
**28th International Conference of the Red Cross
and Red Crescent
Geneva, 2-6 December 2003**

Resolutions

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Resolution 1

ADOPTION OF THE DECLARATION AND AGENDA FOR HUMANITARIAN ACTION

The 28th International Conference of the Red Cross and Red Crescent (“the Conference”),

A.

Taking note with appreciation of the measures taken to implement the Plan of Action adopted by the 27th International Conference,

welcoming the report on implementation of the Plan of Action adopted by the 27th International Conference, prepared by the ICRC and the International Federation,

encouraging all members of the Conference to continue their work on the implementation of that Plan of Action.

B.

1. *adopts the Declaration of the 28th International Conference,*
2. *stresses the need to reinforce implementation of and respect for international humanitarian law, and in this regard*
 - *notes that all States must take national measures to implement international humanitarian law, including training of the armed forces and making this law known among the general public, as well as the adoption of legislation to punish war crimes in accordance with their international obligations,*
 - *calls upon States to use and to ensure the effective functioning of existing implementation mechanisms of international humanitarian law, pursuant to international obligations undertaken by them, and calls upon States party to the 1977 Additional Protocol I to the 1949 Geneva Conventions, which have not yet recognised the competence of the International Fact-Finding Commission pursuant to Article 90 thereof, to consider again the possibility of doing so,*
3. *adopts the Agenda for Humanitarian Action,*
4. *urges all members of the Conference to implement the Declaration and the Agenda for Humanitarian Action, in accordance with their respective powers, mandates and capacities, with a view to reaching the goals defined,*
5. *invites international and regional organizations to implement the commitments of the Declaration and the Agenda for Humanitarian Action which concern them,*

6. *requests* all members of the Conference to make every possible effort to ensure that all actors concerned implement, as appropriate, the Declaration and the Agenda for Humanitarian Action,
7. *requests* the Standing Commission of the Red Cross and Red Crescent to encourage and further the implementation of the present Resolution, including the Declaration and the Agenda for Humanitarian Action, according to its statutory mandate, through consultations with States party to the Geneva Conventions and other actors,
8. *requests* all members of the Conference to inform the ICRC and the International Federation on progress made with the implementation of the Declaration and the Agenda for Humanitarian Action, with a view to the presentation of a report on implementation to the International Conference in 2007,
9. *requests* the ICRC and the International Federation to implement and support the implementation of the Declaration and the Agenda for Humanitarian Action through the work of their respective headquarters and delegations,
10. *requests* the members of the Conference to report to the International Conference in 2007, on the follow-up given to their pledge(s).

C.

11. *thanks* the ICRC for its report on «International Humanitarian Law and the Challenges of Contemporary Armed Conflicts» and *invites* it to continue to generate reflection and conduct consultations on the issues identified therein as well as to analyze future challenges,
12. *takes note with appreciation* the efforts undertaken by the ICRC to conduct the study on customary international humanitarian law and *requests* the ICRC to continue its work and to report to the International Conference in 2007,
13. *welcomes* the study carried out by the International Federation in response to the request made by the 27th International Conference on “National Red Cross and Red Crescent Societies as auxiliaries to the Public Authorities in the Humanitarian Field”, in particular *notes* the concept outlined in the conclusions of the study concerning the “Characteristics of a balanced relationship between States and National Societies”, and *invites* the International Federation to continue its work on this subject further extending the work to include more in-depth consultations with States, as well with National Societies and to report further to the International Conference in 2007.

Declaration “Protecting Human Dignity”

Gathered in Geneva for the 28th International Conference of the Red Cross and Red Crescent we, members of this Conference, cannot accept that millions of people are unable to meet their basic needs because of armed conflicts, disasters and diseases. As representatives of the States party to the Geneva Conventions and the components of the International Red Cross and Red Crescent Movement, we therefore affirm our commitment, through this Declaration, **to protect human dignity** in all circumstances by enhancing respect for the relevant law and reducing the vulnerability of populations to the effects of armed conflicts, disasters and diseases.

Protecting human dignity calls for a renewed partnership between States and components of the Movement to promote respect for all human beings in a spirit of solidarity, irrespective of their origins, beliefs, religions, status or gender. We thus commit ourselves to reaffirming and applying the principles and rules of international humanitarian law, including customary rules, to increasing respect for humanitarian principles and values, to promoting tolerance, non-discrimination and respect for diversity among all peoples, and we welcome regional and other initiatives to promote respect for all human beings.

Armed conflicts, indiscriminate violence and acts of terror continue to threaten the safety and security of innumerable people and undermine efforts to bring about lasting peace and stability in the world. We call on States to consider ratification of, or accession to, treaties of international humanitarian law to which they are not yet party. We reaffirm the responsibility of all States to respect and ensure respect for international humanitarian law, regardless of the nature or origin of the conflict. We also call upon them to make use of existing implementation mechanisms, such as Protecting Powers and the International Fact-Finding Commission, pursuant to international obligations undertaken by them. States shall disseminate international humanitarian law to their armed forces and the civilian population. Efforts to educate the civilian population may be undertaken in collaboration with the Movement and such bodies as the media and religious and other comparable institutions. Convinced that the existing provisions of international humanitarian law form an adequate basis to meet challenges raised by

modern armed conflicts, we solemnly urge all parties to an armed conflict to respect all applicable treaties and customary rules of international humanitarian law.

We call upon all parties to an armed conflict to make all efforts to reduce incidental and prevent deliberate injury, death and suffering of civilian populations. The principle of distinction between the civilian population and combatants and between civilian objects and military objectives, and the principle of proportionality in the conduct of hostilities must be upheld in all circumstances. We call upon all parties to an armed conflict to take all feasible precautionary measures to minimize incidental civilian casualties and damage. We urge all parties to an armed conflict to ensure special respect and protection of women and children in accordance with international humanitarian law. In addition, the cultural heritage of peoples should be protected. We call on all parties to an armed conflict to take all feasible measures to prevent pillage of cultural property and places of worship and acts of hostility against such property not used for military purposes, as well as to prevent adverse effects on the environment. We also call on States to comply fully with the provisions of international humanitarian law, in particular, the Fourth Geneva Convention in order to protect and assist civilians in occupied territories.

