Interview with Fergal Keane*

Fergal Keane is a Special Correspondent for BBC News. He has reported from many of the world’s major trouble spots, from Northern Ireland to Rwanda and Iraq, attracted widespread critical acclaim and won a string of awards for his reports. Among many other prizes, he was named Journalist of the Year at the Royal Television Society Awards (1995). He also took the Amnesty International Television Award for his 1994 Panorama report “Journey into Darkness” — an account of the genocide in Rwanda and the Index on Censorship prize for journalistic integrity. He won the George Orwell prize for his book on the Rwandan genocide “Season Of Blood.”

The ICRC has its principles, such as impartiality and neutrality. Does journalism need similar principles?

If you look at journalism through the ages, there have always been categories of journalism. So don’t assume that there is only one kind of journalism. There are people who write commentaries in newspapers about international affairs, there are journalists who work for wire agencies who are meant to be simply purveyors of facts, and then there are people like me who go to places like Rwanda or South Africa and whose job it is to do more than purvey facts. People are going to be asking me for my analysis of the facts. At what point does that sometimes stray into opinion? As of course it does — you are asked to give an opinion on what you think is going to happen. In the sense of being strictly impartial, I don’t believe such a thing exists in journalism. But I believe you can be fair.

Is there a need for a legal framework or ethical code for journalists?

I think a code is a different thing from a law, and by and large I don’t believe in giving politicians the power to deal with the media. Given the chance, they will cover up their own venality and lying natures and that’s the truth the world over.

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1 The interview was conducted on 27 January 2006 by Toni Pfanner, Editor-in-chief of the International Review of the Red Cross, and Roland Huguenin-Benjamin, Spokesperson for the ICRC in London (UK).
However, I do believe there is a case for a more ethical code for journalists, but I fear we are talking long after the horse has bolted.

**Are you saying that because of the 24-hour media environment?**
Who's going to police that internationally? So what's your alternative, what's my alternative? You begin where people come into journalism and that is where you try and get them. I may be betraying my Catholic past in this, but I do believe that is the point at which you instil some sense of values. Whenever I hear people talking about the “media business” I really bristle, because I don’t believe that’s what it is. First and foremost, journalism is not a business. When you think it’s a business and about market share and ratings, then the door is open to the polemists, to the people who say, “Well, if we just tell it in this way, then our market share will go up because that’s what the audience wants.” That to me is the biggest danger in journalism. We are preoccupied by pressure from governments and lobby groups, but the real danger is money — “Follow the audience. If it pays to feed their prejudice, then why not?” I think we spend too little time focusing on that.

**Are the media themselves changing their role?**
It's a huge part of the process and, I have to say sadly, more often than not through the media being manipulated rather than through any kind of campaigning zeal on the part of the journalists. So unfortunately it tends to be the other way around. So much of what happens now in the age of 24-hour news is about media manipulation.

**How do you report, engage in an issue and give your opinion without becoming an advocate of a cause?**
In South Africa, as one example, it was possible to report on apartheid in a way that reflected the kind of morally odious nature of what was taking place, but without being a cheerleader for any political group or any lobby. As a journalist I believe absolutely that it is not my job to cheerlead for the ANC in South Africa or for a political group anywhere, no matter how ostensibly good the cause they represent. That's equally the case in Rwanda, as another example, where I'm not sure that journalists have fulfilled this role all too well since the genocide in 1994 because of the level of guilt that existed over the lack of reporting during the massacres. Many media organizations realized that they had failed to cover adequately what had happened, and the new Rwandan government was given a blank cheque in the aftermath. How else do we explain the kind of lack of proper reporting of what happened in Congo? The most appalling humanitarian crisis of our time, four million plus people dead, but you wouldn't know that reading our newspapers. That to me is an example of unfairness, of a lack of objectivity.

**Were the media not reporting due to problems of access and security?**
Yes, but there are other problems. I have gone to Congo five times in the last few years. My great regret as a journalist is that I didn't go there sooner. My excuse is that I was based in Asia when that war was taking off and there was an army
marching all the way across Africa to capture Kinshasa. But I’m not sure what excuses other people have. The story was huge, but we didn’t stay with it long enough and we didn’t investigate what really happened.

**Do you think that it is the role of the media to investigate war crimes?**

Let’s forget about saying that there is one role for the media. There is not. There’s a multiplicity of roles and many factors are influencing them. You report the facts as quickly as you can possibly ascertain them. Sometimes I think we too quickly report things that are not facts and that is a consequence of the pressure that people live in in this 24-hour media age. That’s the first big crisis. The second factor I see is the rise over the last five to ten to fifteen years of very powerful lobby groups, not just concerning the Middle East but everywhere. Very sophisticated guerrilla movements with access to satellite phones now monitor the media very closely and are very adept at manipulating them. We saw that in Congo. Last, a journalistic community that I don’t think has really woken up to the reality of the new situation. It’s a very changed dynamic.

You asked the question: “Is it our job to investigate?” Yes, of course it is. How else do you get a fact? Too much of the problem is accepting information as truth from supposed eyewitnesses, from non-governmental organizations (NGOs), from lobby groups. We take them as truth, run with the story and then discover later, “Well, maybe the figure they gave for the number of people killed was inflated.” The tendency to accept any information is an old journalistic tendency, but it really worries me in this age of 24-hour news when you are told: “Three million people have been put to flight in such a place. Well, somebody else says it’s two. Well, let’s go with the three”. People want to go with the highest, most dramatic number and there isn’t enough scepticism about that.

**Is it a result of having to come up with news and not taking the time to investigate stories?**

There is a mix of factors. In Northern Ireland, I observed inertia as a main factor. Things drag on. The story isn’t “wrapped up” and people lose interest. Or it becomes reduced to a kind of formula where, for instance, an atrocity happens in Baghdad and somebody stands on a roof there and tells us about it. You may get a few images shot by local Arab cameramen of what happened, and that’s it. If it’s a really big deal like the stampede on the bridge, then it may lead the news. But in terms of investigating what is truly happening on the ground there, I think the fear of being attacked is a huge factor. But it shouldn’t be. There must be ways. What worries me is the lack of creative thinking, the lack of energy about finding other ways to find out what’s happening.

The advent of 24-hour news has changed journalism and journalists have not woken up to the information revolution, in that the power of information is going to be taken out of our hands by people with mobile phones. Bloggers are part of the new power. Look at what happened here in London on 7 July 2005 with the bombings. The news opened with 10 seconds of incredible video footage shot by a passer-by on a mobile phone. It flashed around the world.
It’s sometimes criticized that journalists are good at pinpointing the shortcomings of government or politicians, but are less good at reporting positive elements or offering solutions?

Let’s be very careful about this. When you look at this historically in journalism, it is important in the way it framed people’s consciousness. We witnessed the genocide of Rwanda and the wars of the Yugoslav succession. In an age when you have people witnessing terrible things that the West did basically very little or nothing about, you create a very interventionist frame of mind in journalists. You couldn’t throw a stone without hitting a journalist who had a solution to various problems, usually a solution that involved military intervention.

Carry that one forward to the more recent wars that we face now, Iraq or potentially Iran. I’m gravely, gravely worried about the idea of turning to journalists who are unelected, who at the end of the day don’t represent anybody except the company they work for. In the BBC we can say, “Yes we represent the millions of people who pay for our licence fee.” And that’s important. At our best we can represent an ideal of trying to get at the truth, a difficult enough concept.

But when you get to saying that it’s our responsibility to come up with solutions, I am afraid that you will find only too many people willing to offer you solutions. And you can get band wagons rolling from the left and from the right for intervention in places, and all of a sudden you are involved in a military intervention on the basis of pressure, on the basis of an intellectual argument as was the case with the United States’ intervention in Iraq, heavily backed by very powerful sections of the American media while not scrutinized enough by other sections of the American media. If you look at the journalism of the Iraq war from the side of the proponents you notice that it enjoyed, I would say, an unparalleled degree of influence in terms of shaping public policy. Do we believe that was entirely healthy?

If the argument is couched in this way - do journalists have a responsibility when they analyse a situation to suggest possible avenues that governments and other actors can explore? Of course that’s our job. If they say to me in Baghdad, “What do you think the internal government is going to do about this particular situation [let’s say prison abuse]?”, I’ll say, “One of the options they have is to set up an inquiry. The other possibility is to ask for an outside investigator to come in. A further option is listening to the ICRC and what recommendations they make, or maybe a mixture of all three.” What you don’t do is stand on the roof and say, “My belief of what the government really needs to do now is institute a wide-ranging inquiry, and dismiss everybody who was involved in it”.

The media therefore also have a constructive role?

Yes, but that’s where we differ. Your interest is in getting things sorted out, whether it’s a case of prison abuse or whether it’s trying to move on to a situation where that doesn’t happen any more. For you there is absolutely no interest in having a major public row in achieving that aim. For us it’s not the same. It’s about recording what’s happening. There will be times when exposure about
something like prisoner abuse will not suit those who are trying to do something about it and get it stopped. As journalists, if we knew about it and did nothing, we would be in a dreadfully compromised position. It’s when you start to suppress information and say, “I’m not going to report that massacre because that would have a very negative impact on the peace negotiations”. Where do you stop when you go down that road? Our job is to tell the story, it’s not your role and I have never had a problem with the role of the ICRC in that regard. Your job is to get things done. Ours is to find out what is happening, but it is not to be wilfully destructive.

An author who writes about the reporting on the two Gulf wars of 1991 and 2003 comes to the conclusion that if people consider a war legitimate, the media will report less about grave violations. If the war is not legitimate in the eyes of the general public, the media will place much more emphasis on violations and war crimes.

If you look at the Iraq conflict, one of the critical failures of journalism is what happened in Falluja. Let’s assume the BBC had placed somebody in Falluja itself, not embedded with the Coalition forces, what do you think would have happened to that person? Probably the person would have been kidnapped and killed. By the very fact that you are dependent on people for your physical protection, reporting is going to be partial. You are only going to see a very limited side of the story and that’s the bombs and the bullets heading one way. You don’t see what’s happening at the other end of it.

But is that underpinned in some way by an acceptance by us that there is legitimacy to what’s being done there? I don’t believe that. If you asked the average BBC correspondent sent to Iraq, and who was asked to report on a situation like Falluja, whether he or she thinks that this is a legitimate operation and is therefore willing to go a little more softly on the war as such? I don’t think so.

You can report entirely independently?
Like every major organization, we are subject to pressures. Curiously enough, before this I worked in the Irish Broadcasting Service at the height of the conflict in Ireland, and it was infinitely more pressurized than here because the State and broadcaster were run much more tightly. Here, the British government cordially loathes us a great deal of the time. Frequently, it does not appreciate our reporting. I think that is a very healthy position to be in. But we’ve got to be very robust in the way we respond. We at the BBC went through our difficulties here, as you know, with the Hutton Report and Dr David Kelly. It was profoundly dramatic for this organization, and we have to watch in the aftermath that we are not cowed, that we don’t pull our punches. We don’t start backing away from issues because they might cause trouble or offend a particular group. If the truth gives offence, so be it. I mean, take it on the chin, and that’s the message I spread as powerfully as I can within this organization.
But you are in an entirely different position when reporting on a conflict situation in which your country of origin is directly involved? Reporting about Ivory Coast is not going to reverberate in the same way as what you might say about the behaviour of UK troops in Iraq?

Of course it’s not, because their sons and daughters are not watching and you are fully aware of this. But does that mean I would pull my punches if I came across a story in which British soldiers had been implicated in appalling behaviour? No, I’d rather walk out and not do the job. But, that’s me speaking purely for myself.

You have to report for your constituency? Does this mean that your view will inevitably be influenced by your potential — national and international — audience?

I think that is what you need to avoid. I grew up in Ireland and we used to get the Irish editions of the English newspapers, and if you took a story that they wrote about Northern Ireland and then read the version they gave to us, the Irish version, it was totally different in the way it was written. It was watered down for Irish consumption. In the UK it would be “brutal terrorists.” You can’t get into that kind of “versioning” your truth depending on your audience, you’ve got to have a basic standard that you stick by.

The BBC’s audience may be made up of classes or clusters worldwide, but not necessarily of geographical constituencies. Now the BBC is about to set up an Arabic-language channel and al-Jazeera is going to establish an English service. People deliberately listen to only one media channel as opposed to another, and most people can’t listen to both sides because of the language barrier. Even if we are going to see an Arabic BBC, you may have a large segment of the Arab population who will not listen to it.

Do we try and match al-Jazeera on that channel? You can’t try and compete with al-Jazeera. You’ve got to stick to what you do best. A person may not trust the media in his own country and believe information approximating to the truth from the BBC. Are we perfect? Absolutely not. Are we prey to the pressures of lobby groups and misinformation? Of course we are, as all media organizations are. Let’s not be sanctimonious about it. Are we doing our best to tell the truth? I think we are, but we have got to acknowledge limitations. We are getting better at saying when we’ve got it wrong, but we are still not better at saying, “We can only do so much here because of this and that fact.”

Do you see a space for maintaining credibility in view of the fact that you will have certain audiences who will just dismiss a certain media source because of where it comes from?

The great tragedy of the age in which we live, and the Iraq war absolutely epitomized this for me, was this retreat from rationality. I watched what happened around the Iraq war on both sides and this phrase came into my mind, “an ecstasy of righteousness.” It is absolutely the defining criteria of the media age.
in which we live — both domestically and internationally. People want to have their prejudices confirmed, not challenged. It’s a retreat from the values of the Enlightenment, from the ideals of argument and open discussion. Partisans of the left or the right deal with each other in the most hideously abusive terms. It’s about nastiness and bile and minds that are closed to questioning. There are no rational arguments, and most of the time it’s not even funny but only dangerous. We can only change this through a very, very long process. It has more to do with the kind of movements of history than it does with anything that we are going be able to change. It will have to do with the gradual working out of whatever is going to happen in Iraq and the Middle East.

**Can famous writers and journalists still influence big movements despite the multiplicity and scale of the communication tools that are available?**

I believe there are people nowadays, in America in particular, who have an enormous impact. They’re greatly influential in terms of forming public policy. Conservative columnists like Irvine Kristol or Robert Novak and to a lesser extent people on the left, simply because the right is in power, are hugely influential. My gripe with them is that unlike the thinkers of the Enlightenment they are not rationalists. It is the age of the polemicists, not the time for rationalists. People may not sit around in universities and in cafés discussing the ideas of Robert Novak, but believe me, they are taken seriously in other circles.

**To come back to the field, in the last 30 months over 70 journalists have been killed in the most recent war in Iraq. Is embedded journalism, as done in Iraq, simply a necessity if you want to have reporting?**

I wonder. There were journalists whom I respect, embedded with the US Marines. But it was an Italian documentary crew who finally exposed the use of white phosphorus in Falluja. Why did it fall to them? Why was it so long after the events? Again, there is a kind of inertia. We are not, to the best of my knowledge, actively and properly pursuing stories like that. If we were, we would have got that story. Somebody would have found a way to see the siege from the other side. But we didn’t, we didn’t do it at the BBC and I’m not aware of anybody else who did apart from the Italians, and great credit to them for doing it.

**Humanitarian organizations in Somalia, Iraq and other areas where it is too dangerous to operate look for alternative means of reaching the victims of war: by placing more emphasis on local employees, etc. In the media you probably have to evaluate other options for how to report in very dangerous situations?**

You have raised an interesting point that I’m going to push here, because it ties in perfectly with what I was saying about Falluja. If it’s too dangerous for me to be on the ground or someone who looks like me, why aren’t we investing in Arab journalists? Why not? Aren’t they able to tell the story? Who can work for us who is going to be in a position to do that job in that place? We have got to find alternative means. It would be suicidal to send someone like me into Falluja
at the moment. But does that mean that we can’t have any coverage? And why is it that we have waited, all of us in the western media, all this time to try and come up with solutions?

**At the same time, the large majority of journalists killed in Iraq were Iraqis. It’s not just because you are an international person that you get killed in Iraq. You get killed because you have a camera in the wrong place at the wrong time.**

But that’s more like the situation we are used to confronting, whether it’s in Africa or anywhere else. That’s the calculated risk we take. What elevates it and makes it different is that the price on my head is going to be way higher than it’s going to be on the locals.

Our problem is the physical restraint of getting at the story, not political pressure. I was in Iraq in the weeks after Baghdad fell and did stories on cluster-bombing. When I rang London I was asked, “Are you absolutely sure you have your facts right?” I doubt that I would have been asked that question if it came to a suicide bombing. There is a much more heightened awareness when reporting potentially controversial and provocative facts and figures related to Coalition forces. But is that so great that it puts people off doing stories? I don’t think so.

The real problem is therefore the physical danger?

What stopped me from doing a film on the siege of Falluja? What stopped me is that I don’t want to get killed. It’s just as simple as that. It doesn’t matter who they are or how influential they are. I’ll take them on, but I don’t want to die.

One of the things that I have belatedly come to realize — and this may sound a very late age in life, 45 years, to face this particular truth — but there are questions which don’t have an answer. There are situations that don’t have a solution. You, too, walk an impossible road a lot of the time.

The ICRC still has a rather conservative approach towards the press. How do you see the relationship between humanitarian workers and the media?

Curiously, I would have been more critical of the ICRC a few years ago. The more I see of the way in which the media operate hand-in-glove with non-governmental organizations, the better I understand the slightly hands off and distant approach that the ICRC adopts. I think it’s better for both of us. The media and NGOs in many situations manipulate each other in order to get what they want, and I’m not sure that’s beneficial in the long term. If a journalist were operating with any other lobby, I mean other than the humanitarian lobby, he would regard what is happening as totally unethical: he reaches a place and effectively has a good story handed to him on a plate by a humanitarian organization, he talks to the director in the refugee camp and his story is done. It may trigger funding for the NGO in the short term, but I don’t believe it’s in anybody’s interest in the long term, neither for NGOs nor for the media. We
end up criticizing each other all the time because we are in this sort of tangled relationship. I recognize that I myself have fallen into that trap. We do need to stand back. The ICRC is more worthy of trust because journalists know that you are not desperately seeking media attention. You don't need the attention. That's the difference.

A journalist made the point that he could not differentiate between who is telling the story, what the victim said, and what the NGO was saying.

Yes, the other aspect of what tends to happen is that you get a narrative, particularly in Africa, which is essentially defined by foreigners. You see the white journalist talking to the white NGO worker telling the story of the Africans. That's not good. It promotes helplessness, dependency. It takes the story out of people's own mouths and appropriates it: the old myth about pointing a camera and stealing someone's soul. There is more to that than simply a myth. In terms of the ICRC, because we live in a media-obsessed and -saturated age, the pressure to change and to conform will be massive. But you can then kiss goodbye to the kind of work that matters most for your organization. Once you dip your foot into that water, my friend, your leg is gone. You know that. I'm not telling you anything you don't know.

You are saying that legitimacy and credibility shouldn't be jeopardized now by a quick step into this kind of 24-hour reporting?

Exactly! There are other ways of being moral than running after publicity. I have changed pretty much in the way I see things. I was much more prescriptive, much more willing to say, “I think this should be done and that should be done.” I just think that the way you achieve your aims is somewhat different, and that is why my position on the ICRC has changed. I no longer desperately want to get to where there is more fighting. What do a lot of other journalists tell you in their reporting? “There’s more fighting and it’s awful.” Tell me something I didn’t know! You’ve got to recognize when that thing gets hold of you, and step back. I’m just uncomfortable with sanctimony. But I’m still a great believer in the things that have always moved me, in the fundamental principles of human rights. They moved me long before journalism ever did.
Entrepreneurs of hate and entrepreneurs of solidarity: Social identity as a basis for mass communication

Stephen Reicher, Nick Hopkins, Mark Levine, Rakshi Rath

Abstract

The authors draw upon the principles of the social identity tradition in order to elaborate a psychological model of mass communication. This centres on the way in which people construe their social identities and the meanings of events for these identities. They then go on to look at the ways in which these principles have been employed both to mobilize collective support for genocide and collective resistance to genocide. They conclude that it is critical to understand these principles and to apply them effectively in order to promote social harmony and the defence of vulnerable groups.

There is a long-standing view that the masses are mindless and hence should only be appealed to in the simplest possible terms. Ever since Herodotus, the so-called “father of history,” exclaimed “I hate the blind mass,” this view has
had many classical adherents. In modern times, however, it was most forcibly and influentially expressed by Gustave Le Bon in his text ‘The Crowd’.\(^1\) Le Bon argued that as soon as people become anonymous within the crowd, they lose their sense of identity, their ability to judge, and hence they uncritically accept any passing idea and emotion. There is no point in appealing to them with reasoned arguments, content becomes almost irrelevant. What matters is how things are expressed: make it clear, make it simple and say it repeatedly. As long as these rules are observed, the mass can be led in almost any direction.

**Introduction: Group theory and models of mass influence**

Le Bon’s explicit aim was to advise the autocrats of his age on how to turn the masses from a threat into a bulwark of the existing order, and he was highly successful in this regard. The list of his admirers reads like a roll call of early twentieth century dictators, including Mussolini, Goebbels and Hitler.\(^2\) Indeed, it is as filtered through these acolytes that Le Bonian principles have achieved most resonance. Thus Hitler wrote: “I use emotion for the many and reserve reason for the few.” This was echoed by Goebbels, who advised that: “The most brilliant propagandist technique will yield no success unless one fundamental principle is borne in mind constantly — it must confine itself to a few points and repeat them over and over.” Or, more succinctly and most famously perhaps, Goebbels boasted that “if you tell a lie big enough and keep repeating it, people will eventually come to believe it.”

**Classic models of influence: All form and no content**

While the post-Nazi world has rejected the content of Goebbels’ lies, it has retained his claims about the process of lie-telling — or at least the general assumption that mass influence depends upon the form and not the content of what is said. In part this is because the underlying Le Bonian assumptions about loss of self have been retained in some modern theories of the group and of group influence.\(^3\)

In part it is because of the ways in which others challenged Le Bon’s legacy. They did so by saying that groups were constituted either by the individual characteristics of members or, more usually, by the relations of dependency between these individuals. In 1976, Moscovici wrote a trenchant critique of this, by then, mainstream view.\(^4\) He pointed out that if groups are

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constituted out of inter-individual dependency relations and if social influence follows these lines of dependency, then it can only serve to reproduce existing inequalities of power. Irrespective of their message, those upon whom others are dependent will spread influence, and, irrespective of what they are told, those who are dependent upon others will be influenced. Moscovici argued that this ignores the role of dissidents in promoting social change and launched a whole tradition of research on minority influence. But even within this tradition, a critique of the critique of Le Bon, the emphasis was still on how things were said — minorities must be consistent in their views without laying themselves open to being dismissed as simply rigid — rather than what is said.\(^5\)

The bizarre result of all this is that psychological studies of social influence, to the extent that they even consider what speakers are saying (rather than what speakers or the audience are like), for the most part analyse general features of a text, such as how complex it is or whether it uses one-sided as opposed to two-sided arguments. Studies very rarely look at precisely what is being said.

**A new psychology of mass influence**

In this article we will challenge both this general neglect of content and the more specific claim that mass communication must necessarily substitute passion for reason. However, as should be clear by now, such claims are not incidental but rather are deeply rooted in the more general history of group psychology. Our challenge, then, will start by outlining an alternative social psychology of groups. From that we will draw some general principles about mass social influence, and will then go on to show how these principles can be applied either to promoting acts of violence against others or else acts of solidarity and succour.

**Social identity and collective action**

At one level, Le Bon and his early critics appear as polar opposites. Le Bon claimed that identity was lost in the group. His critics\(^6\) claimed that identity was retained or even accentuated in the mass. But despite this, both shared the assumption that the individual self constituted the sole basis of reasoned action. Social factors, such as the presence of others, might affect the operation of this self, but neither theorist entertained the idea that such factors might actually constitute the self, thus providing a social basis for the norms, values — and hence judgements — that shape collective action.\(^7\) Work within the social identity

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6  See as an example Floyd Allport, *Social Psychology*, Houghton Mifflin, Boston MA., 1924.
tradition (including both social identity theory and the later development of the self-categorization theory) is based on a challenge to this viewpoint.

Identity as a multi-level system

For social identity theorists, the self is not a unitary individual construct but instead is a complex system. While we always define our identity in terms of our relationship to others, this can be done at different levels of abstraction: on the subordinate or personal level (where my self is what makes “I” distinct from “you”); on the intermediate or social level (what makes “us” distinct from “them”); and on the superordinate or human level (what makes people distinct from non-humans). Most attention, however, has been paid to the level of social identification, that is, the identities which derive from our membership of social groups. It is important to stress the plural here. Insofar as we all belong to several groups, we also have a series of social identities (myself as a European, as a humanitarian, as a Jew, as a woman and so on) which will be salient to us in different contexts.

The core argument of the social identity tradition is that the psychological shift from a personal to a social level of identification underlies the behavioural shift from individual to group action. Indeed, shared social identification is what makes collective action possible. The corollary is that group behaviour is associated with depersonalization. In other words, as group members we tend to see self and others in terms of the social categories they belong to — and, more particularly, whether they belong to the same group as ourselves (ingroup members) or to another group (outgroup members) — rather than their specific individual characteristics. More generally, we tend to see events in the world in terms of their significance to our group and to ourselves as group members rather than their implications for ourselves as distinct individuals.

Social identity as basis of social power

There is meanwhile a rich and complex body of research based on these principles and we have no space to do it justice here. However, for present purposes, there are three elements in particular that are of especial relevance. First, shared group membership transforms the relationship between people in such a way as to enable coordinated and effective collective action. Thus, when people view

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9 Turner, Hogg, Oakes, Reicher & Wetherell, op. cit. (note 7).


others as belonging to the same category as they do, they are more likely to trust, respect and cooperate with them; they are more likely to offer them help and solidarity and they are more likely to seek out agreement with them. All this combined leads to enhanced organizational efficiency. One aspect of this is particularly important for the ensuing argument. It is that where people share an identity and hence share values and priorities, it becomes possible for somebody (or some bodies) to represent what they have in common. In other words, shared identity makes leadership possible. This further enhances the ability of a set of people to ensure that their efforts complement each other and are directed in the most effective way to reach group goals. In short, social identity is an important basis of social power — especially for groups which otherwise lack resources or control institutions.

Self-stereotyping and the process of conversion

Second, when people categorize themselves as members of a group, a process of self-stereotyping is set in motion. That is to say, people seek to ascertain the norms, values and understandings which characterize the said group and then conform to them. Insofar as these so-called “criterial attributes” will vary from group to group (as an academic at my desk, it is important for me to be impartial, dispassionate and objective; however, place me as a sports fan at a game, then loyalty, passion and commitment take priority), so our behaviour will vary from context to context as different identities become salient. It is important to stress that this is a genuine process of conversion: we act on the basis of the group ideology not because we succumb to the power of others or because we seek their approval but because it defines who we are and what counts for us. That is, the terms which guide and control our actions as group members are defined by a social construct that cannot be reduced to any single individual. The concept of social identity thereby opens the way to a psychological understanding of how the individual can act as a social subject in ideologically intelligible ways.

Insofar as the definition of a social identity (or else the precise implication it has for action in the immediate context) is not self-evident, then group

14 Haslam, op. cit. (note 11); Reicher & Haslam, op. cit. (note 10).
members need to seek out or else evaluate information relating to these issues in order to know what to do. For this reason, the process of self-stereotyping is also, in effect, a process of influence with implications for who will be influenced, what will be influential and who will exert influence. Thus, only those who identify with a social category will be influenced by information about the group identity. Those who do so identify will only be influenced by information that is evidently consonant with the category definition. And only those who are in a position to give an authoritative definition of group identity — in particular, those who are perceived as exemplary (or prototypical) group members — will be in a position to exert group influence.

Societal implications of social identity processes

Third, social identity theory is explicitly formulated to be of relevance to large-scale social categories as well as small groups. Indeed, when Tajfel\textsuperscript{18} introduced the concept of social identity, he drew on Emerson’s\textsuperscript{19} discussion of the nation as a body of people who feel they are a nation. More generally, the concept of the group as a set of people sharing a social identity is close to Anderson’s famous definition of nations as “imagined communities.”\textsuperscript{20} From this perspective, the broader societal implications of the foregoing processes can be readily appreciated. To define a set of people as belonging to a common social category (or, more accurately, to lead a set of people to define themselves as belonging to a common social category) is to create social power through mobilizing people to act together, and to define the parameters which constitute the social category is to guide how that power is applied.

More specifically, the definition of who is included in the category (category boundaries) will determine the extent of the mobilization, the definition of what it means to be a category member (category content) will determine the direction of the mobilization, and the definition of who best exemplifies the category (category prototypes) will determine the leadership of the mobilization.\textsuperscript{21} This can be summarized by saying that social categories constitute the mobilizations that (re)make the social world. To control the definition of social categories hence confers a world-making power. How, then, do these definitions come about?

Defining social categories: Influence agents as entrepreneurs of social identity

One broad consequence of the Le Bonian tradition of collective irrationality is a tendency to see group level perceptions as a form of error and distortion. By contrast, those in the social identity tradition, and self-categorization

\textsuperscript{19} Ralph Waldo Emerson, \textit{From Empire to Nation}, Harvard University Press, Cambridge, MA. 1960.
theorists in particular, stress that these perceptions must be related to social reality. The original emphasis was on the way in which the perceptions of social categories reflected the social structuring of social contexts. More recently, emphasis has been laid on the way in which social categories are used to mobilize people in order to create structures in the social world. That is to say, there is a bi-directional relationship between social categorization and social reality. Categories both reflect present social realities and are also constructed in relation to projects for the future of society. All those who actively seek to shape social reality — politicians, NGOs, movement activists — are necessarily concerned with the definition of social categories. To be effective, they must be skilled entrepreneurs of identity.

In overall terms, this skill involves constituting as a single category the audience which the entrepreneur wishes to mobilize, constituting the project which the entrepreneur wants to achieve as an instantiation of the norms, values and priorities associated with this category and constituting the entrepreneur him/herself as prototypical of the category. Let us briefly illustrate these broad claims with specific instances.

On 2 April 1982, Argentinian forces landed on the Falkland Islands — a place unknown by most of the British population and, even to the extent that it was known, one that had hitherto been of little concern. Certainly, there was no outcry when, the previous year, the citizenship status of the islanders had been severely downgraded in the 1981 Nationality Act. The next day, 3 April, the British parliament met on a Saturday for the first time since Suez and voted to send a military task force to reclaim the Islands. However, for the military mobilization to be possible it was necessary to create a popular mobilization in favour of war. It was necessary to get people to feel engaged in the events and to feel outrage as if they themselves were under attack.

The frontpage headline of the Daily Express newspaper on 3 April was: 'Our loyal subjects. We MUST defend them' (emphasis in the original). The second paragraph of the article read: “The right of the Falkland islanders, people who are wholly British in origin, sentiment and loyalty, to remain British and to continue to live under British rule must be defended as if it were the Isle of Wight which had been invaded.” These words were echoed by Margaret Thatcher in her speech to the House of Commons. She concluded: “The people of the Falkland Islands, like the people of the United Kingdom, are an island race. Their way of life is British; their allegiance is to the Crown. They are few

in number, but they have the right to live in peace, to choose their own way of life and to determine their own allegiance. Their way of life is British; their allegiance is to the Crown. It is the wish of the British people and the duty of Her Majesty’s Government to do everything that we can to uphold that right.”

By constituting the Falkland Islanders as emblematically British, an attack upon them became an attack upon Britain. Moreover, by constituting the population in identical national terms (both the Express and the Prime Minister take it as given that their audience is positioned as a British people), then all became the subjects of Argentinian aggression. Thus, the fate of the Falklanders (which previously concerned, let alone outraged, virtually no one in the UK) now became the fate of all. Or, to put it more technically, the use of inclusive categories that linked victims to the population as a whole provided the basis for mobilizing the population for war (and in favour of those prosecuting the war). Support for the war surged and stayed at between 70 and 80% throughout the conflict, Margaret Thatcher, previously the most unpopular post-war Prime Minister, became the most popular. The ruling Conservative Party doubled its opinion poll rating from 23% in December 1981 to 46% just after the war.

So, broad categories enable broad mobilizations and hence the broader the mobilization one wants to achieve the more inclusive one’s categories need to be. Nationality, for instance, does not necessarily encompass the whole population. It can be defined in a series of ways involving lesser or greater inclusion: as a matter of descent (in which case migrants and hence most ethnic minorities are included); of birth (more inclusive, but still excluding first generation migrants); or of involvement in and commitment to national life (thus including everyone in the national territory who so chooses). To use an example that is local to us, there are groups in Scotland who seek to mobilize only sections of the population in direct action and are content to use ethnically exclusive definitions of Scottishness. By contrast, those political parties who want to be voted into office cannot afford to exclude any section of the electorate and therefore use highly inclusive formulations of the national category. For instance Alex Salmond, leader of the separatist Scottish National Party (SNP), spoke to his 1995 party conference in the following terms: “our ambition is to see the cause of Scotland argued with English, French, Irish, Indian, Pakistani, Chinese and every other accent in the rich tapestry of what we should be proud to call, in the words of Willie McIlvanney, ‘the mongrel nation’ of Scotland.”

It wasn’t just the separatists who used such an inclusive definition of nationhood and employed it to appeal to the population. All the main parties did likewise, even the Conservative party who vehemently opposed any extension of Scottish statehood. The value of using “Scottishness” lay in its ability to reach the entire electoral audience, not in any inherent link to a particular policy or ideology, and since all the parties sought to reach this same audience, they did not differ in their appeal to people as Scots. Where identity did link to policy and ideology, and hence where the parties differed profoundly, was in

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24 See Reicher & Hopkins, Self and Nation, op. cit. (note 23).
the content ascribed to being Scottish. In other words, parties all appealed to the same national category because they wanted to appeal to the same people, but they all characterized the category differently because they all wanted to get people to do different things. For the left-wingers of the Labour Party, Scots are inherently egalitarian, communal, welfarist and opposed to privilege — in the words of one Labour parliamentarian, they endorse “the corporate community that is Scotland.” For the right-wingers of the Conservative party, Scots are inherently “canny and thrifty,” hard-working and entrepreneurial. In each case, the party purports not to impose its view on the audience but, it claims, simply expresses what they already believe (while the opposition abnegates these beliefs). The link is often implicit but is sometimes made quite explicit. For instance, according to the Conservatives (or at least the party’s Ian Lang, when he was Secretary of State for Scotland), “distinctive Scottish qualities” are “so compatible with Conservatism,” while “socialism” is “alien.”

However, of all the rhetorical efforts expended by politicians, perhaps the most intense are devoted to constructing themselves. Indeed, it may be said that the key to being chosen as a representative by an audience is to render oneself representative of that audience. All political autobiography is either selected or invented to that end. There are therefore countless examples to choose from: Margaret Thatcher altering her dress, her appearance, even lowering her voice, to personify herself as “Britannia” in order to rule the British people; Tony Blair, the erstwhile rock guitarist who represented a new “cool Britannia” to the electorate; George W Bush as the leather-jacketed Texan whose verbal mishaps only made him more plausible as a typical middle-American. Wilner,25 provides a particularly detailed case study of the way in which the Indonesian leader Sukharno was represented as Bima, the legendary hero and demigod of Javanese and Balinese mythology. Like Bima, Sukharno’s life story was told so as to highlight the key attributes of bravery and stubbornness. To echo Bima, Sukharno’s physical masculinity, his booming voice, his brutal gestures and his coarse language were emphasized, although these violated the norms of Indonesia’s dominant cultural groups. Sukharno even evoked Bima’s association with the colour black (which symbolizes strength) by invariably carrying a black baton. When it comes to trading influence, the determined entrepreneur of identity can leave no detail to chance.

Mobilizing hate

One way of reframing and encapsulating what we have argued thus far is to say that effective mass communication involves construing speaker and audience as mutually involved in a common social category so that the speaker can interpret the relationship of actual and possible events in terms of shared collective concerns. Communicators put themselves in a position to answer certain key

questions for their intended constituency: “What does this mean for us? Does it represent or undermine who we are, what we believe in and what we care about?” Thus far we have addressed these processes and techniques in general terms. Let us now apply them to the more specific issues of intergroup relations. In particular, how is it possible to mobilize people to condone — or even actively participate in — violence towards others?

We suggest that, as with any other phenomenon, collective evaluations of human beings and actions towards them depend upon how their significance for “us” as a social group is viewed. That is, the orientation of an audience to a given target depends upon how “we” are construed, how “they” are construed, and on the relationship that is put together between these two constructions. Contrary to much popular belief and academic misinterpretation, there is no inherent antipathy or antagonism between people who are different or even who are seen as belonging to different groups.26 Even where such antagonism is presented as a reflection of “ancient hatreds,” much rhetorical work goes into creating the conditions of exclusion, discrimination and violence.

The importance of analysing the nature of this work becomes all the more apparent if one accepts that, in the main, even the most appalling acts are rarely accepted as such by those who perpetrate them. Violence is generally legitimated as “self-defence” against the perceived aggression of the target27 and atrocity is generally represented as a noble and even virtuous act. Or, to put it the other way round, atrocity becomes more possible when the perpetrators can regard themselves as doing good. Indeed, perhaps one of the most chilling speeches of the twentieth century was delivered by Himmler to SS personnel in Poznan, Poland, on 4 October 1943: “Most of you must know what it means when one hundred corpses are lying side by side, or five hundred or a thousand. To have stuck it out and at the same time… to have remained decent fellows. This is a page of glory in our history.”28 How, then, can genocide be sanctioned as virtue?

The process can be analytically divided into three elements, although in practice they may be intertwined. First, and most importantly, the ingroup identity needs to be construed so as to exclude the outgroup. Perhaps the most dangerous form this takes is to define the national community (“the people”) in ethnic terms — or, as Mann29 puts it, to render the demos as ethnos. At this point, the minority are already excluded from the benefits of national inclusion, the rights and resources that stem from being a “national.” Moreover, to identify people as a distinct category raises a “minority question” for the majority. It does not in itself determine any particular course of action, but it does provide a space in

which extreme answers can be proposed. It furthermore allows the institutions of the nation and (where relevant) the State to be mobilized in order to implement any “solution.”

Second, the minority needs to be construed as a problem, or, more acutely, a threat for the ingroup. Much is often made of the dehumanization of outgroups, but when one looks more closely at the images used by genocidal regimes it becomes clear that outgroups are often portrayed both as subhuman and superhuman. In Hutu extremist propaganda, Tutsis were sometimes Inyenzi (cockroaches) and sometimes Inkotanyi (tough fighters). In Nazi propaganda, Jews were sometimes maggots and rats and sometimes all-knowing and all-powerful figures. It wasn’t just that they were animals, but that they were vermin: out of place, polluting, defiling. Nor was it just that they were powerful, but that they were conspiring against Germany. What these different images had in common was the danger and threat to the ingroup that the outgroup supposedly represented. Often the implied threat was one of physical annihilation, but often it was a symbolic annihilation: the destruction of ingroup identity and of a way of life based on ingroup norms and values. At this point a violent solution to “the minority question” is legitimated, since violence can be construed as self-defence.

Third, the ingroup needs to be construed as virtuous. This is, perhaps, the most under-appreciated aspect of the process. It is, however, addressed comprehensively in Koonz’s book ‘The Nazi Conscience’. She writes: “(a)lthough it may strain credulity to conceive of Adolf Hitler as a prophet of virtue, therein lay the secret of his immense popularity.” Hitler characterized the German Volk as an ethical community, as selflessly devoted to others, modest and abstemious in their tastes. He celebrated their humility, their purity, their cleanliness. He pledged himself to defend German “morality, customs, sense of justice, religion, etc.” Koonz emphasizes that in the years after 1933 Hitler repeatedly celebrated “the pillars of (German) national character,” but hardly ever mentioned the Jews. Some commentators thought this reflected a softening of his views, but here they missed the point entirely.

The key, but implicit, premise of all Hitler’s rhetoric was a celebration of Germany as an ethnic community. In this context, the virtuous content of group identity — solidarity, altruism, respect, love, devotion — leads to prosocial behaviour only towards those within this community. With regard to Jews, these norms did not translate directly into behaviour but rather worked through their impact on the significance of this outgroup for the ingroup. The more Germany was celebrated and the more the people became devoted to it, the more rage could be directed against those who threatened it. The more the Volk were seen to be good, the more evil enemy actions were perceived to be and

32 Ibid., p. 21.
the more virtuous it became to destroy the enemy. Hence Hitler’s rhetoric did not need to mention Jewish people explicitly. Instead it created the conditions under which it became unexceptional to propose the destruction of Jewry.

In effect Hitler and his propagandists “crafted a national morality play” in which the poor honest Volk were faced by a satanic alien and the hero was he who struck that alien down. That is how Himmler was able to describe members of the Gestapo as “men with human kindness, with human hearts, and absolute rightness.” They, alongside members of the SS, undertook those unpleasant but necessary tasks which everyone knew to be necessary but not everyone had the courage or discipline to carry through. This example synthesizes the various elements we have been describing. Once the exclusive ingroup is seen to be threatened by the excluded outgroup, then the more one emphasizes ingroup virtue, the more one removes limits to action against the outgroup. There is an important theoretical and practical point here. On the whole, work on discrimination in psychology and other disciplines has focused on representations of the outgroup. However, the explicit focus of “hate rhetoric” is frequently on who “we” are and this leaves implicit (but obvious) who is excluded. Equally, once it is evident who “they” are and that “they” endanger us, then a focus on ingroup vulnerability and ingroup virtue is sufficient to legitimate intergroup violence. Unlike the early observers of the Third Reich, we should not be fooled into thinking that those who do not denigrate outgroup members are necessarily any the less hateful towards them.

To underscore this point, we shall conclude this section with another example taken from a very different cultural context. On 27 February 2002 a train carrying Hindu activists caught fire as it passed through the town of Godhra in India and 59 passengers died. Hindu nationalist groups such as the Vishwa Hindu Parishad (VHP) claimed that the train had been attacked by Muslims and this led to a wave of anti-Muslim rioting in the province of Gujarat during which up to 1,000 people were killed. Pravin Togadia, one of the leaders of VHP, was one of those who, according to the Muslim Milli Gazette, justified this violence. Yet after having interviewed Togadia, the paper perceives “a silver lining in the darkness of hate” owing to the fact that he sees Indian Muslims and Hindus as sharing a common ancestry. Indeed, the report on the interview is entitled “We (Hindus and Muslims) are ethnically and culturally the same.” Yet this is to mistake similarity and a common past for common identity in the present. Even though these are frequently connected — and construals of ancestry are often a basis for constructing present identity — the connection is not a necessary one. In fact, Togadia uses historical similarity as a basis for casting Muslims as an inherently dangerous “other.”

Togadia bases his views on the claim that India is an inherently Hindu country and that originally the entire population was Hindu. He also claims

33 Ibid., p. 23.
34 Ibid., p. 228.
that Hinduism is an inherently tolerant and humane belief system. To his mind, Muslims are those who deliberately turned against this credo. They are the one thing worse than enemies — they are renegades. By their very nature they threaten the group by corroding it from the inside. Moreover, by turning against an inherently virtuous group they are inherently depraved.

In this way the ingroup value of tolerance serves to justify a policy of extreme intolerance. Destruction of Muslims is a necessary defence against evil. So Togadia crafts his own morality play by drawing upon local cultural resources, notably the stories of the god Rama. Thus he states that: “(w)hen the secularists selectively condemn the Gujarat violence, it seems that without Sita haran (Sita’s abduction) the Lanka dahan (Lanka’s burning) is imagined.” The reference is to the story of the good goddess Sita, who was abducted by the bad demon Ravana. Rama, Sita’s husband, destroyed Ravana, an event brought about by Ravana’s own actions and an act of purification. In the same way (Togadia implies) the massacre of Muslims was necessitated and justified by their own destructive nature as displayed at Godhra.

In sum, we must beware of taking descriptions of similarity and difference in the abstract, and the same goes for characterizations of the ingroup and outgroup. To repeat, what counts is how “we” and “they” are construed and the meaning of “them” for “us.” Hence a common past can invoke antagonism when it is used as an antecedent of opposition, and ingroup “tolerance” can invoke intolerance when it is supposedly threatened by the outgroup. As Koonz concludes: “(t)he potential for racial hatred lurks whenever political leaders appeal to the exalted virtue of their own ethnic community.”

