

# **2003 Council of Delegates and 28th International Conference of the Red Cross and Red Crescent: Challenges and results**

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Convened under the motto "*Protecting human dignity*", the 28th International Conference of the Red Cross and Red Crescent met in Geneva from 2 to 6 December 2003 and was attended by 1,709 delegates representing 153 governments, 176 recognized National Societies and 65 observers.

Not only was attendance higher than at previous conferences, but several States were also represented by ministers, deputy ministers, secretaries of state or other political leaders, two factors which testify to the increased interest in international humanitarian law and in the Conference. As usual, the Conference was preceded by meetings of the General Assembly of the Federation (28 to 30 November) and the Council of Delegates of the International Red Cross and Red Crescent Movement (30 November to 2 December).

## **Objectives and challenges**

The main objectives of the statutory meetings were dictated by an environment of mounting international tension, the querying of the role of the State, and the resurgence of epidemics for which modern medicine has not yet found an appropriate remedy.

If the world hoped for a period of peace and stability after the fall of the Berlin Wall, that hope has all too patently been short-lived. The attacks of 11 September 2001 and the war in Afghanistan and then in Iraq have revealed a new and steadily widening rift in the international community. The resumed arms race is evidence of that rise in international tensions which has also caused international humanitarian law to be called into question.

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At the same time, the querying of the role of the State and the criticism - indeed, in many countries, the dismantling - of the welfare State model that came into being in the decades following the Second World War have brought to light situations of distress and exclusion which cannot fail to alert the International Red Cross and Red Crescent Movement.

Finally, the AIDS epidemic, the sharp increase in tuberculosis in countries where the disease was thought to have been eradicated, and the emergence of viruses and bacteria resistant to the therapies developed in the past few decades have recalled the vulnerability of individuals and societies and the limits of medical science, undermining the hopes and the sense of security that came with the advent of antibiotics and the eradication of age-old diseases.

Against this backdrop, the meeting of the International Conference of the Red Cross and Red Crescent assumed a particular importance. Yet the political hazards were infinitely greater now than during the 1995 and 1999 Conferences. The risk of seeing the political situation in the Middle East make a brusque entry at the Conference was all the more real, since the Israeli-Palestinian agreement known as the “Geneva Accord” had been signed the day before the opening ceremony. Lastly, the lack of any substantive solution to the question of the emblem was a continuing threat to the unity of the Movement.

By devoting the work of the Conference to the theme of “*Protecting human dignity*”, the International Red Cross and Red Crescent Movement clearly intended the protection of the human being and of fundamental human rights to be the core issue of the deliberations.

Hence the objectives which the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies had set themselves as joint organizers and joint hosts of the Council of Delegates and the International Conference:

*For the Council of Delegates, the objectives were:*

- to engage the components of the Movement – National Societies, ICRC and Federation – to take conscience of their responsibilities in view of the growing intolerance and to define their roles more adequately with regard to this drift;
- to recognize the progress made since 1999 with regard to the question of the emblem and to confirm the mandate given to the Standing Commission to continue its work in this area;
- to confirm the validity of the Movement’s mode of operation and in particular of the Seville Agreement, which governs the conduct of international operations.

*For the Conference, the objectives were:*

- to confirm unequivocally the relevance of international humanitarian law to the armed conflicts of our time;
- to endorse the main conclusions of the February 2003 Conference of Experts on the Missing;<sup>1</sup>
- to highlight the humanitarian consequences of the use of certain weapons and invite States to take concrete measures to address them;
- to specify the partnership between National Societies and States; and
- to firmly reject any form of discrimination or stigmatisation of the victims of infectious diseases, especially HIV/AIDS.