Deploring in particular the rising humanitarian costs of non-international armed conflicts, we urge States to strengthen implementation of existing protections for civilian objects and persons affected by these conflicts and to examine if more elaborate rules on their protection are needed. In no case should existing standards of protection be weakened.

New security threats endanger the world today. International humanitarian law is applicable to all situations of armed conflict and foreign occupation. We vigorously condemn all acts or threats of violence aimed at spreading terror among the civilian population. In addition, we recall the protections granted by international humanitarian law to persons captured in connection with an armed conflict. All detainees must be treated with humanity and with respect for their inherent dignity. The inherent dignity of every human being can best be promoted and safeguarded through a complementary application of, in particular, international humanitarian law, human rights law and refugee law, as appropriate. International humanita-

rian law is not an obstacle to justice, and it requires that all persons alleged to have committed crimes be granted due process of law and fair trial. Moreover, we affirm that no State, no group or individual is above the law and no one should be considered or treated as beyond its reach.

Every year, millions of people are killed as a consequence of disasters, diseases and armed conflicts. The largest number of deaths occur from these events among the world's most vulnerable populations living in poverty and lacking access to basic services, information, or decision-making processes. Infectious diseases such as HIV/AIDS, tuberculosis and malaria are having a staggering effect on our world. Those who suffer most are the poor, refugees, internally displaced persons, migrants, minorities, the indigenous, and disabled persons, together with others rendered vulnerable by armed conflicts, disasters or social marginalization, in particular, women and children. Stigma and discrimination against such persons further increases their vulnerability and risk. **Protecting human dignity** requires the raising of health standards and the reduction of health risks through comprehensive prevention, treatment and care measures, including access to medicines at affordable prices. Accordingly, we commit ourselves to efforts to reduce the risks and effects of disasters on vulnerable populations, as well as to reduce their vulnerability to disease due to stigma and discrimination, particularly that faced by people living with and affected by HIV/AIDS. In doing this, we will work together through new initiatives to respond to the challenges in building local capacity and enhance volunteerism and strengthen partnership between States, the components of the Movement and other organizations.

Profoundly alarmed by the growing number of acts of violence or threats against humanitarian workers, we state that they must be respected and protected in all circumstances in their vital role to prevent and alleviate suffering. Their independence from political and military actors must be reaffirmed. States are urged to ensure that crimes against humanitarian workers do not remain unpunished. They shall denounce such crimes and do their utmost to prevent attacks on humanitarian workers and relief aid. Furthermore, humanitarian workers should be allowed free and unimpeded access in accordance with the rules provided for in relevant international law to populations affected by armed conflicts, disasters and diseases, or under foreign occupation. We reaffirm the responsibility of States to respect

the adherence of the components of the International Red Cross and Red Crescent Movement to its Fundamental Principles in order to provide impartial, neutral and independent protection and assistance for all those most in need. We also reaffirm the responsibility of the components of the Movement to cooperate with States in accordance with their respective mandates and the Statutes of the Movement.

The commitment in this Declaration is complemented by our resolve to undertake specific actions identified in the Agenda for Humanitarian Action which focuses on four issues: *missing* persons and their families; the human costs of the availability, use and misuse of *weapons*; reducing the risk and impact of *disasters* on vulnerable populations; and reducing the vulnerability to HIV/AIDS and other *diseases* due to stigma and discrimination.

These threats to human dignity represent some of the most pressing humanitarian challenges facing the world today.

Agenda for Humanitarian Action

The Agenda for Humanitarian Action focuses on the main theme and overall goal of the International Conference, namely **Protecting Human Dignity**, and sets out action-oriented goals and measures that States and the components of the International Red Cross and Red Crescent Movement¹ can undertake to protect human dignity.

Four humanitarian concerns are addressed in the Agenda:

- *Address the issue of persons missing in connection with armed conflict or other situations of armed violence leading to numerous persons becoming missing (hereinafter referred to as “other situations of armed violence”) and that of assistance to their families, taking into account the observations and recommendations of the ICRC International Conference of Governmental and Non-Governmental Experts held in Geneva on 19-21 February 2003;*
- *Address the human costs of the availability, use and misuse of weapons in armed conflicts;*
- *Reduce the risk and impact of disasters and improve preparedness and response mechanisms;*
- *Reduce the risk and impact of HIV/AIDS and other infectious diseases with regard to vulnerable people.*

The Agenda for Humanitarian Action sets out a number of clear, measurable, realistic objectives for Conference members to achieve from 2004 to 2007. These objectives relate to areas in which the International Conference, as a unique forum bringing together States and the components of the Movement, can make a specific contribution to solving current concerns and challenges in the humanitarian field, without duplicating existing efforts in other international forums to address similar issues. However, the impact of the Agenda for Humanitarian Action will depend on the active commitment of all Conference members to its full implementation.

* * *

¹ The International Red Cross and Red Crescent Movement is composed of the International Committee of the Red Cross (referred to herein as the “ICRC”), the National Red Cross and Red Crescent Societies (referred to herein as the “National Societies”) and the International Federation of Red Cross and Red Crescent Societies (referred to herein as the “International Federation”). Throughout this document, the term “Movement” covers all the aforementioned components.

ENHANCING PROTECTION IN ARMED CONFLICTS AND OTHER SITUATIONS OF ARMED VIOLENCE

General objective 1 – Respect and restore the dignity of persons missing as a result of armed conflicts or other situations of armed violence and of their families

The aim is to resolve the problem of missing persons, assist their families and prevent others from becoming missing, by increasing efforts by governments, the military, and national and international organizations — including the worldwide Red Cross and Red Crescent network — to take concrete action and to reaffirm, reinforce and steadfastly respect and implement the protection afforded by international law, in order to ensure accountability on the part of the authorities responsible for resolving these issues.

• Final Goal 1.1 – Prevent persons from becoming missing

In armed conflict or other situations of armed violence, all persons are protected from becoming missing, without distinction as to the deliberate or incidental character of the event.