Mobilizing solidarity

It is valid to study hate in its own right. But also, if we understand the conditions which create antagonism, we thereby understand what to do in order to avoid it or even invoke positive acts towards other people. If the starting point for entrepreneurs of hatred is to create an exclusive definition of the “moral” community, then it follows that entrepreneurs of solidarity need to define their communities more inclusively.

Consider the following study. Supporters of Manchester United football club are recruited for an experiment. In a first scenario, they are greeted in one building, their support for the team is stressed, and then they are told to go to another building in order to be tested. As they are on their way they see someone (actually an actor) fall over and hurt himself. This person is wearing either a Manchester United shirt, a rival team’s (Liverpool) shirt or an ordinary

T-shirt. In the first case, help is almost universal. In the other two cases people almost always just walk on by. A second scenario is identical to the first, apart from the fact that here the Manchester United fans are told they are taking part in a study on how football supporters in general are treated. This time, they go to the aid of the actor both when he is wearing a Manchester United shirt and a Liverpool shirt. They still pass by him when he is wearing an ordinary T-shirt.

Two conclusions can be drawn from this study. First, we are more likely to help people when they are ingroup members. Second, and more important perhaps, the nature of our ingroup categories can be defined differently, and the more inclusive the categories the wider the nature of our helping. Of course, for all its clarity this study concerns a rather trivial incident. So consider a second study. This involves British participants whose identity either as British or as European is stressed by the experimenters. They are then given information about natural disasters such as hurricanes and floods and told that they have occurred either elsewhere in Europe or in South America. How much help do participants give to victims in these different conditions? The results indicate that, when British identity is made salient, there is no difference in the level of support given to victims as a function of whether disasters are ascribed to Europe or South America. However, when European identity is made salient, more support is given in the European than in the South American case. What is more, the level of support given to European victims is greater when European identity as opposed to British identity is salient. So once again, using a more socially consequential example, people are helped more when they are ingroup members and therefore patterns of helping depend upon the boundaries of the currently salient identity.

Finally, let us turn from the experimental manipulation of social identities to the ways in which identities are actually used by those who seek to promote social solidarity. We have spent much time addressing the dark side of virtue, so it is appropriate to conclude by considering the brighter side of even the most terrible times. In amidst the horrors of the Holocaust there are some remarkable examples of rescue both on an individual level and, more consequentially and more relevant for us, on a collective level. Perhaps the most remarkable example of collective rescue is to be found in Bulgaria. Although Jewish people were sent to their deaths from annexed territories, not a single Jew was deported from ‘Old’ Bulgaria, and more Jews were living in the country at the end of the war than at the beginning. When, in 1940 and 1943,
measures were taken against the Jewish population, there were widespread counter-mobilizations which ultimately prevented genocide taking place.

Todorov describes these mobilizations and reproduces the documents which were used to instigate them. We have analysed the nature of the arguments that they contain. These take three forms. The first is “ingroup inclusion.” Jews are rarely described as such but rather referred to as part of the nation, a national minority. It is stressed that they are Bulgarian in their culture, their habits, even in the songs that children sing and the games they play. To quote from an open letter from the Bulgarian Writers Union to the Prime Minister and Chair of the National Assembly, the aim of repressive legislation “is to deprive a Bulgarian national minority of its civil rights... Our legislature must not approve a law that will enslave one part of Bulgaria’s citizens, and leave a black page in our modern history.”

A second set of arguments concerned “category norms,” and more specifically the notion that Bulgarians have “traditions of religious tolerance and humanity” (to quote again from the Writers Union) and are therefore inherently inclined to oppose oppression and protect the weak. It is striking how similar these claims are to Togadia’s claims about Hindus. Yet here Jews are included as ingroup members, rather than excluded and categorized as threats to the group. Hence the construction of the group as virtuous serves as protection rather than as a warrant for violence. Indeed Dimo Kazasov, in another open letter to the Prime Minister, argues that should they fail to help the Jews, the people: “will lose their moral and spiritual uniqueness, their Slavic essence, their Bulgarian face.”

The third set of arguments focuses directly on “category interests,” stating in particular that, were the country to sanction the deportation of the Jewish population, it would gain a negative reputation in the eyes of other countries and may forfeit benefits as a result. To quote from the Writers Union one last time, Bulgaria might “lose [its] place among the world’s free and civilized peoples.” Thus the threat to the group comes not from the Jews but from attacks against the Jews. Correspondingly the defence of the ingroup comes from defending and not attacking Jewish people.

Overall, what we see in the Bulgarian opposition to genocide are exactly the same elements as in the German sanction for genocide: definitions of category inclusion/exclusion, definitions of how the ingroup is threatened and how to defend it, and definitions of ingroup values and virtues. What matters, then is exactly how these elements are defined and configured. In the context of subgroup exclusion, imagined outgroup threat and ingroup virtue, a population can be mobilized to hate and to condone or even support hateful policies. However, in the context of subgroup inclusion, constructions of threat and virtue can operate in precisely the opposite direction and serve as powerful tools for those who wish to promote solidarity and rescue.

Conclusion: Grasping the tools of power

In this paper we have sought to demonstrate the importance of category constructions as the basis for effective mass communication and mass mobilization. This is not to suggest this is all there is to communication and mobilization. Clearly many other factors apply from the organization of the state to the histories and motivations of individuals. Nonetheless, we consider that the psychological basis of influence derives from the way in which texts invoke social identities. Thus, on the one hand, we argue that there are certain general psychological processes operating in all cases irrespective of what one is arguing for and whether one is promoting evil or good. What is critical, we suggest is how the meaning of events is aligned with the meaning of categories and how ‘they’ are said to impact on ‘us’.

On the other hand, we argue that the actual outcome of these processes — whether they lead to tolerance or intolerance - is anything but general. What counts is the precise content ascribed to category boundaries, category content, category prototypes and category relations in any given situation. Clearly, the ability to create convincing definitions depends upon context, upon the ability to draw upon widely disseminated cultural understandings and hence upon both profound local knowledge and rhetorical skill. For all their claims to follow Le Bon, Mussolini and Hitler were particularly adept in these matters.44 Mussolini drew on shared visions of the glorious Roman past (romanita) in order to construct his fascist Italy, just as Hitler drew on a popularized version of German romanticism — notably concepts of strong leadership (Fuhrerprinzip) over an ethnic community (Volksgemeinschaft) — in popularizing Nazi ideology. Neither leader built his ideas from scratch, nor were those ideas an epiphenomenal reflection of something that already existed. Both skilfully crafted a Manichean vision of the world out of the resources they had to hand. Both were brilliant entrepreneurs of identity.

The difference between entrepreneurs of hate and entrepreneurs of solidarity is not only a matter of the constructions they use, but also of the way they authorize these constructions45. A distinction can be made between democratic discourse, which makes explicit the grounds on which proposals are linked to identities and hence opens up space for debate and alternatives, and autocratic discourse which takes the link for granted and hence rules out debate. At the extreme, the speaker portrays him or (much more rarely) herself as not just a representative of the category (amongst others) but rather as the living embodiment of the category — an avatar of the collective essence. The closing peroration by Rudolf Hess to the 1934 Nuremburg rally, where he asserted that ‘Hitler is Germany just as Germany is Hitler’ is but one example of this. In such cases anything the speaker says is, by definition, an expression of group identity

and anyone who opposes the speaker is, by definition, attacking the category. Discussion becomes treachery, autocracy is thereby guaranteed.

There is, perhaps, a third difference between the advocates of intolerance and the champions of tolerance — albeit of a rather different sort. On examination, many of the various dictatorial and genocidal regimes of our era seem to have a powerful understanding of how to use identity in order to support their pernicious projects. They know how to build up their constituency, how to enrage them and direct their rage against specified targets. Likewise, they know how to destroy the collective resistance of their targets by so shaming them that they cannot join together to fight back. In short, the entrepreneurs of hatred have fully grasped the psychological tools of power and know how to use them. But is the same true of those who wish to defend and support the weak and vulnerable? Do we make full use of the tools which promote social solidarity? Are we effective entrepreneurs of solidarity? Because if we do not address the question of category construction and how to use it for good, we thereby allow evil to triumph.
In response to criticism of media coverage of the 1991 Gulf war, the editor-in-chief of a major regional newspaper in Germany replied laconically: “We didn't do very much worse than usual.” This statement ranges from resignation to complacency, and says a lot about the gap between the idea and the reality of war coverage. Some journalists — such as the said editor-in-chief — regard aspiring to the truth as a losing battle anyway. The public take a different view.

### Credibility crisis of war coverage

To the mind of many observers, the 1991 Gulf war coverage in Germany plunged the media into a severe credibility crisis because of numerous cases of misinformation and an uncritical handling of information sources. The equally uncritical reporting on the war in Kosovo deepened that crisis and showed the lack of learning aptitude in the media. Media in other countries had also come in for severe criticism of their war coverage even before the 2003 Iraq war, but German observers were particularly fast and outspoken in their adverse
comments on the media performance. Germany thus provides a good example of how the problem is perceived.

Several studies on German coverage of the Kosovo war\(^5\) accused the media of having published statements and partly systematic misinformation by political players and military forces without careful prior examination. Criticism also focused on neglect of the controversial issue of the war’s legitimacy. My own content analysis of editorials in German quality newspapers confirmed the absence of a debate on the legitimacy and political appropriateness of the military mission.\(^6\) The opinions voiced did not vary widely and thus mirrored the broad parliamentary consensus in approving the war. Alternative perceptions questioning the assumed unavoidability of the mission were hardly expressed. In their discourse the media concentrated on the strategic aspects of war, and failed to raise questions of legitimacy and the negative consequences of the military intervention.

**Lessons learned in the 2003 Iraq war and their limitations**

After yet another Gulf war — the region was also the scene of the 1980-1988 Iran-Iraq war — German war coverage has changed. Although establishment of the truth remains a constant challenge, this dilemma is now likely to be made known along with the reporting. Addressing working conditions, censorship and potential interests behind some information endows war coverage with renewed credibility, while calling information into question has become a major part of that coverage.\(^7\)

During a panel discussion with senior representatives of the German quality media that took place in the first few days of the Iraq war, the participants proved to be highly pleased with their own performance. They were all convinced of having dealt critically with information in an extraordinary manner, and

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4 See the Special Issue of the *European Journal of Communication*, (3) 2000.
5 See e.g. Ulrich Albrecht/Jörg Becker, *op. cit* (note 3).
of having adequately warned the public that no firm findings were available. Complacency prevailed all over the place. The sigh of relief could almost be heard, insofar as this time the coverage had withstood closer scrutiny. Thus the extensive failure of coverage both of the 1991 Gulf war and in particular of the war in Kosovo had been made good. The media had apparently learned to expound the problems of information and its sources at length. In the event of doubt they offered two versions of the truth, not without mentioning the interests behind it.

In their self-conscious attempt to do better in covering the Iraq war, the media also focused on themselves. In addition to (and partly instead of) their reports on actual warfare, the media reported on their working conditions, their scepticism about certain information sources and the difficulty of getting correct information. So among other things we have to deal with media introspection on an unprecedented scale during the Iraq war. Indeed, a survey on TV coverage reveals that eleven per cent of the reports do not deal with the actual warfare or its collateral damages, but are centred on the role of the media and propaganda.

Moreover, the same survey underscored a number of favourable developments in the quality of war coverage. After all, when speaking about the learning aptitude of the media the quality of coverage is the decisive factor. Thus a multitude of information sources, including both the warring parties and the bordering States, were used in the coverage of the Iraq war. In contrast, during the 1991 Gulf war CNN was the predominant source. This shows that the media suspected some sources to be mouthpieces of propaganda and were anxious in each case to neutralize this biased information. Almost every tenth report addressed the credibility of the source. Considering that a great deal of the coverage contains statements about speculation and uncertainties, it is clear that a fundamental change has taken place. For instance, eighty per cent of the comments by anchorwoman Anne Will were assumptions and speculation about underlying factors. Contrary to popular ideas, that is by no means an indication of poor journalism. This outspoken scepticism about information sources signifies above all a new quality of war journalism.

Another difference needs to be pointed out when comparing German coverage of the war in Kosovo and the Iraq war. Whereas the media had basically supported the Kosovo war, they turned out to be very critical of the Iraq war, and in the German media system its legitimacy was widely doubted. The media even lapsed into a moralizing tone. Their special attention was centred on victims among the civil population. The proportion of dead civilians announced by the German TV channel ARD was approximately twice as high as that announced by the American programme ABC. Advocates of war blamed the ARD for being naively blind to the repression within the Iraqi regime.

10 Andrea Szukala, op. cit. (note 8), p. 25.
11 Ibid., p. 29.
This new critical attitude of the German media cannot, however, be attributed to a sudden spread of pacifism in Germany. Instead it reflects a mechanism referred to as the “indexing theory.” This theory postulates that the autonomy of the media is restricted, and that media coverage of wars matches the distribution of opinions in parliament. If a parliament is unanimously in support of a war — as was the case of the war in Kosovo — the media will also support it. Critical voices will not be raised if there is a consensus, and typical cleavages between left and right wing media disappear. If conversely, a parliament at least partly votes against a war — as in the case of the Iraq war — the media will also express critical views. Thus parliamentary consensus is reflected in media opinion, and the media system consequently lacks its most important basis for acting as monitor and critic.

Strategies of information control

Although the media might lack autonomy and tend to follow parliamentary consensus, warring parties cannot rely on an automatically supportive media attitude. It goes without saying that they constantly develop new information control strategies to ensure that the media do not counteract their views. For warring parties the public perception of the objectives of war and the actual warfare, i.e. public opinion on the war itself, is an existential resource of modern warfare. Nowadays wars cannot be waged without public support. The less the United States relied on the compliance of its allies during the Iraq intervention, the more it endeavoured to convince its own public of the need for that war.

In doing so, media coverage plays a decisive role. Not only is public opinion expressed in the media, it is also produced and regulated through the media. By keeping media coverage under control, it is possible to sway the general public towards affirmation or rejection of the war.

The US withdrawal from Vietnam had been attributed to far too lax media coverage by military circles. The images of civilian victims, of the inhumanity of warfare and of US casualties had been blamed for the fact that the American public deprived the government of their backing for the war. This reasoning cannot be verified scientifically, but it led to a very creative handling of new forms of censorship by the military.

14 Andrea Szukala, *op. cit.* (note 8).
Just recently, a major shift could be observed in the US strategy for wartime communication. Military-based “information operations” have replaced the better known foreign policy measures of “public diplomacy.” The US army has started to consider information as a discrete military feature, now that various military conflicts have shown that military superiority can no longer be converted outright into political superiority. The so-called information doctrine of 1998 finally made information a foremost priority of all military actions. Under the generic term “information operations” military and media instruments were merged.

The high-tech concept of electronic warfare now also includes information security, public relations and perception control as well as instruments of public diplomacy. The idea is to modify perceptions among elites, soldiers and civilians and get them to understand that war is fought in people’s minds rather than on the battleground. Information is now supposed to preserve other military resources.

The resulting military management of information is concerned either with domestic or foreign stakeholders in politics or society or with the warring parties involved. The most important objectives are legitimisation, deterrence and camouflage. To achieve these objectives various approaches are adopted: besides securing one’s own chain of information and commands, the regulation and selection of flows of information are reckoned to be decisive for military superiority during war and in times of peace. Disruption of the opposing side’s information processes through information overload is considered just as essential as systematic deception and force multiplication through communication. Mass media are utilized for all these strategies: embedded journalists, the planning and implementation of media campaigns on military issues and the building of military TV stations are only a few examples of such use.

The new strategies have proved successful, at least in the short run. During the 2003 Iraq war, for example, the US army took only one tenth of the number of prisoners it took in the 1991 Gulf war — as this time many Iraqi soldiers refrained from joining in the hostilities. Szukala also shows, however, that the successful regulation of intensified and systematized media relations gives rise, at least in the long run, to the problem of a “growing credibility gap.”

The strategy of embedded journalism

The method of “embedding” journalists in the allies’ military units is one of the US government’s new strategies to control information. This strategy had already attracted considerable attention in advance. It replaced the “pool system,” adopted

18 Ibid.
since the Vietnam war but mainly during the 1991 Gulf war, in which journalists had been grouped and headed by the military, media coverage was censored and no access was given to the actual fighting. In accordance with the embedding strategy, on the other hand, journalists are right on the spot with the troops and can report in a relatively unrestricted manner.\(^{19}\)

This new form of journalism only became possible thanks to the new digital transfer mode systems which allow real-time broadcasting of war reports. The military’s calculated intention was to enhance the reporters’ credibility by enabling them to be at the scene of hostilities themselves, and simultaneously to reinforce the deterrence of modern American arms and the impression of the army’s invulnerability. Images taken by the embedded journalists were rife with weapons. The very presence of civilian journalists testified to the army’s invulnerability. To be among the ranks was thus a safe place.

The embedding strategy has generated a great deal of criticism, especially among journalists themselves. It can be demonstrated, however, that the critical stance depends either on actual involvement in the hostilities or on the degree of support for the US forces in the Gulf war.\(^{20}\) A study of German and US print media coverage shows that the German media’s assessment of the strategy of embedded journalism was more critical, and that the closer a particular media outlet is to the left wing of the political spectrum, the more critical the presentation of embedding becomes. This reveals the strong national and political bias of war coverage, even when not reporting on the events but only addressing the role of the media in that coverage.

Meanwhile the US military are no longer all that satisfied with the new strategy. All too often the public heard about supply bottlenecks and hyped-up divisions. Initially US journalists were absolutely in favour of embedding, glad that the restricted information policy of the Afghanistan war had ended. Later on, doubts were expressed as to possible effects of solidarity and thus impacts on coverage, as well as a belittlement of war through this kind of “militainment.”

Information through Arab satellite TV stations

The increased attention to recent US information operations is paralleled by close observation of the Arab satellite TV station al-Jazeera. Its far-reaching presence during the Iraq war also raised scientific interest in general conditions of media production in the Arab world.

The emergence of internationally influential and somewhat politically independent satellite television channels in the Arab world has led to a structural change in the global trade with screen news, which had previously been

\(^{19}\) Andrea Szukula, *op. cit.* (note 8).

largely monopolized by Reuters, the BBC, AP and CNN. Hahn reasons that a “trend towards extreme politicization, polarization, personalization and emotionalization” can be observed, especially at al-Jazeera, along with a cultural, i.e. pro-Arab, bias.21 In this respect, however, the Arab channels do not differ from their American counterparts CNN and FOX News. Their programmes, too, are imbued with a mixture of journalism and patriotism — merely from the opposite standpoint.

As an analysis of their history and structure shows, the satellite channels of the Middle East are frontier runners between journalistic cultures. On the one hand, they follow ideals of objectivity of the Anglo-American tradition of journalism. Al-Jazeera even responded to western criticism of its media coverage by decreeing an ethics code. For the channel’s lack of intention to commit itself explicitly to the pan-Arab cause, it is not admitted to the Arab States Broadcasting Union (ASBU). Nor can the remaining TV stations simply be identified with the traditions of the regionally common national broadcasting service. On the other hand, all TV stations there — in spite of their legal independence — are still largely dependent economically on the respective head of State or informal powers-that-be. Moreover, at al-Jazeera and Abu-Dhabi TV the heads of State act as founder members. Hence the rarity of reports by those channels on internal affairs of their home countries.

The new Arab satellite TV stations might be expected to offer a wider variety of views from the Middle East and sources of conflict coverage. Yet they only slightly enhance the analytical quality of media coverage — though also because western TV stations often only take over images out of context. The effects of those Arab TV channels are predominantly seen in terms of their reception by the media in other parts of the world, and primarily in industrialized countries. In contrast, the driving force of al-Jazeera or similar stations in the process of democratization and secularization in that region is, in the medium term, marginal at most.

Effects of media war coverage

Despite considerable knowledge about the general quality of war coverage and the particular political or national bias of some media outlets, and although the information policy of warring parties and related media systems has recently attracted some attention, hardly anything is known about the potential effects of war coverage, i.e. the effects on the public or media audience, and those on the political system.

The influence of war coverage on the broader public can be seen in the “rally-around-the-flag effect.” Several studies show that in wartime leading

political and military executives gain in popularity and public confidence, an effect attributed to the supportive media coverage at those times. However, this public support does not continue in the long run, but declines to the pre-war level after a few months.\textsuperscript{22}

As for the effects of war coverage on the political system, the most prominent is probably the so-called “CNN effect.” This term means the focusing of attention not only by the US news channel but by the media in general. It was originally used merely in relation to humanitarian disasters, but nowadays almost every potential influence emanating from war coverage is subsumed under that same term.\textsuperscript{23} This comprehensiveness and the assumption of a direct media impact on politics are highly controversial. Critics do indeed concede to the media an important role in the process of war, but limit that role to humanitarian concerns. The media hence do not yet have the power to end a state of war.\textsuperscript{24}

A current differentiation includes three more effects of war coverage which can be identified in almost every kind of international crisis:\textsuperscript{25} the acceleration of decision-making within the political system, which is accomplished through global and simultaneous media coverage; the prevention or difficulty of achieving policy goals, due for instance to the effects of emotional media coverage on public opinion or the disclosure of arcane military operations; and, eventually, an agenda-building process within the political decision-making system. Exponents of this concept discover a reflection of the news contents in the political agenda.

Although this short review shows that there are already some interesting findings on media effects in wars, research into and analysis of the impact of the media on war-related politics have only just begun.\textsuperscript{26} With the steadily growing significance of the media themselves as helpful instruments to the various protagonists, however, the media coverage of war and the impact of that coverage are attracting increasing attention among communication scholars. Further insights into the role of the media in wars might therefore be expected. Yet much still remains to be done before their role in modern wars can be better understood. A major problem is the lack of a joint theoretical “umbrella” in research tradition that would allow the divergent approaches in different fields of research within the social sciences and the diverse case studies to be merged.

\textsuperscript{25} Steven Livingston, \textit{op. cit.} (note 23).
Standards for war coverage and the role of the media

Even though our picture of war coverage and the role of the media in modern wars is far from complete, it should be clear that a decisive role in the evaluation of war coverage is played by standards the media are expected to meet. What are in fact the inherent functions of war coverage? What standards should be set for sound media coverage, and can the media be expected to make a contribution to peace? According to democratic theory, even in wartime the media ought to enable the citizens to politically evaluate war, its justification or legitimacy and its consequences, hence make it subject to democratic control. Comprehensive and correct information as well as independent and neutral media coverage are the preconditions for democratic governance, even in time of war. Only when the whole range of available information and ideas are processed, and when the discourse then also expounds problems and draws attention to factors that might diminish or preclude legitimacy, can public policy preferences — upon which democratic decisions are based — be informed, enlightened and authentic.

Going beyond these common professional standards, two particular functions are important but frequently forgotten. In the complexity of modern wars, information based on facts does not give the public sufficient insight. The media are therefore expected to interpret and assess the events at length. In that way they can convey meaning and relevance to the tangle of perpetually new shreds of information provided by simultaneous journalism, and can thus help to orientate the public.

Another rather plain task, which is nonetheless extremely important, is drawing public attention to a war. Only if media attention concentrates on grievous events such as war does the pressure on politics to take action increase. Considering that many wars are below the media public’s threshold of attention, only few and minor political initiatives are otherwise to be expected. It goes without saying that the media are not able to deal with all wars at the same time. However, there should be an awareness of the enormous responsibility this selectivity entails.

In many cases the media are expected to contribute to peacemaking, either almost automatically through their routine coverage or consciously as a more or less influential element committed to restoring peace. There is no agreement in scientific debate as to whether a sheer reproduction of reality in every detail is in itself conducive to peace, or whether only active urging for change can be recognized as a contribution to peace, as some supporters of peace journalism claim — or indeed whether such a partisanship by the media, even in terms of peace or other universal values, is desirable at all. The question whether or not the media should actively campaign for peace or act as a neutral chronicler of events is all the more difficult to answer, as two universal values are often mutually incompatible. With regard to the latest Iraq war those values have been, for instance, human rights and peace. The journalistic self-image — even of war correspondents — is geared more to the role model of the neutral mediator than to that of an advocate of peace journalism.
As to the media’s peace-making potential, even compliance with professional standards of media coverage can be seen as a substantial contribution within the limit of an independent media role as warning institutions. In that compliance, the commandment of plurality takes centre stage. It is precisely the consideration of manifold views that provides a basis for peace-making and peace-keeping. The 1978 UNESCO Declaration on the role of the media states that: “The strengthening of peace and international understanding, the promotion of human rights and the countering of racialism, apartheid and incitement to war demand a free flow and a wider and better balanced dissemination of information. To this end, the mass media have a leading contribution to make. This contribution will be the more effective to the extent that the information reflects the different aspects of the subject dealt with.” To make that contribution it seems that the main task of the media in wartime is to represent and to publish all points of view. This simple requirement in itself poses a real challenge in the environment of war.
War and media: Constancy and convulsion

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Abstract

To consider the relationship between war and the media is to look at the way in which the media are involved in conflict, either as targets (war on the media) or as an auxiliary (war thanks to the media). On the basis of this distinction, four major developments may be cited that today combine to make war above all a media spectacle: photography, which opened the door to manipulation through stage-management; live technologies, which raise the question of journalists’ critical distance vis-à-vis the material they broadcast and which can facilitate the process of using them; pressure on the media and media globalization, which have led to a change in the way the political and military authorities go about making propaganda; and, finally, the fact that censorship has increasingly come into disrepute, which has prompted the authorities to think of novel ways of controlling journalists.

The military has long integrated into its operational planning the principles of the information society and of a world wrapped into a tight network of information media. Controlling the way war is represented has acquired the same strategic importance as the ability to disrupt the enemies’ communications. The “rescue” of Private Jessica Lynch, which was filmed by the US Army on 1 April 2003, is a textbook example, even if the lies surrounding Private Lynch’s

* This contribution is an adapted version of the article “Guerre et médias: permanences et mutations”, Raisons politiques, N° 13, février 2004, pp. 97-109.
wounds, her resistance at the time of capture and the true dangers associated with the rescue mission have since been revealed.²

Military propaganda has long existed, but recently the use of the media in war has grown in importance and operational sophistication. Special units have been set up to think through the problems involved in producing information before and during operations and following victory. This is deemed necessary especially at a time when our democratic societies view total censorship as unacceptable and more politically harmful than militarily beneficial.

An effort should therefore be made to identify what has changed and what has remained the same in wartime media management, with due consideration for both dimensions of the relationship that today brings together war and the media, military personnel and journalists. The fact that the use of force involves going to war against the media does not mean that war is not waged thanks to the media either by means of direct propaganda or by controlling their output.³ A brief analysis of the way in which this relationship has evolved makes it possible to better understand the recent war in Iraq and to place it into perspective.

Waging war on the media, waging war through the media

In wartime, the civilian and military authorities can easily find intolerable the concept of a free press assigning independent journalists to seek information or images that they would prefer to suppress. War correspondents with a mission to verify their information at source first appeared in the mid-nineteenth century⁴ and soon caught the public eye. One famous example is William H. Russell, who covered the Crimean War (1854-55) and later the American Civil War for The Times of London. Whether to ensure success on the battlefield or to keep up morale among the troops or among civilians, governments very quickly imposed radical censorship on journalists. During the First World War, the war ministries assigned officials to the various newspapers as a means of keeping reporting under strict control. In the field, journalists were kept away from the

2 On 2 April, the Associated Press quoted an anonymous official to the effect that Private Lynch had been shot and The New York Times reported that she had been “shot multiple times.” On 3 April, The Washington Post put the story on its front page and wrote, likewise quoting anonymous officials, that she had been “fighting to the death” and that “she did not want to be taken alive.” Other stories followed. Some journalists went so far as to claim that she had been raped, though Lynch herself said that she had no memory of such an incident. To this day the media and the public continue to believe in and perpetuate the myth of Private Lynch, with books and television drama taking up where the news outlets left off. See <http://www.journalism.org/resources/research/reports/war/postwar/lynch.asp> (last visited on 17 January 2006).
operations themselves. The view on both sides of the conflict was that the press should be in the service of State propaganda — texts were censored and journalists intimidated. And this is still the case in many countries. Journalists are banned from the theatre of operations — as in Chechnya — and murdered if they defy the prohibition. They also pay with their lives in places like Algeria and Sierra Leone for revealing acts of particular savagery. Freedom of the press and the public’s right to know have yet to be achieved in wartime.

What is more, destroying the enemy’s media has become an avowed military aim. The Serbs shelled Sarajevo’s free newspaper Oslobodjenje on several occasions and among the non-lethal weapons today in Western arsenals are electromagnetic devices capable of jamming not only military transmissions but civilian radio and television. This was done both in Belgrade and in Baghdad in 2003. Iraqi television facilities were ultimately bombed. The Americans killed a Spanish journalist on 8 April 2003 by firing on Baghdad’s Palestine Hotel, where most independent journalists in Iraq were staying. Baghdad-based journalists reported that the firing was deliberate, even if it is conceivable that the building was hit by mistake in the heat of battle. Deliberate firing was also reported when the premises of Al-Jazeera and Abu Dhabi TV were hit. These incidents were described as intended to intimidate and punish journalists who dared criticize the US invasion.

Whether by bringing independent news sources to heel before they can divulge unpalatable facts or setting up their own media-relations units, States at war have learned to use journalism for their own purposes. Propaganda, brainwashing and more insidious means of persuasion are present in all armed conflicts and the media are considered necessary in every phase of conflict. Before the bullets fly, the media serve to convince and mobilize; during the hostilities they help conceal, intoxicate and galvanize; and afterwards they help legitimize what has happened, to shape perceptions of the victory and to silence any criticism.

During Rwanda’s civil war, Radio-télévision libre des Mille Collines served as an excellent vehicle for mobilization. Following in the footsteps of a racist and inflammatory written press, this radio station waged a systematic campaign of incitement to racial hatred that was beamed over the transmitters of Rwandan government radio. A well-oiled propaganda machine, Radio des Mille Collines prepared the large-scale massacre of Tutsis and moderate Hutus well in advance. It aggravated existing tensions and called on people to stand ready, then to take up arms, and when the time came for genocide it coordinated the work of the killers, informing them for example of common graves that had been dug but not yet filled and urging them not to spare children, broadcasting arguments day after day to justify the bloodshed and congratulating the butchers on the results so far achieved. On 2 July 1994, one of the station’s star announcers made the following declaration: “Friends, we can be proud! They have been exterminated. My friends, let us rejoice.

\[5 \text{ This led, in the case of France, to the founding by anarchists in 1915 of Le Canard enchaîné, a satirical weekly that is the bane of dishonest politicians to this day.} \]
God is just!” The premeditated genocide carried out by extremist Hutus was abetted by what Africa expert Jean-Pierre Chrétien has called the “powerful and well-structured propaganda that guided this ‘public anger’ from beginning to end.” In a 1992 report for the UN, Tadeusz Mazowiecki also condemned “the negative role of the media in the former Yugoslavia, which puts out false and inflammatory information and stirs up the climate of hatred and mutual prejudice that fuels the conflict in Bosnia and Herzegovina.” In an interview, he pursued: “The media encouraged hatred, through stereotypes, negative ones, of course, when speaking of the other side. That is how all the Croats became Ustashi and the Serbs Chetniks. This was done daily. Only the crimes committed by the other side were mentioned. The media in Serbia talked a lot about an alleged international conspiracy against Serbs, the Croatian media are obsessed with the syndrome of national unity and a need to oppose the enemy. When I say this, then I am thinking literally of the local press which encouraged hatred of fellow citizens of different nationalities or was directly responsible for ethnic cleansing.” In a less violently propagandistic manner, images that shock and arouse compassion for the purpose of attracting public support can be useful, as we saw when television screens around the world filled with columns of refugees from Kosovo, thus serving NATO as legitimization for a bombing campaign committed with no UN mandate in 1999.

Regarding disinformation, two well-known cases of the media being used to conceal the deliberate intention to send information to the enemy are worthy of note. In 1941, Goebbels wished to distract observers from his preparations to invade Russia, by persuading them that his priority was invading Britain. Airborne troops had just landed on Crete. On 13 June, Goebbels had the Völkischer Beobachter publish an article entitled “The example of Crete,” which pointed out the possible operational similarities with a cross-Channel invasion. Two hours after the issue hit the newsstands the Gestapo was ordered to withdraw it from sale as a means of simulating a panicked response to the realization that a major error in information management had been committed. The move was sufficiently unsubtle for there to be no possibility of it going unnoticed by foreign correspondents and spies. In 1991 the US military shared with journalists its plans for a landing by sea at Kuwait City. The Iraqi army immediately began massing troops there. However, the move was intended to distract attention from the Americans’ real plans, which were to encircle Kuwait and the Iraqi troops by directly entering Iraqi territory — the famous Daguet operation.

Regarding justification, the servility of the Russian media deserves attention. Under strong pressure, it is true, they relayed the Kremlin’s triumphalist

declarations of success in the “struggle against terrorism” in Chechnya. Generally speaking, journalists tend to yield to the call of patriotism, as demonstrated by Fox News in 2003. Any and all criticism of the US intervention from other journalists or from the public either during or after the war was immediately categorized by the network as treason. The most radical expression of this editorial stance was the network’s claim that those who questioned the grounds cited by George W. Bush were obviously supporters of Osama bin Laden. Responding in September 2003 to remarks by a CNN journalist critical of the Bush administration’s pressure to toe the line, Fox News spokeswoman Irena Briganti stated that “given the choice, it’s better to be viewed as a foot soldier for Bush than a spokeswoman for Al Qaeda.”

Free press or propaganda machine?

Each conflict since the advent of war correspondents has seen innovations in the realm of media coverage: mobilizing an entire nation by means of a censured press (First World War), radio and cinema used as a means of mass propaganda and mobilization (Second World War), more mobile filming equipment and an increase in the number of international journalists sent to the combat zone (Vietnam War), live satellite links and the appearance of the CNN worldwide non-stop news network (1991 Gulf War), and a globalized media scene, with several competing non-stop news channels representing opposing views on the issues (latest wars in Afghanistan and Iraq). The growth of this media landscape, marked as it was by four major developments in the twentieth century, is rife with consequences for public perceptions of the reality of what happens in war and for the legitimacy of certain acts of war.

Manipulating images

The first development was the advent of photography, which prompted the military to consider fakery and think about what may be shown and what not, all with a view to preventing the appearance of any undesirable image. Totalitarian regimes were the first to grasp the advantages presented by moving pictures in terms of promoting ideals and conditioning the masses. There are many ways to manipulate a photograph or a length of film footage, images that have the automatic advantage of the viewer feeling that “seeing is believing.” You can use the images’ aestheticizing qualities to galvanize the viewer, to dress up reality. You can portray fiction as reality, making it look like a documentary. A notorious case was the film shot at the Theresienstadt concentration camp in the summer of 1944. Its lengthy title was “Beautiful Theresienstadt - the Führer gives the Jews a city.” Recently incarcerated Jews were the actors in this portrayal of an ideal internment camp: a Jewish library, orchestras, garden, playfield, etc.

The film’s purpose was to silence rumors that were even then spreading about extermination camps and to defend a Nazi regime under increasing military pressure.

Endeavoring to euphemize violence, Western military forces have, since Vietnam, been seeking to control news images by preventing the showing of dead people, including the enemy. The thrust of the recent media-management effort in wars is to show that war not only does not harm many civilians, but does not kill and injure many of the enemy either. During the 1991 Gulf War the violence was not so much concealed as it was disguised, and even aestheticized and turned into television entertainment dressed up as television news. The only images of destruction to be broadcast were film taken from Allied aircraft firing missiles with pinpoint accuracy at “strategic objectives” (bridges, factories, military bases, airports), i.e. where there could reasonably be considered to be no civilians. When civilians were hit, military spokesmen apologized and referred to them as “collateral damage.” The images provided by the US military made war appear as a simple exercise in the mastery of “smart” and “clean” weapons, that is, weapons designed to spare the civilian population.

Journalists were fascinated by these images. “The aerial footage of laser-guided bombing by the US air force is extraordinary,” gushed French television’s Michèle Cotta (TF1), while her colleague Jean-Pierre Pernaut (TF1) enthused that the images were “absolutely a-ma-zing!” And the media channeled to its viewers the impression sought by the Pentagon of bloodless warfare. Lengthy reports were aired about the thousands of burnt-out wrecks of vehicles of all kinds that littered the Kuwait-Baghdad highway just after liberation. These images were exceptionally violent, yet conveyed the impression that somehow little human carnage had accompanied the vehicles’ destruction. No bodies were left since the military had allowed journalists access to the scene only after ‘cleaning’ it first. A further step down this path was taken in September 2003 when it was decided to prohibit journalists from filming the coffins of dead Americans returning from Iraq.

The impact of new technologies

The second major development was satellite communications, which have raised the issue of the extent to which journalists should step back from the story and report dispassionately. The profession’s ethic was long dominated by the idea that the closer to the events a piece of information is obtained and the faster it finds its way onto the newspaper page or the television screen — with no risk of manipulation or of new events altering interpretations — the greater the

chances of that story reflecting reality and helping the public to understand the situation. The resulting time pressure has affected all branches of journalism and the media have always invested a great deal in live-transmission technology (telegraph, telephone, satellite links). The 1991 Gulf War was a model of virtually non-stop live coverage thanks to the satellite technology that freed journalists of any dependence on local telephone companies.

But it was equally apparent that when the medium overtakes the message, as it were, the time needed to cross-check information — that vital aspect of the process — disappears. In this case, live-communication technologies do not improve the quality of the information imparted. If a journalist has not been able to see anything, speaking to him live simply because his company possesses the technical means to do so is of no use. In the last war in Iraq, journalists were repeatedly put on air when they had nothing to say apart from hearsay. A live link enables the viewer to experience television news with greater intensity. He sees episodes of life amidst the fighting in real time, but often to the detriment of a critical distance that would otherwise afford him a broader vision of the war and what it is really about.

The impact of globalization

The third development emerges clearly when one considers that media history is the history of a growing and diverse array of information sources. On the ground this results in pressure exacerbated by ever more numerous journalists and by competition between the various media and between networks. The increasing globalization of information renders impossible the tactic of serving up one version of the facts for the nation and another for the outside world. In 1999 the Pentagon’s civilian spokesman Kenneth Bacon acknowledged that NATO was being less than precise in its public statements to the press because the Serbs had instant access to that information.

In such situations the authorities may decide to show the bodies of the enemy in order to promote the impression in the public mind that victory is within grasp, though this involves the risk of shocking people and galvanizing the adversary’s population and supporters, as was the case with Vietnam. Or they may decide to allow few images of destruction and enemy dead, or none at all, though this involves the risk that the public may then question how well the operation is progressing and worry about getting bogged down, as was the case with Iraq in 2003. The system of embedding journalists was doubtless designed to head off the possibility that Arab media could supply the Western networks with images beyond the control of the US military. That is probably why spectacular footage has become a favourite of those who supply information to the media. Imprisoned in his authoritarian concept of wartime information, the Iraqi information minister demonstrated with his absurd pronouncements that old-style propaganda no longer made sense in an age where satellite networks

were broadcasting images that immediately contradicted the propaganda line. Incantations of victory are no longer sufficient. What is required nowadays are spectacular and finely worked images serving as the basis for the sophisticated telling of untruths about war.

From State censorship to self-censorship

The fourth development is the fact that heavy-handed censorship is increasingly unacceptable. The method today is trickery, preventing without actually prohibiting, and appealing to journalists’ sense of responsibility: in other words self-censorship. If the armed forces accept the presence of journalists, it is so the former can better oversee the latter’s activities. The handling of journalists in the field has become considerably more sophisticated among senior officers. The relative freedom of journalists to write what they want has gradually been accepted because of this oversight. Now — instead of having overt military censorship, as was the case during the two World Wars and in the Algerian war of independence, when a censor was sometimes actually assigned to sit in the editorial offices of newspapers — the authorities choose to accept the presence of journalists in the field but on the authorities’ terms.

But in Vietnam the Americans were hoisted by their own petard. From the outset they refused to impose censorship, which would have been considered unacceptable — since the United States was not officially at war — and would have attracted media suspicion. Journalists nevertheless had to be officially accredited and a veritable information ministry — the Joint United States Public Affairs Office — was set up. Its job was to provide the press with official information by means of daily press conferences, something that has since become standard in every conflict. In many respects, war journalism is a matter of press releases and conferences. In Vietnam, most of the information about war came from press conferences and the military made things easier for the journalists by providing telex, telephones and special flights. Instructions were issued to commanders to greet and transport properly accredited journalists. The information published had to comply with a few rules laid down by the military but these posed no problem for the journalists.

Nevertheless, the American correspondents were there to talk about the life of the GI. The conflict itself and the plight of the Vietnamese were of little interest to them, especially as fighting communism seemed a legitimate undertaking. And by focusing their reporting on what was happening to the “grunts,” they gradually deepened the impression that the war made no sense. The number of disillusioned commentaries and shocking images of physical and psychological damage began to rise sharply just when US public opinion began to change. When the war ended, the Pentagon was convinced that it had been the unbearable television images that had, more than anything else, turned the public against the war.

As a result, it was decided that in the future, journalists would not be allowed into the field, at least in the initial phase of conflict. A blackout was imposed during the US intervention in Grenada in 1983. The British military had already taken this measure in the Falklands war the previous year.

The 1991 Gulf War marked a major change. The “pool” system was introduced in response to criticisms in the US press, which cited the first amendment of the US constitution to obtain better access to information. Under this system, journalists were formed into small groups that were allowed access to the front from time to time and then shared the information gathered with their colleagues left behind. This approach was taken on the pretext of ensuring the journalists’ safety and preventing the information-gathering from hindering the operation under way. However, its implicit purpose was to limit the journalists’ access to the front as far as possible. The result was a war presented in the media as if no material damage was being done or blood spilled, in which the main images broadcast were those made by the US military, filmed by automatic cameras that were mounted in warplanes and recorded the impact of air-to-ground missiles. The entire conflict was presented in terms that were irrefutable because they were unverifiable on the ground. Those terms were “surgical strikes” and “smart weapons” and, to describe dead civilians, “collateral damage.”

In response to criticism of this sham information, the military had to come up with something different for the 2003 war, all the more so as the Arab media escaped Western control, just as they had in Afghanistan in 2002. Their presence shifted the centre of gravity since the US military could no longer count on the inexistence or at least inaction of enemy media, or media perceived as such. So it had to reconsider its ban on access by journalists to the fighting. They were now accredited and “embedded” in combat units. Provided that they complied with fairly restrictive rules, including an absolute prohibition on anything that could make it possible to locate the troops, they were free to send out images and text from the combat zone. The wager was a simple one: by allowing the media to broadcast live images of combat, the military would satisfy television’s desire for spectacular action, while at the same time avoiding any critical dimension, any analytical distance, at least for the journalists in the midst of the fighting.

According to a study carried out by the Washington-based Project for Excellence in Journalism, during the first week of fighting, 80% of the reports by embedded journalists broadcast by the five top US networks involved only the journalist reporting observable facts, and without a single interview. Of these reports, 60% were live and followed by no comment from the anchor. And in the 40 hours of footage studied, there were no images of anyone wounded by the firing shown. In addition, by dint of rubbing shoulders with the soldiers, living with them, and owing one’s safety to them, the situation was ripe for journalists to end up sharing the point of view of their hosts, in keeping with the “Stockholm syndrome,” i.e. the way that hostages come to sympathize with their kidnappers. And that is what happened, in a mixture of fascination, patriotism, empathy and self-censorship. Katie Delahaye Paine, founder of a public
relations firm in the United States, considers the system to be a “brilliant strategy” because “the better the relationship any of us have with a journalist, the better the chance of that journalist picking up and reporting our messages.”\textsuperscript{15} The job of the embedded journalist is to be the instrument of a vast public relations strategy, a fact implicitly admitted in late March 2003 by Bryan Whitman, deputy head of information services at the Pentagon: “Thanks to the medias embarked in the combat units, we see how much the American armed forces are well equipped, involved, well directed, professional and devoted.”\textsuperscript{16}

Conclusion

Rather than colliding head-on with the power of journalists, Western armed forces have shown themselves adept at playing the media game, offering tokens of openness as a means of better blunting public and media vigilance. From Kosovo to Iraq the procedure is the same: claim that you are limiting censorship to that which is needed for strategic effectiveness and protection of your forces; deter journalistic enterprise without actually disallowing it; dominate the proceedings by staging the action, if need be, but without doing so in an excessive manner. Like other entities in the public eye, the military has fully adapted to the demands of the media society and grasped the need to professionalize the mechanism by which it communicates with journalists. The media have become part of war. The military strategy today includes them as one of its objectives. Military operations are accompanied by media plans, media relations are handled by professionals and the armed forces invest in internal training to make their officers aware of the need to master the media process and nurture good relations with journalists. The military has acquired the know-how to provide “products” (reports, press kits) that meet journalists’ needs.