## **Participation**

The main questions in this regard concerned the participation and representation of Iraq and the Iraqi Red Crescent Society and the participation of Palestine, the Magen David Adom in Israel (MDA) and the Palestine Red Crescent Society. Solutions were found in preliminary negotiations conducted primarily by the Secretary-General of the Conference, Ambassador Thomas Kupfer (Switzerland), and remained unchallenged in the statutory meetings. The MDA and the Palestine Red Crescent took part as observers in those meetings and sat side by side there as National Societies awaiting recognition.

## **Council of Delegates**

The opening ceremony of the Council of Delegates was devoted to the presentation of the Henry Dunant Medals, which were awarded this year to Ms Monique Basque, former President of the Red Cross Society of Côte d'Ivoire, Mr André Durand, former ICRC Delegate-General and historian, Prof Frits Kalshoven, deeply committed to the development and dissemination of international humanitarian law, and to Ms Noreen Minogue, Australian Red Cross volunteer. The ceremony was also an occasion for Princess Margriet of the Netherlands to report on the work of the Standing Commission, which she has chaired from 1995 to 2003.

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<sup>1</sup> See *International Review of the Red Cross*, Vol. 85, No. 849, March 2003, pp. 186-193.

ICRC President Jakob Kellenberger was elected as Chairman of the Council of Delegates, while Mr. Hisham Harun Hashim, Deputy National Chairman of the Malaysian Red Crescent Society, was elected as Vice-Chairman.

Certain subjects were given particularly close consideration during the debates.

First and foremost was the preparation of the International Conference. Three substantive issues were tabled:

- biotechnology, weapons and humanity
- the emblem, and
- the status of National Societies as auxiliaries of the public authorities in the humanitarian field.

The subject of auxiliary status had a particular interest to the National Societies, who welcomed the work the Federation had done and urged it to press ahead with this work in the years to come.<sup>2</sup> Although numerous participants likewise took the floor in the plenary debate on the question of the emblem, the proposed resolution was well received and adopted by consensus, without amendment.<sup>3</sup> The Council also adopted a resolution in support of the ICRC's initiative on biotechnology and encouraged the National Societies to promote it at the national level.<sup>4</sup>

A large number of National Societies addressed the plenary session on the implementation of the *Seville Agreement*, wishing to make their voice heard more widely in the coordination of international relief operations. Many speakers stressed that much remained to be done to improve implementation of the Seville Agreement, particularly in view of the growing complexity of humanitarian operations, the risks of instrumentalisation of humanitarian action, and the dangers facing humanitarian workers in the field.

The resolution that was finally adopted provides for the establishment of an *ad hoc* working group of the Standing Commission to define procedures governing participation by the Movement's components in operational contexts; it also underlines the role of the host National Society and that of the National Societies involved in international operations. This group is composed of representatives of the ICRC, the Federation and the National Societies;

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<sup>2</sup> Resolution No. 6. The eleven resolutions of the Council of Delegates were published in *the International Review of the Red Cross*, Vol. 85, No. 852, December 2003, pp. 885-915.

<sup>3</sup> Since the question of the emblem was the subject of debate and deliberation in both the Council of Delegates and the International Conference, an account of these debates is given in a separate section (see below).

<sup>4</sup> Resolution No. 4.

it will work in accordance with the Statutes of the Movement and will take its decisions by consensus.<sup>5</sup>

In parallel, the Council renewed the mandate of the Standing Commission's *ad hoc* task force in charge of monitoring, evaluating and analysing the progress made by all components in implementing the *Strategy for the Movement* that was adopted in 2001.<sup>6</sup>

The Council further called on all components of the Movement to promote respect for diversity and fight discrimination and intolerance. It thereby reaffirmed the commitment of all components of the Movement to step up action to disseminate and implement the Fundamental Principles and promote humanitarian values across religious, cultural, political and ethnic lines, and, through their work, to anticipate developments and attenuate situations likely to cause discrimination and result in marginalisation and exclusion. The resolution adopted by the Council comprises a plan of action intended to serve as a basis for implementing the measures advocated.<sup>7</sup> This resolution testifies to the Movement's determination to respond to the upsurge of intolerance and discrimination which it is witnessing today.

