

# PROCEEDINGS OF THE CONFERENCE

## FIRST PLENARY MEETING

The Conference held its first plenary meeting immediately after the opening ceremony. One minute of silence was observed in tribute to the recently deceased President of Mozambique, Mr. Samora Machel.

The meeting endorsed the proposals of the Council of Delegates and elected Mr. Kurt Bolliger, President of the Swiss Red Cross, to the chairmanship of the Conference by acclamation. The Vice-Chairmen of the Conference were Her Royal Highness Princess Helen Shah, President of the Nepal Red Cross, and Dr. Dimitri D. Venedictov, President of the Soviet Alliance of Red Cross and Red Crescent Societies. The Secretary-General of the Conference was Mr. Bénédicte de Tscharner (Swiss Red Cross), assisted by Deputy Secretaries-General Mr. William Cassis and Mr. Jean-Louis Cayla.

The members of the Drafting Committee were also elected from among delegates from countries representing the three working languages of the Conference.

### **Point of order on South Africa**

On behalf of the African group, a point of order was raised by the Kenyan government delegation requesting the suspension of the South African government delegation from the Twenty-fifth Conference. The Kenyan representative said that, by maintaining its policy of apartheid, the South African Government did not respect the Fundamental Principles of the Red Cross or the provisions of humanitarian law. He made it clear that a decision to suspend the South African government delegation should not affect the South African National Red Cross Society.

During the lengthy debate that followed, some 40 delegations took the floor and unanimously condemned the practice of apartheid.

Although many delegations supported the Kenyan motion, there were others who expressed their objection to the suspension: the latter argued that, on the one hand, the Government in Pretoria had signed the Geneva Conventions and was therefore a rightful member of the Conference and, on the other, that the suspension would create a precedent likely to affect other countries in future. Since there was no legal basis for it in the Statutes

of the International Red Cross. These delegations also emphasized that the International Conference of the Red Cross was the only non-political and universal forum in the world today and that the suspension of the South African government delegation might harm the victims of apartheid and jeopardize the action of the Red Cross—in particular the work done by the ICRC—in South Africa at a time when it was vitally needed.

The delegations supporting the motion considered that the Conference had the supreme decision-making power and could therefore give a ruling on this point, even failing any relevant provision in the Statutes. Some of these delegations stated that, if the Conference did not comply with their proposals, it would be impossible for them to continue sitting in the same room as the representatives of a government upholding racist principles.

After a lengthy debate over the voting procedure, the motion was put to a roll-call vote and adopted by 159 votes in favour, 25 against and eight abstentions. Fifty-two delegations, including 47 National Societies, four government delegations and the ICRC, stated that they would not take part in the vote because they considered that suspending the South African government delegation was contrary to the Statutes of the International Red Cross and the Principles of the Movement.

When the votes were counted, the Chairman requested the South African government delegation to leave the room.

Some twenty delegations, some of them speaking on behalf of groups of countries, explained their votes. The delegates that had supported the Kenyan motion described the outcome of the vote as a “positive step forward in the long struggle to eradicate apartheid” and considered that the Movement should adapt to the changing world situation and that the decision marked a turning point in the Movement’s history.

The delegations who had opposed the motion or had not taken part in the voting based their stance on the illegal nature of the vote, which they considered violated the Statutes of the International Red Cross, the rules of the International Conference and the Fundamental Principles of the Red Cross. They also stressed the adverse effects that the decision would have on Red Cross activities, particularly ICRC activities in the field and, consequently, on the victims who were so badly in need of protection and assistance. Numerous delegations expressed their fears as to the difficulties that the South African Red Cross was liable to come up against in carrying out its tasks.

Generally speaking, these delegations greatly deplored the fact that political considerations had taken precedence over the rule of the Conference and the humanitarian considerations which should be the sole guide of the Red Cross.

The President of the ICRC then explained why the ICRC had not taken part in the voting. Recalling that the suspension of a State party to the Geneva Conventions and a rightful member of the Conference ran counter to the Statutes of the International Red Cross, Mr. Hay reiterated that the ICRC supported the universality of international humanitarian law and compliance with Conference rules and procedures. Mr. Hay went on to declare that the situation was not only without precedent in the Movement, but that it should not create a precedent. He urged delegates to look to the future and to start work without delay so that, despite all that had happened, the Twenty-fifth Conference might accomplish the task for which it had been convened.

A second motion was put forward to the meeting by several delegations proposing that the Conference be adjourned *sine die*. This motion was defeated in a secret ballot with 178 votes against, 52 in favour and five abstentions.