War can therefore be turned into one huge spectacle in which powerful images are churned out, the contents of which the military endeavors to keep under its control. Somalia saw the first military landing filmed from the shore. Usually, the footage we see has been shot after the troops passed through. But in this case the enemy was so weak that the US military was able to arrange for the media to film its triumphant landing as if in a movie. But the script got away from its authors when, on 3 October 1993, the bodies of two helicopter pilots were dragged through the streets of Mogadishu by angry crowds, a scene that prompted America’s withdrawal from the country.

For journalists, this situation means rethinking their practices. Old receipts such as distanced reporting on different viewpoints with identification of the sources are not any longer sufficient. Because, the result of an apparently


well-balanced presentation of facts is a false equilibrium between a truth stated first and an untrue answer. This is why the profession needs to develop a more critical point of view in order to systematically isolate the strategic stakes of communication from the facts. The objective is to create a mental practice of the public while reaffirming that journalists are not easily deceived by strategies of communication, of which they are the primary targets. We can imagine finding on the newspapers a systematic insert accompanying the accounts of war, aiming to unveil the means implemented by the actors to transmit their message.

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Can public communication protect victims?

Roland Huguenin-Benjamin*
Roland Huguenin-Benjamin is delegate of the ICRC and presently its Spokesperson in London.

Abstract
The phenomenon of 24-hour global coverage of world events has arguably made it more difficult for journalists to remain true to the deontology of their profession. At the same time, humanitarians are at pains to defend the concept of neutral independent action in armed conflicts that have global reverberations. Moral dilemma is often the order of the day for those who have to report on increasingly complex emergencies in war zones or to attempt to alleviate the suffering of victims. With examples from recent conflicts, this article asks whether there are ways in which journalists and humanitarians can contribute to saving lives.

Prologue: A variable triangle

There was a time when war reporters were routinely consulting ICRC field offices because Red Cross delegates and workers interacted more closely with local communities and were therefore better acquainted with the dynamics of conflicts. This assumption stemmed from the fact that ICRC personnel stay longer in remote areas than reporters do, simply because the nature of their respective work is entirely different.

In order to achieve recognition as neutral intermediaries in time of conflict, ICRC delegates need to build a network of working relations with all sides. The underlying rationale for this “field diplomacy” is threefold: to remind warring factions that there are constraints on the waging of war; to act as a

* The article reflects the views of the author alone and not necessarily those of the ICRC.
deterrent against violations of international humanitarian law; and to ensure the safe delivery of humanitarian aid where required.

Most reporters would agree with the ethics that underlie these lofty ideals, but the practice of journalism rests on a different *raison d’être*. Journalism is a service to society, and its role is to investigate facts and to inform the public. It is not to advocate the cause of victims or to promote respect for international law as such. In 1921 C.P. Scott, editor of the Guardian newspaper, wrote: “A newspaper’s primary office is the gathering of news. At the peril of its soul it must see that the supply is not tainted.”

It has arguably grown more difficult to remain true to the deontology of the journalistic profession since the global media got into 24-hour coverage of world events. Much the same applies to the ability of the ICRC to act as a neutral intermediary in conflicts that have global reverberations; it is striving to maintain the credibility that makes it a reliable source of information for the media.

This paper proposes to examine a few aspects of the dynamics that influence the relations between three relevant players: the parties to conflict, the media, and the ICRC as custodian of the Geneva Conventions. If a line were to be drawn between the three as they stand today, the resulting triangle would look very different from the shape it would have had in post-colonial days. The rules of geometry have not changed, the position of the dots most certainly has.

Each of the three tips of the triangle has its own value system, but none is entirely its private preserve: the political interests or the ideology of governments engaged in armed conflicts are necessarily related to public opinion, the ethical code of journalism is open to public scrutiny and the Geneva Conventions belong to the international community.

**Telling the headline story**

When Hunter S. Thompson wrote “Hell’s Angels: A strange and terrible saga” in 1967, he commented: “The difference between the Hell’s Angels in the papers and the Hell’s Angels for real is enough to make a man wonder what newsprint is for.” He was in fact challenging the capacity of traditional “just the facts” reporting to chronicle the tremendous cultural and social change in the sixties, which included the Vietnam War, political assassinations, rock and roll, drugs, the hippie movement, etc. The sixties and seventies witnessed the emergence of new investigative and reporting methods in the American print media in what was one of the major changes that occurred in journalism before the emergence of the World Wide Web (WWW) era.

Researching the topic of a gang of rebellious motorcycle outlaws in the Californian sixties was a step outside the sphere of traditional journalism. By conducting direct interviews with the Hell’s Angels, Thompson questioned many

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of the assumptions of the law enforcement establishment in those days. Bold as this may have been, it does not measure up to today's challenge of reporting on the insurgency in Iraq.

A retired four-star general, knowledgeable about the urban warfare going on in Baghdad and other cities across Iraq, recently admitted to Time magazine that: "We're good at fighting armies, but we don't know how to do this, we don't have enough intelligence analysts working on this problem." In the light of this predicament, it hardly comes as a surprise that telling the story from Iraq has cost the highest number of journalists' lives in any conflict so far (72 since 2003, including 37 Iraqis). Foreign reporters in Baghdad have to remain confined to their high-security offices for most of their time and only venture out in disguise or with heightened protection, whilst "Iraqi journalists aren't allowed the luxuries of the fast car and the bodyguard and often have houses and families in the local area. The Iraq War is the biggest story in the world right now and Iraqi photographers, cameramen and reporters are all under pressure from their bosses — not to mention themselves — to deliver something that is becoming increasingly impossible to deliver."

Even before the 1991 Gulf War, it was a foregone conclusion that the ICRC could not remain aloof from developments in the media industry and that the 24-hour coverage of major crises would have consequences for its modus operandi. It took the ICRC some time to adjust to developments, but it eventually had to reconsider its age-old tight-lipped policy towards the media. Over the past two decades, the ICRC has built up a network of media relation officers (communication delegates in ICRC parlance) and integrated them into all its operations worldwide.

In the aftermath of the scandal caused by the mistreatment of detainees by US privates at the Abu Ghraib prison in Iraq, the concept of the confidentiality of ICRC reports came in for public scrutiny. What had been taken for granted, namely that the unique approach of the ICRC served the best interests of detainees, was cast in doubt. Although there was little the ICRC spokespersons could say to placate the enraged mobs on the spot, it was essential to reach out to the media with a view to holding the detaining powers responsible and maintaining the fundamental rights of detainees. An exercise in diplomacy, perhaps, but one that the ICRC could not afford to escape in today's global media world.

Telling the story of forgotten crises

Nineteenth-century projections of the world displayed a number of white spaces indicating uncharted territories until a number of explorers and adventurers eventually put up flags in the remotest parts of it and helped to fill in those

3 John Kleinwith, Time magazine, 26 September 2005.
4 Ghaith Abdul-Ahad, "How can you establish a free media in such fear and anarchy?", The Guardian, 26 September 2005.
blanks. In the age of global communication, the World Wide Web criss-crosses the continents and satellite transmitters can potentially beam to any point of the planet. Yet the map of Africa in the twenty-first century retains many blank patches for the international media that attempt to “cover” more than fifty countries out of one or two offices.

This raises the question of responsibility in the exercise of both the media and the humanitarian professions. Whose duty is it to investigate issues such as conflicts, epidemics and famine and to alert the international community to disasters in the making before they actually unleash their full effects? Is it the role of humanitarian organizations or that of the media to ring the alarm bell and draw attention to emergency situations?

In August 2005 John Birt, outgoing BBC Director-General, delivered the MacTaggart lecture in Edinburgh. He estimated that “the British broadcast and print journalism, like Parliament itself, performs a critical job — holding those in power to account day-by-day for those things plainly going wrong.” He went on to say “Our media are less good at something at least as important — pressing governments to do the right thing, to diagnose the deeper causes of our problems, many of which have been decades in the making, and to devise and to pursue robust long-term solutions to them.”

The same statement can apply to issues of foreign policy inasmuch as humanitarian crises very often go unnoticed until they actually flare, with deadly consequences. The outbreak of the conflict in Darfur is a telling example; so is the famine in Niger in the summer of 2005. Numerous other situations come to mind and humanitarian agencies, including the ICRC have coined the term “forgotten conflicts” to describe the man-made disasters in remote areas of the planet.

Is it possible that change is in the offing with the emergence of citizen journalism and the soaring number of bloggers who provide firsthand accounts of life in some war zones where Internet connections are available? Salam Pax was a phenomenon during the invasion of Iraq in the spring of 2003 because he became the voice of the ordinary Baghdadis. Does it follow that bloggers can influence the political agenda of governments or that they can force a storyline onto the mainstream media?

On 26 December 2004, the BBC found itself overwhelmed by over fifty thousand text messages sent by people who had survived the tsunami in South-East Asia. There was no way this material could be edited and used for immediate coverage. The event had taken the world by surprise and reporters could only fly in to provide media coverage in the aftermath of the disaster. The established media networks quickly took over from the surge of private messages and demonstrated that news journalism requires a level of professionalism that goes beyond the mere fact of taking a picture of an event one happens to have witnessed.

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5 The Guardian, 26 August 2005
In the wake of the explosions that rocked central London on 7 July 2005, there was no visible surge of citizen journalism in the UK, most likely because the British media are extremely diverse and cater to almost any conceivable need for information amongst the public.

The situation is completely different in South Korea, where the phenomenon of citizen journalism took root in 2000 when a frustrated journalist Oh Yeon Ho launched a platform that is now receiving contributions from tens of thousands of individuals. The Ohmynews site publishes stories about a wide variety of topics, including comments on current affairs such as the conduct of hostilities in Iraq. This Korean experiment has not remained unique. There are now a number of sites worldwide that aim at overcoming the limitations inherent to regular bloggers’ pages by introducing a measure of professional editing before contributions are put online.

“These sites are changing the nature of news,” said Elizabeth Lee, who launched iTalkNews. “Traditionally there has been a percolation from the top down. We want to see news that comes from the people, upwards. Our method is a way of providing news that is much more responsive to attitudes and concerns out there in the world.”

According to Professor Mary Kaldor of the London School of Economics, “global civil society is a platform inhabited by activists (or post-Marxists), NGOs and neo-liberals, as well as national and religious groups, where they argue about, campaign for (or against), negotiate about, or lobby for the arrangements that shape global developments. (...)The emergence of this phenomenon makes the term “international relations” much less appropriate.”

Against this rapidly changing backdrop on the stage of world events, the established media outlets are keenly aware of the urgency to restate their mandate and to live up to the expectations of fickle audiences. Rupert Murdoch, for one, said in April 2005 that “young people don’t want to rely on the morning paper for their up-to-date information. They don’t want to rely on a god-like figure from above to tell them what’s important.” The great lady of the world’s media, the respectable BBC itself, is considering plans to provide training to citizen journalists in the wake of the survivor reports of the 2004 Asian tsunami.

For all the fuss about new media, the fact that access to the Internet is by no means universal must be reckoned with. In many local armed conflicts, the victims mostly belong to the disenfranchised segments of society, live in remote areas and have no access to a telephone, let alone a computer.

And yet the technological gap may not be the main obstacle to the flow of information between deprived communities in Africa, Latin America or Asia and the global media networks. The editorial constraints in the newsroom are the real testing ground for the journalist who has witnessed terrible things in a

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6  David Mattin, “We are changing the nature of news”, *Media Guardian*, 15 August 2005.
corner of the earth that happens not to be on his editor’s news agenda. Whilst
the anger of a reporter calling from the scene of atrocities may at times be one-
dimensional, it is the role of the editor to put it into perspective, not to dismiss
it. Alas, the American newsroom truism remains scandalously true to this day:
“One dead fireman in Brooklyn is worth five English bobbies, who are worth
50 Arabs, who are worth 500 Africans.”

Is the humanitarian idealist plodding through a desolate refugee camp,
the ICRC delegate striving to deliver medical equipment to a hospital emer-
gency service swamped in the blood of bomb victims, in a better position to
raise his voice and be heard “in a world of communication in which uninter-
rupted and instantaneous information flow is the norm?”

A crisis in the media?

In a lecture he delivered in Melbourne in October 2004, David Hare, the author
of “Stuff Happens,” a play about the diplomatic process leading up to the inva-
sion of Iraq, argues that:

“Everyone is aware that television and newspapers have decisively disil-
usioned us, in a way which seems beyond repair, by their trivial and partial cov-
erage of seismic issues of war and peace. (...) Front-page apologies in a couple
of the more august American newspapers, admitting professional gullibility are
hardly adequate…”

The unprecedented amount of attacks against the media in the past
couple of years have triggered a wave of introspective articles and comments
in the mainstream broadsheets that demonstrate that there is widespread con-
cern about the media, both amongst newsmen and in society at large. Alan
Rusbridger, editor of The Guardian, puts it down to “a convergence of present-
tational techniques, a sense that market forces increasingly determine content
and a widespread feeling that newspapers are failing in their duty of truly repre-
senting the complexity of some of the most important issues.”

If there is a crisis, it may be as much about a generation gap as it is
about national interests. There are those in the profession who remember the
days when they thought they could make a difference and genuinely believed
in the independence of the media, and there is a new media environment that
they don’t recognize. “I don’t understand the business any more,” says Seymour
Hersh, “it is as if all words are weighted equal.” As for the national aspect of
things, the emergence of global media networks in all major languages around
the world have led to a “parochialization” of audiences, as everyone can connect
to a news outlet that represents a culture they recognize as their own, be it

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9 “This media tribe disfigures public life”, address by the Archbishop of Canterbury, Rowan Williams, at
10 “This is not about name-calling, it is about scrutiny”, commented Alan Rusbridger in the Media Guardian,
al-Jazeera or Fox News or anything in between. Major media conglomerates may not necessarily have a specific political take on every issue worldwide, but their business-driven agenda aims at upholding a corporate-friendly environment rather than challenging government policies on issues of justice and survival in the developing world.

It now seems to be an uphill battle for the public broadcasting service, where it exists, to maintain standards in the face of the corporate interests of global networks. Helen Boaden, Director of BBC News, recently said that she has a clear idea of what she expects from BBC news, especially its rolling news service. “I think News 24 is about being first, right and reliable. The danger with 24-hour news is that it becomes a rolling service of rumour and speculation and that is absolutely not what we want for News 24.”

When it comes to reporting on a hyped armed conflict, the 24-hour news system is quickly up against the problem of having to sustain its self-inflicted fast pace of “breaking news” to keep abreast with competitors. It does this at the risk of misrepresenting the actual developments on the ground. The offensive against Iraq in the spring of 2003 was the epitome of worldwide media frenzy. I recall occasions, whilst acting as ICRC spokesperson in Baghdad, when newscasters actually asked me in satellite phone interviews: “What is the most appalling sight you have seen in the past few hours?”

The problem with this kind of communication is that it deals in sound bites. It leads to a stereotyped language and carries the risk of misrepresenting reality, as everything one says is likely to end up as a sound bite. Every word counts, and that puts paid to any attempt at putting things into perspective and trying to make sense of events as they unfold.

ICRC tongue-tied?

*Verba volant scripta manent*, the Romans believed. Words fly if spoken but remain if written. In today’s media environment, it is more as though both can fly and take on a spin that an institution like the ICRC is permanently guarding itself against.

The Gordian knot of the ICRC’s mission originates in its dual mandate under the Geneva Conventions. On the one hand, the ICRC has to elicit compliance with the provisions of international humanitarian law, while on the other it has to protect prisoners of war and other persons entitled to protection under that law. More often than not it therefore finds itself in the awkward position of having to limit itself to making confidential representations to the non-compliant party in an armed conflict and elude questions from the media.

A recent media advisory note circulated internally by an ICRC delegation illustrates this quasi- untenable position. It stresses that while visibility in the international media for the ICRC operation in country X is desirable, the
process of ensuring that visibility may not be, especially when the presence of accompanying teams of journalists is contrary to the image and identity projected by the ICRC within the country, an identity that is central to operational requirements of acceptance, access and security.

ICRC delegates set up camp in war-torn regions and deliver aid. At the same time, they endeavour to intercede with the warring parties in the hope of alleviating the unnecessary suffering of persons protected under the Geneva Conventions, namely prisoners of war and civilians not taking part in the hostilities. The ICRC’s trademark has always been neutrality and impartiality, but these concepts remain open to interpretation by the parties to conflict. In many cases they tolerate the presence of ICRC delegates in the field, and especially in places of detention, only on condition that the ICRC neither publicizes its findings nor comments on the conduct of hostilities.

The conflict in the former Yugoslavia with its litany of horrors perpetrated between 1992 and 1995 in Bosnia, and in particular the massacre of Srebrenica, has brought to the fore the parameters of international humanitarian law. The deliberate contempt of the warring factions for specific provisions of the Geneva Conventions had the unintended consequence of alerting news reporters to the need to report on violations of international humanitarian law. The strongest possible case for respect for the Third Geneva Convention was in fact made when the infamous pictures of starved prisoners of war hit the front pages worldwide. It was certainly beyond the capacity of the ICRC to argue the case for the detainees it stood to protect.

Shared dilemma

This is where the ICRC and the media face the same challenge, but from different sides, namely to explore the limits of their respective methodological approach. For the ICRC, it means having to decide, usually on a case-by-case basis, what the pros and cons of a public statement about a given situation would be. Is there any reason to believe that the plight of a group of individuals can be significantly improved — and lives can indeed sometimes be saved — by an official statement or an appeal that the media will circulate? Would such a move necessarily toll the bell for the end of the ICRC’s presence and activity on the territory of the faction incriminated?

For the media it raises the question of determining whether journalists have a responsibility to report on armed conflicts in terms of what constitutes a violation of international humanitarian law, and if so, how should they go about it? Should journalists report factually on the perpetration of an illegal act of war in the same way as they would cover a regular criminal investigation? Or is it the role of journalists to engage in an agenda to uphold the principles of humanitarian law, to denounce violations thereof, to speak up on behalf of victims, to promote peace? The shift may be gradual, but taken to its logical conclusion it turns journalists into advocates and militants.
Civic journalism has been a debatable concept since the end of the Cold War, bearing in mind that it has historically been a type of journalism employed on both sides of the Iron Curtain in support of diametrically opposed political agendas. Soviet officials used it to give legitimacy to their control of the press, whereas US-sponsored radio programmes used it to reach out across the borders and promote a liberal agenda in the Eastern bloc.

The build-up of the military campaign to topple the Iraqi regime provides a more recent example of the risks of partisan media coverage. Independent TV networks such as Fox News adopted a definite pro-war line, whereas al-Jazeera went on hosting the Iraqi Minister of Information unquestioningly until the last hours before the fall of Baghdad.

This was in stark contrast to the professional code of conduct stipulating that “decisions are made only for good editorial reasons, not as a result of improper pressure, be it political, commercial or special interest.” Some media may have fallen prey to the temptation to cater to the chauvinistic expectations of their audience, but for others the war on Iraq was a litmus test for the independence of editorial decision-making. The BBC has had to struggle through a series of inquiry commissions to live up to its own commitment of integrity.

In accordance with its neutrality, the ICRC has no say with regard to the reasons why nations or factions go to war with each other. It cannot comment on the legitimacy of one political discourse versus another, but it does remind governments and their armed forces of their duty to enforce rules of engagement that are compatible with the provisions of international humanitarian law. Before the onset of hostilities in Iraq in March 2003, it made representations to the governments of all the Coalition countries and to the Iraqi government. This move was public and the Financial Times and Le Monde agreed to publish an editorial penned by the Director-General of the ICRC.

So far, so good. There is a similarity between the neutrality of the ICRC and the editorial integrity and independence of the media. In terms of ideals, both the press and the humanitarians are free to decide for themselves what roles they choose to play as independent agents. The reality test comes in the form of the moral dilemma they encounter as they try to act professionally in the midst of increasingly complex emergencies in war zones.

War reporters may at times perceive ICRC delegates in the field as being excessively secretive, but old hands at war reporting will in general value the remarkable reliability of the ICRC as a source of information. The relationship between an independent humanitarian agency, such as the ICRC, and independent media cannot be one in which either party attempts to make use of the other. On the contrary, if both face the same dilemma, there are certainly ways to share partly in the solutions.

It took the ICRC some time in the seventies and eighties to shed its institutionalized suspicion vis-à-vis the media. Now it is keenly aware of their potential to influence public opinion and ultimately the decisions of strategists.

13 BBC Producers’ Guidelines, p. 7.
and politicians during armed conflicts. Coverage of the mortar bomb attack on a Sarajevo market in February 1994 was instrumental in securing NATO’s ultimatum to stop the bombardment of the city. BBC correspondent Martin Bell spoke of a journalism of “attachment,” and went on to say that journalists “were drawn into this war as something other than witnesses and chroniclers of it. We were also participants.”

Journalists can therefore be partners in humanitarian endeavour by reporting appropriately on acts of war, i.e. by holding parties to conflict responsible under specific articles of the Geneva Conventions. They do not have to give up the objectivity and integrity of their reporting to do so. They merely need to be aware of the significance, from the point of view of international humanitarian law, of the facts they report. More than one journalist has learnt this lesson firsthand by reading the Geneva Conventions in long nights spent in bomb shelters in Sarajevo.

Ten years later, the world has moved on and a new United Nations declaration on “The Responsibility to Protect” is opening up new prospects. As many as 191 countries have agreed to a restatement of international law, namely that the world community has the right to take military action in the case of “national authorities manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.” This will not erase the memory of Bosnia and Rwanda, but it is an attempt at preventing the perpetration of such atrocities in the future.

Representations and perceptions

“The mythic narrative of war is what most at home desire to see and hear. The reality of war is so revolting and horrifying that if we did see war it would be hard for us to wage it.”

The ambivalent nature of this hypothesis summarizes the complex attitude of the media and the public towards the representation of war. At a time when so-called “reality shows” are pervading television programmes worldwide, there has been a lot of debate about the broadcasting of images considered offensive.

To mark the 60th anniversary of the nuclear bombing of Hiroshima, the BBC broadcast “a powerful and disturbing 90-minute documentary drama” on what actually happened, with eyewitness accounts, original footage, computer graphics and full-scale reconstructions. The film tells the story of extreme trauma: the science, the politics, the mission, the blast, the fires, the after-effects. The historical distance from the event enables the public to view this type of production as purely documentary and to cope with it as such: the phenomenon, for all its

16 Dart Centre for Journalism & Trauma, website visited on 2 September 2005.
ghastliness, is over. The film is informative, and for some of those concerned it might even help to bring closure, albeit too late for most.

The crude images shown of the beheading of hostages in Iraq had the reverse effect. Euronews, for one, broadcast the gruesome scene once and immediately withdrew it from its news bulletins when it clearly aroused widespread public revulsion. There was debate for weeks as to the nature of the taboo that renders the broadcasting of such images reprehensible—quite apart from their political exploitation, as al-Jazeera continued to use them for some time.

When Channel Four in the UK decided to tackle the issue of the mistreatment of prisoners in Guantanamo Bay, it took the innovative approach of actually recruiting volunteers willing to be subjected to solitary confinement, rigorous interrogations and other techniques reportedly used there. In that sense the film was not mere acting; it was as real as can be, given the fact that the volunteers could ask to step out if they felt they had reached their limits. Quite apart from the forcefulness of the demonstration (volunteers actually begged for mercy), the broadcasting of such scenes raises numerous questions as to the sensitivities of the public and the tendency of contemporary media to exploit them.

Once again, such a programme might have done more to build up a public opinion opposed to the practice of torture than official press releases of the ICRC or other human rights organizations. Yet this pragmatic utilitarian argument does not necessarily mean that such programmes are immune to moral questioning.

Whether this type of programme tends in the long term to desensitize the public to issues of violence, destruction and the perpetration of gross violations of fundamental rights in situations of conflict remains to be seen. “Yahoo, in its first big move into original online video programming, is betting that war and conflict will lure new viewers. It is now hiring Kevin Sites, a veteran television correspondent, to produce a multimedia Web site that will report on wars around the world. Mr Sites said he hoped that Yahoo users understood that what he was doing was different from the mass of opinion blogs and other Web sites. We are a journalistic entity, he said, trying to do things in a responsible way you don’t always see on the Internet.”

As was said earlier, the Geneva Conventions belong to the international community. Neither the ICRC nor journalists have a monopoly on their interpretation, but each has a specific responsibility to engage with those who are ultimately accountable for compliance with the provisions of international humanitarian law.

The ICRC is mandated to act as a neutral intermediary between parties to armed conflicts, and on behalf of persons protected under the Geneva Conventions. “The traditional watchdog function requires media to report on disregard for the law, especially if that is the attitude of a State or an institution supported by taxpayer’s money.”

Active neutrality on the part of the ICRC and editorial integrity on the part of the media will probably be a tough call in the years to come, but neither the ICRC nor the war reporter can afford to ignore it.
In our era of sound bites, it has become increasingly difficult to convey the complexity of humanitarian crises, and even to explain the identities of the many players involved, for example warlords, militias, peacekeeping forces, local population groups and humanitarian organizations. In this challenging context, where both humanitarian and non-humanitarian players vie for media...
and donor attention, it is crucial for humanitarian organizations to adopt a coherent and credible approach to their public communication. Frequently, their public communication activities will need to be diversified and targeted to the “home” public, ranging from donor government(s) to the general public, as well as to the various players at field level.\footnote{Information used for this article has been collected from internal papers and selected public documents of the organizations and interviews with their staff members.}

Public communication\footnote{Public communication is defined as communication strategies and activities towards targeted audiences. Its main objective is to provide information to these audiences and to raise awareness and influence attitudes or even behaviour.} has become a strategic management function in recent years. While this has been well acknowledged by commercial enterprises, the non profit sector, including the humanitarian organizations, has frequently been slower in the application of public communication concepts. This is reflected by the lack of available literature and limited information on public communication policies and outcomes presented on websites of these organizations.\footnote{Similarly, public relations can still be professionalized further. Pearson defines public relations as the “management function of an organization that helps that organization get and maintain good relations with all the public that it depends upon for survival.” See Ron Pearson, “Beyond ethical relativism in public relations: Coorientation, rules and the idea of communication symmetry,” \textit{Public Relations Research Annual}, Vol. 1, 1989, p. 71. Generally, public relations are seen as a part of public communication. For more information with regard to public relations, see Sam Dyer \textit{et al.}, “Managing public relations in non-profit organizations,” \textit{Public Relations Quarterly}, Winter 2002, pp.13-17.}

This lack of information, however, does not mean that these organizations do not employ public information policies or communication strategies. But many humanitarian players carefully guard their communication policies and results, because public communication is a strategic and sensitive area for any organization that needs to present itself in a positive light. Humanitarian organizations also face several unique challenges that most commercial and other not-for-profit organizations do not confront. In particular, a humanitarian organization needs to:

1. Explain its humanitarian principles and core beliefs, as well as its objectives and activities, in order to differentiate itself from other humanitarian organizations and “good” causes. In this respect, different humanitarian organizations may stress varying secular principles and religious beliefs;
2. Raise funds from donor governments, the general public, foundations and other funding agencies;
3. Communicate its goals, advertise employment activities, engage volunteers and publicize the outcomes of its humanitarian work;
4. Raise awareness of both loud and silent humanitarian emergencies and carry out broader advocacy campaigns concerning, for example, small arms control or the fight against poverty;
5. Create possibilities for either influencing donor governments and governing elites or for acting independently from them; and
6. Explain at field level the principles and activities of the organization in order to rally local support, reduce resistance, and, hopefully, lessen the likelihood of armed attacks.

Public communication may also help the humanitarian organizations to react more professionally to growing public scrutiny. This article outlines and compares the public communication policies and strategies of the main international and non-governmental humanitarian organizations within the context of their guiding principles. It develops a classification of various humanitarian organizations so as to better explain their differences and enhance understanding of their communication strategies. Finally, it highlights several issues for further research.

A community divided

Before analysing public communication strategies and policies, this article begins with a description of the main organizations involved in humanitarian action. One of the problems with the use of the term “humanitarian community” is that it assumes a unity that only exists in the loosest sense. The term came into vogue in the 1990s, just as the number of humanitarian non-governmental organizations (NGOs) proliferated rapidly, further fragmenting an already diverse community. Despite attempts by many humanitarians to create venues and mechanisms to increase mutual understanding and develop common positions, the range of aid agencies and the variety of understandings of humanitarian action remain huge. Programme approaches and operational practices differ considerably.

Many of these differences stem from the lack of shared agreement on definitions of the principles at the heart of humanitarian action. As Slim has outlined, different players have different concepts of these core “humanitarian principles” — humanity, neutrality, impartiality and solidarity. Many organizations and their staff lack a thorough understanding of them, or apply them inconsistently. This has significant consequences for their operational choices in the field on issues such as the willingness to accept armed military escorts, or restrictions imposed by a party to a conflict. Divergent and inconsistent interpretations of principles by humanitarian players create uncertainty among partners in the field who do not know how other organizations will behave. Simultaneously, different interpretations of humanitarian principles by the various organizations may influence their relationships with donor governments, as well as their communication strategies with the general public.

5 The authors would like to thank Steve O’Malley, who formulated many of the initial ideas presented in this section.
7 Ibid.
The problem of creating and sustaining common humanitarian action has resulted in a voluminous literature on coordination. 8 A complementary way of attempting to analyse this problem is to look more closely at this diverse community of “humanitarians” by formulating a typology of organizations, which will serve as a tentative expression of the “mental maps” that those of us involved in humanitarian aid carry in our minds to “position” other humanitarian organizations. For example, a head of mission for Médecins Sans Frontières (MSF) expects different operational positions and approaches from his or her counterparts at the International Committee of the Red Cross (ICRC), Action Contre la Faim (ACF) or Cooperative for American Relief Everywhere (CARE).

This attempt to position organizations relative to other organizations allows us to study the respective public information policies of humanitarian organizations in order to discern the differences between the strategies of humanitarian organizations towards the general public, donor governments and specific target groups.

Our typology has two axes. The horizontal axis positions an organization on the basis of its relationship to the victims of conflict and runs from “Impartiality” to “Solidarity.” The vertical axis positions the organization in relationship to States, in particular through the relationship to the main donor in its “home” country, and runs from “Independence” to “Subcontracting.”

Figure 1 Mental Map

<table>
<thead>
<tr>
<th>Impartiality</th>
<th>Solidarity</th>
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<tbody>
<tr>
<td>Independence</td>
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<tr>
<td></td>
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<tr>
<td>Subcontracting</td>
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</tbody>
</table>

Impartiality

The horizontal axis reflects a deliberate choice of impartiality rather than neutrality as the starting point. In humanitarian action, neutrality can only be properly understood in the context of the ICRC. The ICRC recognizes that it refers to neutrality — not taking sides on the political grounds of a conflict — as an “operational principle” to gain access and provide aid, rather than as an abstract idea. While a number of other humanitarian organizations claim to be neutral or include references to neutrality in their literature, Slim is certainly correct when he suggests that most are just repeating a slogan. Many humanitarian organizations — and scholars — should think through more clearly their use of these terms and their applicability to their actions. For example, the charter of MSF refers to the organization as “neutral.” Understandably, the exact interpretation of this concept has been the subject of an ongoing debate within MSF over the past few years.9

Hence, we consider impartiality to be a more useful term. An impartial organization delivers humanitarian assistance on the basis of need, with no discrimination on the basis of race, religion or other classifications. Respecting the principle of impartiality, which is centred on providing assistance to people rather than to States or rebel movements, forces an organization to avoid thinking of groups of people as “good” or “bad” victims. Impartiality allows a certain amount of flexibility with regard to the public stance of an organization. Some may opt to apply this principle quietly; others may choose to exercise what Slim has referred to as “active impartiality.”10 An active stance allows the organization to criticize the actions of the parties, without denying assistance to the people under their authority. Impartial organizations are most often found working on both sides of the front line and include, most notably, the ICRC and MSF. But MSF is a stronger proponent of active impartiality.

Solidarity

Solidarity is at the opposite end of the spectrum. For the purposes of this paper, solidarity is defined as an explicit choice to side with a group of people and their political cause. It should be noted that an alternative definition of “solidarity” is often used by MSF and other organizations to indicate a willingness to share the suffering of the population and to be physically present with them. While both definitions of solidarity have a political element, it is useful to make a distinction between solidarity that connotes shared suffering among the population and those seeking to assist them through the physical presence of the humanitarian organization (the way MSF often does), and, on the other hand, an explicit choice to work only with one side in a conflict.

10 Slim, op. cit. (note 6), p. 349.
Two examples that illustrate solidarity as defined for this paper are the actions of Norwegian People’s Aid (NPA) in southern Sudan and of Catholic Relief Services (CRS) in Sierra Leone. NPA was always clear in its support for the southerners’ right to self-determination. It did not work in government-controlled territory. Consequently its level of cooperation with the Sudan People’s Liberation Movement was closer and higher than that of other organizations. In Sierra Leone, after the restoration of the Kabbah government in 1998, CRS made an explicit decision not to work in the territories controlled by Revolutionary United Front (RUF). Solidarity can have positive and negative aspects: the decision to work with one group implies a decision not to work with another. Certain victims are thus worthy of assistance, while others are not because of those who have authority over them.11

Independence

The vertical axis looks at an organization’s independence of action. How “non-governmental” is the organization? The definition of independence includes financial and political elements. The financial element is more tangible. An independent organization receives a significant amount of funding from non-governmental sources and is able to set up and run operations that are not supported by its major institutional donors. However, the political element is less tangible and more prone to subjective interpretation. It contains aspects of attitude and action. For the purposes of this article, independence is defined as a stance that positions the organization as separate from its constituencies (e.g. home State or traditional supporters) and capable of holding and publicly expressing views that are different from that of the State. There should be limited crossover between the staff and board of the organization and the State.

Subcontracting

On the other end of the spectrum are the “subcontractors”. This term is deliberately chosen and refers to a class of organizations that make their living executing contracts for donor governments and, to a lesser extent, multilateral institutions.12 In general, the subcontractors carry out the foreign policy objectives of a State and the State shapes and determines the programmes they undertake. Subcontractors thus bid on projects developed by the State. This approach is more prevalent in the US, where USAID often asks organizations to bid on providing specific sets of services. An example of it is the US government’s Sudan Transitional Assistance for Rehabilitation (STAR) programme in southern Sudan: in 1998 USAID, as part of the government’s broader strategy in Sudan,

11 Of course, if the authority makes principled humanitarian work impossible, organizations may choose to withdraw or refuse to start programs.
12 The bilateral organizations that provide aid to populations in need fall outside the scope of this article.
asked a group of NGOs to bid on the said programme, aimed at developing civil society in western Equatoria. CRS, which is not a subcontractor in the formal definition of the term, won the contract. Traditional subcontractors do not express political views that are at odds with policies of their national governments.

**Figure 2 Mental Map of Large International Humanitarian Organizations**

<table>
<thead>
<tr>
<th>Impartiality</th>
<th>Solidarity</th>
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<tbody>
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<td><strong>Independence</strong></td>
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</tr>
<tr>
<td>ICRC</td>
<td>Churches in Biafra</td>
</tr>
<tr>
<td>MSF</td>
<td>Religious NGOs</td>
</tr>
<tr>
<td>Oxfam</td>
<td></td>
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<tr>
<td>SCF-UK</td>
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<tr>
<td>ACF</td>
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<tr>
<td>MDM</td>
<td>WFP</td>
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<tr>
<td>Islam. Relief</td>
<td></td>
</tr>
<tr>
<td>Int. Blue Crescent</td>
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<tr>
<td>NPA</td>
<td></td>
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<tr>
<td>Churches in Biafra</td>
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<tr>
<td>Religious NGOs</td>
<td></td>
</tr>
<tr>
<td>Subcontracting</td>
<td>Private companies &amp; US Cold War NGOs</td>
</tr>
<tr>
<td>IRC</td>
<td></td>
</tr>
<tr>
<td>SCF-USA</td>
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</tr>
<tr>
<td>CARE</td>
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</table>
provide funding to the ICRC with the expectation that it will carry out its unique mandate in an independent and impartial manner. Hence, an essential difference between the ICRC and most other humanitarian organizations is that the ICRC has less need to use public communications and its media profile to raise funds from the general public.

This independence is strongly reflected in the ICRC’s public communication policy, which is based on the guiding communication principles of credibility, identity and impact. As an international public player, the ICRC has established a public policy framework for the development of its communication activities, which is composed of clearly defined communication strategies at local, regional and global levels to shape its image and present its activities. According to its official communication policy, the ICRC seeks to provide information to priority audiences — political and military authorities, opinion leaders, the media, donors, other humanitarian organizations and people affected by war — and raise their awareness on humanitarian law and humanitarian assistance.

The ICRC also conceives its communication strategies as an essential part of its overall efforts to promote international humanitarian law (IHL), in particular to ensure that IHL is incorporated into the training of armed and security forces. It regularly supervises the effectiveness of its public communication strategies and activities. Yet no results of this supervision are currently publicly available.

Within its communication framework, the ICRC promotes a dialogue with parties that can influence armed conflicts, with the aim of engaging their support for achieving its objectives, while safeguarding the confidential nature of certain kinds of information to ensure that vulnerable persons, such as prisoners of war, are protected and that the ICRC obtains access to them. Thus the ICRC, contrary to many other humanitarian organizations, usually works rather independently of the media in war zones and often prefers to remain outside the media limelight. It consequently often refrains from making public statements, so is traditionally regarded as a relatively discreet organization.

Médecins Sans Frontières (MSF)

MSF is close to the ICRC in its interpretation of the humanitarian principles. Although it does not share the ICRC’s specific international legal identity, it is

13 Communication is furthermore systemically included in its other operational activities. Nowadays, the ICRC as an organization wants to go beyond one-way communication and step up efforts to listen to and engage in dialogue with its priority audiences. To this end, the ICRC uses mass communication tools, such as its website, electronic media, radio, television and printed media, that enable it to reach vast audiences.


in many ways both impartial and independent. At the same time its NGO status sometimes provides more leeway, in comparison with the ICRC, to operate independently from States. It generally works on both sides of the front line and targets beneficiaries on the basis of need. It is financially independent and positions itself against States (for example, as in MSF France’s long campaign to have the French government investigate its role in the Srebrenica massacre). During the Kosovo bombing campaign, it refused to accept donor funds from NATO member States.

Similarly to the ICRC, MSF also carefully manages its public presence and seeks to disseminate information to the general public. However, it is more outspoken in its advocacy than the ICRC.\(^\text{17}\) Regarding its core values, MSF states that it has a moral responsibility to increase awareness of human rights abuses or neglected crises; it tries to act as a witness, for which it uses the term “témoignage” — a French expression that includes MSF’s commitment to advocacy and testimony while working with people in need.\(^\text{18}\) Advocacy is normally directed at governments to effect policy change. Its main strategies include lobbying, statements, press articles, publications and mobilization by means of campaigns.\(^\text{19}\)

Oxfam and Save the Children Fund UK (SCF-UK) are also grouped alongside each other in this quadrant. However, both agencies are placed slightly further from the independent pole because of their historic links to the British establishment. Action Contre la Faim (ACF) operates in the French tradition of independence of action but without the same degree of financial independence as MSF.

**Oxfam**

Oxfam — a federation of twelve independent international organizations — works in both emergency relief and development. Similar to SCF-UK, Oxfam strategically focuses on the areas of media management, campaigning and lobbying.\(^\text{20}\) Although the members of the Oxfam family concentrate on different activities, the organization has developed a common communication strategy. When Oxfam staff feel that particular issues need to be brought to the public’s attention, they primarily rely on media advocacy, demonstrations and witnessing.\(^\text{21}\) Event management, marketing and communication initiatives are also regularly discussed within its board of country directors.\(^\text{22}\) While public

\(^{17}\) In this respect, MSF protests more openly against the violation of human rights. Occasionally, it publicly criticizes the behaviour of other agencies. It did so, for instance, when the UN signed a memorandum of understanding in May 1998 with the Taliban regime. See MSF press release, 21 July 1998.


\(^{21}\) Lindenberg & Bryant, *op. cit.* (note 18), p. 165.

\(^{22}\) Jörg Kalinski, personal communication, 2005.
communication plays a growing role at the strategic level, Oxfam has also incorporated public communication into its operational activities at field level. It has increasingly become a global campaigning force in recent years.23

Interestingly, the organization also campaigns in alliance with other associations to increase its impact. This is the case with the advocacy campaign on small arms control, which is carried out jointly with Amnesty International and IANSA (International Action Network on Small Arms).24 On the Niger food crisis, Oxfam Great Britain works closely with NOVIB — the Dutch Oxfam branch.25 Moreover, Oxfam builds strategic partnerships and alliances; for example, it maintains a relationship with Northern Foods and the Cooperative Bank. Such partnerships, however, carry a risk, if the partner’s image becomes tainted or if the partner’s actions constrain Oxfam’s independence.26

In addition to Oxfam’s campaigning activities, the organization supports national media by its ad hoc media working groups. Oxfam Germany, for example, provides logistical services for investigative journalism and publishes regular press releases on such topics as cotton wool in Mali or European Union agricultural subsidies in relation to Kosovo.27 And Oxfam America regularly analyses press coverage to show the impact of its poverty reduction campaign. As for advocacy, the organization employed almost 70 advocacy staff members, while CARE USA and World Vision worked with only eleven and four staff members respectively in 2001.28 Finally, public relations constitute a last element of Oxfam’s communication strategy, for example with regular newsletters to stakeholders and donors, photo exhibitions and video reports.

Save the Children Fund

Save the Children Fund UK takes a similar approach. The British organization seeks to increase attention to children in emergencies and considers such communication as an indispensable part of its activities. This is reflected in the strategies and programmes developed by SCF-UK that try, inter alia, to identify and prevent abuse of children and to improve their living conditions.29 It also integrates child protection into all its emergency response programmes, through advocacy, volunteer involvement and campaigning.

In the middle of our map, slightly towards the subcontracting end, comes a group of US NGOs that receive considerable support from the US government.

25 Kalinski, op. cit. (note 22).
26 Lindenberg & Bryant, op. cit. (note 18), p. 182.
27 This service was offered, for example, to Deutsche Welle, Germany’s international broadcasting station, and to the German newspapers Die Zeit and Frankfurter Rundschau.
28 Lindenberg & Bryant, op. cit. (note 18).
They tend to either have ties to the US foreign policy establishment through their boards or rely on US government funding (IRC, CARE USA, World Vision International). In general, these organizations are more comfortable in a closer relationship with the State.  

Two prominent representatives of that quadrant are World Vision International (WVI) and CARE International. Although both organizations are relief and development organizations, they differ from each other in their Weltanschauung. While CARE defines itself as a non-political and non-religious international confederation of twelve member organizations, World Vision perceives itself as an ecumenical Christian relief and development family of country organizations with a focus on children.

**CARE**

CARE is similar to Oxfam in that it is involved in both emergency relief and development issues. In terms of communication, however, CARE maintains a lower profile than Oxfam, an approach reflected in the limited information on its public communication policies. Perhaps this is a result of its relatively large reliance on US government funds and its role in food aid, which can constrain its independence.