The agenda item "Movement action in favour of refugees and internally displaced persons", which was a follow-up to the resolution adopted by the Council of Delegates in 2001, was intended to give the Movement's components a renewed awareness of the importance of pursuing and developing their activities in favour of refugees and displaced persons. The resolution adopted has an annex entitled *Minimum elements to be included in operational agreements between Movement components and their external operational partners*. This document lists a number of rules, criteria and procedures that must be observed when signing an agreement with a partner outside the Movement, in order to ensure that the Movement's principles and policies are adhered to and that the emblem is used in conformity with the rules the Movement has adopted.<sup>8</sup>

The Council of Delegates also extended the Movement Strategy on Landmines through 2009, while expanding its scope to cover explosive remnants of war. It urged the

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<sup>5</sup> Resolution No. 8.

<sup>6</sup> Resolution No. 7.

<sup>7</sup> Resolution No. 9.

<sup>8</sup> Resolution No. 10.

Movement's components to participate in ongoing efforts to prohibit the use of sub-munitions (including cluster-bombs) in or near civilian areas.<sup>9</sup>

### **28th Conference: inaugural ceremony**

Through an audiovisual presentation illustrating the main situations of distress the world is confronted with, the opening ceremony highlighted the challenges inherent in the Conference theme, "*Protecting human dignity*". The presentation by BBC journalist Caroline Wyatt was centred on four subjects: the impact of certain weapons; the fate of persons missing as a result of armed conflicts; the consequences of disasters; and the stigmatisation of people living with AIDS.

These subjects were taken up in the keynote address by Princess Margriet of the Netherlands, Chairwoman of the Standing Commission,<sup>10</sup> in the speeches given by the Swiss Minister of Foreign Affairs, Federal Counsellor Micheline Calmy-Rey, representing the government of the host country, by the Geneva authorities and in an audiovisual message from Mr Nelson Mandela.

Two guest-speakers addressed the Conference on behalf of the relatives of missing persons and on behalf of persons infected with the AIDS virus, while young volunteers from the five continents recited the Fundamental Principles of the Red Cross and Red Crescent.

### **Plenary sessions**

The Conference participants used the two and a half days of plenary sessions to make known their main concerns, their respective positions on specific issues and their pledges with regard to humanitarian action and the subjects of the Conference. In the statements made by 124 delegations at the plenary sessions, many government representatives also took the opportunity to voice their support for the work of the Movement's components and to report on measures taken at the national level to implement the pledges given at the previous Conference in 1999.

### *Election of the Chairman and Vice-Chairpersons*

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<sup>9</sup> Resolution No. 11.

<sup>10</sup> See *IRRC, op. cit.* (note 2), pp. 881-884.

Acting on the proposal of the Council of Delegates, the Conference elected Mr Jaime Ricardo Fernandez Urriola, President of the Red Cross Society of Panama, as its Chairman. The Vice-Chairpersons were Ambassador Yolande Biké, Permanent Representative of Gabon, Dr Abdelkader Boukhroufa, President of the Algerian Red Crescent, Mr Hisham Harun Hashim, Deputy National Chairman of the Malaysian Red Crescent Society, and Dr René Rhinow, President of the Swiss Red Cross.<sup>11</sup>

#### *Statements by the ICRC and Federation Presidents*

Of considerable importance and awaited with interest, the statements by the respective Presidents of the ICRC and the Federation met with a wide response. They were published in the previous issue of the *Review*.<sup>12</sup>

#### *Debate on "Contemporary humanitarian challenges and the protection of war victims"*

A very large number of delegations took the floor on this subject. An overview of their interventions allows for the following tenets to be deduced:

