

## REPORTS AND DOCUMENTS

### **31st International Conference of the Red Cross and Red Crescent, Geneva, 28 November – 1 December 2011**

### **Council of Delegates of the International Red Cross and Red Crescent Movement, Geneva, 26 November 2011**

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# 31st International Conference of the Red Cross and Red Crescent



## Interview with Philip Spoerri

Director for International Law and Cooperation, International Committee of the Red Cross.

*From 28 November to 1 December 2011, the 31st International Conference of the Red Cross and Red Crescent took place in Geneva. Every four years, the Conference brings together the components of the Red Cross and Red Crescent Movement as well as the States party to the Geneva Conventions. It aims to address some of the most important questions regarding the development of humanitarian law and humanitarian action.*

*In the following section Philip Spoerri, Director for International Law and Cooperation at the International Committee of the Red Cross (ICRC), introduces the resolutions adopted at the 31st Conference and reflects on its outcome from the ICRC's perspective. This section also includes the full texts of the resolutions adopted.*

*Philip Spoerri began his career with the ICRC in 1994. Following a first assignment in Israel and the occupied and autonomous territories, he went on to be based in Kuwait, Yemen, Afghanistan and the Democratic Republic of the Congo. In Geneva, he headed the Legal Advisers to Operations Unit. He returned to Afghanistan as head of the ICRC delegation there from 2004 to 2006, when he took up his current position. Before joining the ICRC, Philip Spoerri worked as a lawyer in a private firm in Munich. He holds a PhD in law from Bielefeld University and has also studied at the universities of Göttingen, Geneva and Munich.*

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## **What is the importance of the International Conference of the Red Cross and Red Crescent?**

The International Conference is an exceptional event since it brings together not only all States party to the Geneva Conventions, but also the 187 National Societies (including our newest member, the Maldives), the International Federation of Red Cross and Red Crescent Societies (IFRC) and, of course, the ICRC. Every four years, all these entities come together to discuss challenges to international humanitarian law (IHL) and humanitarian action, and to set a common humanitarian agenda for the years to come. It is a unique event because unlike other meetings, which bring States together in UN-style fora, the Conference involves non-State participants (the National Societies, the ICRC and the IFRC), all sitting around the same table and entitled to the same voting rights as States.

Even for diplomats used to working in a multilateral context, such as in intergovernmental organizations and the United Nations, it is a special experience to work in such an unusual setting. For a start, they may find it a challenge to engage and negotiate with actors other than their usual counterparts and fellow diplomats.

The format and the pre-consultations are also different because it is often either the ICRC or the IFRC that take the lead in the pre-negotiations; the Conference does not have formal preparatory commissions like many diplomatic conferences.

The challenges for States therefore lie in the format and the working methods, which break with the usual conference routine for diplomats in this field. This is what sets the Conference apart and perhaps also what makes it so interesting. In fact, some diplomats have said that, compared to other conferences, they find this one very rewarding and actually very productive.

On another, related, point, given that many of today's humanitarian questions are linked to access and local capacity, the Conference offers a rare opportunity for outreach work and dialogue between States and civil society partners on those matters.

For the ICRC, this event is hugely important because it is a unique platform to garner support for our ambitions, both operational and legal. Don't forget that every major advance in the development of IHL over the past 150 years has passed, in one way or another, through the International Conference. The Conference gives the ICRC the opportunity to adopt a strong stance on IHL and demonstrates the special status of the ICRC and the Movement's components in relation to States.

The work leading up to the Conference and the high-level diplomatic support pledged at the event can indirectly help strengthen the ICRC's foothold with its interlocutors, thereby benefiting our operations in the field.

## **How does the International Conference help shape the future of humanitarian action?**

At the International Conference, States come together with National Societies and draw up an agenda that is usually ambitious and focuses not only on promoting

IHL, but also on issues of specific concern for humanitarian action at that moment in time. Together, National Societies and governments usually set out how to tackle those issues over the period until the next Conference. For the most crucial topics, we strive to outline our common goals, usually by adopting resolutions and action plans.

### **What does the preparatory process for the Conference involve?**

The IFRC and the ICRC are the co-organisers of the Conference and have a long history of organizing the event jointly. Hence, we work hand-in-hand on both organizational matters and on drawing up the agenda and comparing notes about the substance of the discussions.

Of course, before that stage, the Movement coordinates and prepares the Conference agenda through the mechanism of the Standing Commission of the Red Cross and Red Crescent, which acts as the trustee of the International Conference between Conferences. The Standing Commission, made up of members of National Societies, the ICRC and the IFRC, has a unique role in preparing the programme and the draft agenda, which it submits for approval to the Council of Delegates of the Red Cross and Red Crescent Movement, comprising representatives of all the Movement's components.

### **What is your assessment of the 31st International Conference?**

The Conference went very well, with a record of 164 governments sending high-level representatives, 183 of 187 National Red Cross and Red Crescent Societies in attendance, and 56 observer organizations. The Conference lasted three and a half days and included two thematic plenaries, five commissions, seven workshops, 22 side events and various other events dealing with a wide range of humanitarian issues.

Of particular importance, of course, was the drafting of the outcomes of the Conference. Nine resolutions were adopted and more than 395 pledges were made by the participating governments, National Societies and observers on issues linked to the Conference's objectives and on which they intend to work until the next International Conference in four years' time.

Purely in terms of attendance figures, this Conference was the biggest yet. Furthermore, the feedback from States and National Societies was very encouraging.

If you look at other success factors, the Conference went very smoothly in terms of organization. As for outcomes, all nine substantive resolutions went through and were adopted. We had a large number of side events and other events which were very well attended and demonstrated the great interest exhibited at this Conference. In addition to the adoption of the resolutions, we had a record number of pledges, confirming the commitment of States and National Societies to work on these issues over the next four years. So in that sense the Conference was not only a success in terms of attendance statistics, but also in terms of substance.

## **In your opinion, how do states perceive the work of the International Red Cross and Red Crescent Movement?**

We probably have to analyse this question not just in terms of the work of the Movement as a whole, but of the work of its individual components. There is a clear perception at the ICRC of the increasingly important role played by National Societies, particularly in countries affected by conflicts and in other emergencies such as natural disasters. In many situations, the National Societies are central to the humanitarian response as well as being more heavily involved in international responses to conflicts and other emergencies.

One of the reasons for this is that many National Societies over the past decades have gained in capacity. National Societies operating in countries facing crises have had to do so, but this is also true of other National Societies, which are now able to support the former as part of the international response. There is clearly an awareness on the part of States of the added value of this enormous network enabling an unprecedented response by National Societies.

As regards the ICRC, we of course feel strongly that the ICRC's unique role and mandate are well recognized, as are the specific topics it brings to this event.

## **What is the process for drafting a resolution and what are the similarities or differences with other fora?**

One difference from the outset is that, when the resolutions are tabled, they are dealt with in drafting committee, where the members are all Conference participants. This means that it is not only all the States that participate, but also all the National Societies, the IFRC and the ICRC. For States to find themselves with the same voting rights as National Societies is already a different experience – meaning that they have to engage with and lobby more actors.

In addition, as I mentioned, in preparing the substantive issues for discussion during the Conference, you have to consult with both the States and all the components of the Movement. In the process of presenting a resolution to the Conference, you have to make sure that all the participants are well informed and on board. This is a considerable exercise in outreach work and preparation, something we focused on at the 31st Conference. Some resolutions required up to three years of preparatory work to be finally tabled at the Conference.

It is clear that there is still at times a discrepancy between State diplomats, who are well versed in working in such settings and participating in the drafting process, and National Society representatives who are generally less used to attending conferences and participating in deliberations. What was encouraging at this International Conference, however, was to see the growing number of National Societies that were actively involved in the drafting process.

## **What has been the outcome of the International Conference, in particular for the ICRC?**

This was a very significant conference for the ICRC as there were a number of important issues on which we were hoping to gain the support of States and National Societies for the next few years.

During this International Conference we set a very strong agenda that revolved around international humanitarian law. The centrepiece was our initiative called 'Strengthening IHL'. Careful research over the previous three years into gaps in the law and the humanitarian problems in the field had led us to identify four areas where, we believed, there were important humanitarian issues at stake and particular work was necessary. After thorough consultations with States and National Societies, we gave priority to two issues, for which we hoped to garner support at the Conference: compliance mechanisms and continuing to strengthen IHL as applied to persons who are detained or deprived of their liberty. The International Conference was the culmination of our consultation process, where we were able to hear from all the States and National Societies and gained their support for the resolution we tabled.

The theme of the Conference was 'Strengthening IHL and humanitarian action' and, significantly for the ICRC, we gained support for three substantive issues.

1. The resolution 'Strengthening legal protection for victims of armed conflicts' provides a sound basis to step up our work on strengthening IHL in these two areas where gaps have been identified and acknowledged by the participants of the International Conference.

As regards compliance mechanisms, we are not talking about repressive mechanisms as part of judicial processes but about measures that can be taken while conflicts are on-going and that can foster greater compliance with IHL or stop violations from happening. Some examples are investigative mechanisms, fact-finding commissions and mechanisms of that type. Clearly, there was a feeling that whatever exists in IHL today is insufficient and that something should be done to bring about greater compliance.

The issue of persons deprived of liberty in situations of armed conflict relates in particular to non-international armed conflicts and to areas where issues are insufficiently regulated. For instance, procedural safeguards for people that are not held for judicial purposes but for security reasons, a lack of rules applicable to particularly vulnerable persons such as women, children and persons with disabilities, and the lack of rules relating to material conditions of detention.

At the Conference, we realized that there was strong support for these two issues and the final resolution gave the ICRC the green light to pursue further research on these topics, and to make proposals and recommendations as to how the law can be strengthened. This is not to say that the process will lead to a new treaty, but it gives the ICRC an opportunity to explore every possible

avenue for concrete proposals about how IHL may indeed be strengthened in practice.

2. We also sought the adoption of a four-year IHL action plan, which is structured around topics on which we were hoping to reach a consensus and achieve a strong buy-in from the Conference participants. The Conference adopted the four-year action plan for implementing international humanitarian law, whereby all members of the Conference will work together in a highly consensual manner on five objectives:
  - enhanced access by civilian populations to humanitarian assistance in armed conflicts;
  - to enhance the specific protection afforded to certain categories of persons, in particular children, women and persons with disabilities;
  - enhanced protection of journalists and the role of the media with regard to international humanitarian law;
  - to improve the incorporation and repression of serious violations of international humanitarian law;
  - arms transfers.
3. Lastly, the Conference was also a milestone in terms of support and backing for our ‘Health Care in Danger’ project, which aims to reduce the many obstacles to health care provision as a result of security threats encountered in the field. This is a phenomenon whose importance goes unrecognized. In today’s conflicts, people who are wounded are denied access to health care or they, and those who come to their aid, are subject to direct attacks. The ICRC has launched a worldwide initiative to humanize this brutal reality and to make a difference to people affected on the ground. The key resolution adopted at the Conference on this is ‘Health Care in Danger: Respecting and Protecting Health Care’, which recalls the obligation to respect and protect medical personnel and facilities. It also calls upon the ICRC to initiate consultations with experts from the health-care sector, such as States, National Societies and the wider health-care community, with a view to formulating practical recommendations for making the delivery of health care safer in dangerous situations and to report to the next International Conference on the progress made.

So far, of course, I have addressed the outcome of the Conference from an ICRC perspective, but it is also very important to stress that many important topics and resolutions were dealt with by the IFRC. The IFRC did excellent work in many other areas that also met with much success, such as on migration and disaster response. As a result the Conference adopted several important resolutions on: 1) Migration: Ensuring Access, Dignity, Respect for Diversity and Social Inclusion; 2) Furthering the auxiliary role: Partnership for stronger National Societies and volunteering development; 3) Health inequalities: reducing burden on women and children; 4) Strengthening normative frameworks

and addressing regulatory barriers concerning disaster mitigation, response and recovery.<sup>1</sup>

The adoption of these resolutions was resounding proof of the States and National Societies' willingness to work together over the coming years.

### **Looking back on the Conference, what impressed you in particular? What was truly special about it?**

Before the Conference, there were a lot of question marks. This is because 2011 was characterized by a multitude of operational contexts and a great deal of uncertainty, including as a result of the global financial crisis.

Despite it being such a difficult year, the Conference was a success and there was agreement on so many issues. This positive atmosphere conveyed a strong message about the unity of the Movement, as well as paving the way for cooperation between all the Conference participants. So it was a real morale boost and gave us the impetus to tackle a huge number of challenges in the coming years. The proof of this success, of course, will depend on the concrete action taken to translate all these initiatives into tangible, practical results. It is crucial that we periodically take stock over the next four years, assess the progress made on these tasks (including in terms of the pledges), keep States informed, and maintain a lively interaction between all the components. This will ensure that, in four years' time, we will be in a position to show that this has led to practical and measurable results.

1 All resolutions and documents from the 31st International Conference of the Red Cross and Red Crescent can be found at: <http://rcrcconference.org/en/resolutions-and-reports.html> (last visited 12 March 2012).



# Resolutions\*

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## Resolutions of the 2011 Council of Delegates:

- Resolution 1** Working towards the elimination of nuclear weapons
- Resolution 2** Movement components' relations with external humanitarian actors 7
- Resolution 3** Strategy for the International Red Cross and Red Crescent Movement (Movement Strategy)
- Resolution 4** Revision of National Society statutes and legal base
- Resolution 5** Implementation of the Memorandum of Understanding and Agreement on Operational Arrangements, dated 28 November 2005, between the Palestine Red Crescent Society and the Magen David Adom in Israel
- Resolution 6** Preserving the historical and cultural heritage of the International Red Cross and Red Crescent Movement
- Resolution 7** National Societies preparing for and responding to armed conflict and other situations of violence
- Resolution 8** Agenda and programme of the 31st International Conference of the Red Cross and Red Crescent
- Resolution 9** Proposal of persons to fill the posts of officers at the 31st International Conference of the Red Cross and Red Crescent

## Resolutions of the 31st International Conference of the Red Cross and Red Crescent:

- Resolution 1** Strengthening legal protection for victims of armed conflicts
- Resolution 2** 4-year action plan for the implementation of international humanitarian law
- Resolution 3** Migration: Ensuring access, dignity, respect for diversity and social inclusion

\* The resolutions are available on the websites of the International Committee of the Red Cross ([www.icrc.org](http://www.icrc.org)), the International Federation ([www.ifrc.org](http://www.ifrc.org)) and the Standing Commission ([www.standcom.ch](http://www.standcom.ch)) in the sections devoted to the 2011 Council of Delegates and the 31st International Conference of the Red Cross and Red Crescent. All documents related to the 31st International Conference remain available on its website at [www.rcrcconference.org](http://www.rcrcconference.org).

