under the guidance of nutritionists,*
4. *recommends that each government participating in food distribution and other nutritional activities through ICRC/League emergency operations, or on a bilateral basis with a National Society, take full account of the Nutrition and food donation policy in Red Cross and Red Crescent emergency operations.*
(Geneva, 1986, Resolution XVIII)

SECTION VI

ACTIVITIES IN PEACETIME

CHAPTER I

HEALTH

See also:

- | | |
|------------------------|---|
| Section II, Chap. IV A | Res. 2, paras 7 and 8, of the General Council, Ist Session (Geneva, 1920), p. 1057 |
| Section II, Chap. V | Res. XXXV of the, 20th International Conference (Vienna, 1965), p. 1076 |
| Section IV, Chap. IV | Plan of Action 2000-2003, Final Goal 3, 27th International Conference, Geneva 1999, p. 1175
Agenda for Humanitarian Action, General objective 4, 28th International Conference, Geneva 2003, p. 1196 |

Red Cross relations with governmental authorities and governmental and non-governmental organizations in the medico-social field

The XIXth International Red Cross Conference,

considering with satisfaction the development over recent years of the working relations between the Secretariat of the League of Red Cross Societies, the World Health Organization, and other governmental and non-governmental international organizations,

recognizing the importance of these contacts in bringing about coordination of activities and in making the best use of the available resources,

recalling the terms of the Resolutions adopted on this point by the Board of Governors of the League in 1946 and by the XVIIth International Conference of the Red Cross in 1948,

recommends the development of existing links between the League and these organizations on both the international and the regional levels,

suggests that National Red Cross Societies:

- a) *develop their relations with the regional and national offices of these organizations in order to ensure that the best possible use is being made of Red Cross resources in terms of personnel, professional and auxiliary, as well as of equipment, and that the largest possible participation be encouraged of Red Cross volunteers of all categories in carrying out medico-social activities of particular interest to the area under consideration;*

- b) *make contact with the competent government services in order to ensure closer cooperation on the national level and thus coordinating the programme of activities. (New Delhi, 1957, Resolution XXIII)*

Red Cross voluntary auxiliary personnel

The XIXth International Red Cross Conference,

considering that one of the fundamental responsibilities of National Societies is to supplement governmental action by providing authorities with additional qualified staff, professional and auxiliary,

underlines the need for establishing the closest possible coordination between National Societies and the competent authorities in planning and conducting in each country the activities necessary for the maintenance of health in that country,

invites National Societies to increase their efforts in encouraging a wide participation of voluntary auxiliary personnel in the various Red Cross activities such as first-aid, disaster relief, health education, nursing, blood transfusion, care of the handicapped and old people, mental health services, fight against alcoholism, nutrition and social welfare, particularly in the field of mother and child care,

invites National Societies to ensure that the training of all their voluntary and auxiliary personnel includes not only the necessary technical instruction but also detailed information about the Red Cross, its ideals, its means of action nationally and internationally, and the rights and obligations of its members,

underlines particularly the need for National Societies to train auxiliary personnel for work in disaster relief operations, such training to stress the importance of the human factor in the relations between Red Cross workers and the public and to include some knowledge of the psychological and social factors liable to influence such relations,

recommends that Governments consider the efforts of the Red Cross, taking into account its experience on the international level, and encourage its pioneer work as well as its traditional activities and relief work, whilst respecting its guiding principles of impartiality and independence. (New Delhi, 1957, Resolution XXVII)

Development of first aid training in National Societies

The Council of Delegates,

considering First Aid as an essential activity of National Societies and the teaching of the subject to the public as an intrinsic Red Cross activity in promoting health,

considering the role which First Aid teams are called upon to play in the varied aspects of health education of the greatest importance,

draws the attention of recently founded National Societies to the importance of extending First Aid instruction and organizing properly trained First Aid teams,

emphasizes the responsibility of training instructors and leaders in that field,

requests the experienced sister Societies to afford, through the League, every possible assistance with the object of training First Aid leaders and increasing the number of First Aid teams among recently founded National Societies. (Council of Delegates, Centenary Congress, Geneva, 1963, Resolution 11)

Cooperation of National Red Cross and Red Crescent Societies with Governments in the field of primary health care

The XXIVth International Conference of the Red Cross,

taking into account the importance of promoting health and well-being of the population as a necessary condition for social progress and safeguarding peace in the world,

recalling Resolutions XV and XVII of the XXIIIrd International Conference of the Red Cross, defining the role and main forms of medico-social activities of National Societies in the framework of the Red Cross humanitarian mission,

recalling the readiness of the National Red Cross and Red Crescent Societies to cooperate with their respective Governments – which was confirmed by Recommendation 1 of the Second Session of the General Assembly of the League – in promoting health and well-being by providing primary health care in line with the principles and tasks of the Red Cross,

noting the necessity of further developing community services of National Red Cross and Red Crescent Societies in order to meet the needs of the population taking into account local socio-economic conditions,

sharing the position of the WHO, that the main social task of Governments and health bodies in the coming decades should be the attainment by all people of such a level of health which would allow them to lead a socially and economically productive life,

stressing the importance of primary health care as the main factor of achieving the goal “health for all by the year 2000”,

1. *recommends the National Red Cross and Red Crescent Societies to consider the development of primary health care a main task in the field of medico-social activities, paying special attention to those elements and directions of these activities which meet their national needs,*
2. *recommends the National Societies to broaden as far as possible interregional and intraregional cooperation in setting up and improving community services through the exchange of experiences, personnel and information,*
3. *requests the League Secretariat to ensure elaboration of regional strategies and programmes for developing primary health care as an integral part of the strategy for the development of National Societies,*
4. *invites all Governments to take into account in formulating their countries' health strategies the potentials of their National Red Cross or Red Crescent Societies and assist them in a practical way in the preparation and implementation, of primary health care programmes. (Manila, 1981, Resolution XXII)*

Water supply and sanitation in Red Cross and Red Crescent relief actions and primary health care