- *a great interest in international humanitarian law*, whose importance and relevance in contemporary armed conflicts were reaffirmed. Some delegates considered it regrettable that the very parties that should be complying with it sometimes questioned its validity so as to dispense with their obligations. Courses of action were proposed to enhance respect for this body of law, including the fight against impunity; referral to the International Fact-Finding Commission (IFFC); the strengthening of the protective function of the ICRC; and the mobilisation of civil society;
- *unanimous condemnation of acts of terrorism against the civilian population* and the reminder that human dignity is affected not only by violations of humanitarian law but also by aggression and foreign occupation;
- *demand for compliance with humanitarian law in the framework of the "global war on terrorism"*: there is no intermediate category, between combatants and civilians, of persons who are excluded from the protection of humanitarian law in international armed conflicts, nor is there any legal vacuum between the Third

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<sup>11</sup> The Report of the 28th International Conference (see note 1 above) will include both the list of all persons elected as officers of the Council of Delegates and the Conference and the list of participants.

<sup>12</sup> *IRRC, op. cit.* (note 2), pp. 867-880.

Geneva Convention, which protects prisoners of war, and the Fourth Geneva Convention, which protects civilians. Furthermore, several complementary bodies of law apply in the fight against terrorism, in particular human rights law, international criminal law and national law;

- *great confidence was demonstrated in the ICRC*, as well as a marked interest in its initiatives (biotechnology, explosive remnants of war, customary law, protection of women in war) *and growing concern in view of attacks* against its work and delegates and against humanitarian action in general;
- *determination to combat erosion of the Fundamental Principles of the Red Cross and Red Crescent* and the transgression of those principles (questioning of the relevance of neutrality or impartiality; increasing xenophobia);
- *support was reaffirmed for the solidarity of the Movement and for a harmonious relationship between the National Societies and States party to the Geneva Conventions*. As one African delegation put it, when the population of a country is beset simultaneously by conflicts, floods, the Ebola virus, malaria and AIDS, the task is such that every possible effort is needed. Human dignity also means access to basic health care, medication, water, a decent job, and education;
- *support was pledged for the fight against the HIV/AIDS epidemic* and all forms of related stigmatisation and exclusion.

#### *Election of the Standing Commission*

A single ballot sufficed to elect the members of the Standing Commission. Were elected:

- Dr Mohammed Al-Hadid, President of the Jordanian Red Crescent;
- Ms Janet Davidson, Member of the Board of Governors and Honorary Vice-President of the Canadian Red Cross;
- Mr Philippe Cuvillier, member of the Governing Board and Chairman of the Committee for International Relations and Operations of the French Red Cross;
- Mr Freddy Pedersen, President of the Danish Red Cross;
- Ms Zoy Katevas de Sclavos, President of the Chilean Red Cross.

For the second term running, no African dignitary was elected to the Standing Commission. Africa had put up two candidates, with the result that the votes were divided



between them, and neither was elected, confirming once again the importance of prior consultations and agreement within the regional groups.

At its constitutive meeting on 5 December 2003, the newly elected Commission appointed Dr Al-Hadid as Chairman and Ms Davidson as Vice-Chair. These elections were done by acclamation.

### *Special reports / Women and war*

The first plenary session offered the occasion for reviewing the implementation of the Plan of Action for the years 2000-2003, adopted at the previous Conference. In addition to the report on the emblem, several special reports were then presented, dealing with the following issues:

- the role of the National Societies as auxiliaries to the public authorities;
- Volunteers' Day;
- customary international law;
- women and war.

Queen Rania Al-Abdullah of Jordan kindly lent her support to the "Women and War" project by giving a speech that was received with great attention and by inaugurating the photo exhibition prepared by the ICRC.

### **Commissions**

The four working sessions of the Commissions allowed for a further clarification of the debates in the plenary session and in the Drafting Committee on the Declaration and on each of the subjects raised in the Agenda for Humanitarian Action.

The method of having the debates introduced by a panel of speakers, also including people from outside the Movement (experts or representatives of victims), was in general well appreciated. The fact that there were two plenary commissions working in parallel allowed a large number of delegations to intervene in the debates and make their voice heard. Finally, the possibility for the rapporteurs of the Commissions to give the Drafting Committee an oral summary of their respective proceedings made for better liaison between these various bodies.