- Resolution 4** Furthering the auxiliary role: Partnership for stronger National Societies and volunteering development
- Resolution 5** Health care in danger: Respecting and protecting health care
- Resolution 6** Health inequities with a focus on women and children
- Resolution 7** Strengthening normative frameworks and addressing regulatory barriers concerning disaster mitigation, response and recovery
- Resolution 8** Implementation of the Memorandum of Understanding and Agreement on Operational Arrangements, dated 28 November 2005, between the Palestine Red Crescent Society and the Magen David Adom in Israel
- Resolution 9** Our World. Your Move – For Humanity

## **Resolution 1 of the 2011 Council of Delegates**

### **WORKING TOWARDS THE ELIMINATION OF NUCLEAR WEAPONS**

The Council of Delegates,

*deeply concerned* about the destructive power of nuclear weapons, the unspeakable human suffering they cause, the difficulty of controlling their effects in space and time, the threat they pose to the environment and to future generations and the risks of escalation they create,

*concerned* also by the continued retention of tens of thousands of nuclear warheads, the proliferation of such weapons and the constant risk that they could again be used,

*disturbed* by the serious implications of any use of nuclear weapons for humanitarian assistance activities and food production over wide areas of the world,

*believing* that the existence of nuclear weapons raises profound questions about the extent of suffering that humans are willing to inflict, or to permit, in warfare,

*welcoming* the renewed diplomatic efforts on nuclear disarmament, in particular the commitments made by States at the 2009 United Nations Security Council Summit on Nuclear Non-Proliferation and Nuclear Disarmament, the 2010 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons and the Treaty Between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms,

*welcoming* also the commitments made by States at the highest levels in the above fora to create the conditions for a world free of nuclear weapons through concrete actions in the fields of nuclear non-proliferation and nuclear disarmament,

*recalling* the 1996 advisory opinion of the International Court of Justice, which confirmed that the principles and rules of international humanitarian law apply to nuclear weapons and concluded that the threat or use of such weapons would generally be contrary to the principles and rules of international humanitarian law,

*drawing upon* the testimony of atomic bomb survivors, the experience of the Japanese Red Cross Society and the International Committee of the Red Cross (ICRC) in assisting the victims of the atomic bomb blasts in Hiroshima and Nagasaki and the knowledge gained through the ongoing treatment of survivors by the Japanese Red Cross Atomic Bomb Survivors Hospitals,

*bearing in mind* the resolutions on weapons of mass destruction in general and the abolition of nuclear weapons in particular, adopted by the International Conferences of the Red Cross and Red Crescent in 1948, 1952, 1957, 1965, 1969, 1977 and 1981 and by the Council of Delegates in 2009, and the statements on

nuclear weapons made by the President of the ICRC to the Geneva diplomatic corps in April 2010 and by the President of the International Federation of Red Cross and Red Crescent Societies to Nobel laureates in Hiroshima in November 2010,

*convinced* that the International Red Cross and Red Crescent Movement (Movement) has an historic and important role to play in efforts to create the conditions for a world without nuclear weapons,

1. *emphasizes* the incalculable human suffering that can be expected to result from any use of nuclear weapons, the lack of any adequate humanitarian response capacity and the absolute imperative to prevent such use;
2. *finds* it difficult to envisage how any use of nuclear weapons could be compatible with the rules of international humanitarian law, in particular the rules of distinction, precaution and proportionality;
3. *appeals* to all States:
  - to ensure that nuclear weapons are never again used, regardless of their views on the legality of such weapons;
  - to pursue in good faith and conclude with urgency and determination negotiations to prohibit the use of and completely eliminate nuclear weapons through a legally binding international agreement, based on existing commitments and international obligations;
4. *calls on* all components of the Movement, utilizing the framework of humanitarian diplomacy:
  - to engage, to the extent possible, in activities to raise awareness among the public, scientists, health professionals and decision-makers of the catastrophic humanitarian consequences of any use of nuclear weapons, the international humanitarian law issues that arise from such use and the need for concrete actions leading to the prohibition of use and elimination of such weapons;
  - to engage, to the extent possible, in continuous dialogue with governments and other relevant actors on the humanitarian and international humanitarian law issues associated with nuclear weapons and to disseminate the Movement position outlined in this resolution.

## **Resolution co-sponsors:**

### **ICRC**

Australian Red Cross  
Austrian Red Cross  
Red Crescent Society of Azerbaijan  
Belgian Red Cross  
Bulgarian Red Cross  
The Canadian Red Cross Society  
Cook Islands Red Cross Society

Czech Red Cross  
Danish Red Cross  
Fiji Red Cross Society  
Red Crescent Society of the Islamic Republic of Iran  
Japanese Red Cross Society  
Jordan National Red Crescent Society  
Kiribati Red Cross Society  
Lebanese Red Cross  
Malaysian Red Crescent Society  
Red Cross Society of Micronesia  
Mozambique Red Cross Society  
The Netherlands Red Cross  
New Zealand Red Cross  
Norwegian Red Cross  
Palau Red Cross Society  
Papua New Guinea Red Cross Society  
The Philippine National Red Cross  
Samoa Red Cross Society  
Swedish Red Cross  
Swiss Red Cross  
Tonga Red Cross Society  
The Trinidad and Tobago Red Cross Society  
Vanuatu Red Cross Society

## Resolution 2 of the 2011 Council of Delegates

### MOVEMENT COMPONENTS' RELATIONS WITH EXTERNAL HUMANITARIAN ACTORS

The Council of Delegates,

*recalling* the 2009 Council of Delegates workshop on “Relations with Actors Outside of the Movement,”

1. *welcomes* the background report submitted to the 2011 Council of Delegates on ‘Movement components’ relations with external humanitarian actors’;
2. *adopts* the following recommendations of the report:
  - a) all Movement components should promote to external humanitarian actors how they work in accordance with the Fundamental Principles;
  - b) the International Federation of Red Cross and Red Crescent Societies and the International Committee of the Red Cross, in consultation with National Red Cross and Red Crescent Societies, should continue to analyse the need for and, where relevant, further develop guidance, with particular attention to:
    - i. coordination with UN agencies and coordinating bodies, including for resource mobilization;
    - ii. relationships with various country coordination mechanisms and bodies (including country teams and clusters), including in changing contexts, e.g. when conflict erupts where a natural disaster emergency operation is underway (or vice versa);
    - iii. the evolving role played by civil protection and military and civil defence assets in disaster and crisis situations;
    - iv. the use of the emblem by all components of the Movement in operations led by other organizations;
    - v. ways to engage with the private sector as an operational partner;
    - vi. strengthening the capacities of all Movement components to develop and manage relationships with external humanitarian actors, in line with the Fundamental Principles, Movement Statutes, policies and guidelines;
    - vii. maintaining an overview of existing policies, strategies and guidance relating to relations with external humanitarian actors and making these available in a user-friendly manner;
  - c) all Movement components should continue to strengthen Movement coordination mechanisms at country and regional level, to use this as a means to improve relations with external humanitarian actors and capture and share experiences of this in order to serve the most vulnerable better.

## **Resolution 3 of the 2011 Council of Delegates**

### **STRATEGY FOR THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT (MOVEMENT STRATEGY)**

#### **1. Background**

The Strategy for the International Red Cross and Red Crescent Movement (Movement) was first adopted at the Council of Delegates in 2001. It was updated by the 2005 Council of Delegates, as some actions were considered completed and to review the relevance of the remaining actions. The number of actions was reduced from 17 to 10 while the strategic objectives remained unchanged:

- strengthening the components of the Movement;
- improving the Movement's effectiveness and efficiency through increased cooperation and coherence;
- improving the Movement's image and the components' visibility and relations with governments and external partners.

The 2009 Council of Delegates in Nairobi found it reasonable to assume that the Strategy and most of its actions would be completed by 2011, after 10 years of work. It therefore requested the Standing Commission, with the International Federation of Red Cross and Red Crescent Societies (International Federation) and the International Committee of the Red Cross (ICRC), to present to this Council an evaluation of the achievement of the strategic objectives and the expected results in the ten actions of the Strategy.

The main findings and recommendations of the evaluation are presented in the report on the Strategy for the Movement. The full evaluation report is available to Council members upon request.

The Nairobi resolution further invited the Standing Commission to continue its work on reducing the complexities of the Movement fora, and to present its proposals for change, as relevant, to this Council.

Encouraging improvements in consulting National Red Cross and Red Crescent Societies (National Societies) in the preparation of various Movement fora have been recorded, as called for by National Society leaders in comprehensive reviews on the issue at hand. However, key issues concerning questions of frequency and duration along with options for aligning or even merging some of the fora require more discussion on options to move forward.

#### **2. Decision**

As the trustee of the International Conference of the Red Cross and Red Crescent, and as the permanent Movement body where all components are represented

and which provides strategic guidance in matters which concern the Movement as a whole, the 2011 Council of Delegates ***calls on the incoming Standing Commission:***

- 2.1. to finalize the work on Movement fora and to submit change proposals, as relevant, for decision by the 2013 Council of Delegates, and to this end create an ad hoc working group representing National Societies with a wide range of expertise, including a youth representative;
- 2.2. to base this work on the outcomes of the comprehensive reviews already undertaken by the outgoing Standing Commission on the Movement with the aim of reaching agreement on concrete changes in the interest of greater efficiency and effectiveness and reduced costs and environmental impact of meetings involving all Movement components;
- 2.3. to update, in close cooperation with all components of the Movement, the open-ended actions of the present Strategy, in order to implement them and consequently report to the 2013 Council. This effort should focus on coordinated and efficient Movement-level cooperation, to strengthen the Movement's image and performance in agreed key areas, in order to deliver on our mission for the most vulnerable. It should also take into account trends in the internal and external working environments;
- 2.4. to review the findings of the International Federation and the ICRC's monitoring of the implementation of resolutions, including information from their regional structures, with a view to improving follow-up and reporting and planning for future Movement-level meetings.

### **3. Follow-up**

- The Standing Commission shall regularly report on progress through its newsletter
- The Commission's [www.standcom.ch](http://www.standcom.ch) website shall be used as one channel of regular feedback to/from National Societies on the work in progress



## Resolution 4 of the 2011 Council of Delegates

### REVISION OF NATIONAL SOCIETY STATUTES AND LEGAL BASE

The Council of Delegates,

*reaffirming* the objective of Action 3 of the Strategy for the International Red Cross and Red Crescent Movement (Movement), which called upon all National Red Cross and Red Crescent Societies (National Societies) to examine their statutes and related legal texts and where necessary, to adopt new constitutional texts, in accordance with the “Guidance for National Societies Statutes” (Guidance document) and relevant resolutions of the International Conference of the Red Cross and Red Crescent (International Conference),

*recalling* Resolution 3 of the 2009 Council of Delegates urging National Societies to continue to work closely with the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (International Federation), and to consult with the Joint ICRC/International Federation Commission for National Society Statutes (Joint Statutes Commission) in order to ensure that all National Societies have examined and updated their statutes and related texts by the end of 2010,

*welcoming* the report of Joint Statutes Commission, which summarizes the progress achieved, the experience gained and the work still to be undertaken,

*taking note* with appreciation that close to 90 per cent of all National Societies have initiated a process of review of their statutes and related legal texts since the adoption of the 2001 Strategy for the Movement, while *acknowledging* however that significant work is still required by many National Societies in order to bring their constitutional and statutory base instruments in line with the minimum requirements of the Guidance document,

*expressing its deep appreciation* to those National Societies which have successfully completed a revision of their Statutes and related legal texts in accordance with the Guidance document,

*noting* that many National Societies continue to face challenges in their efforts to work in accordance with the Fundamental Principles in their respective operational contexts, and *reiterating* the crucial importance of high-quality statutes, and the imperative of a strong legislative base for National Societies in domestic law in order to ensure their ability and capacity to deliver services to people in need effectively,

*recognizing* that the regular and periodical review of a National Society’s legal base instruments (e.g. every 10 years) is important in assisting National Societies to adapt to new challenges and circumstances,

*recognizing* the many challenges which National Societies may face in order to comply fully with the minimum requirements and recommendations defined in the Guidance document due to their respective contexts of operation,

*reaffirming* in this regard the primary responsibility of National Societies at the level of their leadership and management to ensure that adequate constitutional and statutory instruments are in place and duly implemented,

1. *congratulates* National Societies for their continuing and considerable efforts invested in the last decade in the revision of their statutes and related legal texts and in the strengthening of their legal base in domestic law;
2. *expresses its appreciation* to National Societies who have established a constructive dialogue with the ICRC and the International Federation, as well as with the Joint Statutes Commission, which has allowed the Movement to progress toward fulfilling the objective of strengthening National Societies' legal base;
3. *recommends* that National Societies which have not yet initiated or successfully completed a statutes revision process undertake the necessary steps in order to update their statutory or constitutional base instruments in accordance with the Guidance document and relevant Council of Delegates and International Conference resolutions;
4. *invites* National Societies undertaking a revision of their statutes and related legal texts to pay special attention to the following questions identified by the Joint Statutes Commission as the issues most often at variance with the Guidance document, including the definition of
  - the National Society's relationship with its public authorities, in particular its status and role as an auxiliary in the humanitarian field, in line with the Fundamental Principle of independence;
  - the National Society's governing bodies (composition, duties, procedures and rotation);
  - the roles and responsibilities of governance and management;
  - the National Society's membership;
  - the branch structure (e.g. how branches are created, what bodies govern them and the relationship between branches and headquarters);
5. *encourages* National Societies to initiate or pursue a dialogue, as required, with their national authorities in order to strengthen their legal base in domestic law, through high-quality Red Cross/Red Crescent laws, so as to formalize their auxiliary role in the humanitarian field and to recognize the commitment of national authorities to respect the ability of National Societies to work and operate in accordance with the Fundamental Principles;
6. *calls upon* National Societies, in particular at the level of their respective leadership, to continue working closely with ICRC and International Federation delegations in the revision of their statutes and related legal texts and in the strengthening of their legal base in domestic law, to take the recommendations of the Joint Statutes Commission into account, as well as to keep the Joint Statutes Commission duly informed of any progress or new developments;
7. *calls upon* the ICRC, the International Federation and the Joint Statutes Commission to pursue actively their support to National Societies and to seek ways of increasing their capacity and the effectiveness of their working methods. In their work to support National Societies, they should pay particular

attention to National Society laws and regulations, to develop new advisory notes for National Societies as needed, and to ensure that the new institution-building mechanisms and tools established within the Movement duly include and reflect the objective of strengthening the legal and statutory base instruments of National Societies;

8. *invites* the ICRC and the International Federation to initiate a consultation with National Societies on the most effective ways to continue the process of strengthening National Society legal base instruments in the future, and thus to explore and implement new and innovative ways and models to support National Societies, and to draw further on existing resources, partnerships and legal expertise within the Movement, including the use of new learning platforms and relevant National Society capacities and networks;
9. *invites* the ICRC and the International Federation to draw on the work of the Joint Statutes Commission in order to report on the achievement of the ongoing objective of strengthening the legal and statutory base instruments of National Societies to the 2013 and subsequent Councils of Delegates.

