

# Principles, law and relations with the movement

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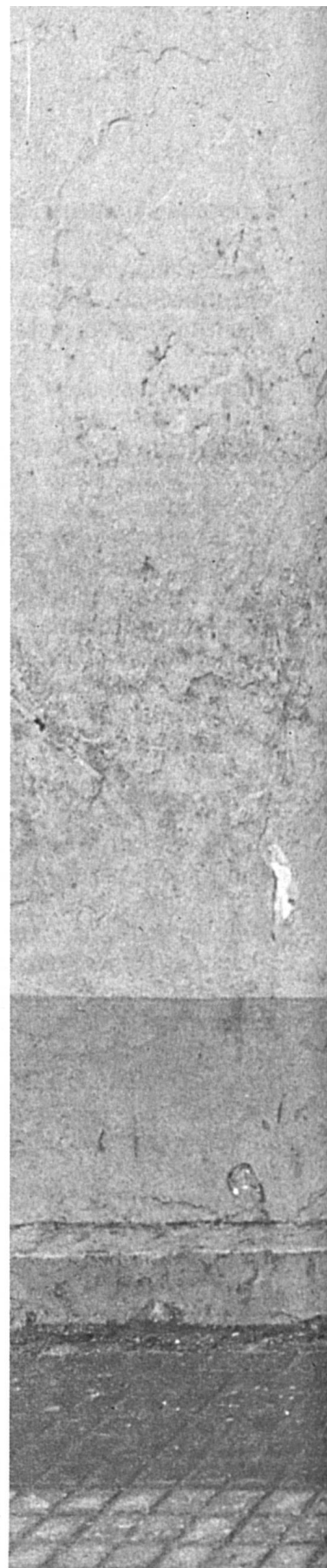
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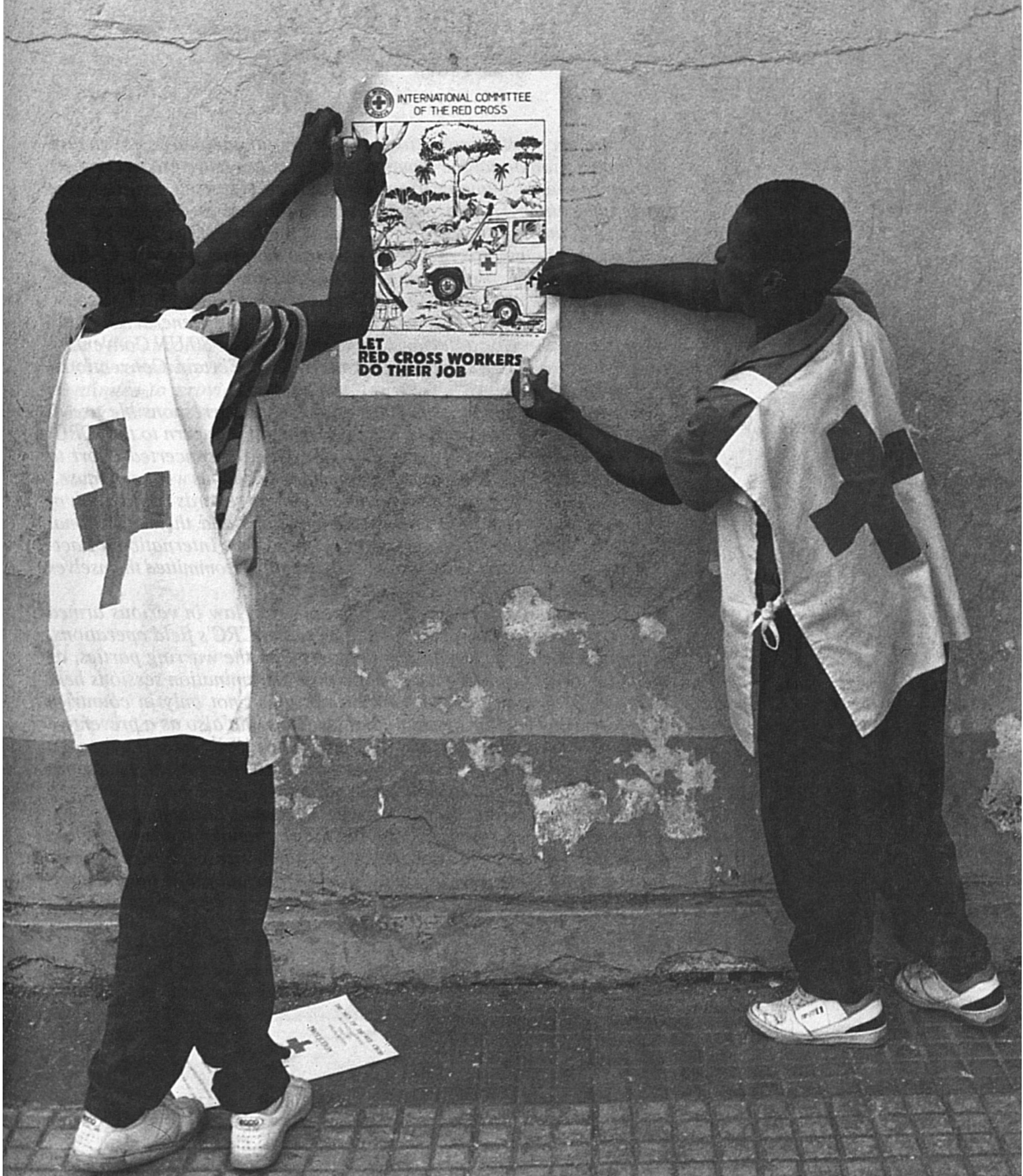
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# PRINCIPLES, LAW AND RELATIONS WITH THE MOVEMENT





INTERNATIONAL COMMITTEE  
OF THE RED CROSS

LET  
RED CROSS WORKERS  
DO THEIR JOB

*Acceptance, dissemination and national measures to ensure implementation are of the utmost importance to secure greater respect for international humanitarian law, and the law itself must be kept constantly under review, adapted and developed to take account of changes in the nature of conflict and new methods of warfare.*

*The first few months of 1993 were marked by preparations for the year's focal point: the International Conference for the Protection of War Victims which was held in Geneva at the end of August.<sup>1</sup>*

*Another highlight of 1993 was the United Nations General Assembly resolution calling for a Review Conference of the 1980 UN Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons.<sup>2</sup>*

*The tragic consequences of the extensive and irresponsible use of landmines in modern warfare were of particular concern to the ICRC. In 1993 its Medical and Legal Division made a concerted effort to draw attention to the long-term damage those insidious weapons cause.<sup>3</sup>*

*Considerable progress was made in 1993 as regards ratification of or accession to the 1949 Geneva Conventions and their Additional Protocols and recognition of the competence of the International Fact-Finding Commission. Seldom have so many States committed themselves to these treaties in the space of one year.*

*Efforts to enhance respect for humanitarian law in various armed conflicts are described in the chapters on the ICRC's field operations, whether made in the day-to-day contacts with the warring parties, as formal appeals or during the innumerable dissemination sessions held throughout the world. Such courses are given not only in countries affected by internal or international conflicts, but also as a preventive measure in countries currently at peace. Indeed, all States party to the Geneva Conventions have pledged to disseminate international humanitarian law within their own country.*

*The Red Cross and Red Crescent Movement is composed of the National Societies, the ICRC and the International Federation of Red Cross and Red Crescent Societies. Although their respective structures, activities and functions vary, they are united by the same fundamental principles.*

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<sup>1</sup> See *International Conference* p. 236.

<sup>2</sup> See p. 243.

<sup>3</sup> See p. 242.



*As the founding body of the Movement, the ICRC is committed to promoting unity, cohesion and cooperation among the Movement's components.*

*Within the Movement the year 1993 was marked by the meeting of the Council of Delegates,<sup>4</sup> which took place in Birmingham. There too, the use of landmines was one of the main issues discussed and the Movement as a whole undertook to follow-up on the decisions taken in that respect during the International Conference for the Protection of War Victims.*

*In 1993, the International Tracing Service in Arolsen celebrated its 50th anniversary. Set up in the aftermath of the Second World War, it continues to provide essential services to a number of victims of persecution at that time.<sup>5</sup>*

<sup>4</sup> See p. 254.

<sup>5</sup> See p. 262.

# INTERNATIONAL CONFERENCE FOR THE PROTECTION OF WAR VICTIMS

The International Conference for the Protection of War Victims took place in Geneva from 30 August to 1 September. The main aims of the Conference, which was convened by the Swiss government in its capacity as depositary of the Geneva Conventions and in response to a proposal by the ICRC, were as follows:

- to elicit a vigorous reaction from the various States to the widespread violations of international humanitarian law;
- to give in-depth and objective consideration to the measures which the States undertake and should further develop to prevent violations of international humanitarian law;
- to remind all States that they must join efforts to ensure universal recognition of and respect for international humanitarian law;
- to encourage all work undertaken to strengthen the means of repressing violations of international humanitarian law and to provide compensation for victims.

Invitations to attend the Conference as full participants were sent by the Swiss Federal Council to the member States of the United Nations and its specialized agencies and the States party to the Statute of the International Court of Justice. In all, 165 States accepted the invitation and took part in the work of the Conference. It was also attended by a number of observers, including the UN Secretary-General, the institutions belonging to the UN system and bodies with observer status in the UN General Assembly. The ICRC, appointed Special Rapporteur to the Conference, fell into the latter category. Other participants with observer status at the Conference were the International Fact-Finding Commission, the International Federation of Red Cross and Red Crescent Societies and several non-governmental organizations, including Amnesty International, the International Commission of Jurists and *Médecins sans Frontières*.