Actions proposed

- 1.1.1 State authorities take effective measures to provide means of personal identification, at a minimum identification discs, for all members of armed and security forces and to ensure their compulsory and proper use.
- 1.1.2 State authorities take effective measures to provide means of personal identification for minors at risk and to make such means readily available to all concerned persons.
- 1.1.3 State authorities and other concerned actors, in particular National Societies, take effective measures to increase knowledge among civilians on how to protect themselves from becoming missing. These concerned actors and the ICRC take measures to gain access to all civilians and to register those at risk of becoming missing.
- 1.1.4 State authorities and other concerned actors, in particular National Societies and the ICRC, take effective measures to ensure that during armed conflict or other situations of armed violence all persons are allowed to maintain contact with their relatives.
- 1.1.5 State authorities take effective measures to immediately notify families, counsel and any other person with a legitimate interest in the matter, of the situation of persons deprived of their liberty and to prevent extra-judicial executions, torture and detention in secret locations.

- **Final Goal 1.2 – Ascertain the fate of missing persons**

Article 32 of the 1977 Additional Protocol I refers to the right of families to know the fate of their relatives. In this spirit, families are to be informed of the fate, including the whereabouts, and, if dead, the cause of death of their family members who are missing as a result of armed conflict or other situations of armed violence. Families and communities receive acknowledgment of the events leading to persons becoming missing, and the perpetrators of violations leading to such situations be held accountable.

Actions proposed

- 1.2.1 State authorities and other concerned actors, in particular National Societies and the ICRC, take effective measures to ensure that families know the fate, including the whereabouts, of their missing relatives. In case of death of these relatives, family members should know the cause and circumstances of death, in order to facilitate acceptance of their death and the commencement of the mourning process.
- 1.2.2 State authorities take effective measures to set up, whenever necessary, appropriate mechanisms for responding to the need of families for information, official acknowledgement and accountability.

- **Final Goal 1.3 – Manage information and process files on missing persons**

The collection and sharing of information by all those concerned is properly and actively undertaken and coordinated, thereby strengthening the effectiveness of actions taken to ascertain the fate of missing persons as a result of armed conflict or other situations of armed violence.

Actions proposed

- 1.3.1 State authorities and other concerned actors, in particular National Societies and the ICRC, take effective measures to properly compile, manage and process files on missing persons and to properly centralize personal information that may serve to ascertain their fate.
- 1.3.2 State authorities and other concerned actors, in particular National Societies and the ICRC, take effective measures to respect relevant standards and principles regarding the protection of personal information wherever such information, including medical and genetic information, is collected, managed and processed.

- **Final Goal 1.4 – Manage human remains and information on the dead**

Information is provided on those who have died in connection with armed conflict or other situations of armed violence so as to reduce the number of

missing persons, help ascertain the fate of those who are missing and put an end to the uncertainty and anxiety of their families.

Actions proposed

- 1.4.1 State authorities and other concerned actors, in particular National Societies and the ICRC, take effective measures to properly search for, collect, identify and dispose of human remains without adverse distinction, while respecting the dead and the secular and religious mourning practices of the individuals and communities concerned.
- 1.4.2 State authorities and other concerned actors take effective measures to agree upon a framework for exhumation and identification before beginning any such process, and ensure that forensic specialists, whenever possible, carry out all procedures to exhume and identify human remains.

• Final Goal 1.5 – Support families of missing persons

While the families of missing persons undergo much the same experiences as the rest of the population affected by armed conflict or other situations of armed violence, in addition, they have unique needs associated with the disappearance of a relative, which vary according to the context and are specifically addressed.

Action proposed

- 1.5.1 State authorities and other concerned actors, in particular National Societies, the ICRC and the International Federation, take targeted measures to protect and assist the families of missing persons, paying attention to the particular needs of women and children.

• Final Goal 1.6 – Encourage organized armed groups engaged in armed conflicts to resolve the problem of missing persons, assist their families and prevent others from becoming missing

State Parties to the Geneva Conventions and other concerned actors, in particular the ICRC and, where possible, National Societies, encourage organized armed groups to fulfil general objective 1, including its final goals and the corresponding actions.

* * *

General objective 2 – Strengthen the protection of civilians in all situations from the indiscriminate use and effects of weapons and the protection of combatants from unnecessary suffering and prohibited weapons through controls on weapons development, proliferation and use

The aim is to protect human dignity in the face of continued human suffering caused by anti-personnel mines and explosive remnants of war, the widespread proliferation of weapons and disregard of rules concerning their use, and the development of new weapons and technologies that can be used for hostile purposes,

by reaffirming, reinforcing and steadfastly respecting and implementing the protections afforded by international humanitarian law,

in order to ensure that the means used to conduct military operations are consistent with international humanitarian law; that adequate measures are taken to prevent serious violations of the law; and that existing legal norms are maintained in the face of scientific developments.

• Final Goal 2.1 – End the suffering caused by anti-personnel mines

Global mine action efforts are increased and the goal of the eventual global elimination of anti-personnel mines is pursued.

Actions proposed

- 2.1.1 States, in partnership with the components of the Movement, will provide assistance for the care, rehabilitation, social and economic reintegration of war-wounded, including mine victims; for mine-awareness and clearance programmes. The ICRC will continue to play a lead role in the implementation of the Movement Strategy on Landmines. National Societies, in partnership with the ICRC and States, will maintain mine action among their priorities and develop their capacity in this regard.
- 2.1.2 All States will pursue the ultimate goal of the eventual global elimination of anti-personnel mines. States not yet party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, are encouraged to consider adhering to it at the earliest opportunity.
- 2.1.3 States party to this Convention should develop, in time for the First Review Conference, national programmes for clearance, stockpile destruction, mine awareness and victim assistance consistent with the Convention's deadlines. States Parties in a position to do so are encouraged to increase their efforts to ensure the resources necessary to

fully implement the Convention. Each State party to this Convention should adopt all necessary measures to implement it, including criminal sanctions and the harmonization of military doctrine with the Convention's obligations.

• **Final Goal 2.2 – Minimize suffering from weapons that may be excessively injurious or have indiscriminate effects**

Civilian deaths and injuries caused by explosive remnants of war should be significantly reduced. Adherence to the Convention on Certain Conventional Weapons, its Protocols and the amendment extending the Convention's scope of application to non-international armed conflict is increased.