## **Resolution 5 of the 2011 Council of Delegates**

### **IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING AND AGREEMENT ON OPERATIONAL ARRANGEMENTS, DATED 28 NOVEMBER 2005, BETWEEN THE PALESTINE RED CRESCENT SOCIETY AND THE MAGEN DAVID ADOM IN ISRAEL**

The Council of Delegates,

*recalling* the MoU signed by PRCS and MDA on 28 November 2005, in particular the following provisions:

1. *MDA and PRCS will operate in conformity with the legal framework applicable to the Palestinian territory occupied by Israel in 1967, including the Fourth Geneva Convention of 1949 on the protection of Civilians in Time of War.*
2. *MDA and PRCS recognize that PRCS is the authorized national society in the Palestinian territory and that this territory is within the geographical scope of the operational activities and the competences of PRCS. MDA and PRCS will respect each other's jurisdiction and operate in accordance with the Statutes and Rules of the Movement.*
3. *After the Third Additional Protocol is adopted and by the time MDA is admitted by the General Assembly of the International Federation of Red Cross and Red Crescent Societies:*
  - a. *MDA will ensure that it has no chapters outside the internationally recognized borders of the State of Israel;*
  - b. *Operational activities of one society within the jurisdiction of the other society will be conducted in accordance with the consent provision of resolution 11 of the 1921 international conference,*

*taking note*, with appreciation for his work, of the report presented to the Council by Minister (Hon.) Pär Stenbäck, the independent monitor appointed by the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (International Federation) with the agreement of MDA and the PRCS upon request of the International Conference to monitor progress achieved in the implementation of the MoU and the AOA of 28 November 2005 between the PRCS and the MDA,

*recalling* Resolution 5 adopted by the Council of Delegates on 25 November 2009 concerning the implementation of the MoU and AOA between PRCS and MDA,

*recalling* Resolution 5 adopted by the 30th International Conference of the Red Cross and Red Crescent concerning the implementation of the MoU and AOA between PRCS and MDA,

*reaffirming* the importance of operating in accordance with international humanitarian law and with the Statutes, rules, and Fundamental Principles of the International Red Cross and Red Crescent Movement,

*noting* that National Societies have an obligation to operate in compliance with the Constitution of the International Federation of Red Cross and Red Crescent Societies and the existing policy “on the protection of integrity of National Societies and bodies of the International Federation” adopted in November 2009,

*reaffirming* the necessity for effective and positive coordination between all components of the Movement of Red Cross and Red Crescent for the full implementation of the MoU between the PRCS and MDA,

1. *notes* the reported progress that has been made with respect to implementation and commends the efforts of both National Societies;
2. *notes with regret* that full implementation of the MoU has not yet been realized as observed by the monitor;
3. *strongly urges* MDA to fulfil its obligations without further delay and complete the efforts under way to bring its operations into compliance with the geographic scope provisions of the MoU;
4. *requests* the ICRC and the International Federation to reaffirm the mandate of the monitoring process and to continue to support and strengthen the monitoring process of the implementation of the MoU;
5. *decides* that the monitoring process will continue until such time as the MoU is implemented in full and requests that regular reports on the monitoring mechanism are issued as deemed necessary;
6. *requests* National Societies to respond favourably to any request for assistance and support in the monitoring process;
7. *requests* the ICRC and the International Federation to arrange for the provision of a report on implementation of the MoU to the next Council of Delegates and through it to the International Conference.

## Resolution 6 of the 2011 Council of Delegates

### **PRESERVING THE HISTORICAL AND CULTURAL HERITAGE OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT**

The Council of Delegates,

*recognizing* the universal value of the historical and cultural heritage of all the components of the International Red Cross and Red Crescent Movement (Movement), that is, the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (International Federation) and National Red Cross and Red Crescent Societies (National Societies),

*emphasizing* the paramount importance of safeguarding this humanitarian heritage, of disseminating it and promoting it by all appropriate means, with the aim of fostering a better awareness and understanding of the roles and the identity of the Movement among current and future generations in order to inspire them to undertake humanitarian work in aid of vulnerable individuals and communities,

*recalling* that awareness of the history and operational experience of the components of the Movement is crucial to current and future deliberations about its humanitarian work and modes of action,

*emphasizing* the joint responsibility of all components of the Movement for ensuring that the Movement's historical and cultural heritage is preserved, safeguarded and promoted,

*recalling* the sustained efforts undertaken thus far by the components of the Movement to make this heritage accessible to as many people as possible,

*recalling* the role played by the International Red Cross and Red Crescent Museum in enhancing the prominence and influence of the historical and cultural heritage of the Movement,

*welcoming* the cooperation with National Societies initiated by the Museum, intended to assist in the preservation and promotion of their own heritage in museums and other heritage facilities in their own countries and regions,

*mindful* of national and international legal and ethical rules and principles governing the preservation, archiving and dissemination of historical data, in particular with regard to the protection and accessibility of personal data,

*recognizing* the breadth of experience and expertise of the components of the Movement, in terms of conserving, preserving and managing the Movement's historical and cultural heritage, and also in terms of disseminating and promoting that heritage,

*welcoming* the entry of the International Prisoners-of-War Agency's archives (1914–1923) into UNESCO's Memory of the World Register in 2007,

1. *asks* all components of the Movement to raise the priority accorded to the preservation and utilization of their historical and cultural heritage, to make it

better known and appreciated by means of museums, exhibitions, archives, other heritage facilities, and through promotional activities, and to make effective use of this wealth of knowledge and experience in their current humanitarian activities;

2. *encourages* all components of the Movement to share their experience in preserving and promoting their historical and cultural heritage and to call upon the good offices of the International Red Cross and Red Crescent Museum in Geneva and the expertise of the International Federation and the ICRC as needed;
3. *requests* the International Red Cross and Red Crescent Museum, the International Federation and the ICRC, in consultation with National Societies, to present recommendations to the Council of Delegates in 2015 on preserving and promoting the Movement's historical and cultural heritage, based on the experiences and the concrete action taken by the different components of the Movement in this domain.

## **Resolution 7 of the 2011 Council of Delegates**

### **NATIONAL SOCIETIES PREPARING FOR AND RESPONDING TO ARMED CONFLICT AND OTHER SITUATIONS OF VIOLENCE<sup>1</sup>**

#### **I. Background**

Situations of violence can develop at any time and anywhere, as recent events demonstrate. They often give rise to issues of humanitarian concern that require an immediate response by National Red Cross or Red Crescent Societies (National Societies). In addition, armed conflicts, chronic and sometimes protracted over several years or decades, require similar forms of humanitarian response. Demonstrations which lead to violence pose another kind of challenge to the humanitarian sector – to adapt its working procedures, designed primarily for rural settings, to urban environments as well.

To enhance access to people and communities affected by armed conflict and other situations of violence,<sup>2</sup> and to respond effectively to their needs, it is essential that all the components of the International Red Cross and Red Crescent Movement (Movement) work together in preparedness, response and recovery, to maximize their respective capacities and competencies.

#### **Converging and Complementary Movement Mandates and Capacities**

National Societies have a mandate, as described in the Statutes of the International Red Cross and Red Crescent Movement (Statutes) to “organize, in liaison with the public authorities, emergency relief operations and other services to assist the victims of armed conflicts as provided in the Geneva Conventions, and the victims of natural disasters and other emergencies for whom help is needed.”<sup>3</sup> A number of resolutions adopted at Councils of Delegates and International Conferences of the Red Cross and Red Crescent reinforce the mandate of National Societies to act as auxiliaries to the public authorities in the humanitarian field<sup>4</sup> and to provide humanitarian assistance and protection to those in need, including those

1 Other situations of violence as a component of the National Societies' overall mandate, as set out in the Statutes of the Movement.

2 An ICRC description of 'Other situations of violence' can be found in the Background Report supporting this resolution.

3 Article 3, clause 2 of the Statutes of the International Red Cross and Red Crescent Movement.

4 Two such recent resolutions are: Resolution 2 of the 30th International Conference and Resolution 3 of the 2007 Council of Delegates on the “Specific nature of the International Red Cross and Red Crescent Movement in action and partnerships and the role of National Societies as auxiliaries to the public authorities in the humanitarian field.”



affected by armed conflict and other situations of violence within their own countries.<sup>5</sup>

The International Committee of the Red Cross (ICRC) has a statutory mandate “to endeavour at all times – as a neutral institution whose humanitarian work is carried out particularly in time of international and other armed conflicts or internal strife<sup>6</sup> – to ensure the protection of and assistance to military and civilian victims of such events and of their direct results.”<sup>7</sup> In such situations, the ICRC works in close partnership with the National Society of the affected country as well as with participating National Societies and the International Federation of Red Cross and Red Crescent Societies (International Federation) to prepare and carry out emergency humanitarian operations.

The International Federation’s statutory mandate includes the following: “to inspire, encourage, facilitate and promote at all times all forms of humanitarian activities by the National Societies, with a view to preventing and alleviating human suffering and thereby contributing to the maintenance and the promotion of peace in the world”; “to act as the permanent body of liaison, coordination, and study between the National Societies and to give them any assistance they might request”; and “to bring help to victims of armed conflicts in accordance with the agreements concluded with the International Committee.”<sup>8</sup>

The mandates and capacities, as well as the unique positioning of each of the Movement’s components, must be taken fully into consideration when preparing for and responding to armed conflict and other situations of violence, in order to maximize the impact of the protection and assistance provided to the populations most in need. Activities should be allocated bearing these factors in mind as well as considering the level of acceptance provided to the various Movement components and whether the ICRC, the National Society or the two together would be better placed to respond. Improved Movement coordination and further discussion among the components of the Movement on the specific questions raised by ‘other situations of violence’ which results in an increased convergence of preparedness, response and recovery actions is required, in accordance with Movement agreements and mechanisms, and on the basis of context-specific circumstances and needs, to enhance access and response to the humanitarian needs of people and communities affected by armed conflict and other situations of violence.

5 For example, the General Principles contained in Resolution XIV of the 10th International Conference in 1921, on Civil War, state: “The Red Cross (...) affirms its right and duty of affording relief in case of civil war and social and revolutionary disturbances (...) In every country in which civil war breaks out, it is the National Red Cross Society which, in the first place is responsible for dealing, in the most complete manner, with the relief needs of the victims ...”

6 As defined in Part II, Article 5, clause 2 (b) of the Seville Agreement, internal strife “does not necessarily imply armed action but serious acts of violence over a prolonged period or a latent situation of violence, whether of political, religious, racial, social, economic or other origin, accompanied by one or more features such as: mass arrests, forced disappearances, detention for security reasons, suspension of judicial guarantees, declaration of state of emergency, declaration of martial law.”

7 Article 5, clause 2 (d) of the Statutes of the International Red Cross and Red Crescent Movement.

8 Article 6, clauses 3 and 4 (i) of the Statutes of the International Red Cross and Red Crescent Movement.

## The ICRC's Response to a Request by National Societies

To adapt to the ever-changing environment, many National Societies have taken important measures in recent years to strengthen their response during armed conflict and other situations of violence.

Based upon the best practices of National Societies, the ICRC developed the Safer Access Framework.<sup>9</sup> This Framework outlines the numerous interconnected actions that a National Society needs to carry out in order to increase its acceptance by individuals, communities, weapon-bearers and authorities and thereby gain safer access to people and communities during armed conflict and other situations of violence.

During a plenary session at the 2009 Council of Delegates,<sup>10</sup> National Societies requested the ICRC to develop operational guidance for National Societies working in armed conflict and other situations of violence. It was determined through a comprehensive consultation process with National Societies that the Safer Access Framework and the lessons learned from current National Society experience would be used as the foundation to develop a practical guide to strengthen the capacity of all National Societies to prepare for and respond to armed conflict and other situations of violence.

The guide will also enhance the practical application of the Seville Agreement and its Supplementary Measures, in particular by providing support for host National Societies to fulfil their mandates and play their roles in a Movement-coordinated response to armed conflict or to other situations of violence.

## II. Challenges

Today, armed conflict and other situations of violence pose new, evolving challenges for the Movement's response. Some of the most significant are set out below.

Recurrent attacks against Movement personnel, including National Society staff and volunteers, their facilities and equipment, and the harm caused to beneficiaries are causing alarm.