The Conference, chaired by Mr Flavio Cotti, Swiss Federal Councillor and head of the Federal Department of Foreign Affairs, met for three days in plenary session. At the same time, an open-ended drafting committee under the direction of Mr Philippe Kirsch, ambassador and Director of the Legal Operations Division at Canada's Department of Foreign Affairs and International Trade, prepared the text of the Final Declaration.

At the opening session, the assembly was addressed in particular by Mr Cotti, Chairman of the Conference, Mr Cornelio Sommaruga, ICRC President and Special Rapporteur, and Mr Boutros Boutros Ghali, UN Secretary-General.

Some 120 delegates – both full participants and observers – took the floor during the plenary meetings.

The Conference had before it the *Report on the Protection of War Victims*, drawn up by the ICRC.<sup>1</sup> In this report, the ICRC sought to identify the serious problems encountered in connection with the numerous large-scale violations of humanitarian rules during armed conflict, and set out the questions to which the States must find answers.

The Conference adopted the Final Declaration by consensus at its plenary meeting of 1 September. In it, the representatives of the community of States gathered in Geneva proclaim their refusal to accept as inevitable the gratuitous suffering caused by violations of international humanitarian law. They confirm their collective responsibility for observance of the humanitarian obligations and remind all States that they must spare no effort in strengthening protection for the victims of war. A list of specific measures is given to this effect.<sup>2</sup>

As requested in the Final Declaration, the Swiss Confederation, in consultation with the ICRC, has initiated the follow-up process that should culminate in a report for submission to the States and to the next International Conference of the Red Cross and Red Crescent.

The UN General Assembly took note of the Final Declaration in its resolution of 9 December on the UN Decade of International Law. The 1993 Council of Delegates of the International Red Cross and Red Crescent Movement also adopted a resolution (No. 2) on the International Conference for the Protection of War Victims.<sup>3</sup>

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<sup>1</sup>For the complete text, see the *International Review of the Red Cross*, No. 296, September-October 1993, pp. 391-445.

<sup>2</sup>For the complete text of the Declaration, see the *International Review of the Red Cross*, No. 296, September-October 1993, pp. 377-381.

<sup>3</sup>See the *International Review of the Red Cross*, No. 297, November-December 1993, pp. 490-491.

# THE LAW AND LEGAL CONSIDERATIONS

## PROMOTION OF THE HUMANITARIAN LAW TREATIES

In the course of 1993 a considerable number of States became party to the Geneva Conventions and their Additional Protocols.

### States party to the Geneva Conventions of 12 August 1949: 185

The following States became party to the Conventions in 1993: Tajikistan, Estonia, the Czech Republic, Slovakia, the Republic of Moldova, Azerbaijan, Armenia, the former Yugoslav Republic of Macedonia, Georgia, Andorra and Uzbekistan.

The Czech Republic and Slovakia deposited a declaration of succession to the Conventions, to which Czechoslovakia had been party. The reservations made by Czechoslovakia when it ratified the four Conventions therefore remain in force.

Except for Lithuania, which remains bound by the 1929 Geneva Conventions, all the States that were formerly constituent republics of the Soviet Union are party, through explicit declaration, to the 1949 Conventions. The States that succeeded Yugoslavia are likewise party to the 1949 Conventions through explicit declaration.

### States party to the Protocols additional to the Geneva Conventions: 130 and 120 respectively

The following States became party to the Protocols in 1993: Tajikistan, Estonia, the Czech Republic, Slovakia, the Republic of Moldova, Armenia, Burundi, Albania, the former Yugoslav Republic of Macedonia, Colombia (Protocol I only), Georgia and Uzbekistan. None of these States made reservations or declarations of interpretation.

Throughout the year the ICRC continued to encourage universal acceptance both of the 1949 Conventions and of their Additional Protocols. It focused its efforts on the new States of Central and Eastern Europe, with a gratifying degree of success.

The 1949 Conventions undeniably belong to universally recognized law, and their Additional Protocols are well on the way to achieving the same recognition: by the end of the year under review, 130 States were bound by Protocol I and 120 by Protocol II. The governments of several other States let it be known that they were seriously examining the possibility of becoming party to those instruments.

The International Conference for the Protection of War Victims provided an excellent opportunity to remind those States that had not yet done so that they should become party to the Conventions and Protocols. The Conference's Final Declaration included an appeal to this effect (part II, para. 4).

The programme for the United Nations Decade of International Law also calls on those States that have not yet done so to ratify the treaties of international humanitarian law.

## International Fact-Finding Commission

The International Fact-Finding Commission provided for in Article 90 of 1977 Protocol I is competent to enquire into any facts alleged to be a grave breach as defined in the Geneva Conventions or in that Protocol, or any other serious violation of those treaties, as well as to facilitate, through its good offices, the restoration of an attitude of respect for the Conventions and the Protocol. The Commission has this capacity only in respect of parties which have recognized its competence, either in advance or on an *ad hoc* basis.

The Commission was constituted in 1991 and adopted its rules of procedure the following year.

In 1993, five further States (Luxembourg, Madagascar, the former Yugoslav Republic of Macedonia, Brazil and Guinea) made the optional declaration, bringing to 38 the number of States having accepted, in advance, the Commission's competence as binding.

## 1980 United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons

This Convention was adopted in 1980 and entered into force in 1983. It regulates in particular the use of mines, booby traps and incendiary weapons in order to limit civilian casualties. The ICRC has continued to encourage States to ratify it, and this took on a particular importance when the General Assembly of the United Nations adopted a resolution<sup>1</sup> in November 1993 calling for the convening of a conference to review the Convention. The existence of this Review Conference is likely to have the effect of increasing the number of States party to the treaty.<sup>2</sup>

<sup>1</sup> General Assembly resolution A/C.1/48/34/Rev. 1, adopted on 17 November 1993.

<sup>2</sup> As at 31 December 1993, the following States were party to the Convention: Australia, Austria, Belarus, Benin, Bosnia-Herzegovina, Bulgaria, China, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Finland, France, Germany, Greece, Guatemala, Hungary, India, Japan, Lao People's Democratic Republic, Latvia, Liechtenstein, Mexico, Mongolia, Netherlands, New Zealand, Niger, Norway, Pakistan, Poland, Russian Federation, Slovak Republic, Slovenia, Sweden, Switzerland, Tunisia, Ukraine, Yugoslavia.



Developments related to the Review Conference will be described under the heading *Development of international humanitarian law* below.

## RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

### Implementation measures at the national level

In 1993, the ICRC continued to urge the States party to the Geneva Conventions to adopt national measures in peacetime to give effect to international humanitarian law, and to provide it with all relevant information on steps taken or contemplated in this respect.

Seminars were organized at the national and regional<sup>3</sup> levels in order to encourage the setting up of interministerial committees responsible, in each country, for reviewing domestic legislation in relation to the obligations handed down by the treaties of international humanitarian law, and for proposing any appropriate measures.

The ICRC regularly reminded those concerned of the importance of taking implementation measures at the national level, and continued doing its utmost to help the States in fulfilling their obligations. It also asked the National Red Cross and Red Crescent Societies to give it the necessary support and to assist their respective governments in meeting their responsibilities for implementation.

### Protection of children in armed conflicts

A study entitled *Child soldiers* carried out by the Henry Dunant Institute, the ICRC and the National Societies was presented to the Council of Delegates of the International Red Cross and Red Crescent Movement, which met in Birmingham (England) on 29 and 30 October 1993.<sup>4</sup>

The study analysed the reasons why children take part in armed conflicts and the consequences of their participation. It makes recommendations in several areas, enlarging upon the principle that children should neither be recruited nor allowed to take part – whether voluntarily or involuntarily – in hostilities, the physical and psychological consequences of participation, the need to enhance compliance with the law at both the national and international levels and, above all, the importance of making known existing rights, rules and procedures.

After taking note of the study, the Council of Delegates adopted a resolution (*Child soldiers* – No. 4) urging all the components of the Movement to assist children exposed to armed conflict. The ICRC and the International Federation

<sup>3</sup>In Buenos Aires, for example. See p. 198.

<sup>4</sup>See *Cooperation within the Movement* p. 261.

of Red Cross and Red Crescent Societies were asked to draw up a Plan of Action for the Movement aimed not only at promoting the principle of non-recruitment and non-participation in armed conflicts of children below the age of eighteen but also at taking specific action to protect and assist child victims of armed conflict.

## Applicability of international humanitarian law to United Nations peace-keeping forces

The United Nations is engaging in an ever greater number of peace-keeping operations throughout the world and assigning ever broader and more complex mandates to the contingents involved. Since such operations are being entrusted to armed forces along with authorization to use their weapons in carrying out their mandate – which did indeed occur on several occasions in 1993 – the ICRC has been studying the applicability to UN peace-keeping forces of international humanitarian law.

An article on this subject was published in the May-June 1993 issue of the *International Review of the Red Cross* and the ICRC expressed its views on the matter to the Fourth Committee of the UN General Assembly in November. While acknowledging that the United Nations was not party to the treaties of international humanitarian law, the ICRC stressed the applicability to UN forces of the relevant principles and rules of that body of law, in particular as regards methods and means of warfare, the various categories of protected persons and the respect that must be shown for the distinctive signs (mainly the red cross and red crescent) used to indicate medical staff and transports. The ICRC reminded the Committee that international humanitarian law applies to all armed forces present in an armed conflict, regardless of any considerations as to the legitimacy of recourse to force.

In addition, the ICRC took part in several seminars and other debates on the subject in order to explore further all aspects of it and to ascertain the views of other organizations active in this area.

## DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW

### Identification

Pursuant to Resolution III of the 25th International Conference of the Red Cross (Geneva, 1986), the ICRC continued its work to improve the identification of medical transports. To this end it attended numerous meetings of experts at specialized international agencies such as the International Maritime

Organization, the International Civil Aviation Organization and the International Telecommunication Union. It also continued providing information on new technologies which could be used to ensure better and more reliable identification of medical transports during armed conflicts.

## Revision of Annex I on technical means of identifying medical facilities and transports

The process of consulting the States party to Protocol I additional to the Geneva Conventions in order to revise Annex I to that Protocol (*Regulations Concerning Identification*) was completed in 1993.

In accordance with Article 98 of Protocol I, and after consulting the States party to that instrument, the ICRC had convened a meeting of technical experts (Geneva, August 1990) to review Annex I. A number of proposed amendments emerged from the meeting, most of them intended to incorporate into Annex I various technical provisions already adopted by the relevant international organizations.

Thereupon the Swiss Confederation, as depositary of the Protocols, initiated the above-mentioned consultation procedure and invited the States party to the Protocol to adopt the amendments proposed by the technical experts.

With this procedure completed, those amendments were set to enter into force on 1 March 1994 for all States party to Protocol I (with the exception, for specific amendments, of States that made declarations of non-acceptance).

## Mines

The ICRC hosted a symposium in April 1993 on antipersonnel landmines. The purpose of the symposium was to collect information on the situation resulting from the use of these mines and to consider possible ways of improving the fate of mine victims and possible preventive action. The symposium was multi-disciplinary in nature and included mine specialists, mine-clearance experts, representatives of humanitarian organizations, surgeons, lawyers, military officers and specialized journalists.

The problems caused by mines were studied from a number of different angles, including the care needed by mine victims, the real effect of the present use of mines, the technical characteristics of mines, mine clearance, the trade in mines, and the existing law and its shortcomings. The symposium made a number of recommendations, including legal developments that should be considered. In particular, it indicated the shortcomings of the present regulation of mines contained in Protocol II to the United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, and recommended that serious thought should be given to altogether prohibiting the use of certain

types of mines. It also pointed out the need for implementation and verification mechanisms and for certain arms control and disarmament measures in addition to international humanitarian law rules. The symposium also recommended that a number of further studies should be undertaken and that the ICRC should hold a symposium to examine in greater detail the military utility of antipersonnel mines and possible alternative systems. The ICRC scheduled this symposium of military experts for January 1994.

The problem of mines was placed on the agenda of the Review Conference of the 1980 United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons.<sup>5</sup>

## New weapons

The ICRC published the reports of the four expert meetings on battlefield laser weapons that it had hosted between 1989 and 1991 in a book entitled *Blinding Weapons*, to appear in French and Spanish in 1994. It hoped that this subject would be included on the agenda of the Review Conference of the 1980 United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, considering it the best opportunity to take preventive action.

The ICRC also continued to collect information on developments in new weapons systems in order to assess whether they were likely to violate provisions of international humanitarian law or otherwise cause problems of humanitarian concern.

## Review conference of the United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons

In November 1993, the United Nations General Assembly adopted a resolution requesting the Secretary-General to call a conference to review this treaty. The ICRC made a statement to the First Committee of the General Assembly underscoring the fact that this conference would be an important opportunity to take stock of the use of conventional weapons in the world today, to consider whether the present treaty adequately addresses the problems that exist and to look more carefully at the likely development of new types of weapons. The ICRC voiced the hope that the conference would find an effective solution to the appalling situation that the massive and indiscriminate use of mines has created. It also indicated that as this conference was probably the only opportunity to

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<sup>5</sup> For more details on the Review Conference, see below.

take preventive measures with regard to the development of blinding battlefield laser weapons, thought should be given to the possibility of an additional protocol on the subject of blinding weapons.

The ICRC announced that it would take part as an observer in the conference and in its preparatory meetings of governmental experts.

## The law of war at sea

In 1993 the ICRC hosted a meeting in Geneva on the law of war at sea. This was one of the series of meetings of experts held under the auspices of the International Institute of Humanitarian Law (San Remo) to compile a document indicating the current law regulating armed conflict at sea and incorporating suggestions for the development of the law.

The principal theme of the meeting was the “Protection of victims of armed conflicts at sea” and the main report was prepared by one of the ICRC’s legal advisers. Other topics discussed were the environment during armed conflict at sea and the question of neutrality and non-belligerency during such conflicts.

The main meeting was followed by a meeting of the project’s rapporteurs who continued to work on harmonizing the final text to round off this series of meetings and the accompanying commentary.

It was decided that the final meeting to adopt the text and commentary would take place in June 1994.

## Humanitarian assistance

The ICRC addressed the subject of humanitarian assistance at university symposia, in lectures to various audiences and in statements at meetings of intergovernmental and non-governmental organizations. It stressed that under the Geneva Conventions of 1949 and the two Additional Protocols of 1977, the victims of armed conflict are entitled to receive impartial humanitarian assistance without discrimination, and that assistance provided in conformity with the provisions of international humanitarian law does not constitute interference.

The question of humanitarian assistance was also considered by the Commission on the Red Cross, Red Crescent and Peace, and by the 1993 Council of Delegates. The Council’s Resolution 11 is a reminder of the established principles of humanitarian assistance, namely:

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 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 and independence.

The coordination of humanitarian action and the safety of those carrying it out were discussed at the International Conference for the Protection of War Victims (Geneva, 30 August – 1 September 1993). Part II, paragraphs 8 and 9 of the Final Declaration adopted by the participants urged all States to make every effort to “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”.

The Declaration also called on the States to “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”.

Also in connection with the safety of those engaged in humanitarian action, the report on the protection of war victims, which had been drawn up by the ICRC for the Conference, pointed out that “an organization such as the ICRC would not be able to participate [...] even marginally, in operations imposed by force upon parties to a conflict, because they are after all of a military nature even though their aim is humanitarian. An organization which is called upon to act as a neutral intermediary in conflicts must of necessity retain the possibility to give protection and assistance to all the victims, including the potential victims of precisely such an operation”.

The ICRC furthermore gave thought to the question of a code of conduct for disaster relief operations. Pursuant to the 1991 Council of Delegates’ Resolution 17 on the need for such a code to guide humanitarian aid in the event of natural and technological disasters, the International Federation of Red Cross and Red Crescent Societies contacted the ICRC on the subject. The ensuing discussions resulted in a draft Code of Conduct for humanitarian action in the event of natural or technological disaster or armed conflict. This draft was approved by the 1993 Council of Delegates in a resolution (No. 6) urging both the Federation

and the ICRC to encourage the adoption of the Code by the organizations concerned.

## Internally displaced persons

At its 49th session, the United Nations Commission on Human Rights examined the question of internally displaced persons. It was presented with a comprehensive study prepared by Mr Francis M. Deng, representative of the Secretary-General on the human rights issue related to internally displaced persons, for which he had sought the ICRC's views as part of the consultation he carried out under the Commission's Resolution 1992/35 (annex to document E/CN.4/1993/35). Addressing the Commission, the ICRC gave an account of its work for internally displaced people and the protection to which those displaced by armed conflict are entitled under international humanitarian law. In its Resolution 1993/35, the Commission asked for the mandate of the Secretary-General's representative to be extended for two years and for consultations with the ICRC to be continued.

Respect for international humanitarian law helps to limit population movements during armed conflicts and protects persons displaced by conflict. The ICRC drew particular attention to this when it addressed the 44th session of the Executive Committee of the High Commissioner's Programme (UNHCR), and during consideration by the 48th session of the General Assembly of agenda item 113 (*Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions*).

High-level discussions also took place between the ICRC and UNHCR with a view to delimiting their respective responsibilities, in particular as regards assistance to displaced persons. In this connection the conclusions of the 44th session of the Executive Committee of the High Commissioner's Programme requested the High Commissioner to "promote further consultations on this priority issue with the [...] International Committee of the Red Cross" (Conclusion A, 1, 19(t)).

The problem of internally displaced persons was also dealt with by the Movement's 1993 Council of Delegates under the agenda item entitled *The Movement, refugees and displaced persons*.<sup>6</sup>

## Environment

In 1993, the ICRC continued its work on the protection of the environment during armed conflicts. To this end, it organized two meetings of experts, one in January and one in June, which ensured wider geographical representation than in the past.

<sup>6</sup> See *Cooperation within the Movement*, p. 254.

The participants – military personnel, scientists and academics as well as representatives of certain governmental and non-governmental organizations – were all invited in a personal capacity. They studied the content of the law in force, its inadequacies, problems related to implementation and measures to be taken, and compiled a draft set of guidelines for military manuals.

The work of the two meetings was summarized in a report prepared by the ICRC, which was included in the UN Secretary-General's report to the 48th session of the General Assembly in accordance with the Assembly's 1992 Resolution 47/37. The guidelines were included as an annex.

In connection with the United Nations Decade of International Law, the 48th session of the General Assembly adopted a resolution in December mentioning the ICRC report and action that would soon have to be taken on the basis of it. The resolution invites all the States to give the ICRC their comments on the guidelines by 31 March 1994, welcomes the intention of the ICRC to draw up a new version of those guidelines, taking into account the comments made by States, and notes that the ICRC is ready to convene, if need be, a meeting of government experts for that purpose.

Overall information from the ICRC on environmental protection during armed conflicts will be included in the report on the Decade of International Law that the Secretary-General will present to the 49th session of the UN General Assembly.

## RELATIONS WITH OTHER INSTITUTIONS IN THE REALM OF INTERNATIONAL HUMANITARIAN LAW

In August, the ICRC took part in the fourth training session organized by the Arab Institute of Human Rights, based in Tunis, on the subject of human rights and international humanitarian law.