## **Drafting Committee**

Chaired by Ambassador Johan Molander, former Permanent Representative of Sweden, the Drafting Committee met for two and a half days and worked until midnight each day in order to reach agreement on all the texts the Conference was asked to adopt.

The negotiations were mainly concerned with the draft Declaration and the draft Agenda for Humanitarian Action, which had been the subject of interventions by numerous States and National Societies.

### *Declaration*

The final document adopted by the Conference clearly reaffirms the relevance of international humanitarian law and the responsibility of States to respect and ensure respect for that body of rules, irrespective of the nature or origin of the conflict. All subjects dealt with in the draft Declaration submitted to the Drafting Committee were retained and the wording of certain passages was even made more forceful. This was the case with the protection of humanitarian workers: the text eventually adopted includes a commitment to denounce attacks on them and to ensure that such attacks do not remain unpunished. The Declaration reaffirms the independence of humanitarian workers from political and military actors, as well as the protection of humanitarian assistance.

A reference was added to the Declaration specifying that persons alleged to have committed crimes are entitled to a fair trial, an important element in the protection of persons captured in the course of armed conflict.

Furthermore, a reference to the special protection and respect, guaranteed for women and children by international humanitarian law, was added to the text.

In an insertion concerning the dissemination of humanitarian law, specific reference was made with regard to the education of the civilian population, in collaboration with the media, religious institutions or other comparable organisations.

With regard to health standards, mention was made of efforts to reduce health risks by comprehensive measures concerning prevention, treatment and care, including access to medication at affordable prices.

### *Agenda for Humanitarian Action*

There is every reason to be satisfied with the final content of the text adopted. The following four subjects are covered in this text:

- (i) missing persons and assistance to their families;
  - (ii) the human costs of the availability, use and misuse of weapons in armed conflicts;
  - (iii) reducing the risks and impact of disasters and improving preparedness and response mechanisms;
  - (iv) reducing the risks and impact of HIV/AIDS and other infectious diseases.
- Respect and restore the dignity of persons missing as a result of armed conflicts or other situations of armed violence, and of their families

The main challenge with this text was to keep the reference to the right of families to know the fate of their missing relatives and to ensure that this objective and the actions proposed cover not only armed conflicts but also situations of internal violence. These two points were widely debated and a compromise was found. Article 32 of Protocol I additional to the Geneva Conventions, which refers to the right of families to know the fate of their relatives, is quoted in the Agenda. In this spirit, families are to be informed of the fate of their missing relatives, including their whereabouts, and, if they are dead, the cause of death. Moreover, it has been specified that these measures do apply both to armed conflicts and to other situations of armed violence.

- Strengthen the protection of civilians from the indiscriminate use and effects of weapons and the protection of combatants from unnecessary suffering and prohibited weapons through controls on the development, proliferation and use of weapons

Contrary to misgivings before the Conference that the section on weapons might give rise to controversy, very few changes were in fact made to this part of the text. None of the important points dealt with in this section was withdrawn, and the main amendments adopted consisted of replacing a commitment by States to adhere to certain treaties, such as the Ottawa Convention,<sup>13</sup> with an invitation to do so. The adoption, one week before the 28th Conference, of a Protocol on Explosive Remnants of War<sup>14</sup> to the 1980 Convention on Conventional Weapons, facilitated the debates on the human costs of the availability, use and misuse of weapons in armed conflicts. One or two States would have wished to include a reference to nuclear weapons in the text, but the majority of participants were against this.

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<sup>13</sup> Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction, signed in Ottawa on 18 September 1997.

<sup>14</sup> Protocol V.