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## COMMISSION I:

### INTERNATIONAL HUMANITARIAN LAW

The Commission (I) on international humanitarian law was chaired by H.E. Ambassador Alioune Séné, the Permanent Representative of Senegal at the Office of the United Nations at Geneva, assisted by two Vice-Presidents, Judge Darrell D. Jones, International Affairs Advisor of the Canadian Red Cross and Vice-President of the League, and Chief Justice Abdul Hamid, National Vice-Chairman of the Malaysian Red Crescent. The Rapporteur was Major Ali Hassan Quoreshi, Secretary General of the Bangladesh Red Cross.

#### ● **Respect for international humanitarian law**

Respect for international humanitarian law was the main topic of the work of the Commission, which first heard the President of the ICRC give a report on the ICRC's activities and the problems it has been faced with over the past five years.<sup>1</sup>

The President, Mr. Hay, noted that "Not only are conflicts increasing in number and length, but practices prohibited by international humanitarian law are becoming more and more common: the taking of hostages

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<sup>1</sup> The full text of the ICRC Report on its Activities will be published in the January-February 1987 issue of the *Review*.

and sometimes their subsequent murder, acts of terrorism, torture and other ill-treatment of detained persons, and people reported unaccountably missing; it has even reached the point where whole civilian populations are subjected to starvation for the purposes of war”.

Going on to refer specifically to violations of the Third Geneva Convention relative to the treatment of prisoners of war, Mr. Hay emphasized that the authorities holding prisoners all too often did not give any notification of capture or refused to authorize the ICRC to visit prisoner-of-war camps, leaving tens of thousands of families in anguish and uncertainty.

Reminding the Assembly that all States party to the Geneva Conventions were under an obligation to respect and ensure respect for them, Mr. Hay cited a number of conflict situations of particular concern from the humanitarian point of view: indeed in some cases, despite the applicability of the Geneva Conventions, the ICRC has been unable to discharge its mandate to protect victims, while in others it has been able to discharge this mandate only partially. With regard to these situations as a whole, Mr Hay considered it was “natural for the International Conference to concern itself with the ICRC’s possibilities of taking action” and support it in this respect.

In addition Mr. Hay mentioned the situations of internal disturbances and tensions in which the International Committee was encountering difficulties.

Finally, Mr. Hay pointed out that in all civilizations, cultures and political systems there were moral, religious, ideological, ethical and political principles which demanded respect for those who could not, or could no longer, fight and which granted such people humane treatment. “Humanitarian law is ultimately a warranty of mankind’s survival ... The protection of humanitarian values must be one of the priorities of States and of every man, and part of a collective strategy; it must be included in negotiations and international agreements and have the support of the public conscience”, concluded Mr. Hay, recalling the *Appeal for a humanitarian mobilization* launched by the ICRC on 10 January 1985. “The need for this appeal and for an effective response to it remains as acute today as when it was made. May this Conference strive to give such a response, tackling important issues with calmness, determination and lucidity, and aware of its responsibility towards future generations.”<sup>2</sup>

The Commission deplored the serious violations of international humanitarian law. It considered that Parties to a conflict who refuse to

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<sup>2</sup> The text of the *ICRC Appeal for a humanitarian mobilization* was published in the January-February 1985 issue No. 244 of the *International Review of the Red Cross*, pp. 30-34.

obey humanitarian rules and principles should be urged to apply them immediately.

Finally the Commission adopted by consensus a resolution drafted by an *ad hoc* working party, in which the Conference expressed its grave concern at the difficulties encountered by the ICRC in its efforts to protect and assist all the military and civilian victims of armed conflicts. It appeals to all the Parties engaged in these conflicts to fully respect their obligations, as laid down by international humanitarian law, and to enable the ICRC to carry out its humanitarian activities.

Moreover, the resolution reminds all Parties to the Geneva Conventions that they are under an obligation to respect them and to ensure that they are respected in all circumstances.

### ● **Additional Protocols**

A report on signatures, ratifications and accessions to the Protocols additional to the Geneva Conventions was submitted by the ICRC to the Commission. It mentioned the efforts undertaken by the ICRC to encourage States to ratify the Protocols and indicated that 65 States were bound by Protocol I, which is applicable in the event of international armed conflict, and 58 by Protocol II, which is applicable in the event of non-international armed conflict. In his statement (*the text of which is reproduced under the heading "ICRC", pp. 398-400*), Mr. Hay added that the fact that one third of the community of States had already duly undertaken to observe the new law of 1977 in the event of armed conflict was an encouraging result.

About ten of the delegations that took the floor announced that their governments were about to ratify the Protocols.