In November, the ICRC held a seminar on international humanitarian law, in conjunction with the Yemenite Red Crescent Society. It was attended by representatives of several ministries, other public institutions and academic and military circles.

In November, for the first time, a televised round table on humanitarian law took place in Lebanon. An ICRC representative took part along with two Lebanese experts on human rights and humanitarian law.

## HEADQUARTERS AGREEMENTS

In 1993, headquarters agreements establishing the legal status of ICRC delegations and their staff were signed with the following States: Rwanda (14 January), Côte d'Ivoire (8 February), Uzbekistan (29 June) and Armenia

(5 November). With the exception of Rwanda, these agreements took effect on the date on which they were signed.

The headquarters agreement signed with Peru on 5 June 1989 took effect on 13 October 1993.

The ICRC also concluded a headquarters agreement with Switzerland, which was signed on 19 March and came into force that same day. Under this agreement, which is governed by international law, the Swiss Federal Council recognizes the international juridical personality of the ICRC and guarantees its independence and freedom of action. The agreement also confers on the ICRC the immunities granted to international organizations having their seat in Switzerland (inviolability of premises, archives, correspondence and communications; customs exemptions; immunity from legal process and execution; immunity from legal process for the members of the Committee, ICRC staff and experts consulted by the ICRC, in respect of all acts performed in the exercise of their functions; etc.). The text of this agreement was published in the *International Review of the Red Cross*, No. 293, March-April 1993, pp. 152-160.

**STATES PARTY TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949<sup>1</sup>  
AND TO THE TWO ADDITIONAL PROTOCOLS OF 8 JUNE 1977**

As at 31 December 1993

*(See notes below tables, p. 253)*

COUNTRY	GENEVA CONVENTIONS			PROTOCOL I					PROTOCOL II			
	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>	Signature	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>	Art. 90 <sup>4</sup> Date	Signature	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>
Afghanistan . . . . .	R		26.09.56									
Albania . . . . .	R	X	27.05.57		A		16.07.93			A		16.07.93
Algeria . . . . .	A		20.06.60		A <sup>4</sup>	X	16.08.89	16.08.89		A		16.08.89
Andorra . . . . .	A		17.09.93									
Angola . . . . .	A	X	20.09.84		A	X	20.09.84					
Antigua and Barbuda . . . . .	S		06.10.86		A		06.10.86			A		06.10.86
Argentina . . . . .	R		18.09.56		A	X	26.11.86			A	X	26.11.86
Armenia . . . . .	A		07.06.93		A		07.06.93			A		07.06.93
Australia . . . . .	R		14.10.58	X	R <sup>4</sup>	X	21.06.91	23.09.92	X	R	X	21.06.91
Austria . . . . .	R		27.08.53	X	R <sup>4</sup>	X	13.08.82	13.08.82	X	R	X	13.08.82
Azerbaijan . . . . .	A		01.06.93									
Bahamas . . . . .	S		11.07.75		A		10.04.80			A		10.04.80
Bahrain . . . . .	A		30.11.71		A		30.10.86			A		30.10.86
Bangladesh . . . . .	S		04.04.72		A		08.09.80			A		08.09.80
Barbados . . . . .	S		10.09.68		A		19.02.90			A		19.02.90
Belarus . . . . .	R	X	03.08.54	X	R <sup>4</sup>		23.10.89	23.10.89	X	R		23.10.89
Belgium . . . . .	R		03.09.52	X	R <sup>4</sup>	X	20.05.86	27.03.87	X	R		20.05.86
Belize . . . . .	A		29.06.84		A		29.06.84			A		29.06.84
Benin . . . . .	S		14.12.61		A		28.05.86			A		28.05.86
Bhutan . . . . .	A		10.01.91									
Bolivia . . . . .	R		10.12.76		A <sup>4</sup>		08.12.83	10.08.92		A		08.12.83
Bosnia-Herzegovina . . . . .	S		31.12.92		S <sup>4</sup>		31.12.92	31.12.92		S		31.12.92
Botswana . . . . .	A		29.03.68		A		23.05.79			A		23.05.79
Brazil . . . . .	R		29.06.57		A		05.05.92	23.11.93		A		05.05.92
Brunei . . . . .	A		14.10.91		A		14.10.91			A		14.10.91
Bulgaria . . . . .	R	X	22.07.54	X	R		26.09.89		X	R		26.09.89
Burkina Faso . . . . .	S		07.11.61	X	R		20.10.87		X	R		20.10.87
Burundi . . . . .	S		27.12.71		A		10.06.93			A		10.06.93
Cambodia . . . . .	A		08.12.58									
Cameroon . . . . .	S		16.09.63		A		16.03.84			A		16.03.84
Canada . . . . .	R		14.05.65	X	R <sup>4</sup>	X	20.11.90	20.11.90	X	R	X	20.11.90
Cape Verde . . . . .	A		11.05.84									
Central African Republic . . . . .	S		01.08.66		A		17.07.84			A		17.07.84
Chad . . . . .	A		05.08.70									
Chile . . . . .	R		12.10.50	X	R <sup>4</sup>		24.04.91	24.04.91	X	R		24.04.91
China . . . . .	R	X	28.12.56		A	X	14.09.83			A		14.09.83
Colombia . . . . .	R		08.11.61		A		01.09.93					
Comoros . . . . .	A		21.11.85		A		21.11.85			A		21.11.85
Congo . . . . .	S		04.02.67		A		10.11.83			A		10.11.83
Costa Rica . . . . .	A		15.10.69		A		15.12.83			A		15.12.83
Côte d'Ivoire . . . . .	S		28.12.61	X	R		20.09.89		X	R		20.09.89
Croatia . . . . .	S		11.05.92		S <sup>4</sup>		11.05.92	11.05.92		S		11.05.92
Cuba . . . . .	R		15.04.54		A		25.11.82					
Cyprus . . . . .	A		23.05.62	X	R		01.06.79					
Czech Republic . . . . .	S	X	05.02.93		S		05.02.93			S		05.02.93
Denmark . . . . .	R		27.06.51	X	R <sup>4</sup>	X	17.06.82	17.06.82	X	R		17.06.82
Djibouti . . . . .	S		06.03.78 <sup>6</sup>		A		08.04.91			A		08.04.91



**STATES PARTY TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949<sup>1</sup>  
AND TO THE TWO ADDITIONAL PROTOCOLS OF 8 JUNE 1977**

As at 31 December 1993

COUNTRY	GENEVA CONVENTIONS			PROTOCOL I					PROTOCOL II			
	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>	Signature	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>	Art. 90 <sup>4</sup> Date	Signature	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>
Dominica . . . . .	S		28.09.81									
Dominican Republic . . . . .	A		22.01.58									
Ecuador . . . . .	R		11.08.54	X	R		10.04.79		X	R		10.04.79
Egypt . . . . .	R		10.11.52	X	R	X	09.10.92		X	R	X	09.10.92
Equatorial Guinea . . . . .	A		24.07.86		A		24.07.86			A		24.07.86
Estonia . . . . .	A		18.01.93		A		18.01.93			A		18.01.93
Ethiopia . . . . .	R		02.10.69									
Fiji . . . . .	S		09.08.71									
Finland . . . . .	R		22.02.55	X	R <sup>4</sup>	X	07.08.80	07.08.80	X	R		07.08.80
France . . . . .	R		28.06.51							A	X <sup>7</sup>	24.02.84
Gabon . . . . .	S		26.02.65		A		08.04.80			A		08.04.80
Gambia . . . . .	S		20.10.66		A		12.01.89			A		12.01.89
Georgia . . . . .	A		14.09.93		A		14.09.93			A		14.09.93
Germany (Fed. Rep. of) . . . . .	A		03.09.54	X	R <sup>4</sup>	X	14.02.91	14.02.91	X	R	X	14.02.91
Ghana . . . . .	A		02.08.58	X	R		28.02.78 <sup>8</sup>		X	R		28.02.78 <sup>8</sup>
Greece . . . . .	R		05.06.56	X	R		31.03.89			A		15.02.93
Grenada . . . . .	S		13.04.81									
Guatemala . . . . .	R		14.05.52	X	R		19.10.87		X	R		19.10.87
Guinea . . . . .	A		11.07.84		A		11.07.84	20.12.93		A		11.07.84
Guinea Bissau . . . . .	A	X	21.02.74		A		21.10.86			A		21.10.86
Guyana . . . . .	S		22.07.68		A		18.01.88			A		18.01.88
Haiti . . . . .	A		11.04.57									
Holy See . . . . .	R		22.02.51	X	R	X	21.11.85		X	R	X	21.11.85
Honduras . . . . .	A		31.12.65	X					X			
Hungary . . . . .	R	X	03.08.54	X	R		12.04.89	23.09.91	X	R		12.04.89
Iceland . . . . .	A		10.08.65	X	R <sup>4</sup>	X	10.04.87	10.04.87	X	R		10.04.87
India . . . . .	R		09.11.50									
Indonesia . . . . .	A		30.09.58									
Iran . . . . .	R		20.02.57	X					X			
Iraq . . . . .	A		14.02.56									
Ireland . . . . .	R		27.09.62	X					X			
Israel . . . . .	R	X	06.07.51									
Italy . . . . .	R		17.12.51	X	R <sup>4</sup>	X	27.02.86	27.02.86	X	R		27.02.86
Jamaica . . . . .	S		20.07.64		A		29.07.86			A		29.07.86
Japan . . . . .	A		21.04.53									
Jordan . . . . .	A		29.05.51	X	R		01.05.79		X	R		01.05.79
Kazakhstan . . . . .	S	? <sup>14</sup>	05.05.92		S <sup>4</sup> ? <sup>14</sup>	? <sup>14</sup>	05.05.92			S	? <sup>14</sup>	05.05.92
Kenya . . . . .	A		20.09.66									
Kiribati . . . . .	S		05.01.89									
Korea (Rep.) . . . . .	A	X	16.08.66 <sup>5</sup>	X	R	X	15.01.82		X	R		15.01.82
Korea (Dem. People's Rep.) . . . . .	A	X	27.08.57		A		09.03.88					
Kuwait . . . . .	A	X	02.09.67		A		17.01.85			A		17.01.85
Kyrgyzstan . . . . .	S	? <sup>14</sup>	18.09.92		S <sup>4</sup> ? <sup>14</sup>	? <sup>14</sup>	18.09.92			S	? <sup>14</sup>	18.09.92