Some National Societies are prevented, by all those who can influence access to beneficiaries, from providing humanitarian services to those in need on all sides of an armed conflict or other situation of violence, or they are challenged or

<sup>9</sup> The Safer Access Framework is based on the concept of applying the Fundamental Principles and other Movement policies during response operations, which helps to position a National Society to secure greater acceptance and safe access to beneficiaries. Its elements include context/risk analysis, National Society legal and policy base to respond in armed conflict and other situations of violence, securing the organization's acceptance, acceptance of the National Societies' staff, volunteers and members, identification of the National Societies' people, facilities and vehicles, internal and external communications and security management (guidelines and protective measures).

<sup>10</sup> 2009 Council of Delegates, Workshop 5 (Improving our Combined Output by Fostering Collective Responsibility and Partnerships) and the plenary linked to the discussion of the Seville Agreement and its Supplementary Measures.

even harassed when they attempt to do so. In this respect, there is, in some countries, a need to strengthen the National Society's statutory and legal instruments to better reflect its role in armed conflicts and other situations of violence. This should take into account the Fundamental Principle of independence, which balances the autonomy of National Societies with their status and role as auxiliaries to the public authorities in the humanitarian field.

There are many recent examples of well-coordinated Movement responses during armed conflict and other situations of violence. However, our response to the humanitarian needs of the people and communities affected could be improved. It is important to deepen our shared Movement knowledge and understanding of emerging trends in such situations and their consequences for humanitarian action, in order to improve the quality of our response and develop a uniform Movement approach. Overall, the Movement's components need to improve their level of readiness to respond to the needs of affected people rapidly and effectively in a coordinated and complementary manner, taking into account the changing environments in which they work. The ICRC and National Societies should pay particular attention to developing contingency plans that are coordinated and complement one another, to guide their responses during armed conflict and other situations of violence.

Adherence to the Fundamental Principles, and fostering respect in others for our adherence to the principles, are permanent challenges for all Movement components and are vitally important in increasing the degree of acceptance that is required to secure safer access to the people and communities affected by armed conflict and other situations of violence. The Statutes of the Movement and relevant Councils of Delegates resolutions<sup>11</sup> emphasize this point.

### III. Decisions

Recognizing the mandate of National Societies as per the Statutes of the Movement to operate and respond to armed conflict, natural disasters and other emergencies including internal strife and other situations of violence and in order to strengthen the Movement's response to armed conflict and other situations of violence, the 2011 Council of Delegates:

1. *encourages* National Societies to intensify their commitment and efforts to adopt appropriate security/risk management systems, and to take other concrete measures to increase their safer access in armed conflict and other situations of violence. This includes the need to enhance the operational

11 For instance: 2009 Council of Delegates, Resolution 8, Respecting and protecting health care in armed conflict and other situations of violence; 30th International Conference, 2007, Resolution 1, Annex Declaration: Together for humanity; 2005 Council of Delegates, Resolution 7, Relations between the components of the Movement and military bodies; 2003 Council of Delegates, Resolution 9, Promote respect for diversity and fight discrimination and intolerance – clause 4 (f) of the annex to the Resolution.

application of the Fundamental Principles and other relevant Movement policies as well as to obtain insurance coverage<sup>12</sup> for staff and volunteers working in crises, to adequately compensate them for possible injury, including psychological trauma/stress, or death in the line of duty;

2. *urges* National Societies, where necessary, to engage in a dialogue with all concerned governments on the need for access to all populations affected by armed conflict and other situations of violence and to exert influence, where possible, on all those who can influence access to beneficiaries to respect the National Societies' role to provide neutral, impartial and independent humanitarian services, (as defined by the Fundamental Principles), with the support and involvement of the ICRC as appropriate;
3. *urges* National Societies, the ICRC and the International Federation to continue to explore and analyse emerging trends and challenges to humanitarian action during armed conflict and other situations of violence, with a view to making such shared analyses the basis of coordinated contingency planning for the provision of rapid, effective and coherent response to the humanitarian needs of people and communities affected, while also strengthening their resilience;
4. *encourages* National Societies to further define their mandates, roles and responsibilities in armed conflict and other situations of violence within their statutory and legal base instruments, as appropriate, and to promote their role broadly, both within their National Society, and with external actors and communities;
5. *invites* the ICRC and the International Federation to work closely with National Societies to define how the mandates, roles and responsibilities of National Societies in armed conflict and other situations of violence may best be reflected in National Societies' statutory and legal base instruments and to advise National Societies engaged in revising their statutes accordingly;
6. *recommends* that National Societies, as part of their permanent dialogue with their respective governments, work towards strengthening domestic legislation, policies, agreements and plans in order to establish the framework required to enable them to provide effective assistance and protection to populations affected by armed conflict and other situations of violence;
7. *invites* the components of the Movement to continue to develop a practical guide, to further clarify the term 'other situations of violence' and to strengthen the capacity of all National Societies to prepare for and respond to armed conflict and other situations of violence – based on the Fundamental Principles, the Statutes of the Movement, relevant Movement policies and current National Society experience, as a valuable contribution towards building a Movement approach in this area;

12 Ideally, insurance coverage should be provided to all volunteers, particularly those involved in emergency response operations, by the National Society through a national insurance company that provides insurance appropriate to the context and adapted to local realities. To deal with situations where this is not available, the Secretariat of the International Federation has put in place global accident insurance available through the headquarters of all National Societies.

8. *encourages* the International Federation to work closely with the ICRC and National Societies to develop effective mechanisms that ensure the aforementioned guide and the ICRC's programmes and capacity strengthening expertise that support National Societies to prepare for and respond to armed conflict and other situations of violence, are taken into account in the approach toward the development of strong National Societies, with a particular emphasis on incorporating relevant elements into emergency preparedness, response, recovery and organizational development initiatives.

## **IV. The Background Report and Annex**

The Background Report and Annex are for information purposes only and are not a part of decisions.

## **V. Follow-up**

All the components of the Movement are requested to consider including the decisions listed above in their strategies, plans and objectives, where relevant.

Progress in implementing the decisions listed above will be included in the report to the Council of Delegates on the Implementation of the Seville Agreement and its Supplementary Measures in 2013 and 2015.

The ICRC, with the continued involvement of National Societies and the Secretariat of the International Federation, will develop the practical guide, which will address many of the challenges identified in this resolution, and more. It will be completed by the end of 2012 and will be introduced to Movement partners in 2013.

### **Resolution co-sponsors:**

The Canadian Red Cross Society  
Colombian Red Cross  
Jamaica Red Cross  
Nepal Red Cross Society  
Red Cross Society of Panama  
Paraguayan Red Cross  
Red Cross Society of Saint Lucia  
The Trinidad and Tobago Red Cross Society  
Tunisian Red Crescent  
The Uganda Red Cross Society

## **Resolution 8 of the 2011 Council of Delegates**

### **AGENDA AND PROGRAMME OF THE 31ST INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT**

The Council of Delegates,

*having examined* the Provisional Agenda and adopts the Agenda and Programme of the 31st International Conference of the Red Cross and Red Crescent, prepared by the Standing Commission of the Red Cross and Red Crescent,

*adopts* the Agenda and Programme of the 31st International Conference of the Red Cross and Red Crescent.

## Resolution 9

### PROPOSAL OF PERSONS TO FILL THE POSTS OF OFFICERS AT THE 31ST INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT

The Council of Delegates,

*having examined* the list of candidates nominated by the Standing Commission for election as officers of the 31st International Conference of the Red Cross and Red Crescent (International Conference),

*endorses* the list of candidates (see annex) and *requests* the Chairman of the Council to transmit it to the 31st International Conference for approval.

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## Annex – Resolution 9

### PROPOSAL OF PERSONS TO FILL THE POSTS OF OFFICERS AT THE 31ST INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT

Reference: Article 14/Statutes of the Movement: *“When meeting prior to the opening of the International Conference, the Council shall propose to the Conference the persons to fill the posts mentioned in Article 11, paragraph 3: the Chairman, the Vice Chairmen, Secretary General, Assistant Secretaries General and other officers of the Conference”*

Chair of the Conference: **Ms Niki Rattle** (Cook Islands Red Cross Society)

Chair of the Drafting Committee: **Ambassador Maria Farani Azevêdo** (Brazil)

Vice-Chair, political issues: **Ambassador Peter Gooderham** (United Kingdom)

Conference Vice-Chairs and Chairs of Thematic Plenary sessions

Plenary on IHL: **Ms Liesbeth Lijnzaad** (The Netherlands)

Plenary on Disaster Laws: **Mr Fernando José Cardenas Guerrero** (Colombian Red Cross Society)

Conference Vice-Chairs and Chairs of Thematic Commissions

Commission A: Migration: **Dr Muctarr Jalloh** (Sierra Leone Red Cross Society)

Commission B: Partnership for stronger National Societies & volunteering development: **Dr Dragan Radovanovic** (Red Cross of Serbia)

Commission C: Health Care in Danger: **Dr Mamdouh Gabr** (Egyptian Red Crescent Society)

Commission D: Inequitable access to health care: **Ms Fatima Gailani** (Afghan Red Crescent Society)

Commission E: Humanitarian access and assistance: **Vice-Minister Gómez Robledo** (Mexico)

Other officers

Rapporteur of the Conference: **Ambassador Minelik Alemu Getahun** (Ethiopia)

Elections: **Ms Annemarie Huber-Hotz** (Swiss Red Cross)

Pledges: **Mr Christian Ndinga** (Congolese Red Cross)

Secretary-General of the Conference: **Ambassador Jean-François Paroz** (Switzerland)

Assistant Secretaries-General: **Mr Frank Mohrhauer** (International Federation) and **Mr Bruce Biber** (ICRC)



## **Resolution 1 of the 31st International Conference of the Red Cross and Red Crescent**

### **STRENGTHENING LEGAL PROTECTION FOR VICTIMS OF ARMED CONFLICTS**

The 31st International Conference of the Red Cross and Red Crescent (International Conference),

*deeply concerned* that armed conflicts continue to cause enormous suffering, including violations of international humanitarian law, such as murder, forced disappearance, the taking of hostages, torture, cruel or inhumane treatment, rape and other forms of sexual violence, and that such suffering affects entire populations, including among the most vulnerable, in various parts of the world,

*stressing* that greater compliance with international humanitarian law is an indispensable prerequisite for improving the situation of victims of armed conflict and *reaffirming* the obligation of all States and all parties to armed conflict to respect and ensure respect for international humanitarian law in all circumstances,

*recalling* the universal ratification of the 1949 Geneva Conventions,

*expressing* the hope that other international humanitarian law treaties will also achieve universal acceptance, and *inviting* all States to consider ratifying or acceding to international humanitarian law treaties to which they are not yet party,

*recalling* Resolution 3 on the “Reaffirmation and implementation of international humanitarian law,” adopted by the 30th International Conference,

*reiterating* that international humanitarian law remains as relevant today as ever before in international and non-international armed conflicts and continues to provide protection for all victims of armed conflict,

*recognizing* the importance of having due regard to humanitarian considerations and military necessity arising from armed conflict, with the objective of ensuring that international humanitarian law remains essential in providing legal protection to all victims of armed conflict and that States and other parties to armed conflicts fully implement their obligations in this regard,

*mindful* of the need to strengthen international humanitarian law, in particular through its reaffirmation in situations when it is not properly implemented and its clarification or development when it does not sufficiently meet the needs of the victims of armed conflict,

*emphasizing* the primary role of States in the development of international humanitarian law,

*recalling* that one of the important roles of the International Committee of the Red Cross (ICRC), in accordance with the Statutes of the International Red Cross and Red Crescent Movement (Movement), is in particular “to work for the understanding and dissemination of knowledge of international humanitarian law applicable in armed conflicts and to prepare any development thereof,” and *further*

*recalling* the respective roles of the ICRC and National Red Cross and Red Crescent Societies (National Societies) in the promotion, dissemination, implementation and development of international humanitarian law,

*recalling* that the functions of the International Conference, in accordance with the Statutes of the Movement, include “to contribute to the respect for and development of international humanitarian law and other international conventions of particular interest to the Movement,”

*taking note* of the 2003 ICRC summary report on regional expert seminars related to improving compliance with international humanitarian law presented to the 28th International Conference, as well as the 2009 report on a conference of experts entitled “60 Years of the Geneva Conventions and the Decades Ahead” prepared by the Swiss Government and the ICRC,

1. *thinks* the ICRC for the report outlining the main conclusions of its study on strengthening legal protection for victims of armed conflicts and for the consultations carried out with States in this regard;
2. *acknowledges* that the report identifies serious humanitarian concerns and challenges that need to be addressed, in particular those related to the protection of persons deprived of their liberty in relation to armed conflict and the need to ensure greater compliance with international humanitarian law, and that, on the basis of the consultations, the report calls for concrete and coordinated action to address these concerns;
3. *recognizes* the importance of analysing the humanitarian concerns and military considerations related to the deprivation of liberty in relation to armed conflict with the aim, *inter alia*, of ensuring humane treatment, adequate conditions of detention, taking into account age, gender, disabilities and other factors that can increase vulnerability, and the requisite procedural and legal safeguards for persons detained, interned or transferred in relation to armed conflict;
4. *recognizes*, taking into account questions raised by States during the preparation of and in the debates at the 31st International Conference, that further research, consultation and discussion are needed to assess the most appropriate way to ensure that international humanitarian law remains practical and relevant in providing legal protection to all persons deprived of their liberty in relation to armed conflict;
5. *recognizes*, taking into account questions raised by States during the preparation of and in the debates at the 31st International Conference, the importance of exploring ways of enhancing and ensuring the effectiveness of mechanisms of compliance with international humanitarian law, with a view to strengthening legal protection for all victims of armed conflict;
6. *invites* the ICRC to pursue further research, consultation and discussion in cooperation with States and, if appropriate, other relevant actors, including international and regional organizations, to identify and propose a range of options and its recommendations to: i) ensure that international humanitarian law remains practical and relevant in providing legal protection to all persons deprived of their liberty in relation to armed conflict;

and ii) enhance and ensure the effectiveness of mechanisms of compliance with international humanitarian law; and *encourages* all members of the International Conference, including National Societies, to participate in this work while recognizing the primary role of States in the development of international humanitarian law;

7. *notes* that such work should be carried out taking into account existing relevant international legal regimes and other international processes on similar issues; in this sense *expresses its appreciation* to the government of Switzerland for its commitment to explore and identify concrete ways and means to strengthen the application of international humanitarian law and reinforce dialogue on international humanitarian law issues among States and other interested actors, in cooperation with the ICRC;
8. *invites* the ICRC to provide information on the progress of its work at regular intervals to all members of the International Conference and to submit a report on this work, with a range of options, to the 32nd International Conference for its consideration and appropriate action.