The General Assembly,

recognizing the importance to human health and well-being of access at all times to an adequate supply of safe water and appropriate sanitation facilities,

aware that in time of disasters the provision of safe drinking water and the disposal of wastes are immediate needs of victims,

aware that the Primary Health Care approach includes provision of water supply and sanitation as one of its eight essential elements,

recognizing the basic right of all people to safe water and sanitation as a part of comprehensive human development,

recalling previous General Assembly and International Conference Resolutions, which have emphasized the potential of Red Cross and Red Crescent Societies to respond to emergency situations and to contribute towards the development of national Primary Health Care Programmes,

noting that certain National Societies have proposed that the Federation become more involved in water supply and sanitation interventions,

recognizing that several National Societies have already been involved in activities in the water and sanitation sector,

recognizing the potential that National Societies have, in terms of their structure, members and volunteers, capacity and preparedness, to respond to the needs of disaster-struck and vulnerable people,

urges all National Societies to strengthen and develop their capacity for advocacy and implementation of sustainable activities in the field of water and sanitation by providing staff and volunteers with knowledge, skills and training ability in basic hygiene methodologies, water quality protection techniques, distribution and storage of water in disaster relief situations and the control of communicable diseases,

urges all National Societies to continue to cooperate and collaborate with governmental departments, other non-governmental organizations, specialized intergovernmental organizations and external support agencies, to achieve a coordinated and integrated intervention approach in water supply and sanitation, in development, disaster preparedness and relief phases,

requests the Secretary General to assist National Societies in their interventions related to water supply and sanitation, through sharing information, elaborating and disseminating policy guidelines, supporting development of human and other resources, and strengthening international cooperation between National Societies and with non-governmental, bilateral and multinational external support agencies. (General Assembly, IXth Session, Birmingham, 1993, Decision 24)

Psychological support to victims of disasters and stressful life events

The General Assembly,

recalling that since its foundation the Red Cross has endeavoured to meet the needs of the victims of war and disaster situations by providing material assistance, social welfare and development programmes;

noting that this assistance has focused mainly on the physical and material needs of the victims but that most Red Cross and Red Crescent volunteers have always provided moral support and comfort to the people they assist,

noting that there is growing awareness amongst National Societies of the psychological effects upon individuals and communities of stressful events, and that some National Societies have developed programmes aimed directly at mitigating psychological suffering of victims of disasters;

concerned that disasters, in particular technological disasters, have recently demonstrated their cross-boundary effects, both on physical and psychological health;

aware that the increasing use of delegates and relief workers in complex disaster situations has increased the need for adequate psychological support to this category of workers;

concerned that reports of increased cases of murder, rape and torture, in contravention of the Geneva Conventions have led to a growing need for psychological care for both victims and relief workers;

recognizing that it is now time for the Red Cross and Red Crescent Movement to take this knowledge into consideration and develop action plans which, together with the provision of material support, envisage programmes to mitigate psychological suffering and stress and that the overall objective of these action plans should be to give equal weight to mental and physical aspects of human suffering;

urges National Societies to recognize the need for a comprehensive psychological support programme to be integrated into their training activities, spelled out in their preparedness guidelines, present in on-going services and carried out in their operations, and to further recognize that to promote this approach it is necessary to:

- refresh knowledge of psychological effects of disasters,
- assess community needs and resources available,
- develop well-targeted programmes,
- develop the programmes in accordance with well defined strategic objectives;

recommends that National Societies:

- assess unmet needs and identify priorities in psychological support activities which can be addressed through existing structures, such as Social Welfare, Health, Youth or any other relevant programme;
- secure resources to implement such activities, both in terms of funds and personnel;

- develop preparedness programmes to face daily emergencies and disaster situations, including adaptation of training programmes and materials;
- increase awareness of basic psychological support among staff, volunteers and delegates;
- cooperate with national community structures to develop a network of basic psychological support;

recommends that the International Federation of Red Cross and Red Crescent Societies:

- give high priority to psychological support issues and strongly advocate the implementation of psychological support programmes in National Societies;
- develop capacity to be a leader in the field of basic psychological support, through its Reference Centre, working groups and other dissemination tools;
- assist National Societies to develop such programmes with guidelines, materials, workshops and other appropriate means;
- secure adequate material and human resources to implement those programmes;
- develop a network of potential delegates and organize appropriate training;
- strengthen links with UN agencies and other institutions which have expertise in this area, such as WHO specialized services, NGOs, mental health professional associations, research institutions, etc.;

urges all components of the International Red Cross and Red Crescent Movement to:

- consider including psychological support where appropriate in the appeals for relief and development;
- organize for psychological briefing and debriefing of delegates. (General Assembly, IXth Session, Birmingham, 1993, Decision 26)

CHAPTER II

BLOOD TRANSFUSION

The Red Cross and blood transfusion

*The XXIIIrd International Conference of the Red Cross,
recognizing with satisfaction the significant growth of Red Cross blood transfusion services in the previous four years,*

believing that such blood services increasingly demonstrate the humanitarian principles inherent in the non-remunerated donation of blood as urged by Resolution No. XVIII of the XXIIInd International Conference, and as endorsed by the 28th World Health Assembly,

taking note of the gratifying actions by other international organizations to affirm support of programmes for voluntary, non-profit blood donation,

recognizing, in particular, the expertise available to National Societies through the International Group of Red Cross Blood Transfusion Experts,

desires to amplify its previously expressed request to Governments and National Societies that they develop national blood services based on voluntary participation by their people, and accordingly,

adopts the following principles and rules that should govern the provision of human blood, its components and derivatives based on those elaborated by the International Group of Red Cross Blood Transfusion Experts:

- 1. The safe, comprehensive and effective supply of blood, its components and derivatives is a community responsibility. It depends on the absence of any financial motive on the part of the donor and of the organizations responsible for the procedures involved in processing and administration, so that high quality service is provided at the lowest possible cost to the community. The donor should be assured that his donation will be given to patients as a service to the public with no financial gain to any party.*
- 2. The provision of blood and blood products is essentially humanitarian in nature. All organizations providing these services have this obligation to the communities that support their operations.*
- 3. Blood transfusion services should be organized on a national basis and should be regulated by the national health authorities.*
- 4. In order to protect the health of both the donor and recipient, the highest medical and ethical standards should be observed in the collection, processing and distribution of blood.*
- 5. Human blood and blood products should be provided to meet world health needs with maximum efficiency. Minimum waste, optimal quality and adequate availability are essential characteristics of blood transfusion services. (Bucharest, 1977, Resolution XVI)*