Actions proposed

- 2.2.1 The Conference warmly welcomes the adoption of the Protocol on Explosive Remnants of War to the Convention on Certain Conventional Weapons (CCW, Protocol V), and encourages States to consider its ratification as soon as possible. The global human and social costs of explosive remnants of war should be addressed through increased international efforts in the fields of clearance, risk education and victim assistance and, when ratified, the implementation of the new Protocol. The Movement will implement its Strategy on Landmines, as extended to explosive remnants of war, and develop its capacity for this purpose.
- 2.2.2 States are encouraged to continue efforts to reduce the effects on civilians of mines, booby-traps and similar devices through considering ratification of amended Protocol II to the CCW and its full implementation.
- 2.2.3 States, both through national measures and further efforts in the context of the CCW, are encouraged to consider measures to minimize the risk of explosive ordnance becoming explosive remnants of war and to reduce the human costs of mines other than anti-personnel mines.
- 2.2.4 In order to minimize civilian deaths and injuries resulting from certain munitions, including submunitions, States will rigorously apply the rules on distinction, proportionality, and precautions in attack. In this regard, components of the Movement will continue to promote measures to avoid civilian casualties resulting from explosive remnants of war and submunitions.
- 2.2.5 States should take all necessary measures to ensure the full implementation of the Protocols to the CCW to which they are a party. States not

yet party to the CCW and all its Protocols are encouraged to consider adhering to these instruments. States Parties that have not already done so should consider adhering to the extension of the Convention's scope of application to non-international armed conflict.

• **Final Goal 2.3 – Reduce the human suffering resulting from the uncontrolled availability and misuse of weapons**

In recognition of States' obligation to respect and ensure respect for international humanitarian law, controls on the availability of weapons are strengthened — in particular on small arms, light weapons and their ammunition — so that weapons do not end up in the hands of those who may be expected to use them to violate international humanitarian law. Complementary steps are taken to reduce the misuse of weapons through the promotion of respect for this law.

Actions proposed

- 2.3.1 States should make respect for international humanitarian law one of the fundamental criteria on which arms transfer decisions are assessed. They are encouraged to incorporate such criteria into national laws or policies and into regional and global norms on arms transfers.
- 2.3.2 States should take concrete steps to strengthen controls on arms and ammunition. In particular, States should urgently enhance efforts to prevent the uncontrolled availability and misuse of small arms and light weapons, taking into account the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, and other relevant instruments, particularly those developed in a regional framework.
- 2.3.3 States, with the support of the ICRC and National Societies, should ensure that armed, police and security forces receive systematic training in international humanitarian law and human rights law, in particular concerning the responsible use of weapons. Where appropriate, similar training should be encouraged for organized armed groups.
- 2.3.4 States, the ICRC and National Societies should strive to reduce the demand for and misuse of weapons by promoting a culture of tolerance and establishing educational programmes or similar initiatives among the civilian population. They will also increase awareness of the risks to safety of small arms and light weapons, especially among children.
- 2.3.5 States, the ICRC and National Societies in a position to do so will strengthen efforts to record and document the impact of armed violence on

civilians, contributing to a better understanding of its human costs. The ICRC will also document the impact of armed violence on its operations.

• **Final Goal 2.4 – Protect humanity from poisoning and the deliberate spread of disease**

In light of recent advances in biotechnology that could be misused to create new means or methods of warfare, urgent action is taken to prevent the misuse of biotechnology for hostile purposes and the erosion of the prohibitions of poisoning and the deliberate spread of disease contained in international humanitarian law.

Actions proposed

- 2.4.1 States party to the 1972 Biological Weapons Convention are encouraged to continue their efforts under the Biological Weapons Convention Programme of Work to reduce the threat posed by biological weapons.
- 2.4.2 Recognizing the primary importance of the Biological Weapons Convention Programme of Work, States are invited to work with the ICRC to develop a ministerial-level declaration that would support efforts in the framework of the 1972 Biological Weapons Convention, on preventing the hostile use of biological agents as called for in the ICRC Appeal on Biotechnology, Weapons and Humanity. The components of the Movement will promote the concerns expressed in the ICRC Appeal.
- 2.4.3 States that have not yet done so are encouraged to:
 - consider becoming party to the 1925 Geneva Protocol, the 1972 Biological Weapons Convention and the 1993 Chemical Weapons Convention before the International Red Cross and Red Crescent Conference in 2007;
 - adopt appropriate national legislation to investigate and prosecute acts prohibited by the 1925 Geneva Protocol, the 1972 Biological Weapons Convention and the 1993 Chemical Weapons Convention;
 - integrate relevant ethical and legal norms into medical and scientific education, as well as professional and industrial codes of conduct at national and international levels with a view to minimizing the risk of use of biological agents for hostile purposes; and
 - continue efforts to establish comprehensive surveillance and assistance mechanisms at the national and international levels to detect, analyse and respond to unusual outbreaks of disease.

2.4.4 States are called upon to uphold the object and purpose of the 1925 Geneva Protocol, the 1972 Biological Weapons Convention and other relevant norms of international law, including by monitoring closely advances in the field of the life sciences, taking practical action to effectively control biological agents that could be put to hostile use, and by improving international cooperation.

• **Final Goal 2.5 – Ensure the legality of new weapons under international law**

In light of the rapid development of weapons technology and in order to protect civilians from the indiscriminate effects of weapons and combatants from unnecessary suffering and prohibited weapons, all new weapons, means and methods of warfare should be subject to rigorous and multidisciplinary review.

Actions proposed

- 2.5.1 In accordance with 1977 Additional Protocol I (Article 36), States Parties are urged to establish review procedures to determine the legality of new weapons, means and methods of warfare. Other States should consider establishing such review procedures. Reviews should involve a multidisciplinary approach, including military, legal, environmental and health-related considerations.
- 2.5.2 States are encouraged to review with particular scrutiny all new weapons, means and methods of warfare that cause health effects with which medical personnel are unfamiliar.
- 2.5.3 The ICRC will facilitate the voluntary exchange of experience on review procedures. States that have review procedures in place are invited to cooperate with the ICRC in this regard. The ICRC will organise, in cooperation with government experts, a training workshop for States that do not yet have review procedures.