**STATES PARTY TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949<sup>1</sup>  
AND TO THE TWO ADDITIONAL PROTOCOLS OF 8 JUNE 1977**

As at 31 December 1993

COUNTRY	GENEVA CONVENTIONS			PROTOCOL I					PROTOCOL II			
	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>	Signature	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>	Art. 90 <sup>4</sup> Date	Signature	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>
Laos . . . . .	A		29.10.56	X	R		18.11.80		X	R		18.11.80
Latvia . . . . .	A		24.12.91		A		24.12.91			A		24.12.91
Lebanon . . . . .	R		10.04.51									
Lesotho . . . . .	S		20.05.68									
Liberia . . . . .	A		29.03.54		A		30.06.88			A		30.06.88
Libyan Arab Jamahiriya . . . . .	A		22.05.56		A		07.06.78			A		07.06.78
Liechtenstein . . . . .	R		21.09.50	X	R <sup>4</sup>	X	10.08.89	10.08.89	X	R	X	10.08.89
Luxembourg . . . . .	R		01.07.53	X	R		29.08.89	12.05.93	X	R		29.08.89
Madagascar . . . . .	S		18.07.63	X	R		08.05.92	27.07.93	X	R		08.05.92
Malawi . . . . .	A		05.01.68		A		07.10.91			A		07.10.91
Malaysia . . . . .	A		24.08.62									
Maldives . . . . .	A		18.06.91		A		03.09.91			A		03.09.91
Mali . . . . .	A		24.05.65		A		08.02.89			A		08.02.89
Malta . . . . .	S		22.08.68		A <sup>4</sup>	X	17.04.89	17.04.89		A	X	17.04.89
Mauritania . . . . .	S		30.10.62		A		14.03.80			A		14.03.80
Mauritius . . . . .	S		18.08.70		A		22.03.82			A		22.03.82
Mexico . . . . .	R		29.10.52		A		10.03.83					
Moldova . . . . .	A		24.05.93		A		24.05.93			A		24.05.93
Monaco . . . . .	R		05.07.50									
Mongolia . . . . .	A		20.12.58	X					X			
Morocco . . . . .	A		26.07.56	X					X			
Mozambique . . . . .	A		14.03.83		A		14.03.83					
Myanmar . . . . .	A		25.08.92									
Namibia <sup>9</sup> . . . . .	S		22.08.91									
Nepal . . . . .	A		07.02.64									
Netherlands . . . . .	R		03.08.54	X	R <sup>4</sup>	X	26.06.87	26.06.87	X	R		26.06.87
New Zealand . . . . .	R		02.05.59	X	R <sup>4</sup>	X	08.02.88	08.02.88	X	R		08.02.88
Nicaragua . . . . .	R		17.12.53	X					X			
Niger . . . . .	S		21.04.64	X	R		08.06.79		X	R		08.06.79
Nigeria . . . . .	S		20.06.61		A		10.10.88			A		10.10.88
Norway . . . . .	R		03.08.51	X	R <sup>4</sup>		14.12.81	14.12.81	X	R		14.12.81
Oman . . . . .	A		31.01.74		A	X	29.03.84			A	X	29.03.84
Pakistan . . . . .	R	X	12.06.51	X					X			
Panama . . . . .	A		10.02.56	X					X			
Papua New Guinea . . . . .	S		26.05.76									
Paraguay . . . . .	R		23.10.61		A		30.11.90			A		30.11.90
Peru . . . . .	R		15.02.56	X	R		14.07.89		X	R		14.07.89
Philippines . . . . .	R		06.10.52 <sup>10</sup>	X						A		11.12.86
Poland . . . . .	R	X	26.11.54	X	R <sup>4</sup>		23.10.91	02.10.92	X	R		23.10.91
Portugal . . . . .	R	X	14.03.61	X	R		27.05.92		X	R		27.05.92
Qatar . . . . .	A		15.10.75		A <sup>4</sup>	X	05.04.88	24.09.91				

**STATES PARTY TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949<sup>1</sup>  
AND TO THE TWO ADDITIONAL PROTOCOLS OF 8 JUNE 1977**

As at 31 December 1993

COUNTRY	GENEVA CONVENTIONS			PROTOCOL I					PROTOCOL II			
	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>	Signature	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>	Art. 90 <sup>4</sup> Date	Signature	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>
Romania . . . . .	R	X	01.06.54	X	R		21.06.90		X	R		21.06.90
Russian Federation . . . . .	R	X	10.05.54	X	R <sup>4</sup>	X	29.09.89	29.09.89	X	R	X	29.09.89
Rwanda . . . . .	S		05.05.64		A		19.11.84			A		19.11.84
Saint Kitts and Nevis . . . . .	S		14.02.86		A		14.02.86			A		14.02.86
Saint Lucia . . . . .	S		18.09.81		A		07.10.82			A		07.10.82
Saint Vincent and Grenadines . . . . .	A		01.04.81		A		08.04.83			A		08.04.83
Salvador . . . . .	R		17.06.53	X	R		23.11.78		X	R		23.11.78
Samoa . . . . .	S		23.08.84		A		23.08.84			A		23.08.84
San Marino . . . . .	A		29.08.53	X					X			
Sao Tome and Principe . . . . .	A		21.05.76									
Saudi Arabia . . . . .	A		18.05.63			X	21.08.87					
Senegal . . . . .	S		18.05.63	X	R		07.05.85		X	R		07.05.85
Seychelles . . . . .	A		08.11.84		A <sup>4</sup>		08.11.84	22.05.92		A		08.11.84
Sierra Leone . . . . .	S		10.06.65		A		21.10.86			A		21.10.86
Singapore . . . . .	A		27.04.73									
Slovak Republic . . . . .	S	X	02.04.93		S		02.04.93			S		02.04.93
Slovenia . . . . .	S		26.03.92		S		26.03.92	26.03.92		S		26.03.92
Solomon Islands . . . . .	S		06.07.81		A		19.09.88			A		19.09.88
Somalia . . . . .	A		12.07.62									
South Africa . . . . .	A		31.03.52									
Spain . . . . .	R		04.08.52	X	R <sup>4</sup>	X	21.04.89	21.04.89	X	R		21.04.89
Sri Lanka . . . . .	R		28.02.59 <sup>11</sup>									
Sudan . . . . .	A		23.09.57									
Suriname . . . . .	S	X	13.10.76		A		16.12.85			A		16.12.85
Swaziland . . . . .	A		28.06.73									
Sweden . . . . .	R		28.12.53	X	R <sup>4</sup>	X	31.08.79	31.08.79	X	R		31.08.79
Switzerland . . . . .	R		31.03.50 <sup>12</sup>	X	R <sup>4</sup>	X	17.02.82	17.02.82	X	R		17.02.82
Syria . . . . .	R		02.11.53		A	X	14.11.83					
Tajikistan . . . . .	S	? <sup>14</sup>	13.01.93		S	? <sup>14</sup>	13.01.93			S	? <sup>14</sup>	13.01.93
Tanzania . . . . .	S		12.12.62		A		15.02.83			A		15.02.83
Thailand . . . . .	A		29.12.54									
The Form. Yug. Rep. Macedonia . . . . .	S	?	01.09.93		S	?	01.09.93	01.09.93		S	?	01.09.93
Togo . . . . .	S		06.01.62	X	R <sup>4</sup>		21.06.84	21.11.91	X	R		21.06.84
Tonga . . . . .	S		13.04.78									
Trinidad and Tobago . . . . .	A		24.09.63 <sup>13</sup>									
Tunisia . . . . .	A		04.05.57	X	R		09.08.79		X	R		09.08.79
Turkey . . . . .	R		10.02.54									
Turkmenistan . . . . .	S	? <sup>14</sup>	10.04.92		S <sup>4</sup> ? <sup>14</sup>	? <sup>14</sup>	10.04.92			S	? <sup>14</sup>	10.04.92
Tuvalu . . . . .	S		19.02.81									
Uganda . . . . .	A		18.05.64		A		13.03.91			A		13.03.91
Ukraine . . . . .	R	X	03.08.54	X	R <sup>4</sup>		25.01.90	25.01.90	X	R		25.01.90
United Arab Emirates . . . . .	A		10.05.72		A <sup>4</sup>	X	09.03.83	06.03.92		A	X	09.03.83
United Kingdom . . . . .	R		23.09.57	X					X			
United States . . . . .	R	X	02.08.55	X					X			
Uruguay . . . . .	R	X	05.03.69		A <sup>4</sup>		13.12.85	17.07.90		A		13.12.85
Uzbekistan . . . . .	A		08.10.93		A		08.10.93			A		08.10.93

**STATES PARTY TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949<sup>1</sup>  
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COUNTRY	GENEVA CONVENTIONS			PROTOCOL I					PROTOCOL II			
	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>	Signature	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>	Art. 90 <sup>4</sup> Date	Signature	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>
Vanuatu . . . . .	A		27.10.82		A		28.02.85			A		28.02.85
Venezuela . . . . .	R		13.02.56									
Viet Nam . . . . .	A	X	28.06.57	X	R		19.10.81					
Yemen . . . . .	A	X	16.07.70	X	R	X	17.04.90		X	R		17.04.90
Yugoslavia . . . . .	R	X	21.04.50	X	R	X	11.06.79		X	R		11.06.79
Zaire . . . . .	S		24.02.61		A		03.06.82					
Zambia . . . . .	A		19.10.66									
Zimbabwe . . . . .	A		07.03.83		A		19.10.92			A		19.10.92

**Palestine:** On 21 June 1989, the Swiss Federal Department of Foreign Affairs received a letter from the Permanent Observer of Palestine to the United Nations Office at Geneva informing the Swiss Federal Council "that the Executive Committee of the Palestine Liberation Organization, entrusted with the functions of the Government of the State of Palestine by decision of the Palestine National Council, decided, on 4 May 1989, to adhere to the Four Geneva Conventions of 12 August 1949 and the two Protocols additional thereto".

