

International law, policy and the Movement

Objekttyp: **Group**

Zeitschrift: **Annual report / International Committee of the Red Cross**

Band (Jahr): - **(1997)**

PDF erstellt am: **17.07.2024**

Nutzungsbedingungen

Die ETH-Bibliothek ist Anbieterin der digitalisierten Zeitschriften. Sie besitzt keine Urheberrechte an den Inhalten der Zeitschriften. Die Rechte liegen in der Regel bei den Herausgebern.

Die auf der Plattform e-periodica veröffentlichten Dokumente stehen für nicht-kommerzielle Zwecke in Lehre und Forschung sowie für die private Nutzung frei zur Verfügung. Einzelne Dateien oder Ausdrucke aus diesem Angebot können zusammen mit diesen Nutzungsbedingungen und den korrekten Herkunftsbezeichnungen weitergegeben werden.

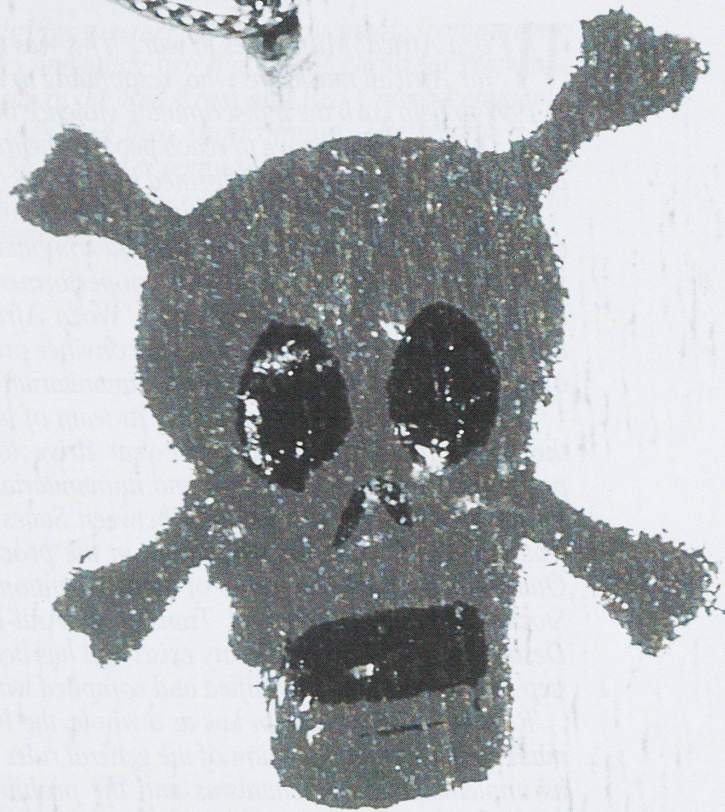
Das Veröffentlichen von Bildern in Print- und Online-Publikationen ist nur mit vorheriger Genehmigung der Rechteinhaber erlaubt. Die systematische Speicherung von Teilen des elektronischen Angebots auf anderen Servern bedarf ebenfalls des schriftlichen Einverständnisses der Rechteinhaber.

Haftungsausschluss

Alle Angaben erfolgen ohne Gewähr für Vollständigkeit oder Richtigkeit. Es wird keine Haftung übernommen für Schäden durch die Verwendung von Informationen aus diesem Online-Angebot oder durch das Fehlen von Informationen. Dies gilt auch für Inhalte Dritter, die über dieses Angebot zugänglich sind.

INTERNATIONAL LAW, POLICY AND THE MOVEMENT

Although promoting international humanitarian law remains a top priority for the ICRC, dissemination delegates now also run mine-awareness programmes in a bid to save children and adults from a lifetime of suffering and dependence. Mercifully, at the end of the year 123 countries signed the Ottawa treaty banning the use, stockpiling, production and transfer of anti-personnel mines.



MINNA

"Woza Africa! Music goes to war." This was the slogan adopted by six popular African musicians who, responding to the ICRC's call, led a campaign in 1997 to help curb the indiscriminate violence that has long plagued their continent. The musicians strove to reach people's hearts and minds through a series of original songs which they performed live and recorded.

To translate the principles of international humanitarian law into words that could be understood by war victims and combatants alike, especially young people, and that were sung by well-known performers who would be listened to was the aim of this ambitious campaign. "Woza Africa" was yet another attempt to meet the urgent and ongoing need to convince present and potential perpetrators of violence that they should respect humanitarian principles.

For the ICRC, and especially for its team of legal advisers, 1997 also marked the successful outcome of a five-year drive to bring about a ban on anti-personnel landmines. The legal and humanitarian diplomacy engaged in by the ICRC, which acted as a linchpin between States and non-governmental organizations, was no doubt a key factor in the process that led to the signature in Ottawa on 3 and 4 December of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. Now that the treaty exists and has been signed by 123 States, the next step is to ensure that it is ratified and complied with.

Regarding humanitarian law as a whole, the ICRC continued to pursue three main goals: the consolidation of the general rules of this law, the strengthening of its implementation mechanisms and the prohibition of inhumane means and methods of warfare.

Moreover, several dozen eminent lawyers around the world carried out a special study on customary humanitarian law. This major undertaking should enable the ICRC to draft various proposals aimed at reinforcing and developing the law as the twenty-first century dawns.

At the end of the year under review the ICRC's Advisory Service on International Humanitarian Law took stock of its work for the first time since it was set up in 1995. The advice it had dispensed and its awareness-raising efforts had clearly borne fruit since many States had begun to assess and review their legislation for the national implementation of humanitarian law treaties.

Naturally, this work must continue. In addition, new implementation mechanisms should be developed at the international level. To this end, the ICRC supported States in their endeavour to set up a permanent international criminal court whose mandate would include the prosecution and sentencing of persons responsible for grave breaches of humanitarian law.

The International Red Cross and Red Crescent Movement, which at the end of 1997 comprised 175 National Societies, their International Federation and the ICRC, held its Council of Delegates from 25 to 27 November in Seville, Spain.

This statutory meeting, which brings together all the Movement's components, discussed many important topics, including two that are of particular relevance for the future. The first is the issue of the Red Cross and Red Crescent emblems, their indicative and protective uses, and their shortcomings. The second is the new agreement between the Movement's components, which clarifies their respective responsibilities with a view to further enhancing their overall ability to assist the most vulnerable and needy groups.

UNIVERSAL ACCEPTANCE OF THE GENEVA CONVENTIONS AND THEIR ADDITIONAL PROTOCOLS

In 1987 a total of 108 States were party to the 1949 Geneva Conventions. Through the year 1997, States acceded to the two Protocols of 1977 additions to the Conventions (22 January) and Latvia (23 July). This brought the number of States party to Additional Protocol I and Additional Protocol II to 101 and 102 respectively.

Article 48 of Additional Protocol I provides for the establishment of an International Fact-Finding Commission to enquire into alleged serious violations of international humanitarian law. This body was established in 1990, following the request of the Government of El Salvador, raising to 91 the number of States which had signed or ratified the Commission, established in 1982, and not yet implemented. It remains a formal entity under Additional Protocol I, its 1987 mandate being expressly undertaken to examine the role that it might play in relation to certain Colombia.

The year under review marked the 20th anniversary of the adoption on 12 June 1977 of the two Protocols additional to the Geneva Conventions, which contain binding provisions for the protection of victims of armed conflict, both international (Protocol I) and non-international (Protocol II). The importance of that was its role in the development of humanitarian law. Today nearly three quarters of the world's States are party to the Protocols, and the I.R.C. is continuing its efforts to promote universal ratification of them. On the occasion of the anniversary, the I.R.C. issued a public appeal to all the States which had not yet ratified or acceded to the Protocols, urging them to do so as soon as possible.

States party to the Geneva Conventions and their Additional Protocols

International Fact-Finding Commission

20th anniversary of the Additional Protocols

preparation, however, all its relevant provisions, including articles 41 and 42, were to be left intact. It was not until the summer of 1992 that the ICRC's Advisory Commission was finally set up. The Commission was composed of five members, three of whom were to be national representatives, and three members were to be national representatives. The Commission's mandate was to advise the ICRC on the proposed draft Convention, its implementation and on any other matters that might be referred to it by the ICRC. The Commission's mandate was also to advise the ICRC on the proposed draft Convention, its implementation and on any other matters that might be referred to it by the ICRC. The Commission's mandate was also to advise the ICRC on the proposed draft Convention, its implementation and on any other matters that might be referred to it by the ICRC.

During 1992, the ICRC, through its legal advisers, 1992 also started the process of revising the 'one-year' drive to bring about a 1992 Convention. The legal and humanitarian diplomacy espoused by the ICRC, which drew on the assistance of States and non-governmental organizations, was an essential element in the process that led to the adoption in October 1994 of the Convention on the Protection of Victims of Armed Conflicts and the Transfer of Arms-Permitted States and the ICRC. The Convention was adopted by the ICRC and has been signed by 173 States, which are also the States that have ratified and complied with.

During the revision of the law of war, the ICRC continued to provide technical assistance to the States of the general rules of the law, the provisions of its organizational mechanisms and the prohibition of distinctive signs and symbols of warfare.

In addition, several dozen national lawyers around the world carried out a parallel study on customary humanitarian law. This study, which was carried out by the ICRC, in which the ICRC's proposals aimed at reinforcing and clarifying the law of war, was also carried out.

At the end of the year under review, the ICRC's Advisory Commission on International Humanitarian Law took stock of its work for the first time since it was set up in 1992. The advisory had discussed and its members had reached a consensus on the ICRC's work. The advisory had also reached a consensus on the ICRC's work. The advisory had also reached a consensus on the ICRC's work. The advisory had also reached a consensus on the ICRC's work.

Additionally, the work must continue. In addition, some international mechanisms should be developed at the international level. To the end, the ICRC supported States in their endeavour to set up a permanent international mechanism, even whose members would include the preservation and enforcement of the ICRC's responsibility for grave breaches of humanitarian law.

The International Red Cross and Red Crescent Movement, which at the end of 1991 comprised 173 National Societies, their International Federation and the ICRC, held its Council of Delegates from 25 to 27 November in Geneva, 1992.

PROMOTION AND DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW

UNIVERSAL ACCEPTANCE OF THE GENEVA CONVENTIONS AND THEIR ADDITIONAL PROTOCOLS

In 1997 a total of 188 States were party to the 1949 Geneva Conventions. During the year two States acceded to the two Protocols of 1977 additional to the Conventions: Chad (17 January) and Lebanon (23 July). This brought the number of States party to Additional Protocol I and Additional Protocol II to 148 and 140 respectively.

Article 90 of Additional Protocol I provides for the establishment of an International Fact-Finding Commission to enquire into alleged serious violations of international humanitarian law. Tajikistan filed a declaration recognizing the competence of the Commission on 10 September, raising to 50 the number of States which had done so. Although the Commission, established in 1992, had not yet been asked to conduct a formal enquiry under Additional Protocol I, in 1997 informal discussions were undertaken to examine the role that it might play in relation to events in Colombia.

The year under review marked the 20th anniversary of the adoption on 11 June 1977 of the two Protocols additional to the Geneva Conventions, which contain numerous provisions for the protection of victims of armed conflict, both international (Protocol I) and non-international (Protocol II). This important event was a milestone in the development of humanitarian law. Today, nearly three quarters of the world's States are party to the Protocols, and the ICRC is continuing its efforts to promote universal acceptance of them. On the occasion of this anniversary the ICRC issued a solemn appeal to all the States which had not yet ratified or acceded to the Protocols, urging them to do so as soon as possible.

