
Faits et documents

Reports and documents

Council of Delegates of the International Red Cross and Red Crescent Movement Geneva, 30 November – 2 December 2003

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Resolution 1

WORK OF THE STANDING COMMISSION OF THE RED CROSS AND RED CRESCENT

The Council of Delegates,
taking note of the report submitted by the Standing Commission of the Red Cross and Red Crescent (Standing Commission) on its work since November 2001,

commending the Standing Commission and its four working groups for their active involvement of the components of the Movement through the structured consultations and participatory approach in the preparations for the Movement's statutory meetings,

1. *urges* the Standing Commission to continue to actively promote cooperation among the components of the Movement and to make proposals to enhance this cooperation;
2. *encourages* the Standing Commission to continue in line with article 18 of the Statutes of the Movement and with established practice to involve personalities from National Societies and representatives of the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (International Federation) and set up such ad hoc working groups as it deems necessary;
3. *invites* the Standing Commission to maintain a Working Group on the Council of Delegates and to include in its mandate timely planning for the 29th International Conference;
4. *encourages* the Standing Commission to continue its efforts to further promote harmony in the Movement through its consultations with the components of the Movement using various existing Movement fora;
5. *reaffirms* Resolutions 1 of the 1997 and 2001 Council of Delegates that the financial implications of paragraphs 2-4 shall be the joint responsibility of the International Federation, the ICRC and the National Societies, on the basis of 25% from the ICRC, 25% from the International Federation and 50% through voluntary contributions of National Societies.

Resolution 2

PROVISIONAL AGENDA AND PROGRAMME OF THE 28TH INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT

The Council of Delegates,
having examined the provisional agenda and programme of the
28th International Conference of the Red Cross and Red Crescent,
adopts this document and submits it to the 28th International Conference
of the Red Cross and Red Crescent.

Resolution 3

PROPOSAL OF PERSONS TO FILL POSTS AT THE 28TH INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT

The Council of Delegates,
having examined the list of candidates nominated for election as officers of the 28th International Conference of the Red Cross and Red Crescent,
endorses the list of candidates and transmits it to the 28th International Conference of the Red Cross and Red Crescent.

- Chairman of the Conference – Président de la Conférence – Presidente de la Conferencia
Mr. Jaime Ricardo Fernández Urriola (Cruz Roja – Panama)
- Vice-Chairs – Vice-président(e)s – Vicepresidentes(as)
Amb. Yolande Biké (Ms.) (Gabon)
Mr. Abdelkader Boukhroufa (Croissant-Rouge – Algérie)
Mr. Hisham Harun Hashim (Red Crescent – Malaysia)
Mr. René Rhinow (Croix-Rouge – Suisse)
- Chairman of the Drafting Committee – Président du Comité de rédaction – Presidente del Comité de redacción
Amb. Johan Molander (Mr.) (Sweden)
- Vice-Chairs of the Drafting Committee – Vice-Président(e)s du Comité de rédaction – Vicepresidentes(as) del Comité de redacción
Ms. Norma Nascimbene de Dumont (Argentina)
Amb. Valentina Rugwabiza (Ms.) (Rwanda)
Ms. Heike Spieker (Red Cross – Germany)
- Chairwoman of the Commission A - Présidente de la Commission A – Presidenta de la Comisión A
Amb. Amina Chawahir Mohamed (Ms.) (Kenya)
- Vice-Chairs of the Commission A – Vice-président(e)s de la Commission A – Vicepresidentes(as) de la Comisión A
Amb. Pablo Macedo (Mr.) (Mexico)
Ms. Elzbieta Mikos-Skuza (Red Cross – Poland)
- Chairwoman of the Commission B - Présidente de la Commission B – Presidente de la Comisión B
Ms. Martine Letts (Red Cross – Australia)

- Vice-Chairs of the Commission B – Vice-président(e)s de la Commission B – Vicepresidentes(as) de la Comisión B
Amb. Love Mtesa (Mr.) (Zambia)
Mr. Abdul Rahman Attar (Red Crescent – Syria)
- Rapporteur of the Conference – Rapporteuse de la Conférence – Relatora de la Conferencia
Ms. Marie Gervais-Vidricaire (Canada)
- Rapporteurs of the Commissions A and B – Rapporteu(se)(r)s des Commissions A et B – Relatores(as) de las Comisiones A y B
Amb. Holger Rotkirch (Mr.) (Red Cross – Finland)
Ms. Jelma de la Peña (Red Cross – Philippines)
A2 Ms. Jacqueline Boga (Red Cross Papua New Guinea)
A3 Ms. Carole Powell (Red Cross – Jamaica)
B2 Ms. Lucy Brown (Red Cross – United States of America)
B3 Amb. Tibor Tóth (Mr.) (Hungary)
- Secretary General of the Conference – Secrétaire général de la Conférence - Secretario general de la Conferencia
Amb. Thomas Kupfer (Mr.) (Suisse)
- Assistant Secretaries General - Secrétaires généraux(ales) adjoint(e)s – Secretarios(as) generales adjuntos(as)
Ms. Angela Gussing-Sapina (ICRC)
Mr. Frank Mohrhauer (International Federation)

