

## **Thirteenth Round Table of the International Institute of Humanitarian Law**

**(San Remo, 6-10 September 1988)**

The Thirteenth Round Table on current problems of international humanitarian law, organized by the International Institute of Humanitarian Law, took place in San Remo from 6 to 10 September 1988. The meeting was held under the auspices of the ICRC, the United Nations High Commissioner for Refugees, the Intergovernmental Committee for Migration and the League of Red Cross and Red Crescent Societies and was attended by some 150 participants, including representatives of some fifteen National Red Cross and Red Crescent Societies, experts, representatives of permanent missions and members of NGOs.

This thirteenth session was divided into three parts: one day was devoted to refugee problems and the second to the Red Cross and Red Crescent Symposium, and the Round Table proper spent three days discussing the problem of family reunification.

In his opening speech, Professor J. Patrnoic, President of the International Institute of Humanitarian Law, invited the international community to "continue the humanitarian dialogue" as a means of addressing the increasing humanitarian problems that imperiled world peace. He urged all the organizations involved to co-operate and to co-ordinate their humanitarian activities.

### **1. Refugee day**

The meeting, chaired by H. E. Ambassador R. Robertson, was devoted to the following theme: "Possible improvement of international instruments relating to refugees: trends and developments. The discussion was introduced by Mr. G. Jaeger, President of the Belgian Refugee Aid Committee.

Participants were invited first of all to examine the *draft supplement to the UNHCR Statute, extending the scope of the term "refugee"* in view of the new situations affecting refugees, especially those fleeing armed conflicts or other disturbances. Taking into consideration certain provisions included in the OAU Convention of 10 September 1969 and the 1984 Declaration of Cartagena, the draft under discussion incorporates into the definition of the term "refugee" "every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality".

After a heated debate on the subject, participants felt that the draft and its legal and practical implications should be the subject of further discussion with governments.

The second item on the meeting's agenda was the *implementation and dissemination of international refugee law*. Whereas there was close co-operation at the international level between States and UNHCR in implementing provisions guaranteeing the protection of refugees in UN General Assembly resolutions and UNHCR Executive Committee conclusions, implementation at the national level was far from satisfactory because of the lack of knowledge of refugee law, which was still regarded as "soft law". Hence the need to encourage dissemination of refugee law, particularly among lawyers, magistrates and members of Parliament, and in universities and other academic institutions.

The third and last topic discussed was *present practices of asylum in Europe and North America*. This gave rise to a wide exchange of views on the problems posed by the growing number of asylum seekers in those regions and the consequences thereof in legal, administrative and social terms. Although some industrialized countries still applied restrictive measures to asylum seekers, governments were increasingly tending to take the principles of international refugee law into account in their own legislation. Participants in the meeting emphasized the more positive approach being adopted by the European Communities and the constructive steps taken by non-governmental organizations. They then went on to discuss future prospects regarding asylum practices and policies.

## **2. Red Cross and Red Crescent Symposium**

Within the context of the 125th Anniversary of the Red Cross and Red Crescent Movement, the Red Cross and Red Crescent Symposium, chaired by Dr. A. Abu-Goura, Chairman of the Standing Commission of the Red Cross and Red Crescent, was devoted to the following theme: "*Balance and perspectives in the field of dissemination of International Humanitarian Law and the Fundamental Principles of the Movement*".

Addresses by Mr. Cornelio Sommaruga, President of the ICRC, and Mr. Mario Villarroel, President of the League, were followed by a presentation of the topic by Mr. G. Reid, Head of Information at the League, and Mr. R. Hammer, Deputy Head of the Dissemination and Co-operation Division at the ICRC.

The participants were then divided into two working groups, chaired respectively by Mr. Y. Sandoz, Director of the ICRC Department of Principles, Law and Relations with the Movement, and Mr. Pär Stenbäck, Secretary-General of the League.

The conclusions of the first group, which dealt with the topic "To protect human life (Red Cross and Red Crescent theme for 1989) through dissemination of International Humanitarian Law and the Principles of the Movement", once again stressed the importance of dissemination and the need for States to respect their obligations under the Conventions in order to promote the protection of human life.

The second group discussed the theme "A good image and understanding of the Movement for efficient action" and concluded that whereas the Red Cross and Red Crescent generally projected a favourable image, it was perceived differently depending on whether humanitarian action was viewed from the national or the international angle. The image of the Movement must therefore be shaped by action based on two key ideas: protection and assistance, and the message conveyed must be as simple as possible, consistent with the Fundamental Principles and suitably adapted to the various target groups. Humanitarian mobilization, which the ICRC President recalled in his address to the working group, must stem from a unified image of the Movement.

## **3. The I.I.H.L. Round Table**

The 1989 Round Table, chaired by H. E. Ambassador Fatuma Isak Bibi, the Permanent Representative of the Democratic Republic of

Somalia to the United Nations Office at Geneva, and by Mr. Dale de Haan, Commissioner, US Congress Commission on International Migration and Cooperative Economic Development, was devoted to the problem of family reunification.