*States party to the Geneva
Conventions and their
Additional Protocols*

*International Fact-Finding
Commission*

*20th anniversary of the
Additional Protocols*







STATES PARTY TO THE GENEVA CONVENTIONS AND THEIR ADDITIONAL PROTOCOLS

Map

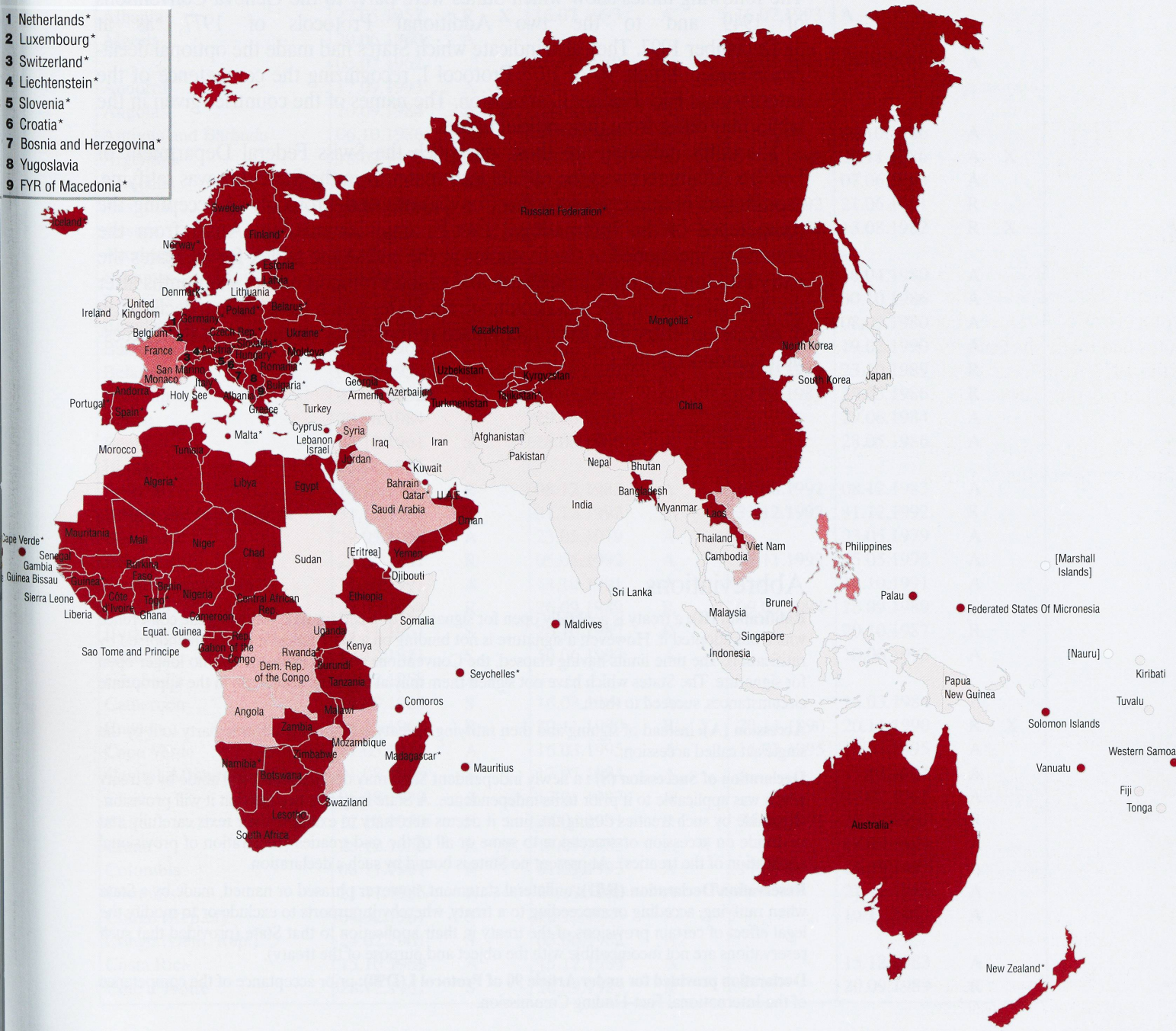
This map shows which States were party to the 1949 Geneva Conventions and to their 1977 Additional Protocols, as at 31 December 1997. It also indicates which States had made the optional declaration under Article 90 of the 1977 Additional Protocol I, recognizing the competence of the International Fact-Finding Commission.

N.B. The names of the countries given on this map may differ from their official names.



	States party to the 1949 Geneva Conventions:	188
	States party to the 1949 Geneva Conventions and to the 1977 Additional Protocol I:	148
	States party to the 1949 Geneva Conventions and to the 1977 Additional Protocol II:	140
	States party to the 1949 Geneva Conventions and to both Additional Protocols:	138
	States having made the declaration under Article 90 of the 1977 Additional Protocol I:	50
	<i>States non party to the Geneva Conventions and Protocols</i>	

- 1 Netherlands*
- 2 Luxembourg*
- 3 Switzerland*
- 4 Liechtenstein*
- 5 Slovenia*
- 6 Croatia*
- 7 Bosnia and Herzegovina*
- 8 Yugoslavia
- 9 FYR of Macedonia*



Tables

The following tables show which States were party to the Geneva Conventions of 1949 and to the two Additional Protocols of 1977, as at 31 December 1997. They also indicate which States had made the optional declaration under Article 90 of 1977 Protocol I, recognizing the competence of the International Fact-Finding Commission. The names of the countries given in the tables may differ from their official names.

The dates indicated are those on which the Swiss Federal Department of Foreign Affairs received the official instrument from the State that was ratifying, acceding to or succeeding to the Conventions and Protocols or accepting the competence of the International Fact-Finding Commission. Apart from the exceptions mentioned in the footnotes at the end of the tables, for all States the entry into force of the Conventions and of the Protocols occurs six months after the date given in the present document; for States which have made a declaration of succession, entry into force takes place retroactively, on the day of their accession to independence.

Abbreviations

Ratification (R): a treaty is generally open for signature for a certain time following the conference which has adopted it. However, a signature is not binding on a State unless it has been endorsed by ratification. The time limits having elapsed, the Conventions and the Protocols are no longer open for signature. The States which have not signed them may at any time accede or, in the appropriate circumstances, succeed to them.

Accession (A): instead of signing and then ratifying a treaty, a State may become party to it by the single act called accession.

Declaration of Succession (S): a newly independent State may declare that it will abide by a treaty which was applicable to it prior to its independence. A State may also declare that it will provisionally abide by such treaties during the time it deems necessary to examine their texts carefully and to decide on accession or succession to some or all of the said treaties (declaration of provisional application of the treaties). At present no State is bound by such a declaration.

Reservation/Declaration (R/D): unilateral statement, however phrased or named, made by a State when ratifying, acceding or succeeding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State (provided that such reservations are not incompatible with the object and purpose of the treaty).

Declaration provided for under Article 90 of Protocol I (D90): prior acceptance of the competence of the International Fact-Finding Commission.

COUNTRY	GENEVA CONVENTIONS		PROTOCOL I			PROTOCOL II	
	R / A / S	R/D	R / A / S	R/D	D90	R / A / S	R/D
Afghanistan	26.09.1956	R					
Albania	27.05.1957	R X	16.07.1993	A	16.07.1993	A	
Algeria	20.06.1960; 03.07.1962	A	16.08.1989	A X	16.08.1989	16.08.1989	A
Andorra	17.09.1993	A					
Angola	20.09.1984	A X	20.09.1984	A X			
Antigua and Barbuda	06.10.1986	S	06.10.1986	A		06.10.1986	A
Argentina	18.09.1956	R	26.11.1986	A X	11.10.1996	26.11.1986	A X
Armenia	07.06.1993	A	07.06.1993	A		07.06.1993	A
Australia	14.10.1958	R X	21.06.1991	R X	23.09.1992	21.06.1991	R
Austria	27.08.1953	R	13.08.1982	R X	13.08.1982	13.08.1982	R X
Azerbaijan	01.06.1993	A					
Bahamas	11.07.1975	S	10.04.1980	A		10.04.1980	A
Bahrain	30.11.1971	A	30.10.1986	A		30.10.1986	A
Bangladesh	04.04.1972	S	08.09.1980	A		08.09.1980	A
Barbados	10.09.1968	S X	19.02.1990	A		19.02.1990	A
Belarus	03.08.1954	R X	23.10.1989	R	23.10.1989	23.10.1989	R
Belgium	03.09.1952	R	20.05.1986	R X	27.03.1987	20.05.1986	R
Belize	29.06.1984	A	29.06.1984	A		29.06.1984	A
Benin	14.12.1961	S	28.05.1986	A		28.05.1986	A
Bhutan	10.01.1991	A					
Bolivia	10.12.1976	R	08.12.1983	A	10.08.1992	08.12.1983	A
Bosnia and Herzegovina	31.12.1992	S	31.12.1992	S	31.12.1992	31.12.1992	S
Botswana	29.03.1968	A	23.05.1979	A		23.05.1979	A
Brazil	29.06.1957	R	05.05.1992	A	23.11.1993	05.05.1992	A
Brunei Darussalam	14.10.1991	A	14.10.1991	A		14.10.1991	A
Bulgaria	22.07.1954	R	26.09.1989	R	09.05.1994	26.09.1989	R
Burkina Faso	07.11.1961	S	20.10.1987	R		20.10.1987	R
Burundi	27.12.1971	S	10.06.1993	A		10.06.1993	A
Cambodia	08.12.1958	A					
Cameroon	16.09.1963	S	16.03.1984	A		16.03.1984	A
Canada	14.05.1965	R	20.11.1990	R X	20.11.1990	20.11.1990	R X
Cape Verde	11.05.1984	A	16.03.1995	A	16.03.1995	16.03.1995	A
Central African Republic	01.08.1966	S	17.07.1984	A		17.07.1984	A
Chad	05.08.1970	A	17.01.1997	A		17.01.1997	A
Chile	12.10.1950	R	24.04.1991	R	24.04.1991	24.04.1991	R
China	28.12.1956	R X	14.09.1983	A X		14.09.1983	A
Colombia	08.11.1961	R	01.09.1993	A	17.04.1996	14.08.1995	A
Comoros	21.11.1985	A	21.11.1985	A		21.11.1985	A
Congo (Rep.of)	04.02.1967	S	10.11.1983	A		10.11.1983	A
Congo (Dem. Rep.)	24.02.1961	S	03.06.1982	A			
Costa Rica	15.10.1969	A	15.12.1983	A		15.12.1983	A
Côte d'Ivoire	28.12.1961	S	20.09.1989	R		20.09.1989	R

COUNTRY	GENEVA CONVENTIONS		PROTOCOL I			PROTOCOL II		
	R / A / S	R/D	R / A / S	R/D	D90	R / A / S	R/D	
Croatia	11.05.1992	S	11.05.1992	S	11.05.1992	11.05.1992	S	
Cuba	15.04.1954	R	25.11.1982	A				
Cyprus	23.05.1962	A	01.06.1979	R		18.03.1996	A	
Czech Republic	05.02.1993	S X	05.02.1993	S	02.05.1995	05.02.1993	S	
Denmark	27.06.1951	R	17.06.1982	R X	17.06.1982	17.06.1982	R	
Djibouti	06.03.1978 ⁽¹⁾	S	08.04.1991	A		08.04.1991	A	
Dominica	28.09.1981	S	25.04.1996	A		25.04.1996	A	
Dominican Republic	22.01.1958	A	26.05.1994	A		26.05.1994	A	
Ecuador	11.08.1954	R	10.04.1979	R		10.04.1979	R	
Egypt	10.11.1952	R	09.10.1992	R X		09.10.1992	R X	
El Salvador	17.06.1953	R	23.11.1978	R		23.11.1978	R	
Equatorial Guinea	24.07.1986	A	24.07.1986	A		24.07.1986	A	
Estonia	18.01.1993	A	18.01.1993	A		18.01.1993	A	
Ethiopia	02.10.1969	R	08.04.1994	A		08.04.1994	A	
Fiji	09.08.1971	S						
Finland	22.02.1955	R	07.08.1980	R X	07.08.1980	07.08.1980	R	
France	28.06.1951	R				24.02.1984 ⁽²⁾	A X	
Gabon	26.02.1965	S	08.04.1980	A		08.04.1980	A	
Gambia	20.10.1966	S	12.01.1989	A		12.01.1989	A	
Georgia	14.09.1993	A	14.09.1993	A		14.09.1993	A	
Germany	03.09.1954	A X	14.02.1991	R X	14.02.1991	14.02.1991	R X	
Ghana	02.08.1958	A	28.02.1978 ⁽³⁾	R		28.02.1978 ⁽⁴⁾	R	
Greece	05.06.1956	R	31.03.1989	R		15.02.1993	A	
Grenada	13.04.1981	S						
Guatemala	14.05.1952	R	19.10.1987	R		19.10.1987	R	
Guinea	11.07.1984	A	11.07.1984	A	20.12.1993	11.07.1984	A	
Guinea-Bissau	21.02.1974	A X	21.10.1986	A		21.10.1986	A	
Guyana	22.07.1968	S	18.01.1988	A		18.01.1988	A	
Haiti	11.04.1957	A						
Holy See	22.02.1951	R	21.11.1985	R X		21.11.1985	R X	
Honduras	31.12.1965	A	16.02.1995	R		16.02.1995	R	
Hungary	03.08.1954	R X	12.04.1989	R	23.09.1991	12.04.1989	R	
Iceland	10.08.1965	A	10.04.1987	R X	10.04.1987	10.04.1987	R	
India	09.11.1950	R						
Indonesia	30.09.1958	A						
Iran (Islamic Rep.of)	20.02.1957	R X						
Iraq	14.02.1956	A						
Ireland	27.09.1962	R						
Israel	06.07.1951	R X						
Italy	17.12.1951	R	27.02.1986	R X	27.02.1986	27.02.1986	R	
Jamaica	20.07.1964	S	29.07.1986	A		29.07.1986	A	
Japan	21.04.1953	A						
Jordan	29.05.1951	A	01.05.1979	R		01.05.1979	R	