Resolution 4

BIOTECHNOLOGY, WEAPONS AND HUMANITY

The Council of Delegates,
recognizing that advances in biotechnology carry enormous potential to benefit humanity;

deeply concerned by the risk that the same advances could be put to hostile use;

regretting the inability of the Fifth Review Conference of States Parties to the Biological Weapons Convention to agree on a compliance-monitoring regime;

stressing the need to ensure that ancient taboos and modern laws against poisoning and the deliberate spread of disease are upheld and reinforced in the face of new scientific developments:

1. *endorses* the Appeal of the ICRC on “Biotechnology, Weapons and Humanity”;
2. *encourages* the ICRC, National Red Cross and Red Crescent Societies and their International Federation to promote the “Biotechnology, Weapons and Humanity” initiative with national authorities, the scientific and medical communities, industry and civil society; and in particular:
 - a. *to call* on States party to the 1925 Geneva Protocol and the 1972 Biological Weapons Convention to resume efforts to ensure that these treaties are reinforced in the light of scientific developments and faithfully implemented; and
 - b. *to urge* the scientific and medical communities and the biotechnology industry to ensure that the use of biotechnology for hostile purposes is prevented through the development of codes of conduct and strict controls on dangerous research and biological agents;
3. *supports* in particular the call on States to reaffirm their commitment to the existing norms prohibiting the hostile uses of biological agents in a high-level political Declaration; and
4. *requests* the ICRC to report to the 2005 Council of Delegates on the progress made in promoting the measures proposed in the Appeal on “Biotechnology, Weapons and Humanity”.

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 1949 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 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 6

NATIONAL RED CROSS AND RED CRESCENT SOCIETIES AS AUXILIARIES TO THE PUBLIC AUTHORITIES IN THE HUMANITARIAN FIELD

The Council of Delegates,

welcomes the study carried out by the International Federation of Red Cross and Red Crescent Societies (International Federation) in cooperation with the International Committee of the Red Cross (ICRC) in response to the request made by the 27th International Conference and in the Strategy for the Movement on “National Red Cross and Red Crescent Societies as auxiliaries to the public authorities in the humanitarian field”,

thanks all National Societies which have contributed to the production of the report through written or oral comments during the conduct of the study and the debate at the Council of Delegates,

takes note of the concept outlined in the conclusions of the study concerning the “Characteristics of a balanced relationship between States and National Societies” and invites National Societies to initiate discussions internally and with their governments with a view to strengthening government understanding of the value of the auxiliary character of National Societies and the importance of a balanced relationship,

invites the International Federation in cooperation with the ICRC to press ahead with its work on this subject, including through further consultation with National Societies, States and international organisations,

invites the International Federation to keep National Societies informed regularly of progress made with the study and to provide updated and more specific guidance for consideration by the Council of Delegates in 2005 and the International Conference in 2007.

Resolution 7

STRATEGY FOR THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

The Council of Delegates,
recalling Resolution 3 of the 2001 Council of Delegates, which adopted the Strategy for the International Red Cross and Red Crescent Movement and invited the Standing Commission of the Red Cross and Red Crescent to establish a task force of experts to develop procedures for monitoring, evaluation and analysis of progress made by all components regarding the implementation of the Strategy for the Movement,

taking note of the consolidated report of the Standing Commission, the ICRC and the International Federation on the implementation of the Strategy for the Movement,

welcoming the progress made by all components of the Movement in the implementation of the Strategy for the Movement,

stressing the importance of a common Strategy for the Movement and its continued implementation,

1. *reaffirms* the commitment of all components of the Movement to implement the actions outlined in the Strategy for the Movement;
2. *calls* upon the Standing Commission to ensure promotion of the Strategy for the Movement, among all components, taking into account the recommendations given in the report to the Council of Delegates on the implementation of the Strategy;
3. *further calls* upon the International Federation and the ICRC to promote capacity building of National Societies and to continue to extend operational cooperation also to National Societies awaiting recognition and admission with the aim of preparing for their membership in the Movement;
4. *invites* the Standing Commission to extend the mandate of its task force of experts from National Societies, the International Federation and the ICRC, to monitor, evaluate and analyse progress made by all components and to make any necessary recommendations for updating the Strategy;
5. *requests* the ICRC, the International Federation Secretariat and National Societies, through the Federation's Secretariat, to provide progress reports to the Standing Commission's task force of experts on their implementation of the Strategy for the Movement;
6. *further calls upon* the Standing Commission, the ICRC and the International Federation, to consider the progress reports and the recom-

mendations for updating the Strategy made by the task force of experts and to decide on any further work that may be required to update the Strategy at the next Council of Delegates in 2005;