On 13 September 1989, the Swiss Federal Council informed the States that it was not in a position to decide whether the letter

constituted an instrument of accession, "due to the uncertainty within the international community as to the existence or non-existence of a State of Palestine".

**Number of States party to the Conventions/Protocols:**

Geneva Conventions:	185
Additional Protocol I:	130
Additional Protocol II:	120
International Fact-Finding Commission (Prot. I, Art. 90):	38

<sup>1</sup> States party to the Geneva Conventions of 1929 (wounded and sick, prisoners of war): Lithuania.

<sup>2</sup> R = ratification; A = accession; S = declaration of succession.

<sup>3</sup> Date instrument received.

<sup>4</sup> States which made the declaration regarding preliminary acceptance of the competence of the International Fact-Finding Commission, as provided for in Article 90 of Protocol I, at the moment of ratification, accession, succession or subsequently.

<sup>5</sup> Entry into force on 23.09.66, Korea having invoked Arts. 62/61/141/157 (immediate effect).

<sup>6</sup> With the exception of Convention I, succeeded to on 26.01.78.

<sup>7</sup> Declaration relative to Protocol I.

<sup>8</sup> Entry into force on 07.12.78

<sup>9</sup> Namibia: Instruments of accession to the Geneva Conventions and their Additional Protocols were deposited by the United Nations Council for Namibia on 18 October 1983. The depositary State advised the ICRC that the said accession to the Conventions has now become void. In an instrument deposited on 22 August 1991, Namibia declared its succession to the Geneva Conventions, which were previously applicable to it pursuant to South Africa's accession on 31 March 1952.

<sup>10</sup> With the exception of Convention I, ratified on 07.03.51.

<sup>11</sup> With the exception of Convention IV, acceded to on 23.02.59.

<sup>12</sup> Entry into force on 21.10.50.

<sup>13</sup> With the exception of Convention I, acceded to on 17.05.63.

<sup>14</sup> Declaration of succession to the four Geneva Conventions and Additional Protocols I and II. No comment on the reservations and declarations made by the former USSR, and no new reservations or declarations.

# COOPERATION WITHIN THE MOVEMENT

## THE WORK OF THE STATUTORY BODIES

### Council of delegates

The Council of Delegates, which brings together representatives of the International Red Cross and Red Crescent Movement (National Societies, ICRC, Federation), met in Birmingham (United Kingdom) on 29 and 30 October, at the invitation of the British Red Cross. The assembly was honoured by a visit from Queen Elizabeth II, who presented the Red Cross and Red Crescent Prize for Peace and Humanity to the Somali Red Crescent.

In the course of its proceedings the Council adopted 13 resolutions, some dealing with the future of the Movement and others on issues regarding humanitarian action both in armed conflicts and in peacetime.

Pursuant to the recommendations of the Study Group on the Future of the Movement, the delegates decided to set up an Advisory Commission to study policy matters of common interest to all components of the Movement.

The delegates also decided to take active part in following up the conclusions of the International Conference for the Protection of War Victims, in particular by making the Final Declaration of the Conference more widely known; by supporting various efforts to limit the use of antipersonnel mines; by drawing general attention to the plight of child soldiers; and by looking into the complex problems involved in the armed protection of humanitarian assistance.

In addition, the Council of Delegates approved a Code of Conduct for organizations taking part in disaster relief operations. It called on all the components of the Movement to continue and step up their activities in favour of refugees, displaced persons and asylum-seekers; to comply with the rules governing the use of the emblem; to implement the Fundamental Principles as the Movement's ethical charter; and to increase awareness of the work of the Red Cross and the Red Crescent by various information means at their disposal. It reminded the States of the basis for and the nature of humanitarian assistance.<sup>1</sup>

In its November-December 1993 issue (No. 297, pp. 488-501), the *International Review of the Red Cross* published the text of the resolutions adopted by the Council of Delegates.

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<sup>1</sup> See also *The law and legal considerations*, p. 244.



## Standing commission

Following the resignation of the Commission's Chairman, Dr Ahmad Abu-Goura, Prince Botho of Sayn-Wittgenstein-Hohenstein (President of the German Red Cross) was appointed to that post. In accordance with the statutes, Dr Byron Hove (National Chairman of the Zimbabwe Red Cross Society) became Vice-Chairman, and Mrs Véronique Ahouanmenou (President of the Red Cross of Benin) became a member of the Commission.

As the Commission's new Chairman, Prince Botho announced his intention to see that the Commission fully performed the role set out for it in the Movement's Statutes. It would above all focus on preparing for the Council of Delegates and the next International Conference of the Red Cross and Red Crescent.

In the course of 1993 the Standing Commission met three times: on 19-20 April, 8 September and 24 October.

The Commission devoted much of its work to preparations for the Council of Delegates in October, and it set up an internal Working Group on the Future of the International Conference. The group sent a questionnaire to National Societies and consulted about 20 permanent missions representing a cross-section of the international community. Replies were received from 34 National Societies. The Working Group also took into account the results of the International Conference for the Protection of War Victims, held in Geneva from 30 August to 1 September 1993.

The conclusions of the Working Group were presented by the Standing Commission's Chairman to the Council of Delegates in Birmingham: an international conference of the Red Cross and Red Crescent should be held in 1995 if possible, preferably in Geneva, and should last about three days. It would take place at the same time as the Movement's statutory meetings and would deal primarily with respect for and implementation of international humanitarian law.

The Standing Commission felt that the question of future International Conferences was a subject of general interest which should be discussed within the Study Group on the Future of the Movement; it submitted its conclusions on this issue to the Study Group and to the Council of Delegates.

The Commission also awarded the Henry Dunant medal. The recipients of this prestigious award were six exemplary members of the International Red Cross and Red Crescent Movement: Dr Ahmad Abu-Goura (Jordanian National Red Crescent Society), Mr Arthur Brian Hodgson (British Red Cross), Dr Pedro José Manrique Lander (Venezuelan Red Cross), Ms Maria Luisa Torres de la Cruz (Chilean Red Cross), and Mr Mohammed Zaboora and Mr Abdul Qadar (ICRC employees wounded and disabled by a mine explosion).

To honour the memory of ICRC and Federation delegates killed in the course of duty, the Standing Commission awarded the Henry Dunant medal posthumously to Mr Wim van Boxelaere (Belgian Red Cross, ICRC delegate), Ms Susanne Buser (ICRC delegate), Mr Jon Karlsson (Icelandic Red Cross, ICRC delegate), Mr Michel Kuhn (ICRC delegate), Ms Sarah Leomy (ICRC employee), Mr Kurt Lustenberger (ICRC delegate), Mr Frédéric Maurice (ICRC delegate) and Dr Jock Sutherland (Federation delegate).

The Prize for Peace and Humanity was awarded unanimously to the Somali Red Crescent.

## Commission on the Red Cross, Red Crescent and Peace

The Commission on the Red Cross, Red Crescent and Peace was set up by the Council of Delegates in 1977; its mandate and membership were extended by the 1991 Council of Delegates. It is composed of representatives of the Federation, the ICRC, the Henry Dunant Institute and 16 National Societies.<sup>2</sup>

During 1993 the Commission met twice, on 16-17 April in Geneva, under the chairmanship of Mr Maurice Aubert, and on 22 October in Birmingham. Mr Aubert being ill, the second meeting was chaired by Mr Omran El Shafei from the Egyptian Red Crescent.

The Commission discussed the study conducted by the Henry Dunant Institute on the role of National Societies in preventing conflicts involving minorities, and was informed of the conclusions of a seminar on the same subject.

It adopted a resolution concerning the principles of humanitarian assistance.

Finally, following a recommendation by the Study Group on the Future of the Movement that the Commission on the Red Cross, Red Crescent and Peace should be dissolved, the Commission discussed its own future. It expressed its wish to carry to completion the work entrusted to it by the 1991 Council of Delegates and, to that end, to keep its current composition.

It was also decided that the Commission would submit its final report to the next Council of Delegates.

### Sub-commission

The Sub-commission established in May 1992 by the Commission on the Red Cross, Red Crescent and Peace comprises representatives of four National Societies that are members of the Peace Commission (France, Sweden, Hungary and Tunisia), and ICRC and Federation representatives.

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<sup>2</sup> These are the Societies of the following countries: Australia, Brazil, Colombia, Egypt, Ethiopia, France, Greece, Hungary, Democratic People's Republic of Korea, Republic of Korea, Malaysia, Nigeria, Paraguay, Sudan, Sweden and Tunisia.