COUNTRY	GENEVA CONVENTIONS		PROTOCOL I			PROTOCOL II	
	R / A / S	R/D	R / A / S	R/D	D90	R / A / S	R/D
Kazakhstan	05.05.1992	S	05.05.1992	S		05.05.1992	S
Kenya	20.09.1966	A					
Kiribati	05.01.1989	S					
Korea (Dem. People's Rep.)	27.08.1957	A X	09.03.1988	A			
Korea (Republic of)	16.08.1966 ⁽⁵⁾	A X	15.01.1982	R X		15.01.1982	R
Kuwait	02.09.1967	A X	17.01.1985	A		17.01.1985	A
Kyrgyzstan	18.09.1992	S	18.09.1992	S		18.09.1992	S
Lao People's Dem.Rep.	29.10.1956	A	18.11.1980	R		18.11.1980	R
Latvia	24.12.1991	A	24.12.1991	A		24.12.1991	A
Lebanon	10.04.1951	R	23.07.1997	A		23.07.1997	A
Lesotho	20.05.1968	S	20.05.1994	A		20.05.1994	A
Liberia	29.03.1954	A	30.06.1988	A		30.06.1988	A
Libyan Arab Jamahiriya	22.05.1956	A	07.06.1978	A		07.06.1978	A
Liechtenstein	21.09.1950	R	10.08.1989	R X	10.08.1989	10.08.1989	R X
Lithuania	03.10.1996	A					
Luxembourg	01.07.1953	R	29.08.1989	R	12.05.1993	29.08.1989	R
Macedonia	01.09.1993	S X	01.09.1993	S X	01.09.1993	01.09.1993	S
Madagascar	18.07.1963	S	08.05.1992	R	27.07.1993	08.05.1992	R
Malawi	05.01.1968	A	07.10.1991	A		07.10.1991	A
Malaysia	24.08.1962	A					
Maldives	18.06.1991	A	03.09.1991	A		03.09.1991	A
Mali	24.05.1965	A	08.02.1989	A		08.02.1989	A
Malta	22.08.1968	S	17.04.1989	A X	17.04.1989	17.04.1989	A X
Mauritania	30.10.1962	S	14.03.1980	A		14.03.1980	A
Mauritius	18.08.1970	S	22.03.1982	A		22.03.1982	A
Mexico	29.10.1952	R	10.03.1983	A			
Micronesia	19.09.1995	A	19.09.1995	A		19.09.1995	A
Moldova (Republic of)	24.05.1993	A	24.05.1993	A		24.05.1993	A
Monaco	05.07.1950	R					
Mongolia	20.12.1958	A	06.12.1995	R X	06.12.1995	06.12.1995	R
Morocco	26.07.1956	A					
Mozambique	14.03.1983	A	14.03.1983	A			
Myanmar	25.08.1992	A					
Namibia	22.08.1991 ⁽⁶⁾	S	17.06.1994	A	21.07.1994	17.06.1994	A
Nepal	07.02.1964	A					
Netherlands	03.08.1954	R	26.06.1987	R X	26.06.1987	26.06.1987	R
New Zealand	02.05.1959	R X	08.02.1988	R X	08.02.1988	08.02.1988	R
Nicaragua	17.12.1953	R					
Niger	21.04.1964	S	08.06.1979	R		08.06.1979	R
Nigeria	20.06.1961	S	10.10.1988	A		10.10.1988	A
Norway	03.08.1951	R	14.12.1981	R	14.12.1981	14.12.1981	R
Oman	31.01.1974	A	29.03.1984	A X		29.03.1984	A X
Pakistan	12.06.1951	R X					

COUNTRY	GENEVA CONVENTIONS		PROTOCOL I			PROTOCOL II	
	R / A / S	R/D	R / A / S	R/D	D90	R / A / S	R/D
Palau	25.06.1996	A	25.06.1996	A		25.06.1996	A
Panama	10.02.1956	A	18.09.1995	R		18.09.1995	R
Papua New Guinea	26.05.1976	S					
Paraguay	23.10.1961	R	30.11.1990	A		30.11.1990	A
Peru	15.02.1956	R	14.07.1989	R		14.07.1989	R
Philippines	06.10.1952 ⁽⁷⁾	R				11.12.1986	A
Poland	26.11.1954	R X	23.10.1991	R	02.10.1992	23.10.1991	R
Portugal	14.03.1961	R X	27.05.1992	R	01.07.1994	27.05.1992	R
Qatar	15.10.1975	A	05.04.1988	A X	24.09.1991		
Romania	01.06.1954	R X	21.06.1990	R	31.05.1995	21.06.1990	R
Russian Federation	10.05.1954	R X	29.09.1989	R X	29.09.1989	29.09.1989	R X
Rwanda	05.05.1964	S	19.11.1984	A	08.07.1993	19.11.1984	A
Saint Kitts and Nevis	14.02.1986	S	14.02.1986	A		14.02.1986	A
Saint Lucia	18.09.1981	S	07.10.1982	A		07.10.1982	A
Saint Vincent Grenadines	01.04.1981	A	08.04.1983	A		08.04.1983	A
Samoa	23.08.1984	S	23.08.1984	A		23.08.1984	A
San Marino	29.08.1953	A	05.04.1994	R		05.04.1994	R
Sao Tome and Principe	21.05.1976	A	05.07.1996	A		05.07.1996	A
Saudi Arabia	18.05.1963	A	21.08.1987	A X			
Senegal	18.05.1963	S	07.05.1985	R		07.05.1985	R
Seychelles	08.11.1984	A	08.11.1984	A	22.05.1992	08.11.1984	A
Sierra Leone	10.06.1965	S	21.10.1986	A		21.10.1986	A
Singapore	27.04.1973	A					
Slovakia	02.04.1993	S X	02.04.1993	S	13.03.1995	02.04.1993	S
Slovenia	26.03.1992	S	26.03.1992	S	26.03.1992	26.03.1992	S
Solomon Islands	06.07.1981	S	19.09.1988	A		19.09.1988	A
Somalia	12.07.1962	A					
South Africa	31.03.1952	A	21.11.1995	A		21.11.1995	A
Spain	04.08.1952	R	21.04.1989	R X	21.04.1989	21.04.1989	R
Sri Lanka	28.02.1959 ⁽⁸⁾	R					
Sudan	23.09.1957	A					
Suriname	13.10.1976	S X	16.12.1985	A		16.12.1985	A
Swaziland	28.06.1973	A	02.11.1995	A		02.11.1995	A
Sweden	28.12.1953	R	31.08.1979	R X	31.08.1979	31.08.1979	R
Switzerland	31.03.1950 ⁽⁹⁾	R	17.02.1982	R X	17.02.1982	17.02.1982	R
Syrian Arab Republic	02.11.1953	R	14.11.1983	A X			
Tajikistan	13.01.1993	S	13.01.1993	S	10.09.1997	13.01.1993	S
Tanzania (United Rep.of)	12.12.1962	S	15.02.1983	A		15.02.1983	A
Thailand	29.12.1954	A					
Togo	06.01.1962	S	21.06.1984	R	21.11.1991	21.06.1984	R
Tonga	13.04.1978	S					
Trinidad and Tobago	24.09.1963 ⁽¹⁰⁾	A					
Tunisia	04.05.1957	A	09.08.1979	R		09.08.1979	R

COUNTRY	GENEVA CONVENTIONS		PROTOCOL I			PROTOCOL II	
	R / A / S	R/D	R / A / S	R/D	D90	R / A / S	R/D
Turkey	10.02.1954	R					
Turkmenistan	10.04.1992	S	10.04.1992	S		10.04.1992	S
Tuvalu	19.02.1981	S					
Uganda	18.05.1964	A	13.03.1991	A		13.03.1991	A
Ukraine	03.08.1954	R X	25.01.1990	R	25.01.1990	25.01.1990	R
United Arab Emirates	10.05.1972	A	09.03.1983	A X	06.03.1992	09.03.1983	A X
United Kingdom	23.09.1957	R X					
United States of America	02.08.1955	R X					
Uruguay	05.03.1969	R X	13.12.1985	A	17.07.1990	13.12.1985	A
Uzbekistan	08.10.1993	A	08.10.1993	A		08.10.1993	A
Vanuatu	27.10.1982	A	28.02.1985	A		28.02.1985	A
Venezuela	13.02.1956	R					
Viet Nam	28.06.1957	A X	19.10.1981	R			
Yemen	16.07.1970	A X	17.04.1990	R		17.04.1990	R
Yugoslavia	21.04.1950	R X	11.06.1979	R X		11.06.1979	R
Zambia	19.10.1966	A	04.05.1995	A		04.05.1995	A
Zimbabwe	07.03.1983	A	19.10.1992	A		19.10.1992	A

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".

- 1 Djibouti's declaration of succession in respect of the First Convention was dated 26 January 1978.
- 2 On accession to Protocol II, France made a communication concerning Protocol I.
- 3 Entry into force on 7 December 1978.
- 4 Entry into force on 7 December 1978.
- 5 Entered into force on 23 September 1966, the Republic of Korea having invoked Art. 62/61/141/157 common respectively to the First, Second, Third and Fourth Conventions (immediate effect).
- 6 An instrument of accession to the Geneva Conventions and their additional Protocols was deposited by the United Nations Council for Namibia on 18 October 1983. In an instrument deposited on 22 August 1991, Namibia declared its succession to the Geneva Conventions, which were previously applicable pursuant to South Africa's accession on 31 March 1952.
- 7 The First Geneva Convention was ratified on 7 March 1951.
- 8 Accession to the Fourth Geneva Convention on 23 February 1959 (Ceylon had signed only the First, Second, and Third Conventions).
- 9 Entry into force on 21 October 1950.
- 10 Accession to the First Geneva Convention on 17 May 1963.