7. *requests* the Standing Commission, the ICRC and the International Federation to submit to the Council of Delegates in 2005 a consolidated report on the implementation of the Strategy by all components of the Movement and a draft proposal for updating the Strategy;
8. *decides* to review and amend the Strategy for the Movement, as necessary, at its next session.

Resolution 8

IMPLEMENTATION OF THE SEVILLE AGREEMENT

The Council of Delegates,

recalling that its session of 1997 adopted the Agreement on the International Activities of the components of the Red Cross and Red Crescent Movement, known as the “Seville Agreement”, and that it requested that written reports on its implementation be submitted by the ICRC and the International Federation at each session of the Council of Delegates,

taking note of the joint report by the ICRC and the International Federation “Implementation of the Seville Agreement” 2002-2003 submitted to this Council of Delegates,

taking into account the various years of experience with the implementation of this agreement and the evolution in the practice of cooperation and coordination within the Movement,

bearing in mind the challenges the Movement faces in effectively responding to the humanitarian needs,

reaffirming the validity of the “Seville Agreement”,

recognizing the need to further specify and clarify the mechanisms for cooperation and coordination within the Movement to fully implement the “Seville Agreement” in a spirit of partnership,

1. *requests* the Standing Commission to establish an ad hoc working group to work on issues related with the implementation of the «Seville Agreement», until the next session of the Council of Delegates;
2. *defines* the general mandate of such a Working Group as follows:
 - a. to identify the main problems that have arisen while implementing the “Seville Agreement” over the past six years, and opportunities to strengthen cooperation;
 - b. to analyse the procedures for engaging each component of the Movement in a given operation, with a special focus on the roles and functions of the host National Society and of the National Societies working internationally. The special concerns of neighbouring National Societies will also be duly taken into account in this analysis;
 - c. to analyse the experiences of all components of the Movement with situations of transition;
 - d. to include further study of, and practical recommendations for situations in which a National Society could best undertake the function of lead agency within its own territory (as foreseen in the “Seville

- Agreement” paragraph 5.3.3 and 6.2), as well as to develop operational guidelines for all components in such situations;
- e. to make proposals for additions to the “Seville Agreement” which specify the procedures for the engagement of each type of component of the Movement in operations, with the view of improving the functioning of the Movement as a global network. Work in this area will specifically take into account the respective functions and roles of the National Society in its own country, of the ICRC, of the International Federation and of the National Societies working internationally, as laid down in the Statutes of the Movement, in the “Seville Agreement” and in other relevant Movement policy documents, in particular action 7 of the Strategy for the Movement. Such additions would take the form of an addendum to the present text of the Agreement.
3. *defines* the composition and working procedures of the ad hoc Working Group as follows:
 - a. The Working Group shall be composed of 12 persons chosen by virtue of their individual knowledge, interest and commitment to Movement matters;
 - b. the ICRC and the International Federation each will designate three members and the other six will come from National Societies;
 - c. the choice of members coming from National Societies will be done by a decision of the Standing Commission. The names of the members of the Working Group shall be announced at the latest by the end of February 2004;
 - d. the Working Group shall elect its chairperson from among its members, take its decisions and make its recommendations by consensus;
 - e. the Working Group shall meet at least twice a year, or as required. It shall provide a report at each meeting of the Standing Commission on progress achieved;
 - f. the Working Group shall submit for approval of the Standing Commission the budget it will require for its activities.
 4. *decides* that the financing of the budget of the Working Group shall be the joint responsibility of the International Federation, the ICRC and the National Societies on the basis of 25% from the International Federation, 25% from the ICRC, and 50% from National Societies, as is the current practice for other ad hoc working groups of the Standing Commission;
 5. *requests* the Standing Commission to submit to the next session of the Council of Delegates recommendations for an addendum to the “Seville Agreement”.