## **Resolution 2 of the 31st International Conference of the Red Cross and Red Crescent**

### **4-YEAR ACTION PLAN FOR THE IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW**

The 31st International Conference of the Red Cross and Red Crescent (International Conference),

1. *adopts* the Action Plan in Annex 1;
2. *urges* all members of the International Conference to implement the actions set out in the Action Plan, in accordance with their respective powers, mandates, capacities and applicable obligations under international humanitarian law, with a view to reaching the objectives defined in the Action Plan;
3. *reminds* States of the auxiliary role of National Red Cross and Red Crescent Societies to the public authorities in the humanitarian field, in particular where they work in the framework of national international humanitarian law committees or similar bodies, and *encourages* States to cooperate with them, as appropriate, in implementing the actions set out in the Action Plan;
4. *takes note* of existing initiatives by other humanitarian actors and organizations in certain areas covered by this Action Plan and stresses the need to ensure synergies between such initiatives and this Action Plan in cooperation with States;
5. *invites* all members of the International Conference to submit pledges, either individually or jointly, in relation to the recommendations contained in the Action Plan;
6. *invites* international and regional organizations to implement the actions contained in the Action Plan which relate to their activities;
7. *requests* all members of the International Conference to make every possible effort to ensure that all actors concerned implement, as appropriate, the Action Plan,
8. *invites* all members of the International Conference to inform the International Committee of the Red Cross on progress made on implementation of the Action Plan, with a view to the presentation of a report on implementation to the 32nd International Conference in 2015;
9. *requests* the members of the International Conference to report to the 32nd International Conference in 2015 on the follow-up to their pledges.

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## **Annex 1: Action plan for implementing international humanitarian law**

### **Objective 1: Enhanced access by civilian populations to humanitarian assistance in armed conflicts**

States reaffirm the right of civilian populations in need to benefit from impartial humanitarian relief in accordance with international humanitarian law. States will ensure, to the fullest extent of the means available to them, that the civilian population is adequately provided with supplies in accordance with relevant provisions of international humanitarian law.

States will also, in accordance with international humanitarian law, allow and facilitate safe, rapid and unimpeded passage of impartial humanitarian relief for civilian populations in need and will respect and protect humanitarian personnel and objects.

The components of the International Red Cross and Red Crescent Movement (Movement) must be able to deliver humanitarian assistance at all times in conformity with the Fundamental Principles of humanity, impartiality, neutrality and independence. States will respect the adherence by all components of the Movement to these Fundamental Principles.

#### **a) Remove administrative barriers to the rapid delivery of humanitarian assistance for victims of armed conflicts**

States consider, including through enacting domestic legislation or concluding agreements with components of the Movement:

- facilitating the rapid issuance of valid documents allowing the mission of members of components of the Movement access across the international borders of the State and within the State concerned;
- expediting procedures for monitoring the entry and distribution of humanitarian goods of components of the Movement;
- exempting personnel and goods of components of the Movement from taxes, duties and fees where necessary.

States endeavour to make available the necessary telecommunication facilities to components of the Movement, taking into account the need of the Movement for two-way wireless telecommunication means when normal communication facilities are interrupted or not available, in accordance with Resolution 10 of the 2000 World Radiocommunication Conference. They assign to the components of the Movement the minimum number of necessary working frequencies in accordance with the applicable Radio Regulations and take all practicable

steps to protect such communications from harmful interference. States which have not already done so consider acceding to the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations.

## b) Establishing and maintaining an environment conducive to dialogue

The International Committee of the Red Cross (ICRC) and the host National Red Cross or Red Crescent Society (National Society) concerned will establish and maintain a constructive dialogue with all parties to armed conflicts in order to obtain access to victims and the necessary security guarantees for its staff. States respect the need for such dialogue and reaffirm the unique position and contribution of the ICRC and National Societies in this regard.

Components of the Movement will continue to ensure that in the planning, delivery and monitoring of humanitarian assistance the specific needs of victims of conflicts as well as local capacities are taken into account.

States and components of the Movement continue their dialogue to ensure a better complementarity between and effective international coordination with different humanitarian actors, taking into account their respective roles and mandates.

## c) Implementation and enforcement

States ensure that instruction is provided to members of their armed forces to respect the physical integrity and unimpeded passage of humanitarian personnel and objects in accordance with international humanitarian law.

States adopt adequate measures at a domestic level, including national legislation, to comply with their international obligations concerning arbitrary obstruction of humanitarian assistance and to prevent and sanction attacks on humanitarian personnel and objects.

States ensure that perpetrators of attacks against humanitarian personnel, including personnel using the distinctive emblems in accordance with the Geneva Conventions and their Additional Protocols, are held accountable, by encouraging disciplinary measures and criminal prosecutions.

## **Objective 2: To enhance the specific protection afforded to certain categories of persons, in particular children, women and persons with disabilities**

Specific protection is due to certain categories of persons in recognition of factors such as age, gender or disabilities, which make such persons more vulnerable in times of armed conflicts. To safeguard adequate protection for all victims of armed

conflicts, including in situations of occupation, without discrimination, such factors must be taken into account.

## Objective 2.1: To enhance the protection of children in armed conflict

States, National Societies and the ICRC will raise awareness of the protection of children in armed conflict by international law, in particular international humanitarian law.

### *a) Prevention of recruitment of children in armed forces or armed groups*

States take effective measures to register children immediately after birth and endeavour to establish supplementary identification and registration systems for all children, including for particularly vulnerable children like internally displaced children and refugee children, to protect them from unlawful recruitment.

States consider establishing domestic inspection regimes independent from the armed forces, such as ombudspersons or annual external inspections commissioned by civilian governmental authorities, to monitor the compliance of armed forces with the prohibition of child recruitment.

States, in cooperation with National Societies and the ICRC, design and set up educational and vocational training programmes where possible, in combination with employment opportunities, to offer boys and girls viable alternatives to recruitment.

### *b) Ratification, national implementation and enforcement of international law relevant to the prevention and repression of participation in hostilities by children and the recruitment of children into armed forces or armed groups*

States which have not already done so consider ratifying or acceding to the 2000 Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict.

States which have not already done so also consider adhering to the 2007 Paris Principles and Commitments to protect children from unlawful recruitment or use by armed forces or armed groups.

States which have not already done so consider enacting national legislation or other measures to regulate the minimum age of recruitment into armed forces and armed groups and to prevent the involvement of children in armed conflict in accordance with the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict.

States ensure that those who unlawfully recruit children are held accountable for their acts through appropriate measures, *inter alia*, by referral to courts especially when it constitutes a war crime, in accordance with applicable international law.

### *c) Protection of education in armed conflict*

States reaffirm that attacks against civilians, including children and teachers, are prohibited, unless and for such time as they are directly participating in hostilities. States also reaffirm that attacks against civilian buildings dedicated to education are prohibited unless they make an effective contribution to military action by their nature, location, purpose or use and their total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage. In case of doubt whether civilians or civilian objects lose protection from attack, States treat them as civilians and civilian objects.

States take all feasible precautions to protect children and teachers, as well as civilian buildings dedicated to education, from the effects of attacks in accordance with international humanitarian law.

States take all feasible measures to prevent civilian buildings dedicated to education from being used for purposes that could cause them to lose their protection under international humanitarian law.

### *d) Rehabilitation of children affected by armed conflicts*

States ensure that specific provisions for the release of children associated with armed forces and armed groups, for disarmament, demobilization and reintegration of such children, for the care of internally displaced children, and for medical care, psychosocial support and economic inclusion of all children affected by armed conflicts, are included in peace agreements. The different needs of boys and girls are given particular attention in such agreements.

Donor States endeavour to ensure long-term funding for the reintegration of children formerly associated with armed forces or armed groups.

### *e) Juvenile justice*

States consider children who have been unlawfully recruited by armed forces or armed groups and are accused of committing domestic or international crimes associated with a conflict primarily as victims, not only as alleged perpetrators.

States consider granting children formerly associated with armed forces or armed groups amnesty from prosecutions brought solely on account of their membership in armed forces or armed groups.

Whenever appropriate and desirable, States resort to measures other than judicial proceedings for dealing with alleged child offenders formerly associated with armed forces or armed groups.

States foster gender-sensitive rehabilitation and reintegration of children formerly associated with armed forces or armed groups when sentencing them and consider alternatives to imprisonment, such as care, guidance and supervision orders, probation, foster care or education and vocational training programmes.



## Objective 2.2: To enhance the protection of women in armed conflict

### *a) Ratification, implementation and enforcement of relevant international law*

States take appropriate legislative, judicial and administrative measures to implement their obligations regarding the protection of women and girls under international humanitarian law.

States take all feasible measures to reduce the impact of armed conflict on women and girls, and to ensure that their specific protection and assistance needs are met.

States commit themselves to putting an end to impunity and to prosecute in accordance with their obligations under international law – serious violations of international humanitarian law involving sexual and other forms of violence against women and girls, and for this purpose, enhance their capacity to prevent, monitor and document acts of sexual violence and other serious violations of international humanitarian law, and to this end, to cooperate, in conformity with their international obligations, both at inter-State level and with international criminal tribunals and courts.

### *b) Prevention of sexual and other gender-based violence against women*

States ensure that all feasible measures are employed to prevent all serious violations of international humanitarian law involving sexual and other forms of gender-based violence against women. Such measures include:

- pre-deployment and in-theatre gender training of armed forces on their responsibilities, as well as the rights and particular needs and protection of women and girls;
- military disciplinary measures and other measures, such as reporting requirements on incidents of sexual violence to avoid impunity;
- ensuring that female detainees and internees are supervised by women and separated from male detainees and internees, except where families are accommodated as family units;
- ensuring, whenever possible, that female personnel are present during the interrogation of female detainees; and
- ensuring, whenever possible, women's participation in decision-making in peace processes.

### *c) Displaced women*

Recognizing the great number of women among displaced persons, including in their role as heads of households, States take appropriate measures to ensure their physical and mental integrity, as well as to respect their dignity. Particular attention should be paid to ensuring their meaningful participation in decision-making, to

protective measures for internally displaced persons against gender-based violence, such as location and protection of shelter, identified support and reporting systems, as well as access to female and child health-care services and those who provide it.

### **Objective 2.3: To enhance the protection of persons with disabilities during armed conflicts**

States recognize that under international humanitarian law, persons with disabilities may fall within the category of the wounded and sick or civilians enjoying particular respect and protection, such as the infirm.

States take all possible measures to ensure access by persons with disabilities to the specific medical care and attention, physical rehabilitation, as well as socioeconomic inclusion required by their condition, especially in remote rural areas.

States, in cooperation with components of the Movement, facilitate steps taken to search for, collect and evacuate persons with disabilities to ensure the appropriate medical care and attention, physical rehabilitation, as well as socio-economic inclusion, required by their condition, in accordance with international humanitarian law.

States and components of the Movement take the specific needs of persons with disabilities into account in the planning, delivery and monitoring of their humanitarian assistance efforts, including with regard to access to shelter, water, sanitation, food distribution, education, medical care, physical rehabilitation, transportation, communication, and socio-economic inclusion programmes. They consult, when feasible, at all relevant stages of planning and implementation of their humanitarian assistance activities with the persons themselves, their families or local organizations of persons with disabilities.

Donor States consider the specific needs of persons with disabilities with regard to accessibility of humanitarian assistance in their funding guidelines.

### **Objective 3: Enhanced protection of journalists and the role of the media with regard to international humanitarian law**

States and components of the Movement recognize that the work of journalists, other media professionals and associated personnel (hereinafter: journalists) may make an important contribution to the public knowledge about and the recording of information on violations of international humanitarian law. Thereby, journalists may assist in preventing violations of international humanitarian law as well as in facilitating the fight against impunity for such violations. States and components of the Movement also recognize that journalists may affect the respect for international humanitarian law in other ways, such as the obligation to protect detainees against public curiosity.

States reaffirm that journalists engaged in dangerous professional missions in areas of armed conflict are civilians and shall not be the object of attacks, unless

and for such time as they are directly participating in hostilities. This is without prejudice to the right of war correspondents accredited to the armed forces to the status of prisoners of war provided for in Article 4.A.4 of the Third Geneva Convention.

States also reaffirm that media equipment and installations shall be considered as civilian objects and in this respect shall not be the object of attack, unless they make an effective contribution to military action by their nature, location, purpose or use, such as by the transmission of military intelligence or military orders, and their total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

States integrate in the international humanitarian law training of members of their armed forces specific components on the protection of journalists in armed conflicts.

States and components of the Movement continue their efforts to disseminate relevant international humanitarian law on the rights and responsibilities of journalists, as well as to provide security training to journalists to prepare them for eventualities arising in armed conflicts.

States take adequate measures in their domestic legal orders, including criminal and mutual legal assistance legislation, to prevent and sanction serious violations of international humanitarian law against civilians, including against journalists, and ensure that such violations do not go unpunished.

## **Objective 4: To improve the incorporation and repression of serious violations of international humanitarian law**

### **a) National incorporation**

States – where applicable, with the assistance of national international humanitarian law commissions or similar bodies – identify the extent of all their international obligations related to the repression of serious violations of international humanitarian law and ensure their incorporation in the domestic legal order.

In light of the right of families to know the fate of their relatives as referred to in Article 32 of the 1977 Additional Protocol I, as applicable, States consider enacting appropriate legislation or arrangements to ensure adequate participation and representation of victims and their families as well as access to justice and protection of victims and witnesses, especially of women and children, in proceedings before their courts and in other transitional justice mechanisms concerning serious violations of international humanitarian law.