Code of ethics for blood donation and transfusion

The XXIVth International Conference of the Red Cross,

recalling the important role played by the Red Cross Societies in national blood programmes, in particular in the promotion of voluntary, non-remunerated blood donation,

referring to Resolution 28.72 of the Assembly of the World Health Organization (Geneva, 1975) on the utilization and supply of human blood and blood products; to Resolution of the General Assembly of the International Society of Blood Transfusion (Montreal, 1980) requiring its members to improve the ethical,

medical and technical standards of blood transfusion practice to the best of their ability in accordance with the Code of ethics of this Society as well as to previous recommendations adopted by the governing bodies of the International Red Cross,

noting the approval of the Code of ethics of the International Society of Blood Transfusion by the International Group of Red Cross Blood Transfusion Experts and by the Second Session of the General Assembly of the League of Red Cross Societies,

recognizing the necessity of ensuring the best possible protection of blood donors and recipients,

approves the following Code of ethics of the International Society of Blood Transfusion and urges all National Red Cross and Red Crescent Societies to communicate it to their respective health authorities with a view to its application, and to disseminate it as widely as possible. (Manila, 1981, Decision IV)

Code of ethics for blood donation and transfusion

The object of this Code is to define the principles and rules to be observed in the field of blood transfusion; these should form the basis of national legislation or regulations.

I. The Donor

1. Blood donation shall in all circumstances be voluntary; no pressure of any kind must be brought to bear upon the donor.
2. The donor should be advised of the risks connected with the procedure; the donor's health and safety must be a constant concern.
3. Financial profit must never be a motive either for the donor or for those responsible for collecting the donation. Voluntary non-remunerated donors should always be encouraged.
4. Anonymity between donor and recipient must be respected except in special cases.
5. Blood donation must not entail discrimination of any kind, either of race, nationality or religion.
6. Blood must be collected under the responsibility of a physician.
7. The frequency of donations and the total volume of the blood collected according to the sex and weight of the individuals, as well as the upper and lower age limits for blood donation, should be defined by regulations.
8. Suitable testing of each donor and blood donation must be performed in an attempt to detect any abnormalities:
 - a) that would make the donation dangerous for the donor;

- b)* that would be likely to be harmful to the recipient.
- 9. Donation by plasmapheresis should be the subject of special regulations that would specify:
 - a)* the nature of additional tests to be carried out on the donor;
 - b)* the maximum volume of plasma to be taken during one session;
 - c)* the minimum time interval between two consecutive sessions;
 - d)* the maximum volume of plasma to be taken in one year.
- 10. Donations of leukocytes or platelets by cytapheresis should be the subject of special regulations that specify:
 - a)* the information to be given to the donor about any drugs injected and about the risks connected with the procedure;
 - b)* the nature of any additional tests to be carried out on the donor;
 - c)* the number of sessions within a given time frame.
- 11. Deliberate immunization of donors by any foreign antigen with the aim of obtaining products with a specific diagnostic or therapeutic activity should be the subject of special regulations that would specify:
 - a)* the information to be given to the donor about the substance injected and the risks involved;
 - b)* the nature of any additional tests which have to be carried out on the donor.
- 12. The donor must be protected by adequate insurance against the risks inherent in the donation of blood, plasma or cells, as well as the risks of immunization.

N.B. – The purpose of the special regulations in items 9, 10 and 11 above is to safeguard the donor. After being told about the nature of the operation and the risks involved, a statement of informed consent must be signed by the donor. For donors immunized against red cell antigens, a special card should indicate the antibodies and specific details as to the appropriate blood to be used in case the donors need to be transfused.

II. The Recipient

- 13. The object of transfusion is to ensure for the recipient the most efficient therapy compatible with maximum safety.
- 14. Before any transfusion of blood or blood products, a written request, signed by a physician or issued under his responsibility must be made, which specifies the identity of the recipient and the nature and quantity of the substances to be administered.
- 15. Except for the emergency use of type O blood or red blood cells, every red cell transfusion necessitates preliminary blood grouping tests on the recipient, and compatibility tests between the donor and the recipient.

16. Before administration, one must verify that blood and blood products are correctly identified and that the expiry date has not been passed. The recipient's identity must be verified.
17. The actual transfusion must be given under the responsibility of a physician.
18. In case of a reaction during or after the injection of blood or blood products, appropriate investigations may be required to ascertain the origin of the reaction and to prevent its recurrence. A reaction may require the interruption of the transfusion.
19. Blood and blood products must not be given unless there is a genuine therapeutic need. There must be no financial motivation on the part of either the prescriber or of the establishment where the patient is treated.
20. Whatever their financial resources, all patients must be able to benefit from the administration of human blood or blood products, subject only to their availability.
21. As far as possible the patient should receive only that particular component (cells, plasma, or plasma derivatives) that is needed. To transfuse whole blood into a patient who requires only part of it may deprive other patients of necessary components, and may carry some additional risks to the recipient.
22. Owing to the human origin of blood and to the limited quantities available, it is important to safeguard the interests of both recipient and donor by avoiding abuse or waste.
23. The optimal use of blood and blood products requires regular contact between the physicians who prescribe and those who work in blood transfusion centres.

III. Controls

24. Appropriate controls should be required by the Health Authorities to verify that blood transfusion practices meet internationally accepted standards and that the guidelines or regulations issued in accordance with this code are effectively respected.
25. The following should be regularly checked:
 - a) the proficiency of the staff;
 - b) the adequacy of the equipment and premises;
 - c) the quality of methods and reagents, source material and finished products.