Resolution 9

PROMOTE RESPECT FOR DIVERSITY AND FIGHT DISCRIMINATION AND INTOLERANCE

The Council of Delegates,
recalling Resolution 12 of the 2001 Council of Delegates which aimed at strengthening humanitarian values across religious, political and ethnic lines,

further recalling that discrimination, intolerance and disrespect for the diversity of human life remains an endemic problem in many parts of the world, jeopardising the efforts of civil society and governments to build prosperous and sustainable communities in which people can live and work together free from fear and want,

recalling the commitment by National Societies and States to cooperate and, as appropriate, take initiatives to promote tolerance, non-violence in the community and respect for cultural diversity, as stated in the Plan of Action adopted in 1999 by the 27th International Conference of the Red Cross and Red Crescent,

taking note of the recommendations and suggestions offered by National Societies, including during the debates at the Council of Delegates 2003,

reaffirms the commitment of all components of the Movement to strengthen the application of the Fundamental Principles and the promotion of humanitarian values across religious, political and ethnic lines, both in their internal affairs and in their humanitarian services,

requests the different components of the Movement, in conformity with their respective mandates, to work at the local, national and international levels to promote tolerance, non-discrimination and respect for diversity, and to take actions in conformity with those outlined in the attached annex,

invites the ICRC, the International Federation and National Societies, on the basis of their participation to relevant meetings and of consultations, to formulate a position paper and/or guidelines for the components of the Movement on respect for diversity and fight against discrimination and intolerance, which will be presented at the 2005 Council of Delegates;

requests all components of the Movement to relate their work in this area with the implementation of the related aspects of the Declaration and the Agenda for Humanitarian Action adopted at the 2003 International Conference.

Annex to resolution 9
of the 2003 Council of Delegates

MOBILISATION AND ACTION — THE WAY FORWARD

(Extract from 2003 Council of Delegates — Background paper — item 7.1 of the agenda)

As already outlined, different components of the Movement have undertaken activities which have as their aim the fight against intolerance and discrimination. However, much more can — and must — be done. Individually and together as a Movement a concerted effort needs to be made in this regard. Ideas for mobilisation and action include:

- 1. Ensuring openness and diversity within the components of the International Red Cross and Red Crescent Movement:**
 - a. Presidents and Secretaries-General within the Movement organizations should undertake an assessment of the composition of the leadership, staff, volunteers and membership of the organisations they lead.
 - b. Imbalances in membership on whatever ground – race, religion, sex, age, must be identified and urgently addressed.
 - c. Components of the Movement, particularly National Societies, which have already taken actions in this regard are called on to share their experiences, so we can all learn from the work of others.
 - d. A voluntary reporting on the outcomes of actions taken in this regard could be made at the 2005 Council of Delegates.
- 2. Looking outward for insight and understanding:**
 - a. The Movement should invest resources to understand emerging trends in our communities which fuel intolerance, discrimination and lack of respect for diversity and which can combat them.
 - b. The Movement should systematically network with those who are working for the same endeavour – building partnerships to promote dialogue and inclusion with international and national organisations, in the non-governmental and private sectors.
- 3. Promoting public dialogue and advocacy:**
 - a. Each component of the Movement must review the messages it communicates – not only what it wants to say but what is actually heard by those we want to reach.
 - b. We must understand how we are perceived and ensure that we are viewed as tolerant, non-discriminatory and that we respect diversity.

- c. We must develop clear and categorical messages that as components of the International Red Cross and Red Crescent Movement we are guided by the belief that tolerance is necessary and that the diversity of cultures and beliefs is an essential component of the world we live in.
 - d. We must strengthen or develop advocacy tools in order to promote tolerance, non-discrimination and respect for diversity at national and international forums.
 - e. Movement components should maximise the use of communication tools at our disposal to do this — publications, world-wide web and our messages to the media.
- 4. Strength in preparedness — Being proactive and reactive :**
- a. The different components of the Movement in conformity with their respective mandates must work at the local, national and international levels to promote tolerance, non-discrimination and respect for cultural diversity.
 - b. National Societies, with the support of the ICRC and the International Federation, will give particular attention to the needs of persons and groups who are particularly marginalised or in need, particularly those marginalised and living in the shadows of disease, lack of legal status or homelessness.
 - c. Such programmes should be inspired by and build on the programmes developed to combat discrimination and violence, and take special account of the needs of children and the ageing, families of persons missing as a result of armed conflict or internal violence, and, other victims of armed conflict.
 - d. The International Federation must expand its Global/Local Action Programme? against discrimination and, in cooperation with National Societies, *build partnerships with governments and other international organisations to ensure its effective implementation.*
 - e. The different components of the Movement must seek out means to support efforts for dialogue, reconciliation and trust-building amongst communities including at the end of hostilities. Initiatives must be taken to bring communities together — recognising the strength and value? that comes from coexistence — and to ensure groups are not forgotten or excluded.
 - f. During situations of armed conflict or internal violence, the ICRC, together with other components of the Movement, must make every effort to encourage respect for and implementation of the Fundamental Principles and international humanitarian law and ensure its dissemination.