Like Oxfam, CARE has built up strategic partnerships and alliances. To increase its impact and to create a positive image, the organization works together with selected corporations. For example, CARE USA established an alliance in 1992 with the Starbucks Coffee Company to assist communities in coffee-producing countries, and Motorola Inc. is providing radio communications technologies for CARE projects and produces marketing material. While these partnerships and alliances reduce dependence on the government(s), such links can also, as with Oxfam, potentially impede the independence of the organization.

**World Vision**

In contrast to CARE, World Vision describes itself as one of the largest Christian relief and development organizations in the world. It operates as a partnership of 54 national offices, all of which follow a common mission statement. As an ecumenical organization, World Vision participates in strategic initiatives with Christian leaders. The major current initiatives concern HIV/AIDS and orphans and vulnerable children.

Like other humanitarian organizations, World Vision International disseminates information to the general public. It considers “witnessing for Christ”

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32 CARE, op. cit. (note 31).
a basic part of its overall strategy. This conviction is reflected in the organization’s public communication strategy, which demands that the dignity of suffering children and families be protected, and raises public awareness by giving explanations of the causes and consequences of both poverty and war, as well as about its own organizational responses. World Vision also includes public communication in its operational activities. It has a differentiated marketing strategy to tap the full potential of child sponsorship, as well as donations.34

United Nations humanitarian organizations

The UN humanitarian organizations are generally not as independent as the humanitarian NGOs, because they need to follow UN policies as established by member States in such bodies as the Security Council, the General Assembly and their executive boards.

Nevertheless, United Nations Children’s Fund (UNICEF) raises considerable funds and carries out strong public communication on its own through its national committees, press centre and media team,35 and well-known movie stars who become its “ambassadors.” It capitalizes on its focus on children, which are probably the most effective public communication tool in humanitarian assistance. This enables UNICEF to obtain a higher degree of financial independence, which it uses for both its humanitarian and development activities, than most UN organizations.

United Nations High Commissioner for Refugees (UNHCR) has, in this respect, a tougher time to fulfil its treaty-based mandate in favour of refugees and relies heavily on State contributions and support. Somewhat similar to CARE, WFP emphasizes food aid and is consequently more dependent on donor governments, in particular the US. Recently, European States fiercely criticized WFP after it published an advertisement in the Financial Times on food aid that was seen as supporting the US point of view during the world trade talks in Hong Kong.36

Solidarity organizations

In the upper right quadrant are organizations that emphasize solidarity and have the resources to act independently. These organizations make an explicit choice to assist specific groups. As noted above, Norwegian People’s Aid specifically chose to assist the people of southern Sudan. It made clear in its public communications that it worked with the Sudan Relief and Rehabilitation Association, the humanitarian wing of the Sudan People’s Liberation Army (SPLA). A second example would be the humanitarian assistance channelled

34 Ibid.
35 The media team creates tools for journalists, including web videos, regular videos, news feeds, audio resources (e.g., radio programs, podcasts), downloadable photos of UNICEF spokespersons, calendar of upcoming events, publications and speeches. See for example <http://www.unicef.org>, (last visited on 20 January 2006).
through churches in Biafra during the Nigerian civil war. These organizations generally promote such solidarity in their public communication activities. For churches such solidarity can also find its expression in sermons and church collections.

**Islamic NGOs**

The large Islamic humanitarian organizations are currently the most difficult organizations to place on our map because they are developing so rapidly. In addition, they have not been studied as often as most other organizations included in this article.\(^\text{37}\) While they originate from a sense of solidarity with their fellow brethren, they are increasingly addressing the needs of victims of all religious backgrounds and cooperating more and more with non-Islamic organizations. At the same time, some observers state that their public communication towards their Islamic target groups differs from that towards their Western target groups. It is likely that organizations such as Islamic Relief and the International Blue Crescent will professionalize further and increasingly mirror organizations like World Vision International.

The remaining corner in the bottom right concerns organizations that operate in solidarity and as subcontractors. Their public communication strategies are either mainly based on propaganda or they maintain a low profile. Best examples were the US Cold War NGOs that identified with the position of the US government and carried out its policies to assist specific groups. They took a strong pro-American (or Western) position in their activities.

After the end of the Cold War, it became more difficult to find NGOs that fit in this quadrant. However, the “war on terror” and its consequences in Iraq and Afghanistan may change this and further divide the amorphous humanitarian community. In Iraq, humanitarian organizations have faced increasing forms of competition from private companies as public service contractors.\(^\text{38}\) Briefly, large US conglomerates with links to the Republican Administration, such as Halliburton and Bechtel, have carried out rebuilding and humanitarian tasks. Moreover, since the Cold War ended the US military has established a higher degree of control over humanitarian organizations than ever before. In June 2003, President George W. Bush “informed American NGO leaders that they were in fact ‘an arm’ of the U.S. Government — and that they had an important job to promote U.S. interests in Afghanistan and Iraq. Furthermore, NGOs receiving funding from the U.S. Government were not to speak to reporters or publicly express critical opinions of


\(^{38}\) In addition, the US military is relying increasingly on security firms that carry out tasks normally assigned to military or peacekeeping forces. See David Barstow, “Security companies: Shadow soldiers in Iraq,” *New York Times*, available at: <http://www.nyt.com>, (last visited on 19 April 2004).
U.S. foreign policy. As a result, humanitarian organizations, especially US ones, have been confronted with new, competitive organizations and restrictive communication policies. The US-led interventions also aroused strong local armed resistance, which sharply increased security risks for humanitarian organizations.

In general, American humanitarian organizations have publicly protested against these military and funding policies and have continued to raise their own funds, but the future will tell whether and to what extent they will be able to protect their independence. If not, organizations could become more closely associated with their donor governments involved in crises severely restricting their independence and placing them in the lower quadrant of Figure 2 (above). As a result, their public communication strategies could either become more circumscribed or increasingly echo donor government propaganda.

Differences within organizations

Many of the humanitarian organizations mentioned in this paper are actually federations or “families.” In some, there is considerable variation between the policies and programming of different national units. For example, Oxfam GB is a very different organization in the field from Oxfam America, while the Dutch branch NOVIB started out as a development organization rooted in the Dutch labour and socialist movements and only later linked up with Oxfam.

Organizational structures also vary widely, as does the degree to which each is centrally governed. Some of these organizations, for example Save the Children Fund, have a clear centralized structure with clear decision-making rules. Others do not have a clear hierarchy in which a central headquarters office dominates the other offices or a central ruling body exercises power over others. For example, Oxfam is relatively decentralized, with operational branches in various countries and liaison offices in Brussels and New York.

The growth of these federations is predominantly a phenomenon of the 1990s. Many of the new offices were started as vehicles for increased media relations, lobbying, fundraising and staff recruitment. Coherence is generally assured through executive and board control from the parent organization and shared norms and values. The evolving nature of the federation’s membership may well have effects on its positioning in our chart over time, and lead to a further diversification of their communication strategies.

41 Lindenberg & Bryant, op. cit. (note 18), p. 35.
42 Kalinski, op. cit. (note 22).
Differences between US and European NGOs

There are differences, as well as crucial similarities, in the relationships between the US and European NGOs and their “home” publics. This is particularly important because funding from the general public makes many humanitarian organizations less reliant on government funding, so they can safeguard their independence better. Funding and other forms of support by the general public can also open up opportunities to exert a direct influence on policy and decision-making in political circles responsible for foreign policy, funding and military deployment.

On both sides of the Atlantic, direct mail, e-marketing and campaigning are the preferred methods of fundraising. For example, one in seven Dutch adults has donated to MSF Holland at one time or another, which allows MSF to debate whether to have “a network rule of thumb of no more than 15 percent of revenue from government sources”\(^{43}\) to protect its independence.

US organizations do not reach the same levels of penetration. In 2001, Lindenberg and Bryant observed that while “overall private giving in the United States as a proportion of GDP has remained stable since the 1960s, in the past seven years, the proportion of total giving designated for international purposes has doubled from 1 percent to 2 percent. This has been accompanied by the rise of a new ideology in which both politicians and many private citizens see voluntarism as part of the solution to global problems. It is now considered regular practice for large national newspapers to carry long lists of NGOs and their addresses to encourage citizen contributions during times of civil violence or natural disasters.”\(^{44}\) The power of private fundraising through direct mail and e-marketing — a growing market — is also attractive to organizations that have traditionally relied heavily on government funding, as it enhances their independence of action and speed of response.\(^{45}\)

In more general terms, there are differences between European and US humanitarian organizations with regard to their proximity to the donor governments, their relationships with the military, and their interaction with the general public. The Europeans generally prefer to keep a greater distance from the military and criticize their governments more readily; this is reflected in their public communication policies. At the same time, many humanitarian organizations in both Europe and the United States cooperate pragmatically with the military at the field level, partly because they need donor funding, partly because they want to address the needs of the local population.\(^{46}\)

\(^{43}\) Lindenberg & Bryant, *op. cit.* (note 18), p. 39.
\(^{44}\) *Ibid.*., pp. 11-12.
\(^{45}\) Nevertheless, private funding can also be volatile. Stoddard notes that “after 11 September, private donations to US NGOs dramatically declined as Americans focused on domestic recovery and support for the victims of the attacks. At the same time, however, other factors, notably recession and the plummeting stock market, appear to have been more important in the long run. Thus, in 2000-2001 direct mail was generating half as much revenue for many NGOs than in the previous year.” Stoddard, *op. cit.* (note 30), p. 29.
\(^{46}\) See Dijkzeul, *op. cit.* (note 40).
respect, humanitarian organizations are caught between their principles and their own need for organizational survival. They are not in full control of their own agenda, but working with the general public may allow greater independence through fundraising and public support.

Field-level scenarios

The war on terrorism and the concomitant invasions of Afghanistan and Iraq could lead to at least two possible scenarios for the public communication of humanitarian organizations at field level: on the one hand a scenario that emphasizes political control by donor governments and their military forces, in particular by the US forces, but in a situation of high insecurity; on the other a scenario that assumes that donor governments refrain from establishing a higher degree of control, in which case the security situation may be less acute.

Scenario One: Insecurity for humanitarian organizations

Such a scenario is likely to occur with the continuation of the “war on terror” by the Bush Administration. The first problem with the war on terror was that the humanitarian organizations were confronted with a higher degree of political and military control than during the 1990s. As a result, this scenario initially resembled the mental map of the Cold War, with some humanitarian organizations staying close to their respective governments and others upholding the traditional humanitarian principles. Certain NGOs safeguarded their independence, others, especially in the United States, worked — either reluctantly or willingly — more closely with “their” administration. Several French NGOs decided not to enter Iraq. These divergent positions also hampered interorganizational coordination of the humanitarian organizations in crisis zones, as well as their ability to criticize donor governments in public.

The accompanying high level of insecurity on the ground in both Afghanistan and Iraq, however, currently poses an even greater challenge for the humanitarian organizations present there. They are increasingly unable to operate well in certain areas. ICRC and UN offices have been bombed and staff members of several organizations have been killed, and the UN presence in both Afghanistan and Iraq has been more closely circumscribed than in many other recent crises. Thus humanitarian organizations attempt to avoid military control and simultaneously become the object of local attacks that severely


curtail their operations. They display their emblems less prominently or not at all, strengthen the protection of their compounds and often restrict their operations to capitals or safe areas. Many of them have withdrawn their expatriate staff, who now enter the country only for short supervisory visits. Their local staff face heavy pressure from local armed groups. Protecting staff has thus become an overriding concern, sometimes to such an extent that humanitarian assistance is not or is only infrequently delivered. As a result, the mental map empties; humanitarian organizations either cut back on their operations or leave, and consequently no longer apply humanitarian principles consistently.

These tendencies influence fundraising and broader public communication. When international security concerns determine aid priorities, humanitarian organizations are induced “to stimulate other forms of funding and to confront donors regarding funding policies.” A higher degree of military and political control will also limit the room for manoeuvre of humanitarian organizations in terms of advocacy and funding. At the same time, “a major gap … was the absence [in Iraq] of advocacy and public information campaigns and a communication strategy in local languages to explain the objectives of the UN and wider assistance community … as well as the lack of Iraqi media to broadcast such messages.” For those organizations still present, such advocacy at field level to explain humanitarian principles, foster local cooperation and increase staff security has gained in importance. But public communications alone will not be enough to relieve the squeeze between political and military control on the one hand and a high level of local insecurity on the other. It seems likely that the violence, especially in extremist forms, will usher in a Somalia-like situation.

Scenario two: Traditional humanitarian action

The second scenario depends very much on how the security situation in Iraq and Afghanistan evolves. Even if military operations do establish sufficiently stable situations there, the risks and usefulness of military control and military invasions in general will nevertheless be subject to more reflection by governing elites. Scaling down such military control would mean a return to a situation similar to that of the mid-1990s, with stronger multilateral action and generally more independent humanitarian organizations, which in turn facilitates more independent public communication strategies.

51 Yet a full military withdrawal from Iraq would probably embolden terrorists and other extremists elsewhere to carry out acts of violence against humanitarian organizations and their staff. The withdrawal of American troops from Somalia after the killing of American soldiers gave the Rwandan génocidaires an incentive to kill Belgian UN soldiers in order to make the Belgian contingent leave.
If insecurity then decreases — which is in many ways a moot question — traditional humanitarian principles will then also be more easily upheld. Operationally, expatriate staff will probably remain more often in crisis zones, but humanitarian organizations may still want to work more with local staff because they cost less, know the cultural habits and customs and speak the local languages. Similarly, the long-term trend towards working with local NGOs, for instance Islamic ones, will continue, but at a slower pace. Greater respect will probably be shown for humanitarian emblems and compounds, but improved local public communication will still be useful, including advocacy both of the goals and principles of humanitarian assistance and to promote staff security.

Scenario three: Mid-way situation

It is possible that both scenarios may occur simultaneously. In high-profile crises the first scenario may come to dominate; in more silent emergencies the second scenario may take over, with donor governments and their military forces perhaps playing only a limited role or none at all. This combined scenario amounts to a two-tier system of humanitarian assistance, in which different mental maps will be used depending on the type of crisis and the level of insecurity. Humanitarian organizations will then have to fight hard to raise public attention for silent emergencies.

Regardless of the scenario chosen, it is clear that when international security concerns dominate the humanitarian agenda, it is even more challenging to uphold the principles of neutrality, impartiality and independence. Humanitarian public communication then becomes much more difficult.

Conclusion

It is ironic that humanitarian organizations should still need to communicate more transparently about their own public communication strategies and outcomes. Care should therefore be taken in drawing conclusions about humanitarian public communication policies and their effectiveness, for many organizations provide only limited information about their communication activities and impact. It is nevertheless useful to distinguish between field-level, federation and central communication policies, as well as to understand the main US-European differences. All in all, humanitarian organizations seem to be professionalizing their public communication management.

This article reinforces the argument that humanitarian organizations and their staff members must understand the meaning of the basic principles of humanitarian action, be able to articulate which of these principles govern their activities, and act accordingly. Public communication strategies can play an important part in this respect both at “home” and in the field.

Just as organizations differ in the practical application of their principles, they also differ in their public communication policies. The ICRC and
MSF tend to protect their independence and are not likely to establish official alliances with other humanitarian organizations, let alone private enterprises, with their public campaigns. Other organizations, such as Oxfam and CARE, are more likely to work jointly on such campaigns or form partnerships with private enterprises. Interestingly, these are also the organizations that do more developmental work. UN organizations cannot be as independent as NGOs because they need to follow official UN policies. In particular, Security Council resolutions can constrain them. Finally, religious organizations range from the sectarian to large professionalized organizations. They tend to cluster towards the solidarity pole, but once they grow and professionalize more, they tend to stress impartiality and independence more strongly. This is currently happening with the larger Islamic humanitarian organizations.

One of the central organizational and public communication issues is the extent to which organizations can gain or protect their independence from donor governments and the military. Usually, the ICRC and MSF carefully preserve their independence by keeping away from other players, but with the wars in Iraq and Afghanistan this has become a fundamental strategic issue for many humanitarian organizations, especially for those based in the United States. In addition, food aid organizations have a harder time protecting their independence than medical relief organizations because the cost of providing large-scale food aid makes them more dependent on donor resources.

Importantly, growing insecurity at field level also necessitates better structured local communication policies and activities to distinguish humanitarian organizations from the military and private subcontractors, and to explain the humanitarian principles and activities in more detail. This constitutes one of the main humanitarian public communication challenges of the near future.

In the final analysis, it is essential for humanitarian organizations to perceive communication as a strategic management function. Adopting a coherent approach in public communication is the best way to put over the complexity of emergencies and conflicts, gain support for the victims of conflict, address insecurity and protect organizational independence. This is particularly important against a backdrop of growing scrutiny by media and other players, and of the misinformation and rumours that are common in wars. Of course, much will depend on the scenarios chosen by donor governments, for they steer humanitarian action with their funding requirements, their military deployment and their policies towards multilateral institutions. Nonetheless, humanitarian organizations can enhance their room to manoeuvre, as the ICRC and MSF examples show. They can attempt to influence government decisions to some extent by engaging in campaigns, advocacy and public fundraising. When organizations achieve, in particular, better communication with other stakeholders and the general public, they will be better able to safeguard their independence and reach the victims of conflict.
ICRC communication: Generating support

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Abstract
The environment in which the ICRC works and communicates is constantly changing. The ICRC is also constantly seeking support that will allow it to gain access to victims, carry out its work, generate the diplomatic and financial backing needed for that work and ensure the safety of its delegates. The primary aim of communication is not merely to pass on messages from the organization effectively. It is just as necessary to understand the issues concerning the various audiences and how they perceive those issues as it is to inform them. The ICRC draws on a wide array of communication strategies and resources, depending on their complementarity and their potential impact, ranging from meetings with local armed groups to the use of mass communication tools. Communication is thus an integral part of the ICRC’s decision-making process, both at headquarters and in each context in the field.

Humanitarian organizations have long been protected by the very nature of their work. Helping people in need, especially in severe crises — armed conflicts or natural disasters — has always tended to arouse a sense of solidarity and support. Since the early 1990s the situation has become considerably more complex.¹ The increase in the number of humanitarian agencies or of others working in the humanitarian field — together with confusion over the specific identity and objectives of each humanitarian agency, how some of them behave, the need to raise more funds and the competition for visibility resulting from that increase — and insecurity have made it necessary to rethink some of the strategies aimed at obtaining and establishing support for humanitarian work.

* The article reflects the views of the author alone and not necessarily those of the ICRC.
Like many other humanitarian organizations, the ICRC is faced with this challenge and its staff\(^2\) encounters it daily. Whether the task in hand is to negotiate a passage between the lines for a relief convoy, to set up a field hospital, to broach the subject of detainee treatment or respect for the Geneva Conventions, they have to establish a minimum amount of trust between themselves and their contacts. None of the contexts in which the ICRC\(^3\) works constitutes an exception to this rule. From Kabul to Luanda, from Jerusalem to Colombo, from Washington to Khartoum and from Muzafarabat to Moscow, the ICRC has thus established a working method that is backed by more than 140 years of experience and evolves further with each new experience gained.

Its approach is based first on a direct, face to face dialogue between the parties to armed conflict and ICRC delegates. To set up and manage that relationship is a fundamental consideration of all the ICRC’s communication strategies and activities.\(^4\) The changing environment in which its teams work has nonetheless compelled the ICRC to supplement and expand that approach with a view to broadening the support base for its work and the principles that govern it.\(^5\) The organization must be able to project a coherent identity and manage its reputation, both locally and globally, in a dynamic process geared both to long-term objectives, which must be targeted, and to the very short-term nature of real-time communication.

The ICRC must be capable of identifying the key audiences whose support it would like to obtain and, if possible, to have their support before it is needed so that it can count on them when the time comes — regardless of whether those audiences are political or military authorities, leaders of opinion in civil society, donors, or men and women affected by conflict. Thus, it is not enough to be able to respond appropriately when news concerning the ICRC breaks.

This article describes and analyses certain factors influencing the environment in which the ICRC works and communicates and the impact those changes have had on its communication activities. It goes on to examine the communication strategies being put in place by the organization today to meet

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2. At the end of 2005 the ICRC had a total staff of 11,375.
3. The ICRC is working in more than 80 countries. See *Emergency Appeals 2006*, ICRC, December 2005.
4. ICRC communication is made up of two complementary parts: public communication and the promotion of international humanitarian law. Public communication is aimed primarily at informing and raising awareness among the ICRC’s priority audiences. It seeks to strengthen support for international humanitarian law, the work of the ICRC and the positions it adopts, and to present a consistent image of it. The main purpose of promoting international humanitarian law is to ensure that law’s incorporation in particular in the doctrine, education and training of the armed and security forces and in university and school syllabuses.
5. The work of the ICRC and the various components of the International Red Cross and Red Crescent Movement is based on the Movement’s Fundamental Principles, the main ones being humanity, impartiality, independence and neutrality.
the challenge of gaining support for its work, with particular emphasis on its public communication policy.

**Support for the ICRC’s work: Reality, perceptions and symbolic dimension**

The people with whom ICRC delegates interact form an opinion of the organization and its work. That work and its relevance to the situation and the needs of the people give rise to reactions, comments and judgements which the organization needs to address.

**Perceptions**

ICRC delegates are required daily to convince the various parties to armed conflict of their independence, of the impartiality of their approach to assist and protect people without any discrimination and of the appropriateness of their intervention. They know that the local trust derived from humanitarian activities and their impact on beneficiaries can be influenced positively or negatively by perceptions due to various factors, such as the delegates’ attitude, the media reporting on the ICRC and its work, or by the people’s own perception of their needs and situation and by their sense of outrage, humiliation or even helplessness.

The perceived relevance of its work to a given situation or context may thus have a decisive effect on the opinion that audiences targeted by the ICRC have of the organization, and hence on their potential support.

**Symbolic contexts as a prism**

This notable trend is confirmed worldwide whenever intensive media coverage, be it in the north, south, east or west, endows situations or contexts with symbolic significance. These “symbolic” contexts become the main prisms through which the work of a humanitarian organization such as the ICRC will be judged. They are henceforth a factor determining the degree and strength of the support generated by the ICRC.

A humanitarian organization such as the ICRC is not responsible for determining a context’s symbolic dimension. It must nonetheless identify and understand what makes a particular situation or context symbolic and take the possible effect of this phenomenon on its identity and communication into account.

In our view, the symbolic dimension is conditioned by five main factors: the scale⁶ of the humanitarian crisis; the existence of powerful images that stir up emotion and indignation; the rapidity with which those images recur;

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⁶ The scale of a humanitarian crisis is usually “measured” by the number of victims. It can also be determined by its geographic location, the nationality of the victims or by the type or scale of the violations.
over-simplification of the situation and the issues at stake, and the ability of different audiences to be able to relate to that humanitarian crisis. These factors combined thus enable certain humanitarian crises to assume a global symbolic dimension, as shown recently by the Asian tsunami and the earthquake in Pakistan. Whereas broad coverage has been given to the tsunami, diminishing media attention and the difficulty of producing new images and explaining the situation in Darfur (who are the victims, who are the “baddies,” why are they fighting?) has limited that human tragedy’s impact and symbolic value.

One of the most graphic examples of crises with a strong symbolic content is found in Cuba. The camp at Guantanamo Bay was opened by the United States authorities in January 2002. As soon as the first detainees arrived there it was given maximum media coverage. Within a matter of weeks the orange jumpsuits worn by the 600 or so detainees at Guantanamo Bay came to symbolize the war against terrorism declared by the United States government. It was a symbol that was sustained by the same powerful images, the same news and debates, but that triggered radically different interpretations depending on the stance adopted. On the one hand it symbolized the need to fight terrorism, and on the other the humiliation of a community.

ICRC delegates have had access to detainees in Guantanamo Bay since January 2002. They visit them regularly to ensure that they are given humane treatment in keeping with the applicable rules and standards of international law. As in every one of the roughly 2,400 places of detention visited by the ICRC in 2004, delegates make the requisite approaches to the authorities to that effect. The content of these approaches and of ICRC reports is confidential and is communicated only to the detaining authorities concerned. In this way delegates are able to create the minimum atmosphere of trust needed for the ICRC’s concerns about the situation in places of detention and respective recommendations to be heard and understood, and to ask for necessary changes to be made. Guantanamo Bay is no exception. This course of action has enabled the ICRC to have repeated and regular access to persons interned in Guantanamo Bay and to interview them in private. Its access has also placed the ICRC in the media spotlight on several occasions and necessitated such presence is managed.

Making the ICRC’s activities and positions understood

Confidentiality should not be synonymous with keeping silent. It is clearly defined and must be aligned with the objectives of those visits and the terms, conditions and procedure of the ICRC’s work. While choosing not to speak about the conditions of detention, the treatment of the detainees and the

nature of the approaches made to the authorities, the ICRC also considers the
importance of the political environment in which some of its visits take place,
the public nature of it and the significance that may be attributed to its presence
and the fact that the US authorities made repeated references to the visits of the
ICRC. From 2002 onwards the ICRC therefore felt that it should make clear the
purpose of its visits to Guantanamo, its *modus operandi* and the importance
it attaches to maintaining quality dialogue with the detaining authorities. It
also decided at certain times to make public its analysis of the legal situation
in Guantanamo Bay, with particular stress on the importance of applying the
available legal rules, international or national, to determine the prisoners’ fate.
Each time the ICRC took this step, it did so to make sure that its interpretation
of the situation and the implications for the detainees and for international
humanitarian law would be understood by key audiences around the world. It
went public to that effect on Guantanamo Bay, just as it did, for example, on its
detention-related work in the Russian Federation.9

The interest shown in the ICRC’s statements has varied considerably, depending on the context. The symbolic dimension of Guantanamo and the
resultant polarized debates have kept media and stakeholders attention centred
on the ICRC’s work there and its communication, whereas interest in matters
relating to Russia in general and Chechnya in particular, as well as their sym-
obolic value for those dealing with current events, has waned.

**Communicating in symbolic contexts**

Communication about major humanitarian issues or the ICRC’s work in sym-
obolic contexts obviously arouses immediate reactions from all parties concerned,
resulting in closer and more public scrutiny of the ICRC’s work and methods,
especially its confidentiality and the impact of its work on the victims.

This pressure is further increased by the voracious appetite of media
machines, their monitoring of the latest events around the clock and their
quest for anecdotes and scoops. The pressure is even more complex because
the original sources of a news item tend very quickly to become obscured. In
this way the views of anonymous sources about the ICRC or its work can, in
the next dispatch, metamorphose into the organization’s “official” position,
although this has not in fact been expressed. The speed and momentum of
this process often make it difficult to manage. The ICRC has tried as far as
possible to do so by explaining, for example, what it is doing at Guantanamo
Bay, how it does it and the limits to its work, and by rigorously deciding when
and on what subject it will or will not communicate within the confines of its
confidential approach.

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9 See Press Release 04/65, 12 November 2004 and interview with Pierre Krähenbühl, ICRC Director of
Operations, 18 November 2004, available at: [http://www.gva.icrc.priv/Web/Eng/siteeng0.nsf/iwpList74/
BC9F68471DB9883941256E6004C228A>](http://www.gva.icrc.priv/Web/Eng/siteeng0.nsf/iwpList74/
BC9F68471DB9883941256E6004C228A> (last visited on 2 February 2006); *Emergency Appeals 2006*,
ICRC, December 2005, p. 215.)
Global and local

The emergence of the media from so-called peripheral areas\(^{10}\) to become global players, capable of influencing decision-makers and of showing an armed conflict or a set of issues in a different light, together with easy access to the Internet as a means of spreading and receiving news, means that global news items swiftly filter through to the local level. This was confirmed above all during the 2003 war in Iraq. The result for the ICRC is that perceptions of it cease to be shaped by local factors alone, but are also influenced by ICRC presence in the public domain in high-profile contexts. This phenomenon has become much more marked in recent years, although it is not new as such, for it has been faced by ICRC delegates since the late 1990s. For example, several of them have even been directly threatened in the hours and days that followed the assassination of six ICRC delegates in Novye Atagi, Chechnya, in December 1996 such as in Tajikistan and a remote district of the Democratic Republic of Congo. On each occasion very precise local threats referred to a tragedy that had just taken place thousands of kilometres away but the scale and atrocity of which had led to immediate worldwide media coverage.

Identity and new communication technologies

The advances in communication technology, even if the pace of development differs from one region to another, have heightened the interaction between global and local levels. The existence and emergence of new peripheral\(^{11}\) media of regional or international scope have accentuated this phenomenon. Yet despite these advances in technology and sources of communication, which give more people around the world direct access to information, the need to try to understand, to decode, to make sense of that information is greater than ever, all the more so because its sheer quantity and omnipresence cannot explain a world that is generally perceived as being more complex, more dangerous, and beset by increasingly acute differences of identity.\(^{12}\)

Thus the growing volume of information facilitated by the new communication technologies paradoxically renders communication more difficult and is tending to deepen the distrust of the various audiences. In such circumstances the ICRC needs to have a clear idea of its identity, especially the identity it wishes to convey through its work and communication and the identity perceived by its various audiences.

The ICRC therefore started research several years ago into these questions of identity, in most cases working on a local or regional basis and conducting a series of interviews with persons representing the various audiences of interest.

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10 Peripheral with regard to the western “centre,” which appears to regulate (economic, financial, political and media) globalization.
11 Ibid.
to it. This research, which is termed qualitative, enables the ICRC to better distinguish any difference between the identity it seeks to convey through its work and communication, and the identity as perceived by those audiences. Such work is continuous and its findings guide the formulation of communication strategies designed to reduce any difference identified, so that the support needed for its work can be generated, access gained to the people affected by armed conflicts and internal violence and their needs for protection and assistance met. The said research work is generally preceded by quantitative surveys which allow the main trends in perception of the ICRC’s identity to be discerned.

A recent example is the ICRC’s participation in the “Voice of the People” survey. In this survey, conducted by Gallup International once a year, 50,000 people are interviewed in over 60 countries around the world; according to the polling institute, the views of more than a thousand million people are thus represented. The questions asked by the ICRC in 2005 related to the activities and terms associated with the organization itself, with neutral and independent humanitarian action and with the ICRC’s reputation in comparison with other organizations working in the field of humanitarian aid or in similar fields. Some of the most significant results are summarized below:

- The two activities most frequently associated with the ICRC throughout the world are those to “provide medical aid and first aid” (65%) and to “help the victims of natural disasters” (64%), while the activities least associated with it are “reuniting families separated by armed conflicts” (34%) and “promoting international humanitarian law/the Geneva Conventions” (34%).
- “Humanitarian” is the term most frequently associated with the ICRC throughout the world (65%). Half of the respondents see the ICRC as “global” (51%), “honest/trustworthy” (48%) and “neutral and impartial” (47%). The term least associated with the ICRC is “inefficient” (mentioned by 8% of those interviewed).
- Worldwide, half of the respondents (49%) think that humanitarian agencies should work in complete independence rather than be coordinated by political or military authorities; 22% of them support the idea that humanitarian organizations should be coordinated by the armed forces; 12% think that coordination should be carried out by the political authorities.
- The ICRC is the best known humanitarian organization among those appraised; this is the case in all the different regions of the world. Three-quarters of the respondents had heard of the ICRC, and 74% of these people have a positive view of the organization, as opposed to 4% with a negative view.

13 65% of the respondents selected this activity from a list of 11 activities connected with the ICRC to a greater or lesser extent (multiple choices). The margin of error in this survey was +/− 4%.
14 65% of the respondents selected this term from a list of 10 terms defining the ICRC (multiple choices).
15 World Food Programme (WFP), Médecins Sans Frontières (MSF), the Office of the United Nations High Commissioner for Refugees (UNHCR) and Amnesty International.
Once this information has been analysed, further details are enriched by field studies, which help to identify the problems on which the ICRC must focus in its reputation management.

This research work and the evolution of certain factors — the importance of the perceptions of a large number of audiences influenced by the quality of the ICRC’s presence in the media, the symbolic nature of certain situations or humanitarian crises which suddenly become the gauge by which the work of an organization such as the ICRC is judged, and the emergence of new technologies and new media — have prompted the ICRC to adapt its communication strategies over the past few years.

**Changing nature of the ICRC’s communication strategies**

In this changing environment, the main purpose of communication is no longer solely to convey the ICRC’s messages effectively. It is just as necessary to understand the problems affecting the various audiences and how they perceive those problems as it is to inform them. For the ICRC, therefore, communication cannot merely be a matter of providing information and sending out its messages. It must also be mindful of the conditions in which the communication is received, reshaped in accordance with the receiver’s cultural, political, emotional and identity horizon and responded to. The ICRC thus goes beyond one-way communication and step up efforts to listen to and engage in dialogue with its priority audiences, stressing its capacity to understand and analyze their perceptions of the ICRC, its identity and its work.

This development is essential for the ICRC’s communication to achieve its primary objective, namely to increase understanding for and acceptance of the organization among its priority audiences so as to enable them to support its activities, the principles that guide them and rules of international law they promote. In other words, if the ICRC does not know and understand the concerns of its audiences and what they think about it, its chance of exerting a significant influence upon them is severely reduced.

**Changing nature of armed conflicts**

This work to discern and comprehend the environment and problems which might affect the ICRC’s ability to act is indispensable in view of the changing nature of the conflicts in which its delegates are deployed. Many of today’s conflicts are characterized by the multiplicity of parties involved in them and by the constant interconnection of the various local and global factors influencing their development. An analysis of the conflicts in Sudan, for example, would be incomplete without taking into account the interests of the international petroleum companies working in that region, or the effects of the referral by the UN Security Council of the situation in Darfur to the International Criminal Court.

The extreme diversity of situations of conflict or armed violence and the diversity of needs of the people affected by them is thus the daily challenge
that the ICRC has to face. Relations with all parties to an armed conflict and all those with influence upon them are consequently more essential than ever to the ICRC’s work. What used to require first and foremost contact and dialogue with official armed and security forces and clearly structured opposition groups now calls for approaches to and communication with a wide variety of actors, ranging from radical armed groups through urban gangs or private security companies to powerful conventional armies.

Wide array of communication strategies and tools

To meet that challenge, the ICRC develops and uses a wide array of communication strategies and tools that extend from meetings with local armed groups — some of which only control a crossing point or a few square kilometres of territory, as for instance in the east of the Democratic Republic of Congo — to interviews with heads of State or opinion-leaders in capital cities. The next generation of decision-makers is being reached by including international humanitarian law in the school syllabus wherever a structured environment exists,16 and by incorporating it into the doctrine and training of the armed and security forces17 and the curricula of faculties of law, journalism and international relations at universities around the world.

Mass communication

To complement and support its work to promote good relations and direct contact, the ICRC’s communication strategies also favour the use of mass communication tools. These include radio, which is an essential means of transmission in large areas of Africa or in Afghanistan, publications and images — whether photos or videos — and its icrc.org website,18 which has been expanded considerably in recent years and whose average annual audience has risen by 500% since 2002. These means of communication allow vast audiences in different contexts to be reached and enable the spotlight to be trained on a situation of humanitarian concern or on the human cost of conflicts receiving little coverage, such as those in Uganda, Yemen, Nepal, Colombia or Myanmar.

Integrating communication in the decision-making process

The ICRC’s communication strategies, including the choice of different channels of transmission, are developed and implemented in the field and at the organization’s

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16 The programme “Exploring humanitarian law,” to raise awareness of international humanitarian law among young people aged between 13 and 18 has been implemented in 34 countries and is being tested in 65 others throughout the world.
17 In 2005, this work was carried out in more than 100 countries by 22 ICRC delegates specialized in relations with the armed, police and security forces. Its main purpose is to help the armed forces, the police or other armed groups in setting up means and mechanisms conducive to respect for the law and for specially protected persons.
18 The ICRC website, <www.icrc.org>, exists in English, French, Spanish, Arabic, Russian, Portuguese and Chinese.
headquarters as appropriate for the respective situation and audiences to be reached. They are devised to generate the broadest possible support for the ICRC’s work and to sustain that support so that it will be available when needed. And that can happen at any time. The globalization of communication has made it difficult, if not impossible, to forecast exactly when and in what way the spotlight will be turned on the ICRC. In this age of “real-time” communication the ICRC therefore needs to be prepared for the unknown and manage the known. First, by integrating communication as an element to be considered in the ICRC’s entire decision-making process — both at headquarters for overall aspects, and in the field for each situation there. Then by applying the key principle that for an organization with worldwide reach, communication takes place with several audiences simultaneously, and that even if the generic messages are the same, the means of communicating with the different audiences and delivering the messages must be adapted to the respective context and the desired impact. And, finally, by not diverging from the principle that what the organization and its representatives say must at all times reflect what they do. That is the most effective way for the ICRC to be prepared in the short term and to convince others on a long-term basis. It is also the most complex challenge in managing the reputation of an organization which shares essential attributes of its public identity with others.19

**Public communication: ICRC policy**

To take account of those factors and the challenges involved in managing its reputation, the ICRC has adapted its communication accordingly, especially its public communication.20 It has adopted a new public communication policy21 to manage its presence in the global, local and regional public arenas. This policy defines the priority audiences — political and military authorities, opinion-leaders in civil society, the media, donors, humanitarian organizations, people affected by war, and National Red Cross and Red Crescent Societies — with which it wishes to interact. The ICRC will focus particularly on decision-makers whose conduct and decisions have a direct impact on the fate of people affected by armed conflicts and internal violence, on its own ability to act and on respect for international humanitarian law, and influential people whose opinions have a direct impact on the degree of support given to the ICRC and to that law.

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19 There are 151 National Red Cross Societies and 32 National Red Crescent Societies in the world. Together with the ICRC and their International Federation, they are members of the International Red Cross and Red Crescent Movement. In the recent “Voice of the People” survey conducted by Gallup International (see above), 42% of the 50,000 persons interviewed replied that the ICRC was carrying out the same activities as the Red Cross or Red Crescent of their country. This percentage differed perceptibly from one country to another.

20 Complementary to its promotion of international humanitarian law (see above).

The primary objective of the ICRC’s public communication is to foster understanding and acceptance of the organization among these priority audiences. For this reason, public communication plays a strategic role in all ICRC actions including aspects of staff security and is included in operational strategy and practices at local, regional and global levels. This is all the more important since the ICRC’s public communication strategies and activities are governed by the same rule that applies to all its other activities — namely that the interests of those affected by armed conflicts must come first.

In order to ensure respect for people protected by international humanitarian law and the ability of the ICRC to have access to them, its public communication must safeguard the confidential nature of certain kinds of information. Whenever the ICRC coordinates the activities of the International Red Cross and Red Crescent Movement, its public communication must reflect its role as coordinator of the international relief operations carried out by the Movement.

Key messages

The ICRC places the human cost of armed conflicts, how the ICRC and its partners in the Movement respond to it and the need to respect international humanitarian law at the centre of its public communication. Its strategies and activities seek to convey the following key messages:

• The principle enshrined in international humanitarian law according to which limits must be imposed on war is vital for protecting human life and dignity.
• Individuals and groups affected by armed conflict may be extremely vulnerable and their rights must be upheld.
• It is everyone’s duty to respect and ensure respect for international humanitarian law.
• The ICRC is an independent, neutral and impartial organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance.

The ICRC’s public communication is governed by three guiding principles: credibility, identity and impact. The ICRC takes care that these guiding principles apply to all its public communication activities so as to ensure their coherence and comprehensibility.

Credibility

The ICRC acts predictably, according to definite terms of reference, and its public communication must reflect its determination to be coherent and predictable. It therefore attaches greater importance to the credibility of its information and to medium and long-term strategies rather than to “media coups.” It bases statements concerning issues and facts relating to its own area of competence
on information that it has itself verified or that cannot be disputed, so as to inspire confidence in the organization and in its work to protect and assist people affected by armed conflict.

Identity

To maximize the coherence and impact of its public communication, the ICRC must continuously seek to develop a voice of its own reflecting the distinctive attributes of its identity, i.e. those of an independent, neutral and impartial humanitarian institution that is well versed in the reality of armed conflicts, endeavours to protect and assist people affected by war and internal violence and works to promote respect for international humanitarian law.

Impact

The ICRC’s public communication must be created and implemented in a results-oriented manner that reflects operational and institutional strategies. Every act of public communication, including that of not communicating, is the result of a deliberate choice. The opportunities and risks resulting from such choices must be made explicit in the strategies drawn up by the ICRC.

The ICRC favours public communication that is targeted, direct and based on the relations and dialogue it has established with priority audiences. Initiating these relations and dialogue and maintaining them over the long term is a matter of priority, especially with audiences that can serve as relays for explaining the positions and activities of the ICRC and can rally support on issues falling within their area of influence. Only thus can the ICRC make effective use, in real time if necessary, of the opportunities it has to communicate, both locally and globally. In addition to developing relations with priority audiences, and in support of its efforts to do so, the ICRC uses mass communication tools such as its website, electronic media, radio, television and the press, which enable it to raise awareness of the importance of specific issues. In all contexts, ICRC staff members play an important role in relaying the organization’s messages.

Conclusion

The ICRC is constantly seeking support in order to gain access to persons affected by armed conflicts and violence, carries out its work, generates the diplomatic and financial backing needed for that work and ensures the safety of its delegates. This support is all the more necessary, for it can no longer be taken for granted in a world in which humanitarian organizations such as the ICRC must manage and protect their reputation in order to be able to operate.

The environment in which the ICRC works and communicates is constantly changing. Factors such as the emergence of new technologies and new media, the influence of the ICRC’s presence in the media on perceptions of the
organization and its work, and assessment of the latter in the light of the symbolic nature of certain humanitarian crises — have induced the ICRC to adapt its communication strategies with a view to expanding the support base for its work and its guiding principles.

The ICRC continues to give priority to direct communication based on relations and dialogue established with all parties to an armed conflict. It constitutes a sustained effort to ensure that key audiences with an influence on the fate of people affected by armed conflicts, internal violence or humanitarian crises are familiar with the ICRC, its modus operandi and IHL. Communication in these terms is preventive action designed to ensure that relations and dialogue with the organization’s various audiences are long term and not merely the product of crises or emergencies that need to be tackled. This is still the most effective way of establishing at least the minimum of trust required between, for instance, the parties to an armed conflict and ICRC delegates.

This approach, which is at the heart of the organization’s communication strategies, has been enhanced over the years in order to meet the challenges posed by recent changes to the environment. Three developments, in particular, have left their mark on the ICRC’s communication strategies. First, it was recognized that communication is not merely an activity intended first and foremost to put over the organization’s messages effectively, but that it is just as necessary to understand the various audiences’ issues and perceptions of those issues as it is to inform them. The second concerns the development and use of a wider range of communication strategies and resources, ranging from meetings with local armed groups to mass communication tools; the use of these different means depends on their complementarity and potential impact. The third has been to incorporate communication activities into the entire decision-making process of the ICRC, both in the field and at headquarters. The fact that communication strategies, including the choice of different forms of transmission, are thus an integral part of its operational strategies means that what the organization and its representatives say can be constantly aligned with what they do.

This threefold change is aimed at enabling the ICRC to manage its reputation over the long term and to generate the support needed for its work today and in the future.
“The understanding of war among people who have not experienced war is now chiefly a product of the impact of [...] images.”¹ Some images have marked our memories and others shape our opinions by appealing to our emotions. The impact of images can be very far-reaching. “In contrast to a written account — which, depending on its complexity of thought, reference, and vocabulary, is pitched at a larger or smaller readership - a photograph has only one language and is destined potentially for all.”²

“Images of the sufferings endured in war are so widely disseminated now that it is easy to forget how recently such images became what is expected from photographers of note. Historically, photographers have offered mostly positive images of the warrior’s trade, and of the satisfactions of starting a war or continuing to fight one.”³

“Torment, a canonical subject in art, is often represented in paintings as a spectacle, something being watched (or ignored) by other people. The implication is: no, it cannot be stopped – and the mingling of inattentive with attentive onlookers underscores this.

The practise of representing atrocious suffering as something to be deplored, and, if possible, stopped, enters the history of images with a specific subject: the sufferings endured by a civilian population at the hands of a victorious army on the rampage.”⁴

* Selection of images and accompanying text by Fiona Le Diraison, editorial assistant at the International Review of the Red Cross.