In 1993 the Sub-commission met twice, on 2-3 March and on 15-16 March, in order to pursue and complete its consideration of the following issues: clarification of the concept of the right to humanitarian assistance; the Movement's contribution to respect for human rights and promotion of such respect; and the problem of refugees and displaced people.

During the meeting of the Peace Commission in Birmingham it was decided to bring the work of the Sub-commission to an end, in accordance with its mandate, which expired in 1993.

## RELATIONS WITH THE COMPONENTS OF THE MOVEMENT

### National societies

#### Dialogue and contacts

In the desire to maintain and strengthen intensive dialogue with National Societies, the ICRC President, members of the Committee (the ICRC's governing board) and the institution's staff had many meetings throughout 1993 with National Society representatives, both abroad and at ICRC headquarters.

During those meetings many topics were discussed, including the future of the Movement, the increasing politicization of humanitarian action, the question of the emblem, the next International Conference, and the importance of respect for the Fundamental Principles of the Red Cross and Red Crescent.

In 1993 the ICRC President and members of the Committee visited the National Societies of Afghanistan, Australia, Austria, Belgium, China, Denmark, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Germany, Greece, India, Indonesia, Iraq, Israel, Italy, Japan, Jordan, Kenya, Latvia, Libya, Lithuania, Malaysia, Monaco, Morocco, New Zealand, Pakistan, Poland, Russia, Rwanda, Somalia, Spain, Switzerland, Thailand, the United Kingdom and the United States, and those in the former Yugoslavia.

Wherever possible, ICRC representatives took up direct contact with the leaders and volunteers of the Societies' governing bodies and, in some cases, with those from the regional branches.

#### Participation in regional National Society conferences and commemorative events

The ICRC attaches great importance to its participation in regional conferences, which offer an opportunity to meet representatives of many National Societies and to discuss matters of mutual interest with them. In 1993 the ICRC

President, Vice-President, several Committee members and senior staff took part in many regional and statutory meetings.

Since 1991 there have been informal consultations between the ICRC (through its President, members of the Committee and the Executive Board) and representatives of National Societies that are members of the Federation's Executive Council. The third such meeting was held from 23 to 25 April in Yverdon-les-Bains (Switzerland).

Its main aims were to continue the dialogue and examine proposals made by the Study Group on the Future of the Movement. The participants discussed new challenges facing National Societies, the Movement's structure, and spheres of cooperation within the Movement. The National Societies expressed their deep concern about ongoing conflicts and considered how they could take action in that respect. The question of armed intervention by the United Nations within the context of humanitarian action, and the challenge it represents for the Movement, was also discussed at length. Lastly, the participants pointed out some serious shortcomings with regard to the development of National Societies.

### Visits to ICRC headquarters by National Society representatives

The ICRC encourages visits and is always pleased to receive members of National Societies at its headquarters. These visits enable the visitors to acquire a better knowledge of the institution and to meet some ICRC staff during working meetings on matters of particular interest to them. Similarly, these contacts enable ICRC staff to get better acquainted with National Societies.

In 1993, more than a hundred visits were organized for the leaders, staff and volunteers of National Societies from all parts of the world.

## International Federation of Red Cross and Red Crescent Societies

### Joint ICRC/Federation Commission for National Society Statutes

In 1993, the Joint ICRC/Federation Commission for National Society Statutes met in Geneva ten times: on 9 February, 23 March, 10 May, 14 June, 15 July, 3 August, 20 August, 7 October, 5 November and 25 November.

In accordance with Resolution VI of the 22nd International Conference and Resolution XX of the 24th International Conference, the Commission examined draft statutory amendments submitted by various National Societies, and followed the development of emergent Societies or Societies that had applied

for recognition. On the basis of its recommendations, the ICRC recognized or confirmed the validity of previous recognition of the following ten National Societies:

- Estonia Red Cross on 31 March
- Namibia Red Cross on 31 March
- Croatian Red Cross on 25 August
- Slovak Red Cross on 25 August
- Red Cross of Slovenia on 25 August
- Czech Red Cross on 25 August
- Yugoslav Red Cross on 25 August
- Red Cross Society of Ukraine on 29 September
- Vanuatu Red Cross Society on 29 September
- Malta Red Cross Society on 21 October

The number of National Societies recognized by the ICRC was 161 at the end of the year.

The Commission also considered the cases of certain National Societies which were facing internal reorganization problems and had requested support from the governing bodies of the Movement in that connection.

### Joint ICRC/Federation meetings

The ICRC and the Federation kept each other informed of their respective activities and consulted each other regularly on the coordination and distribution of their work, and on all matters of interest to the whole Movement.

These exchanges between the various services of the two institutions were often informal, though formal meetings were also held. Joint ICRC/Federation meetings, provided for by Article 35 of the ICRC/Federation Agreement of 20 October 1989, were held seven times in 1993. The matters discussed included:

- preparations for Standing Commission meetings;
- the International Conference for the Protection of War Victims;
- Red Cross Societies in the former Yugoslavia;
- a new edition of the Handbook of the International Red Cross and Red Crescent Movement;
- the final report of the Standing Commission's Working Group on the Future of the International Conference, and the report of the Study Group on the Future of the Movement;
- preparations for the Council of Delegates.

Such meetings also provided an opportunity to clarify the respective mandates of the two institutions and to work out a common approach towards respect for the Fundamental Principles by all the components of the Movement.

## Funds and medals

### Joint Commission for the Empress Shôken Fund

This fund was created in 1912 by a gift from the Empress of Japan, for the purpose of promoting the development of National Society activities in peacetime. Since then the Fund has received several gifts from the Japanese Imperial Family, the government, the Japanese Red Cross, various associations and the Japanese public. In 1993 the Imperial Family donated five million yen, on the occasion of the 90th birthday of the Dowager Empress.

As every year, the Japanese government made a contribution of 20 million yen. The Japanese Red Cross, for its part, donated five million yen on 8 March to mark the 40th anniversary of the promulgation of the law that instituted the Society.

The Joint Commission for the Fund, which includes Federation and ICRC members, met on 26 March under the chairmanship of Mr Maurice Aubert and in the presence of Japan's ambassador and permanent representative in Geneva.

Taking into account the criteria set for the allocation of funds, the Commission decided to distribute the income among the National Societies of the following countries: Cape Verde, Chile, Costa Rica, Ecuador, Egypt, Jordan, Laos, Madagascar, Pakistan, Rwanda, Sao Tome and Principe, Solomon Islands, South Africa and Swaziland. The amount distributed, CHF 423,000, was used for development projects and for the purchase of vehicles and other equipment.

### Maurice de Madre French Fund

The Maurice de Madre French Fund was set up on the basis of property bequeathed by Count Maurice de Madre, who died in 1970. Its purpose is to assist members of National Societies who suffer injury, illness or accident in the service of the Movement and, in the event of their death, to assist their families.

In 1993 the Board of the Fund met twice, on 16 July and on 2 December.

After examining and approving the financial report of the Fund, the Board considered the cases submitted to it by the National Societies, the ICRC and the Federation. It gave favourable replies to requests for grants from the National Societies of the following 17 countries: Afghanistan, Bangladesh, Cambodia, El Salvador, Ethiopia, Mali, Mozambique, Namibia, Nigeria, Philippines, Senegal, Somalia, Sri Lanka, Sudan, Togo, Uganda and Zaire. The requests were made either on behalf of a specific person or a whole family.

Since its creation, the Fund had usually made allocations lower than its income. It was therefore decided to see whether its regulations could be amended to allow grants to needy members of the Movement in situations other than those for which provision was initially made.



## Florence Nightingale Medal

The Florence Nightingale Commission, composed of members of the Committee and the ICRC's Chief Medical Officer, awards the highest distinction that can be received within the Movement by a member of the nursing profession.

The medal is awarded every two years to active members or regular helpers of National Societies, and also to members of affiliated medical or nursing institutions, for showing exceptional courage or dedication in time of peace or war.

The Commission met in Geneva on 26 March 1993 and awarded the Florence Nightingale Medal to 35 nurses nominated by the National Societies of the following countries: Chile, China, Costa Rica, El Salvador, Ethiopia, Finland, France, Greece, Hungary, Ireland, Italy, Japan, Republic of Korea, Myanmar, the Netherlands, New Zealand, Pakistan, Poland, Sweden, Thailand, the United Kingdom and the United States.

## Henry Dunant Institute

The Henry Dunant Institute was set up in 1965 by the ICRC, the Federation and the Swiss Red Cross. Its object is "to make available to the member institutions ways and means of carrying out study, research, training and instruction in all branches of Red Cross activity and thus to contribute to the strengthening of Red Cross unity and universality". Its Statutes further state that it "shall contribute by its work to the development of the Red Cross in the world".

Each of its member institutions takes turns in providing it with a chairman for a two-year term of office. ICRC Vice-President Claudio Caratsch accordingly became Chairman of the Institute's General Assembly in January 1993.

Together with the Federation, the Swiss Red Cross and certain National Societies, the ICRC has been associated with a programme run by the Institute to produce publications, insofar as these are on matters of mutual interest. In 1993 these publications included Prof. Hans Haug's work entitled *Humanité pour tous, le Mouvement international de la Croix-Rouge et du Croissant-Rouge*, and the handbook *Strengthening financial management*.

The projects carried out during 1993 included a study on child soldiers and one on the role of National Red Cross and Red Crescent Societies in preventing conflicts involving minorities. A seminar on the latter topic was held in September. It was attended by National Society experts, organizations outside the Movement and academic experts and gave rise to a constructive exchange of views. The final report on this study, which was requested by the Commission on the Red Cross, Red Crescent and Peace, was scheduled for publication in 1994.

ICRC staff took part as instructors in the 18th introductory course on the international activities of the Red Cross and Red Crescent, which was attended by representatives of 16 National Societies.