IMPLEMENTATION OF AND RESPECT FOR THE LAW

Advisory Service on International Humanitarian Law

promoting greater respect for humanitarian law

Promoting greater respect for humanitarian law and ensuring its implementation at the national level continued to be an important and urgent task for the ICRC. The role of the organization's Advisory Service on International Humanitarian Law, which was set up within its Legal Division at the end of 1995 pursuant to recommendations adopted by the 26th International Conference of the Red Cross and Red Crescent, is to advise governments on the implementation of humanitarian law and adherence to humanitarian law treaties. The Advisory Service works in close cooperation with governments, National Red Cross and Red Crescent Societies, international organizations and specialized institutions.

seminars on humanitarian law

In 1997 the Advisory Service organized a series of seminars around the world, bringing together representatives of national authorities and other experts to examine the implementation of humanitarian law and to plan further action. National seminars took place in Jordan (17-19 February), Swaziland (25 February), Lesotho (4-5 March), Yemen (8-10 March), Mozambique (18-20 March), Belarus (23-24 April), Senegal (7 May), Benin (17-18 June), Lebanon (8-10 July) and Russia (2-3 December). A regional seminar for the countries of South Asia was held in Kathmandu (19-23 May) in cooperation with UNESCO, and was attended by representatives from Bangladesh, India, the Maldives, Nepal, Pakistan and Sri Lanka. A special meeting on humanitarian law was organized in Tehran (5 May), under the auspices of the 36th session of the African Asian Legal Consultative Committee, for representatives from over 30 African and Asian countries. Lastly, the Advisory Service contributed to a seminar on the dissemination and implementation of humanitarian law held in London by the British Red Cross and the British government (6-7 October).

advice on national legislation

The enactment of national legislation to punish war crimes and to prevent misuse of the red cross, red crescent and other emblems is central to ensuring full respect for humanitarian law. The Advisory Service therefore provides technical assistance and other advice on the drafting, adoption and amendment of such legislation. In 1997 it carried out this type of work in Armenia, Belarus, Benin, Burkina Faso, the Central African Republic, Colombia, Côte d'Ivoire, the Dominican Republic, Ecuador, Estonia, France, Georgia, Hong Kong, Kyrgyzstan, Lithuania, Namibia, Syria, Tajikistan, Togo, Turkmenistan, Ukraine, the United States of America and Venezuela.

analysis of legislation and case law

The Advisory Service also gathers and analyses information on new legislation and national case law. In 1997, for example, laws regulating the use of the red cross, red crescent and other emblems were adopted in Cameroon (January),

Costa Rica (October) and Guatemala (November). The scope of the United States War Crimes Act was expanded to cover additional offences, including breaches of the law committed in non-international armed conflicts and violations of Protocol II (on mines) to the 1980 UN Convention on Certain Conventional Weapons.¹ Legislation on the use of anti-personnel landmines was enacted in Austria, Canada, Guatemala and Italy. Lastly, decisions relating to war crimes and other humanitarian law issues were handed down by a number of national courts, in particular in Belgium, Germany, the Netherlands and Switzerland.

From 23 to 25 September an international meeting of experts was held in Geneva by the Advisory Service to discuss the repression of war crimes and other violations of humanitarian law under national criminal law. This meeting brought together over 35 national experts from civil-law countries, including judges, magistrates, prosecutors, lawyers and academics. Their conclusions, on a range of legal issues relating to the topic, will form the basis of published guidelines. A similar meeting for experts from common-law countries is planned for 1998.

During the year under review members of the Advisory Service also contributed to meetings on the repression of international crimes held, in particular, by Amnesty International, the University of Milan, the International Society for Military Law and the Law of War (all three in May) and the British Institute of International and Comparative Law (in November).

The establishment of national committees for the implementation of humanitarian law, comprising representatives of ministries and national bodies responsible for implementation, has been identified as an effective means of promoting compliance with the law at the country level. In 1997 such committees were set up in Belarus, El Salvador, Ethiopia, Panama, Portugal, Senegal, South Africa and Togo, and the national committees of Argentina and Chile held their first joint meeting. There are now over 60 countries with national committees or similar bodies. Other countries are considering setting up their own committees, including Benin, Burkina Faso, Canada, Costa Rica, the Dominican Republic, Ecuador, Ghana, Guatemala, Mali, Mozambique and Slovenia.

In Abidjan on 12 and 13 August the Advisory Service organized the first regional meeting of national committees, which was attended by representatives from 12 African countries. The meeting's purpose was to exchange information on the work of these committees and on the implementation of humanitarian law in Africa. Members of the Advisory Service also held meetings with representa-

national prosecution of war criminals

national committees

meetings with national bodies

¹ The full name of this treaty, adopted on 10 October 1980, is the 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.

tives of national humanitarian law bodies in Argentina, Côte d'Ivoire, El Salvador, Ethiopia, Namibia, Panama, Zambia and Zimbabwe, and took part in the Fourth International Workshop on National Institutions for the Promotion and Protection of Human Rights, held in Mexico from 27 to 30 November.

publications

During the year the Advisory Service published a report² on the meeting of international experts that was held in Geneva in 1996 to discuss the work of national committees. The report, distributed to all governments, provides guidance on the setting-up, composition and working methods of the committees. Moreover, the Advisory Service added to its list of publications intended to explain humanitarian law issues in clear and accessible terms, and published its first annual report³ covering its own activities, general developments relating to the implementation of humanitarian law and guidelines on specific implementation issues.

First periodical meeting of the States party to the 1949 Geneva Conventions

recommendation of the International Conference

In December 1995 the 26th International Conference of the Red Cross and Red Crescent had endorsed, in its Resolution 1, the recommendations drawn up by the Intergovernmental Group of Experts for the Protection of War Victims (Geneva, 23-27 January 1995). Recommendation VII of the Group of Experts suggested that "the Depositary organize periodical meetings of the States party to the 1949 Geneva Conventions to consider general problems regarding the application of IHL". In response to this recommendation, the Swiss government, in its capacity as depositary of the Geneva Conventions, had submitted to the 26th International Conference its proposals for holding such periodical meetings and had specified that the ICRC would play a key role in preparing the meetings and the documents required for them.

preparations for the meeting

Pursuant to a series of consultations begun in early 1997 between the Swiss government and the States Parties, the date of the first periodical meeting was set for 19 to 23 January 1998. Together with the ICRC, the Swiss government considered various topics for discussion at the meeting. Two of these emerged as the major focus of interest and concern among States: the security of humanitarian personnel working in situations of violence, on the one hand, and armed conflicts linked to the disintegration of State structures, on the other. The ICRC therefore prepared two working documents on these topics.

² C. Pellandini (ed.), *Committees or other national bodies for international humanitarian law: Meeting of experts*, ICRC, Geneva, 1997, 130 pp.

³ *National implementation of international humanitarian law: Annual Report 1996, Advisory Service on International Humanitarian Law*, ICRC, Geneva, 1997, 102 pp.

International criminal court

The Preparatory Committee on the Establishment of an International Criminal Court met three times in 1997 in New York. The Committee, open to all States, has been entrusted with the task of drafting a statute for the future court. Its discussions, held ahead of a diplomatic conference to be convened in Rome in June 1998, were intense and for the most part constructive. The conference's aim will be to adopt a convention setting up the court, which will be responsible for prosecuting individuals suspected of having committed serious international crimes, such as genocide, crimes against humanity and war crimes, in cases where national courts have failed to do so.

Pursuant to its mandate to promote humanitarian law, and in particular the implementation thereof, the ICRC took an active part in the Preparatory Committee's discussions. Many of the issues dealt with were of fundamental importance to both the effectiveness of the court and the safeguarding of existing law, especially the definition of the crimes envisaged, the question of the complementarity between national courts and the future international criminal court, and the preconditions to the exercise of jurisdiction by the court (referred to as the "trigger mechanism"). The ICRC deemed it important to take a position on these issues and to stress the need for ensuring, as far as possible, that existing humanitarian law was reflected in the court's draft statute.

*preparation of a
diplomatic conference*

*key issues relating to the effective
repression of war crimes*

Civil Defence

Together with the International Civil Defence Organization, the ICRC held a meeting of experts on the implementation of the rules of humanitarian law relating to civil defence in Gollion, Switzerland, from 30 June to 2 July. The meeting, on which a report was published, was organized pursuant to Resolution 2(A)(j) of the 26th International Conference, which "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, 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".

During the meeting the experts examined, in the light of the nature of current conflicts and disaster situations, the relevance of the provisions of humanitarian law which grant civil defence organizations and their personnel a status comparable to that of medical units (Articles 61-67 of Protocol I). They concluded that while the rules as a whole are still relevant, they are largely unknown.

meeting of experts

*relevance of the provisions
of humanitarian law
on civil defence*

DEVELOPMENTS IN THE LAW

Study on the customary rules of humanitarian law

recommendation of the International Conference

The 26th International Conference, by endorsing Recommendation II of the Intergovernmental Group of Experts for the Protection of War Victims, formally invited the ICRC "to prepare, with the assistance of experts in IHL representing various geographical regions and different legal systems, and in consultation with experts from governments and international organizations, a report on customary rules of IHL applicable in international and non-international armed conflicts, and to circulate the report to States and competent international bodies".

Steering Committee

A plan of action was drawn up in 1996 by the report's Steering Committee, composed of renowned academic experts in humanitarian law, and research began towards the end of 1996 and continued throughout 1997.

research method

The Steering Committee's decision to divide the research into two parts, one focusing on national sources of State practice and the other on international sources, was fully implemented. Some 50 States were selected for an in-depth study of their practices as reflected in national sources. In each country a research team was set up to prepare a national practice report. By the end of 1997 most of the reports, drawn up on the basis of the *Research guide for national practice reports*, had been received. A meeting of some 30 national research supervisors took place in Geneva from 24 to 25 April to discuss all outstanding questions. Its conclusions were published in the form of a new annex to the *Research guide*, together with a revised table of contents. The practice of other countries was examined as part of the research conducted on international sources and in the ICRC's archives.

ICRC archives

Two research assistants were appointed and some 40 recent armed conflicts selected for the part of the study carried out in the ICRC's archives. This resulted in as many reports, drawn up in accordance with roughly the same guidelines as the national practice reports.

consolidation of results

Research on international sources was conducted throughout 1997 by six academic teams, each concentrating on one of the following topics: the principle of distinction, methods of warfare, the use of weapons, specific forms of protection, the treatment of individuals and human rights law applicable in armed conflict, and accountability and implementation. Reports on these topics were then prepared on the basis of the *Research guide for international practice reports*. In early 1998, the research teams will compile six consolidated reports, to be submitted to the Steering Committee during the year, which are to combine the information from the national practice reports with that from the international practice reports and the ICRC archives reports. The ICRC will subsequently draft the

final report, taking into account the opinions of the experts consulted, for submission to the 27th International Conference in November 1999.

Protection of internally displaced persons

Every year armed conflicts force hundreds of thousands, and even millions of people to flee their homes. These people are entitled to protection under the Geneva Conventions and their Additional Protocols.

As part of its work on legal issues, in 1997 the ICRC assisted in the preparation of a set of Guiding Principles on Internal Displacement drafted by Mr Francis Deng, the UN Representative of the Secretary-General on internally displaced persons. The aim of the principles is to prevent displacement, protect persons who have already been displaced and facilitate their return home in safety and with dignity. The reiteration of these basic rules should serve both to promote the cause of war victims and to afford them greater protection.

Protection of children in armed conflicts

The situation of child victims of armed conflict around the world improved little during the year under review. However it was encouraging to note that both civil society and the international community had rallied behind them. The ICRC, for its part, met the UN Expert on the impact of armed conflict on children. A willingness was expressed on both sides to join forces in an effort to improve the situation of children, and the ICRC undertook to do its utmost to assist the Expert, in particular by contributing its expertise in the field of humanitarian law.

At the invitation of the UN Commission on Human Rights, in January the ICRC took part for the third consecutive time in the session of the working group responsible for preparing a draft optional protocol to the UN Convention on the Rights of the Child. One of the purposes of the optional protocol is to raise the minimum age for the recruitment of children into the armed forces or other armed groups and for their participation in hostilities. The ICRC clearly expressed its support for bringing the minimum age up to 18 years, in accordance with the Plan of Action for the Red Cross and Red Crescent Movement concerning children in armed conflicts. To this end, it contributed to the relevant report submitted to the 1997 Council of Delegates, which adopted a resolution endorsing the approach taken by the Plan of Action. With a view to ensuring harmonization between the draft optional protocol and the principles and rules of humanitarian law, the ICRC also prepared a document containing details of the legal arguments that underpin its position, and referring specifically to its concerns about the potential danger that existing norms might be weakened.

greater protection for children

draft optional protocol to the Convention on the Rights of the Child

Yet the introduction of a new protocol alone is not enough. Effective implementation of the law should also be ensured, in particular by establishing mechanisms to repress violations. For this reason, the ICRC proposed that the act of recruiting children into the armed forces or armed groups, or obliging them to take part in hostilities, should be included in the list of war crimes falling within the competence of the future international criminal court.