* * *

REDUCING THE RISK AND IMPACT OF DISASTERS

General objective 3 – Minimize the impact of disasters through implementation of disaster risk reduction measures and improving preparedness and response mechanisms

The aim is to protect human dignity, lives and livelihoods from the devastating impact of disasters,
by fully integrating disaster risk reduction into national and international planning and policy instruments and implementing appropriate operational measures to reduce risks, and
by implementing appropriate legal, policy and operational measures to facilitate and expedite effective responses to disasters,
in order to reduce the risks and effects of disasters on marginalized and vulnerable populations.

• Final Goal 3.1 – Acknowledge the importance of disaster risk reduction and undertake measures to minimise the impact of disasters on vulnerable populations

Comprehensive disaster risk reduction, including disaster management, prevention and mitigation can be achieved through education and awareness-raising activities. Other measures to minimise the impact of disasters include: effective management of natural resources and protection of the environment; the implementation of early warning systems; ensuring that building codes, particularly in disaster prone countries, are implemented and enforced to limit suffering caused by structural damage; supporting sustainable recovery; and optimizing capacity-building opportunities for vulnerable populations. Of particular importance is directing such efforts towards populations that are most at risk, including those marginalized because of poverty, discrimination or social exclusion, or those that do not have access to disaster preparedness and response services as a consequence of their circumstances or legal status.

Actions proposed

- 3.1.1 States should, in accordance with the United Nations International Strategy for Disaster Reduction, review their existing legislation and policies to fully integrate disaster risk reduction strategies into all relevant legal, policy and planning instruments in order to address the social, economic, political and environmental dimensions that influence vulnerability to disasters.

- 3.1.2 State authorities should take appropriate operational measures to reduce disaster risks at the local and national levels, including sustainable natural resource, environmental and land-use management, appropriate urban planning, and enforced building codes. States should, in cooperation with National Societies and other concerned agencies, implement disaster risk awareness programmes, public education programmes, early-warning systems, contingency planning, disaster management training and other mitigation and preparedness measures, based on risk, vulnerability and capacity assessments.
- 3.1.3 States, in cooperation with National Societies, are urged to incorporate risk reduction as a central feature in national development plans, poverty-reduction strategies and post-disaster recovery plans, be it on their own territory or through their development and cooperation assistance in a bilateral, multilateral or regional context, with a special emphasis on reducing the vulnerability of populations in hazard-prone areas or otherwise at risk owing to poverty, marginalization, social exclusion or discrimination.
- 3.1.4 States are strongly encouraged to prioritize and provide resources to implement comprehensive disaster risk reduction measures, including measures to address issues relating to climate change and variability. National Societies will increase their cooperation with States and experts in the area of climate change in order to limit the potential negative impact on vulnerable populations. In so doing, they may draw on the recommendations outlined in the report "Preparedness for climate change" as requested by the Plan of Action of the 27th International Conference in 1999.
- 3.1.5 States, recognizing the importance of the independent and auxiliary role of National Societies with respect to the public authorities in providing humanitarian services in the field of disaster management, should negotiate clearly defined roles and responsibilities with their respective National Societies in risk reduction and disaster management activities. This may include National Society representation on relevant national policy and coordination bodies as collaborative partners with States. States should also take specific legal and policy measures to support and assist National Societies in building sustainable volunteer and community capacity, particularly promoting the participation of women, in the areas of risk reduction and disaster management.
- 3.1.6 The components of the Movement, in cooperation with States, will prioritize and scale up efforts to build sustainable capacity and improve per-

formance in the area of disaster risk reduction, including disaster management, awareness-raising and advocacy activities at the local, national and regional levels. This will include an emphasis on building effective and inclusive partnerships with populations that live in hazard-prone areas or are otherwise vulnerable owing to poverty, marginalization, social exclusion or other forms of discrimination and will involve all relevant partners.

- 3.1.7 The International Federation will support the efforts of National Societies to strengthen their capacity in the field of disaster risk reduction through continued knowledge sharing on best practices, resource mobilization and advocacy on disaster risk reduction issues with States and other relevant international, regional and national actors, including with the private sector.

• **Final Goal 3.2 – Enhance international disaster response through support for the compilation and application of the laws, rules and principles applicable to international disaster response**

It is essential to provide neutral and impartial assistance to all populations affected by disasters, without discrimination and on the basis of vulnerability and need. Experience has shown that achieving this goal depends to a significant extent on improved understanding of the regulatory framework within which international disaster response is provided. Global research conducted as part of the International Federation's IDRL Project identified that there are many instruments aimed at improving international disaster response but that awareness of them is often lacking and implementation inconsistent.

Actions proposed

- 3.2.1 All members of the Conference welcome the work undertaken by the International Federation in cooperation with National Societies, States, the United Nations and other bodies to collate and examine the effectiveness of laws, rules and principles applicable to international disaster response, as noted in United Nations General Assembly Resolution on strengthening the effectiveness and coordination of international urban search and rescue assistance (A/RES/57/150).
- 3.2.2 All members of the Conference recognise that improved awareness, clarification, application and development of laws, rules and principles applicable to international disaster response will assist in facilitating and improving the coordination, timeliness, quality and accountability of international disaster response activities and can therefore make a major contribution to the protection of human dignity in situations of disasters.