- Minimize the impact of disasters through implementation of disaster risk reduction measures and by improving preparedness and response mechanisms

The Drafting Committee commended the work carried out by the International Federation on the rules, laws and principles applicable to international disaster relief operations. However, States wanted to avoid supporting a process that could lead to the creation of a new body of rules of international law, parallel to international humanitarian law. All references to the international law governing relief operations in the event of disasters were withdrawn from the text, except for those referring specifically to the Federation's International Disaster response Law Project, and they were deleted from the text and replaced by the wording "laws, rules, and principles applicable to international disaster response actions".

- Reduce the increased vulnerability to diseases arising from the stigma and discrimination and from the lack of access to comprehensive prevention, care and treatment

Many participants felt that the draft text placed excessive emphasis on reducing vulnerabilities due to the stigmatisation and other forms of discrimination of which infected persons are victims and that it did not sufficiently stress the importance of treatment and care. They consequently wished to add this point. This was the section of the Agenda for Humanitarian Action that gave rise to the liveliest debates in the Drafting Committee. Indeed, some participants wanted to delete any reference to prevention programmes designed to avoid the exchange of syringes amongst drug addicts and to encourage the distribution of condoms, while others wanted to maintain these references. Moreover, some States do not consider the right to health to be a fundamental right.

The question of the "right to health" was finally resolved with a reference to the terms of the Constitution of the World Health Organization. The latter considers the enjoyment of the highest attainable standard of health to be one of the fundamental rights of every human being without distinction of race, religion, political belief, or economic or social condition.

### *Resolutions*

Only minor amendments were made to Resolution 1 on the adoption of the Declaration and Agenda for Humanitarian Action, to bring it into line with the wording of the Declaration.

Resolution 2 on the revision of the Regulations for the Empress Shôken Fund and Resolution 4 on the date and place of the next International Conference were adopted without debate.

The Drafting Committee adopted the resolution on the emblem, noting that two States had expressed their national positions.

All documents finalized by the Drafting Committee were adopted by consensus at the last plenary session of the Conference on 6 December 2003.<sup>15</sup>

## **Workshops**

Conceived as fora for informal exchanges of views on contemporary humanitarian concerns, the workshops were regularly attended and aroused sustained interest throughout the Conference, a fact that confirmed the trend already observed in 1999. Numerous proposals had been submitted to the Standing Commission, which finally selected eleven of them. All were connected with the general theme of the Conference and specific points in the draft texts of the Declaration and Agenda for Humanitarian Action.

Six of the workshops were concerned with the implementation of international humanitarian law in armed conflicts (humanitarian law and the challenges of contemporary armed conflicts; children and armed conflict; biotechnology; small arms and human security; domestic implementation of the Statute of the International Criminal Court; operational challenges and the safety of humanitarian action). Two further workshops were also related to the same subject (National Societies and cooperation between civilians and military personnel; the preparation of National Societies for situations of conflict and natural disasters). Finally, others discussed different sections of the Declaration and Agenda for Humanitarian Action (HIV/AIDS: prevention, care and treatment; the fight against stigmatisation and discrimination; the participation of civil society in international partnerships to promote health). The choice of the panellists and the participants' contributions gave rise to lively and instructive discussions.

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<sup>15</sup> The resolutions of the 28th International Conference, the Declaration and the Agenda for Humanitarian Action were published in the *International Review of the Red Cross*, *op. cit.* (note 2), pp. 885-915.

## *Pledges*

As in 1999,<sup>16</sup> the 28th International Conference gave participants an opportunity to make individual pledges alongside the consensus achieved in adopting the Conference resolutions. A total of 372 separate pledges have been registered. This distinct increase compared to the 27th Conference held in 1999 confirmed the participants' intention to set themselves their own specific humanitarian objectives. Even better, 64 of these 372 pledges were collective pledges, stating the intention of several participants (such as the government and the National Society in a given country or all governments or National Societies in a given region) to join forces in working towards common humanitarian goals.