## THE INTERNATIONAL TRACING SERVICE

The year 1993 was particularly important for the International Tracing Service (ITS) since it marked the institution's 50th anniversary.

The work of the ITS began in 1943 with the setting up of a special tracing office at the British Red Cross in London. Its purpose was to elucidate the fate of the many people who had been deported or gone missing during the Second World War and organize enquiries at the international level once the war was over.

Between 1944 and 1951, the tracing office was successively placed under the responsibility of the Supreme Headquarters of the Allied Expeditionary Forces (SHAEF), the United Nations Relief and Rehabilitation Administration (UNRRA), the Preparatory Commission of the International Refugee Organization (PCIRO) and then the International Refugee Organization (IRO) itself; its task was to trace missing nationals of United Nations countries (i.e. members of the anti-Axis alliance). Thus began the process of collecting and preserving information on these people and bringing together families split up by events. In 1946 the tracing office was moved to Arolsen, in the Federal Republic of Germany (FRG), a small town centrally situated for the four occupation zones.

As from 1951 the tracing office – meanwhile known as the International Tracing Service (ITS) – was taken over by the Allied High Commission for Germany (HICOG).

On 5 May 1955, when the Occupation Statute ended, the HICOG was disbanded and the Convention of 26 May 1952 on Relations between the Three Powers and the Federal Republic of Germany came into effect. Under the Convention, the activities of the ITS were to continue. At the same time, in conformity with the 1955 Bonn Agreements, the management and administration of the ITS were entrusted to the ICRC in Geneva and its work was placed under the supervision of an International Commission comprising representatives from ten States.

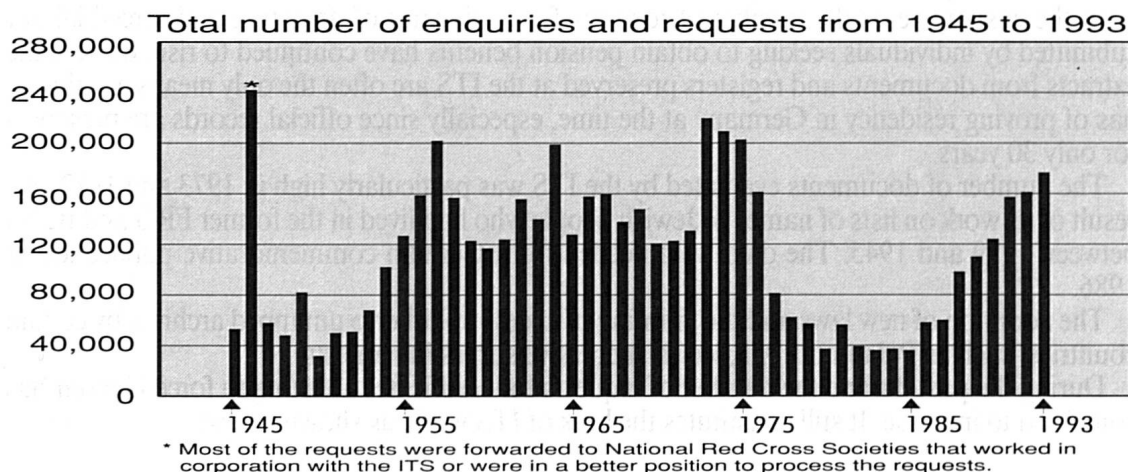
In 1990, as a result of recent political changes, the 1952 Convention was abrogated. However the clause relating to the ITS, which states that “the Federal Republic of Germany assumes the obligation to guarantee the continuation of the work that is presently being carried out by the International Tracing Service”, was included in the Transition Agreement.

The fact that this provision has been upheld shows the continuing relevance of the four main tasks of the ITS: collecting, classifying, preserving and evaluating documents for tracing and certification purposes. Since its inception, the ITS has enjoyed a high rate of success (positive replies to two-thirds of the enquiries) and today it continues steadily to add to its voluminous files. In 1993, for instance, 278 organizations provided it with new documents.

Whereas in the early days its work was almost entirely concerned with tracing – 282,283 requests up to 1950 – it was later called on, in particular for the purpose of compensation claims, to draw up certificates attesting to detention, forced labour or death in concentration camps.

The death certificates were necessary because many death registers were no longer available at the end of the war. A special registry office was set up in Arolsen in 1949 to provide such certificates, which have accounted for the bulk of its work since 1950 and can still be obtained there today.

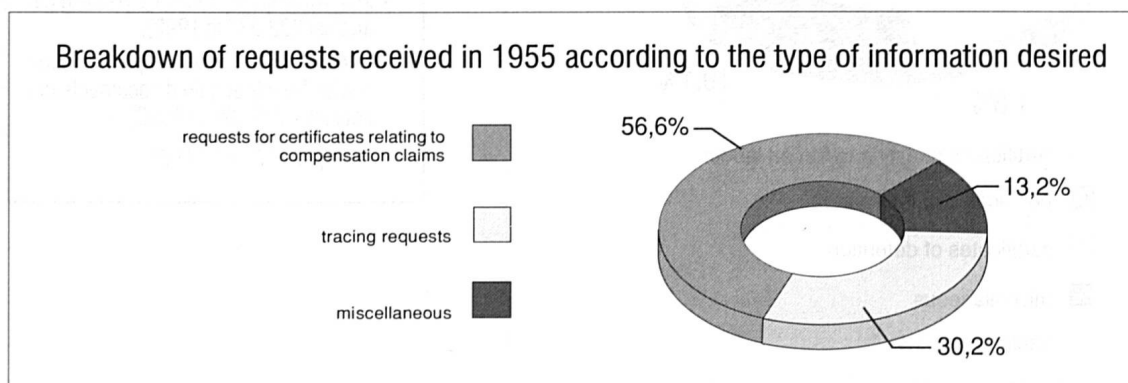
The chart below shows the total number of enquiries and requests received by the ITS from 1945 to the end of 1993.



In accordance with the laws of 1949 of the various federal *Länder* and the Federal Indemnification Law of 1953 (and its supplements), proof of detention in a concentration camp or of forced labour had to be provided before a person could claim any benefits.

Displaced people who lived in the FRG from 1945 to 1951, and who were not under the obligation to declare residency at the time, also had to submit certificates of residency. Such certificates can be drawn up by the ITS on the basis of registers kept by UNRRA and the IRO.

In 1954, 62.4 per cent of all ITS work concerned requests for compensation. In 1955, when the ICRC took over the direction and administration of the ITS, the breakdown was as follows:



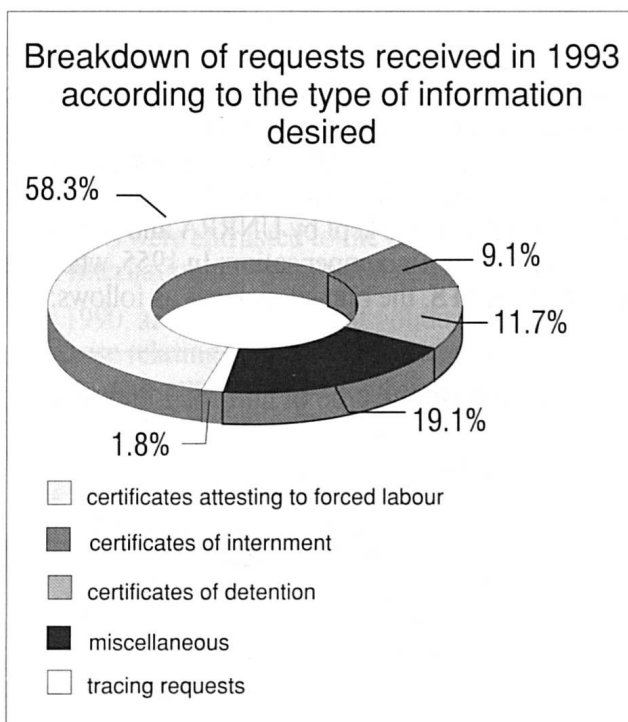
The adoption of new laws led to an increase in the number of rightful claimants to compensation, and the number of requests for certificates submitted to the ITS rose accordingly, before declining again between 1958 and 1960. Meanwhile, the number of tracing requests mounted steadily, accounting for 36 per cent of all ITS work in 1960. When the deadline for filing compensation claims was extended to 31 March 1962, the ITS was again flooded with requests for certificates, which eventually constituted 84 per cent of its work.

In the ensuing years the number of requests for certificates of detention and forced labour submitted by individuals seeking to obtain pension benefits have continued to rise. Indeed, the extracts from documents and registers preserved at the ITS are often the only means a claimant has of proving residency in Germany at the time, especially since official records are preserved for only 30 years.

The number of documents evaluated by the ITS was particularly high in 1973 and 1982 as a result of its work on lists of names of Jewish people who had lived in the former FRG and Berlin between 1939 and 1945. The data were needed for a German commemorative publication in 1986.

The adoption of new laws and the granting of access to hitherto untapped archives by certain countries, such as Poland in 1975, led to successive surges in requests.

During the past decade the number of requests for certificates attesting to forced labour has continued to increase. It still constitutes the bulk of ITS work, as shown below:



**THE WORK OF THE ITS IN 1993\* CAN BE SUMMARIZED AS FOLLOWS:**

- 174,214 enquiries were received from 56 countries (as against 161,465 from 57 countries in 1992);
- 631,902 data checks were made in files and sets of documents;
- 213,178 enquiries were answered (as against 183,403 in 1992);
- 264,180 requests remained pending (as against 232,582 in 1992);
- 994,064 data files were opened on the basis of newly acquired documents (as against 1,318,026 in 1992).

\* From 30.11.92 to 30.11.93