Human rights

The ICRC followed with unflagging interest the discussions on human rights and on developments in this domain that took place in numerous forums, particularly the UN Commission on Human Rights and its various bodies. The international community was now more aware of the importance of respect for human rights law and humanitarian law than ever before. Anxious to emphasize the strong ties between these two bodies of law, while at the same time stressing their peculiarities and dissimilarities, the ICRC endeavoured to attend and take an active part in meetings that dealt with such topics as the protection of women and children, forced disappearances, torture, minimum humanitarian standards, the transfer of arms (including anti-personnel mines), terrorism, refugees and internally displaced persons, the privatization of prisons, and impunity. Throughout 1997 the ICRC thus made substantial contributions, in the form of its legal expertise, to the development of international human rights law.

Minimum humanitarian standards

In its Resolution 1997/21, the UN Commission on Human Rights requested the Secretary-General, in coordination with the ICRC, to submit to the Commission at its 54th session an analytical report on the issue of fundamental standards of humanity, taking into consideration in particular the issues raised in the report of the International Workshop on Minimum Humanitarian Standards held in Cape Town, South Africa, from 27 to 29 September 1996, and identifying, *inter alia*, common rules of human rights law and international humanitarian law that are applicable in all circumstances.

Protection of cultural property during armed conflicts

In 1997 the Hague Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict was under review. The ICRC took part in a meeting of 20 government experts held from 24 to 27 March at UNESCO headquarters in Paris to examine a proposal to improve the protection of cultural property during armed conflicts, known as the Lauswolt

document.⁴ On the basis of the experts' conclusions, the UNESCO Secretariat drew up a revised document, which it submitted to all the States party to the 1954 Hague Convention at a meeting at its headquarters on 13 November. The participants decided that another meeting should be held to discuss certain legal questions and they welcomed a proposal by the Netherlands to convene a diplomatic conference in 1999 to adopt the new Lauswolt document as an international treaty.

Identification of medical transports

As part of its work to protect and improve the means of identification of medical transports in times of armed conflict, the ICRC attended several meetings of experts convened by specialized international organizations such as IMO* and ITU.* It also pursued its research on new technologies which were being developed and could result in clearer identification of medical transports at some future stage.

REGULATIONS ON WEAPONS

Anti-personnel mines

In 1997 the ICRC and the International Red Cross and Red Crescent Movement as a whole played a key role in the success of the Ottawa process, which culminated in the total prohibition of anti-personnel mines. In particular, the ICRC hosted or supported a number of important meetings at regional level. These included a seminar in Harare, Zimbabwe, from 20 to 23 April for officials from the Ministries of Defence and Foreign Affairs of the 12 member States of the Southern Africa Development Community. Representatives of the National Societies of these 12 countries had already met in Maputo in February, where they had called upon their governments to support the Ottawa process and to adopt national prohibitions on the use, stockpiling, production and transfer of anti-personnel mines.

The ICRC and the Committee on Migration, Refugees and Demography of the Council of Europe's Parliamentary Assembly organized a joint seminar on anti-personnel mines on 7 March in Budapest. This initiative led to a resolution by the Assembly urging all member States to become party to the future international treaty for a comprehensive ban on these weapons and to adopt national

*total ban on landmines:
ICRC contribution to the
Ottawa process*

⁴ The document is named after the Dutch town in which a small group of experts drafted it in February 1994.

* IMO: International Maritime Organization

* ITU: International Telecommunication Union

SIGNATORIES OF THE OTTAWA CONVENTION

Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darrussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, Colombia, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, El Salvador, Ethiopia, Fiji, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Holy See, Honduras, Hungary, Iceland, Indonesia, Ireland, Italy, Jamaica, Japan, Kenya, Lesotho, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Niue, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Seychelles, Slovak Republic, Slovenia, Solomon Islands, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Tanzania, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Kingdom, Uruguay, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe.

measures prohibiting or restricting their use. In July in Manila, with the cooperation of the Philippine government and the Philippine National Red Cross, the ICRC hosted an Asian regional seminar for military and strategic studies experts on anti-personnel mines that focused on the question of their military utility. Experts from 18 countries, including 13 in the region, attended the seminar, which found that the humanitarian consequences of anti-personnel mines far outweighed their military utility.

The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction was adopted on 18 September by 89 States at a Diplomatic Conference convened in Oslo, Norway, and it was signed by 121 States at an official ceremony held from 3 to 4 December in Ottawa, Canada.

It was the Canadian Foreign Minister, Lloyd Axworthy, who had provided the impetus for this treaty in October 1996. Several intergovernmental conferences were subsequently convened: in Vienna in February 1997, where views were exchanged

*drafting and adoption
of the 1997 Convention
banning landmines*

national measures

on the content of the treaty; in Bonn in April, where the specific issue of verification was addressed; and in Brussels in June, where a declaration was adopted calling for the conclusion of the treaty at the Oslo Diplomatic Conference and its signature in Ottawa at the end of 1997. The ICRC took an active part in all these conferences, in particular with regard to the drafting of the text.

By the end of the year 123 States had signed the Ottawa Convention, three had ratified it,⁵ seven had announced the total destruction of their stockpiles of anti-personnel mines and seven had adopted national legislation prohibiting them. In addition, as a matter of policy rather than law, a further 13 States were already in the process of destroying some or all of their stockpiles, 30 States had ended the production of these weapons and 31 their use.

With the adoption of the Ottawa Convention, the ICRC's mines-related work moved into a new phase during which efforts turned to promoting universal

⁵ Namely, Canada, Ireland and Mauritius.

adherence to and implementation of the treaty. The ICRC produced ratification kits in seven languages (Arabic, Chinese, English, French, Portuguese, Russian and Spanish), which were distributed to the representatives of the States attending the Treaty Signing Conference and Mine Action Forum in Ottawa. Moreover, a layman's guide to the Convention and the Ottawa process was produced in all official UN languages.⁶

*ICRC work on ratification
and implementation*

1980 UN Convention on Certain Conventional Weapons

The number of States party to the UN Convention on Certain Conventional Weapons (CCW)⁷ rose to 71 with the addition of Cambodia, Cape Verde, the Holy See, Monaco, Panama, Peru, Portugal and Uzbekistan. Of these eight States, all but Monaco and Peru adhered to the Convention's three original Protocols, as have all but seven of its other States Parties. Monaco is party only to Protocol I on non-detectable fragments; Benin, Jordan and Peru are party only to Protocol III on incendiary weapons and to Protocol I; France, Israel and the United States are bound only by Protocol II on mines, booby-traps and other devices and by Protocol I. The ICRC continues to encourage adherence to the CCW's Protocol II as this covers not only anti-personnel mines, but also anti-vehicle mines and other explosive devices.

Blinding laser weapons

The ICRC continued actively to promote ratification by States of Protocol IV prohibiting the use and transfer of blinding laser weapons, which was added to the CCW in 1995. It also encouraged governments, when ratifying it, to declare that they would apply the Protocol's provisions "in all circumstances". This reflected the widespread agreement among the States having negotiated the Protocol that it should apply in both international and internal conflicts and that such weapons should simply not exist. States were furthermore urged to enact additional national measures to ensure that blinding laser weapons were neither developed nor produced. By the end of 1997 the following 16 States had ratified Protocol IV: Australia, Cambodia, Cape Verde, Denmark, Finland, Germany, Greece, the Holy See, Ireland, Japan, Liechtenstein, Panama, Peru, the Philippines, Sweden and Uzbekistan. It therefore appeared likely that the number of ratifications required for entry into force, namely 20, would be reached in 1998.

⁶ *Banning anti-personnel mines: the Ottawa treaty explained*, ICRC, Geneva, 1998, 22 p.

⁷ For full title, see p. 289.

Chemical and biological weapons

A major development in 1997 was the entry into force of the 1993 Chemical Weapons Convention (CWC)⁸ prohibiting the production, stockpiling, transfer and use of such weapons and requiring the destruction of existing stockpiles. This landmark treaty significantly reinforced earlier provisions of humanitarian law which outlawed only the *use* of chemical and biological weapons. Upon its entry into force on 29 April 1997, the States Parties formally established a new international body, the Organization for the Prohibition of Chemical Weapons, which is based in The Hague and is in charge of monitoring relevant chemical industry activities worldwide, overseeing the destruction of existing chemical weapons and investigating situations where doubts arise about compliance. At the first conference of States party to the CWC, the ICRC urged those which had made reservations to the 1925 Geneva Protocol prohibiting the use of chemical and biological weapons to remove such reservations. By the end of the year 105 States had ratified the CWC.

Other weapons

In 1997 ICRC medical and technical staff continued to monitor technological advances concerning other weapons, both existing and under development, which might be considered to violate the norms of humanitarian law. In particular, attention was given to small-calibre arms and the category of new arms being promoted as "non-lethal". Possible objective criteria for evaluating new weapons based on their health effects were considered and the study of these criteria would continue in 1998.

Arms transfers

The ICRC continued to stress its deep concern about the effects of virtually unrestrained arms transfers, particularly of small-calibre arms, which have caused most of the civilian casualties in recent conflicts. In 1997 work continued on an ICRC study, commissioned by the 26th International Conference, on the relationship between arms availability, violations of humanitarian law and the deterioration of the situation of civilians. Arms transfers were also the subject of a resolution adopted by the Council of Delegates in November.

⁸ The full title of this treaty, adopted on 13 January 1993, is the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

SPREADING KNOWLEDGE OF HUMANITARIAN LAW

At a time of crumbling nation-States, privatization of wars and increasingly frequent overlapping between military hostilities and criminality, it is ever more important to spread the humanitarian message. Indeed, this is an essential component of the ICRC's work. Where this message fails to get across, humanitarian action is frequently misunderstood, access to victims is difficult and the safety of humanitarian workers is jeopardized. Yet the act of listening, communicating, persuading, and adapting to so many different situations poses a considerable challenge. In 1997 over 50 delegates, assisted by some 300 specialized local staff and their colleagues in the ICRC's 54 delegations worldwide, mobilized substantial political, military and artistic resources to take up this challenge. They launched educational programmes and local or international campaigns designed to spread the humanitarian message so that it could be received, understood and incorporated into the actions of all those involved in contemporary violence, no matter how different their perceptions and culture might be. The purpose of such activities is to foster an instinctive respect for human dignity and to alert various target groups to the fundamental principles that form the basis of humanitarian law. To this end, and especially so that in times of conflict civilians are respected, the wounded are collected and cared for, and prisoners receive humane treatment, those who promote and impart knowledge of this law constantly explore new avenues and seek new partners.

fostering an instinctive respect for human dignity

Youth: a challenge for today and tomorrow

Nowadays fighters are recruited from among all age groups, and young people play an increasingly prominent role in acts of violence and even armed conflicts. In countries at war, many children are already combatants and others soon will be. In these circumstances, how can one ensure that the humanitarian message gets through? How does one convince children bearing arms, who are at once the perpetrators and the victims of violence, to respect certain rules? In Somalia, the ICRC and the National Society pursued a dissemination programme begun in 1996 and designed specifically for young armed militiamen. Its goal was to teach these youthful combatants a certain code of conduct that must be applied in all circumstances. To achieve this, dissemination workers first identified the tenets of humanitarian law that already existed in Somali traditions and then used them as a basis for developing culturally suitable material. The result was a stage production that toured the entire country and was made into a video tape, radio programmes and a comic strip, all of which gave young people the opportunity to reflect on and react to situations that were both woven into the stories and occurred in their daily lives.

using theatre, radio and comic strips to promote humanitarian values

*music goes to war: an
ambitious African campaign*

Similarly, the ICRC invited six of the most popular African musicians to stage an awareness campaign for youth, particularly young combatants, on their continent. The purpose of the campaign, launched in October, was to instil respect for humanitarian law in the youngsters and encourage them to reflect on the subject of violence. After visiting and facing the reality of some of the places in Africa most devastated by conflict – Angola, KwaZulu/Natal in South Africa, Liberia and southern Sudan – the musicians, five men and one woman, composed a series of songs about what they had witnessed. The most powerful, entitled "So Why", asks the questions that haunt them, such as why so many children die and why there are so many wars. The campaign also resulted in a documentary film and a book with a foreword by South African President Nelson Mandela, who commended the ICRC initiative and joined the musicians in "appealing to all Africans to make Africa a continent of our dreams."