CHAPTER III

NURSING

See also:

Section V, Chap. II B Res. XXVI of the 24th International Conference
(Manila, 1981), p. 1229

**Inclusion of the Fundamental Principles of the Red Cross and of the
Geneva Conventions in the training syllabus of doctors and nurses**

The Board of Governors,

recommends that the League approach the ICRC and the WHO to explore the possibility of sending a circular letter to Governments asking them to include in the training syllabus of doctors and nurses the Fundamental Principles of the Red Cross and the Geneva Conventions. National Societies should be urged to contact the appropriate Ministries in their respective countries for the same purpose. (Board of Governors, XXXIVth Session, Bucharest, 1977, Resolution 8)

CHAPTER IV

ENVIRONMENT

See also:

Section I, Chap. III Res. XXVI (a), of the 25th International Conference
(Geneva, 1986), p. 1029

Environment

The XXIIInd International Conference of the Red Cross,

having taken note of the report by the Working Party of the League of Red Cross Societies concerning the Red Cross and the protection of the human environment and also of the Resolution on this subject adopted by the League's Board of Governors at its XXXIInd Session,

recognizes that all aspects of environmental protection and improvement constitute one of the major problems of our time,

declares that the Red Cross is directly concerned by this problem since the physical and mental health of man is largely conditioned by the quality of the environment,

recommends that at national level Red Cross, Red Crescent and Red Lion and Sun Societies develop and plan their activities in terms of the protection and improvement of the environment, in harmony with the plans of government authorities,

emphasizes finally that the struggle against threats to the environment must also be pursued at the international level,

invites the Red Cross to cooperate at that level in the development of means of contributing to the protection of the environment. (Teheran, 1973, Resolution XVII)

Environment

The XXIIIrd International Conference of the Red Cross,

recalling that the XXIIInd International Conference of the Red Cross (Teheran, 1973) made a declaration in its Resolution No. XVII to the effect that the Red Cross is directly concerned with the problem of the environment, insofar as the physical and mental health of man is largely conditioned by his environment,

having noted the report of the League of Red Cross Societies on the Red Cross and the Protection of the Environment,

recognizing that the majority of the world's population lives in an unfavourable environment due to poverty and that its health is exposed to dangers due to lack of basic health facilities, on the one hand, and to dangers of all types of pollution, on the other,

noting that both the protection and improvement of environment are in part an educational problem and that youth is or should be, therefore, not only the most closely involved, but can also be the best instrument as a means of Red Cross action,

recommends that National Societies, in developing their traditional activities, ensure that future plans include public health and environmental education and training of personnel wherever these measures have not been taken, or supplement existing programmes, in close cooperation with governmental and non-governmental organizations working for the same objectives,

requests the League, through its specialised Commission and its Secretariat,

- a) to develop the studies it has already undertaken;*
- b) to encourage an exchange of experiences between National Societies;*
- c) to promote close bonds with all those organizations which are concerned with the environment;*

invites governmental and non-governmental organizations to recognize the actual and potential value of Red Cross volunteers in this respect and to give such volunteers their full support,

appeals to Governments to intensify their efforts to develop and, where necessary, to establish national laws on environment,

urges Governments to encourage increased Red Cross participation in local and national plans aimed at creating an environment permitting improved living conditions for the benefit of present and future generations. (Bucharest, 1977, Resolution XXI)

CHAPTER V

YOUTH

Junior Red Cross¹

The General Council,

considering that the Junior Red Cross is one of the factors most useful for aiding in the improvement of health, and in the creation of an international spirit of human solidarity among young people with the view to the preparation of a new civilization of peace,

considering, moreover, that it constitutes a most effective instrument for securing to Red Cross Societies in the future the moral force and popular membership which alone can make them the powerful organizations which they should become,

recommends that every National Red Cross Society should endeavour to organize the enrolment of school children as Junior Members, the conditions of Junior Membership being adapted in each case to the school system of the country.

¹ Heading added by the editor.

The General Council recognizes the fundamental importance in this matter of meeting the views of members of the teaching profession, who are the natural leaders of the movement, and upon whose cooperation its success depends.

It recommends that the Statutes or public announcements of each Junior Red Cross should include in their statement of its purposes a declaration to the following effect:

“The ... Junior Red Cross is organized for the purpose of inculcating in the children of its country the ideal of peace and the practice of service, especially in relation to the care of their own health and that of others, the understanding and acceptance of civic and human responsibility, and the cultivation and maintenance of a spirit of friendly helpfulness towards other children in all countries”.

The General Council,

endorses the policy pursued by the League Secretariat in promoting the organization of Junior membership in Red Cross Societies and in maintaining the international cohesion of the Junior Red Cross movement, and recommends the continuance and extension of this programme, and that the Secretariat endeavour to exercise a coordinating influence in regard to national and international associations of young people. But it desires to tender the advice that, in view of the differing conditions in the countries concerned, it should be recognized that wide divergencies of method will be not only necessary but even desirable since every variety of experiment will have its value.

The General Council requests the League Secretariat to examine the question of a common emblem, common mottoes, and a common flag for the Junior Red Cross in all countries. (General Council, IIInd Session, Geneva, 1922, Resolution 18)

Red Cross and humanitarian education of youth

The Council of Delegates,

considering the need not only to educate youth in humanitarian principles, but also to provide them with opportunities to practise these principles in order that mankind may achieve international understanding and peace,

recognizing that the Red Cross, through the ideals and values inherent in the Geneva Conventions and through its programmes designed to protect life, is in fact able to make a definite contribution to humanitarian education,

recognizing the essential role which educators play in this connection and the facilities which the Red Cross offers,

recommends:

1. that the International Committee of the Red Cross continue to persuade Governments to use not only their military but also their educational and other authorities in disseminating the Geneva Conventions among the entire population;
2. that the League of Red Cross Societies, through a continuous evaluation of the programmes undertaken by National Societies, ensure that the Junior Red

Cross is in a position to function in partnership with educational authorities in this field;

3. that National Societies themselves obtain the advice and assistance of educators in the preparation of such information media as will emphasize the necessity to safeguard humanitarian principles at all times and under all conditions. (Council of Delegates, Centenary Congress, Geneva, 1963, Resolution 20, Recommendation D of the World Conference of Educators, Lausanne, 1963)