States recognize the importance of redressing gross violations of international humanitarian law. States also consider providing appropriate means to assist victims of violations of international humanitarian law together with appropriate resources for the implementation of these mechanisms, recalling in this regard the work of the ICRC discussing the framework of reparations, taking

into account the primary role of States in the development of international humanitarian law.

States recognize the importance of complementary approaches to criminal sanctions and put in place mechanisms for the effective application of disciplinary, financial or other sanctions on violations of international humanitarian law.

## **b) Roles of Movement and States**

National Societies, within their mandate and in their role as auxiliaries to the public authorities in the humanitarian field, assist States in the incorporation of serious international humanitarian law violations into the domestic legal orders, in particular where they work in the framework of national international humanitarian law commissions or similar bodies. The ICRC continues to provide technical assistance for the incorporation of such crimes.

States, in cooperation with the ICRC and National Societies, pay special attention to the dissemination of international humanitarian law to legal professionals, including prosecutors and judges. States commit to fulfil their existing obligations under international humanitarian law, including the Geneva Conventions, and to ensure respect thereof in accordance with Article 1 common to the four Geneva Conventions.

The ICRC will continue its efforts to make the content of international humanitarian law accessible to parties to armed conflicts and to provide appropriate training to them so that the consequences of non-compliance are adequately internalized by their members.

States cooperate with one another and with international criminal tribunals, in accordance with their obligations under applicable international law, to ensure:

- adequate knowledge of international humanitarian law by legal professionals, including lawyers, prosecutors and judges;
- gathering and sharing of evidence;
- provision of information to victims and their communities on their rights and the protection of victims and witnesses;
- respect for rights of fair trial of the accused;
- provision of an appropriate remedy to victims;
- enforcement of sentences.

## **Objective 5: Arms transfers**

States and components of the Movement note the importance attached by previous International Conferences to ensuring that the use of all weapons in armed conflict complies with the principles and rules of international humanitarian law.

The ICRC and National Societies promote public awareness of the human cost of poorly regulated transfers of arms and ammunition.

The ICRC and National Societies, aware that work is under way in the UN context to address this issue, encourage effective arms transfer controls that include criteria so that arms do not end up in the hands of those who may be expected to use them to violate international humanitarian law.

Recalling their obligation to respect and ensure respect for international humanitarian law, States strengthen controls on the transfer of weapons so that they do not end up in the hands of those who may be expected to use them to violate international humanitarian law, and, in this context recall Resolution 3 of the 30th International Conference of 2007 and Final Goal 2.3. of the Agenda for Humanitarian Action, adopted by the 28th International Conference of 2003.

Reaffirming Final Goal 2.3 of the Agenda for Humanitarian Action, adopted by the 28th International Conference of 2003, States should make respect for international humanitarian law one of the important criteria on which arms transfer decisions are assessed. States are encouraged to make efforts to incorporate such criteria into national laws or policies and into regional and global norms on arms transfers.

## **Resolution 3 of the 31st International Conference of the Red Cross and Red Crescent**

### **MIGRATION: ENSURING ACCESS, DIGNITY, RESPECT FOR DIVERSITY AND SOCIAL INCLUSION**

The 31st International Conference of the Red Cross and Red Crescent (International Conference),

*acknowledging* the importance of respect for the human dignity and protection of all migrants, and expressing its deep concern about the continued suffering of those migrants that may live outside conventional health, social and legal systems and for a variety of reasons may not have access to processes which guarantee respect for their fundamental rights,

*recognizing* the many benefits of migration and acknowledging the contributions of migrants to countries of origin, transit and destination as well as the challenges that international migration may present,

*recalling* the Declaration “Together for humanity” (Declaration) adopted by the 30th International Conference, which reaffirmed “the importance of examining ways and means to reinforce international cooperation at all levels to address the humanitarian concerns generated by international migration.”,

*recalling* further that the Declaration acknowledged “the role of governments, within the framework of national laws and international law, especially international human rights law, refugee law and international humanitarian law, to address the humanitarian needs of persons negatively affected by migration, including families and communities, and to take effective measures.”,

*reaffirming* as set out in the Declaration “the role of National Societies, based on the principles of humanity and impartiality, and in consultation with public authorities, in providing humanitarian assistance to vulnerable migrants, irrespective of their legal status.”,

*expressing* concern about the often alarming humanitarian situation of migrants in situations of vulnerability, at all stages of their journey and ongoing risks that migrants, in situations of vulnerability, face in regards to their dignity, safety, access to international protection as well as access to health care, shelter, food, clothing and education,

*recalling* previous commitments made by States and the International Red Cross and Red Crescent Movement (Movement) to engage in the promotion of non-violence, respect for diversity and social inclusion of all migrants,

*recalling* the responsibility of National Red Cross and Red Crescent Societies (National Societies) to act at all times in accordance with the Fundamental Principles and the Statutes of the Movement,

*welcoming* the background report highlighting the progress achieved in carrying out the commitments undertaken at the 30th International Conference

and the Policy on Migration adopted by the 17th Session of the General Assembly of the International Federation of Red Cross and Red Crescent Societies (International Federation) and endorsed by the Council of Delegates in 2009,

*recognizing* that acting in accordance with the Statutes of the Movement, in particular Article 3.1, National Societies should enjoy effective access to all migrants, irrespective of their legal status, in order to deliver humanitarian assistance and protection services without being penalized, both in their role as auxiliaries to the public authorities in the humanitarian field at all levels and under their general humanitarian mandate,

1. *requests* States, in consultation with National Societies, to ensure that relevant laws and procedures are in place to enable National Societies, in conformity with the Statutes of the Movement and, in particular, the Fundamental Principles, to enjoy effective and safe access to all migrants without discrimination and irrespective of their legal status;
2. *calls upon* States, within the framework of applicable international law, to ensure that their national procedures at international borders, especially those that might result in denial of access to international protection, deportation or interdiction of persons, include adequate safeguards to protect the dignity and ensure the safety of all migrants. States are also called on, in line with such relevant international law and national legislation, to grant to migrants appropriate international protection and to ensure their access to relevant services, such as Restoring Family Links. States and National Societies are invited to consult in the implementation of the aforementioned safeguards, as appropriate;
3. *strongly encourages* enhanced cooperation between public authorities, at all levels, and National Societies to pursue practical actions in formal and non-formal settings:
  - a. to promote respect for diversity, non-violence and social inclusion of all migrants;
  - b. to enhance cultural awareness between migrant and local communities;
  - c. to promote through formal and non-formal education, humanitarian values and the development of interpersonal skills to live peacefully together; and
  - d. to enhance social cohesion through the engagement of local and migrant populations and civil society organizations in voluntary service, community and sport programmes;
4. *encourages* States and the components of the Movement, in conformity with the Fundamental Principles and Statutes of the Movement, to continue to collaborate and build partnerships which recognize the role of the Movement in working with migrants and which could include relevant partners from international organizations (such as the International Organization for Migration (IOM), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Office

on Drugs and Crime (UNODC)), nongovernmental organizations and the private sector;

5. *requests* the International Federation to submit to the 32nd International Conference in 2015 a report on the measures taken in implementing the provisions of this resolution.



## **Resolution 4 of the 31st International Conference of the Red Cross and Red Crescent**

### **FURTHERING THE AUXILIARY ROLE: PARTNERSHIP FOR STRONGER NATIONAL SOCIETIES AND VOLUNTEERING DEVELOPMENT**

The 31st International Conference of the Red Cross and Red Crescent (International Conference),

In terms of

#### **(I) Furthering the auxiliary role and strengthening National Red Cross and Red Crescent Societies (National Societies):**

*recalling* Resolution 2 of the 30th International Conference (Geneva, 26–30 November 2007) whereby States and National Societies, the latter as auxiliaries to their public authorities in the humanitarian field, enjoy a specific and distinctive partnership at all levels, entailing mutual responsibilities and benefits, and based on international and national laws, in which the State and the National Society agree on the areas in which the latter supplements or substitutes for public humanitarian services,

*recalling* that National Societies, in the fulfilment of their auxiliary role, may provide valuable support to their respective public authorities, including in the implementation of their obligations under international law (in particular, international humanitarian law) and by cooperation in related tasks, such as health and social services, disaster management and restoring family links,

1. *calls upon* National Societies and their respective public authorities at all levels to pursue and enhance balanced partnerships with clear and mutual responsibilities;
2. *encourages* National Societies to initiate or pursue a dialogue, as required, with their national authorities with a view to strengthening their legal base in domestic law, in accordance with the standards of the International Red Cross and Red Crescent Movement (Movement), through sound Red Cross Red Crescent laws, so as to strengthen their auxiliary role in the humanitarian field and to formalize the commitment of national authorities to respect the duty and ability of National Societies to abide by the Fundamental Principles of the Movement, in particular the principle of independence;
3. *requests* States, National Societies, the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (International Federation) to enhance their work to strengthen the legal base of National Societies, specifically in regard to the statutes of National

Societies in view of creating more effective, accountable and transparent National Societies that are able to adhere at all times to the Fundamental Principles, and welcomes the continued commitment of National Societies to achieve this goal;

4. *calls* upon States to create the conditions for more favourable and effective access for National Societies to people in need, which is a primary challenge in organizing a sustainable response;
5. *encourages* relevant government departments and other donors to provide a predictable and regular flow of resources adapted to the operational needs of their National Societies;
6. *stresses* in this regard the importance of States' long-term support and resourcing to contribute to the good functioning and development of National Societies as their auxiliaries in the humanitarian field as appropriate to ensure relevance of National Society activities within their national context, ability to undertake core functions, such as emergency response, as well as National Society stability, adaptability, accountability through sustainable organizational development;
7. *invites* the International Federation and the ICRC, in consultation with States and National Societies, to make available and further develop relevant information material for National Societies, the public authorities and other interested bodies, including guidance on partnerships with public administration, legal advice and best practices on Red Cross Red Crescent law with examples of tax exemptions and specific provisions on resource distribution.

## **(II) Volunteering development**

*recognizing* that volunteers have been at the core of the Movement since it was first conceived of in 1859 and that today, as ever, they are central to all the activities of the Movement, contributing to the success of National Societies, and assisting millions of vulnerable people in times of greatest need,

*acknowledging* thereby that volunteer development is a key prerequisite to strengthening National Societies, an essential element of their operational efficiency and of the role they play as auxiliaries to the public authorities in the humanitarian field,

*recalling* the Fundamental Principle of voluntary service, and the centrality of volunteering and the spirit of voluntary service within the Movement,

*recognizing* the outstanding contribution of 13.1 million Red Cross and Red Crescent volunteers to meeting the needs of vulnerable people, and the opportunity for public authorities at all levels to take positive actions to understand and improve the environment within which volunteers operate in order for National Societies to be able to increase the scale and the scope of volunteer service delivery,

*recalling* the Youth Declaration adopted by the Red Cross and Red Crescent volunteers at the commemoration of the 150th anniversary of the battle of Solferino in 2009, reiterating their commitment to promote the cause of humanity worldwide,

*recognizing* the wider benefits of volunteering within society, and that public authorities have a responsibility to deepen understanding of the value of, and take practical measures to encourage volunteering,

*understanding* that one such practical measure includes developing applicable legal and policy contexts in which volunteering occurs,

*recalling* that the 27th International Conference in 1999 recognized the importance of volunteers for National Societies, and Resolution 1, Annex 2 (Plan of Action), Final Goal 3.3 para. 13(b) placed the responsibility on States to “review and where necessary, introduce or update legislation so as to facilitate the efficient work of relevant voluntary organizations,”

*recalling* the pledge by the International Federation at the 27th International Conference to, *inter alia*, “cooperate with governments to broaden the existing legal, fiscal and political bases for volunteering, and to mobilize increased public support,”

*recalling* the guidance document issued in 2004 by the International Federation, the Inter-Parliamentary Union and the United Nations Volunteers, *Volunteerism and Legislation: A Guidance Note* and its valuable contribution,

*noting with appreciation* the work done by the United Nations Volunteers in undertaking a study in 2009, *Laws and Policies Affecting Volunteerism Since 2001*, culminating in the United Nations Volunteers 2010 guidance note on “*Drafting and Implementing Volunteerism Laws and Policies*”,

*noting* also with appreciation the International Federation’s complementary study on the specific legal issues arising in regard to the particular context of volunteers working in emergency and disaster situations,

*understanding* that in order to ensure a protective and enabling legal environment for volunteering to function, in all settings including emergencies and disaster situations, the following aspects of national volunteering law and policy are critical:

- i. appropriate legal recognition of volunteers/volunteering activities,
- ii. clarity with regard to employment and volunteering,
- iii. laws facilitating volunteering from all sectors of society, regardless of employment status, gender, age, and any other forms of discrimination,
- iv. appropriate protection for volunteers including clarity in responsibilities and liabilities and assurances for the health and safety of volunteers,

*noting* the Declaration of the 1st Global Volunteer Conference jointly organized by the United Nations Volunteers and the International Federation as part of the tenth anniversary of the International Year of Volunteers recognizing the role of volunteers in contributing toward the Millennium Development Goals (MDGs) and sustainable development,

1. *in this regard calls upon* States and National Societies to create and maintain an enabling environment for volunteering. In particular, respective public authorities at all levels are encouraged to:
  - a. in light of the work done by the United Nations Volunteers and the International Federation, undertake a review of relevant

- national law and policies and work to strengthen such frameworks as appropriate;
  - b. ensure safe access for Red Cross and Red Crescent volunteers to all vulnerable groups in their respective countries;
  - c. integrate volunteer capacity into domestic emergency response plans at all levels;
  - d. promote volunteering through measures encouraging citizens' engagement in such activities;
  - e. deepen their understanding of the role and impact that Red Cross and Red Crescent volunteers have in national social and economic development, as well as in responding to crises;
  - f. facilitate the voluntary work of their National Society and support its efforts to mobilize recruit, train and retain volunteers;
2. *encourages* National Societies to include adequate provisions defining the status, as well as the rights and duties, of volunteers in their statutory and constitutional base instruments.