Organized and run by Africans for Africans, the "So Why" campaign was hugely popular from the outset. It was simultaneously launched in 34 countries, including eight war zones, and the humanitarian message it conveyed echoed and reverberated throughout the continent. The involvement of the music stars throughout the campaign was the key to its success. In addition to performing the songs, they acted as peace ambassadors who brought the humanitarian message to their own communities. Respected and often adored by the young, including child soldiers, they succeeded in communicating their distress and misgivings about uncontrolled violence, and their hope that their young audiences would do what they could to overcome it.

*exploring humanitarian
law in the classroom*

More generally, children living in regions affected by serious instability or recent conflicts need support in their efforts to break away from the spiral of violence. While inspiration they derive from role models – musicians, actors, sports stars – plays an essential role, their education is often the catalyst to greater awareness. In Armenia, Azerbaijan, Georgia, the Russian Federation and Tajikistan, for example, schoolchildren aged 11 and 12 years took a course to alert them to the problem of violence and help them explore the fundamental principles of humanitarian law. The ICRC, in cooperation with the Ministries of Education in these countries, distributed over 2.5 million reading books to the children with texts illustrating behavioural problems in situations of violence and conflict. Following its evaluation, the programme was to be extended in 1998 and 1999 to 13 and 14 year-olds in the same region.

Promoting humanitarian law in academic circles

The ICRC also developed its activities to promote humanitarian law in academic circles all over the world. In the Russian Federation, for example, this law now features in the curricula of institutions of higher learning and in India a national research centre supported by the ICRC monitors its promotion at the

University of Delhi and the University of Bangalore. The introduction of humanitarian law into universities serves both to familiarize the future political, economic and military elite with the fundamental rules governing respect for universal values of humanity, and to train experts in circles likely to participate in developing the law when the time comes. These important factors prompted the ICRC's Division for the Promotion of International Humanitarian Law to appoint a coordinator for academic circles. Starting in February, the coordinator supported the dissemination efforts of delegations and responded to numerous appeals from these circles. Such contacts were to be further strengthened in the months to come with the availability of a specialized Website, teaching materials and high-level training courses in Geneva and New York in 1998 and 1999.

Each year the ICRC helps run two courses on international humanitarian law for undergraduate and postgraduate law students. Accordingly, the 15th such course in English was held jointly by the Polish Red Cross and the ICRC in Warsaw from 4 to 14 August, and was attended by 29 students from 19 European countries, Canada and the United States. Similarly, the 10th course in French was held jointly by the Swiss Red Cross and the ICRC in Nottwil, Switzerland, from 27 August to 5 September, and was attended by 33 students from 17 European countries and Canada. The students, whose quality improves each year and who expressed satisfaction with the instruction received, were taught all aspects of the law and took part in practical exercises for each topic covered. Because the number of people wishing to attend the courses increases every year, the organizers are in a position to select quality candidates.

*humanitarian law
at universities*

*intensive summer
courses for law students*

Instilling respect for humanitarian law in the armed and security forces: a crucial task

Access to victims of violence hinges on dialogue with the armed and security (police) forces. The ICRC develops ongoing relations with these forces so as to instil respect for humanitarian law in them and be able to fulfil its mandate to assist and protect these victims. This is the task of the Division for Relations with Armed and Security Forces, whose core activities consist in teaching and helping to introduce the law of armed conflict into military instruction programmes. The ICRC seeks thereby to build trustful relations with the military and paramilitary world so as to facilitate its access to victims that fall within its mandate, if need be. As for so-called irregular forces, the ICRC has admittedly struggled in its attempts to build up relations with them owing to their diversity and peculiar structure, or lack of structure. Humanitarian law is such an alien concept to these forces that it is difficult to find the right words or the appropriate means to convey to them the basic humanitarian message or code of conduct.

*gaining access to victims
and ensuring compliance
with the law*

*convincing military
decision-makers*

The ICRC cannot develop its activities to promote humanitarian law unless strategy decision-makers view the principles of that law in a favourable light. Accordingly, the organization has adopted a specific approach for its work with senior military instructors and commanders-in-chief. To this end, it created the post of Adviser on Relations with the Armed Forces, to which it appointed a retired major-general. In 1997 the incumbent was in regular contact with the German Military Academy in Hamburg, the NATO Defence College in Rome, the United States Army School of the Americas in Fort Benning and the Academy of the General Staff of the Russian Army in Moscow.

specialized delegates

In order to guarantee that its contacts with the armed and security forces are maintained, the ICRC has set up a network of delegates to the armed forces on all continents except Oceania, which is covered by the regional delegation in Bangkok. These delegates can draw on the services of a pool of military and police officers who have been specially trained to teach the law of armed conflict and human rights law. They may be called on to give courses or, in some cases, to assist in introducing humanitarian law into national instruction programmes for the military or the police.

an adaptable training module

In its quest to inform the armed and security forces and their commanding officers about the law of armed conflict and human rights law, the ICRC endeavours to adapt its methods to their specific roles and to the situation in the countries concerned. To this end, it has developed a training module as a supplement to its traditional methods of instruction for high-ranking members of the military. The module comprises a wide range of tools, including printed material, transparencies, videos and a CD ROM, which make the teaching process as realistic, credible and effective as possible. By using the module, the ICRC can adapt its message to any target group within the armed or security forces. The organization's training programmes are designed in such a way as to help the military or police forces conduct their operations in compliance with the international law in force.

*relations with
specialized institutes*

In a spirit of complementarity, the ICRC continued its support for the International Institute of Humanitarian Law in San Remo. As regards peace-keeping operations, the ICRC developed relations with the Canadian International Peace-Keeping Training Centre (or Lester Pearson Centre) in Nova Scotia and the International Association for Peace-Keeping Training Centres. Lastly, the ICRC's regular contacts with the Geneva Security Policy Centre was expected to lead in 1998 to the production of joint teaching materials.

Spreading the universal message of humanitarian law with due regard for cultural traits

During the year the ICRC stepped up its contacts and activities in over 150 countries in a bid to promote humanitarian values around the world. Through its network of regional delegations, it drew the attention of States to their obligation to spread knowledge of and promote respect for humanitarian law. Yet such efforts to prevent violations of the law were not directed at governments alone.

In some regions, such as the Middle East and North Africa, activities to promote humanitarian law were also intended to alert the largest number of people possible to its basic rules, and to present the ICRC as a legitimate humanitarian partner. Accordingly, the ICRC strengthened the regional promotion office of its Cairo delegation and stimulated discussions on related issues in all sectors of Arab society. The greatest challenge ahead was to ensure that quality material on humanitarian topics would be given space and air time in the most widely read press and the most popular television and radio shows in the Arab world.

This work, based on a sound knowledge of the habits, tastes and customs of the target communities, was undertaken in the hope that it would serve to enhance the universality of humanitarian law, with due regard for the local context. National Red Crescent or Red Cross Societies were joined in this endeavour by performers, sociologists, historians, lawyers and economists, all of whom contributed to the success of the Cairo delegation's productions. They also served as local critics and could explain cultural characteristics, which must remain unaltered at all costs. Lastly, they represented the way forward, for the ICRC will be able to depend on them in the future to assume some of the responsibility for promoting humanitarian law.

Concern for durable results and for regional and national considerations were also at the heart of an ambitious dissemination project in Guatemala, which began in 1996 and was to conclude in 1998. The year under review marked the end of the project's evaluation and preparation stage, which served to pinpoint the links between Mayan customs and the rules of humanitarian law. The implementation phase was to involve the active participation of various players in Guatemalan civil society, such as entertainers, journalists, academics, civil servants and representatives of non-governmental organizations. This project was developed at a time when, after 36 years of warfare, Guatemalan guerrillas were preparing to enter into a peace accord with the government. Following the accord's signature in December 1996, the Mayan project became part of a nationwide drive to strengthen social cohesion and improve respect for the political, cultural and economic rights of all Guatemalans, in particular the indigenous population.

*using the media to
promote the law regionally*

*putting across a universal
message adapted
to the local context*

Owing to the contacts it had forged and maintained over the years with all the factions involved in the conflict in Afghanistan, the ICRC was still able to make its message heard there. The bans that had rained down on the country, including the prohibition to reproduce visual images of living beings, constantly obliged the ICRC to adapt the tools it used to get its message across. During the year under review the organization focused primarily on national and international radio programmes, which enabled it to reach the vast majority of the population.

Local partners relay the humanitarian message

*programmes that depend on
National Societies*

The Afghan, Guatemalan and Egyptian programmes all reflect the ICRC's policy of developing its network of contacts in entertainment, political, economic, military and academic circles. The humanitarian message is never more successful than when it is sent out by individuals in a position to influence the largest number of people possible and, if necessary, to trigger a debate on the universal values conveyed by humanitarian law. For this reason, many dissemination and promotion programmes rely on the input of National Red Cross and Red Crescent Societies. Rooted as they are in their own social and cultural environments, the members of these Societies are extraordinarily effective relays of the humanitarian message. Such was the case in Nigeria, for example, where the National Society joined the ICRC in conducting an awareness-raising campaign on humanitarian values among young people. The astonishing success of "Askari", a project named after the play which was its centrepiece, was due to the untiring efforts of the members of the Nigerian Red Cross. The play, about a king whose fear of losing his power prompts him to declare war on a neighbouring kingdom, was performed from May to July in 20 of Nigeria's provinces, triggering much debate on humanitarian values and related topics wherever it went.

This type of cooperation allows the ICRC to work closely with people from a wide range of cultural backgrounds. In so doing, it can explore many new ways of promoting the universality of humanitarian law, select humanitarian messages that are suited to the cultural context, and identify the most effective means of conveying them.

Banning anti-personnel mines: a campaign involving tangible prevention measures

The signature in 1997 by 123 States of the Ottawa Convention⁹ banning anti-personnel mines was the outcome of a vast campaign waged jointly by the ICRC and non-governmental organizations. Efforts will now have to be made to convince all States to accede to and comply with the Convention. At the same time,

⁹ See pp. 295-297.

immediate and relentless action is required to deal with the threat that millions of buried mines pose for entire populations.

Some 200 people trained by ICRC experts participated during the year in the mine-awareness and prevention programmes carried out by the ICRC in Bosnia and Herzegovina, Croatia and Azerbaijan since 1996. Well integrated in their communities and usually members of local Red Cross or Red Crescent branches, these individuals were in a position to alert the population to the danger of mines and help change people's behaviour where necessary. For example, in Bosnia and Herzegovina they collected information on mine-related accidents, which claimed an average of 50 victims per month. This information was used to build up a picture of local habits and adapt prevention campaigns accordingly. It was also made available to national and local authorities and to non-governmental organizations, particularly those involved in mine clearance, to help formulate a global and coordinated response to the mines problem.

*alerting people to
the danger of landmines*

A creative and stringent approach to spreading knowledge of the law

Protecting victims means, first and foremost, assisting those needing help today. Yet it also means thinking of the victims of tomorrow, and mobilizing anyone able to help prevent the acts that humanity condemns. To achieve these goals, projects aimed at spreading knowledge of humanitarian law explore every possible avenue and work with dependable relays that are well integrated in the local environment. Promoting the universal humanitarian message, using creative means to convey the message to others and undertaking stringent evaluations of projects already under way so as to keep on improving them, these are the challenges facing dissemination in a world, and in situations of conflict, that are ever changing.

ICRC COOPERATION WITHIN THE MOVEMENT

THE WORK OF THE STATUTORY BODIES

Standing Commission

a preparatory role

The Standing Commission is a body within the Movement whose primary function is to monitor preparations for the International Conference of the Red Cross and Red Crescent and the Council of Delegates. The Commission comprises nine members: five representatives of National Societies, who are elected at each International Conference; two representatives of the ICRC (its President and its Director for International Law and Policy); and two representatives of the International Federation of Red Cross and Red Crescent Societies (its President and its Secretary-General). Princess Margriet, Vice-President of the Netherlands Red Cross, was elected Chairwoman of the Commission at the 26th International Conference.

four ad hoc bodies

The Standing Commission met four times in 1997: from 21 to 22 April and on 30 June in Geneva, and on 17 and 28 November in Seville. During the year the four ad hoc working groups previously established by the Commission pursued their duties. Each group comprises one or two elected members of the Commission, who chair the group, one representative from the ICRC and one from the Federation. Their meetings concerned: (a) preparations for the 27th International Conference (chaired by Mrs Christina Magnuson and Dr Byron R. Hove); (b) the emblem (chaired by Mrs Christina Magnuson); (c) follow-up to and preparations for the Council of Delegates (chaired by Dr Guillermo Rueda Montaña, with the assistance of Mr Tadateru Koneo); and (d) the setting-up of an arbitration mechanism (chaired by Dr Byron R. Hove).