The Commission then adopted by consensus a resolution appealing to all States which were not yet Party to the Additional Protocols to consider acceding to them as quickly as possible. To this end, the resolution called on the ICRC to promote knowledge of these instruments, in accordance with its statutory mandate and in co-operation with the National Societies.

### ● **Medical transport**

The identification of medical transport in times of armed conflict is a subject currently assuming increasing importance. A resolution, which was adopted by consensus, invites governments to examine the proposals made by the *International Lifeboat Conference* with a view to improving the identification, marking and protection of rescue craft in times of armed conflict.

Moreover, the resolution approves the ICRC's plan to draw up, in consultation with governmental technical naval experts, a technical manual intended to facilitate the practical application of the Second Geneva Convention.

- **Dissemination and implementation of international humanitarian law**

A report on the dissemination of knowledge of international humanitarian law since the last International Conference (Manila, 1981) was submitted to the Commission jointly by the ICRC and the Secretariat of the League. Delegates were thus informed about the many activities being undertaken all over the world and for dissemination among the various target groups, as well as about the Third Programme of Action planned for the period 1986-1990. The duty of States to adopt laws or other measures to enforce humanitarian law at the national level was again emphasized. Three resolutions were adopted by consensus, dealing respectively with the dissemination of international humanitarian law and the principles and ideals of the Movement in the service of peace, national measures to implement international humanitarian law, and international courses on the law applicable in armed conflicts.

- **Torture**

Three resolutions were adopted by consensus on this subject. *The first* calls on governments, *inter alia*, to intensify their efforts to eliminate in practice all forms of torture and appeals to the League and National Societies to support all efforts, in particular those of the ICRC designed to prevent and eliminate torture. *The second* resolution requests National Societies to provide humanitarian, legal, medical, psychological and social assistance to victims of torture. *The third resolution* encourages governments, as well as the ICRC, National Societies and the League, to assist in making the United Nations' Voluntary Fund for victims of torture, as well as the existence of rehabilitation centres for their benefit, better known.

- **Conventional weapons**

The Commission adopted three resolutions on this subject, again by consensus. *The first* calls on governments to review the necessity and the possibility of updating the relevant texts of international humanitarian law

relating to sea warfare. It then urges those States which have not yet done so to accede to the 1980 Convention on Conventional Weapons and to its protocols. Since several governments had expressed their concern at the development of new weapons technologies, the use of which under certain circumstances could be prohibited under existing law, the resolution encourages governments to co-ordinate their efforts to clarify the law in this domain. The ICRC was invited to keep the International Conference of the Red Cross and the Red Crescent informed.

*The second resolution* appeals to all Parties to armed conflicts to require their armed forces to strictly observe the rules and provisions of international humanitarian law concerning the protection of civilian population. It calls on the ICRC to intensify its efforts to improve and secure the protection of non-combatants, particularly in non-international conflicts or conflicts of a mixed nature, and encourages expanded use of protected zones for civilian populations.

*The third resolution* shows the Commission's concern about the fate of children in armed conflicts. It recalls the injunction of Article 77 of Protocol I, which requires that Parties to a conflict should refrain from making children under the age of fifteen years participate directly in hostilities, particularly by refraining from recruiting them into their armed forces, as well as the special protection from which these children continue to benefit, when they have fallen into the power of an adverse Party.

The resolution recommends, *inter alia*, that in all circumstances a respect for humanitarian principles should be fostered in children; it also invites governments and the International Red Cross and Red Crescent Movement to do their utmost to ensure that children who have participated in hostilities, whether directly or indirectly, are systematically rehabilitated to normal life; finally, it expresses the wish that the work undertaken by the United Nations Commission on Human Rights aimed at drawing up a Convention on the Rights of the Child should succeed in providing children involved in armed conflicts with protection at least the same as that accorded by the Geneva Conventions and the two Additional Protocols.

## ● **Tracing and family reunification**

Delegates next considered the problem of tracing and family reunification, after taking note of the report drawn up on the activities of the Central Tracing Agency on the one hand and on the tracing activities of the National Societies on the other. Four resolutions were adopted by consensus:

*The first* resolution concerns identification and transmission of personal data as a means of protecting and preventing disappearances:

- the Parties to an international armed conflict are urged to implement the provisions of the Conventions in this respect (the wearing of identity discs by members of the armed forces);
- National Information Bureaux should be set up in order to obtain and transmit information on prisoners of war and civilian detainees;
- the text further condemns any act leading to the forced or involuntary disappearance of individuals or groups of individuals, and urges governments to endeavour to prevent them.