Several matters were raised by Mr. R. Jenny, Chairman of the Commission on Migration of the International Institute of Humanitarian Law, such as the need to heighten State awareness of the problems posed by family reunification and their respective responsibilities in this regard and the action required to establish proper legal provisions regarding the reuniting of families.

These issues were extensively discussed by the Round Table, which also examined the question of co-operation between States on matters of family reunification and emphasized the essential role of international, governmental and non-governmental organizations acting as intermediaries between States.

The Round Table ended with the adoption of various conclusions recalling and stressing *inter alia* the right of every individual to leave his homeland and subsequently return to it, and—most significantly—recognizing that “the humanitarian principle of family reunification is firmly established in international practice”.

These conclusions are reproduced below:

## CONCLUSIONS ON FAMILY REUNIFICATION

The Round Table, organized in San Remo from 6 to 10 September 1988 under the auspices of the International Institute of Humanitarian Law,

*recalling* previous principles and conclusions adopted by the Institute, in particular the 1980 Body of Principles for the Procedures on the Reunification of Families and the 1986 Conclusions on Family Reunification adopted in Florence,

*having noted* the respective mandates in the field of family reunification of international organizations such as the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and the Intergovernmental Committee for Migration and having recognized their activities undertaken in this field,

*having examined*, in a broad context, the subject of family reunification with regard to all categories of persons affected by family separation, including refugees, migrants, victims of armed conflict situations, asylum-seekers and other persons who have compelling reasons to leave their homeland or to return to it,

*acknowledging* the improvements which are taking place in family reunification policy and practice of certain sending and receiving States,

noting with satisfaction the purposeful dialogue which was held among the participants, including Government officials, representatives of international organizations and of non-governmental organizations, reached the following conclusions:

1. The humanitarian principle of family reunification is firmly established in international practice.
2. This principle is closely linked to the right of the unity of the family which recognizes that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State. It is at the same time related to the right for everyone to leave any country, including his own, and the right to return to his country, as they are enshrined in existing international instruments.
3. While these rights and principles apply to all circumstances of family separation, there exist different situations where families need to be reunited, and solutions must be reached in accordance with relevant international law and the requirements of the particular situation.
4. The principal responsibility for implementing family reunification rests with States and this responsibility can best be discharged by means of a constructive dialogue and efficient humanitarian co-operation among the countries concerned.
5. The political will of States to respect and facilitate family reunification is therefore of decisive importance and represents the key factor for the removal of the legal, administrative and practical obstacles to family reunification. In this respect, facilitation of family reunification through orderly departure and reception arrangements should be encouraged; if needed, co-operation with competent international and national organizations should be established. Similar arrangements should be made to facilitate family reunification through voluntary return.
6. The development of domestic laws providing rights of family reunification should be promoted by all States.
7. Appropriate priority should be given by receiving States to persons seeking to enter their territory with a view to family reunification. Defining the legal status of persons admitted by a State for family reunification is within the competence of that State, and the consequent granting of admission should not be interpreted as an unfriendly act by other States. Consideration could be given to this aspect whenever orderly departure and reception arrangements are envisaged.
8. The definition of the family should be applied in a humanitarian spirit and take account of different cultural and social factors.
9. Sending and receiving States are called upon to take all necessary measures to facilitate family reunification, *inter alia* by:

- (a) establishing appropriate national legislation which recognizes the humanitarian principle of family reunification, regulates corresponding procedures and includes a "humanitarian clause" for cases of exceptional hardship;
- (b) assisting in the identification and tracing of separated family members;
- (c) supplying full information on family reunification procedures to the persons concerned;
- (d) dealing with applications for exit and entry visas as liberally and expeditiously as possible;
- (e) facilitating the exchange of news and of family visits when permanent family reunification is not intended;
- (f) whenever possible, helping to meet transportation costs involved;
- (g) whenever possible, adopting measures of assistance in the field of housing and employment so as to ensure that their absence in the receiving State be not an impediment to family reunification.

10. The importance of the efforts of non-governmental organizations to facilitate family reunification is underlined. It is acknowledged that National Red Cross and Red Crescent Societies have a special role to play in this field in view of their activities for the exchange of family news, the tracing of separated family members and their counselling.

11. Governments are encouraged to continue and increase co-operation with UNHCR, ICRC and ICM, in particular in situations where orderly family reunification arrangements require the intervention and services of such third parties.

12. The necessity to create a better understanding of the right to family unity, the right to leave any country and to return to one's own country, and the humanitarian principle of family reunification is acknowledged, and the need for a broader dissemination and constant advocacy of these rights and principles emphasized.

13. The International Institute of Humanitarian Law was commended for organizing its 13th Round Table on the theme of family reunification. The initiative to promote this humanitarian dialogue among States and competent international and national bodies was highly welcomed, in particular in view of current problems still affecting large numbers of separated families in many parts of the world.

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