- g. National Societies, with the support of the ICRC, must strengthen their peacetime programmes of dissemination of international humanitarian law and of the Fundamental Principles, evaluating lessons learned from its Exploring Humanitarian Law (EHL) programme and developing innovative ways to reach and influence communities where tensions are high.
- h. The ICRC and National Societies must make every effort to ensure that persons missing as a result of armed conflict or internal violence and/or persons still deprived of their liberty after the end of hostilities or internal violence are not forgotten and that obligations under international law are met so as to foster reconciliation amongst communities.

5. Learning from experience and developing new initiatives internally and with other organizations :

In order to ensure that the components of the Movement identify the best practices, learn from them and reach out to other organizations, the ICRC and the International Federation should

- a. convene a meeting or series of regional meetings of experts from inside and outside the Movement to exchange ideas on best practices and initiatives to combat intolerance, discrimination and lack of respect for diversity,
- b. identify, with National Societies, actions that at the national and local level have hindered or helped in the fight against intolerance, discrimination and lack of respect for diversity,
- c. intensify their work with other international organisations working towards similar objectives, both at headquarters and in cooperation with National Societies,
- d. formulate a position paper and/or guidelines for the components of the Movement on tolerance, non-discrimination and respect for diversity, which will be presented at the 2005 Council of Delegates outlining the outcomes of the expert's meeting(s) and experience gained since the 2003 Council.

Resolution 10

MOVEMENT ACTION IN FAVOUR OF REFUGEES AND INTERNALLY DISPLACED PERSONS AND “MINIMUM ELEMENTS TO BE INCLUDED IN OPERATIONAL AGREEMENTS BETWEEN MOVEMENT COMPONENTS AND THEIR OPERATIONAL PARTNERS”

The Council of Delegates,

continuing to express its deep concern about the need to improve protection and assistance to the tens of millions of persons who have been forcibly uprooted and displaced by armed conflict, violations of international humanitarian law and human rights as well as natural or other human-induced disasters; and about people who have migrated to avoid untenable circumstances and find themselves in a situation of vulnerability in their new country of residence; *noting* the profound vulnerability that often accompanies the return of refugees and internally displaced persons («IDPs») to their places of origin;

recalling and reaffirming the resolutions on this topic adopted by the International Conference of the Red Cross and Red Crescent (Resolution XXI, Manila 1981; Resolution XVII, Geneva 1986, Resolution 4A, Geneva 1995 and Goal 2.3 of the Plan of Action of the 27th International Conference, Geneva 1999) as well as the resolutions adopted by the Council of Delegates (Resolution 9, Budapest 1991, Resolution 7, Birmingham 1993 and Resolution 4, Geneva 2001);

recalling that resolution 4 of the 2001 Council of Delegates *inter alia* requested the components of the Movement to ensure that their activities for refugees, IDPs and migrants are carried out in respect of the Fundamental Principles of the Movement and existing policy at all times, particularly when they are acting as implementing partners for other humanitarian actors;

welcoming the document prepared by the ICRC and the International Federation entitled “Report on the Implementation of Resolution 4 of the 2001 Council of Delegates — Movement Action in Favour of Refugees and Internally Displaced Persons”;

commending the components of the Movement for their valuable contributions to improving the response to the plight of refugees, IDPs and migrants;

1. calls upon the components of the Movement to continue to pursue and develop their activities for refugees, IDPs and migrants, in accordance with their respective mandates and in respect of the Fundamental Principles, striving always to adopt a global approach addressing all stages

- of displacement — from prevention through displacement to return, resettlement and re-intergration — as well as the needs of resident populations in accordance with the Principle of Impartiality;
2. *recalls* the obligation of National Societies to inform the International Federation Secretariat and/or the ICRC of any negotiations likely to lead to a formal agreement with any United Nations agency or other international organisation; and *reminds* National Societies that the International Federation and/or the ICRC must concur with the terms of any such agreements, in particular those concluded with the Office of the United Nations High Commissioner for Refugees (UNHCR);
 3. *welcomes* the document entitled “Minimum Elements to be Included in Operational Agreements between Movement Components and their External Operational Partners” attached hereto and *calls upon* all components of the Movement to comply with these Minimum Elements when formulating operational partnerships with all external organizations and/or agencies, particularly, but not exclusively, UNHCR.

Annex to Resolution 10
of the 2003 Council of Delegates

**MINIMUM ELEMENTS TO BE INCLUDED IN OPERATIONAL AGREEMENTS
BETWEEN MOVEMENT COMPONENTS AND THEIR EXTERNAL OPERATIONAL
PARTNERS**

The following elements should be referred to when negotiating or reviewing operational agreements between Movement components (National Societies, the International Federation Secretariat and ICRC) and external organizations (United Nations Agencies, intergovernmental organizations, international and national non-governmental organizations) in order to ensure any such agreement reflects coherence with Movement Fundamental Principles, policy and practice and complementarity among the components of the Movement.