2 Ibid., p. 20.
3 Ibid., p. 47.
4 Ibid., p. 42-43. This subject emerges in the seventeenth century. See, for example, Jacques Callot, Les Misères et les Malheurs de la Guerre, which depicted the atrocities committed against civilians by French troops during the invasion and occupation of Lorraine in the early 1630s.
Phan Thi Kim Phuc fleeing after a misdirected aerial napalm attack on a suspected Viet Cong hiding place. The image shows excruciating pain and death and has become a photographic icon for antiwar advocates as well as a symbol of hope.

“In the case of still photographs, we use what we know of the drama of which the picture’s subject is a part.”

Sarajevo, June 2005. In some streets inhabited buildings still bear the marks of the conflict.

“Photography is the only major art in which professional training and years of experience do not confer an insuperable advantage over the untrained and inexperienced.”

“Non-stop imagery (television, streaming video, movies) is our surround, but when it comes to remembering, the photograph has the deeper bite. Memory freeze-frames; its basic unit is the single image. In an era of information overload, the photograph provides a quick way of apprehending something and a compact form for memorizing it. The photograph is like a quotation, or a maxim or proverb. Each of us mentally stocks hundreds of photographs, subject to instant recall.”

6 Ibid., p. 28.
7 Ibid., p. 22.
“The familiarity of certain photographs builds our sense of the present and immediate past. Photographs lay down routes of reference, and serve as totems of causes: sentiment is more likely to crystallize around a photograph than around a verbal slogan. And photographs help construct — and revise — our sense of a more distant past, with the posthumous shocks engineered by the circulation of hitherto unknown photographs. Photographs that everyone recognizes are now a constituent part of what a society chooses to think about, or declares that it has chosen to think about.”

8 Ibid., p. 85.
Photographs had the advantage of uniting two contradictory features. Their credentials of objectivity were inbuilt. Yet they always had, necessarily, a point of view. They were a record of the real — incontrovertible, as no verbal account, however impartial, could be — since a machine was doing the recording. And they bore witness to the real — since a person had been there to take them.”

Children detained in the camp of Auschwitz-Birkenau, 1945. Similarly, pictures of Bosnian detainees during the war in the former Yugoslavia, as well as those of prisoners in Abu Ghraib prison, had a major impact on the way the war was perceived and waged.

“Photographs had the advantage of uniting two contradictory features. Their credentials of objectivity were inbuilt. Yet they always had, necessarily, a point of view. They were a record of the real — incontrovertible, as no verbal account, however impartial, could be — since a machine was doing the recording. And they bore witness to the real — since a person had been there to take them.”

The images of the 1984 famine in Ethiopia, such as this one, were successful in their intention to mobilize an enormous international response by shocking the international community. But what was effectively portrayed as a natural disaster was also politically fuelled.

“But the photographic image, even to the extent that it is a trace (not a construction made out of disparate photographic traces) cannot be simply a transparency of something that happened. It is always the image that someone chose; to photograph is to frame, and to frame is to exclude.”

“Whether the photograph is understood as a naïve object or the work of an experienced artificer, its meaning — and the viewer’s response — depends on how the picture is identified or misidentified; that is on words.”

A strong and coherent visual identity helps secure support for ICRC activities. It gives it credibility in its efforts to influence the attitudes and behaviour of those who control the fate of conflict victims and who are in a position either to facilitate or to obstruct ICRC action (e.g. donors, governments, combatants).
A colour environment specific to the ICRC, for example, is an important part of its visual identity and helps to differentiate its products from those of others. The range of colours provided in the accompanying colour chart has been selected to convey warmth, proximity to the victims of armed conflicts and discretion, to complement the tone of ICRC communication. It includes more intense and vibrant colours for use in certain regions, for specific target audiences or to send a particular message. The aim is to have strong, dominant colours that are nonetheless appropriate for dealing with the serious topic of war.

The image the ICRC is seeking to convey stems directly from its position as legitimate, close to the victims of armed conflict and a key reference on international humanitarian law (IHL). Both the content and tone of a communication product and its visual aspects should project the ICRC as humane, action-oriented, professional and credible.
The choice of images is perhaps one of the most powerful elements of a visual identity. Images used should project the ICRC as a competent and efficient organization adhering to certain principles (i.e. neutrality, impartiality and independence), but also, working in close proximity to the victims of armed conflict.
Wherever possible, images should illustrate the empowerment of victims of war and show their perspective. They should not be sensationalist, but rather sensitive in their treatment of the subject matter, preserving the dignity of people enduring the realities of conflict and highlighting their rights and needs.

Detainees must not be identifiable and the wounded and sick should not be portrayed in a manner which violates medical ethics or confidentiality.
The ICRC uses different communication means to re-establish contact between members of families separated by conflicts or internal violence.

Baghdad. Satellite phone line made available by the ICRC in cooperation with the Iraqi Red Crescent to people attempting to contact their relatives. Two sisters give news to their brother living in Germany.

Yemen, June 2004, transmission of a Red Cross message.
The ICRC receives thousands of tracing requests every year. It uses the internet and radio programs, among other means, in cooperation with Red Cross and Red Crescent Societies to help families look for their missing relatives.
Six postcards of National Societies (American, Australian, Colombian, Egyptian, Hellenic, Indian).
Introduction

Time and again there has been confusion as to the subjects on which prisoners of war may be questioned by their captors. A variety of practices, as well as the fact that prisoners of war are indeed obliged to render certain information to their captors and that the wilful omission to do so may be subject to certain predefined sanctions, has at times fostered a certain gallimaufry of interpretations of the relevant provisions in humanitarian law. While the respective legal provisions, namely Article 17 of the Third Geneva Convention (GC III), are quite clear, the issue has particularly broad implications today in that the gathering of information about the enemy, their identity and whereabouts has become a
strategic goal of primary importance. Whatever the reason, be it the asymmetric nature of many contemporary conflicts, the relevance of non-State Parties or a choice of policy, in many cases it would seem that prisoners of war, rather than being questioned when taken prisoner, are being captured with the primary aim of questioning them.

Throughout history captors have undoubtedly always taken the opportunity to gather information about the enemy from their captives. But in view of the to some extent unfathomable phenomenon of international terrorism, the frequent tendency of the weaker party in asymmetric conflict to seek to gain a comparative advantage by operating in secrecy, and the fact that for terrorist networks in particular the concealment of their members’ identity by use of various aliases is part of their operative strategy, assembling information about this shadowy enemy is indispensable for any effective counter-strategy. At the same time, and arguably because of the aforesaid tendencies, the distinction between matters of warfare and issues mainly concerned with criminal law enforcement is becoming increasingly blurred. Investigatory questioning aiming to establish an individual’s criminal responsibility thus may overlap with regular prisoner-of-war interrogation procedures.

From the standpoint of the detaining power this raises two questions: how far does prisoner-of-war status protect the person concerned from these different modes of questioning; and how far and from which point in time does a prisoner of war benefit from established fair trial rights, e.g. the right to remain silent or the right not to incriminate oneself and the corresponding right to be informed about these fair trial protections? In response to these questions the present article gives a brief analysis of humanitarian law provisions relating to the questioning of prisoners of war, notably Article 17 of the Third Geneva Convention. Besides clarifying recurring misconceptions about this particular provision — misconceptions which may partly explain why State Parties might be tempted to interpret POW status rather restrictively — the analysis also covers the increased demand of captors for information from prisoners of war and the greater likelihood that the latter will be subjected to criminal law proceedings.

1 Examination of the status question, i.e. who is eligible for POW status under GC III, Article 4, would go beyond the scope of this brief analysis. For an overview see Knut Dörmann, “The legal situation of unlawful/unprivileged combatants,” International Review of the Red Cross, Vol. 85, No. 849, March 2003, pp. 45–74.

2 Even though the right to notification of fair trial rights is not explicitly mentioned in either international humanitarian law or the International Convention on Civil and Political Rights (ICCPR), it is inherently attached to the substantive fair trial rights, such as the right to remain silent, which would otherwise be rendered meaningless since in order to exercise one’s rights one must know of their existence. Consequently the right to be informed of one’s fair trial rights prior to questioning is prescribed in Rule 42 of the Rules of Procedure and Evidence of the ad hoc Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR), as well as in Principle 13 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, GA/RES 43/173 of 9 December 1988, available at: <http://www.unhchr.ch/html/menu3/b/h_comp36.htm> (last visited 26 of July 2005).
Article 17 of the Third Geneva Convention

Article 17 of the Third Geneva Convention, entitled “Questioning of prisoners,” is the key provision in that regard. Although apparently worded rather restrictively, in that it seems to apply merely to prisoners of war *stricto sensu*, the said article is in fact intended to regulate the interrogation procedure whereby a captive’s real identity and status is to be determined. The protective scope of Article 17 consequently also extends to captives whose status has not yet been clarified and who are benefiting from the presumption of POW status set out in GC III, Article 5. For the sake of clarity, Article 17 may be divided into two substantive strands, i.e. identification of captives, and questioning that goes beyond the mere determination of a prisoner’s identity and status.

Identification

The identification of combatants and civilians in times of war has been a predominant humanitarian concern ever since the second half of the nineteenth century, when Prince Anatole Demidoff opened the first information bureau during the Crimean War (1854-1856) in order to centralize and exchange lists of prisoners of war, thus ending the isolation of POWs whose existence was virtually forgotten in the great wars before 1815. Only a few years later, in the Franco-Prussian War, the Prussian Army for the first time issued identification disks and required each Prussian soldier to carry an identification card, referred to at that time as his *Grabstein* (tombstone). During the two world wars of the 20th century, the Basel Agency and the International Prisoners of War Agency served those same purposes, but despite all the efforts made, identification in the chaos and anarchy of war has remained problematic. The Tomb of the Unknowns at Arlington National Cemetery and the Tomb of the Unknown Soldier beneath the Arc de Triomphe in Paris are timeless reminders of the many unidentified soldiers who have died in action.

7 Today Article 33.4 of 1977 Protocol I additional to the Geneva Conventions (hereinafter AP I) stipulates: “The Parties to the conflict shall endeavour to agree on arrangements for teams to search for, identify and recover the dead from battlefield areas, including arrangements, if appropriate, for such teams to be accompanied by personnel of the adverse Party while carrying out these missions in areas controlled by the adverse Party. Personnel of such teams shall be respected and protected while exclusively carrying out these duties.”
In the aftermath of World War II the Geneva Conventions established a well-organized system for the identification of soldiers in general; for example, Articles 16 and 17 of the First Geneva Convention provide for identity discs to be worn by members of the armed forces to facilitate their identification in case they are killed or wounded and for the centralization, at national level, of information on POWs and civilian prisoners. Provision was also made for a Central Prisoners of War Information Agency responsible for the transmission of such information (GC III, Art. 123 GC III; GC IV, Art. 140).

Another crucial aspect of the identification of combatants is the identification of captured combatants, i.e. prisoners of war. Apart from its implications in personal terms, i.e. the possibility of informing family members and the power of origin about a person’s captivity and establishing regular contact, the identification of prisoners of war serves an important legal purpose, namely the establishment of combatant status. While a uniform may serve as circumstantial evidence of the wearer’s status as a combatant in the legal sense, it is not accepted as absolute proof that he or she is indeed a member of the armed forces. Therefore Article 17 of the Third Geneva Convention specifies additional information that a captive is obliged to provide.

By virtue of Article 17.3, each party to a conflict is required to furnish the persons under its jurisdiction who are liable to become prisoners of war with an identity card containing at least the bearer’s surname, first names, rank, army, regimental, personal or serial number and date of birth, or failing this, equivalent information. Further information may be added to the card at each party’s discretion. As a corollary and to ensure that this identification system runs smoothly, each prisoner of war, according to Article 17.1, “is either bound to give (…) his surname, first names and rank, date of birth, and army regimental, personal or serial number, or failing this, equivalent information” when questioned, or to show his identity card upon demand (Article 17.3).

This form of identification is intended to enable the detaining power to determine whether the captive is eligible for prisoner-of-war status in the first place and to accord the respective prisoner the treatment to which he or she is entitled, given that under GC III, Articles 44 and 45, all prisoners of war must be treated with the regard due to their rank and status.

9 Similarly, but in more general terms, any person interned/administratively detained must be registered and held in an officially recognized place of internment/administrative detention. Information that a person has been taken into such custody and on any transfers between places of detention must be available to that person’s family within a reasonable time; see GC IV, Arts. 106 and 138. “The entire system of detention laid down by the Conventions, and in which the ICRC plays a supervisory role, is based on the idea that detainees must be registered and held in officially recognized places of detention accessible, in particular, to the ICRC.” See Jelena Pejić, “Procedural principles and safeguards for internment/administrative detention in armed conflict and other situations of violence,” *International Review of the Red Cross*, Vol. 87, No. 858, June 2005, p. 385.
In view of these provisions, the establishment of identity has always been thought to be in the interest of the person concerned, which is why a captive’s failure to comply with the relevant obligation is sanctioned by a restriction of the privileges accorded under Article 17.2 to his or her rank or status.\textsuperscript{11} It must be stressed that this entails merely the withdrawal of privileges to be accorded to officers, non-commissioned officers or persons of similar status;\textsuperscript{12} it does not in any way entail the withdrawal of other benefits accorded to prisoners under the Convention.\textsuperscript{13} Today, however, the shift from classic inter-State warfare to global operations and asymmetric forms of conflict has somewhat altered, at least in certain cases, the interests on which Article 17 was based at the time of its adoption. In times when lists of names of terrorist suspects are circulated and when anyone whose name appears in official or secret service listings may face disadvantages, as the questioning and subsequent refusal of entry to the US of Yusuf Islam, alias Cat Stevens, has shown, it can hardly be said that identification in prisoner-of-war camps is always in the captives’ interest. It would seem unrealistic to believe that the primary purpose of identifying the prisoners at Guantanamo Bay would be to accord them the privileges which are due to their rank and age, even if they were accorded the POW status to which they are entitled. On the basis of such perceptions and to evade criminal prosecution, many prisoners of war today may be inclined to conceal their real identity from their captors. This raises the question as to which measures a detaining power may employ to establish the identity of prisoners who withhold the information they are required to give under GC III, Article 17.1.

It is fairly common to most national jurisdictions for a person to be subject to, and \textit{ultima ratio} forced to accept, identification measures such as fingerprinting, photographing or DNA swabs for purposes of criminal law enforcement,\textsuperscript{14} if those measures are taken in accordance with applicable human rights law. Given the increased strategic value of identification of prisoners of war, the question arises whether similar measures would be permissible in their case as well. At face value, Article 17 of the Third Geneva Convention seems to prohibit any form of coercion and hence the employment of any such identification measures without the captive’s consent. Even though the provisions of Article 17 oblige POWs to provide information relevant for their identification, as worded, they leave them some leeway either to abide by the rule or to jeopardize the privileges accorded to their rank and status. This could be interpreted as an indication that the captive concerned must be left with some degree of choice whether or not to disclose his or her identity.

\textsuperscript{11} This is a well-established rule, laid down already in Art. 29 of the 1874 Brussels Declaration; Art. 65 of the 1880 Oxford Manual; Art. 9 of the 1899 and 1907 Hague Regulations and Art. 5, para. 2, of the 1929 Convention relative to the Treatment of Prisoners of War.

\textsuperscript{12} These privileges are laid down in GC III, Arts. 16 and 39 para. 3; Art. 40; Art. 44 and 45; Art. 49 paras. 1,2,3; Art. 60; Art. 79 paras. 2,3; Art. 87 para. 4; Art. 97 para. 3; Art. 104 para 2; Art. 122 para. 4. See \textit{Commentary on the Geneva Conventions of 12 August 1949}, Vol. III, \textit{Geneva Convention relative to the Treatment of Prisoners of War}, Jean Pictet (ed.), ICRC, Geneva; 1960, pp. 159 f.

\textsuperscript{13} See draft text approved by the Conference of Government Experts: “Should the prisoner of war deliberately infringe this rule, he may be liable to restriction of the privileges granted to prisoners of war of his rank or status, over and beyond the rights conferred by the Convention on prisoners of war in general,” Report on the Work of the Conference of Government Experts, p. 123.

\textsuperscript{14} With regard to the respective anti-terror legislation in Italy, see \textit{Neue Zürcher Zeitung}, 2 August 2005.
Moreover, stronger indications are given in the said article’s fourth paragraph, the first sentence of which stipulates that neither physical nor mental torture “nor any other form of coercion may be inflicted on prisoners of war to secure from them information of any kind whatever.” The following sentence is an even more general stipulation that “[p]risoners of war who refuse to answer may not be exposed to any unpleasant or disadvantageous treatment of any kind.” “Information of any kind whatever” comprises information relating to a person’s identity, and determination of the identity of a prisoner who refuses to abide by the obligation laid down in Article 17.1 could potentially be highly “disadvantageous.” The logic and wording of GC III, Article 17, consequently seem to imply that POWs may not be compelled to reveal their identity and that no coercive measures whatsoever may be taken to that effect on behalf of the captors. Thus, if this line of argumentation is pursued, it would follow that even though a POW is under an obligation to provide information leading to his identification, he may not be compelled to do so, i.e. he cannot be forced to give his fingerprints or a DNA sample.

However, the question remains whether in certain instances a somewhat more liberal approach, exceptionally allowing coercive identification measures, would be justified by virtue of the very telos of the Third Geneva Convention to establish legal clarity with regard to a prisoner’s identity and status.

The absolute prohibition of any coercive identification measures could lead to a non-liquet constellation, i.e. a situation in which a person’s identity and status as a combatant could not be established at all. It could be argued that such a scenario would contradict the presumption underlying the Third Geneva Convention, particularly evident in Article 5.2, that every captive’s status as a combatant and hence that the captive’s identity, inasmuch as this constitutes a prerequisite to the confirmation of status, is to be determined at some point. Secondly, Article 85 of the Third Geneva Convention presupposes the possibility to prosecute prisoners of war for acts committed before capture. Again, this presumption would be rendered void if a captive’s identity could not be established, i.e. if prisoner-of-war status served as a protective veil against identification, and if persons who “unlawfully” participated in hostilities would thus be able to evade their criminal responsibility under domestic law — as would the perpetrators of war crimes.

In order to determine which of the foregoing considerations could suffice to justify coercive identification measures that interfere with individual rights to dignity, privacy and physical integrity and contravene the prohibition of coercion in the first sentence of GC III, Article 17.4, recourse must be had to the principle of proportionality. This principle can be described as twofold in that it demands

15 See ICCPR, Art. 17. It should be noted that the derogable rights laid down in Art. 17 are not absolute (see ICCPR, Art. 4, para. 2). The ICCPR’s Article 17, as worded, merely protects from arbitrary and unlawful interference. In general, the protection of personal data raises numerous questions under human rights law with regard to procedures, consent, processing, storage, use and deletion. Consideration of these highly topical questions would clearly go beyond the scope of the present analysis. As a starting point for information about them, see the Universal Declaration on the Human Genome and Human Rights, UN Doc. A/RES/53/152 (1999); International Declaration on Human Genetic Data, 16 October 2003, 32nd session of the General Conference of UNESCO, available at: <http://portal.unesco.org/shs/en/file_download.php/6016a4bea4c293a233e913de638045e9Declaration_en.pdf> (last visited 26 July 2005).
that the measure in question must be necessary and must constitute an adequate response in relation to the disadvantages it causes.

So first a measure must be necessary, i.e. it must be designed in such a way that it can reasonably be expected to achieve its desired/legal objective. It should be noted that both fingerprints and DNA samples are in fact worthless for purposes of identification if they cannot be cross-matched with a counter-sample. However, Article 17 of the Third Geneva Convention does not, for instance, authorize the setting up of a comprehensive DNA database for preventive screening, i.e. a collection of samples that could help to identify persons in the future. Thus only measures suitable to ascertain or confirm a person's identity right away would meet the aforesaid reasonable expectation requirement. Moreover, if legal clarity as to the precise status and identity of a person can be established merely by reference for instance to a prisoner's serial number, the identification objectives of Article 17 could be fulfilled without recourse to any further identification measures. If after such a form of preliminary identification the suspicion remains that the person might have been involved in criminal activities, the gravity of which warrants additional measures, further identification procedures subject to the criterion of adequacy could be justified.16

Second, the proportionality principle demands that a measure be adequate, i.e. that the advantages associated with it prevail over its disadvantages. There can be little doubt that the interest of the international community in the prosecution of war crimes would prevail over a captive's interest to keep his identity concealed. In this regard the presumption in GC III, Article 85, namely that the capacity to prosecute prisoners for actions committed before capture is maintained, overrides the individual captive's interests. But it seems rather doubtful whether the general suspicion of having “unlawfully” participated in hostilities and thus being liable under domestic criminal law would likewise suffice to justify coercive measures. With respect to relatively minor measures such as fingerprinting and the taking of DNA mouth swabs, it could be argued _a majore ad minus_ that if persons suspected of criminal behaviour may be compelled to undergo identification measures in peacetime, the same should apply in wartime.17 However, even though the Third Geneva Convention generally aims to establish legal clarity with regard to a person's identity and status, Article 17 itself is evidence that in times of international armed conflict this rather general aim _ab initio_ is normally outweighed by individual interests in not being compelled to render “information of any kind whatever.” The fact that Article 17 merely provides for the withdrawal of certain privileges if a person refuses to render the information necessary to establish his identity indicates the inherent presumption

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16 With regard to the criterion of adequacy, see pp. 7-8 below.

17 Even in peacetime it is accepted that limitations on the principle of consent to such identification measures can be prescribed for compelling reasons, see e.g. International Declaration on Human Genetic Data, Article 8(a), second sentence, _op. cit._ (note 15). However, the mere suspicion alone of having “unlawfully” participated in hostilities would not necessarily amount to the gravity necessary to justify coercive identification measures in peacetime, unless the person who has allegedly “unlawfully” participated in hostilities is, by virtue of having done so, simultaneously suspected of having committed crimes such as murder or attempted murder.
that in certain cases a person's identity may remain unclear. It follows that the mere aim to identify a prisoner's correct military rank and status by virtue of the system laid down in Article 17 could not justify coercive identification measures. Similarly, given that coercive identification measures constitute an infringement of a person's right to dignity, privacy and physical integrity — rights that are inherently protected by that same article — the suspicion of "unlawful" participation in hostilities in and of itself would not suffice to legitimize such measures. Thus only in the case of suspected criminal behavior tantamount to a war crime would coercive identification measures vis-à-vis prisoners of war meet the requirement of adequacy and thus be proportional.

Finally, it should be noted with regard to the methods commonly employed for such identification that the use of measures such as fingerprinting or the taking of DNA swabs, thus methods other than questioning or having recourse to an identity card, is not entirely incompatible with Article 17 of the Third Geneva Convention. According to Article 17.5, the identity of (such) prisoners "who owing to their physical or mental condition are unable to state their identity (...) shall be established by all possible means, subject to the provisions of the preceding paragraph" (emphasis added). In those cases fingerprinting would seem to be the means of choice. Furthermore, identification measures such as fingerprinting or the taking of DNA swabs, even if carried out against the will of a captive, would not normally violate the obligations laid down in GC III, Articles 13 and 14, i.e. that prisoners of war must be treated humanely at all times and that their persons and honour must be respected. Insofar as the physical integrity of POWs is protected under Article 14, this is usually understood as a prohibition on killing or wounding a prisoner or otherwise endangering his/her health and physical well-being.

Minor measures such as fingerprinting or the taking of DNA swabs usually remain below the threshold of this prohibition. The classification of more intrusive methods, especially the taking of blood samples, seems far more problematic, given that Article 11 of 1977 Additional Protocol I prohibits the extraction of blood samples unless they are intended for therapeutic purposes.

18 GC III, Art. 13, stipulates that "no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest."
20 In addition, the procedure would not amount to a medical or scientific experiment prohibited under GC III, Art. 13.
21 For a definition of and differentiation between invasive and non-invasive procedures, see International Declaration on Human Genetic Data, Art. 2 (vii), (viii), op. cit. (note 15).
22 AP I, Art. 11, bans "any medical procedure which is not indicated by the state of health of the person concerned and which is not consistent with generally accepted medical standards which would be applied under similar medical circumstances to persons who are nationals of the Party conducting the procedure and who are in no way deprived of liberty." Art. 11, para. 2(c) stipulates that "the removal of tissue or organs for transplantation" is prohibited without the consent of the person concerned, and Article 11 para. 3 provides that "[e]xceptions to the prohibition in paragraph 2(c) may be made only in the case of donations of blood for transfusion or of skin for grafting, provided that they are given voluntarily and without any coercion or inducement, and then only for therapeutic purposes, under conditions consistent with generally accepted medical standards and controls designed for the benefit of both the donor and the recipient."
So despite the rather restrictive wording of GC III, Article 17.4, which seems to imply that the use of identification measures such as fingerprinting and DNA swabs against a POW’s will would be prohibited under all circumstances, in light of the overall telos of the Third Geneva Convention and especially the inherent presumption that criminals must be brought to justice, such identification measures may be employed — though ultima ratio and subject to the principle of proportionality — even against the will of the captive.

**Information beyond that required to establish a prisoner’s identity**

The second component of Article 17 relates to questioning for purposes other than, or more precisely that go beyond, POW identification. First of all, in view of the continuous misconceptions in that regard, it should be noted that the Third Geneva Convention contains no prohibition whatsoever on questioning that goes beyond the establishment of a prisoner’s identity. Thus, a prisoner of war may be questioned on any subject; merely with regard to the methods used, Article 17.4 complements the general obligation in GC III, Article 13, to treat prisoners of war humanely and spells out the prohibition of coercion.

With regard to subject matter, two main lines of questioning seem likely.

Traditionally, it is an accepted fact that parties to a conflict will always try to obtain strategic and tactical military information from their prisoners. Obviously, the higher the rank of a combatant prior to capture, the more important he will be as a source of potential information for his captors. In this sense, too, the precise identification of a prisoner of war is clearly in the interest of the detaining power. However, even lower-ranking soldiers may carry valuable information about the enemy’s position, numbers, movements and routes, whereas higher-ranking prisoners may have more information about actual tactics and future strategies. Either way, such questioning is designed to gather general military information, irrespective of a prisoner’s individual involvement and responsibility, and is in no way related to any criminal charges. A prisoner of war would therefore not normally benefit from fair trial rights at this stage. Nevertheless, prisoners of war are under no obligation whatsoever to answer any questions that go beyond the determination of their identity. Indeed, combatants are commonly instructed by their superiors to remain silent during such questioning procedures.

Secondly, prisoners of war may be questioned so as to establish their personal involvement in certain acts committed before capture, with a view to potentially prosecuting them for unlawful behaviour. With the evolution of international criminal law, the proliferation of international and internationalized criminal tribunals and an increasing incorporation of the respective international crimes into national jurisdictions, the likelihood of investigation of prisoners of war to determine their possible involvement in criminal activities has become much greater. In

this connection it should be noted that certain fair trial rights may come into play long before the actual trial commences, for instance the right to be informed of the charges, the right to remain silent or the right not to incriminate oneself. This raises the question as to the point in time at which a prisoner of war suspected of having committed a crime would start to benefit from these fair trial provisions.

While each of these two sets of issues during the interrogation phase may raise questions of its own, the situation becomes problematic when the two lines of questioning coincide. General Manuel Antonio Noriega and more recently Saddam Hussein are each a case in point. Noriega was accorded POW status and was subsequently tried in the US on eight counts for drug trafficking, racketeering and money laundering in 1992. As he had held the rank of general in Panama and had been the de facto military leader of Panama from 1983 to 1989, he was a valuable source for military information as well as being a criminal suspect. Even more striking is the case of Saddam Hussein who, after having been captured on 13 December 2003, was officially declared by the United States on 9 January 2004 to be a prisoner of war in accordance with Article 4 of the Third Geneva Convention. As former president and commander-in-chief of the Iraqi armed forces, Saddam Hussein was in possession of vast amounts of information strategically interesting for his captors, especially with regard to the question, then still unresolved, of possible weapons of mass destruction in Iraq. In addition, since except for the so-called combatant’s privilege POW status does not prevent a prisoner from being tried for crimes committed before capture, he will be questioned on his involvement in and individual responsibility for alleged war crimes committed during the 1980-88 Iran-Iraq war and the 1991 Gulf War, and alleged crimes against humanity and genocide in the course of the 1988 Anfal campaign against Iraqi Kurds, the large-scale killings that followed the failed 1991 uprisings in the north and south of Iraq and the brutal repression of the Marsh Arabs.

The case of Saddam Hussein seems relatively straightforward in that, on the basis of various well documented instances, his status as a criminal suspect actually preceded his status as a prisoner of war. However, the situation becomes more difficult when a general interrogation of a prisoner of war gives rise to suspicion that he may have been involved in criminal activities prior to his capture. In this case the objective of the interrogation may, without the captive’s knowledge, shift from extracting general strategic and tactical information to determining his personal involvement. Obviously, at this stage of the interrogation the prisoner is not yet an accused and may not even be “a suspect,” at least stricito sensu. Nevertheless, since POWs are held in continuous captivity they may be particularly vulnerable to unfair forms of interrogation, especially because they may not be aware of the actual purpose of their interrogation and thus be prone to potential self-incrimination.

The prohibition of self-incrimination, which follows from the presumption of innocence, as well as the more general right to remain silent, belongs to the essence of fair trial rights.24 Fair trial rights are safeguarded not only under

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human rights law but also under international humanitarian law.25 Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial constitutes a grave breach under the Third and Fourth Geneva Convention (Articles 130 and 147) and Additional Protocol I (Article 85.4(e)), and is a war crime under Article 8.2(a)(vi) of the Rome Statute.26 During the negotiations leading to the adoption of the Rome Statute, an overwhelming majority of States supported the view that the crime may also be deemed to be committed if judicial guarantees other than those explicitly mentioned in the Third and Fourth Geneva Convention, especially the presumption of innocence and other guarantees contained only in the 1977 Additional Protocols, are denied.27 While today there can be no doubt that prisoners of war benefit from the entire panoply of fair trial rights,28 the question remains as to the point in time at which they start to be under the protection of these rights, namely the right to remain silent, the right not to incriminate themselves and to be informed of the criminal charges against them.

The terminology used throughout the framework of international humanitarian law in this regard is not always consistent. Article 104 of the Third Geneva Convention, for example, stipulates that the POW representative concerned is to be informed at the point in time “in which the Detaining Power has decided to institute judicial proceedings against a prisoner of war” of the charges against that prisoner. Article 75(4)(a) of Additional Protocol I, on the other hand, speaks of the “accused” who is to be informed without delay of the particulars of the offence alleged against him. The status of “accused” is a far more specific position than that resulting from the mere decision of the detaining power to institute the proceedings referred to in GC III, Article 104.29 In both the ICC system and that of the ad hoc Tribunals this particular status is

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25 GC I, Art. 49, para. 4; GC II, Art. 50, para. 4; GC III, Arts. 102–108; GC IV, Arts. 5, 66–75; AP I, Arts. 71, para. 1, and 75, para. 4; AP II, Art. 6(2). The principle of the right to fair trial is likewise provided for in Art. 17, para. 2, of the Second Protocol to the Hague Convention for the Protection of Cultural Property.
26 With regard to human rights see e.g. ECHR, Arts. 5, 6, 7; ACHR, Arts. 7, 8, 9; ICCPR, Arts. 9, 14, 15, 16; CRC, Art. 40(2)(b)(iii). The UN Human Rights Committee in its General Comment No. 29 on Article 4 of the ICCPR stated that “fundamental principles of fair trial” may never be derogated from. With regard to post-WW II case law see e.g. Sawada and Three Others, in UNWCC, LRTWC, Vol. V, pp. 1 ff.; 13 AD 302 at 303–304; J. Altstötter and Others, UNWCC, LRTWC, Vol. VI, pp. 1 ff.; 14 AD 278. Common Article 3 of the Geneva Conventions prohibits the sentencing of persons or the carrying out of executions without previous judgment pronounced by a regularly constituted court. The deprivation of fair trial rights also constitutes a war crime under Art. 2(f) of the ICTY Statute, Art. 4(g) of the ICTR Statute and Art. 3(g) of the Statute of the Special Court for Sierra Leone.
28 For a listing of the main judicial guarantees laid down in the Geneva Conventions and the 1977 Additional Protocols, see Dörmann, ibid., p. 101. Judicial guarantees entail, inter alia, the right of the accused to be judged by an independent and impartial court (GC III, Art. 84(2); AP I, Art. 75(4); AP II, Art. 6(2)); the right of the accused to be promptly informed of the offences with which he/she is charged (GC III, Art. 104; GC IV, Art. 71(2); AP I, Art. 75(4)(a); AP II, Art. 6(2)(a)); and the right of the accused not to testify against himself/herself or to confess guilt (AP I, Art. 75(4)(f); AP II, Art. 6(2)(f)).
29 Rule 2 of the ICTY Rules of Evidence and Procedure defines an accused as “a person against whom one or more counts in an indictment have been confirmed in accordance with Rule 47.”
triggered only when a judge has confirmed the Prosecutor’s case. Consequently, the status of an accused is normally acquired significantly later than the decision is taken by the detaining power to institute proceedings.\(^{30}\) Remarkably, even within Article 75(4) (a) of Protocol I, i.e. within the specifications of the various sub-paragraphs, the terminology is not utilized in a coherent manner. Sub-paragraph (f), for example, contains no reference to the status of “accused” and thus stipulates without any implied temporal limitation that “no one shall be compelled to testify against himself or to confess guilt.” Irrespective of these differences and the implication that some of the fair trial rights would be accorded only to a person who has acquired the formal status of “accused,” it has been argued *a majore ad minus* that it would be logical to assume that protection for those who have not yet been accused should be wider rather than narrower.\(^{31}\)

However, even if this is accepted, the humanitarian legal framework does not specify the particular point in time at which a POW starts to benefit from certain fair trial rights. A more conclusive indication may be derived from the Statutes of the ad hoc Tribunals (ICTY, Article 18; ICTR, Article 17) and their rules of evidence and procedure, which explicitly refer to the status of “suspect.”\(^{32}\) Article 42 of the Rules of Procedure and Evidence of the ICTY, under the heading “Rights of Suspects during Investigation,” provides *inter alia* that a suspect who is to be questioned by the Prosecutor shall have the right to be assisted by counsel of the suspect’s choice, to have free assistance of an interpreter, to remain silent and to be cautioned that any statement the suspect makes shall be recorded and may be used in evidence, and, prior to questioning, to be informed by the Prosecutor of all of these rights in a language the suspect speaks and understands. Nevertheless, even though the Rules of Procedure and Evidence thus provide some guidance as to when the rights granted to the suspect must be put into effect, the matter is largely left to prosecutorial discretion, not least because the definition of the status of “suspect” in Article 2 thereof, according to which a suspect is “a person concerning whom the Prosecutor possesses reliable information, which tends to show that he may have committed a crime over which the Tribunal has jurisdiction,” remains rather vague.\(^{33}\)

Naturally, it would be good if the rights applicable during the investigatory phase could be triggered at a more precise moment. In the case of prisoners of war, who are regularly questioned from their capture onwards, a suitable time would seem to be when any form of questioning as to their individual involvement in potentially

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32 It is noteworthy that the status of “suspect” was deliberately omitted from the Rome Statute, since the drafters intended to avoid premature criminalization and its omission avoids various problems concerning determination of the moment when a person becomes a suspect. Critics have claimed that rather than solving possible problems, this omission may have created more uncertainty. S. De Gurmendi, “International criminal law procedures – The process of negotiations,” pp. 217 ff. See also H. Friman, “Rights of persons suspected or accused of a crime,” 247–262, both in R. Lee (ed.), *The International Criminal Court — The Making of the Rome Statute, Issues, Negotiations, Results*, The Hague, 1999.
criminal activities begins. This conclusion is corroborated by the very *telos* of the various fair trial rights which, in order to give meaningful protection, must apply from so relatively early on. It is moreover endorsed by the consideration that a person under suspicion but not yet accused should generally benefit from even greater protection than the accused. Furthermore, the absence of any such fair trial protections during the investigatory phases at the Nuremberg and Tokyo trials probably added to their perception as unfair proceedings.34 Finally, it should be borne in mind that POWs are particularly prone to unfair interrogation, as they may not be able to differentiate between general interrogation and interrogation that is intended to establish their individual responsibility.

Nevertheless, it may not be entirely realistic — at least in certain instances on the battlefield, instances that might differ significantly from such prominent cases as those of General Noriega and Saddam Hussein — to expect that these basic fair trial rights, namely the right not to incriminate oneself and especially to be informed of that right and about the respective charges, will be observed from such an early point in time. This may simply be due to the fact that the captors commence with the interrogation possibly unaware and therefore regardless of criminal charges against their captive. Moreover, unlike police officers, who are trained to follow standardized procedures that provide for the reading to a suspect of his/her rights prior to interrogation — a procedure with which television has familiarized even lay people — military personnel who have captured an enemy combatant are likely to follow far less formalistic procedures geared to the demands of the situation, e.g. a great number of prisoners or the havoc of combat.35

This raises the question as to the consequences of a violation of fair trial rights and the potentially illegal obtainment of evidence. Depending on the circumstances, it may have to be answered with reference to the respective national laws of the detaining power. In this connection the ICTY Trial Chamber in the *Brdjanin* case identified three main approaches which the law might adopt when determining whether evidence obtained by illegal, unlawful or sometimes questionable methods should be admitted in criminal proceedings.36 At the international level some guidance is provided by Rule 89(D) of the ICTY Rules of

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34 Ibid., p. 45.
35 While such constellations demand attention, especially in the context of traditional war, the other end of the spectrum, i.e. contemporary asymmetric conflicts between States and non-State Parties, cannot be ignored. Inasmuch as the detention of prisoners of war is akin to that of criminal suspects — an evident feature of asymmetric conflict and especially current endeavours to combat terrorism — the applicable standard of fair trial rights should resemble the full panoply of fair trial rights applicable in peacetime criminal law enforcement.
36 Prosecutor *v*. Radoslav Brdjanin, TC II, Case No. IT-99-36-T, Decision of 3 October 2003, para. 33. The Chamber held that: “Firstly, the law itself may specifically provide for the automatic exclusion of any evidence which has been illegally or otherwise inappropriately obtained; 2. Secondly, the issue of exclusion or admission of such evidence may be left as a matter for the discretion of the judge who has the judicial duty to ensure fairness to the accused; 3. Thirdly, the courts might concern themselves only with the quality of the evidence and not consider its provenance at all; in other words the courts would only seek to find out if the evidence is relevant, reliable and having probative value irrespective of questions whether that evidence was obtained lawfully or unlawfully.”
Evidence and Procedure, in combination with Rule 95 thereof, and by Article 69(7) of the Rome Statute of the ICC. According to the said Rule 95, “[n]o evidence shall be admissible if obtained by methods which cast substantial doubt on its reliability or if its admission is antithetical to, and would seriously damage, the integrity of the proceedings.” Similarly, Article 69(7) of the Rome Statute stipulates that “[e]vidence obtained by means of a violation of this Statute or internationally recognized human rights shall not be admissible if: (a) The violation casts substantial doubt on the reliability of the evidence; or (b) The admission of the evidence would be antithetical to and would seriously damage the integrity of the proceedings.”

Thus, without going into further detail it follows that the violation of fair trial rights does not necessitate the automatic exclusion of evidence or testimonies obtained. Rather, this matter is left to judicial discretion. However, at least the fundamental right not to incriminate oneself, which is arguably most at risk during interrogations of prisoners of war, should be accorded particular weight when balancing fundamental rights of the accused against the essential interests of the international community in prosecuting certain individuals.

Conclusion

The increased strategic importance of identification in contemporary conflicts may induce State Parties to conduct large-scale DNA screening of prisoners of war and to establish comprehensive DNA databases for preventive purposes. Yet even though international humanitarian law does not bar the use of identification techniques such as fingerprinting or the taking of DNA mouth swabs per se, in light of Article 17 of the Third Geneva Convention recourse may be had to such measures only ultima ratio and only in accordance with the principle of proportionality. Here it seems particularly important to bear in mind that a DNA sample serves as a suitable means of identification for the purposes of that Convention, namely under Article 17 thereof, only if a second sample is readily available for cross-matching and direct identification. No provision is made in international humanitarian law for the collection of personal identity data for purely preventive purposes. Rather, such action would be a violation of Article 17.4, which lays down the general rule that a prisoner of war cannot be coerced into rendering “information of any kind whatever,” and would thus constitute a disproportionate intrusion into the captive’s rights. Even though these limitations could be circumvented by arguing that every unidentified person captured in a combat situation is suspected of having unlawfully participated in hostilities and is therefore a criminal suspect subject to comprehensive identification, recourse must first be had to less invasive measures. The status question can moreover often be solved by reference to other evidence.

Only the well-founded suspicion that a prisoner has committed war crimes or crimes of similar gravity before capture could justify coercive identification measures. In that case such measures appear to be proportional, as
the interest of the international community in the prosecution of such crimes would outweigh a prisoner’s interests in keeping his identity concealed, as well as his right under Article 17.4 not to be compelled to render “information of any kind whatever.” Otherwise, there is no indication in the humanitarian legal framework that the mere strategic interest of the detaining power in such personal data — however great that interest may be — could justify coercive identification measures vis-à-vis prisoners of war. As for the methods used to compile such data, relevant guidance can be derived from Article 13 of the Third Geneva Convention and Article 11 of Additional Protocol I. It appears that while the taking of mouth swabs is a sufficiently minor procedure not to violate these provisions, the more invasive measure of taking blood samples would be in violation of the Protocol’s Article 11.

The Third Geneva Convention does not impose any limits on the subject matter about which a prisoner of war may be questioned. Inasmuch as interrogation procedures are aimed at establishing a prisoner’s involvement in criminal activities, that prisoner benefits from the fair trial rights whose protective scope extends into the investigatory phase, namely the right to remain silent, the right not to incriminate oneself and the corresponding right to be informed about these rights and the respective charges. Observance of the said rights is of particular importance because prisoners of war are in a particularly disadvantageous position in that regard: without prior information, they may not be aware of whether they are being interrogated about general matters in the course of a normal procedure or are under investigation for individual criminal responsibility.
Challenges in applying human rights law to armed conflict

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Abstract
The debates over the relationship between International Humanitarian Law and International Human Rights Law, have often focused on the question of whether human rights law continues to apply during armed conflict, and if so, on how these two bodies of law can complement each other. This article takes the continuing applicability of human rights law as an accepted and welcome starting point, and proceeds to lay out some of the challenges and obstacles encountered during the joint application of IHL and Human Rights Law, that still need to be addressed. These include extra-territorial applicability of human rights law; the mandate and expertise of human rights bodies; terminological and conceptual differences between the bodies of law; particular difficulties raised in non-international armed conflicts; and the question of economic, social and cultural rights during armed conflict.

The applicability of human rights law to armed conflict has been the subject of extensive discussion over the past few decades.¹ Much of this debate centres upon the question of whether human rights law continues to apply once we enter the realm of armed conflict. While the International Court of Justice (ICJ), in its Nuclear Weapons Advisory Opinion,² did state the applicability of human rights

* This article builds upon a presentation given by the author at the conference held by the International Committee of the Red Cross on 30–31 May 2005 at the Netherlands Ministry of Foreign Affairs, The Hague, to mark the publication of the ICRC study on customary international humanitarian law.
law, the use of the term *lex specialis* might have been construed as support for a claim that whereas human rights law then does not disappear, it nevertheless is in effect displaced by international humanitarian law (IHL).

The more recent Advisory Opinion on the Wall, together with the views of UN human rights bodies, have clarified that human rights law is not entirely displaced and can at times be directly applied in situations of armed conflict. While there might still be pockets of resistance to this notion, it is suggested here that the resisters are fighting a losing battle and should lay down their arms and accept the applicability of human rights law in times of armed conflict. Meanwhile, many of the views supporting the applicability of that law are focused primarily upon explaining why it should and does apply during armed conflict, and on how in these situations the two bodies of law can work concurrently, complement (or perhaps even converge with) each other in times of need. The arguments contained in the relevant works have played a vital role in advancing this approach, and have been at the heart of the growing acceptance of the continuing applicability of human rights during conflict. Accepting applicability and understanding how the legal regimes can coexist is not, however, the end of the story. When we actually come to apply human rights law in practice to situations of armed conflict, certain difficulties do appear. The road of joint applicability has a number of obstacles along the way that will need to be addressed if we are to have a smooth ride. The focus of the arguments is now shifting from the question of if human rights law applies during armed conflict to that of how it applies, and to the practical problems encountered in its application. This paper concentrates on some of those challenges.