The Standing Commission submitted to the 1997 Council of Delegates in Seville three reports on its activities, dealing respectively with general questions, the emblem and preparations for the 27th International Conference. The reliance of the Commission on ad hoc working groups to carry out various tasks was welcomed by the Council of Delegates, which also encouraged the Commission to step up the involvement of National Societies in its activities.

In 1997 the Standing Commission awarded 24 Henry Dunant Medals.

Council of Delegates

The Council of Delegates is the body which, every two years, brings together representatives of all the components of the Movement (ICRC, Federation, National Societies) to discuss matters of mutual interest.

At the invitation of the Spanish Red Cross, the Council of Delegates met in Seville from 25 to 27 November. It was attended by representatives of all 175 National Red Cross and Red Crescent Societies. Pursuant to a tradition that dates back to the inception of the Movement, the ICRC President chaired the Council's proceedings. He was assisted in this task by Mr Juan Manuel Suarez del Toro Rivera, President of the Spanish Red Cross.

At a particularly moving opening ceremony attended by the Queen of Spain, 24 Henry Dunant Medals were awarded, including 21 posthumously to delegates and volunteers who died violently in the course of their humanitarian work. The Medal, which is intended to recognize and reward outstanding services and acts of great devotion, mainly of international significance, to the cause of the Movement by any of its members, is the highest Red Cross/Red Crescent distinction. The large number of victims who were claimed within the Movement in recent years was the reason why, for the first time since the distinction was created in 1965, so many of the Medals were awarded on one occasion.

The 1997 Council of Delegates gave rise to much debate, the outcome of which is likely to have a lasting impact on the future of the Movement. It concluded its proceedings by adopting 11 resolutions.

In particular, the Council of Delegates endorsed a set of rules of procedure for an arbitration board which is to serve as a means of last resort for settling disputes within the Movement. It also recommended that the Standing Commission invite leading figures from National Societies to take part, in a consultative capacity, in the preparation of topics to be discussed at the statutory meetings, i.e. the Council of Delegates and the International Conference. (Resolution 1)

After taking note of the report on the emblem, the Council of Delegates referred to two viewpoints expressed on the subject, both of which were supported by the ICRC. The vast majority of States and National Societies, who had not experienced problems with the red cross or red crescent, wished to maintain the status quo in the future and to strengthen those emblems. As for the others, they wished to continue the search for an overall solution to the problems they had encountered, with all due regard for the existing emblems. The Council of Delegates recommended that the Standing Commission conclude its consultations on the matter with the National Societies and government experts and that it report back to the Council in 1999. Its hope was that all the Movement's components would adopt a common position which could then be broached with States. (Resolution 2)

Seville meeting

Henry Dunant Medal awards

11 resolutions adopted

arbitration board

the emblem

27th International Conference

new agreement adopted

peace, humanitarian law and human rights

The Council of Delegates also noted that the 27th International Conference of the Red Cross and Red Crescent was to take place in 1999, the year that would mark the 50th anniversary of the signing of the Geneva Conventions. The overall theme of the Conference, to be held in Geneva from 1 to 6 November, was "the humanitarian commitment at the turn of the century". The ICRC and the Federation would be the joint organizers, and the principle of greater involvement of the National Societies in preparations for the event was approved. Furthermore, the Council of Delegates adopted simplified voting procedures for the election of the members of the Standing Commission. (Resolution 3)

The Advisory Commission set up pursuant to Resolution 3 of the 1995 Council of Delegates, which was composed of 12 members appointed in their personal capacity, submitted its report on the future of the Movement to the Council of Delegates. The Commission had received a mandate to review the statutory provisions concerning the role, competencies and functioning of the Movement's three statutory bodies (the International Conference, the Council of Delegates and the Standing Commission); to work on a clear definition of the organization of the international activities of the Movement's components; and to draft an agreement between them on this subject. The Council of Delegates took note of the Advisory Commission's proposal not to revise the Statutes of the Movement and adopted by consensus its draft Agreement on the Organization of the International Activities of the Components of the International Red Cross and Red Crescent Movement. This Agreement, which replaces the 20 October 1989 Agreement between the International Committee of the Red Cross and the League of Red Cross and Red Crescent Societies (now the Federation), immediately entered into force. (Resolution 6)

The report submitted to the Council of Delegates by the ICRC and the Federation under the agenda item on peace, international humanitarian law and human rights focused on five present-day problems: children in armed conflicts, street children, anti-personnel mines, arms transfers in relation to humanitarian law, and the security of field personnel.

- ◆ **Children:** The Council of Delegates expressed its support for the promotion of the principle of non-recruitment and non-participation of children under 18 years of age in armed conflicts.¹⁰ It also endorsed proposals to develop preventive programmes and provide alternatives for street children, who were an especially vulnerable group. (Resolution 8)
- ◆ **Anti-personnel mines:** The Council was in favour of pursuing the campaign for a total ban on anti-personnel mines,¹¹ lent its support to the Ottawa process

¹⁰ See *Promotion and development of international humanitarian law*, pp. 293-294.

¹¹ See *Promotion and development of international humanitarian law*, pp. 295-297.

and called for further assistance for the victims of this scourge. It welcomed the efforts and activities undertaken by the ICRC in this regard. (Resolution 8)

- ◆ **Arms transfers:** The Council took note of the study on arms transfers¹² undertaken by the ICRC, which would allow the Movement to clarify its position on the subject. (Resolution 8)
- ◆ **Security of field personnel:** The Council supported the proposal to continue approaches to States concerning security matters, in particular to encourage them to adopt national legislation protecting the emblems. It furthermore called on all the Movement's components to develop their training programmes and to rely more heavily on informed local knowledge of the security situation. (Resolution 8)

The Communication Forum of the Movement, which is chaired by the Belgian Red Cross and is composed of a number of staff members responsible for communication within the ICRC, the National Societies and the Federation, was set up by the Council of Delegates in 1995. Thereafter, it made a number of proposals, including preparing key messages for the Movement and establishing a common Website for it.¹³ The Council adopted the proposals and asked the Forum to pursue its activities. (Resolution 9)

Five other important resolutions were adopted by the Council of Delegates. Resolution 4 concerns the implementation of humanitarian law; Resolution 5 encourages National Societies to support the ICRC's efforts to further the establishment of an international criminal court; Resolution 7 invites the ICRC and the Federation to develop new mechanisms for functional cooperation; Resolution 10 concerns the setting-up of a programme to mark the millennium year; and Resolution 11 renews the mandate of the Commission for the Financing of the ICRC. Lastly, the Council was kept informed of the results of the study on the future of the Henry Dunant Institute¹⁴ that had been undertaken pursuant to its Resolution 8 adopted in 1995.

*the Movement's
communication policy*

*other resolutions
and information*

¹² See *Promotion and development of international humanitarian law*, p. 298.

¹³ See *Communication*, pp. 321-322.

¹⁴ See *Henry Dunant Institute*, p. 314.

FUNCTIONAL COOPERATION BETWEEN THE ICRC AND THE INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES

Joint ICRC/Federation Commission for National Society Statutes

respect for the Movement's rules and principles

In accordance with Resolution VI of the 22nd International Conference (Tehran, 1973), Resolution XX of the 24th International Conference (Manila, 1981) and the Constitution of the Federation, the Joint ICRC/Federation Commission for National Society Statutes monitors the application and constant observance of the rules governing ICRC recognition of new National Societies and their admission to the Federation. It also examines the amendments National Societies propose to make to their statutes, which they must submit to the Joint Commission to ensure that the statutes remain in conformity with the conditions for recognition and the Movement's Fundamental Principles, and that those National Societies function democratically. In 1997 the Joint Commission met seven times.

five new National Societies

On the Joint Commission's recommendation, in 1997 the ICRC Assembly recognized five new National Societies: the Red Crescent Society of Kyrgyzstan (19 March); the Kiribati Red Cross Society and the Palau Red Cross Society (30 September); the Red Crescent Society of Tajikistan and the Red Cross Society of Georgia (6 November). The new Societies were subsequently admitted to the Federation at its General Assembly, held in November.

The number of recognized National Societies thus stood at 175 at the end of the year. Recognition over the next few years of the emerging National Societies that remain will virtually complete the Movement's universality.

a model bill on recognition

The Joint Commission also developed a model bill on the recognition of a National Society by its government, which it submitted to a meeting of National Society legal advisers in September.

Joint ICRC/Federation meetings

harmonization of the Movement's work

The 1989 ICRC/League (now Federation) Agreement provides for joint meetings to be held at least three times a year "in order in particular to assist the statutory bodies of the Movement in all procedural and substantive matters". Such meetings also enable the two organizations to keep each other informed of their work on a regular basis and to harmonize their positions on issues that involve both or are of concern to the Movement as a whole.

Six joint meetings took place in the course of the year. Their main focus was on planning and following up the meetings of the Standing Commission; organizing the 1997 Council of Delegates; and preparing for the 27th International Conference, scheduled to take place in Geneva in 1999.

In addition to these formal meetings, senior ICRC and Federation staff held frequent informal meetings with a view to improving functional cooperation between the two organizations, both in Geneva and in their delegations worldwide.

informal meetings

ICRC CONTRIBUTION TO THE DEVELOPMENT OF NATIONAL SOCIETIES

In accordance with its policy of cooperation, the ICRC attaches particular importance to three aspects of National Society development: (1) their basis (legal structure: statutes, law establishing them, protection of the emblem; representativeness: governing bodies, recruitment of staff members and volunteers); (2) their integrity (independence, respect for the Fundamental Principles, efficient management, honesty of the leaders); (3) their operational capacity (usefulness of their services, organization, financial autonomy, effectiveness).

three-dimensional focus

For the first time, from 22 to 27 June the ICRC held a seminar at its headquarters for the 25 cooperation delegates in the field responsible for the development of National Societies. The seminar's purpose was to discuss the current applicability of the policy defined in 1990 in the document *ICRC contribution to the development of National Societies*, to take stock of current practices and to set some general guidelines for the 1998 objectives of the 54 delegations in the field. The Secretariat of the Federation also took part in the seminar.

cooperation seminar

The participants concluded that the overall orientation of the 1990 policy was still valid, and the ICRC reaffirmed that cooperation in fostering the development of National Societies was a key element in its vision for the future. It stressed that the objective of this cooperation was to facilitate the establishment and growth of a network of reputable National Societies capable of carrying out their humanitarian task with effectiveness, thereby further strengthening the Movement as a whole.

working with National Societies to strengthen the Movement

The ICRC intends to step up its practical involvement in the development of National Societies. In particular, it will endeavour to:

stepping up ICRC involvement

- ◆ encourage respect for the Fundamental Principles, with a special emphasis on the independence of National Societies from the authorities;
- ◆ help improve the level of integrity and responsibility of National Society senior staff, *inter alia* in administrative and financial matters;

- ◆ support National Society initiatives and projects that enhance their autonomy (including at the financial level) and their operational capacity, especially in conflict situations or in regions where there is a risk of armed conflict;
- ◆ with a view to improving the overall effectiveness of cooperation, harmonize ICRC activities with those carried out by others who contribute to the development of National Societies, such as the Federation and participating National Societies, with due regard for their respective responsibilities;
- ◆ maintain an ongoing dialogue with the Federation, which has principal responsibility for the development of National Societies.