Movement components are advised to consult with and notify other Movement components prior to the signature of any operational agreements with external partners. According to the International Conference 1981, Manila, National Societies are obliged to consult ICRC and the Federation Secretariat in advance of signing any agreement with UNHCR.

SUBSTANTIVE CONTENT

1. Adherence to Movement Principles and Policies

National Societies and other Movement components must be able at all times to act in adherence to the *Fundamental Principles of the Red Cross/Red Crescent Movement*, particularly those of independence, neutrality and impartiality. In addition, the issue of serving only the needs of the Partner's targeted population (i.e. refugees in most cases) and not balancing this with serving the needs of others in the surrounding vicinity who may be facing similar hardship (adhering to Impartiality principle) needs to be monitored. Serving only specific beneficiary groups could result in the National Society not being able to fulfill its duty to assist all those affected without distinction, which in turn could result in a negative image for the National Society. A holistic approach should be adopted, which takes into account both the needs of the refugees and/or IDPs and those of the local population, which may be experiencing even harsher living conditions than the refugees themselves.

National Societies and other Movement components must also adhere to and respect at all times, the Statutes of the International Red Cross and Red Crescent Movement and the Agreement on the Organisation of the

International Activities of the Components of the International Red Cross and Red Crescent Movement (Seville Agreement) as well as the Principles and Rules for Red Cross and Red Crescent Disaster Relief and the Code of Conduct.

The necessity for the National Society and other Movement components to adhere to Movement policies, such as the policy on the Regulations on the use of the Emblem of the Red Cross or Red Crescent by National Societies and the policy related to the armed protection of humanitarian aid should be clearly described and followed at all times.

Of paramount importance is the absolute imperative for Federation Secretariat, National Society and ICRC personnel to adhere to the principles expressed in the 'IASC Policy Statement on Protection from Sexual Abuse and Exploitation in Humanitarian Crisis', which has been signed by both the Federation Secretariat on behalf of its membership, and by the ICRC.

If at any time, the ability to act in coherence with the above is compromised, National Societies or other Movement components must have the immediate reflex and ability to suspend or terminate the Agreement with the external Partner (see section 10).

2. Identity

The Agreement must reflect that the National Society or other Movement component will at all times clearly display its own individual identity and be clearly associated to the International Red Cross and Red Crescent Movement. It will not assume the identity of the Partner agency through the displaying of double logos or emblems on equipment or through the adoption of vehicle licenses. Its identity must not be compromised at any time while conducting its responsibilities under said agreement. The Regulations on the Use of the Emblem will be followed at all times. The protective emblem will only be utilized in conformity to regulations.

GENERAL ADMINISTRATIVE AND MANAGEMENT CONTENT

3. Define Partners clearly and correctly

In the title and introductory paragraph of the Agreement, use the legal/official name of the National Society or other Movement component and the organization involved. These names may be followed in parenthesis by the abbreviated name which then should be used throughout the Agreement.

4. General Situation Background and Purpose of the Agreement

The context and situation that is leading to this Agreement should be clearly described.

5. Stated Goal (or outcomes) and Objectives

The Agreement must state the overall goal or outcomes to be achieved through the working relationship and the objectives needed to be accomplished in order to achieve this goal.

Beneficiary determination

In all operational partnerships, the external Partner must respect the need for the Red Cross/Red Crescent Partner to adhere to the requirement to meet the needs of all persons needing assistance and protection. For example, this may include persons not explicitly considered 'convention refugees' but rather persons who may be even more vulnerable due to the absence of legal status. In order to prevent tensions from mounting in the geographical area, vulnerable persons in the surrounding community may also be assisted.

For this reason, it is advisable for the Red Cross/Red Crescent component to be actively involved in the assessment of needs, which in turn, determines the beneficiary population.

Continuum of Support

Care should be taken when determining the goal, to ensure the project is not overly restricted to one period of time in the beneficiary's experience, but rather linked to longer term needs leading to durable solutions such as societal integration, medical needs, family reunification, repatriation and legal guidance.

6. Delineation of Roles and Responsibilities of each Partner to the Agreement

The primary roles and responsibilities of each Partner must be stated clearly, clarifying what they can and cannot expect from each other. Within these roles, the issue of accountability for resources and the achievement of specific objectives must be detailed. Responsibilities for the following should be clearly articulated:

- assessment of needs,
- determination of beneficiaries,
- planning, formulation of project objectives,
- implementation, with details of specific roles and responsibilities outlined, protection and advocacy,
- financial management including internal and external auditing of accounts,
- financial and narrative reporting as well as monitoring and evaluation should be described clearly,
- monitoring and evaluation.