## **Resolution 5 of the 31st International Conference of the Red Cross and Red Crescent**

### **HEALTH CARE IN DANGER: RESPECTING AND PROTECTING HEALTH CARE**

The 31st International Conference of the Red Cross and Red Crescent (International Conference),

*noting* that the purpose of this resolution is to raise awareness and promote preparedness to address the grave and serious humanitarian consequences arising from violence against the wounded and sick, health-care services, personnel, facilities and medical transports,

*stressing* that this resolution does not give rise to new obligations under international law,

*also stressing* that this resolution does not expand or modify the mandates, roles and responsibilities of the components of the International Red Cross and Red Crescent Movement (Movement) as prescribed in the Statutes of the Movement,

*recognizing* the importance of the auxiliary role of National Red Cross and Red Crescent Societies (National Societies) to their public authorities in the humanitarian field,

*reaffirming* the roles and responsibilities of the International Committee of the Red Cross (ICRC) and National Societies in responding to the needs of the wounded and sick in situations of armed conflict,

*recalling* that in accordance with Article 5 of the Statutes of the Movement, the ICRC operates mainly in armed conflicts and often together with National Societies, and bearing in mind that it may take any humanitarian initiative in situations of violence as prescribed in the Statutes on a case-by-case basis and acts only with the full knowledge and consent of the State concerned, in accordance with its roles and responsibilities prescribed in such Statutes,

*deeply concerned* that the wounded and sick might be prevented from receiving the care and protection that they require by attacks and other impediments to the delivery of health care, and by threats and attacks endangering health-care personnel and facilities, and medical vehicles, and services to the wounded and sick,

*noting* that providing adequate health care for the wounded and sick and the civilian population and securing access for medical services lies at the heart of the mission of the Movement, and is one of its main priorities, and recognizing the unique, privileged and complementary role of the components of the Movement in providing preventive, curative and rehabilitative health care and humanitarian relief to persons in need,

*recalling* that the respect and protection of the wounded and sick, and of authorized medical personnel, facilities and transports, are enhanced through the

use of the distinctive emblems recognized by the Geneva Conventions and, where applicable, their Additional Protocols,

*recalling* Resolution 3 of the 30th International Conference, on the “Reaffirmation and implementation of international humanitarian law: Preserving human life and dignity in armed conflict,” in particular “the obligation to respect and to protect medical personnel, including Red Cross and Red Crescent workers, their means of transport, as well as medical establishments and other medical facilities at all times, in accordance with international humanitarian law,”

*expressing* its appreciation for the work and efforts of all the components of the Movement that have engaged in addressing this important humanitarian concern in their operations throughout the world, and welcoming the global communication campaign, which aims to raise international awareness of the violence, both real and threatened, against health-care workers and facilities and the wounded and sick and to promote measures to mitigate them,

*taking note* of the research done by the ICRC for preparing *Health Care in Danger: A Sixteen-Country Study*, July 2011,

*bearing in mind* that international humanitarian law applies only to situations of armed conflict, and *recognizing* that international humanitarian law and applicable international human rights law provide a framework for protecting health care,

*recalling* the basic obligation to provide all possible health care to the wounded and sick without discrimination,

*stressing* in this regard, the prohibitions against attacking the wounded and sick and health-care personnel and facilities, as well as medical vehicles, against arbitrarily denying or limiting access for the wounded and sick to health-care services, and against molesting, threatening or punishing health-care personnel for carrying out activities compatible with medical ethics,

*recognizing* the importance of health-care personnel having sufficient practical knowledge of their rights and obligations, and the imperative need for them to have unimpeded access to any place where their services are required in accordance with international law,

*emphasizing* that domestic implementation measures, including training and education, are prerequisites for ensuring that States and their armed forces and security forces comply with their obligations under relevant international legal regimes to respect medical services and provide safe access for health-care personnel to the wounded and sick,

*stressing* that States should ensure an effective system for establishing criminal responsibility for crimes committed against health-care personnel and facilities, and medical vehicles, and against the wounded and sick, in their domestic courts or under competent international jurisdictions where applicable; and that they should also ensure means for the effective suppression of such crimes,

1. *recalls* the obligations to respect and protect the wounded and sick, as well as health-care personnel and facilities, and medical vehicles, and to take all reasonable measures to ensure safe and prompt access for the wounded and

- sick to health care, in times of armed conflict or other emergencies, in accordance with the applicable legal framework;
2. *urges all* States that have not yet done so to intensify their efforts to adopt the required domestic *implementation* measures based on relevant international legal obligations pertaining to the protection of the wounded and sick and health-care services, including, *inter alia*, through the adoption of legislative, regulatory or practical measures;
  3. *calls upon* States to fully respect and implement their obligations under the relevant provisions of international humanitarian law concerning the protection and use of the distinctive emblems, and *further calls upon* States to adopt, where appropriate, the legal measures, including enforcement measures, pertinent to the use and the protection of the distinctive emblems recognized by the Geneva Conventions and their Additional Protocols;
  4. *calls upon* States to ensure, when circumstances require, adequate marking of medical facilities and vehicles with the distinctive emblems and signs, and their use of distinctive signals for the purposes of identification and protection;
  5. *calls upon* States to ensure that their armed forces and security forces implement all applicable international legal obligations in relation to armed conflict, including situations of occupation, with regard to protection for the wounded and sick, as well as for health-care services, including through the development and adoption of appropriate doctrine, procedures, guidelines and training;
  6. *calls upon* States to ensure effective investigation and prosecution of crimes committed against health-care personnel – including Movement personnel – their facilities and their means of transportation, especially attacks carried out against them, and to cooperate to this end, in conformity with their international obligations, at the inter-State level and with international criminal tribunals and courts, and *calls upon* States to prevent the deliberate and arbitrary obstruction of the delivery of health care;
  7. *calls upon* the ICRC, National Societies and the International Federation of Red Cross and Red Crescent Societies (International Federation) to enhance understanding, on the national and the international level, of the major humanitarian problem of violence against patients and health-care workers and facilities, and work with States and others to identify and promote potential solutions;
  8. *calls upon* National Societies, the ICRC and the International Federation to continue supporting and strengthening the capacity of local health-care facilities and personnel around the world and to continue providing training and instruction for health-care staff and volunteers by developing appropriate tools on the rights and obligations of health-care personnel and on protection for and the safety of health-care delivery;
  9. *calls upon* National Societies with the support of the ICRC and the International Federation, to train their staff and volunteers in the provision of effective medical assistance and in matters pertaining to their own security;

10. *calls upon* the ICRC, National Societies, and where appropriate, the International Federation, to coordinate and cooperate with other humanitarian actors to ensure that the wounded and sick are provided with adequate health care;
11. *calls upon* National Societies to engage with their respective States, in accordance with their status and role as auxiliaries to the public authorities in the humanitarian field, to explore ways to address the violence, both real and threatened, against health-care workers and facilities, and beneficiaries, in their own country;
12. *invites* National Societies to increase their efforts to disseminate information on the obligations under international humanitarian law and human rights law to respect and protect health care, and to promote and support the domestic implementation of these obligations;
13. *encourages* National Societies to intensify their commitment and efforts to adopt concrete measures for, *inter alia*, creating safer access for their health-care services and personnel to people affected in situations covered in the present resolution;
14. *calls upon* the ICRC to initiate consultations with experts from States, the International Federation, National Societies and other actors in the health-care sector, with a view to formulating practical recommendations for making the delivery of health care safer in situations covered in the present resolution, and to report to the 32nd International Conference in 2015 on the progress made.



## **Resolution 6 of the 31st International Conference of the Red Cross and Red Crescent**

### **HEALTH INEQUITIES WITH A FOCUS ON WOMEN AND CHILDREN**

The 31st International Conference of the Red Cross and Red Crescent (International Conference),

*agreeing* with the World Health Organization that “the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being” and *noting* that according to the World Health Organization: “[w] here systematic differences in health are judged to be avoidable by reasonable action they are, quite simply, unfair. It is this that we label health inequity. Putting right these inequities – the huge and remediable differences in health between and within countries – is a matter of social justice. Reducing health inequities is, for the Commission on Social Determinants of Health (hereafter, the Commission), an ethical imperative. Social injustice is killing people on a grand scale.”,

*recognizing* that to reach Millennium Development Goal 3, Millennium Development Goal 4 and Millennium Development Goal 5, social and gender inequalities need to be addressed,

*being fully aware* that health inequities are not limited to women and children,

*noting* for the purposes of this resolution that whenever speaking about children, adolescents, and young adults it should be understood that actions proposed should be undertaken with due regard to age and maturity,

*being concerned* that health inequities in many circumstances may be the result of human rights violations, and other economic and social factors,

*recognizing* that no single actor can tackle health inequities alone,

*recognizing* that addressing health inequities includes addressing social determinants of health,

*acknowledging* that reducing health inequities requires the strong leadership, political will, and financial commitment of governments as well as strong international cooperation,

*recognizing* that dismantling barriers to health equity can strengthen community resilience,

*recalling* the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of all Forms of Discrimination against Women as important legal frameworks to strengthen protection against health inequities for women and children,

*recalling* Resolution 2 of the 30th International Conference recognizing the special partnership between public authorities and National Red Cross and Red Crescent Societies (National Societies) as auxiliaries in the humanitarian field, a

partnership that entails mutual responsibilities and benefits. In agreement with public authorities, National Societies deliver humanitarian services, many of which contribute to removing barriers to care and increasing the equitable delivery of prevention, treatment, care and support,

1. *calls on* States and National Societies, in accordance with the special status of National Societies as auxiliaries to the public authorities in the humanitarian field, to work together to commit to reducing health inequities, beginning with removing obstacles to reproductive, maternal, newborn and child health through a needs-based approach informed by human rights, with a particular emphasis on the rights of the child;
2. *encourages* international organizations, such as the United Nations, the World Health Organization and the World Bank, and relevant regional organizations to increase their efforts in reducing health inequities, including through implementation of the 2011 Rio Political Declaration on Social Determinants of Health;
3. *invites* partnership at community, national, regional and global levels with States, civil society, donors and the private sector to reduce health inequities most quickly and effectively;
4. *strongly encourages* States and calls upon National Societies to work together and commit to action in the following three key areas, articulated to guide a needs-based and strategic approach to health inequities: 1) provision of health-care services, 2) promotion of knowledge and 3) commitment to gender equality and non-discrimination.

## **I. Provision of health-care services: Provide prevention, treatment, care and support when and where they are needed to women and children**

*National Societies are called upon to:*

- 1) scale up efforts to bridge gaps between communities and health facilities, and between pre-pregnancy and child care, and improve access to prevention, treatment, care and support to those women and children, as well as adolescents and young adults, who would otherwise have limited or no access;
- 2) establish links with States and civil society organizations to survey, evaluate and measure the state of health inequities and the impact of policies and programmes to reduce health inequities, using existing frameworks and tools;
- 3) use their status as auxiliaries to their public authorities at all levels to engage in dialogue, review existing health plans and where necessary advocate for equity;
- 4) monitor and evaluate progress towards equitable health, including access to and quality of reproductive, maternal, newborn and child health, as well as that of adolescents and young adults;

*States are strongly encouraged to:*

- 5) remove legal and regulatory barriers in the formal health sector and other government services where barriers exist;
- 6) allocate available health resources according to need;
- 7) aim at ensuring available and safe, accessible and affordable and adapted to the local context, quality health care for all women and children;
- 8) aim at improving prevention, treatment, care and support for women and children who have the least access to health care without compromising the quality of prevention, treatment, care and support for other segments of society;
- 9) encourage the formal health sector to ensure non-discrimination and improve the quality and character of patient-provider interactions by increasing ethical practices and professional health-care standards: possible examples include posting patients' rights in health centres, adopting ethical charters, forming independent ethics commissions and training health-care workers on ethical practices and gender sensitivity;
- 10) address the critical shortage of 'human resources for health' and to support national strategies for 'human resources for health' retention, education and deployment;
- 11) further research into health inequities in countries where, in addition to the burden of reproductive events, women also face a disproportionate burden of chronic diseases.

## **II. Promotion of knowledge: Provide reliable and accurate information on health and encourage health-seeking behaviours, for women and children, as well as for adolescents and young adults**

*National Societies are called upon to:*

- 1) scale up and measure efforts in providing reliable, accurate information on reproductive, maternal, newborn and child health;
- 2) scale up and measure efforts to encourage appropriate health-seeking behaviours and break down local barriers to safe motherhood and healthy childhood;
- 3) engage in advocacy on health-seeking behaviour and strengthen partnerships with States and civil society organizations to extend advocacy effectiveness;

*States are strongly encouraged to:*

- 4) recognize that quality, reliable, and up-to-date health education is essential to reducing health inequities and to enabling women and, when appropriate, children, adolescents and young adults, to make informed, autonomous decisions on health;

- 5) take the lead in providing education on healthy behaviour and practices that account for the specific local context;
- 6) ensure that education campaigns target the information needs of the population as a whole and pay special attention to the needs of those in vulnerable situations;
- 7) stimulate multi-sectoral action to support healthy choices;
- 8) create policies that encourage appropriate health-seeking behaviours and enable health promotion strategies;
- 9) involve civil society organizations in implementing campaigns to disseminate health information.

### **III. Commitment to gender equality and non-discrimination: Promote gender equality, non-discrimination and end violence against women and children**

*National Societies are called upon to:*

- 1) scale up efforts for social inclusion by non-discrimination programming and by ending violence against women and children;
- 2) set the example of gender equality in their own policies and programmes and to serve as role models for governments, civil society organizations and the private sector;
- 3) as auxiliaries, encourage States to adopt the principle of equity in legislation and public policies, and set the example of ensuring children's rights by considering the needs and rights of children in programme and policy making, as well as serving as role models for States, civil society organizations and the private sector;
- 4) encourage women for greater decision making and ownership and enable men to take on their responsibilities linked to sexual activity and fatherhood;

*States are strongly encouraged to:*

- 5) make a firm commitment to gender equality, non-discrimination, and to ending violence against women and children, in their constitutions, legislation and national policies, including health policies, and to ensure appropriate enforcement mechanisms;
- 6) engage in gender mainstreaming in programmes and policies;
- 7) empower women and girls, and engage men and boys in empowering women and girls, in the planning process and delivery of outreach on gender equality, non-discrimination, and ending violence against women and children, and engage men and boys in challenging damaging gender stereotypes;
- 8) give special attention to early child development in all public policies and social and health services.