- 3.2.3 States and the components of the Movement are encouraged to work together to ensure the fullest possible consideration and application, where appropriate, of the laws, rules and principles that pertain to international disaster response, as well as the recommendations of Resolution 6 of the 23rd International Conference of the Red Cross and Red Crescent on measures to expedite international relief and United Nations General Assembly Resolution on strengthening the coordination of emergency humanitarian assistance of the United Nations and its accompanying Annex (A/RES/46/182).
- 3.2.4 States, recognizing the importance of the independent and auxiliary role of National Societies with respect to the public authorities in providing humanitarian services in the event of disaster, are encouraged to work in cooperation with their respective National Societies and the International Federation to review existing disaster management laws and operational instruments at the national, regional and international levels so as to enhance harmonization with relevant laws, rules and principles, and where feasible, guidelines applicable to international disaster response.
- 3.2.5 States that have not yet done so are encouraged to consider acceding to and implementing the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations in order to facilitate the effective use of telecommunications in disaster and emergency relief operations. States will, as appropriate, also implement the relevant resolutions of the International Conference of the Red Cross and Red Crescent, International Telecommunication Union and United Nations related to the use of telecommunications in disasters, as well as access and protection of disaster response and mitigation workers.
- 3.2.6 The International Federation and National Societies will continue to lead collaborative efforts, involving States, the United Nations and other relevant bodies, in conducting research and advocacy activities relating to the compilation of the laws, rules and principles applicable to international disaster response. This includes identifying any outstanding needs in terms of the legal and regulatory framework and the development of models, tools and guidelines for practical use in international disaster response activities. This also includes the active promotion of the awareness, dissemination, clarification and application, where appropriate, of the laws, rules and principles applicable to international disaster response, as well as applicable guidelines by States and the international community at all levels. The International Federation

will submit a progress report to the International Conference of the Red Cross and Red Crescent in 2007.

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REDUCING THE RISK AND IMPACT OF DISEASES

General objective 4 – Reduce the increased vulnerability to diseases arising from stigma and discrimination and from the lack of access to comprehensive prevention, care and treatment

The aim is to protect human dignity from the devastating consequences of HIV/AIDS and other diseases faced, in particular, by groups that are stigmatized, discriminated against or socially marginalized because of their situation or circumstances and often lack access to comprehensive prevention, treatment, care and support,

by addressing the legal and policy barriers, as well as underlying societal attitudes, which stigmatize and discriminate against people living with HIV/AIDS (PLWHA) and other highly vulnerable populations, and

by providing equitable access to prevention, treatment and health care, including psychosocial support, for all people, including displaced persons and other marginalized groups, such as prisoners and detainees,

in order to reduce the impact and further spread of HIV/AIDS and other diseases and promote the enjoyment of the highest attainable standard of health as one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition, with a special emphasis on marginalized and vulnerable populations.

• **Final Goal 4.1 – Eradicate the stigma, discrimination and denial faced by populations affected by and living with HIV/AIDS**

HIV/AIDS represents one of the most serious threats to human dignity today. Despite a growing awareness of the scale of the epidemic, the global response to HIV/AIDS continues to be hampered by attitudes that stigmatize people affected by and living with HIV/AIDS and highly vulnerable populations. Discriminatory legislation and policies directly and indirectly deny these populations access to adequate prevention, treatment and care. The response to HIV/AIDS must address social, legal and policy barriers that stigmatize and discriminate against infected, affected and highly vulnerable populations. Health care and social services must be based on the humanitarian principle of protecting and respecting human dignity, and be provided

without discrimination, on the basis of need and vulnerability, using approaches that encourage tolerance, respect and social inclusion.

Actions proposed

- 4.1.1 States, in fulfilment of the commitments made in the Declaration of Commitment adopted by the United Nations General Assembly Special Session on HIV/AIDS (UNGASS), should eliminate any laws, policies and practices that adversely discriminate against people living with HIV/AIDS (PLWHA), with special attention to women and girls and highly vulnerable groups.
- 4.1.2 States undertake to adopt appropriate and effective measures aimed at enforcing policies and strategies aimed at eradicating HIV/AIDS-related stigma and discrimination, with specific attention paid to the gender implications of HIV/AIDS, and an emphasis on the social inclusion of people affected by and living with HIV/AIDS and other highly vulnerable groups, notably by ensuring the full enjoyment of their human rights and fundamental freedoms.
- 4.1.3 States, assisted and supported by National Societies, are urged to undertake operational measures, with special emphasis on empowering women and addressing the gender imbalance, to promote the widespread availability of and equitable access to comprehensive prevention, care and treatment, including improved and enhanced sexual and reproductive health care.
- 4.1.4 States are urged to ensure that a wide range of prevention programmes which take account of local circumstances, ethics and cultural values, is available in all countries, particularly the most affected countries, including information, education and communication, in languages most understood by communities and respectful of cultures, aimed at reducing risk-taking behaviour and encouraging responsible sexual behaviour, including: abstinence and fidelity; expanded access to essential commodities, including male and female condoms and sterile injecting equipment; harm-reduction efforts related to drug use; expanded access to voluntary and confidential counselling and testing; safe blood supplies; and early and effective treatment of sexually transmittable infections.
- 4.1.5 States, assisted and supported as appropriate by the components of the Movement, should undertake operational measures aimed at ensuring continuous progress in the availability of treatment and care for people living with HIV/AIDS, with an emphasis on reaching marginalized groups that do not have ready access to such treatment and care, in

order to protect their dignity, lives and livelihoods and prevent the transmission of HIV.

- 4.1.6 States are urged to adopt and implement legislative measures to eradicate discrimination against people living with HIV/AIDS in the workplace. In close cooperation with States, civil society organizations and international organizations, the components of the Movement will carry out awareness and education activities aimed at creating positive, socially inclusive workplace environments for staff, volunteers and beneficiaries, and will provide support and assistance for other organizations wishing to implement workplace initiatives to eradicate stigma and discrimination against people living with HIV/AIDS.
- 4.1.7 States, recognizing the importance of the independent and auxiliary role of National Societies with respect to the public authorities in providing humanitarian services in the field of health and care should negotiate clearly defined roles and responsibilities with their respective National Societies in public health, development and social activities. This could include representation of National Societies on relevant national policy and coordination bodies. States should also take specific legal and policy measures to support and assist National Societies in building sustainable volunteer and community capacity in the area of HIV/AIDS and health promotion and prevention activities.
- 4.1.8 States should facilitate civil society participation in planning and implementation through participation in processes such as the Country Coordinating Mechanisms of the Global Fund to fight AIDS, Tuberculosis and Malaria. This would ensure that disease responses benefit from the unique perspectives, capacities and reach of civil society, and in particular the voice and contribution of affected communities. This includes developing and utilizing the full potential of the network of National Society volunteers to reach vulnerable populations at the community and household levels.
- 4.1.9 States and National Societies are urged to provide in conformity with paragraph seven of the Declaration, including through international cooperation, the necessary human and financial resources and institutional support needed to reduce the risk and impact of diseases.
- 4.1.10 National Societies will continue to implement the global campaign against AIDS-related stigma and discrimination ("The truth about AIDS... Pass it on") and, in cooperation with States, will prioritize and scale up efforts to strengthen sustainable capacity and improve the

effectiveness of health and HIV/AIDS awareness and advocacy activities at the local and national levels, with an emphasis on building effective and inclusive partnerships with people affected by and living with HIV/AIDS and other populations that are vulnerable owing to poverty, marginalization, social exclusion and discrimination.