Red Cross and the problems of young people

The XXIst International Conference of the Red Cross,

acknowledging the need to recognize youth as an integral part of a National Red Cross Society,

considering the necessity for youth to participate in the planning and implementing of all the activities of a National Society, both national and international,

recognizing the serious problems which face young people at this time, and the responsibility of the Red Cross to help alleviate the sufferings such problems cause both to the individual and to the community,

invites all National Societies to take action to include youth in the planning and implementation of their national and international activities,

urges National Societies to explore ways and means of giving their youth members specific responsibilities within the framework of the Development Programme,

recommends that the Red Cross draw the attention of the relevant national and international authorities to the human problems caused by the inability of young people to find suitable employment in particular relation to their training,

recommends further that the League consider appointing experts to study the social problems caused by alcoholism and the use of drugs among young people and to make recommendations for Red Cross action to alleviate the sufferings they cause. (Istanbul, 1969, Resolution XXX)

Red Cross and youth

The XXIIIrd International Conference of the Red Cross,

having considered the current aspects of Red Cross and of youth,

reaffirms that to educate young people in international understanding, cooperation and peace, to make them aware of and able to prevent the problems arising from the many forms of human suffering and to make them responsive to the need to respect and to promote humanitarian principles everywhere and at all times, is one of the fundamental responsibilities of the Red Cross,

reaffirms also that to enable youth to participate fully in the activities of the National Society is a vital need for Red Cross development,

encourages National Societies and the League in collaboration with the ICRC,

- a) *to improve leadership training, in order to ensure the greater development of their Youth Sections;*
- b) *to continue their efforts to motivate the greatest number of young people to become active members of the Red Cross by providing them with opportunities to participate fully at all levels of activity and in decision-making;*
- c) *to promote on a larger scale opportunities for their youth groups and leaders to exchange ideas and experiences, at the international level;*
- d) *and to intensify their educational programmes for children, adolescents and young adults, whether they attend school or not;*
appeals to the appropriate authorities to support the National Societies in this endeavour. (Bucharest, 1977, Resolution XIX)

Role of youth within the League's governing bodies

The Board of Governors,

conscious of the part the younger generation of the Red Cross can play as members of the League's highest decision-making bodies,

hopes that the wish repeatedly expressed by young people to be integrated into the League's supreme organs will be taken into consideration,

recommends to National Societies that when the League's highest decision-making bodies are being elected, the younger generation should be taken into account in an equitable manner. (Board of Governors, XXXIVth Session, Bucharest, 1977, Resolution 14)

ANNEXES

ANNEX I

CHRONOLOGICAL LIST OF RESOLUTIONS REPRODUCED IN
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GENERAL COUNCIL, Ist Session (GENEVA, 1920)

- Res. 2 **Organization and duties of National Societies**.....1057

10th INTERNATIONAL RED CROSS CONFERENCE (GENEVA, 1921)

- Res. IX,
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other philanthropic associations and
the League of Nations**.....1150
- Res. XI **Relations between National Societies**1068
- Res. XIV **Civil war**1139
- Res. XVI, para. 3 **International organization of the Red Cross**1054

GENERAL COUNCIL, IIInd Session (GENEVA, 1922)

- Res. 6, para. 2 **Creation of National Societies in countries
where none exists**.....1058
- Res. 18 **Junior Red Cross**1252

11th INTERNATIONAL RED CROSS CONFERENCE (GENEVA, 1923)

- Res. VI,
para. 2 b and c **International relief action for populations
in case of public disaster**1206

12th INTERNATIONAL RED CROSS CONFERENCE (GENEVA, 1925)

- Res. IV, para. 2 **Customs exemption on gifts intended for refugees**1150

16th INTERNATIONAL RED CROSS CONFERENCE (LONDON, 1938)

– Res. VII	Relations between National Societies	1068
– Res. XIV	Role and activity of the Red Cross in time of civil war	1141

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– Res. 1	Relations with the United Nations Organization	1075
– Res. 9	Intervention of the League when two Societies use the name Red Cross Society	1066
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BOARD OF GOVERNORS, XXth Session (STOCKHOLM, 1948)

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17th INTERNATIONAL RED CROSS CONFERENCE (STOCKHOLM, 1948)

– Res. XII	Recognition of National Societies	1058
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- Res. 4, para. 3 of EC 1950 **Meaning of the term “volunteer”**1070
- Res. 6 **Coordination and standardization of Red Cross emergency relief**.....1224

18th INTERNATIONAL RED CROSS CONFERENCE (TORONTO 1952)

- Res. X **Reaffirmation of the Fundamental Principles of the Red Cross**724
- Res. XII **Cooperation between the National Societies and the Governments**1070
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BOARD OF GOVERNORS, XXIIIrd SESSION (OSLO, 1954)

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(GENEVA, 2006)

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30th INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT
(GENEVA, 2007)

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ANNEX II

INTERNATIONAL RED CROSS CONFERENCES¹

- 1st International Conference, Paris, 1867
- 2nd International Conference, Berlin, 1869
- 3rd International Conference, Geneva, 1884
- 4th International Conference, Karlsruhe, 1887
- 5th International Conference, Rome, 1892
- 6th International Conference, Vienna, 1897
- 7th International Conference, St. Petersburg, 1902
- 8th International Conference, London, 1907
- 9th International Conference, Washington, 1912
- 10th International Conference, Geneva, 1921
- 11th International Conference, Geneva, 1923
- 12th International Conference, Geneva, 1925
- 13th International Conference, The Hague, 1928
- 14th International Conference, Brussels, 1930
- 15th International Conference, Tokyo, 1934
- 16th International Conference, London, 1938
- 17th International Conference, Stockholm, 1948
- 18th International Conference, Toronto, 1952
- 19th International Conference, New Delhi, 1957
- 20th International Conference, Vienna, 1965
- 21st International Conference, Istanbul, 1969
- 22nd International Conference, Teheran, 1973
- 23rd International Conference, Bucharest, 1977
- 24th International Conference, Manila 1981
- 25th International Conference, Geneva, 1986
- 26th International Conference of the Red Cross and Red Crescent, Geneva, 1995
- 27th International Conference of the Red Cross and Red Crescent, Geneva, 1999
- 28th International Conference of the Red Cross and Red Crescent, Geneva, 2003
- 29th International Conference of the Red Cross and Red Crescent, Geneva, 2006
- 30th International Conference of the Red Cross and Red Crescent, Geneva, 2007