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4 In the words of the Court “some rights may be exclusively matters of international humanitarian law; others may be exclusively matters of human rights law; yet others may be matters of both these branches of international law.” ICJ, Advisory Opinion, *ibid.*, para. 106.

5 See for example some of the arguments raised in M. Dennis, “ICJ Advisory Opinion on Construction of a Wall in the Occupied Palestinian Territory: Application of human rights treaties extraterritorially in times of armed conflict and military occupation,” *American Journal of International Law*, Vol. 99, 2005, p. 119; at a June 2005 conference in Oslo to mark the ICRC study on customary IHL, op. cit. (note 1), one of the participants expressed the view that human rights law is designed only for peacetime and IHL is the only law for times of war.

6 For example, see Doswald-Beck and Vité; Vinuesa; Provost; and Heintze; op. cit. (note 2).
In certain areas it is clear how and why IHL and human rights law could complement and reinforce each other — most notably where the issues of deprivation of liberty and judicial guarantees are concerned. But problems do exist on a number of other fronts, and a few of them will be addressed in this article. The first of the challenges raised (extraterritorial applicability of human rights obligations) has received plentiful attention and will therefore only be summarized here. Yet the intention is not to repeat the debate on some of the more well-covered topics. Other challenges, in particular in the second half of this article, are topics that would appear to be deserving of extensive further analysis.

Extraterritorial applicability of human rights obligations

The first serious difficulty that must be confronted lies in the question of whether there are not after all limitations to the scope of applicability of human rights law, and whether it applies to all situations of armed conflict. This question revolves largely around the issue of extraterritorial applicability of human rights obligations.

The problem of extraterritorial obligations is primarily of relevance to international armed conflict, since it is in such situations that a State is likely to be operating outside its borders and that questions are raised as to whether human rights obligations can extend to actions of State forces outside the State’s recognized borders, even after accepting that human rights law has not disappeared with the outbreak of conflict.

There is not enough space here to give a detailed analysis of all cases of and views on extraterritorial applicability. The following is therefore an attempt to set out the main concerns and approaches to this issue.

Case-law stretching from the European case Loizidou to the recent UK case Al-Skeini gives strong support for the contention that human rights obligations can extend to areas under effective control of the State. Occupied territories over which authority has been clearly established can come within the ambit of the human rights obligations of the State. This was the case in Northern Cyprus and in the occupied Palestinian territories. This view is supported by

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7 See the “Fundamental guarantees” chapter in ICRC study, op. cit. (note 1), Vol. 1 pp. 299–383.
8 For an example of a comprehensive publication devoted to this subject, see F. Coomans and M. Kamminga (eds.), Extraterritorial Application of Human Rights Treaties, Intersentia, Antwerp, 2004.
9 Non-international armed conflicts that have crossed the Additional Protocol II threshold, and in which the State engages in military action in territory over which the armed opposition group, and not the State, exercises de facto control, might theoretically be subject to similar questions, though there are marked differences between such conflicts and international armed conflicts.
10 For detailed analysis, see the examination of the case-law contained in High Court of Justice, Queen’s Bench Division, Divisional Court, R (Al-Skeini and others) v. Secretary of State for Defence, 14 December 2004; see also Françoise Hampson and Ibrahim Salama, “Working paper on the relationship between human rights law and international humanitarian law,” UN Sub-Commission on the Promotion and Protection of Human Rights, E/CN.4/Sub.2/2005/14 21 June 2005, paras. 78–92.
11 ECHR, Loizidou v. Turkey (Preliminary Objections) 40/1993/ 435/514, paras. 62–64; Al-Skeini, ibid.
human rights bodies, and was recently clearly stated by the International Court of Justice.\textsuperscript{12}

The essence of the extension of obligations to occupied territory is based on the analogy to national territory, in that occupied territory is in effect under the authority and control of the occupying State. At the same time, occupied territories in which significant hostilities are occurring,\textsuperscript{13} as was the case in parts of Iraq, remain controversial with regard to the human rights obligation of the State, as evidenced in \textit{Al-Skeini}.\textsuperscript{14}

However, even in other situations in which the State does not control the whole territory, there may be circumstances in which human rights obligations do extend extraterritorially, for instance when the State is running a detention facility outside its borders. The formula presented by the UN Human Rights Committee (HRC) speaks of protecting “anyone within the power or effective control of that State Party, even if not situated within the territory of the State Party.”\textsuperscript{15}

The first part of this phrase can be construed fairly widely and could potentially include anyone in the hands, even only temporarily, of State agents abroad. The HRC case of \textit{Lopez Burgos} and the \textit{Ocalan} case of the European Commission of Human Rights (ECHR) indicate that human rights obligations can be attached to extraterritorial actions of State agents in which they have authority and control over an individual.\textsuperscript{16} While in these situations the scope of relevant human rights obligations might be narrower than in an occupied territory, it could nevertheless be argued that State agents are bound to respect those human rights obligations that they have the power to affect. With this approach, a key consideration is whether a violation resulted directly from circumstances over which the State had control, whether or not it also had overall control of the territory in which the violation occurred.\textsuperscript{17}

It should be pointed out that acceptance that human rights law may extend to extraterritorial actions does not rule out the consideration that if these actions are taking place in the context of an armed conflict, the content

\begin{itemize}
\item \textsuperscript{13} The occurrence of hostilities after a situation of occupation has been established (as opposed to the hostilities leading up to an occupation), gives rise to a number of problems. Some of these are addressed in N. Lubell, “The ICJ Advisory Opinion and the separation barrier: A troublesome route,” \textit{Israel Yearbook on Human Rights}, Vol. 35, 2005, pp. 294–299.
\item \textsuperscript{14} See the distinction made by the Court between the first five claimants and the sixth claimant. \textit{Al-Skeini}, \textit{op. cit.} (note 11), paras. 284–285.
\item \textsuperscript{15} General Comment 31, \textit{Nature of the General Legal Obligation on States Parties to the Covenant}, UN Doc. CCPR/C/21/Rev.1/Add.13 (2004), para.10.
\end{itemize}
of the rights may need to be interpreted in light of applicable rules of IHL. The example usually given for such a situation is the interpretation of the right to life in accordance with IHL rules on how and against whom force may be used during an armed conflict.\(^\text{18}\)

In summary, it can probably be safely said that human rights obligations may sometimes extend extraterritorially. There is, however, still disagreement on when the obligations actually come into play:

- first, with regard to “effective control” in occupation there may be a problem in areas where hostilities continue;
- secondly, as was seen after the *Bankovic* decision,\(^\text{19}\) there are debates on what constitutes control (e.g. whether there is a difference between ground troops or air power,\(^\text{20}\) and whether control over the consequences for the individual is enough without control over the territory), and the particular difficulties of regional systems covering situations outside the region;
- and thirdly, with regard to the HRC formulation of “within the power,” it might well be argued that the obligations probably do not extend to extraterritorial battlefield conduct,\(^\text{21}\) but do exist once people have been removed from the battlefield and placed in a detention facility run by the State — though where the obligations begin along the line between the two is unclear.

All in all, it seems that human rights law obligations can extend extraterritorially and be relevant to international armed conflict, but it is still unclear exactly how far that extension can be stretched.

Another point to be made is that recognition of certain elements of human rights law as part of customary international law might also advance the argument of human rights obligations extending beyond the territory of the State. Support for this comes from the US Operational Law Handbook 2004, which clearly accepts that US forces in extraterritorial operations can be bound by customary human rights law.\(^\text{22}\) Progress on this front would depend on how the customary status of human rights law is assessed, both in content and in rules of applicability. Considering the period of time and amount of effort involved in the ICRC study on IHL, it is unfortunately unlikely that an equally comprehensive study on customary international human rights law will be available in the very near future.

\(^\text{18}\) *Nuclear Weapons, Adv. Op., op. cit. (note 3).*


\(^\text{20}\) There is a risk that basing the notion of control on the existence of ground troops while excluding the possibility of violations through use of air power would mean that States can choose the latter in order to avoid censure for human rights violations. For this and more, see note 18 above.


The mandate and expertise of human rights bodies

From the above, and as will be seen later on in this section, it seems not only that human rights bodies are of the opinion that human rights law is relevant to armed conflict, but also that they are quite ready to actually scrutinize such situations, at least so long as they occur within the territory of a State or areas under its effective control. This brings us to the second challenge — whether human rights bodies have the mandate and necessary expertise to evaluate military operations.

Many of the human rights bodies have been established under a treaty. Their mandate would at first sight appear to be limited to monitoring the obligations contained in the relevant treaty. Thus the UN Human Rights Committee is mandated to discuss violations of obligations contained in the International Covenant on Civil and Political Rights, as is the European Court of Human Rights for the European Convention, and so on.

The apparent implication is that although they may — as seen earlier — have the territorial jurisdiction to deal with factual situations of armed conflict, their pronouncements would seem to be generally limited to violations of human rights contained in the relevant treaty, as opposed to pronouncing on violations of IHL. In the recent Chechen cases of Isayeva and others, for example, the European Court dealt with a non-international armed conflict, but discussed only violations of human rights, not IHL.

There are, however, certain possibilities for these bodies to discuss IHL, since most of the treaties do contain references to other applicable law, for instance in articles covering derogation. Within the regional bodies, the Inter-American system has had noteworthy experience in the use of IHL. In the Tablada (Abella) case, the Commission made direct use of IHL and in particular of Article 3 common to the four Geneva Conventions of 1949, stating that human rights law did not give them enough tools to analyse the case in hand. The Commission repeated this in the Las Palmeras case, declaring that Colombia had violated the said Common Article 3. But the Inter-American Court was not pleased with this outcome and ruled that neither the Commission nor the Court had the mandate to make direct pronouncements on violations of IHL. The possibility of using IHL to interpret human rights law obligations in situations of armed conflict, albeit without directly pronouncing upon IHL obligations, was still left open. This use of IHL as a legitimate tool of interpretation was repeated in a later case, Bamaca Velasquez.

23 ECHR, Isayeva, Yusupova and Bazayeva v. Russia, Case No.57947/00, 57948/00 and 57949/00, 24 February 2005.
25 Inter-Am.CHR, Juan Carlos Abella v. Argentina, Case No. 11.137, Report No. 55/97, 18 November 1997, para. 271.
26 Inter-Am.CHR, Las Palmeras v. Colombia, Case No. 67, Judgment on Preliminary Objections, 4 February 2000.
The European system has been less ready to make overt use of IHL, and direct reference to IHL has rarely appeared since *Cyprus v. Turkey*.28 The Court has, however, made use of IHL principles to interpret specific situations without referring to them by name, for instance in its assessment of a Turkish military operation in the *Ergi* case.29

Human rights bodies established through UN Charter mechanisms do not have the same treaty restrictions and are therefore more easily able to refer directly to violations of IHL. This can be seen in the reports on thematic procedures, such as those by the Special Rapporteur on Extrajudicial Executions, and in reports on country-specific procedures when dealing with countries involved in armed conflict, such as those compiled by the Special Rapporteurs on Iraq, the former Yugoslavia, and Sudan.30

As for expertise, the assessment of military operations by human rights bodies with or without direct use of IHL terms can be described as inconsistent.31 The primary requisite for membership of a human rights body would be proficiency in human rights law, rather than IHL. This may explain, as well as the mandate issue described above, why some bodies such as the European Court of Human Rights make little direct reference to IHL. Moreover, reliance on IHL in some of the cases might be less attributable to any readiness by the court to use it than to the fact that counsel for the applicants happened to be an IHL expert and made use of it in arguing the case, for instance in the *Ergi* case.

Examples in which IHL principles could perhaps have been differently applied can be found in the *Ozkan*32 and *Isayeva* cases.33 The former case dealt with deaths, detention and the burning of houses that took place during military operations in south-east Turkey. Although this was a military operation in what could arguably be classified as an armed conflict and could thus qualify for applicability of IHL, the consideration of the case did not include reference to IHL rules. The assessment of violations in terms of damage to homes, for instance, may have been different when viewed through an IHL lens.

The *Isayeva* case dealt with an attack by Russian airplanes on a convoy of vehicles, which resulted in civilians being killed and injured. This incident occurred in the context of what has been regarded as a non-international armed conflict.34 The Russian government contended that the pilots were targeting their missiles at trucks carrying armed men, who had fired at the planes, while according to the applicants and many witnesses, there were no trucks of such a kind and the planes

had not been fired at. The Court states that: “In particular, it is necessary to examine whether the operation was planned and controlled by the authorities so as to minimise, to the greatest extent possible, recourse to lethal force. The authorities must take appropriate care to ensure that any risk to life is minimised.”

This assessment has strong foundations in human rights law, but perhaps is not exactly the same formulation as would be used for military operations in an armed conflict. Risk to innocent civilian life and property must indeed also be minimized in armed conflict, but if the target is a legitimate military one, then lethal force might be the first recourse, at least in some circumstances, provided that risks to people and objects in the vicinity are taken into account. The initial question should arguably have been whether there was a legitimate military objective to be targeted — if there was not, then the use of force against civilians was unlawful, but if there was reason to believe the pilots were firing at a lawful target, then the IHL rules on targeting and use of force would be pertinent. The Court, however, did not seem to make direct use of the IHL rules on military objectives and targeting, although its assessment related to a military operation in the context of an armed conflict.

A possible reason for not using IHL might have been the pervasive notion that apart from Common Article 3 and the few rules of Additional Protocol II, not many relevant rules — including those on military objectives and targeting — are applicable in non-international armed conflict, and that human rights principles are therefore the only ones to be guided by. In this regard the ICRC study on customary law can, like the case-law of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR) and the Rome Statute, be of assistance to human rights bodies. Whereas these bodies have hitherto relied predominantly on human rights law and in some cases on Common Article 3, this study now provides them with a detailed collection of rules applicable in non-international armed conflict, which can help them to make a proper assessment of the conduct of States in such situations.

As already mentioned, even if the final pronouncements are limited to human rights law, IHL can and should be used at least as an interpretative aid.

A number of factors may be hindering the use of IHL standards by human rights bodies. They include the conceptual differences between the two legal regimes, as well as particular problems to do with the relationship between human rights law and IHL during non-international armed conflicts. These are the next two challenges to be examined here.

IHL and human rights law as different languages

Anyone who has been involved in teaching IHL to human rights professionals or speaking of human rights law with military personnel is aware of the acute difficulties that at times make it seem like speaking Dutch to the Chinese or vice

36 Though it does not solve all the related problems, as can be seen below in the section on human rights law and IHL during non-international armed conflict.
versa. A military officer schooled in the rules determining whom he has licence
to target might find discussion of “a right to life” slightly vexing. A human rights
professional is often equally baffled by the definition of a military objective.
Communication breakdown in these situations can be rapid.

One of the keys to successfully explaining IHL to persons from the
human rights community, or the other way around, can be to describe them as
two separate languages. Resorting to legal linguistics is more than just a ques-
tion of which words one chooses. The difference between languages includes
not only words and terms, but encapsulates conceptual differences that can lead
to contrasting ways of thinking and differing approaches to situations.

Whilst IHL and human rights law may share certain common concepts,
even the shared parts are often differently expressed. Sometimes terms can be
translated — for instance, some of the human rights law on the right to privacy
and protection from interference with the home — could be translated in a
fairly clear-cut manner into IHL rules on destruction or seizure of private prop-
erty. In other cases the translation is much less straightforward but nevertheless
possible — the right to life and prohibition on arbitrary killings in human rights
law resemble but are not identical to the IHL prohibition on targeting civilians.

With a little explanation (focusing mainly on the difference that under IHL it
can be lawful to target an opposing combatant, even if that person is not an
immediate threat at the time) translation in this latter case is still feasible.

Other terms, such as “military objective” in IHL parlance, exist only in
one language and cannot be properly translated. Such terms must be explained
and taught in their native form.

There are also words that sound the same in both languages. “Judicial
guarantees” and “the prohibition of torture” not only do sound the same, but
share much of their substantive meaning in the two languages.

The greater difficulty arises when the opposite is the case — a term
that sounds the same but has different meanings in each of the two languages.
“Proportionality” is considered a core principle in both IHL and human rights
law.\(^37\) In both of them it denotes a balancing relationship: X in relation to Y. In
substance, however, it is not always the same and can indeed cause confusion.

For example, under human rights law and the rules of law enforcement,
when a State agent is using force against an individual, the proportionality prin-
ciple measures that force in an assessment that includes the effect on the indi-
vidual himself, leading to a need to use the smallest amount of force necessary
and restricting the use of lethal force.\(^38\)

Under IHL, on the other hand, if the individual is for instance a combat-
ant who can be lawfully targeted, then the proportionality principle focuses on the

\(^37\) J. Delbruck, “Proportionality,” Encyclopaedia of Public International Law, Vol. 7, Elsevier Science

\(^38\) UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, UN Doc.
A/CONF.144/28/Rev.1, 1990, p.112; UN Code of Conduct for Law Enforcement Officials, G.A. res.34/169, annex,
34 UN GAOR Supp. (No. 46), p. 186; UN Doc. A/34/46, 1979; McCann and Others v. United Kingdom,
effect upon surrounding people and objects, rather than upon the targeted individual, against whom it might be lawful to use lethal force as a first recourse.  

In the latter example, if the human rights law understanding of proportionality were to be used, and if the individual did not pose a direct threat at the given moment, then lethal force might well be considered disproportionate. If, however, there were no other casualties or damage and the individual combatant was the only person affected, then under IHL the proportionality rule is unlikely to have been violated.

Clearly, as mentioned above, this is the type of situation in which the right to life must be understood in the context of the relevant IHL principles, which would constitute lex specialis, but although the person examining the case — including human rights bodies — may correctly turn to IHL principles for guidance, they might nevertheless use proportionality as it is understood in human rights law. Consequently, a misunderstanding of the proportionality concept and the way in which it differs in the two legal regimes can cause confusion when coming to interpret some of these situations.

It is therefore crucial that when applying both human rights law and IHL to a particular case, we bear in mind the differences between the languages and make sure the correct terms and definitions are used, both to increase the level of understanding, and to avoid potential confusion and mistakes. While it is acceptable, and often even necessary, to use both human rights law and IHL in order to assess a situation, it would be wise to clarify which language is being spoken, and not jump between them using terms from the different bodies of law within the same sentence, or perhaps not even in too close proximity to each other.

Human rights law and IHL during non-international armed conflict

One of the main areas of difficulty with regard to joint applicability — that of extraterritorial applicability of human rights obligations — is much less of an obstacle in the case of non-international armed conflicts, where the conflict is taking place within the territory of the State. Asserting the relevance of human rights law to activities occurring domestically might therefore seem more straightforward. In addition, the fact that IHL treaty law dealing with non-international armed conflicts is comparatively sparse also points towards use of human rights law to assist in the regulation of conduct during such conflicts. Indeed, the few existing treaty rules can be compared and likened to non-derogable human rights, and where IHL treaties are silent, human rights law might be offered as an answer.

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39 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Art. 51.5(b).
Recent years have seen much progress in widening the scope of IHL rules applicable to non-international armed conflicts, primarily through customary international law. The ICTY Tadić case and the new ICRC study have determined that under customary international law the IHL rules on international and non-international armed conflicts are in essence much the same, and according to the ICRC study the majority of IHL rules (though not all) apply to both types of conflict. The ICC Statute has also been instrumental in this regard. This development can in many ways be viewed as a great success, enhancing the protection of IHL available to victims of non-international armed conflicts. At the same time, however, the increased number of IHL rules applicable might also indicate a potential increase in the possible clashes with human rights law, which has also developed over the years. The foregoing example of the difference in understanding of the proportionality principle (which did not explicitly appear in the Additional Protocol II rules for non-international armed conflicts, but is cited as a rule of customary IHL), is one such case.

The risk of a clash is heightened when dealing with situations for which the IHL rules remain unclear. The following is a hypothetical example — though it could fit many real situations — that illustrates the problem:

In State X, there have been ongoing violent confrontations between State forces and members of group Y. For the past three years there have been many such confrontations, sometimes four times a week, sometimes once a fortnight, causing each year an average of over 900 deaths among State forces, group members, and civilians not taking part in the clashes, and many more injuries. On a certain date, State military intelligence discovers that members of the group are holding a meeting in a house in a certain village. State forces approach the house and fire an RPG rocket into the meeting room, killing all the group members (and nobody else).

Under human rights law, unless certain other information emerges, e.g. if the State forces went to arrest the group members but came under extremely heavy fire when approaching the house, it is likely to be found that they acted

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42 Though there have also been developments in treaty law, such as through the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, Geneva, 10 October 1980, amendment Article 1, 21 December 2001.
43 ICTY, Prosecutor v. Tadić, Appeals Chamber, Case No. IT-94-1-AR72, 2 October 1995, paras.97–98, 117, 119–125. For an assessment of these findings, see C. Greenwood, “International humanitarian law and the Tadić case,” European Journal of International Law, Vol. 7, 1996, p. 265; ICRC study, op. cit. (note 1). While not every point of the ICRC study may be agreed with, as was seen at some of the conferences devoted to it (indeed, the foreword acknowledges that “the study makes no claim to be the final word,” p. xvii), it is virtually incontestable that one of its major achievements is to have elucidated a great number of IHL rules applicable to non-international armed conflicts.
unlawfully: the soldiers would have been expected to make an attempt to arrest them, initially using less lethal force, if any.  

But what of IHL? First, it would be necessary to determine whether this is in fact an armed conflict, since if it is not, IHL would simply not apply. To classify the situation is often one of the more contentious issues with regard to internal violence, and the difficulties of determining whether the threshold of an armed conflict has been reached are well documented. Even short-term military operations lasting barely a matter of days might sometimes be considered to have crossed the threshold into non-international armed conflict. Situations such as the above can be argued both ways, and there is no final arbitrator. But even if IHL is found to be applicable, there is still no clear answer as to whether the operation was lawful under IHL. The main conundrum is now the status of the individual members of group Y.

Unlike the IHL rules on international armed conflict, the treaty rules for non-international conflicts make no mention of a legal status of combatants, i.e. of persons who may participate in the hostilities and can be lawfully targeted. Whereas the targeting of civilians is prohibited, it is unclear how to classify members of armed groups and consequently determine when they can be targeted. The differing views on their classification include defining them as non-civilians who may be targeted at all times, similar to combatants in international conflicts; as civilians who have lost their protection due to direct participation and can be targeted for the duration of the conflict, since their very membership of such a group is a form of participation in the hostilities; or as civilians who may lose their protection at certain times during the conflict, but only if and during the time their actual actions (other than general membership of the group) constitute taking a direct part.

If one subscribes to the first and perhaps also the second of these interpretations (although they might seem highly controversial, these views nevertheless do still exist and there is not yet enough consensus for them to be ruled out completely), then lethal force as a first recourse, as in the hypothetical attack on the members of group Y, might not be in violation of IHL rules.

In international armed conflicts, the reasoning behind use of the relevant IHL rules as lex specialis when faced with a potential violation of the human

48 Abella v. Argentina, op. cit. (note 26).
49 “While State armed forces are not considered civilians, practice is not clear as to whether members of armed opposition groups are civilians subject to Rule 6 on loss of protection from attack in the event of direct participation or whether members of such groups are liable to attack as such, independently of the operation of Rule 6,” ICRC study, op. cit. (note 1), Vol. 1, p. 19 and, in general, pp. 17–24; see also IHL and the Challenges of Contemporary Armed Conflicts, op. cit. (note 32), pp. 27–39.
50 ICRC study, ibid.
rights law obligation to protect the right to life is fairly obvious. A combatant can lawfully target another combatant, and this should not be regarded as an arbitrary or unlawful killing, as it is an inherent and necessary part of military operations and recognized in IHL. While the dividing line between combatant and civilian might not always be one hundred per cent clear in international armed conflicts, it is a distinction that can be maintained at most times. Not so is the situation in non-international armed conflicts, in which this distinction is not as readily visible, neither on the ground nor in the law. Relinquishing the standards of law enforcement and human rights law, in favour of IHL, could lead to greater complications rather than providing a solution.

The risk is that the lack of consensus over determination of threshold, coupled with some of the above views on individual status, could make it easier for States to disregard the standards of human rights law and law enforcement, and adopt shoot-to-kill policies whenever confronted with borderline situations which they might be able to claim amount to an armed conflict.

Various possible solutions can be put forward, though none of them appear wholly satisfactory. It may be tempting to say that human rights law standards should be the ones to prevail during non-international armed conflicts. This argument is, however, unlikely to get very far — what of those high intensity non-international armed conflicts that to all intents and purposes involve battles and forces similar in scale to those of many international armed conflicts? Surely it could not be maintained that a soldier on the battlefield can only fire in individual self-defence? The long-established IHL rules for these situations cannot be easily reconstructed or even discarded.

A limited version of this solution might be to claim that human rights law standards on the use of force should prevail during domestic operations of a certain low scale, even in the context of a non-international armed conflict, but that once the conflict reaches a second and higher threshold (such as that of Additional Protocol II), IHL rules on the use of force will come into play. This solution in effect raises the threshold for determination of non-international armed conflicts, and flies in the face of efforts to allow for a lower threshold that would bring IHL protections into play as early as possible. Moreover, one

51 The discussion of problems related to direct participation of civilians (ibid) also covers international armed conflict.

52 See risk raised by Kretzmer, op. cit. (note 47), p. 200; on the question of characterization of the situation, including self-characterization, see Provost, op. cit. (note 2), pp. 277–342. It is, however, important to note that historically, States have tended not to accept the classification of armed conflict and deny that the threshold had been reached. See T. Meron, Human Rights in Internal Strife: Their International Protection, Grotius, Cambridge, 1987, p. 47, and Moir, op. cit. (note 42), pp. 67–88.

53 Such as the Spanish Civil War.

of the reasons to allow for a lower threshold of IHL applicability is to have rules and obligations that would be equally binding for non-State parties to conflict (unlike human rights obligations, which traditionally are seen as directly binding on States alone), and enhance protection from those groups.

The above ideas for solutions amount to limiting the applicability of IHL, thereby risking the creation of impractical situations (by subjecting battlefield circumstances to the stricter rules of law enforcement), and reducing the amount of available protection (e.g. it would be harder to regulate the conduct of non-state groups without applicable IHL obligations); they do not therefore appear to be desirable solutions. A somewhat different approach might be to re-examine the relationship between IHL and human rights law in these situations, in particular the notion of using IHL as the lex specialis on the right to life during non-international armed conflicts.

With this approach, it might be said that during a non-international armed conflict, whenever the State has enough control over a particular situation to enable it to attempt to detain individuals, then such an attempt must be made before force can be used, and non-lethal force must be favoured if possible. This argument seems to allow for retention of the standard law enforcement and human rights law approach without creating impractical situations. However, the legal basis under IHL for making such a claim is unclear. If the context of the operation is an existing armed conflict and IHL is therefore applicable, then at least according to certain interpretations of IHL rules, members of armed opposition groups might, as seen above, be subjected to lethal force without a prior attempt to arrest them. Furthermore, what would then prevent this claim from also being made with regard to international armed conflicts? States are unlikely to accept that they must attempt to detain opposing combatants before using lethal force.

Despite these evident difficulties, it is submitted here that an approach based on the assertion that in situations such as our earlier example, an attempt to detain should be made before lethal force can be used, could indeed be advocated. However, the above-mentioned obstacles must first be addressed for it to be practicable and not conflict with existing IHL rules. The IHL and human rights law relationship in this situation is unclear, largely due to lack of clarity within IHL itself. The way forward here may well have to be through progress in the debate on the status of individuals during non-international armed conflicts, the issue of the direct participation of civilians in hostilities, and the consequences of losing protection.

55 See for instance the “Mixed Model” proposed by Kretzmer with regard to terrorism, op. cit. (note 47), pp. 201–204.
56 While there has been much progress in development of IHL in relation to non-international armed conflict, comments concerning the status of individuals made over 30 years ago remain pertinent: “international law can responsively order internal conflict only if it, first, provides uniform rules for the conduct of military operations therein and, second, provides rules for the classification and treatment of non-combatants.” J. Bond, The Rules of Riot: Internal Conflict and the Law of War, Princeton University Press, Princeton, 1974, p.137.
Economic, social and cultural rights during armed conflict

The final challenge to be raised in this article concerns a very different issue, that of a set of rights that does not always receive equal attention. Discussion of the relationship between human rights law and IHL tends to focus on civil and political rights, in particular those dealing with use of force and deprivation of liberty. But human rights law is far richer than those two topics in particular, or even than the whole realm of civil and political rights in general. While there may be certain conceptual or procedural differences between them, the set of rights known as economic, social and cultural rights (ESC rights) are equal members of the human rights family. What do we know of their relationship with IHL?

If human rights law applies during armed conflict, then it can be assumed, unless otherwise stated, that this holds true for the whole body of human rights law and does not exclude ESC rights. Nor are they directly excluded in any way. On the contrary, the International Court of Justice has affirmed the applicability of ESC rights obligations in a situation to which IHL is applicable, so outright dismissal of those rights whenever IHL comes into play is not a tenable position. The ICJ Advisory Opinion thus provided further support to the already existing views of the UN Committee on Economic, Social and Cultural Rights on their applicability.

ESC rights include, among other things, education, health, social security, food and employment. A number of the ESC rights deal with issues that are in no way strangers to IHL. Ensuring adequate food supplies, and even more so protecting health during armed conflict, are clearly a part of the IHL rules and have been the subject of various specialized publications. But when dealing with these issues the approach is not usually based on the human rights point of view, and the focus of attention is placed on the relevant IHL rules (e.g. rules on protection of medical facilities), and the non-legal practical questions of how to work on the ground (e.g. what should be done to prevent public health hazards). One reason could be that IHL rules might seem at first glance to contain far greater detail than the treaty rules of human rights obligations. But this ignores the extensive detail on ESC rights that can be found outside the treaty wording, for instance in the work of the UN Committee on Economic, Social and Cultural Rights — the General Comment on the right to health, for example, goes into lengthy and intricate details, providing an understanding of health needs and obligations that goes far beyond the IHL provisions.

60 Ibid.
A number of difficulties, some of which are less of a challenge in the case of civil and political rights, can be identified with regard to ESC rights during armed conflict. The common approach when dealing with civil and political rights is to speak of the possibility of derogation from human rights obligations in accordance with the specific clauses on derogation, as well as turning to IHL as the *lex specialis*. The International Covenant on Economic, Social and Cultural Rights, however, does not have an equivalent derogation article. The closest the Covenant comes to this is in Article 4: “…the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.” Either some creative interpretation is required in order to view this article as allowing for restrictions during armed conflict (though this would still not be equal to the formal procedure of derogation as it appears in the Covenant on Civil and Political Rights), or there is no clear allowance for derogation or restriction in such times. As for the *lex specialis*, some of the human rights law obligations cover topics which are scarcely if at all mentioned in IHL (e.g. social security), or include specific details on the content of the obligations that are not found in IHL (e.g. as can be found in the General Comment on the right to health62). If human rights law is the body of law containing greater detail and regulating a certain matter, then the ICJ formulation63 might be understood to mean that the human rights law obligations would remain of primary relevance.

To examine this further, what would the obligations be, for instance, of an occupying power towards the inhabitants of the occupied territory in terms of the right to health? As noted earlier,64 it would seem that human rights law obligations, including ESC rights, do apply to occupied territories. The need for these rights can be even more acute when dealing with prolonged occupation spanning decades.65 It might not, however, be practicable to apply the same standards and obligations to the occupied territory as those expected with regard to the right to health in the State’s own territory, besides being debatable whether this is required by law. A three-tiered approach is sometimes used when analysing the human rights obligations of a State to “respect, protect, and fulfil.”66 While the existing IHL rules may cover many of the “respect” and “protect” aspects of the right to health (e.g. protection of medical facilities), the “fulfil” aspect is not as clear. Under IHL, aliens in the territory of a party to a conflict are generally entitled to the same level of health care as is provided to the State’s own nationals.67 There is no equivalent IHL obligation concerning

62 Ibid.
63 See note 5 above.
64 Confirmed both by human rights bodies and by the ICJ, see notes 3, 4, 5, 11, 12, 13 and 59 above.
inhabitants of an occupied territory. But if the human right to health is considered to be equally applicable in the State’s own territory and in the occupied territory, then it might be argued that the inhabitants of the latter are entitled to the same health care as the State provides for its own nationals. Yet occupation is envisaged as a temporary situation, and although the Fourth Geneva Convention allows for the adoption of health measures, the ability of the occupying power to establish an elaborate health system can be restricted in practical terms. Also, should the occupying power be able to provide a higher standard of health care than was previously available, then ending the occupation could potentially amount to a problematic regressive measure that would cause the health situation to deteriorate by reverting to the responsibilities of a sovereign State unable to provide the same level of care.

The case for equal or almost equal health care might arguably be viable when dealing with prolonged occupation, especially if the occupying power is providing a high level of health care to its own citizens residing in the occupied territory. In general, however, when it comes to implementing ESC human rights obligations in situations to which IHL is applicable, for instance in occupied territory, there are obviously difficulties as regards derogation and level of fulfilment which need to be addressed.

Conclusion

Once we have moved beyond the question of actual applicability of human rights law to situations of armed conflict, a number of challenges still remain. In some areas the joint applicability works well and the two bodies of law favourably reinforce each other. However, the relationship is still evolving. Some issues, such as extraterritorial applicability, are already the subject of discussion and will likely remain debatable for a while. Other challenges and difficulties require extensive further attention.

When dealing with situations of armed conflict, human rights bodies must become well-versed in the basics of IHL — and vice versa — and when necessary use these principles as an interpretative tool. As of now, the use of IHL by human rights bodies can be improved. Awareness of the “linguistic” differences in use of terms and concepts can be helpful. When applying both bodies of law, care must be taken in the choice of terms, remembering that although IHL and human rights law may share many goals, they remain separate creatures.

The difficulties and risks encountered in non-international armed conflict call for further examination and perhaps for new approaches, and progress

68 Ibid., Article 56.
69 There is a presumption against taking regressive measures, op. cit. (note 62), para. 32.
70 For more on this see the present author’s chapter in Legacy of Injustice, Physicians for Human Rights, Israel, November 2002.
here will be linked to the ongoing debates on individual status under IHL during such conflicts. Economic, social and cultural rights raise additional challenges concerning applicability of human rights law in times of armed conflict.

To sum up, while it has become increasingly clear that human rights law does apply during armed conflict, significant attention must be turned to these and other challenges and obstacles encountered in the joint application of the two bodies of law.
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Resolution 1

CUSTOMARY INTERNATIONAL HUMANITARIAN LAW

The Council of Delegates,

reaffirming the undertaking of all States and parties engaged in armed conflict to respect and ensure respect for international humanitarian law,

recognizing the importance of working toward the universal ratification of treaties on international humanitarian law,

considering the continued importance of customary international humanitarian law in the light of the fact that not all humanitarian treaties have been universally ratified,

noting that treaty law governing non-international armed conflicts is not well developed although these conflicts predominate today,

recalling Resolution 1 of the 26th International Conference of the Red Cross and Red Crescent and the mandate entrusted to the ICRC to prepare a study on customary rules of international humanitarian law applicable in international and non-international armed conflicts,

noting with great appreciation the extensive efforts undertaken by the ICRC to prepare this study in accordance with the above-mentioned mandate,

1. welcomes the study on customary international humanitarian law published by the ICRC as an important contribution to the protection of war victims;
2. recommends the study to all components of the Movement as a basis for discussion, where relevant, with national authorities, armed forces, academic circles and parties to an armed conflict;
3. invites National Societies, to the extent of their capacities, to disseminate the findings of the study as widely as possible.
Resolution 2

WEAPONS AND INTERNATIONAL HUMANITARIAN LAW

The Council of Delegates,
welcoming the ICRC’s report on Weapons and International Humanitarian Law,
stressing that the promotion of adequate controls on the development, use and proliferation of weapons is essential to protecting civilians from their indiscriminate use and effects and combatants from unnecessary suffering,
recalling the obligation of States to ensure the legality of their weapons under international law,
deeply concerned about the threats that civilians face during and after conflicts owing to the presence of landmines and explosive remnants of war, as well as the unregulated availability of small arms and light weapons; and acknowledging the obstacles these weapons pose to post-conflict reconstruction and development,
emphasizing the urgent need for an integrated, collaborative and preventive approach to minimizing the risk that advances in the life sciences may be used for hostile purposes,
highlighting the opportunities to advance the Movement’s objectives in this field provided by the Review Conferences in 2006 of the Convention on Certain Conventional Weapons, the United Nations Programme of Action on Small Arms and the Biological Weapons Convention,
reaffirming the commitments undertaken in resolutions on weapons adopted by previous meetings of the Council of Delegates and those contained in General Objective 2 of the Agenda for Humanitarian Action adopted by the 28th International Conference of the Red Cross and Red Crescent,

1. calls upon all components of the Movement to continue and, if possible, step up their efforts to implement the Movement Strategy on Landmines and Explosive Remnants of War, and in particular to strive to ensure that victims receive the long-term care and assistance they need, to urge mine-affected States party to the Convention on the Prohibition of Anti-Personnel Mines to meet their mine-clearance deadlines and to encourage all States to adhere to the Convention on the Prohibition of Anti-Personnel Mines and the Protocol on Explosive Remnants of War and to make available adequate resources to ensure their full implementation;

2. urges all components of the Movement to raise awareness of the Third Review Conference of the Convention on Certain Conventional Weapons in late 2006, to encourage all States to participate in the Review Conference, and to use this event to promote adherence to the Convention and the amendment extending its scope of application to non-international armed conflicts and to its five Protocols;

3. encourages all components of the Movement to promote national measures to address the humanitarian concerns resulting from the use of cluster
munitions and other submunitions, in particular by encouraging States to prohibit the use of submunitions against military objectives located in or near civilian areas, to eliminate submunitions that are inaccurate or have high failure rates, and to refrain from transferring inaccurate or unreliable submunitions to others;

4. requests all components of the Movement to use the Review Conference of the UN Programme of Action on Small Arms in July 2006 as an opportunity to encourage a more comprehensive approach to reducing the human suffering that results from the unregulated availability and misuse of small arms, in particular by encouraging States to make respect for humanitarian law one of the basic criteria on which arms transfer decisions are assessed, to develop common standards regulating international arms transfers and the activities of arms brokers, to promote respect for international humanitarian law and human rights law among arms bearers, to enhance armed-violence prevention efforts and to assist the victims;

5. encourages all components of the Movement to raise awareness of the need for increased efforts by governments, scientists and industry to ensure that advances in the life sciences are not used for hostile purposes, and to urge governments to work towards a successful outcome of the Sixth Review Conference of the Biological Weapons Convention by solemnly reaffirming the Convention’s aims and by agreeing on concrete preventive measures;

6. requests components of the Movement to encourage States that have not yet done so to establish formal review procedures to determine the legality of new weapons and means and methods of warfare, and to exchange information about these procedures with other States and with the ICRC, and notes the ICRC’s development of a Guide for this purpose;

7. requests the ICRC to report to the 2007 Council of Delegates on the progress made in implementing these objectives.
Resolution 3

PROMOTING RESPECT FOR DIVERSITY
AND NON-DISCRIMINATION

A CONTRIBUTION TO PEACE AND FRIENDSHIP BETWEEN PEOPLES

The Council of Delegates,

recalling resolution 9 of the 2003 Council of Delegates, “Promoting respect for diversity and fighting discrimination and intolerance,” the pledge made by the International Federation at the 28th International Conference in 2003 regarding non-discrimination and respect for diversity, and the declaration adopted by that International Conference on the theme of “Protecting human dignity”;

emphasizing the desire of the Movement’s components to implement and promote the Movement’s fundamental principles effectively and to base their work purely on the desire to prevent and alleviate the suffering of victims and vulnerable people, with no adverse distinction between groups,

concerned by a lack of commitment among some Movement components to apply these principles and in particular by insufficient understanding of the principles’ raison d’être and their meaning,

convinced of the importance of the action that the Movement’s components undertake on the basis of their respective mandates and in the areas that correspond to their respective responsibilities and missions, action intended to promote mutual understanding, friendship, cooperation and lasting peace between all peoples,

1. thanks the ICRC and the International Federation for having undertaken consultations on this question and for preparing the joint report on this important issue;

2. endorses the report’s general principles and conclusions and requests the components of the Movement to apply them. In particular, the Council of Delegates asks that the Movement’s components:

a. be particularly attentive to discrimination, intolerance, exclusion and dehumanization in the areas connected with their respective mandates and fields of activity;

b. promote the short and long-term interests of those receiving humanitarian aid and associate them with decisions that affect them to the greatest degree possible;

c. conserve their specific characteristics and identity when working with other organizations that specialize in the fight against discrimination, as required by their respective mandates and the rules set out in the Movement Statutes (art. 7.5) and the principles contained in the
“Minimum elements to be included in operational agreements between Movement components and their external operational partners”;

d. serve as an example, in both the humanitarian work they do and the way they do it – avoiding any form of adverse discrimination whatsoever;

3. approves the General Criteria, Orientations and Guiding Questions annexed and tasks the components of the Movement to refer to them when planning, implementing and evaluating their programmes;

4. asks the National Societies to continue to keep the International Federation and the ICRC informed regarding best practice and their experiences, so as to enrich the Federation database;

5. calls on the components of the Movement to take account of the above-mentioned Guiding Questions when examining their statutes, to verify that they contain no adverse discriminatory clauses but rather, create a legal framework that will promote respect for diversity and non-discrimination;

6. therefore asks the ICRC and the International Federation to continue to ensure compliance with the aspects of non-discrimination and respect for diversity when examining the statutes of National Societies in the Joint Commission for National Society Statutes;

7. asks the International Federation to include non-discrimination and respect for diversity in its “Well-Functioning National Society Self Assessment” questionnaire;

8. encourages the ICRC, the International Federation and the National Societies to pursue their efforts — in accordance with their respective mandates — to promote and implement programmes, especially through their work to promote the Fundamental Principles and the principles of international humanitarian law, endeavouring to ensure respect for diversity and non-discrimination, and to maintain their own commitment in these important areas.

1 Annex to Resolution 10 of the 2003 Council of Delegates.
Annex (Resolution 3)

General criteria, orientations and guiding questions

General criteria

The work of the Movement’s components could well be guided by the following general criteria:

- The immediate and also long-term interests of the person one is aiming to help must guide the action of the Movement’s components.
- Action must be fully in accordance with the Movement’s Fundamental Principles.
- Where possible, the people who are to benefit from the action should be involved in the decisions that affect them.
- At international level, activities must be coordinated in accordance with the Statutes and with the Seville Agreement. Where necessary, such activities must be carried out in consultation and cooperation with the ICRC and the International Federation, in accordance with their respective mandates.
- As far as possible, the action of Movement components should be coordinated with that of other organizations so as avoid duplication and gaps in measures for helping victims and vulnerable persons, while maintaining their independence and identity.2
- Exchanges of information between National Societies are encouraged, and constitute opportunities for the National Societies to exchange experiences and share skills.
- Calling in the services of experts can/should be encouraged where this will help to guide the work of the Movement’s components in a particular area.

Guidance and guiding questions

Promoting respect for diversity

Fighting discrimination and intolerance

1. Ensuring openness and diversity

within the National Societies of the Red Cross and Red Crescent

<table>
<thead>
<tr>
<th>Composition</th>
<th>How much diversity is there in the leadership, staff, volunteers and membership of the National Society?</th>
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<td>To what extent does the composition of the National Society reflect the diversity of the country’s communities (cultural, linguistic, ethnic, religious) and in terms of age, sex, etc.?</td>
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2 Art. 7.5 of the Movement Statutes; “The Movement’s Policy on Advocacy.”
Are there requirements governing the composition of every National Society (in a charter, for example)? What are its objectives? What measures are planned to fulfil the requirements and achieve the objectives?