Many of the pledges took the form of measures in support of the Agenda for Humanitarian Action. For instance, several governments and National Societies, as well as the ICRC, made pledges directly linked to the question of missing persons. Others made specific pledges concerning the prohibition or restriction of the use of certain weapons; disaster risk reduction or the fight against the risks linked with the AIDS virus.

In addition, a large number of governments and National Societies reiterated their commitment to certain objectives of the 1999 Plan of Action, particularly those relating to the promotion, dissemination and implementation of international humanitarian law and to the strengthening of National Societies and of their operational capacities.

## **The question of the emblem**

The debates on the question of the emblem took place in an exceptionally serene atmosphere, given the political environment in the Middle East. Despite the differences of opinion and the fact that this issue is so emotionally charged, the attitude of moderation demonstrated by the main speakers made it possible to adopt two major resolutions by consensus, namely Resolution 5 of the Council of Delegates and Resolution 3 of the International Conference adopting the said Council of Delegates resolution.

## *Assessment*

- A large number of delegations, both of States and National Societies, drew attention to the progress made since the last International Conference (1999), under the auspices of

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<sup>16</sup> *International Review of the Red Cross*, Vol. 81, No. 836, December 1999, pp. 826-827.

the Standing Commission, towards a comprehensive and lasting solution to the question of the emblem on the basis of draft Third Protocol additional to the Geneva Conventions, relating to the emblem. Many delegates deplored that it had not yet been possible to complete this process by adopting the draft Protocol; stated that this question should remain on the international community's agenda and expressed the wish for a diplomatic conference to be convened to examine and adopt draft Protocol III as soon as circumstances are such that there is a reasonable perspectives of success.

- The representatives of the Arab group felt that their voice had been heard. Although they reiterated their reservations about several clauses of draft Protocol III and repeated that they were against convening a diplomatic conference in the near future to adopt it, they did not question the process that was under way, nor did they oppose the consensus on the slightly amended draft resolution.
- The adoption of this resolution means that the ball is now back in the States' court, after having been returned to the Movement when the diplomatic conference scheduled for October 2000 was postponed. As Christina Magnuson, the Standing Commission's Special Representative on the question of the Emblem, emphasized in her address to the Council of Delegates, "the Movement has acquired the means to resolve a pressing problem that had threatened its unity and undermined the effectiveness of its operations, and that for more than 50 years has prevented it from achieving the full universality to which it aspires. However, despite this major progress, the edifice we seek to construct remains unfinished. It still lacks the cornerstone that only the States can lay through the adoption of the new additional protocol".
- Although it is to be welcomed that by adopting this resolution, States have once more placed the emblem issue on their diplomatic agenda and confirmed their adherence to the process under way, the text clearly does not introduce any new element that might justify hopes of reaching a conclusion in the near future. As the Permanent representative of Algeria, who was speaking on behalf of the Arab group, and the First Counsellor of the Permanent Mission of Iran commented after the Conference resolution had been adopted, the success of diplomatic negotiations on the question of the emblem thus continues to depend, today as it was in the past, on political developments in the Middle East.

- In the abovementioned intervention, the Algerian Ambassador further stated: "... the Arab group stresses its attachment to the consensus on the principle of Protocol III, provided that the emblem does not have any political, religious, ethnic, racial or regional meaning. In this context, the Arab group considers that the draft Protocol currently proposed is still under discussion and may be modified. The Arab group points out in this connection that just before the negotiation process came to a halt, it proposed that this text be modified." (unofficial translation)
- The MDA delegation, for their part, underscored the development of operational cooperation between the National Society of Israel and other components of the Movement: "The relationship between MDA and the Red Cross / Red Crescent Movement has undergone a period of intense change and growth since the last international Conference in 1999. Ties have been created and cooperation has been improved in diverse spheres of activity as a direct result of the strategic decision of the Movement to develop ties with MDA... It is the hope of MDA that the Movement will continue forward down the path it has selected so as to achieve the vital and all-important goal of universality... MDA is deeply appreciative of the efforts of both the Movement's leadership and like-minded States and National Societies to this end."