¹ At the 25th International Conference it was decided that future Conferences would be called International Conferences of the Red Cross and Red Crescent

ANNEX III

SESSIONS OF THE GENERAL COUNCIL, THE BOARD OF
GOVERNORS AND THE GENERAL ASSEMBLY OF THE LEAGUE
OF RED CROSS SOCIETIES, LATER INTERNATIONAL
FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES**I. GENERAL COUNCIL**

- Ist Session, Geneva, 1920
- IIInd Session, Geneva, 1922
- IIIrd Session, Paris, 1924

II. BOARD OF GOVERNORS

- IXth Session, Paris, 1925
- Xth Session, Paris, 1927
- XIth Session, The Hague, 1928
- XIIth Session, Brussels, 1930
- XIIIth Session, Paris, 1932
- XIVth Session, Tokyo, 1934
- XVth Session, Paris, 1935
- XVIth Session, Paris, 1936
- XVIIth Session, London, 1938
- XVIIIth Session, Paris, 1945
- XIXth Session, Oxford, 1946
- XXth Session, Stockholm, 1948
- XXIst Session, Monte Carlo, 1950
- XXIIInd Session, Toronto, 1952
- XXIIIrd Session, Oslo, 1954
- XXIVth Session, New Delhi, 1957
- XXVth Session, Athens, 1959
- XXVIth Session, Prague, 1961
- XXVIIth Session, Geneva, 1963
- XXVIIIth Session, Vienna, 1965
- XXIXth Session, The Hague, 1967
- XXXth Session, Istanbul, 1969

XXXIst	Session, Mexico, 1971
XXXIIInd	Session, Teheran, 1973
XXXIIIrd	Session, Geneva, 1975
Extraordinary	Session, Geneva, 1976
XXXIVth	Session, Bucharest, 1977

III. GENERAL ASSEMBLY

Ist	Session, Geneva, 1979
IInd	Session, Manila, 1981
IIIRD	Session, Geneva, 1983
IVth	Session, Geneva, 1985
Vth	Session, Geneva, 1986
VIth	Session, Rio de Janeiro, 1987
VIIth	Session, Geneva, 1989
VIIIth	Session, Budapest, 1991
IXth	Session, Birmingham, 1993
Xth	Session, Geneva, 1995
XIth	Session, Seville, 1997
XIIth	Session, Geneva, 1999
XIIIth	Session, Geneva, 2001
XIVth	Session, Geneva, 2003
XVth	Session, Seoul, 2005
XVIth	Session, Geneva, 2006
XVIIth	Session, Geneva, 2007

Note: From 1919 to 1925 the ruling body of the League was the General Council and from 1925 the Board of Governors. Created in 1919, the Board of Governors had already held eight sessions when it took the place of the General Council. It was replaced in 1979 by the General Assembly. In 1983 the League became the League of Red Cross and Red Crescent Societies; its current name was conferred on it by the General Assembly in 1991.

ANNEX IV

PRESIDENTS OF THE INTERNATIONAL COMMITTEE OF THE
RED CROSS, CHAIRMEN AND PRESIDENTS OF THE LEAGUE,
LATER INTERNATIONAL FEDERATION OF RED CROSS AND RED
CRESCENT SOCIETIES¹ AND CHAIRMEN OF THE STANDING
COMMISSION OF THE RED CROSS AND RED CRESCENT²

INTERNATIONAL COMMITTEE OF THE RED CROSS

Henri Dufour	1863-1864
Gustave Moynier	1864-1910
Gustave Ador	1910-1928 ³
Max Huber	1928-1944
Carl Burckhardt	1944-1948 ⁴
Paul Ruegger	1948-1955
Léopold Boissier	1955-1964
Samuel Gonard	1964-1969
Marcel Naville	1969-1973 ⁵
Eric Martin	1973-1976
Alexandre Hay	1976-1987
Cornelio Sommaruga	1987-1999
Dr Jakob Kellenberger	2000-

¹ Founded in 1919 under the name “League of Red Cross Societies”, the institution became the “League of Red Cross and Red Crescent Societies” in 1983; it adopted its current name in 1991.

² With the adoption of the Movement’s new Statutes by the 25th International Conference (Geneva 1986), the Standing Commission of the International Red Cross changed its name to “Standing Commission of the Red Cross and Red Crescent”.

³ From 1917 to 1920 Mr Edouard Naville acted as President ad interim.

⁴ On leave from 24 February 1945. From May 1945 to January 1947 Mr Max Huber, and from February 1947 to April 1948 Messrs Martin Bodmer and Ernest Gloor acted as Presidents ad interim.

⁵ From February to June 1969 Mr Jacques Freymond acted as President ad interim.

INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES¹

Henry P. Davison	(United States)	1919-1922
Judge John Barton Payne	(United States)	1922-1935
Admiral Cary T. Grayson	(United States)	1935-1938
Norman Davis	(United States)	1938-1944
Dr J. de Muralt	(Switzerland)	1944-1945
Basil O'Connor	(United States)	1945-1950
Judge Emil Sandström	(Sweden)	1950-1959
John A. MacAulay, Q.C.L.L.D.	(Canada)	1959-1965
José Barroso	(Mexico)	1965-1977
Justice A. Adefarasin	(Nigeria)	1977-1981
Enrique de la Mata	(Spain)	1981-1987
Mario Enrique Villarroel Lander	(Venezuela)	1987-1997 ²
Dr Astrid N. Heiberg	(Norway)	1997-2001
Juan Manuel Suárez Del Toro Rivero	(Spain)	2001-

STANDING COMMISSION

H.E. Dr P. Nolf	(Belgium)	1928-1934
H.H. Prince Tokugawa	(Japan)	1934-1938
The Hon. Sir Arthur Stanley	(Great Britain)	1938-1946
Count Folke Bernadotte	(Sweden)	1946-1948
H.E. Ambassador A. François-Poncet	(France)	1948-1965
Countess of Limerick	(Great Britain)	1965-1973
Sir Geoffrey Newman-Morris	(Australia)	1973-1977
Sir Evelyn Shuckburgh	(Great Britain)	1977-1981
H.E. Dr Ahmad Abu-Goura	(Jordan)	1981-1993
Prince Botho of Sayn-Wittgenstein-Hohenstein	(Germany)	1993-1995
H.R.H. Princess Margriet of the Netherlands	(Netherlands)	1995-2003
Dr Mohammed Al-Hadid	(Jordan)	2003-

¹ Founded in 1919 under the name "League of Red Cross Societies", the institution became the "League of Red Cross and Red Crescent Societies" in 1983; it adopted its current name in 1991.