**Recruitment**

- Do the statutes of the National Society contain a clause specifying that all citizens of the country can become members or volunteers of the Society, participate in its activities and be elected to positions of responsibility? If so, how is this clause formulated?
- How have the National Society’s recruitment procedures been designed to attract volunteers from all ethnic, cultural, social and religious communities and minorities?
- Does the National Society have a system for analysing and evaluating recruitment and the promotion of personnel?
- Is there any imbalance in the National Society’s membership in terms of ethnic origin, religion, sex, age or language? How does the National Society deal with imbalances? Have there been any complaints of discrimination about procedures?

**Training**

- Are there any negative perceptions or long-standing prejudices in training programmes regarding the participation of members of minority groups?
- Are there any plans to raise staff awareness regarding respect for cultural diversity? What would be the most appropriate form (training, intercultural approach, role-playing, etc.)?
- What kind of internal training is in place or envisaged to make staff aware of prejudice, understand the processes that underlie it and modify their behaviour accordingly?
- What steps has the National Society undertaken to raise awareness of staff working abroad as to what they should and should not do in order to avoid offending those of other cultures?

**2. Looking outward for insight and understanding**

**Community data collection**

- Is there a system for identifying and monitoring emerging forms of discrimination and intolerance in the national or local community in the areas of the National Society’s mandate?
- What methods are used? Who collects the data? Are the data collected at national level or locally? Who analyses the data? How is the information used? What effect does this information have on existing or future programmes?
### Studies and research
- To what extent is research available that has been conducted by universities or other bodies regarding discrimination?

### Reviewing operational experience
- To what extent do programmes or activities run by other organizations already meet the main needs of communities that suffer discrimination or intolerance?
- Are there any lessons to be learned from the experience of implementing the programmes?

### 3. Promoting public dialogue and advocacy

#### Dialogue
- Are discussions being held with the authorities to ensure that legislative provisions and/or public statements do not contain discriminatory clauses or references that run contrary to basic rights?

#### Advocacy
- Does your National Society approach the government, local authorities, members of the business community or other appropriate bodies to raise their awareness of discrimination that you have observed, and to discuss with them the measures that should be taken or strengthened to counteract discrimination, intolerance or exclusion?
- Are operational experience and information acquired always used to support your dialogue with the authorities?
- What awareness-raising tools and methods are used to promote respect for differences and diversity in local, national and/or international fora or through specific action, in schools for example?
- What kinds of tool (new or otherwise) could be of use?

#### Inter-community dialogue
- What role does your National Society play, where appropriate, in building mutual understanding, dialogue and reconciliation between communities, both post-conflict and at other times?
- What initiatives appropriate for a component of the Movement could help to bring communities together and ensure that groups are neither marginalized nor excluded?

#### Awareness-raising campaigns
- Does your National Society run information/awareness-raising campaigns on discrimination and intolerance and/or to promote respect for diversity?

#### Communication
- How does your National Society interact appropriately with the media to avoid stigmatization related to intolerance and discrimination towards certain categories or communities, and to promote respect for cultural and social diversity?
| Education | • Are the messages used in promoting diversity and fighting discrimination clear and unambiguous?  
• Are there any indications as to how these messages are perceived by those for whom they are intended?  
• What is the public’s perception of the Red Cross and Red Crescent? Is the National Society seen as an example of respect for difference and diversity, and of non-discrimination?  
• What efforts are made to maintain dialogue, communication and confidence with all communities, even in difficult periods?  
• What measures have been taken to ensure that messages, images, symbols and language will not cause offence to certain communities?  
• How does the National Society use such communication tools as websites, publications, press releases, etc. to promote tolerance, non-discrimination and respect for diversity? |
| --- | --- |
| 4. Strength in preparedness – Being proactive and reactive | **Identifying resources and expertise**  
• Is local, national and international expertise of Movement components identified? And used?  
• What practical experience has already been acquired?  
• What means are available for facilitating exchanges of experience and expertise between the components of the Movement and within the National Society itself?  
• Does the National Society have at its disposal an individual or group with specific knowledge of the issue and capable of taking action to ensure that anti-discriminatory measures are in place? |
| --- | --- |
|  | **Allocation of resources**  
• What resources have been allocated to translate commitments into action in the following areas:  
  • evaluation and analysis of situations;  
  • advice and assistance;  
  • training/education;  
  • dissemination/communication;  
  • implementation; |
|  | **Financial resources**  
• Have potential resources been identified for financing anti-discrimination programmes?  
• What resources have already been used? In what framework? For what purpose? |
|  | **Formation of programmes and policies**  
• Are programmes so designed as to reach everyone in need, without discrimination?  
• Do the National Society statutes contain a clause stipulating that the Society offers its services without
Are there areas in which it would be possible to work together with other organizations or appropriate bodies while respecting the Fundamental Principles and the Society’s image and independence?
• Are there areas in which it would be possible to cooperate with the ministry of education or other appropriate bodies, e.g. examining school books or curricula with a view to eliminating prejudice (cultural, social, sexist or other)?

**Beneficiaries**

• What steps are taken to ensure that programmes really do benefit the most marginalized, the most vulnerable, the worst affected or those most at risk of discrimination?
• How are representatives of beneficiaries involved in programme design, implementation and evaluation?
• Have programmes aimed at specific social/cultural groups had any negative side-effects that could stigmatize them still further, rather than integrate them into the community?

**Priorities**

• Is action to counter the causes and consequences of discrimination and exclusion reactive or proactive? Does such action aim to deal with immediate problems or is it oriented towards long-term effects?
• Is the action undertaken capable of mitigating the effects of dehumanization related to discrimination, by means of listening, empathy and the restoration of confidence? Is this action capable of building up the resilience of individuals or communities?
• To what extent is it possible to use indicators based on international human rights standards (such as denial of access to education or services) in drawing up and evaluating programmes?
5. Learning from experience and developing new initiatives internally and with other organizations

| Types of programme | Does the National Society run education programmes aimed at raising awareness of discrimination and respect for diversity, and at encouraging knowledge of and respect for differences? Do these programmes give priority to an intercultural approach? Do they focus on various target groups such as schools, the media, universities and the general public?  
|                    | Are such programmes included in other training, such as first aid or youth activities?  
|                    | Do specific National Society programmes (in such areas as health, refugees, migrants, youth and mutual understanding) incorporate the issue of discrimination and promoting respect for diversity?  
|                    | What synergy/cross-pollination exists between these different types of programme?  
|                    | Is the promotion of the Fundamental Principles and of international humanitarian law well-developed? Has it been strengthened? Is it targeted? What use is made of new ways of presenting these topics? |
| Impact and evaluation | Have there been any measurable results?  
|                       | How does the National Society evaluate the implementation of its programmes with respect to the fight against discrimination?  
|                       | Are indicators identified in advance, and in the light of the objectives set?  
|                       | How are recommendations resulting from the evaluations taken into account in the next phases of the programmes? ... |
Resolution 4

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

The Council of Delegates,
taking note of the report submitted by the Standing Commission of the Red Cross and Red Crescent (Standing Commission) on its work since November 2003,
commending the Standing Commission and its ad hoc working groups for their active involvement of the components of the Movement and participatory approach in the preparation of the substantive issues on the Emblem, the Strategy for the Movement and the Seville Agreement,
appreciating in particular the input sought from National Societies, the ICRC and the International Federation in consultations regarding the mentioned substantive issues as well as in preparing for this session of the Council of Delegates,

1. requests the Standing Commission to continue to actively promote cooperation and harmony among the components of the Movement through its consultations with them and using all existing Movement fora and to make proposals to enhance such cooperation in areas where it finds it necessary;

2. encourages the Standing Commission to continue in line with article 18 of the Statutes of the Movement and with established practice to involve personalities from National Societies and representatives of the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (International Federation) and to set up such ad hoc working groups as it deems necessary;

3. invites the Standing Commission to maintain a Working Group to advise it on timely planning for the 2007 International Conference;

4. reaffirms Resolution 1 of the 2003 Council of Delegates establishing that the financial implications of paragraphs 1-4 shall be the joint responsibility of the International Federation, the ICRC and the National Societies, on the basis of 25% from the ICRC, 25% from the International Federation and 50% through voluntary contributions of National Societies;

5. further requests the Standing Commission to review the modes of financing its work and present its recommendations to the 2007 Council of Delegates.
Resolution 5
FOLLOW-UP TO RESOLUTION 5
OF THE COUNCIL OF DELEGATES IN 2003
EMBLEM

The Council of Delegates,
taking note of the report submitted by the Standing Commission on developments with regard to the issue of the emblem since Resolution 5 of the Council of Delegates and Resolution 3 of the 28th International Conference held in 2003 in Geneva,
reiterating the commitment of the International Red Cross and Red Crescent Movement to achieve, with the support of the States Parties to the 1949 Geneva Conventions, a comprehensive and lasting solution to the question of the emblem, on the basis of the proposed draft Third Protocol Additional to the Geneva Conventions,
recalling the Fundamental Principles of the Red Cross and Red Crescent, in particular the principle of universality,
recognizing the legal and protective value of the emblems used by components of the International Red Cross and Red Crescent Movement, which, by virtue of their inclusion in the Geneva Conventions and continuous practice for over a century, have become universally recognized symbols of impartial and neutral aid and protection to the victims of war, natural disasters and other catastrophes,

1. notes with appreciation the continued efforts of the Standing Commission, its Special Representative on the Emblem and its ad hoc Working Group, the ICRC and the International Federation in support of the process to achieve a comprehensive and lasting solution to the question of the emblem;
2. welcomes the work achieved since the 28th International Conference, in particular by the Government of Switzerland in its capacity as depositary of the Geneva Conventions, resulting in the convening on December 5, 2005 of the diplomatic conference necessary for the adoption of the proposed Third Protocol Additional to the Geneva Conventions on the Emblem;
3. urges National Societies to approach their respective governments in order to underline to them the necessity to settle the question of the emblem at the diplomatic conference through the adoption of the proposed draft third additional Protocol;
4. requests the Standing Commission, the ICRC and the Federation as a matter of urgency to undertake the measures needed to give effect to the third Protocol after its adoption, especially with a view to ensuring the achievement as soon as possible of the Movement's principle of universality;
5. further requests the Special Representative of the Standing Commission on the Emblem to report on the implementation of this resolution to the 29th International Conference of the Red Cross and Red Crescent.
Resolution 6

STRATEGY FOR THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

The Council of Delegates,

recalling Resolution 3 of the 2001 Council of Delegates, which adopted the Strategy for the International Red Cross and Red Crescent Movement with the ambition that the Movement is stronger when working together in reaching out to vulnerable people with effective humanitarian action throughout the world,

recalling further Resolution 7 of the 2003 Council of Delegates requesting the Standing Commission of the Red Cross and Red Crescent (Standing Commission), the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (International Federation) to submit to the 2005 Council of Delegates a consolidated report on the implementation of the Strategy by all components of the Movement and a proposal for updating the Strategy,

taking note with appreciation of the consolidated report by the Standing Commission, the ICRC and the International Federation to the 2005 Council of Delegates, which demonstrates the importance of a common Strategy for the Movement,

appreciating further the continued progress made since 2003 by all components of the Movement in the implementation of the Actions and the efforts by all components to fulfil the three Strategic objectives laid down in the Strategy for the Movement,

bearing in mind the need for ongoing strategic analysis by all the components of the Movement in response to changing contexts and new challenges,

1. adopts the Update of the Strategy for the International Red Cross and Red Crescent Movement, replacing the text adopted in 2001;
2. calls upon all components of the Movement as a matter of priority to implement all 10 Actions within set timeframes and to promote the Updated Strategy and ongoing strategic dialogue within the Movement;
3. requests the Standing Commission to establish a mechanism to see to the implementation, in consultation with all components of the Movement, of Action 4 of the Strategy for the Movement in order to secure a review of the entire construct of Movement fora and make recommendations on reducing unnecessary complexities and improving effectiveness, and to present the review and recommendations to the Council of Delegates in 2007;
4. invites the International Federation, the ICRC and the Standing Commission to monitor the implementation of the updated Strategy and to report to the 2007 Council of Delegates its findings based on implementation reports submitted to it by the components of the Movement along with pertinent recommendations as necessary;
5. further recommends that the Updated Strategy for the Movement be circulated to member States and invited observers of the International Conference of the Red Cross and Red Crescent and presented with the monitoring report to the International Conference in 2007.

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Annex (Resolution 6)

Update of the Stategy for the International Red Cross and Red Crescent Movement

The International Red Cross and Red Crescent Movement is composed of the International Committee of the Red Cross (ICRC), the National Societies and the International Federation of Red Cross and Red Crescent Societies.

Together, the above components of the International Red Cross and Red Crescent Movement (the “Movement”) are guided by the same seven Fundamental Principles: humanity, impartiality, neutrality, independence, voluntary service, unity and universality. All Red Cross and Red Crescent activities have one central purpose: to help without discrimination those who suffer and thus contribute to peace in the world.

The International Committee of the Red Cross is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance. It directs and coordinates the international relief activities conducted by the Movement in situations of conflict. It also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the International Red Cross and Red Crescent Movement.

The International Federation of Red Cross and Red Crescent Societies works on the basis of the Principles of the Red Cross and Red Crescent Movement to inspire, facilitate and promote all humanitarian activities carried out by its member National Societies to improve the situation of the most vulnerable people. Founded in 1919, the Federation directs and coordinates international assistance of the Movement to victims of natural and technological disasters, to refugees and in health emergencies. It acts as the official representative of its member Societies in international fora. It promotes cooperation between National Societies, and works to strengthen their capacity to carry out effective disaster preparedness, health and social programmes.

National Red Cross and Red Crescent Societies (181) form the basic units and constitute the vital force of the International Red Cross and Red Crescent Movement. National Societies act as auxiliaries to the public authorities of their own countries in the humanitarian field and provide a range of services including disaster relief, health and social programmes. During wartime, National Societies assist the affected civilian population and support the army medical services where appropriate.
The contact details for your own country’s Red Cross or Red Crescent Society can be found at http://www.ifrc.org/address/directory.asp. Those that have their own websites are listed at http://www.ifrc.org/address/rclinks.asp.

<table>
<thead>
<tr>
<th>International Committee of the Red Cross</th>
<th>International Federation of Red Cross and Red Crescent Societies</th>
</tr>
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<tbody>
<tr>
<td>19, avenue de la Paix</td>
<td>17, Chemin des Crêts, Petit-Saconnex, P.O. Box 372</td>
</tr>
<tr>
<td>CH-1202 Geneva</td>
<td>CH – 1211 Geneva 19</td>
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<td>Switzerland</td>
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<td>Telephone +41 22 734 60 01</td>
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<td>Telefax +41 22 733 20 57</td>
<td>Telefax +41 22 733 03 95</td>
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The Council of Delegates approved the update of the Strategy at its meeting in Seoul in 2005. This update is made available in the present publication in which the approved text is illustrated with pictures “dream quotes” and graphics.

The seven Fundamental Principles

Proclaimed in Vienna in 1965, the seven Fundamental Principles bond together the National Red Cross and Red Crescent Societies, The International Committee of the Red Cross and the International Federation of the Red Cross and Red Crescent Societies. They guarantee the continuity of the Red Cross Red Crescent Movement and its humanitarian work.

Humanity

The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

Impartiality

It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.
Neutrality

In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

Independence

The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

Voluntary service

It is a voluntary relief movement not prompted in any manner by desire for gain.

Unity

There can be only one Red Cross or one Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

Universality

The International Red Cross and Red Crescent Movement, in which all Societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.

The aim of the Strategy for the Movement (Strategy)

The Movement’s ambition is to be stronger together in reaching vulnerable people with effective humanitarian action throughout the world

It is not the purpose of this Strategy to re-define what the Movement does and for whose benefit. That is already clearly stated in the Movement’s mission statement, as contained in the preamble to its Statutes of 1986 and which reads as follows:

*to prevent and alleviate human suffering wherever it may be found, to protect life and health and ensure respect for the human being, in particular in times of armed conflict and other emergencies, to work for the prevention of disease and for the promotion of health and social welfare, to encourage voluntary service and a constant readiness to give help by the members of the Movement and a universal sense of solidarity towards all those in need of its protection and assistance.*
The mission statement defines what the Movement does through National Societies, the International Federation and the ICRC. It remains entirely valid and is in no way affected by this update of the Strategy.

Every day millions of volunteers worldwide assist people in need. They are guided by their National Societies’ strategic plans, which ideally should build on the Federation’s Strategy 2010, which sets out their core activities.

The “Federation of the Future” process has described how the International Federation operates. ICRC’s strategic planning provides direction.

With the mission and the core activities defined, this Strategy is about how the components of the Movement can work better together for the victims of conflicts, natural and technological disasters. It supports and complements existing agreements and strategies, respecting and clarifying the mandates and competencies of the components. Simply put, this strategy is not about what we do, but about how we can do our work better, and how we do it together as a Movement.

By working better together as a Movement, all components will be able to meet the challenge of increasing vulnerabilities across the world, and scale up their interventions to reach more vulnerable people.

The Strategy is first and foremost for leaders within the Movement — Presidents and Chief Executives of National Societies, the leadership of the International Federation and the ICRC — who come together regularly in the Council of Delegates to discuss and decide on strategic objectives, to monitor and evaluate results and to formulate new objectives for the Movement when appropriate. Rather than being a document set in stone, the Strategy aims at building a dynamic process of strategic thinking within the Movement. It formulates priority strategic objectives and translates these into expected results and concrete implementation measures.

Finally, the Strategy is also meant to help every Red Cross and Red Crescent volunteer and staff around the world gain a clearer understanding of the nature and of the goals of the Movement to which he or she belongs and to do his or her job more effectively.

**Keeping the Strategy alive**

In 2001, when the Strategy for the Movement was first adopted, it aimed to improve the way in which the Components worked together to reach common goals.

This is still the purpose of the Strategy, further strengthened by the four years of experience of its implementation.

The Strategy does not stand alone. It builds on the policies and plans of the ICRC, the International Federation and individual National Societies and on the Movement’s “Agenda for Humanitarian Action” adopted at the 28th International Conference of the Red Cross and Red Crescent.

The challenge before us is to ensure that the rich and well-informed discussions that take place at the various Movement events and meetings lead
towards a coherent whole. It is with this in mind that the Movement Strategy includes a strong statement to the effect that it should be a standing item on the agenda of each regional conference and similar gathering — whether statutory or not — and that a mechanism is established which helps prepare for and capture the outcome of the discussions at these.

Well managed, such a mechanism for integration of decision-making, gives the Movement the opportunity to tap into the combined wisdom of National Societies, the ICRC and the International Federation and progressively map out a path towards achieving the aim of the Strategy — which is the aim of the Movement.

Are we doing what we said we would? Are we on track to reach our strategic objectives? Monitoring provides an opportunity for the components to share their progress in the implementation of the Strategy. Achieving the Strategic Objectives will strengthen the components individually through strengthening the network that the Movement represents. Review procedures, evaluation and reporting will ensure that the Strategy can promote and further a process of learning.

National Societies, the ICRC and the International Federation provide, as part of existing reporting mechanisms, progress reports on the implementation of the Strategy through the International Federation Secretariat to the Standing Commission for analysis and for submission to and negotiation at the Council of Delegates. The Standing Commission leads the analysis of these reports, together with ICRC and the International Federation Secretariat. The report to the Council of Delegates may include individual reactions from National Societies and evaluations of joint tasks undertaken during the previous two years. The report should give a brief update of external trends, opportunities and challenges and also recommendations for adjustments and changes to be made in the Strategy. The Council of Delegates, the highest deliberative body for internal matters within the Movement, decides on and approves the Strategy for the Movement and monitors its implementation.

The external world

One cannot talk about the Movement’s future and about a strategy for it without considering current global trends. We live in an exceptional period in the history of mankind. In the relatively short time-span since the Movement came into being, science has made enormous progress, to the good (with advances in medicine and communications) and bad (with weapons of mass destruction). The world’s population has grown five-fold, and pollution on the land, in the seas and in the atmosphere adversely affects many people.

The state of today’s world is characterised by, among others, the following factors:

The fragility of our planet, its limitations and its vulnerability: defending it against the onslaughts of natural and technological disasters, as well as from the many on-going armed conflicts, is a new and urgent challenge for humanity.
The growing interdependence of phenomena: a major war concerns everyone; nuclear weapons know no borders; there are no empty spaces where people fleeing from poverty or disasters seek safety; global warming affects us all.

Ours is a period of uncertainty and doubt. While some believe that economic liberalism is the path to a better world for all, others think this is just another illusion. Globalisation, coupled with population growth, has generated great increases in wealth and well-being, but millions of people remain untouched by its benefits. The failure of past ideologies has encouraged the rise of amoral behaviour and cynicism (self-enrichment, corruption, organised crime) and of extremisms of all kinds.

At the same time, extraordinary progress has been achieved in areas such as public health, agricultural technology, transport and communications. There is greater awareness of human rights and of the responsibility of political leaders in this area; struggles against racism, for women's rights and for the protection of children have made considerable advances, even though more still needs to be done.

The adoption by governments, at the United Nations, of the Millennium Development Goals (MDGs) reflects the need for greater focus and attention on the situation of the poor. The goals cannot be achieved without the active involvement of communities. By pursuing its own objectives, working on the basis of its own principles and following its own policies, the Components of the Movement contribute to achieving the MDGs.

Both positive and negative phenomena develop at an increasing speed; mankind is engaged in a race against the clock to secure the planetary stability necessary for its survival.

What is the role for the Red Cross and Red Crescent in all this? At the time of Solferino, there was one clearly defined need and a simple proposal to satisfy it: protecting and assisting the wounded on the battlefield. Today's problems are infinitely more complex, far-reaching and manifold, as evidenced by the declaration on 'the power of humanity' pronounced by the 27th International Conference of the Red Cross and Red Crescent:

“In spite of positive changes in recent decades, conflicts still rage in many countries. Attacks on civilian populations and objects are commonplace. Hundreds of thousands of people have been forced to leave their homes. International humanitarian law is often flouted. Highly destructive natural disasters continue to shatter the lives of large numbers of people. New and old diseases cause widespread suffering. Health services and social and economic systems struggle to cope with increasing demands. The weakest around the world continue to suffer most”.

Other global phenomena and trends should also be considered as they have their own, more or less direct, bearing on humanitarian endeavours:

- Governments will have less and less control over flows of information, technology, diseases, migrants, arms and financial transactions, whether legal or illegal, across their borders.
- Technological developments and growing economic imbalances will further widen the gap between haves and have-nots, not only materially, but also
in terms of knowledge, education and human rights. Poverty will continue to be a major challenge, and many lives will be lost due to re-emerging epidemics (such as malaria and tuberculosis) and infectious diseases including diarrhoea, acute respiratory infections and measles.

- The HIV/AIDS pandemic represents an unprecedented humanitarian and development disaster. It is most severe in Africa, but increasingly serious in other parts of the world, and requires a massive global response.
- Unequal access to health and health services reflect uneven distribution of resources. This inequity is, in itself, morally unacceptable and, at the same time, endangers the welfare of all.
- ‘Mega-cities’ and other urban centres will continue to grow, straining or even crippling their infrastructures and generating new catastrophes centred around food, water and energy shortages, diseases triggered by unsanitary conditions in overcrowded slums and growing numbers of street children and orphans.
- New types of armed conflicts and belligerents (motivated by social, economic and territorial concerns) will affect many countries and regions. More conflicts will be fought over dwindling natural resources such as water. The proliferation of small arms will act as fertiliser on these conflicts and nurture a spreading culture of violence.
- Trends towards polarization and radicalisation are emerging, both at international level and within nation States. The frequency of acts of terror, and the increased efforts of states to combat this phenomenon, adds a new dimension to local, national and regional conflicts, and to the maintenance of security.
- The number of internally displaced people and refugees will continue to grow as a result of conflicts, natural and environmental disasters and economically motivated south-to-north migration. These, as well as the rapidly ageing populations in many countries of the north, will put increasing pressure on health care and social welfare systems.
- Power will continue to shift from governments to other elements of society (the private sector, NGOs), favouring problem solving by markets and citizens. This will create more demand in, and opportunities for, the increasingly competitive voluntary sector and lead to a shift of responsibility in service delivery from paid employees to informal carers.

The humanitarian environment in which the Movement is evolving is also growing increasingly complex. Victims’ needs are changing with the changing nature of crises, and the best approaches to satisfying them have to be constantly re-invented. The growth and proliferation of humanitarian agencies, with the resulting competition and confusion, creates problems in both ethical and operational terms. Media coverage distorts the setting of humanitarian priorities. The involvement of political players in the ‘humanitarian market’ — and especially the action taken by forces mobilised by the United Nations and other organisations in search of new roles — is on the increase. Erosion of human values adversely affects the respect for human dignity; it is consequently becoming more difficult to persuade warring parties and governmental authorities to
accept humanitarian action and allow access to the victims. The job of humanitarian workers — volunteers and staff — is becoming ever more dangerous.

In view of these trends, it is more crucial than ever for each individual National Society to be close to the vulnerable people in its own country, aware of their particular needs and ready to assist them. On an on-going basis it should carefully assess those needs not answered by public authorities and other organisations, and define and adjust its priorities accordingly.

The Movement of the Red Cross and Red Crescent is firmly based on principles of humanity, neutrality, impartiality and independence and on international humanitarian law. These determine its overall priorities as well as the conduct of its international relief workers. The Movement aspires to be a global network whose components have complementary roles and mandates, which are mutually respected. The global nature of this network is, paradoxically, both a major strength and a major weakness. On the one hand it gives the Movement unique access to vulnerable people and the ability to respond to needs from bases already existing in a given country or region. On the other hand, the lack of common understanding of the identity of the Movement and of mutual respect among its components, as well as the unequal availability of resources, create disparity and lack of cohesion, and greatly reduce the effectiveness of the whole.

One of the major challenges which the Movement faces is how best to reconcile the diverse domestic priorities and cultural particularities of the National Societies with its ambition to be a global network for humanitarian action that works together effectively as a Movement.

**Strategic objectives**

The ultimate aim is to optimise the Movement’s action to help vulnerable people by working together more effectively as a global network, in a spirit of co-operation, respect and harmony. The strategic objectives also aim to strengthen the Movement’s position in the global humanitarian scene.

The updated Strategy maintains the three objectives:

**Strategic objective 1**
- Strengthening the components of the Movement.

**Strategic objective 2**
- Improving the Movement’s effectiveness and efficiency through increased co-operation and coherence.

**Strategic objective 3**
- Improving the Movement’s image and the components’ visibility and relations with governments and external partners.
Under each strategic objective, one or several actions are set out. Each identifies and explains what needs to be done, and by whom, followed by a listing of expected results and of concrete implementation measures.

**Strategic Objective 1: Strengthening the components of the Movement**

Having components with complementary roles, operating internationally as well as being rooted locally, gives the Movement a comparative advantage. However, if the Movement is to have a greater impact, the operational capacity in particular of the National Societies to assist vulnerable people in their own countries must be strengthened by developing management skills, good programmes, governance structures and the ability of governance to carry out its responsibilities, and comply with the Fundamental Principles.

**Action 1:** Develop a Movement approach to capacity building in National Societies and promote joint planning, resource mobilisation and evaluation of development and co-operation activities in a given region or country

Building local capacities, by investing in people and organisational development, is a crucial factor in achieving our humanitarian mission. All components of the Movement are involved in capacity building and organisational development of National Societies.

Capacity building depends on co-ordinated approaches and agreed frameworks and methodologies. Well-designed and accessible Co-operation Agreement Strategies [CAS], expressing the external dimension of National Societies’ development plans provide a mechanism for achieving coherence in this regard.

Capacity building and organisational development is needed for a National Society to be able to handle emergencies. This requires funding and support, independent of disaster response, and significant programming, such as that available from the International Federation’s Capacity Building Fund.

All National Societies need to build their own capacities to respond to needs in their respective countries or internationally.

**Expected results**

- A single, common Movement approach to capacity building and organisational development, including specific focus on the development of volunteering, is agreed and applied.
- More resources are committed to capacity building, and the capacity building fund is strengthened.
- Common terminology and performance indicators with regard to capacity building, organisational development and planning, are established in National Societies, the International Federation Secretariat and the ICRC.
• There is an enhanced sense of discipline and commitment by all components present in a given country to maximise the use of available resources and to work together in a co-ordinated and effective manner.

**Implementation**

• The International Federation Secretariat leads the development of a Movement approach, common terminology and indicators for capacity building and organisational development.

• National Societies, the ICRC and the International Federation Secretariat encourage Movement networks on capacity building and organisational development to form and exchange best practices.

• National Societies working internationally, the ICRC and the International Federation Secretariat co-ordinate their plans and implementation of support for capacity building in National Societies.

• National Societies take responsibility to focus their support on capacity building efforts in the core areas of *Strategy 2010* and in Co-operation Agreement Strategies.

• The ICRC, the International Federation and the host National Society, wherever possible, promote a policy of shared office locations. Other National Societies seek to integrate their representatives into existing structures, avoiding independent field offices.

• The ICRC and the International Federation Secretariat explore possibilities of establishing pilot projects for joint delegations in the field.

**Action 2:** Systematically train and share knowledge among Red Cross and Red Crescent leadership at all levels of governance and management, on the Movement’s mission, history and organisation, Fundamental Principles, and International Humanitarian Law

Competent leaders are indispensable in making the Red Cross and Red Crescent function efficiently. It is first and foremost the responsibility of every National Society to provide training in governance and management skills to its leadership at both board and executive levels.

National Society leaders also have the responsibility, supported by the ICRC and the International Federation, to ensure that volunteers and staff, and in particular young people, have the knowledge needed to promote understanding and respect for the Red Cross and Red Crescent as a universal network, its values and organisation.

At Movement level, a systematic approach to leadership training and development has been developed as a support programme for Red Cross and Red Crescent leaders.

Knowledge sharing on governance policy and skills between governing bodies within the Movement must be encouraged and developed, and the use of modern technology such as the Internet should be expanded and supported.
**Expected results**

- Red Cross and Red Crescent leaders at all levels are knowledgeable in the Fundamental Principles, the Mission of the Movement and International Humanitarian Law, possess the governance and management skills required to run their respective organisations effectively and in conformity with the Fundamental Principles and are prepared to share this knowledge.
- Volunteers, — especially the young — leaders and staff, including delegates, within the Movement have a sense of belonging to a Movement that is wider than the organisational unit to which they belong.
- The *Seville Agreement* is known, understood and respected by all components of the Movement both at governance and management levels.
- All components of the Movement have presence on the web and their websites are interlinked.

**Implementation**

- National Societies deepen their knowledge of the Fundamental Principles, International Humanitarian Law and of the history of the Movement in cooperation with the International Federation and the ICRC and, especially in relation to IHL, academic institutions.
- National Societies, ICRC and the International Federation increase their degree of knowledge of the Seville Agreement and promote common understanding of the Agreement.
- Each National Society, the ICRC and the International Federation take action to strengthen the knowledge, understanding and respect for the emblems among their volunteers and staff at all levels.
- National Societies provide development programmes for young volunteers and staff to develop into responsible leaders in their societies and in the Movement.

**Action 3:** Monitor and protect the integrity of the components, and ensure that every component complies with the Fundamental Principles

One of the main assets of the Movement is the fact that its actions are based on its Fundamental Principles, helping it to provide humanitarian assistance to vulnerable people in an independent, neutral and impartial way. While acting in accordance with these Principles, it must also be accountable to its stakeholders for the efficient use of resources put at its disposal.

Failure by any component of the Movement to maintain its integrity and credibility has negative consequences for the whole. Every component therefore has a formal obligation to carry out its activities in conformity with the Fundamental Principles of the Red Cross and Red Crescent and by following generally agreed rules of good governance and effective management.

As the institution entrusted with the task of recognising National Societies as new members of the Movement, the ICRC is responsible for
ensuring that the conditions for such recognition are respected at all times. The International Federation Secretariat and the ICRC are co-operating closely in supporting National Societies in the promotion and practical application of the Fundamental Principles.

The International Federation’s Constitution calls upon the Federation to be the guardian of the National Societies’ integrity and the protector of their interests. The policy on Integrity adopted at the International Federation’s General Assembly in 2005 reinforced and developed this role.

Good Statutes, based on established guidelines, are a very important part of the legal base of a National Society, alongside instruments such as the laws and decrees of recognition. They define its legal status, structure, tasks and mode of functioning. They also spell out its obligation to adhere to, and apply in its daily work, the Fundamental Principles.

**Expected results**

- The credibility of the Movement and the trust it receives from the people it serves and the institutions supporting it, is enhanced through strengthened integrity and transparency of all its components.
- While taking appropriate measures to maintain their own integrity and integrating the Fundamental Principles into all operational and strategic planning and implementation, the ICRC and the International Federation follow common strategies to ensure that recognition conditions are respected at all times by National Societies.
- National Societies have updated Statutes.
- All agreements between the components of the Movement and States, intergovernmental institutions and other humanitarian players are in conformity with the Fundamental Principles.

**Implementation**

- The International Federation, in close consultation with the ICRC, analyses on a regular basis all integrity issues and takes necessary actions alone or jointly with the ICRC — including peer review — as the case requires.
- The ICRC, in consultation with the International Federation Secretariat, develops standards for permanent compliance with the conditions for recognition of National Societies.
- All components of the Movement address integrity issues proactively and organise their structures, procedures and operating methods with a view to strengthen their integrity, and produce and publish audited accounts on an annual basis.
- All National Societies examine their Statutes and related legal texts by 2010, and, where necessary, adopt new constitutional texts, in accordance with the “Guidance for National Society Statutes” and relevant Resolutions of the International Conference (Resolution 6 of the 22nd International Conference, Tehran 1973, and Resolution 20 of the 24th International Conference, Manila, 1981).
The components of the Movement comply with the Fundamental Principles in their relations and in any formal agreements with states, intergovernmental institutions and other humanitarian players, in accordance with Resolution 10 of the 2003 Council of Delegates (“Minimum Elements to be Included in Operational Agreements Between Movement Components and their Operational Partners”).

The International Federation Secretariat and the ICRC present a report on the on-going process of review of National Society Statutes to every Council of Delegates. When appropriate, they report to the Council of Delegates and initiate debate on major issues and trends relating to the respect of the Fundamental Principles shown by the components of the Movement.

Strategic Objective 2: Improving the Movement’s effectiveness and efficiency through increased co-operation and coherence

The Movement must respond with swiftness and flexibility to the needs of those calling for impartial humanitarian assistance and protection. In order to increase its efficiency and effectiveness, functional co-operation among the components has to be improved, capitalising on their complementarities. Effective co-ordination should be given precedence over the different operational cultures and approaches of National Societies, the International Federation Secretariat and the ICRC. This requires mutual respect and support and a sense of shared identity.

In a world of rapid changes and complex emergencies, the components of the Movement need reliable information about actual humanitarian situations and development trends, which have a bearing on their ability to assist victims and the most vulnerable people. The need in this respect is to make better use of existing systems and data rather than creating additional capacity for monitoring and analysis of political, social, economic and humanitarian developments, which is already done routinely by many Movement components.

Action 4: Enhance dialogue and consultations within the Movement through better use of existing fora, and improved co-ordination of the agendas of statutory and other meetings

The Movement has numerous fora for discussion and debate, foremost among them the Council of Delegates and the International Conference. Commitment to implementation and systematic follow-up of decisions help maintain the Movement’s unity of purpose. Regional meetings are important for both the Federation and the ICRC to take part. Co-ordination of the agendas of the different fora should be improved, and there should be more consultations in-between meetings. In order to have an effect, decisions at the level of the Movement have to be integrated in policies and plans of the individual components.
Expected results
- Consistency between outcomes of meetings
- The components of the Movement have an increased sense of unity of purpose

Implementation
- Every new meeting reviews what progress has been made with regard to decisions taken by the previous one of the same statutory nature.
- The International Federation organises consultations with the ICRC and the Standing Commission in the preparatory phase of its statutory regional conferences and sub-regional meetings.
- Organising committees for regional conferences ensure that they include on their agendas and take into account Movement matters and the decisions taken at the Council of Delegates and the International Conference. Likewise informal meetings of National Societies ensure a Movement perspective in their discussions.
- The Council of Delegates reviews the entire construct of Movement fora and makes recommendations on reducing unnecessary complexities and improving effectiveness.

Action 5: Monitor external trends and analyse data from relevant sources with a view to facilitating coherent policies and approaches to issues of common concern

The Red Cross and Red Crescent, based on its ability to mobilise large numbers of people in all parts of the world should influence decisions made by others, particularly when these decisions affect humanitarian action.

To be able to exercise that influence, the Movement needs to monitor and analyse external trends and draw upon research carried out by others.

Expected results
- Improved common understanding across the Movement of external trends and their effect on humanitarian action.
- Improved strategic planning in National Societies and the Movement’s statutory bodies, leading to enhanced decision-making capability on major humanitarian issues.
- Increased impact on global agendas and improved inputs into decision-making in external fora, which impact on humanitarian work.

Implementation
- The components of the Movement will meet periodically at all levels and exchange and analyse information on external trends and their potential impact on on-going activities.
- The ICRC and the International Federation Secretariat establish a section on their websites where data and web links on external trends are collected
and made available. National Societies will provide links to their sources of information and analysis of common interest.

**Action 6: Improve and co-ordinate the Movement’s response to emergencies**

Efficiency in reaching the victims in emergency situations, including health emergencies, is of crucial importance. There is a continuous need to look for ways to improve the conduct of emergency response operations. Over the past few years, the ICRC and the International Federation Secretariat have made progress in making their management systems and relief mechanisms more compatible and all National Societies participating in international emergency operations should join them.

National Societies participating in international emergency operations will carry out their contributions in accordance with the needs of the affected people, priorities and plans of the host National Society and abiding by the Movement co-operation and co-ordination mechanisms. All National Societies have priorities, roles and mandates in their own countries, which also apply in an emergency situation. The host Society’s priorities are a cornerstone for support and partnership by other components of the Movement.

Consultative processes are key to smoothly running operations and to allocating responsibilities and tasks between the Red Cross and Red Crescent partners in the transition period and to facilitate co-ordination with other national and global agencies. Components of the Movement involved in an emergency situation should initiate such processes.

The recommendations of the Ad Hoc Group on the Conduct of International Relief Operations, as adopted by the Council of Delegates (Resolution 2, CoD 2001) remain a useful reference for further work.

**Expected results**

- Through its co-ordinated work in emergency situations, including health emergencies, the components of the Movement reach more vulnerable people.
- A harmonised and systematic use of standards enhances the quality of humanitarian assistance provided by the components of the Movement in emergencies.
- The components of the Movement are trusted and preferred as partners by the beneficiaries as well as by other partners in the delivery of humanitarian assistance.
- Emergency operations are used effectively to strengthen National Societies’ capacity.

**Implementation**

- The ICRC, the International Federation and the host National Society establish, in advance, adequate co-ordination mechanisms taking into account the Seville Agreement, in the form of a common Movement framework
working at strategic, operational and technical levels, that apply to all Red Cross and Red Crescent activities in a given situation.

- All components of the Movement carry out their activities within the framework of Movement co-ordination established in this manner, contributing to the overall humanitarian objectives of the Movement.
- The components of the Movement, in their operational planning, give priority to maximising the impact of collective action and to building the capacity of the host National Society.
- The ICRC and the International Federation ensure that contributions to a given operation are visible and valued in accordance with their usefulness in meeting the needs of the victims and vulnerable people.
- The International Federation Secretariat and the ICRC continue to develop relations with other humanitarian actors with a view to establishing frameworks of co-operation within which National Societies may operate.
- The ICRC and the International Federation Secretariat promote increased joint use by components of the Movement of existing tools, such as the Disaster Management Information System (DMIS), Emergency Response Units (ERUs), FACT, and others, including those appropriate to health emergencies. They will encourage joint training in their use and facilitate contributions from all components to the continued development of such common tools for disaster management and quality control within the Movement.
- The International Federation Secretariat and the ICRC, in consultation with the National Societies, continue the implementation of the recommendations of the Ad Hoc Group on the conduct of International Relief Operations.
- The ICRC and the International Federation Secretariat continue to make their management systems for international emergency operations compatible with one another. National Societies seek to develop their management systems for international relief operations in a direction, which facilitates linkages with those of the ICRC and the International Federation Secretariat.

**Action 7:** Promote learning from experience through systematic evaluations of national and international activities, and through a system of knowledge sharing and ‘best practice’ within the Movement

In a rapidly changing world, where the humanitarian agenda is becoming ever more demanding, improved performance and accountability are essential for institutional credibility. Systematic use of the National Society Self-Assessment tool and of evaluations provide data, which can help the components of the Movement determine whether policies and strategies are producing the expected results and can promote a culture of learning where ‘best practices’ are shared among the components and incorporated into the formulation of new directions.

**Expected results**

- Improved performance through continuous learning.
- Improved transparency and accountability.
Implementation

- All components of the Movement make the results of major evaluations and examples of best practice available to each other and, when relevant, to the public.
- The International Federation compiles data on National Society activities annually on the basis of their self-assessment and reports biannually on this to its General Assembly.
- National Societies take responsibility for their own learning. They initiate reviews of their own performance and measure this against recognised standards with a view to improve transparency and accountability.
- The Federation Secretariat and the ICRC continue to support and foster the growth of formal and informal networks of National Societies to exchange knowledge and best practices.

Strategic Objective 3: Improving the Movement’s image and the components’ visibility and relations with governments and external partners

It is of vital importance for the Movement to co-operate with all key players in order to assist better the vulnerable people who are at the centre of its work, while at the same time strengthening its position and profile in the humanitarian sphere. Its specific role is to safeguard independent humanitarian action and humanitarian values at all times. The ability of the Movement to present a coherent image through its objectives and actions depends first and foremost on smooth internal functioning. Only to the extent that harmony reigns within the Movement itself can a strong Movement image be presented to others.

Action 8: Communicate effectively and powerfully about Red Cross and Red Crescent actions and consistently advocate on humanitarian issues of common concern

The public at large perceives the Red Cross and Red Crescent as one humanitarian network. This perception generates massive moral and financial support. However, there is a gap between the perception of the Red Cross and Red Crescent as one network on the one hand, and the reality of a complex Red Cross and Red Crescent Movement structure on the other. The Movement seeks to project a consistent image and have a clear voice in national and international media.

While advocacy on humanitarian matters is often pursued through bilateral presentations and dialogue with governments and other concerned partners, there are opportunities for presentations in a public forum or conference setting, which necessitate a public stand. Resolution 6 of the 1999 Council of Delegates encourages Movement components to pursue advocacy initiatives aimed at creating awareness of the conditions of victims of armed conflict and disasters and vulnerable people, as well as promoting international humanitarian law.
It is important that National Societies, as well as the ICRC and the International Federation, build the capacity required to strengthen the Movement’s visibility and image and add value to their work through strong relationships with external actors.

**Expected results**

- The Movement as a whole and its individual components are perceived as the prime humanitarian force both in terms of actions and of impact on humanitarian policies.
- A coherent image of the Red Cross and Red Crescent is projected to the public at large, while retaining the separate identities of the components of the Movement for particular audiences.
- The Movement has clear and coherent common positions on major issues confronting the international community and external partners.
- The Movement has clear advocacy strategies, including prioritisation of issues.
- The Movement’s priorities are reflected in the current international humanitarian debate.

**Implementation**

- The Council of Delegates identifies key Movement messages and advocacy issues. The International Federation and the ICRC will support National Societies in their communications relating to issues agreed by the Council of Delegates.
- National Societies build on the positions and messages of the Movement in their opinion work with the general public, civil society organisations, partners and with their respective governments.
- Each Council of Delegates reviews the implementation of the advocacy strategies previously agreed.
- At the sub-regional, regional and international level, National Societies share experience in terms of best practice in communications using networks of National Societies, centres of competence or other mechanisms, and with the active support of the International Federation and the ICRC.
- National Societies, the ICRC and the International Federation commit themselves to have an interlinked and visually consistent presence on the web, thereby reflecting the Movement’s ambition of being a single, efficient humanitarian force based on a global network.