- 4.1.11 The International Federation will support the efforts of National Societies to strengthen their capacity to implement HIV/AIDS and community health interventions through continued knowledge sharing on best practices, resource mobilization and advocacy on stigma and discrimination issues with States and the international community.
- 4.1.12 The Movement will cooperate closely with UNAIDS and its co-sponsors at all levels. National Societies will contribute to and strengthen the International Federation's status as a UNAIDS Collaborating Centre and its partnership with the Global Network of PLWHA (GNP+) for the elimination of stigma and discrimination, through the mobilization of volunteers at the national, regional and international levels.

• **Final Goal 4.2 – Reduce the risk of and vulnerability to HIV/AIDS and other diseases faced by people who suffer most as defined in paragraph seven of the Declaration and other marginalized groups, such as prisoners and detainees. Because of their legal status or circumstances, such people have limited access to health education, promotion and care, treatment, and disease prevention**

It is imperative, both from humanitarian and public-health perspectives, to provide neutral and impartial assistance for all populations affected by HIV/AIDS and other diseases, without discrimination and on the basis of vulnerability and need. Many groups do not have full access to basic prevention, health-care and social services as a result of legislation, policies and practices with discriminatory effects, thereby increasing their risk of and vulnerability to diseases. Of particular concern are migrants and displaced populations, prisoners and detainees. Effective health programmes based on tolerance and social inclusion, and focusing on physical, mental and social well-being are critical to protecting the human dignity of these populations and ensuring their successful integration into society.

Actions proposed

- 4.2.1 States are urged, in cooperation with National Societies, to review existing laws and policies in order to promote the enjoyment of the highest attainable standard of health as one of the fundamental rights

of every human being without distinction of race, religion, political belief, economic or social condition.

- 4.2.2 States, in close cooperation with the components of the Movement and vulnerable populations, should implement socially inclusive prevention and health-care interventions appropriate for displaced and marginalized populations. This implies moving beyond emergency needs to integrate physical and mental health and social well-being into programming.
- 4.2.3 States and the components of the Movement, with other relevant partners, are called upon to address, in a multi-sectoral and coordinated manner, the problems associated with HIV/AIDS and other diseases in armed conflicts, disasters and emergencies, recognizing the special vulnerability and capacity of displaced populations, host communities, military and peace keeping personnel.
- 4.2.4 States, in cooperation with the Movement, are urged to address the special needs and vulnerability of people affected by HIV and AIDS in emergency situations with special attention to food security.
- 4.2.5 States, in cooperation with the components of the Movement, are urged to implement policies and operational measures in prisons in order to create a safer environment and reduce the risk of transmission of HIV, Tuberculosis and other diseases among detainees, prisoners and staff. This includes voluntary and confidential testing for HIV infection, adequate pre-and post-test counselling and awareness programmes.
- 4.2.6 National Societies will prioritize and expand efforts to build sustainable capacity and increase their effectiveness in health awareness and advocacy activities at the local and national levels, with an emphasis on building effective and inclusive partnerships with populations that are vulnerable owing to poverty, marginalization, social exclusion and discrimination.
- 4.2.7 The International Federation will support the efforts of National Societies to strengthen their capacity in the field of community health through the continued sharing of best practices, resource mobilization and advocacy on stigma and discrimination issues with States and the international community.

Resolution 2

REVISION OF THE REGULATIONS FOR THE EMPRESS SHÔKEN FUND

The 28th International Conference of Red Cross and Red Crescent, *having taken cognizance* of the report of the Joint Commission of the Empress Shôken Fund,

1. *thanks* the Joint Commission for its management of the Empress Shôken Fund *and approves* all provisions made by it,
2. *requests* the Joint Commission to transmit this report to the Imperial Family of Japan through the intermediary of the Japanese Red Cross Society,
3. *approves* the new Regulations for the Empress Shôken Fund, the text of which is as follows:

REGULATIONS FOR THE EMPRESS SHÔKEN FUND

(Approved by the Sixteenth International Conference of the Red Cross, London 1938, and revised by the Nineteenth International Conference, New Delhi 1957, the Twenty-fifth International Conference, Geneva 1986, the Council of Delegates, Budapest 1991, and the Twenty-seventh International Conference, Geneva, 1999)

Article 1 – The sum of 100,000 yen in Japanese gold presented by H.M. The Empress of Japan to the International Red Cross on the occasion of the Ninth International Conference (Washington, 1912) to promote “relief work in time of peace”, was increased to 200,000 yen by a further gift of 100,000 yen from their Majesties The Empress and The Dowager Empress of Japan, on the occasion of the Fifteenth International Conference, (Tokyo, 1934). The Fund was further increased by a gift of 3,600,000 yen from H.M. The Empress of Japan, on the occasion of the Red Cross Centenary in 1963, and by successive contributions from the Government of Japan since 1966, and from the Japanese Red Cross Society. This fund shall be entitled: “The Empress Shôken Fund”.

Article 2 – The Fund shall be administered and its revenues distributed by a Joint Commission of six members chosen in their personal capacity. The Joint Commission shall be composed equally of three members appointed by the International Committee of the Red Cross and three by the International Federation of Red Cross and Red Crescent Societies; the quorum shall be four. The Chairman of the Joint Commission shall be on a permanent basis

one of the representatives of the International Committee of the Red Cross whereas the International Federation of Red Cross and Red Crescent Societies shall provide the Joint Commission's Secretariat. The Joint Commission shall meet at Geneva, in principle at the headquarters of the International Federation of Red Cross and Red Crescent Societies.