MEETINGS WITH NATIONAL SOCIETIES

regional meetings

The ICRC attaches great importance to the meetings of National Societies. Its President and several members of the Committee – the ICRC's governing body – or other senior officials attended a number of conferences or important regional meetings in 1997, including:

- ◆ **in Africa:** the meeting of National Societies of West Africa and several participating National Societies (Abidjan, 28-30 April); and, within the context of regional cooperation among the Movement's components, the meetings held by the Federation and the National Societies of Senegal, Gambia, Kenya and Cameroon;
- ◆ **in the Americas:** the fourth Regional Meeting of Dissemination Directors of Spanish-speaking National Societies (Guatemala, 24-27 June); the youth seminar of National Societies of Central America and Mexico (Managua, 17-20 July); the meetings held by CORI* (Quito, 25-29 May, and Seville, 23 November);
- ◆ **in Asia:** the meeting of National Societies of countries within ASEAN*; the seminar on the Promotion of International Humanitarian Law and Principles in the 21st Century sponsored by the ICRC, the Singapore Red Cross Society and the Malaysian Red Crescent Society (Singapore, 26 and 27 February); the seventh meeting of Portuguese-speaking Red Cross Societies (Macao, 8-12 July);
- ◆ **in Europe:** the fifth Regional Conference of European National Red Cross and Red Crescent Societies (Copenhagen, 17-20 March); the first meeting of National Red Cross and Red Crescent Societies of the Black Sea region, hosted by the Turkish Red Crescent Society (Istanbul, 11-13 April); the seminar held by the Federation and the German Red Cross on the institutional

* CORI: Inter-American Regional Committee

* ASEAN: Association of South-East Asian Nations

development of European National Societies (Bonn, 6-10 July); the 12th Conference of National Red Cross and Red Crescent Societies of the Balkans (Ohrid, 18-19 September);

- ◆ **in the Middle East:** the seventh Conference of National Red Cross and Red Crescent Societies of the Mediterranean (Tunis, 2-4 April);

At the request of National Societies or by specific invitation, in 1997 the ICRC organized 74 visits to its headquarters for 181 people from National Societies (leading figures, senior staff and other members) and from the Federation (new staff). In addition to familiarizing visitors with the ICRC and its activities throughout the world, these visits provide an opportunity for discussions on issues of common interest. They also promote closer ties that are conducive to developing a dialogue and a strategy of cooperation, and thus serve to increase the Movement's cohesion.

visits by National Societies

FUNDS AND MEDALS

The Henry Dunant Medal, which was created in 1965, is the Movement's highest distinction. A record number of these Medals were awarded in 1997 at the Council of Delegates.¹⁵

Henry Dunant Medal

The Florence Nightingale Medal is the highest distinction a nurse can receive. Distributions take place every two years and not more than 50 medals may be issued at any one time. In 1997 the 33 award winners were nationals of the following countries: Australia, Belize, Benin, Bolivia, Canada, China, Colombia, Costa Rica, the Czech Republic, Denmark, Egypt, Ghana, Ireland, Japan, Korea (Republic of), Liberia, the Netherlands, New Zealand, Norway, Poland, Spain, Ukraine, and the United States of America.

Florence Nightingale Medal

The Empress Shôken Fund was created in 1912 by a gift from the Empress of Japan, after whom it is called, and its capital has been increased several times by gifts from the Japanese Imperial Family, the government of Japan, the Japanese Red Cross Society, the *Meiji Jingu Shrine Sukei-Kai* association, which is devoted to the memory of the Empress, and some Japanese citizens. The income from the Fund is used for the full or partial financing of National Society projects in the areas of development, equipment and transport.

Empress Shôken Fund

In 1997 the Fund's Joint Commission awarded grants totalling 280,500 Swiss francs to the National Societies of 12 countries, namely: Cambodia, China, Ecuador, Gabon, Lithuania, Nicaragua, Papua New Guinea, Sierra Leone, Sudan, Togo, Vanuatu, and Viet Nam; and to a regional project for South America.

¹⁵ See pp. 307-309.

*Maurice de Madre
French Fund*

Each recipient Society is required to send the Joint Commission, within 12 months of receiving its grant, a report on its use and the results achieved.

The purpose of the Maurice de Madre French Fund is to assist staff of National Societies, the Federation or the ICRC who suffer injury or illness in the service of the Movement or, in the event of their death, to assist their families. The Fund may also contribute to the training of recipients and help them to resume their professional activity.

In 1997 the Fund's Board allocated 113,000 Swiss francs after having considered applications relating to staff of the Movement or their relatives who had fallen victim to events in the following countries: Afghanistan, Bosnia and Herzegovina, Burundi, Colombia, the Democratic Republic of the Congo, El Salvador, Equatorial Guinea, Guinea, Haiti, Iraq, Kenya, Mozambique, Nigeria, Senegal, Sierra Leone, South Africa, Tanzania and Uganda.

HENRY DUNANT INSTITUTE

purpose and activities

The Henry Dunant Institute was set up in 1965 by the ICRC, the Federation and the Swiss Red Cross as a training, research, publication and dissemination centre for the Movement. In 1997 the Institute continued its work by building up contacts with National Societies and other organizations and institutions, particularly in the teaching and research fields, with a special focus on child soldiers and family reunification.

training courses

Since 1974 the training offered at the Institute has consisted mainly of annual courses for senior officials of National Societies, and is given alternately in English, French and Spanish. The 22nd annual course took place in French in May. This year again the Institute received the winning teams in the Jean Pictet International Humanitarian Law Competition, which it arranges for French-language students. In cooperation with the University of Santa Clara (California), it also held summer courses for English-speaking law students.

colloquium and publication

On 15 May the Institute held a second colloquium on humanitarian values at the end of the millennium. This year the emphasis was on Asia and humanitarian traditions.

On a historical note, the Institute published a study in French and Russian on Russia and the Red Cross from 1917 to 1945. The study describes the important role played by the Russian Red Cross before and after the 1917 Revolution, and the activities of the ICRC delegation in Moscow from 1917 to 1938.

future of the Institute

Pursuant to Resolution 8 of the December 1995 Council of Delegates, the Executive Committee and the General Assembly of the Henry Dunant Institute continued their study on the future of the Institute with a view to redefining its role and activities. The study, scheduled to conclude in 1998, should provide the Institute with new momentum.

THE INTERNATIONAL TRACING SERVICE

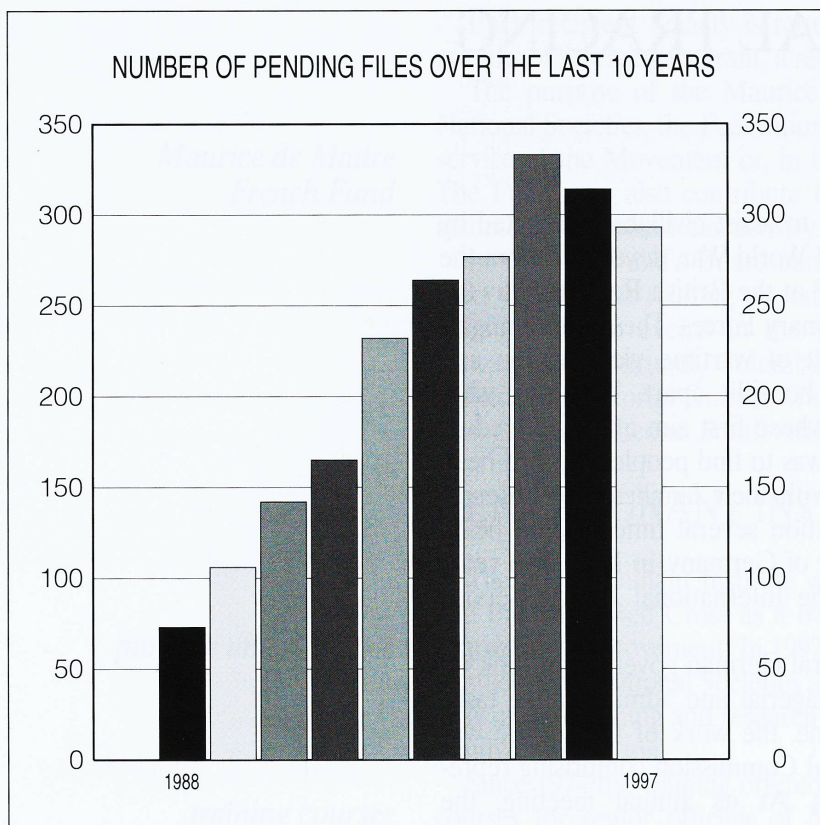
A brief history

This service, which was founded specifically to assist civilians persecuted by the National Socialist regime during the Second World War, developed from the central tracing bureau set up in London in 1943 at the British Red Cross by the Supreme Headquarters of the Allied Expeditionary Forces. The massive migration of people throughout Europe as a result of wartime victimization and upheavals had caused countless families to be split apart. This was what prompted the creation of the tracing bureau, whose first aim after the gradual liberation of the territories that were occupied was to find people who had been deported or gone missing and reunite them with their families. The bureau's administration and headquarters changed location several times before being finally established in Arolsen, Federal Republic of Germany, in 1946. Two years later, the bureau received its current name, the International Tracing Service (ITS).

Under the 1955 Bonn Agreements, the Federal German government took on financial responsibility for the ITS, while managerial and administrative tasks were entrusted to the ICRC. At the same time, the work of the service was placed under the supervision of an International Commission comprising representatives from the 10 ITS member States. At its annual meeting, the Commission draws up guidelines for ITS activities and monitors their implementation with a view to safeguarding the interests of former victims of persecution. The original mandate of the ITS, which is to gather, classify, preserve and retrieve information about these people in order to respond to enquiries or requests for certificates from them, their descendants or any other eligible party, has remained unchanged over the years.

Streamlined processing of requests

Whereas in the early days enquirers generally wished to trace a missing person, today most people seek documents to back up compensation claims. The number of requests, which come from almost 70 countries, has grown steadily in recent years. This has caused a delay in their processing, despite various measures adopted to offset the problem. In 1995 the number of pending cases rose above the 300,000 mark. However, a new system of streamlined processing introduced in 1994 and used successfully ever since made it possible to speed things up starting in 1996.



Rapid processing depends on the cooperation of institutions based in the countries from which the requests stem, today mainly Belarus, Poland, Russia and Ukraine. In Ukraine alone, the ITS recently approached some 90 institutions, most of them associations of war veterans or former victims of persecution.

In view of the advanced age of the enquirers, the ITS has made streamlined processing a top priority. In 1997 it received 248,509 enquiries (as against 236,241 in 1996) and provided 274,316 replies (261,802 in 1996).

Acquisition of documents

Fulfilling the mandate to gather information is proving just as vital today as it was half a century ago, since it helps former victims of persecution to assert their rights and contributes towards developing and consolidating humanity's memory of this tragic period of history.

The replies given to enquirers are based first and foremost on the information contained in the documents preserved at the ITS. Although the current stock amounts to over 22,000 linear metres, it is far from complete. Indeed, as many as half a million requests are pending for lack of information. The continuation of the policy of document acquisition is therefore fully justified. During the year under review 686 archive or other services were contacted in writing (592 in 1996) and 158 were visited (153 in 1996).

In all 232 missions (211 the previous year) were carried out by staff from Arolsen and the ITS office in Berlin, and documents were received from 383 services (314 in 1996). However, of the 884 linear metres (872 in 1996) consulted on the spot, only 359 (507 in 1996) related to the category of person falling within the ITS' mandate.

Computerized data processing

The growing use of computers over recent years for classifying and retrieving information has made it possible to speed up and optimize the work of the ITS. The creation in 1996 of a central data bank (for filing enquiries, documents and

place names), together with the storing of supplementary information (such as details about the location of people or events) in this bank has already led to an appreciable lightening of the workload involved in processing enquiries, from the various tasks associated with filing right down to the sending of replies. The digitization of the central file of names, planned for 1998, should make it possible to speed up processing even further. In the medium term, all the information kept at the ITS is to be digitized.

ITS documents and historical research

The ITS has received a number of requests for permission to conduct historical research in its files, and documents of a general nature may already be consulted by the public. As for the remainder, the International Commission that monitors the ITS has decided to examine at its next meeting the conditions under which these could be made available to researchers, with due respect for national and international regulations governing access to information. It has nevertheless stressed that at this stage the most urgent priority for the ITS is to continue processing individual cases of humanitarian concern.