² From September to November 1987 Mr Kurt Bolliger (Switzerland) acted as Chairman ad interim.

ANNEX V

INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT
AND THE NOBEL PEACE PRIZE

1901

HENRY DUNANT, FIRST LAUREATE

1917

INTERNATIONAL COMMITTEE OF THE RED CROSS

1944

INTERNATIONAL COMMITTEE OF THE RED CROSS

1963

INTERNATIONAL COMMITTEE OF THE RED CROSS
LEAGUE OF RED CROSS SOCIETIES¹

¹ In 1991 the League became the International Federation of Red Cross and Red Crescent Societies.

ANNEX VI

LIST OF RECIPIENTS
OF THE HENRY DUNANT MEDAL**THE HENRY DUNANT MEDAL WAS AWARDED:**

- in 1969, to R. Carson (Swedish Red Cross), posthumously,
Dr D. Hercog (Red Cross of Yugoslavia), posthumously,
Dr F. Janouch (Czechoslovak Red Cross), posthumously,
P. Tacier (ICRC);
- in 1971, to K. Durgo (Hungarian Red Cross),
A. François-Poncet (French Red Cross),
S. Hashimoto (Japanese Red Cross);
- in 1973, to J. McAulay (The Canadian Red Cross Society),
Dr P. Gregoric (Red Cross of Yugoslavia);
- in 1975, to I. Domanska (Polish Red Cross),
V. Ferrer Segura (Mexican Red Cross),
Countess of Limerick (The British Red Cross Society),
Prof G. A. Miterev (Alliance of Red Cross and Red Crescent Societies
of the USSR),
P. Boissier (ICRC and the Henry Dunant Institute), posthumously;
- in 1977, to Countess Waldersee (German Red Cross in the Federal Republic of
Germany),
Baroness Mallet (French Red Cross),
Duke of Hernani (Spanish Red Cross),
Saing Aung Hlaing Myint (Burmese Red Cross);
- in 1979, to G. Aitken (The Canadian Red Cross Society),
Sir Newman-Morris (Australian Red Cross Society),
L. Barry (Irish Red Cross Society),
L. H. van'Overemmm-Ziegenhardt (The Netherlands Red Cross),
L. Gaulis (ICRC), posthumously,
A. Tièche (ICRC), posthumously,
A. Bieri (ICRC), posthumously,
C. Chatora (ICRC local employee in Rhodesia-Zimbabwe),
posthumously,
M. D. Estrada-Granizo (Nicaraguan Red Cross), posthumously,
M. A. Flores-Salazar (Nicaraguan Red Cross), posthumously;

- in 1981, to Issa El Khoury (Lebanese Red Cross),
M. Borsinger (ICRC),
I. Reyes-Icabalceta (Nicaraguan Red Cross),
K. Djordjevic (Red Cross of Yugoslavia), posthumously;
- in 1983, to M. Bahamonde Ruiz (Chilean Red Cross),
W. Bargatzky (German Red Cross in the Federal Republic of Germany),
H. C. Bennetzen (Danish Red Cross),
J. H. Felix (American Red Cross),
Dr W. Ludwig (German Red Cross of the German Democratic Republic),
Dr Abdul Aziz Mudarris (Saudi Arabian Red Crescent Society),
Dr B. Rudiono (Indonesian Red Cross Society), posthumously;
- in 1985, to Olga Milosevic (Red Cross of Yugoslavia),
Tom Willmott Sloper (Brazilian Red Cross);
- in 1987, to Marie Josée Burnier (ICRC),
Juan José Vega Aguiar (Cuban Red Cross),
H. R. H. Princess Gina of Liechtenstein (Liechtenstein Red Cross),
Enrique de la Mata (League), posthumously,
Hon. M. Justice J. A. Adefarasin (League),
Onni Niskanen (Ethiopian Red Cross Society), posthumously,
Dr Anton Schlögel (German Red Cross in the Federal Republic of Germany),
Kai Warras (Finnish Red Cross);
- in 1989, to G. Elsey (American Red Cross),
Dr A. Fourati (Tunisian Red Crescent),
G. Mencer (Czechoslovak Red Cross),
Dr K. Snidvongs (The Thai Red Cross Society),
L. G. Stubbings (Australian Red Cross),
M. Egabu (The Uganda Red Cross Society), posthumously;
- in 1991, to Janos Hantos (Hungarian Red Cross),
Baron C. Krajenhoff (The Netherlands Red Cross),
K. K. Choura (Syrian Arab Red Crescent),
Dr C. A. Vera Martinez (Paraguayan Red Cross),
William Cassis (Federation),
Alexandre Hay (ICRC), posthumously,
Peter Altwegg (ICRC), posthumously,
Walter Berweger (ICRC), posthumously,
M. Osman (ICRC), posthumously,
A. Q. Faquir Yar (ICRC), posthumously,
J. Patong (The Philippine National Red Cross and ICRC), posthumously,
G. Whyte (The New Zealand Red Cross Society), posthumously;