Additionally, of importance, is the clear establishment of who is responsible for the security of the staff and volunteers while fulfilling their responsibilities.

7. Resource Contributions

The financial, material and human resource contributions to be made by each Partner in order to fulfill their respective commitments in the Agreement should be outlined. Care must be taken by both institutions involved in the partnership, to ensure that the Red Cross/Red Crescent Movement Partner's capacity is not diminished or overwhelmed, but rather is enhanced.

To avoid the common unfortunate situation where a National Society or other Movement component is actually in financial arrears as a result of such Agreements due to overhead costs not remunerated by the Partner organisation, attention should be given to ensuring adequate financial coverage. Such a situation could be prevented through a procedure of advancement of funds and rigorous and regular quarterly project review meetings (see next section).

8. Description of Project Coordination and Management Mechanism

A description of how the overall project will be coordinated and managed between the two Partners should be outlined clearly in the agreement.

Focal Points: Each party will appoint a focal point to serve as the primary liaison between the Parties, to ensure the successful fulfillment of activities.

Coordination Meetings: Meetings will be organized as required and will involve other concerned parties if warranted. Formal quarterly project review meetings will occur which will review the implementation plan, reporting and financial management to ensure the agreement is being implemented as planned. The outcomes of these meetings will be utilized to suggest any project revisions and to guide decisions regarding project revision and/or including prolongation.

9. Agreement Provisions

9.1. Commencement, Termination and Project Finalization

The exact date that the Agreement comes into effect must be stated as well as when the active project implementation is to be terminated. Additionally, the date of the project finalization should be stated, at which time the completion of all required reporting, hand over of equipment and materials as necessary, should be completed.

9.2 Review, Revision, Prolongation

Through the establishment of regular joint monitoring, the review and possible revision or prolongation of certain Agreement elements will be

mutually decided. These decisions will be reflected in written and signed addendums to the original Agreement.

Three months prior to the project termination date, as part of the quarterly Project Coordination meetings, decisions will be taken regarding the need to prolong the contract or to adhere to the original project end date.

9.3 Suspension or Disengagement Clause

9.3.1 In the event of circumstances beyond the control of the Partners

The Partners have the right to immediately suspend or cancel the Agreement in the event of circumstances beyond their control such as a major change in the conditions or environment.

Particularly, should there be a change from a situation of peace to one of internal tension, disturbances and/or armed conflict, the National Society or other Movement component must have the possibility to withdraw from the Agreement immediately. If the ability of the National Society or other Movement component to adhere to the Fundamental Principles, or Movement policy or procedures is compromised, it must not hesitate to withdraw from the Agreement immediately. This can take the form of a temporary suspension of the contract until an identified period of time has passed or a change of circumstance has occurred, following which, upon consultation with and agreement of other Movement components, the Agreement can be resumed. Alternatively, a complete disengagement and termination of contract can occur.

Prior to this clause being invoked, consultation will take place between the Partners.

The suspension or termination will take place effective immediately or within one month following the consultation. During this time, all possible attempts will be made by both Partners to ensure the needs of the beneficiaries continue to be met by other means.

10. Non-adherence to Agreement Clauses

Should there be a disagreement that cannot be resolved regarding the implementation of the Agreement or the adherence to certain clauses, a consultation meeting will take place between the Partners. Should it be decided, despite invoking the Dispute Settlement clause, to dissolve the partnership as a last resort, it will be done within a minimum of sixty days, maximum of ninety days time frame. During this time, all attempts possible will be made by both partners to ensure the needs of the beneficiaries continue to be met by other means.

Any of the Partners may withdraw from the Agreement with sixty days written notice.

11. Signatures of Authorised Representatives

Before the Agreement is signed, the National Society or other Movement component is obliged (Resolution 4, Council of Delegates 2001) to inform the other Movement components of the negotiation that is leading to a formal Agreement between them and any agency of the United Nations or any other international organisation. The International Federation and/or the ICRC must concur with the terms contained in an Agreement with the National Society in order to ensure coherence and complementarity.

Copies of an Agreement with a National Society should be sent by the National Society to the International Federation and the ICRC for their information. Copies of Agreements signed by other Movement components should in turn be provided by them to the other components as well.

Once this has been done, the Agreement needs to be signed by a duly authorised representative of each Partner to signify agreement. Under the signature the name of the signatory and his/her designation within his/her respective organization must be clearly stated. Such authorization may depend upon the respective constitution or statutes, or internal regulations of the National Society. Unless there is a specific local provision to the contrary, the person to sign on behalf of a National Society will most likely be its Secretary General.