Through the resolutions adopted, the Council of Delegates and the Conference requested the Standing Commission "to continue to give high priority to securing, as soon as circumstances permit, a comprehensive and lasting solution to the question of the emblem, in cooperation with the Swiss government as depositary of the Geneva Conventions and with other concerned governments and components of the Movement, on the basis of the proposed draft Third Additional Protocol".<sup>17</sup>

### **Closing session of the Conference**

At the final plenary session the Conference received general information on:

- the reflections made in the framework of the workshops;
- the pledges made;
- the proceedings of the Commissions and Drafting Committee.

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<sup>17</sup> Resolution No. 5 of the Council of Delegates, paragraph 6.



The Conference then adopted by consensus the resolutions submitted to it, in some cases giving explanations of the vote.

The third plenary session ended with a closing ceremony, during which the Presidents of the ICRC and the International Federation and the Chairman of the Standing Commission took stock of the Conference and underlined its successful outcome.

## **Results and conclusions**

Despite the difficult political environment, the Conference ran smoothly, thanks to the intensive preparatory work that had been accomplished. The specific nature and humanitarian purpose of the International Conference of the Red Cross and Red Crescent were recognized and respected by the representatives of both States and National Societies.

With regard to substance, many delegates commended the quality of the preparatory documents, the most important of which reflected a broad consultation process. This was the case in particular for the report on international humanitarian law and the challenges of contemporary armed conflicts.

With regard to the results, it should be noted first and foremost that both the Council of Delegates and the 28th International Conference adopted all their resolutions by consensus. The Conference was not divided at any moment. Even when it came to the question of the emblem, it was possible to come to a consensus on a text which was practically identical to the document the Standing Commission had proposed.

Thus:

- the Conference unequivocally confirmed the relevance of international humanitarian law in contemporary armed conflicts;
- it recognized that no one may be deprived of all legal protection and formally declared that persons who are prosecuted are entitled to a fair trial;
- with regard to the missing, the Conference confirmed the right of families to know the fate of their relatives and adopted the main conclusions of the February 2003 Conference of Experts; it also accepted the reference to armed conflicts and other situations of armed violence;
- the Conference expressed its satisfaction at the adoption of Protocol V on Explosive Remnants of War to the 1980 Convention and encouraged States to ratify it;

- it expressed its support for the ICRC's initiative concerning biotechnology, weapons and humanity, and invited States to work with the ICRC to develop a ministerial-level declaration to this effect;
- it underlined the need to minimize the impact of disasters as far as possible by implementing disaster risk reduction measures and improving preparedness and response mechanisms;
- it underlined the need to reduce the increased vulnerability to diseases that arises from stigmatisation and discrimination and the lack of access to comprehensive prevention, care and treatment;
- it welcomed the study carried out by the International Federation on the role of the National Societies as auxiliaries to the public authorities in the humanitarian field;
- finally, the Council of Delegates and the Conference recognized the progress made since 1999 towards a comprehensive and lasting solution to the question of the emblem, on the basis of draft Protocol III, and mandated the Standing Commission to continue its work with a view to implementing that solution as soon as circumstances permit.

By adopting all its resolutions by consensus, by unequivocally reaffirming the relevance and binding force of international humanitarian law for the armed conflicts of our time, and by expressing its support for efforts to continue and develop humanitarian action based on the Fundamental Principles of the Red Cross and Red Crescent, the Conference succeeded in rising above divisions and controversy. It gave the world the message of unity that was expected of an international conference convened under the symbols of the red cross and red crescent.

Everything will now depend on how States, National Societies, the ICRC and the International Federation will follow up on these resolutions. The measures taken to ensure that follow-up will very largely determine the extent to which the results obtained at the statutory meetings can be transformed into concrete action to efficiently strengthen the protection of victims of war and other situations of armed violence, natural disasters, epidemics and the other scourges afflicting humanity.