*The second* asks States party to the Geneva Conventions to set up, in peacetime, National Information Bureaux, so that the latter may carry out their duties efficiently in times of armed conflict, and calls on the National Societies and the ICRC to provide their assistance in this domain.

*The third resolution* deals more particularly with refugees and separated families and recommends that National Societies intensify their contacts among themselves and with the ICRC with a view to rendering mutual assistance in the tracing of missing persons and the reuniting of dispersed families.

Finally *the fourth* underlines the specific mandate given to the ICRC's Central Tracing Agency (CTA), as a co-ordinator and technical adviser to National Societies and governments, and requests National Societies, with the support of their governments, to continue their efforts as members of the international tracing and family reunification network.

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## COMMISSION II: GENERAL COMMISSION

The revision of the Statutes of the International Red Cross and of the Rules of Procedure of the International Conference of the Red Cross constituted the main theme of the General Commission which was made up as follows: Chairman: Dr. Mario Villarroel, Vice-President of the League, President of the Venezuelan Red Cross; Vice-Chairmen: Mr. Leon Stubbings, Secretary General of the Australian Red Cross, and Mr. Dawit Zawde, Chairman of the Ethiopian Red Cross; Rapporteurs: Dr. Nezha-Nesh-Nash, member of the Central Committee of the Moroccan Red Crescent for the item concerning the Statutes, and Mr. Reszö Sztutchlic, Adviser to the President of the Hungarian Red Cross, for the other items.



## ● Statutes of the International Red Cross

Mrs. Stefa Spiljak, Co-Chairman of the League/ICRC Working Group entrusted with revising the Statutes of the International Red Cross, presented the changes contained in the draft text. This was the outcome of four years of work, notably a new title for the International Red Cross, which now becomes the *International Red Cross and Red Crescent Movement*, a formal mention of the role of the National Societies, and the inclusion of the Movement's commitment to promoting lasting peace.

The discussion which followed this presentation demonstrated the unified view of the members of the Movement, and the draft Statutes and the Rules of Procedure of the International Red Cross and Red Crescent Movement were adopted by consensus and amidst applause.

## ● Financial matters

The Commission then adopted two resolutions on the financing of the ICRC by National Societies and governments and the report by the League on the financing of League programmes by governments through National Societies.

After renewing the mandates of the two League representatives on the Council for the Foundation of the ICRC, the Commission then accepted the updated regulations for the Empress Shōken Fund and an extension of the programmes it supports. The Fund, which will celebrate its 75th anniversary next year, has distributed Sw. fr. 1.3 million to 38 National Societies in the course of its existence.

## ● Emergency situations

ICRC and League policy in emergency situations was examined by the Commission, stress being laid on the nutritional aspects of relief activities, food aid and medical supplies in emergencies.

Delegates emphasized the need to design food-aid programmes in line with the victims' real needs and after a serious nutritional survey had been carried out.

They recommended taking advantage of nationally and internationally available food resources and obtaining food stocks from local markets or neighbouring countries for reasons of speed, suitability and economy.

Similarly the need was stressed to streamline the sending of medications and medical supplies. In view of the increasing numbers and scale of

emergency operations, full arrangements must be made to provide relief personnel with the necessary medicaments and to prevent these from being improperly administered by those who had no training in this sphere. Two resolutions were adopted with reference to this.

After adopting a report on ICRC relief operations, the Commission accepted three proposed amendments to the *Principles and Rules for Red Cross and Red Crescent Disaster Relief*, the aim of which is to strengthen measures for drawing up reports, especially financial reporting measures, and to ensure clear and precise accountability which is essential for the credibility of the Movement and for continuing confidence among contributors.

### ● **Development of National Societies**

The Commission adopted the report by the League on the development of the National Societies as a contribution to national development and a resolution requesting governments as well as all the members of the Movement to intensify their efforts in support of the development of the National Societies.

### ● **The Movement and refugees**

The Commission paid particular attention to the refugee problem, and delegates commented on the ICRC/League report submitted on this subject. This report dealt particularly with the main Red Cross and Red Crescent activities to help refugees, asylum seekers and displaced and repatriated persons. Special attention was devoted to the distressing problems of protecting refugee camps from military attacks.

From the discussions it clearly emerged that the ultimate solution in many cases was either voluntary repatriation, assimilation or relocation in a third country. Both the Movement and the international community as a whole are today being called upon to create conditions enabling refugees and displaced persons to maintain their human dignity, to enjoy adequate protection against elements that might seriously cause them harm and to acquire, as soon as possible, the means of building a new future.