## **Resolution 7 of the 31st International Conference of the Red Cross and Red Crescent**

### **STRENGTHENING NORMATIVE FRAMEWORKS AND ADDRESSING REGULATORY BARRIERS CONCERNING DISASTER MITIGATION, RESPONSE AND RECOVERY**

The 31st International Conference of the Red Cross and Red Crescent (International Conference),

*concerned* about the growing impact of natural disasters on the lives, livelihoods and well-being of people around the world, and in particular the poorest and most vulnerable communities,

*recalling* Resolution 4 of the 30th International Conference in 2007, which adopted the Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance (also known as the “IDRL Guidelines”) and encouraged States to make use of them,

*recalling* Resolutions 65/264 and 65/133 of 2010, 64/251 and 64/76 of 2009, and 63/141, 63/139 and 63/137 of 2008 of the United Nations General Assembly and Resolutions 2010/1 of 2010, 2009/3 of 2009, and 2008/36 of 2008 of the UN Economic and Social Council, which equally encouraged States to strengthen their regulatory frameworks for international disaster assistance, taking the IDRL Guidelines into account,

*recalling* Final Goal 3.1 of the Agenda for Humanitarian Action adopted by the 28th International Conference in 2003, which called on States to “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.”,

*recalling* the Hyogo Framework for Action of 2005, which called on States, *inter alia*, to make disaster risk reduction a national and local priority with a strong institutional basis for implementation, including through developing policy, legislative and institutional frameworks, allocating dedicated resources and promoting community participation,

*noting* that, at the 15th General Assembly of the International Federation of Red Cross and Red Crescent Societies (International Federation) in 2005, National Red Cross and Red Crescent Societies (National Societies) determined to scale up the capacity of the International Federation and its members to provide emergency shelter in their response to the humanitarian needs following natural disasters and endorsed the International Federation’s offer to the Emergency Relief Coordinator to take a leadership role in the global “cluster” system in this respect,

*welcoming* the International Federation’s background documents on progress in the implementation of the IDRL Guidelines, on law and disaster risk

reduction at the community level, and on addressing regulatory barriers to the rapid and equitable provision of emergency and transitional shelter after disasters,

*welcoming* the important progress made thus far in implementing the IDRL Guidelines at the national level in some States and in mainstreaming their use at the regional and global levels,

*noting with concern* the International Federation's finding that many States' legal and institutional frameworks nevertheless remain under-prepared to manage common regulatory problems in international disaster response operations,

*noting with concern* the shared findings of the International Federation, the United Nations International Strategy for Disaster Reduction's (UNISDR) Mid-Term Review of the Hyogo Framework for Action, and the Global Network of Civil Society Organizations for Disaster Reduction's surveys of 2009 and 2011 that progress in implementing effective disaster risk reduction action is often faltering at the community level and that many communities feel inadequately engaged and supported on the issue,

*noting with concern* the International Federation's finding that regulatory barriers are among the biggest obstacles the Red Cross and Red Crescent and its humanitarian partners face in providing emergency and transitional shelter in a rapid and equitable manner after disasters, may be an important cause of the prolonged suffering of affected persons,

*reaffirming* that States have the primary duty to take effective action to protect their citizens from the effects of natural disasters, to provide them with any necessary humanitarian assistance in their aftermath as well as to promote their recovery, and that National Societies are committed to supporting them as their auxiliaries in the humanitarian field,

*reaffirming* the sovereign right of affected States to seek, accept, coordinate, regulate and monitor disaster relief and recovery assistance provided by assisting actors in their territory,

## **Strengthening legal preparedness for international disaster response**

1. *reiterates* the urgency for States to be prepared to facilitate and regulate any international disaster assistance they may require, in order to ensure that the affected persons receive timely and effective relief;
2. *calls on* those States that have not already made use of the IDRL Guidelines to examine and, where appropriate, strengthen their national legal, policy and/or institutional frameworks to consider doing so, with support from their National Societies, the International Federation, the United Nations and other relevant partners;
3. *encourages* States and National Societies to continue to promote the IDRL Guidelines to relevant public authorities at all levels;
4. *invites* regional and international organizations to continue to make use of the IDRL Guidelines in developing and strengthening norms and

mechanisms for cooperation in providing disaster relief and initial recovery assistance;

5. *welcomes* the efforts of the International Federation, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the Inter-Parliamentary Union to develop a “Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance” to assist States interested in incorporating the recommendations of the IDRL Guidelines in their legal frameworks; and
6. *invites* further consultation with States and other stakeholders on the use of the model act as a reference tool;

### **Enhancing disaster risk reduction at the community level through legislation**

7. *reiterates* that legislation is one of a number of key tools available to States to ensure that disaster risks are effectively addressed;
8. *affirms* that domestic legislation is one of a number of instruments able to promote community-level activity to reduce risks as well as the empowerment of communities with respect to risk reduction;
9. *encourages* States, with support from their National Societies, the International Federation and other relevant partners, such as the United Nations Development Programme (UNDP), to review their existing legislative frameworks at all levels to assess whether they adequately:
  - a. establish disaster risk reduction as a priority for community-level action;
  - b. promote disaster risk mapping at the community level;
  - c. promote communities’ access to information about disaster risk reduction;
  - d. promote the involvement of community representatives, National Societies, other civil society actors and the private sector in disaster risk reduction activities at the community level;
  - e. allocate adequate funding for disaster risk reduction activities at the community level;
  - f. ensure that development planning adequately takes into account local variability in hazard profiles, exposure, vulnerability and cost-benefit analysis;
  - g. ensure full implementation of building codes, land-use regulations and other legal incentives, taking into account areas of competence of various levels of government within countries to reduce disaster risk at the community level in a manner that does not impinge unnecessarily on livelihoods or rights; and
  - h. promote strong accountability for results in reducing disaster risks at the community level;
10. *invites* National Societies and States to cooperate in widely disseminating information about existing legislation relevant to disaster risk reduction at the community level;

## **Addressing regulatory barriers to the rapid and equitable provision of emergency and transitional shelter after disasters**

11. *affirms* the importance of finding practical solutions (both formal and informal) for quickly addressing regulatory barriers related to the provision of emergency and transitional shelter after disasters;
12. *calls on* States, the components of the International Red Cross and Red Crescent Movement and relevant humanitarian organizations to make every effort to assure equitable shelter assistance as between all persons in need, including as between those who possess formal legal title to land or real property and those who do not, as well as between women and men;
13. *encourages* States, with support from their National Societies, the International Federation and other relevant partners, such as the United Nations and the World Bank, to review their existing regulatory frameworks and procedures relevant to post-disaster shelter to determine if they adequately:
  - a. provide for rapid measures to assign and/or temporarily requisition land for emergency and transitional shelter, if needed;
  - b. address how to provide shelter assistance to persons who lack documented title to their damaged or destroyed homes;
  - c. reduce the potential for any ambiguities or disputes with regard to land or property ownership to delay or hamper the provision of emergency and transitional shelter;
  - d. allow for tailored building standards relevant to the emergency and/or transitional shelter context; and
  - e. include measures to mitigate the heightened risk of corruption associated with the provision of assistance in the wake of a natural disaster;

## **Extending support and partnerships**

14. *encourages* National Societies, as auxiliaries to their public authorities in the humanitarian field, to continue to provide advice and support to their governments in the development of effective legal and policy frameworks relevant to disaster management at all levels, in particular with respect to the areas of concern mentioned in this resolution;
15. *requests* the International Federation to continue to support National Societies and States in the field of disaster laws, including with respect to the areas of concern mentioned in this resolution, through technical assistance, capacity building, the development of tools, models and guidelines, advocacy and ongoing research;
16. *invites* the International Federation and National Societies to continue to strengthen their partnerships with relevant stakeholders in the area of disaster laws, including OCHA, UNISDR, UNDP and the World Bank, as well as other international, regional and non-governmental organizations and academic experts;



## Ensuring dissemination and review

17. *invites* States, the International Federation, and National Societies to disseminate this resolution to appropriate stakeholders, including by bringing it to the attention of relevant international and regional organizations;
18. *affirms* the role of the International Conference as a key international forum for continued dialogue on the strengthening of disaster laws and on recovery action in synergy with actions conducted by States and international organizations;
19. *requests* the International Federation, in consultation with National Societies, to submit a progress report on the implementation of this resolution to the 32nd International Conference.

## **Resolution 8 of the 31st International Conference of the Red Cross and Red Crescent**

### **IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING AND AGREEMENT ON OPERATIONAL ARRANGEMENTS, DATED 28 NOVEMBER 2005, BETWEEN THE PALESTINE RED CRESCENT SOCIETY AND THE MAGEN DAVID ADOM IN ISRAEL**

The 31st International Conference of the Red Cross and Red Crescent,

1. *notes* the adoption of Resolution 5 of the Council of Delegates on 26 November 2011 on the Implementation of the Memorandum of Understanding and Agreement on Operational Arrangements, dated 28 November 2005, between the Palestine Red Crescent Society and the Magen David Adom in Israel (See annex for the text of the resolution); and
2. *endorses* this resolution.

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### **Annex – Resolution 5**

#### **ADOPTED RESOLUTION**

### **IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING AND AGREEMENT ON OPERATIONAL ARRANGEMENTS, DATED 28 NOVEMBER 2005, BETWEEN THE PALESTINE RED CRESCENT SOCIETY AND THE MAGEN DAVID ADOM IN ISRAEL**

The Council of Delegates,

*recalling the MoU signed by PRCS and MDA on 28 November 2005, in particular the following provisions:*

1. *MDA and PRCS will operate in conformity with the legal framework applicable to the Palestinian territory occupied by Israel in 1967, including the Fourth Geneva Convention of 1949 on the protection of Civilians in Time of War.*
2. *MDA and PRCS recognize that PRCS is the authorized national society in the Palestinian territory and that this territory is within the geographical scope of the*

*operational activities and the competences of PRCS. MDA and PRCS will respect each other's jurisdiction and operate in accordance with the Statutes and Rules of the Movement.*

3. *After the Third Additional Protocol is adopted and by the time MDA is admitted by the General Assembly of the International Federation of Red Cross and Red Crescent Societies:*
  - a. *MDA will ensure that it has no chapters outside the internationally recognized borders of the State of Israel;*
  - b. *Operational activities of one society within the jurisdiction of the other society will be conducted in accordance with the consent provision of resolution 11 of the 1921 international conference,*

*taking note*, with appreciation for his work, of the report presented to the Council by Minister (Hon.) Pär Stenbäck, the independent monitor appointed by the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (International Federation) with the agreement of MDA and the PRCS upon request of the International Conference to monitor progress achieved in the implementation of the MoU and the AOA of 28 November 2005 between the PRCS and the MDA,

*recalling* Resolution 5 adopted by the Council of Delegates on 25 November 2009 concerning the implementation of the MoU and AOA between PRCS and MDA,

*recalling* Resolution 5 adopted by the 30th International Conference of the Red Cross and Red Crescent concerning the implementation of the MoU and AOA between PRCS and MDA,

*reaffirming* the importance of operating in accordance with international humanitarian law and with the Statutes, rules, and Fundamental Principles of the International Red Cross and Red Crescent Movement (Movement),

*noting* that National Societies have an obligation to operate in compliance with the Constitution of the International Federation of Red Cross and Red Crescent Societies and the existing policy "on the protection of integrity of National Societies and bodies of the International Federation" adopted in November 2009,

*reaffirming* the necessity for effective and positive coordination between all components of the Movement of Red Cross and Red Crescent for the full implementation of the MoU between the PRCS and MDA,

1. *notes* the reported progress that has been made with respect to implementation and commends the efforts of both National Societies;
2. *notes with regret* that full implementation of the MoU has not yet been realized as observed by the monitor;
3. *strongly urges* MDA to fulfil its obligations without further delay and complete the efforts under way to bring its operations into compliance with the geographic scope provisions of the MoU;
4. *requests* the ICRC and the International Federation to reaffirm the mandate of the monitoring process and to continue to support and strengthen the monitoring process of the implementation of the MoU;

5. *decides* that the monitoring process will continue until such time as the MoU is implemented in full and requests that regular reports on the monitoring mechanism are issued as deemed necessary;
6. *requests* National Societies to respond favourably to any request for assistance and support in the monitoring process;
7. *requests* the ICRC and the International Federation to arrange for the provision of a report on implementation of the MoU to the next Council of Delegates and through it to the International Conference.

## **Resolution 9 of the 31st International Conference of the Red Cross and Red Crescent**

### **OUR WORLD. YOUR MOVE – FOR HUMANITY**

The 31st International Conference of the Red Cross and Red Crescent (International Conference),

*taking account* of the views expressed during this International Conference on its four main objectives – strengthening international humanitarian law, strengthening disaster laws, strengthening local humanitarian action and addressing barriers to health care,

*welcoming* the many pledges made by members and observers of this International Conference in pursuit of these four main objectives,

*taking note with appreciation* of the measures taken by States and the components of the International Red Cross and Red Crescent Movement to implement the resolutions and the Declaration “Together for humanity” as well as the associated pledges, as requested in Resolution 1 of the 30th International Conference, and *welcoming* the follow-up report prepared by the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (International Federation) on the progress made,

1. *urges* all members of the International Conference to include the resolutions adopted and their pledges made at the International Conference in their efforts to optimize interaction and partnerships among themselves;
2. *invites* all members of the International Conference to review in 2013 progress made with respect to the implementation of the resolutions of the International Conference, as well as of their pledges, and to report on their implementation to the 2015 International Conference;
3. *requests* the ICRC and the International Federation to report to the 32nd International Conference on the follow-up by International Conference members to the resolutions and pledges of this International Conference;
4. *decides* to hold an International Conference in 2015, the date and place of which is to be determined by the Standing Commission of the Red Cross and Red Crescent.