Article 3 – The capital of the Fund as well as subsequent donations and contributions shall remain intact. Only revenues provided by interest and capital gains may be used for allocations awarded by the Joint Commission to meet all or part of the cost of the activities enumerated below:

- a) Disaster preparedness
- b) Activities in the field of health
- c) Blood transfusion services
- d) Youth activities
- e) First aid and rescue programmes
- f) Activities in the field of social welfare
- g) Dissemination of the humanitarian ideals of the Red Cross and Red Crescent
- h) Such other programmes of general interest for the development of the activities of the National Red Cross and Red Crescent Societies.

Article 4 – National Red Cross and Red Crescent Societies wishing to receive an allocation shall make the necessary application through their Central Committees to the Secretariat of the Joint Commission before 31 December of the year preceding that in which the allocations are to be made. Applications shall be supported by full details concerning the particular activity selected from among those specified in Article 3 above.

Article 5 – The Joint Commission shall examine the applications mentioned in the previous Article and shall make such allocations as it considers just and suitable. It shall each year communicate the decisions it has taken to National Red Cross and Red Crescent Societies.

Article 6 – National Red Cross and Red Crescent Societies which feel obliged by circumstances to put the allocations received to uses other than those specified in their applications for grants under Article 4 must ask for the Joint Commission's approval before doing so.

Article 7 – National Red Cross and Red Crescent Societies shall send to the Joint Commission, not later than twelve months after receipt of the allocations, a report on the use of the allocations received.

Article 8 – The announcement of distribution shall take place each year on 11 April, the anniversary of the death of H.M. The Empress Shôken.

Article 9 – A sum which shall not exceed twelve per cent of the annual interest on the capital shall be set aside to cover the cost of administering the Fund and of assisting the National Societies concerned in the realisation of their projects.

Article 10 – The Joint Commission shall present to each *Council of Delegates of the Red Cross and Red Crescent* a report on the current financial situation of the Fund, the allocations which have been made since the preceding *Council* and the use made of those allocations by National Societies. *The Council of Delegates* shall transmit this report to the Japanese Imperial Family through the intermediary of the Japanese Red Cross Society.

Resolution 3

EMBLEM

The 28th International Conference of the Red Cross and Red Crescent, *recalling* Resolution 3 (27th International Conference) adopted on 6 November 1999,

adopts Resolution 5 adopted by the Council of Delegates on 1st December 2003 (see annex).

Annex

Resolution 5 Follow-up to Resolution 6 of the Council of Delegates in 2001

Emblem

The Council of Delegates

Taking note of the report submitted by the Standing Commission as requested by the 27th International Conference of the Red Cross and Red Crescent, held in Geneva in 1999, and Resolution 6 of the Council of Delegates in 2001,

Reiterating the commitment of the International Red Cross and Red Crescent Movement to achieve, with the support of the States Parties to the Geneva Conventions, a comprehensive and lasting solution to the question of the emblem, on the basis of the proposed draft Third Protocol Additional to the Geneva Conventions, once it is adopted, as soon as circumstances permit,

Recalling the legal and protective value of the emblems used by the International Red Cross and Red Crescent Movement, which, by virtue of their inclusion in the 1949 Geneva Conventions and continuous practice for over a century, have become universally recognised symbols of impartial and neutral aid and protection to the victims of war, natural disasters and other catastrophes,

1. *Welcomes* the work of the Standing Commission, its Special Representative on the Emblem and its ad hoc Working Group, the ICRC and the International Federation to develop the basis for a comprehensive and lasting solution to the question of the emblem;
2. *Further welcomes* the progress made since the 27th International Conference, in particular the drafting of the proposed Third Protocol

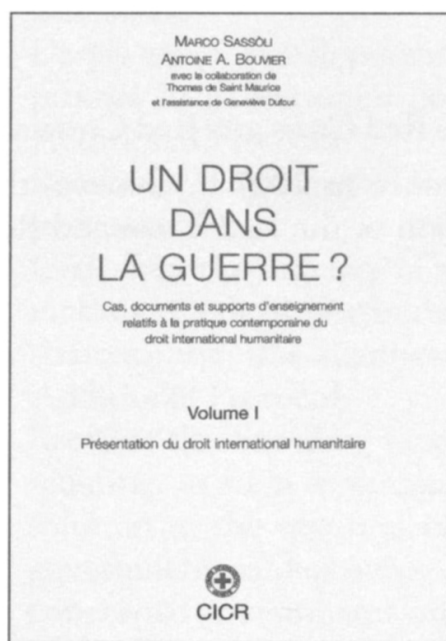
Additional to the Geneva Conventions on the Emblem (12 October 2000) as well as the adoption of Resolution 6 of the 2001 Council of Delegates;

3. *Deeply regrets* developments which have made it impossible to bring the process to its expected outcome with the adoption of the draft Third Additional Protocol;
4. *Recalls* the Fundamental Principles of the Red Cross and Red Crescent, in particular the principle of universality;
5. *Underlines* the urgency of reinforcing measures for the protection of war victims, medical personnel and humanitarian workers in all circumstances, and the significance in this context of the proposed Third Additional Protocol;
6. *Requests* the Standing Commission to continue to give high priority to securing, as soon as circumstances permit, a comprehensive and lasting solution to the question of the emblem, in cooperation with the Swiss government as depositary of the Geneva Conventions and with other concerned governments and components of the Movement, on the basis of the proposed draft Third Additional Protocol;
7. *Requests* the Special Representative of the Standing Commission on the Emblem to bring this resolution to the attention of the 28th International Conference of the Red Cross and Red Crescent.

Resolution 4

DATE AND PLACE OF AN INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT

The 28th International Conference of the Red Cross and Red Crescent,
decides to hold an International Conference in 2007 in Geneva, the
date to be decided by the Standing Commission of the Red Cross and Red
Crescent.



Un droit dans la guerre? Cas, documents et supports d'enseignement relatifs à la pratique contemporaine du droit international humanitaire

*par Marco Sassoli et
Antoine A. Bouvier*

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ICRC, Genève, 2003

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