12. Mechanism for Dispute Settlement

Regardless of the nature of the relationship between the Partners at the time of the agreement, differences or unforeseen problems may arise once the project is underway, or the situation may change making it difficult for one of the parties to uphold their commitments. It is therefore important that the Partners agree in advance on a method to resolve issues as they arise. These procedures should be detailed in the agreement.

Settlement of disputes should begin at the country level and be referred if necessary to the Regional level, and then the International headquarters level. At any time, appropriate third party intervention could be sought to aid in resolution as appropriate, including consultation with other Red Cross/Red Crescent Movement components.

Reference Documents :

- Regulations on the Use of the Emblem of the red cross or the red crescent by National Societies
- Policy related to the armed protection of humanitarian aid

- Fundamental Principles of Red Cross/Red Crescent Movement Agreement on the International Activities of the components of the Red Cross and Red Crescent Movement (“Seville Agreement”)
- Code of Conduct for organizations taking part in disaster relief operations
- IASC Statement and Plan of Action for Protection from Sexual Abuse and Exploitation in Humanitarian Crisis, April 2002
- Statutes of the International Red Cross and Red Crescent Movement adopted by the 25th International Conference of the Red Cross at Geneva in October 1986 and amended by the 26th International Conference of the Red Cross at Geneva in December 1995)
- Principles and Rules for Red Cross and Red Crescent Disaster Relief, Geneva, 1995
- Resolution of the 2001 Council of Delegates and background papers for “Movement Action in Favour of Refugees and Internally Displaced Persons”

Resolution 11

EXPLOSIVE REMNANTS OF WAR AND THE MOVEMENT STRATEGY ON LANDMINES

The Council of Delegates,

welcoming the report of the ICRC on the follow-up to Resolution 8 of the 2001 Council of Delegates concerning the 1980 Convention on Certain Conventional Weapons (CCW) and to Resolution 10 of 1999 Council of Delegates adopting the Movement Strategy on Landmines,

remaining alarmed about the widespread and preventable death and injury caused during and after armed conflict by landmines and explosive remnants of war, which no longer serve any military purpose, and their devastating long-term consequences for civilians,

noting that the similar effects on civilian populations of landmines and of explosive remnants of war call for similar humanitarian responses, including the establishment of legal norms, the raising of awareness in affected communities of the dangers posed by these devices, the provision of care and assistance for victims, and measures to facilitate mine clearance,

expressing satisfaction at the significant progress in anti-personnel mine destruction, awareness and clearance made since the entry into force in 1999 of the Convention on the Prohibition of Anti-Personnel Mines (the "Ottawa Convention"), and *recalling* the instrumental role of the components of the Movement in achieving that progress,

stressing the need to achieve universal adherence to the "Ottawa Convention" and the importance of continued efforts by the components of the Movement to promote this objective,

emphasizing that the period between the First Review Conference of the Ottawa Convention in 2004 and the mine-clearance deadlines occurring for many States Parties in 2009 will be crucial in the effort to ensure that the promises made by the Convention to mine-affected communities are fulfilled,

expressing satisfaction with the results of the 2001 Review Conference of States Parties to the CCW, which extended the Convention's scope of application to non-international armed conflict, led to negotiations on explosive remnants of war and commissioned further work on anti-vehicle mines,

warmly welcoming the adoption on 28 November 2003 by States Parties to the CCW of a new Protocol V on explosive remnants of war,

1. *extends* the Movement Strategy on Landmines through 2009 and extends the activities listed therein to cover all explosive remnants of war;

2. *calls on* all components of the Movement to mobilize their members and staff, civil society, the media and governments with a view to ensuring, by the 2004 Ottawa Convention Review Conference, commitment to the full implementation of the Ottawa Convention at the highest political levels, in particular through increased efforts to achieve mine clearance by the 10-year deadlines beginning in 2009 and the mobilization of adequate resources to ensure that all the Convention's objectives are met;
3. *urges* all components of the Movement to work to ensure that States party to the CCW adhere to the new Protocol on explosive remnants of war, and that States which are not yet party adhere to the Convention, to all its Protocols and to the amendment adopted in 2001 extending its scope to non-international armed conflicts;
4. *urges* all components of the Movement to work to ensure that States take effective measures to reduce the likelihood that ordnance will become explosive remnants of war, and to support ongoing efforts to prohibit the use of cluster-bombs and other submunitions against military objectives located in or near civilian areas;
5. *requests* the ICRC to report to the 2005 Council of Delegates on the progress made in implementing the Movement Strategy on Landmines, and on explosive remnants of war and the extension of the scope of application of the CCW.