- in 1993, to Dr Ahmad Abu-Goura (Jordanian Red Crescent),
Arthur Brian Hodgson (The British Red Cross Society),
Dr Pedro José Manrique Lander (Venezuelan Red Cross),
Abdul Qadar (ICRC local employee in Afghanistan),
Maria Luisa Torres de la Cruz (Chilean Red Cross)
Mohammad Zaboore (ICRC local employee in Afghanistan),
Wim Van Boxelaere (Belgian Red Cross and ICRC), posthumously,
Susanne Buser (ICRC), posthumously,
Jon Karlsson (Icelandic Red Cross and ICRC), posthumously,
Michel Kuhn (ICRC), posthumously,
Sarah Veronica Leomy (ICRC local employee in Sierra Leone),
posthumously,
Kurt Lustenberger (ICRC), posthumously,
Frédéric Maurice (ICRC), posthumously,
Dr Jock Sutherland (Federation), posthumously;
- in 1995, to Dr Hugo Ernesto Merino Grijalva, (Ecuadorean Red Cross)
Jacqueline Briot, (French Red Cross),
Botho Prinz zu Sayn-Wittgenstein-Hohenstein, (Chairman of the
Standing Commission),
Tunku Tan Sri Mohamed, (Malaysian Red Crescent), posthumously,
Prof Hans Haug, (Swiss Red Cross, Federation and member of the
ICRC), posthumously,
Dr Esmildo Gutierrez Sanchez, (Cuban Red Cross), posthumously;
- in 1997, to Véronique Ahouanmenou, (Red Cross of Benin),
Enzo Boletti, (founder of the International Red Cross Museum in
Solferino, in 1959),
Dr Ahmed El Sherif, (Libyan Red Crescent), posthumously,
Fernanda Calado, (Spanish Red Cross), posthumously,
Hans Elkerbout, (Netherlands Red Cross), posthumously,
Nancy Malloy, (The Canadian Red Cross Society), posthumously,
Ingebjorg Foss, (Norwegian Red Cross), posthumously,
Gunnhild Myklebust, (Norwegian Red Cross), posthumously,
Sheryl Thayer, (New Zealand Red Cross), posthumously,
Cédric Martin, (ICRC), posthumously,
Reto Neuenschwander, (ICRC), posthumously,
Juan Ruffino, (ICRC), posthumously,
Herculano Tchipindi, (Angola Red Cross and Federation)
posthumously,
Luiji Apata, (The Uganda Red Cross Society and Federation),
posthumously,
Amin Booyi Andama, (The Uganda Red Cross Society and
Federation), posthumously,

- Aimé Amuli, (Red Cross Society of the Democratic Republic of the Congo and Federation), posthumously,
 Dieudonné Budogo, (Red Cross Society of the Democratic Republic of the Congo and Federation), posthumously,
 Djuma Sebasore, (Red Cross Society of the Democratic Republic of the Congo and Federation), posthumously,
 Bahozi Kabaka, (Red Cross Society of the Democratic Republic of the Congo and Federation), posthumously,
 Ilunfa Sebastien, (Red Cross Society of the Democratic Republic of the Congo and Federation), posthumously,
 Mafuta Nzangamya, (Red Cross Society of the Democratic Republic of the Congo and Federation), posthumously,
 Déogratias Kitungano Bisahi, (ICRC), posthumously,
 Bernard Umba Kanonge, (ICRC), posthumously,
 Chin Chun, (ICRC), posthumously;
- in 1999, to Ute Stührwoldt, (German Red Cross),
 Dr Byron R.M. Hove, (Zimbabwe Red Cross Society), posthumously,
 Donald Tansley, (The Canadian International Development Agency and The Canadian Red Cross Society),
 Dr Guillermo Rueda Montaña, (Colombian Red Cross), posthumously;
- in 2001, to Phlech Phiroun, (Cambodian Red Cross Society),
 Roger Durand, (founder of the Henry Dunant Society):
- in 2003, to André Durand, (ICRC),
 Prof Frits Kalshoven, (The Netherlands Red Cross),
 Noreen Minogue, (Australian Red Cross),
 Monique Basque, (Red Cross Society of Côte d'Ivoire);
- in 2005, to Colonel Dr Mekonnen Muluneh, (Ethiopian Red Cross Society),
 Björn Egge, (Norwegian Red Cross),
 Christina Magnuson, (Swedish Red Cross),
 Dr Jean Pictet, (ICRC), posthumously,
 Volunteers and staff of the National Societies of the four countries most severely affected by the tsunami of 26 December 2004: India, Indonesia, Sri Lanka, Thailand.
- in 2007, to Hon. James Joseph Carlton (Australian Red Cross),
 Josiane Gabel (French Red Cross),
 Christoph Hensch (ICRC),
 Alexander Dumba Ika (ICRC)

Fundamental rules of international humanitarian law applicable in armed conflicts¹

- 1 Persons *hors de combat* and those who do not take a direct part in hostilities are entitled to respect for their lives and physical and moral integrity. They shall in all circumstances be protected and treated humanely without any adverse distinction.
- 2 It is forbidden to kill or injure an enemy who surrenders or who is *hors de combat*.
- 3 The wounded and sick shall be collected and cared for by the party to the conflict which has them in its power. Protection also covers medical personnel, establishments, transports and *matériel*. The emblems of the red cross, red crescent and red crystal are the signs of such protection and must be respected.
- 4 Captured combatants and civilians under the authority of an adverse party are entitled to respect for their lives, dignity, personal rights and convictions. They shall be protected against all acts of violence and reprisals. They shall have the right to correspond with their families and to receive relief.
- 5 Everyone shall be entitled to benefit from fundamental judicial guarantees. No one shall be held responsible for an act he has not committed. No one shall be subjected to physical or mental torture, corporal punishment or cruel or degrading treatment.
- 6 Parties to a conflict and members of their armed forces do not have an unlimited choice of methods and means of warfare. It is prohibited to employ weapons or methods of warfare of a nature to cause unnecessary losses or excessive suffering.
- 7 Parties to a conflict shall at all times distinguish between the civilian population and combatants in order to spare civilian population and property. Neither the civilian population as such nor civilian persons shall be the object of attack. Attacks shall be directed solely against military objectives.

¹ This text is not vested with the authority of an international legal instrument but it summarizes the fundamental rules of international humanitarian law applicable in armed conflicts. Its sole purpose is to facilitate their dissemination.

This Handbook comprises:

- *the main Conventions and other texts of international humanitarian law;*
- *the Statutes and Regulations which govern the work of the components of the Movement;*
- *the main policies which guide the work of the components of the Movement;*
- *a wide selection of the main resolutions covering all the sectors of Red Cross and Red Crescent activity;*
- *ten pages of insets devoted to the 1864 Geneva Convention, the development of international humanitarian law, and the Movement, its components and its statutory bodies.*



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