A resolution adopted by the Commission also reaffirms the will of the Movement to assist the United Nations High Commissioner for Refugees in its endeavours and pledges the continued support and enhanced collaboration of the Movement with the UNHCR.

## ● Voluntary service

Having noted a report by the League and the Henry Dunant Institute on voluntary service and on the conclusions of a study by the Henry Dunant Institute on that subject, the Commission approved by consensus a resolution which was a veritable “Red Cross and Red Crescent Voluntary Service Charter”. This resolution reaffirms the volunteer workers’ fundamental role in the Movement’s future and contains a score of recommendations addressed to National Societies, the League, the ICRC and governments encouraging voluntary service and dealing with many aspects of it.

## ● Report by the General Assembly of the League

The Secretary General of the League presented the report on the federation’s activities between 1981 and 1986 and particularly stressed the increase in emergency aid. The Commission was pleased that the League had decided to concentrate its programmes in the forthcoming years on developing National Societies. A draft resolution to increase *assistance to children during emergency situations* was unanimously adopted.

## ● National Society Statutes

The Commission took note of the Report of the Joint ICRC/League Commission on National Society Statutes. Sixteen National Societies had been recognized by the ICRC and admitted as League members since 1981. In accordance with its mandate, the Commission had also studied amendments which 37 National Societies had made to their statutes, and it had put forward appropriate recommendations in each case.

## ● Other points

The Commission then heard various statements on follow-up action to certain resolutions taken at the Twenty-fourth International Conference of the Red Cross (Manila, 1981):

— *The role of medical personnel in the preparation and execution of Red Cross emergency medical actions*

A considerable effort has been made by the ICRC and the League to prepare training material for the medical personnel of National Societies.

Much remains to be done to use health experts' skills more efficiently in Red Cross relief operations.

— *International Year of the Disabled*

The ICRC set up a "Special fund for the Disabled" and, in co-operation with National Societies and governments, expanded many activities to help war amputees and paraplegics. In this connection a resolution on the contribution of the Movement to the UN Decade for Disabled Persons was adopted by consensus.

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Amongst other resolutions adopted by the Commission there is one calling for National Societies to make preparations for, and to participate in, *relief actions after technical disasters*. Similarly, another resolution urges governments, the League and National Societies to intensify their efforts to prevent *drug abuse* and draws special attention to social programmes to help in the rehabilitation of drug addicts, in co-operation with public and private institutions.

Regrettably, the Commission did not have time to examine the draft *Regulations on the use of the emblem by the National Societies*. This was a very important document for these National Societies and one on which there had already been very broad agreement within the Movement. It is to be hoped that this draft itself is already a source of inspiration for the National Societies.

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## LAST PLENARY SESSIONS

During the last two plenary meetings on 30 and 31 October, the Conference adopted by consensus the reports of both Commissions and 37 resolutions covering all aspects of Red Cross and Red Crescent activities in time of peace and of war.<sup>1</sup> The Conference particularly emphasized the need to ensure full compliance with international humanitarian law by all the parties engaged in armed conflicts. The Conference moreover adopted the new Statutes of the International Red Cross, henceforth known as the

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<sup>1</sup> The full text of the resolutions of the Twenty-fifth International Conference of the Red Cross and of the Council of Delegates appears on pages 340-393.

A booklet will be published containing the 37 resolutions adopted by the Conference at its final plenary meeting and the 7 resolutions adopted by the Council of Delegates.

*International Red Cross and Red Crescent Movement* and decided they would enter into force on 8 November 1986. This is the anniversary date of the publication, in 1862, of Henry Dunant's work, *A Memory of Solferino*, which gave rise both to the Geneva Conventions and to the Movement.

The Twenty-fifth Conference also elected the five members of the Standing Commission, who will be holding office with two ICRC representatives and two League representatives until the next International Conference. These new members are: Dr. Ahmad Abu-Goura (Jordan), Botho Prince zu Sayn-Wittgenstein-Hohenstein (Federal Republic of Germany), Mr. Janos Hantos (Hungary), Mrs. Mavy Harmon (Brazil) and Mr. Byron Hove (Zimbabwe). The Standing Commission subsequently elected its new Chairman, Dr. Abu-Goura and Vice-Chairman, Botho Prince zu Sayn-Wittgenstein-Hohenstein.

It was decided that the Twenty-sixth International Conference of the Red Cross and Red Crescent would be held in Cartagena (Colombia).

At the end of the last plenary meeting, the delegates to the Conference paid a glowing tribute to Mr. Hay, who will be retiring from the presidency of the ICRC during 1987.

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