**Action 9:** Analyse the National Societies’ role as auxiliary to their governments and the Movement’s relations with political and military players. Secure appropriate mechanisms for consultation and coordination in the Movement

The nature of the relationship between states and National Societies is unique and offers many benefits to both parties. The National Societies’ role as auxiliary to the public authorities is based on international humanitarian law
(e.g. Geneva Convention I 1949, Article 26) and the Statutes of the Movement (e.g. Articles 3(1) and 4(3)). It has also been recognised by the United Nations General Assembly, for example in Resolution 49/2 of 1994. The auxiliary role gives National Societies a special status: they are, at the same time, private institutions and public service organisations. The principle of independence stipulates that National Societies must always maintain sufficient autonomy so as to be able to act at all times in keeping with the Fundamental Principles. Moreover, the Movement’s Statutes indicate that National Societies, while retaining independence of action, should give priority to co-operation with other components of the Movement. Thus there must be an appropriate balance between the need for close relations between a state and its National Society on the one hand, and the need to maintain the independence of the National Society on the other.

The Study specifically stresses that when cooperating with governments, the military or other partners, Movement components promote effective assistance to and protection of victims of conflict and vulnerable people, and respect for the Fundamental Principles. The components of the Movement will always safeguard their independence from activities of a political and/or military nature.

There is a trend towards integrating humanitarian action into a wider political and military framework, well beyond the traditional political and military fields. It is essential for the Movement to retain its identity as an independent, neutral and impartial humanitarian force. In situations where there is an international military mission, the components of the Movement need to clearly delineate their humanitarian activities from those carried out by the military and to explain their modus operandi to the latter. This is also important in situations not characterised by armed conflict, where the role of National Societies as auxiliaries has become more prominent in recent years.

These points are consistently underlined in relevant presentations to international organisations and governments, which are becoming more aware of the importance of respect for the auxiliary role.

Expected results

- The Movement preserves its status as an independent, neutral and impartial humanitarian network. Its components co-ordinate their activities to the extent possible with other key players on the scene, without compromising the Fundamental Principles.
- Components of the Movement, states, and other actors have a clear and shared understanding of the National Society auxiliary role, its advantages and restrictions, in the light of changing needs and of the evolving roles of other service providers.
- The emblems are understood and respected both in conflict and non-conflict situations by all players and parts of society.

Implementation

- The International Federation Secretariat in co-operation with the ICRC will present the results of consultations with National Societies and states on the
Characteristics of a well-balanced Relationship between National Societies and states to the International Conference in 2007 including an agreed description of the auxiliary role, for adoption. As a part of this process, the ICRC in cooperation with the International Federation will present the result of a consultation with States on the document on National Societies as auxiliaries to the public authorities in the humanitarian field in situations of armed conflict and internal strife.

- The ICRC, in close consultation with the International Federation Secretariat and National Societies, formulates common positions of the Movement on issues concerning relations with political and military players.
- The ICRC, in consultation with the International Federation Secretariat and National Societies, provides guidelines for cooperation with political and military players. ICRC will facilitate the use and implementation of the guidelines, and develop a communication plan for explaining the Movement’s position to external partners.
- The International Federation and the ICRC will articulate the auxiliary role in appropriate presentations to government and international organisations at the international level, to promote a consistent respect for National Societies when they act in emergency and other humanitarian situations.
- National Societies promote and explain the characteristics of a balanced relationship between states and National Societies to their governments.
- The ICRC, supported by the International Federation Secretariat and in consultation with National Societies, reviews the adequacy of existing rules and regulations concerning the emblems.

Action 10: Strengthen the components of the Movement’s relationship with the private sector

The Movement will increase its dialogue with the private sector to build awareness of the important role it plays in communities where it has business interests. The components will encourage the private sector to contribute to improving the lives of vulnerable people in these communities.

Clear ethical criteria for fundraising from and with corporations will assist the Movement in selecting the best private sector partners, in providing guidance on the appropriateness of unsolicited donations and serve to better understand the role and responsibilities of all parties concerned.

Expected results

- A common and harmonised approach to private sector relationships is reinforced, safeguarding the integrity of the components of the Movement and ensuring respect for the emblems.
- The private sector contributes to humanitarian action and helps the components of the Movement to improve their capacity to deliver services.
- The private sector is aware of and understands the social and humanitarian implications of their activities and takes responsibility for these.
Implementation

- National Societies the International Federation Secretariat and the ICRC engage in a dialogue with targeted corporations to increase their awareness of the humanitarian impact of their business operations.
- National Societies, the International Federation Secretariat and the ICRC actively use the Guidelines for Corporate Sector Partnerships adopted by the Council of Delegates in 2005.
- The International Federation Secretariat provides guidance to National Societies about how to apply for funding from international sources.
- The ICRC, in consultation with the International Federation Secretariat and National Societies, initiates a comprehensive study of operational and commercial issues involving the use of the emblems.

Implementation

By developing a common strategy, the components of the Movement of the Red Cross and Red Crescent have opened a path towards greater unity and cooperation. Sharing, participating and harmonizing are key words to make this strategy happen.

The implementation of shared strategic planning will take the form of a process, which includes several steps.

1. At the Council of Delegates the components of the Movement decide on strategic objectives and on the actions to be taken in order to proceed towards the objectives.
2. Every Council of Delegates reviews the results achieved and adjusts the actions and/or objectives.
3. Revisiting and formulating the strategic approach every two years gives the Movement flexibility to develop its strategic directions taking into account new demands and needs in the world.

This updated Strategy consists of three strategic objectives and 10 actions. Each action includes expected results and implementation measures. When implementing the Strategy, some of the expected results can be reached through incorporation into yearly plans of the components and ensuring that these plans are implemented. Some actions might be implemented within the framework of a Cooperation Agreement Strategy or through joint projects, in which several components participate. National Societies, the International Federation Secretariat and the ICRC are individually responsible for integrating the directions given in this strategy into their respective strategies, plans and training programmes at national, regional and international level.

Sharing the costs

Implementing this Strategy is about sharing with other components, about participating in common tasks and joint policies, and about adjusting methods and tools to obtain compatibility with the other components of the Movement.
Several of the 10 actions are already part of approved budgets of the components of the Movement. The costs of other actions have to be carefully calculated and integrated in the budgets of the components over the coming years.

**Timeframe**

This updated Strategy for the Movement was adopted by the Council of Delegates in 2005. The governing bodies of each National Society, the International Federation and the ICRC will examine it with a view to implementing the responsibilities entrusted to them and will make further suggestions for its implementation and continued review. Based on a report submitted by the Standing Commission, the Strategy will be reviewed as necessary by the next Council of Delegates.
Resolution 7

Guidance Document on Relations between the Components of the Movement and Military Bodies

The Council of Delegates,

recalling Action 15 of the 2001 Strategy for the International Red Cross and Red Crescent Movement on the Movement’s relations with key players in the political and military sphere and the need to establish and maintain appropriate mechanisms for consultation and coordination,

recognizing the continuing work of 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 to identify a clearer and more comprehensive understanding of the status of National Societies as auxiliaries to the public authorities in the humanitarian field, in relation to Action 14 of the 2001 Strategy for the Movement and Resolution 6 of the 2003 Council of Delegates, always respecting the fundamental principles,

considering that all components of the Movement frequently interact with military bodies in times of armed conflict or internal strife, in the course of natural and/or technological disasters, as well as in non-emergency peacetime situations,

considering also the need to have common guidance that provides general direction to all components of the Movement on the interaction between the components of the Movement and military bodies, both in national and in international contexts,

expressing its appreciation for the initiative of a number of National Societies, the ICRC and the International Federation in working on this subject and preparing the annexed guidance document on relations between the components of the Red Cross and Red Crescent Movement and military bodies,

1. adopts the annexed guidance document on relations between the components of the Movement and military bodies;
2. requests the components of the Movement to use the annexed guidance document on relations between the components of the Movement and military bodies in their internal reflections as a basis prior to taking decisions on their interaction with military bodies;
3. further requests all components of the Movement to use the document as well in their discussions with external interlocutors regarding their interaction with military bodies;
4. invites the components of the Movement to consult governments and military bodies in a continuing dialogue on the basis of the annexed guidance document;
5. further invites the components of the Movement to share among each other the substance and results of their dialogue and decisions regarding interaction with military bodies, so that the outcome of such consultations is taken...
into due account in the report to the 2007 International Conference on the National Societies as auxiliaries to the public authorities in the humanitarian field and, consequently;

6. *invites* the International Federation of Red Cross and Red Crescent Societies to take into account the experience and dialogue between components of the Movement and the public authorities or military bodies, in the ongoing study regarding the role of National Societies as auxiliaries to the public authorities in the humanitarian field that is presently being conducted by the International Federation in consultation with the ICRC and National Societies.
Annex (Resolution 7)

Relations between the components of the Movement and military bodies

Part I: Introduction

1. Strategy for the Movement

The present document constitutes a follow-up to Action 15 of the 2001 Strategy for the International Red Cross and Red Crescent Movement, adopted in Resolution 3 of the 2001 Council of Delegates. It responds to the Strategy’s statement that, “when establishing cooperative relationships with governments or the military, the Movement’s components should make sure that they promote effective assistance and protection of victims of conflict and vulnerable people, and that they respect the Fundamental Principles” of the Red Cross and Red Crescent.

“Particularly in contexts where there is a trend towards integrating humanitarian action into a wider political and military framework, it is essential for the Movement to retain its identity as an independent, neutral and impartial humanitarian force. In situations where there are military operations, the components of the Movement need to clearly delineate their humanitarian activities from those carried out by military bodies and to explain their modus operandi to the latter.”

This document provides guidance aimed at enabling the Movement to preserve its identity and to coordinate its activities as far as possible with other entities, without compromising respect for the Fundamental Principles.

2. The Red Cross and Red Crescent Movement

National Red Cross and Red Crescent Societies, the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies are components of the International Red Cross and Red Crescent Movement. The humanitarian mission of the Movement is to prevent and alleviate human suffering wherever it is found, by means of independent, neutral and impartial humanitarian action.

The mandates of the Movement’s three components are specified in its Statutes. When fulfilling their mission and on the basis of their mandates,
all components frequently interact with military bodies. In order to facilitate
this interaction, the components generally maintain a dialogue with them. The
components may establish and maintain cooperative relationships in order to
carry out their mission.

3. Purpose and scope

The purpose of the present document is to provide general guidance on the
relationship between the components of the Movement and military bodies,
both in the national and international contexts. This relationship can arise in all
kinds of situations: non-emergency peacetime, armed conflict, internal strife or
other violence, and natural and/or technological disasters. Although a number
of examples of interaction between the Movement and the military are explored
below, these are not exhaustive. This document should be taken into account
in all decisions by the Movement’s components concerning their relations with
military bodies. Its aim is to safeguard the independence, neutrality and impar-
tiality of their humanitarian work.

4. General framework

In their relationships with military bodies, the Movement’s components ensure
that they promote effective assistance for and protection of the victims of con-
flict and vulnerable people, and that they respect the Fundamental Principles,
in particular those of humanity, impartiality, neutrality and independence.

Relations between the Movement’s components and military bodies
must be conducted in particular within the following framework:

• The Fundamental Principles of the International Red Cross and Red
  Crescent Movement.
• International humanitarian law (IHL), especially the four Geneva
  Conventions of 1949 and their Additional Protocols.
• The Statutes of the International Red Cross and Red Crescent Movement.
• The Code of Conduct for the International Red Cross and Red Crescent
  Movement and NGOs in Disaster Relief.
• The Principles and Rules for Red Cross and Red Crescent Disaster Relief.
• The Seville Agreement ⁴ and other mechanisms in force for coordination
  within the Movement.
• Other relevant resolutions and regulations adopted by the International
  Conference of the Red Cross and Red Crescent and the Council of Delegates,
in particular on armed escorts ⁵ and the use of the emblems. ⁶

⁴ Agreement on the Organization of the International Activities of the Components of the International
Red Cross and Red Crescent Movement, Council of Delegates Resolution 6, Seville, 1997.
Part II: Guiding principles

Principles guiding interaction between the components of the Movement and military bodies

In carrying out their mission, it is recognized that the components of the Movement often interact with military bodies. They do so on the basis of their mandates in areas relevant to their respective recognized roles and expertise. The guiding principles for such interaction are the following:

- While maintaining a dialogue with armed forces at all levels, the components of the Movement preserve their independence of decision-making and action, in order to ensure adequate access to all people in need of humanitarian assistance.7
- When establishing and maintaining relationships with military bodies, the components of the Movement ensure that such relationships seek to enhance effective assistance to and protection of the victims of armed conflict and vulnerable people.
- All components of the Movement ensure that their decisions are taken with due consideration for potential consequences for other components and the positioning of the whole Movement.
- All components of the Movement ensure that they act and are perceived as acting in accordance with the Fundamental Principles, in particular independence, neutrality and impartiality.
- Each component favours a clear distinction between the respective roles of military bodies and humanitarian actors, paying particular attention to perceptions locally and within the wider public.
- In their relations with military bodies, the components of the Movement ensure that their activities do not amount to a contribution to the military effort and are not perceived as such.
- The more military bodies are perceived as party to an armed conflict, the more the components of the Movement weigh the intensified need for interaction with those bodies against the consequences of such relations on their observance of the Fundamental Principles.
- The Movement's components always take care that their relationship with military bodies does not negatively affect the safety and security of beneficiaries and humanitarian personnel.

7 It is recognized that National Society personnel, when acting as auxiliaries to the military medical services, are subject to military command (see Article 26 of the First Geneva Convention: “The staff of National Red Cross Societies and that of other Voluntary Aid Societies, duly recognized and authorized by their Governments, who may be employed on the same duties as the personnel named in Article 24, are placed on the same footing as the personnel in the said Article, provided that the staff of such societies are subject to military laws and regulations. Each High Contracting Party shall notify to the other, either in time of peace or at the commencement of or during hostilities, but in any case before actually employing them, the names of the societies which it has authorized, under its responsibility, to render assistance to the regular medical service of its armed forces”).
Part III: Specific considerations

1. Relations between the Movement’s components and military bodies on the latter’s national territory

Dialogue
National Societies generally maintain a dialogue with the military bodies in their respective countries. They exchange views and information on areas of possible interaction, including working methods and scope of activities, with a view to establishing mutual understanding of roles and mandates and mutual trust and respect. When other components of the Movement have contact with these military bodies on the territory covered by these National Societies, they must keep them informed of any activities planned or conducted.

Components of the Movement may establish formal agreements or other arrangements with military bodies concerning issues such as dissemination, disaster-preparedness and – response, health, social welfare services, first-aid training, and tracing.

Activities
On the basis of their mandates, the components of the Movement often interact with military bodies. Appropriate interaction includes:

- Disseminating knowledge of IHL (including provisions on the emblems), the Fundamental Principles, and the mandates and activities of the components of the Movement.
- Helping military bodies to implement IHL.
- ICRC work in accordance with its specific mandate and role.
- Working with military bodies in disaster-preparedness and – response, in accordance with the policies and framework set out at the national level.
- Health and social welfare services, as well as first-aid training.
- Tracing services, restoring family links and ascertaining the fate of missing persons.

National Societies as auxiliaries to the medical services of the armed forces
According to Article 26 of the First Geneva Convention, a National Society may assist its national armed forces medical services during an armed conflict.8 The National Society personnel then operate under the authority of the armed forces, while strictly adhering to the Fundamental Principles. In this auxiliary capacity, the main role of National Societies is to carry out medical activities on behalf of wounded and sick military personnel.

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8 The decision of the National Society is based on the Guiding Principles as set out above.
2. Relations between the Movement’s components and the military deployed outside the latter’s national territory

Dialogue with military bodies
When components of the Movement engage in a dialogue with military bodies at the international level, they inform and consult other components of the Movement for whom such dialogue can have operational implications.

International activities of the Movement’s components
All Movement components involved in international activities must safeguard the neutrality and independence of their work and clearly distinguish themselves from military bodies at all times. Movement coordination agreements and mechanisms must always be observed. National Societies working internationally (other than in the situation described by Article 26 of the First Geneva Convention) in the same theatre of operations as their national military forces take special care that they are not, and are not perceived to be, part of that military operation. This is particularly important if the armed forces in question are, or are perceived as being, party to the armed conflict.

Military bodies involved in missions outside their national territory
As a matter of principle, special attention should be given to avoiding a situation in which a National Society is concurrently operating, within in the same country, as part of its national armed forces and as part of a humanitarian operation carried out collectively by the Movement.

In international armed conflicts or internationally mandated missions, a National Society may accompany the armed forces of its country abroad in its capacity as an auxiliary to the medical services of the armed forces. In such cases it should come to an agreement with the authorities of its country on the scope and manner of its involvement. National Societies who feel it is not their task to become involved in such operations, or who base their decision on whether to participate on certain criteria, inform their authorities of their position well in advance in order to enable the relevant military bodies to adequately plan possible operations of this type.

Where there is a trend towards integrating humanitarian action into a wider political and military framework, components of the Movement promote and safeguard a clear distinction between their humanitarian work and the military/political actions of others.

When one of the parties to an international armed conflict occupies part or all of the territory of another party to an armed conflict, the National Society of the occupying country must follow the policies and coordination mechanisms of the Movement, except in situations where it is acting under Article 26 of the First Geneva Convention.

Where military bodies are involved in disaster-response abroad and the National Society is asked to assist them in this, it make its decision in accordance with the general framework and guiding principles set out above.
3. Information-sharing with military bodies

When relevant, components of the Movement share with military bodies with whom they are in contact information on the situation in humanitarian terms, provided that this does not threaten the neutrality and independence of their humanitarian action.

4. Participation in training and exercises

Components of the Movement may participate in military training and exercises. When they do so, the purpose is to raise awareness among military bodies of the mandate(s) and activities of the Movement’s components, the Fundamental Principles and the protective role of the emblems, and to promote IHL. Whenever more than one component of the Movement is engaged in an exercise, they keep each other informed and duly coordinate their activities. Participation in exercises may also serve to promote mutual understanding between components of the Movement and military bodies.

5. Use of the emblems

Components of the Movement must promote correct use of the emblems by all, including military bodies, and make widely known the provisions of IHL regarding legitimate use.

6. Use of military logistical assets by components of the Movement

In contexts affected by armed conflict or strife or other violence, the use of military assets can have a negative impact on the way the whole Movement is perceived and on the independence of its decision-making. In other situations, such use may be in greater accordance with the Fundamental Principles. Even then, however, it may create precedents of cooperation that might be difficult to change subsequently.

In all cases, due consideration needs to be given to the setting of precedents, the need to preserve neutral and independent humanitarian action and the need to consult other components of the Movement.\textsuperscript{10}

The use of military assets by a component of the Movement – particularly in countries affected by armed conflict and/or strife or other violence – should be a last resort: it can be justified only by the serious and urgent need for life-saving humanitarian action and when there is no alternative means of taking that action. Such a serious decision must be taken by the senior leadership of the organization concerned. Any use of military assets should be prompted by needs rather than by availability.

\textsuperscript{9} In particular the role of National Societies in disaster-preparedness and disaster-response.
\textsuperscript{10} The ICRC often provides contextualized guidance on such matters.
7. Use of escorts and armed protection

Components of the Movement may not resort to armed protection. Exceptions can be considered only in cases defined by Resolution 9 of the 1995 Council of Delegates.11

11 The criteria are set out in the Report on the Use of Armed Protection for Humanitarian Assistance, adopted by the Council of Delegates (1995, Resolution 9). The Council of Delegates endorsed "the guiding principles laid down in Section III of the report and particularly the minimal criteria laid down for the exceptional use of armed protection of humanitarian convoys."
Resolution 8

IMPLEMENTATION OF THE SEVILLE AGREEMENT

The Council of Delegates,

recalling Resolution 8 of its 2003 session,

taking note of the report by the Standing Commission on the work carried out by its Ad Hoc Working Group on the Seville Agreement,

acknowledging that the Seville Agreement has been an essential tool to organize the international activities of the components of the Movement and that there have been a number of successes in its implementation since its adoption in 1997,

noting however that the Seville Agreement is still not sufficiently understood, accepted and applied by staff, volunteers and governing bodies within components of the Movement, and that some National Societies had expressed concerns that the Agreement does not adequately address some areas of operational cooperation,

recognizing that the external environment in which many crises occur is more complex than in the past, and that the internal environment within the Movement and its components has changed since the adoption of the Agreement in 1997,

accepting and welcoming the emergence of new and different models of cooperation and collaboration among components of the Movement,

reaffirming that National Societies within their own countries are autonomous national organizations acting independently in conformity with their own statutes and national legislation in pursuance of the mission of the Movement and in accordance with the Fundamental Principles,

reaffirming the need for the Seville Agreement as a catalyst for building a collaborative spirit and as a valid tool for organizing the international activities of the components of the Movement,

1. adopts the Supplementary Measures to Enhance the Implementation of the Seville Agreement;
2. calls upon all components of the Movement to apply the Supplementary Measures in the same manner they are called upon to implement the Agreement itself;
3. urges all components to strengthen their knowledge of the Seville Agreement, of its Supplementary Measures and of cooperation and coordination mechanisms through increased and joint training at all levels;
4. further calls upon the ICRC, the International Federation and the National Societies to address preparedness and contingency planning in all contexts;
5. requests the Standing Commission, the ICRC and the International Federation to act in accordance with their respective mandates under Article 10 of the Seville Agreement, and to monitor the progress of the Group mentioned in paragraph six, through regular contact with its Chairperson;
6. *decides* to establish a Group ("the Group") comprised of the four elected vice presidents of the International Federation and a member of the Governing Board representing the Middle East and North Africa region, plus two representatives each of the ICRC and the International Federation Secretariat, to monitor the implementation of the Seville Agreement and the Supplementary Measures (by establishing a monitoring and reporting framework) and to address all cooperation and coordination issues in the Movement;

7. *requests* the Group to:
   a. Elect its Chairperson from among its members and reach its conclusions and recommendations by consensus.
   b. Ensure that mechanisms exist at regional level (taking advantage of existing fora) to hear the views and concerns of all interested National Societies.
   c. Draw conclusions and make recommendations as appropriate, and report these to the Council of Delegates in 2007.
Annex (Resolution 8)

Supplementary measures to enhance the implementation of the Seville Agreement

This document aims at improving the implementation and understanding of the Seville Agreement. It addresses parts of the Seville Agreement that may not be sufficiently explicit and may thus give room to various interpretations. It aims to guide users of the Seville Agreement in areas where there is a need for improvement: roles and responsibilities and understanding the Lead Agency concept, coordination, problem solving and enhancing knowledge about the Agreement. It supplements the Seville Agreement without modifying its conditions of application and contents.

1. Roles and responsibilities — Host National Society and the Lead Agency

1.1. The International Red Cross and Red Crescent Movement must have an efficient and effective coordination system for international activities to manage the resources required to deliver services to affected people and populations and to coordinate with the wider humanitarian assistance systems. To achieve this, the Seville Agreement defines the Lead Agency concept as ‘an organisational tool for managing international operational activities’. It is allocated to one Movement component at a time (SA 4.3).

1.2. The Host National Society maintains at all times its role and mandate according to the Statutes of the Movement. The Seville Agreement focuses only on the organization of the international activities of the other components of the Movement. In this context, a National Society in its own country will continue to act according to its mandate in all situations. In respect of the Movement's international operational activities, it may also assume the role of Lead Agency in some situations and when not, it always is the “primary partner” of the Lead Agency.

1.3. Since the Agreement states that the Lead Agency function is applicable ‘primarily in emergency situations where rapid, coherent and effective relief is required in response to the large-scale needs of the victims’ (SA 4.4), it implies that the function is a temporary response to a particular set of circumstances. In any given country, the coexistence of the mandated activities of the Host National Society and the supportive international activities of other Movement components leads to a complex Movement operating environment, which necessitates the coordination provided by a Lead Agency, which can be the Host National Society, the ICRC or the International Federation (SA 5.3).

1 Humanitarian systems outside the Red Cross and Red Crescent Movement: UN and national or international Non-Governmental Organizations.
2 SA always used as an abbreviation of “Seville Agreement.”
1.4. Movement coordination under a Lead Agency has been functional only when a satisfactory working relationship has been developed between the Host National Society, the ICRC and/or the International Federation. All other components involved in an international operation should support an increased level of involvement and responsibility of the Host National Society in the direction and coordination of the operation.

1.5. The Lead Agency function is an organizational tool for managing a temporary response to a particular set of circumstances and co-exists with the mandated activities of the Host National Society that it carries at all times.

1.6. In any international relief operation where the Host National Society is not the Lead Agency, it will be the primary partner of the institution assuming that responsibility.

1.7. As a primary partner of the Lead Agency, the Host National Society is consulted on all aspects of the Movement’s response within the scope of Article 1.1 of the Seville Agreement. Consultation between the Lead Agency and the Host National Society should take place through established coordination mechanisms that cover the following elements:

   a. Analysis of the political, socio-economic and humanitarian environment.
   b. Assessment and identification of humanitarian needs.
   c. Definition of general objectives of the international relief operation, determining priorities.
   d. Establishment and maintenance of a framework for managing security for all Movement components.
   e. Establishment of an operational strategy for a Movement response, that is aligned to the general objectives and takes into account available resources.
   f. Development of the plan of action relating to priorities of the Movement response.
   g. Description of mechanisms for problem solving.
   h. Management of relationships with the authorities as far as the international relief operation is concerned and
   i. Definition of entry and exit strategies for programmes and activities of various components, including arrangements during transition.

1.8. Article 5.3 of the Seville Agreement clearly defines the assignment of the Lead Agency role. This expedites a rapid and coherent organization of the Movement’s response in favour of victims in situations requiring a Lead Agency as determined by Article 5.1.

1.9. The framework for a Host National Society assuming the Lead Agency role is set out in article 6.2 of the Seville Agreement. Within this framework, the operational capacity required to meet victims’ needs and the capacities and capabilities of the Host National Society are taken into account.
1.10. Elements that facilitate assessment of a National Society’s capacities and capabilities in relation to coordination of an international relief operation within its own territory are:

a. Organizational and management structure of the Host National Society:
   The National Society should conform to the standards established for a ‘Well-Functioning National Society’, and regularly carry out the process of NS Self Assessment.

b. Capacities for managing the Movement’s international relief operation:
   1) Acceptance by and access to all key actors in the given situation.
   2) National Society coverage of the national territory.
   3) Operational management, and logistics systems capacities.
   4) Capacity to manage security systems for National Societies working internationally.
   5) Functioning working relations within and outside the Movement.

1.11. When there is a Lead Agency other than the Host National Society, the operational strategy for the Movement response will be developed in ongoing and compulsory close consultation and cooperation with the Host National Society. Other Movement components operational in the context play a supporting role and are consulted.

1.12. Relief operations in conflict environments are managed differently from peacetime relief operations. Due consideration needs to be given to the fact that in situations of armed conflict, internal strife and their direct results, there are two institutions with an explicit mandate to meet the needs of the people affected. Other components of the Movement support and reinforce the national or multi-lateral response capacities.

1.13 The Lead Agency coordinating an international relief operation in a conflict environment needs the following additional capacities and abilities:

a. Maintaining relationships and contacts with state and non-state actors that have an influence on the conflict where the relief operation is conducted.

b. Managing and maintaining a security framework for all Movement components that are operational within a coordinated Movement approach.

c. Ensuring respect for the rules in force relating to the use of the red cross and red crescent emblems for protective purposes.

d. Formulating, in consultation with the National Societies concerned, public statements on the progress of the relief operation.

e. Assuming ultimate responsibility for the international relief operation in relation to state and non-state parties to the conflict.

1.14 These state and non-state actors may have interests in different populations and geographical areas. The Lead Agency should always seek to persuade and assure parties to the conflict that Movement assistance provided is based entirely on humanitarian needs, which is possible only when all parties to a conflict accept the Lead Agency as an impartial, neutral and independent humanitarian actor.

1.15 The organization of international relief operations in peacetime is guided by the Seville Agreement and by the Principles and Rules for Red Cross and Red Crescent Disaster Relief. In situations where the Seville Agreement foresees the Federation to act as the Lead Agency, the Federation is encouraged to conclude agreements with the Host National Society of the most disaster prone countries (either by a pre-disaster agreement or an adhoc agreement) and, based on pre-disaster assessed or announced capacity and contingency mapping/planning, to define the respective roles and responsibilities, which may also include National Societies from other countries and the ICRC.

2. Coordination

2.1. The institution exercising the role of Lead Agency must have the capabilities and competencies required to carry out the ‘general direction and coordination of the international operational activities’4 that the Seville Agreement envisages. Management and coordination systems for a Movement humanitarian response have to encompass the national working environment, international aid flows and international relations.

2.2. The main focus of the Lead Agency is on direction and coordination, with the requirement to establish ‘appropriate mechanisms for consultation’ (SA 4.5) with other Movement components. Other components of the Movement have to accept and abide by rules and procedures thus established. In order to promote a coherent framework for Movement coordination, mechanisms developed must involve all Movement partners operational in a country (the Host National Society, the ICRC, the International Federation and National Societies working internationally).

2.3. Coordination mechanisms will be established and take the form of regular meetings, chaired by the Lead Agency, between the various components of the Movement that are operational in a country (the Host National Society, the ICRC, the Federation and National Societies working internationally).

2.4 Such meetings must provide the necessary framework for strategic decision-making and for coordination of operational activities; they might be held at various levels (senior management and implementation levels) depending on the complexity of the operation.

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4 Seville Agreement Part I, Article 4, B), 4.3.
2.5. All decisions taken at such meetings must be rapidly recorded and communicated to all the partners involved for implementation, which will be monitored by the coordination mechanisms.\(^5\)

2.6. It is recommended that Movement coordination mechanisms be established in all circumstances where various components of the Movement are present and contribute to operations in a given country. This means that such coordination mechanisms apply also in ‘normal’ and ‘non-emergency’ situations to ensure effectiveness and results within Movement cooperation. This would facilitate cooperation and dialogue at the ‘entry’ and ‘exit’ points of the Lead Agency role (transition) and help clarify longer-term coordination of the international activities of Movement components.

2.7. Procedures for engagement of other Movement components are to be established by the Lead Agency in cooperation with the Host National Society, based on the following sequence of steps:

a. Expressions of interest for participation based on the operational plan and priorities communicated to potential partners.

b. Determination of partners’ motivation and interest in participating.

c. Interests of the Host National Society: proximity, existing partnerships, potential for long-term engagement.

d. Specific proposals by potential partners, special skills and resources available;

e. Decision by the Lead Agency in cooperation with the Host National Society and in consultation with the prospective partners.

f. MoU or similar agreement(s) defining aims and objectives, roles and responsibilities, resources (human and financial), monitoring and reporting arrangements along with problem solving mechanisms.

2.8. The Lead Agency needs to have a system to identify and disseminate best practices about coordination and procedures of engagement.

Equally relevant for purposes of coordination are the following sections, 3 through 5 respectively.

3. Memoranda of Understanding (MoU)

3.1. Memoranda of Understanding (MoU) regarding respective roles and responsibilities at country level need to be established whenever there are various components working in a given country, in order to promote coherent working practice and understanding of the roles and responsibilities already elaborated in the Statutes of the Movement and the Seville Agreement.

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5 Practical examples include the coordination mechanisms developed for Russia in 2000, the Balkans operation in 1999, the Macedonia operation in 2000, the Sudan operation in 2004 and the Tsunami operation in 2005.
3.2. Experience in recent operations\(^6\) demonstrates the tremendous value of pre-agreed MoUs between the Host National Society, the ICRC and the Federation. The process of negotiating such MoUs presents an opportunity to develop stronger working relationships between the parties, stronger working knowledge of each other’s capacities, systems and tools. MoUs can be seen as preparedness measures that anticipate the changed roles and responsibilities applied in emergency situations.

3.3. The Host National Society, the ICRC and the Federation will jointly ensure that this tool is elaborated in a process of adequate consultation and that other National Societies concerned participate and sign.

3.4. Such MoU will contain respective roles and responsibilities for functional cooperation in ‘normal circumstances’ and for situations where there is a need for an international relief operation in line with the Seville Agreement.

3.5. MoUs and CAS (Cooperation Agreement Strategies) processes should ideally complement each other with the objective of ensuring more effective cooperation and coordination at all times.

4. Neighbouring National Societies and National Societies working internationally

4.1. The Statutes of the Movement foresee the following role for National Societies working internationally: ‘... each within the limits of its resources, give assistance for victims of armed conflicts, as provided in the Geneva Conventions, and for victims of natural disasters and other emergencies. Such assistance, in the form of services and personnel, of material, financial and moral support, shall be given through the National Societies concerned, the ICRC or the Federation’ (Movement Statutes, Article 3.3).

4.2. In the planning of any Movement operation, all components, such as neighbouring National Societies, other Societies working internationally and the ICRC/Federation (as the case may be) should be given the opportunity to participate in the operation, in the spirit of the preamble of the Seville Agreement. All components must support the objectives and priorities set by the Lead Agency (in full consultation with the Host National Society as its “primary partner”, if it is not the Lead Agency). Furthermore, all components participating have the obligation to fully engage in and support the coordination mechanisms established.

4.3. The situation of mutual responsibilities between neighbouring National Societies within regional frameworks needs to be addressed recognizing that there are normal and logical relationships because of culture and language and other common denominators on this specific level.

4.4. Regional networks can play a vital role in support of Movement operations. The International Federation is called upon to coordinate cooperation between National Societies in various regions and to facilitate sub-regional pre-agreements as a preparedness measure in case of emergencies in peacetime requiring international assistance. The ICRC may also be party to such agreements.

4.5. The National Societies working in accordance with the Seville Agreement could provide a permanent forum for coordination and planning in their bordering regions for improved preparedness for any emergency. Plans of mutual assistance and specific protocols for response and recovery should be established taking due account of the Seville Agreement as well as of the Principles and Rules for Red Cross and Red Crescent Disaster Relief and specifying the main actors responsible for coordination. Regional capacities should focus on monitoring humanitarian needs and provide early warning systems for possible interventions required. Regional cooperation processes should be supported by other components.

4.6. According to the Seville Agreement, all international resources for an emergency operation channelled in whatever way, and regardless through which institution, are to be considered part of the overall coordinated approach of the Movement. In the interest of effectiveness and coherence, National Societies must avoid unilateral and uncoordinated bilateral action.

4.7. Wherever regional networks of National Societies exist, possibly with pre-negotiated cooperation agreements, they should be called upon to perform activities in support of the objectives and priorities set for a Movement operation.

5. Transition

5.1. Transition of responsibilities for management of resources linked to the Movement response must be based on an analysis and monitoring of developments in the context. Such an analysis must be done and discussed in the regular coordination meetings between all parties involved – the Host National Society, the ICRC and/or the Federation and National Societies working internationally.

5.2. During transition, moving from a crisis situation through recovery and rehabilitation towards a situation of normalcy, established coordination mechanisms and agreements between components involved during the operation shall, as a rule, be maintained.

5.3. The Lead Agency in consultation with the Host National Society (if it is not the Lead Agency) is responsible for negotiations on any modifications or changes to established mechanisms and agreements.

5.4. Entry and exit strategies for programmes and other activities of Movement components in the context are to be defined in consultation between the Lead Agency and the Host National Society.
5.5. The decision to terminate the Lead Agency function will be made by the incumbent Lead Agency, in consultation with the Host National Society (if it is not the Lead Agency) and with the other components operationally involved in the context.

5.6. The transition process from a Lead Agency in charge to the Host National Society taking over the role should be formalized in a Memorandum of Understanding for Development Cooperation (MoUDC) as a framework for capacity building support.

6. Problem solving

6.1. The overall plan established for the operation by the Lead Agency in consultation with the Host National Society (if it is not the Lead Agency) should include problem-solving mechanisms.

6.2. Problems regarding the implementation of the Seville Agreement should be clearly identified in the field and addressed there with the institution(s) or individuals concerned.

6.3. The various institutions of the Movement working in the field should ensure that their personnel in charge on the ground have as far as possible the competency and the mandate to take decisions to resolve problems arising in the country of operation.

6.4. The institution assuming the role of Lead Agency in the country of operation is responsible for ensuring that the issues are concretely defined and put across, with proposals for resolving them in the field. Such efforts are to be clearly documented in writing.

6.5. Problems arising in the field, which failed to be resolved there, in spite of being adequately addressed by clearly documented efforts, will be brought to the respective headquarters of the concerned Movement components working internationally.

6.6. The senior managers in charge of operations in the institutions working in the field will examine the case on the basis of the documentation and information provided, and will take the necessary decision. Such decisions will be communicated to the country of operation for implementation.

6.7. Article 10 of the Seville Agreement provides for monitoring of implementation of the Seville Agreement and for arbitration mechanisms to address differences that cannot be otherwise resolved. The provisions on monitoring and reporting on the implementation of the Agreement need to be used more effectively and in a more systematic manner to enable regular and rigorous reviews, as well as early corrective action in case of difficulties encountered.

6.8. Repeated failures of compliance with the Seville Agreement by any component of the Movement in carrying out its agreed role and responsibilities having consequences on the coherence, image and reputation of the action of the Red Cross and Red Crescent in the field will be initially addressed as outlined above. Pending on the circumstances, such cases may be considered as cases where integrity is at issue.
7. **Enhancing knowledge of the Agreement**

7.1. Training is an essential element in building a spirit of cooperation and better understanding of policies and rules. To increase the role of the Seville Agreement as the catalyst for a collaborative spirit (see the Preamble of the Agreement), training should reach the widest possible group of people at all levels in all components of the Movement and not only those that are/could be involved in relief operations.

7.2. Training needs to focus on accountability within each component with due respect for the rules and on the particular duty of governance to monitor management’s compliance with obligations resulting from the Agreement.

7.3. The ICRC and the International Federation, with the involvement of National Societies, will establish standard training modules which differentiate between a basic training programme accessible for all staff and volunteers and a training programme about operational management for those likely to be directly involved in the coordination of international activities. Such training modules will adequately address the specificity of working in situations of conflict and internal disturbances.

7.4. National Societies, the ICRC and the International Federation will organize joint training sessions for their staff and volunteers concerned at implementation, management and governance levels of their respective institutions.

7.5. Such training sessions should, whenever possible, be conducted jointly and on a regular basis in order to ensure that new governance, personnel and volunteers have adequate knowledge of the Agreement.

7.6. The International Federation and the ICRC will offer assistance to National Societies in organizing such training sessions, involving participants from all the different components of the Movement.

7.7. The relevance of the Seville Agreement should be confirmed in policies, rules and regulations within the Movement.
Resolution 9

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

The Council of Delegates,

stressing the importance of the National Societies’ role as auxiliaries to the public authorities in the humanitarian field, which is based on international humanitarian law,\(^1\) the Fundamental Principles,\(^2\) the Statutes\(^3\) and other rules of the Movement and on the national legislation of each State, and which is recognized by the United Nations,\(^4\)

considering the changing needs in the humanitarian, health and social fields and the evolving role of States and National Societies in responding to these needs,

recalling the repeated commitments made by the States and all the components of the Movement to strengthen their relationship and partnerships, while reaffirming the responsibility of States to respect the adherence of the Movement’s components to the Fundamental Principles in order to provide impartial, neutral and independent protection and assistance for all those most in need,

recalling Resolution 6 of the 2003 Council of Delegates and Resolution 1 of the 28th International Conference, which welcomed the study carried out by the International Federation of Red Cross and Red Crescent Societies (International Federation) on “National Societies as auxiliaries to the public authorities in the humanitarian field” and invited the International Federation, in cooperation with the International Committee of the Red Cross (ICRC), to press ahead with its work on this subject, including through further consultation with National Societies, States and international organizations,

1. welcomes the report produced by the International Federation in consultation with the ICRC as a follow-up to Resolution 6 of the 2003 Council of Delegates on “National Societies as auxiliaries to the public authorities in the humanitarian field,” and the study prepared by the ICRC, in consultation with the International Federation and National Societies, on the specific issue of National Societies as auxiliaries to the public authorities in the humanitarian field in situations of armed conflict;

2. invites the International Federation in consultation with the ICRC to continue its discussions with National Societies on the working definition as outlined in the background document CD 2005 12/1.

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1 In particular Chapter IV of the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva, 12 August 1949.
2 In particular the principle of independence.
3 In particular Article 4.3 of the Movement’s Statutes.
3. *invites* National Societies to initiate discussions with their governments on the basis of the “Characteristics of a balanced relationship” proposed in 2003, complemented by the working definition, the above-mentioned report of the International Federation and the study of the ICRC, with a view to strengthening government understanding of the value of the National Societies’ auxiliary role and the importance of a balanced relationship;

4. *requests* the International Federation and the ICRC to continue emphasizing the relevance of the auxiliary role in their work with the international community, including at the United Nations;

5. *invites* National Societies to share the result of their discussion with governments with the International Federation and the ICRC;

6. *requests* the International Federation, in consultation with the ICRC and National Societies, to inform the 2007 Council of Delegates and the International Conference following it on the progress made and to submit the conclusions of its work, including any necessary recommendations to guide States and the Movement’s components on the role of National Societies as auxiliaries to the public authorities in the humanitarian field.
Resolution 10

MOVEMENT POLICY FOR CORPORATE SECTOR PARTNERSHIPS

The Council of Delegates,

recalling Action 17 of the Strategy for the International Red Cross and Red Crescent Movement, adopted by means of Resolution 3 of the 2001 Council of Delegates,

acknowledging that partnerships with the private sector can help protect and improve the lives of vulnerable people, build awareness of the Movement’s role, and influence corporate behaviour with respect to social issues,

recalling Article 23 of the Regulations on the use of the emblem of the Red Cross or the Red Crescent by the National Societies, adopted by the 1991 Council of Delegates, which requires that a corporate partner in no way be engaged in activities running counter to the Movement’s objectives and principles,

considering that partnerships with the private sector may impact the Movement’s operations and reputation as a neutral and independent humanitarian actor, in particular in situations of armed conflict,

recognizing that a common and harmonized approach to private sector relationships is essential to safeguarding the integrity of the Movement’s components and ensuring respect for the emblems,

taking note of the existing decisions on resource mobilization and global income generation, as well as the recommendations and suggestions made by National Societies in the course of extensive testing of the draft Policy and consultations, including that carried out at the 2003 Council of Delegates,

1. adopts the “International Red Cross and Red Crescent Movement Policy for Corporate Sector Partnerships”,1 whose substantive provisions are included in the Annex to this Resolution;
2. calls upon all components of the Movement to comply with this Policy when entering into relationships with companies in which the component grants the company the use of its name, emblem/logo or image;
3. recognizes that the Policy provides a set of minimum requirements for corporate partnerships which the Movement’s components may supplement with more restrictive policy decisions;
4. calls upon the Movement’s components not to enter into partnerships with companies engaged in activities that run counter to the Movement’s objectives as defined by the Policy’s “guiding criteria” and to encourage partnerships with companies meeting the “desirable profile”;
5. decides that all components of the Movement will assess potential corporate partners using the screening process defined in the Policy;
6. decides that every corporate partnership will be agreed in writing, as defined in the Policy.

1 The full text of the Policy is located on FedNet, under: Working Together / ERC / Relationship Development / Corporate Relations / Corporate Policy. The full text includes practical tools for the Policy’s implementation, which may further guide those establishing corporate partnerships on behalf of their organization. The substantive provisions contained in the Annex to this Resolution highlight the essential policy elements of the full document.
Annex (Resolution 10)

Substantive provisions of the International Red Cross and Red Crescent Movement policy for Corporate Sector Partnerships

1. Purpose and scope

1.1 The Policy for Corporate Sector Partnerships (‘Policy’) aims to establish a framework for partnerships between companies and components of the International Red Cross and Red Crescent Movement as herein defined:

1.1.1 The term ‘partnership’ encompasses all relationships between a Movement component and a company, in which the Movement component grants the company the possibility of using its name, emblem/logo or image in its communication and promotional materials, thereby potentially creating a public association of image between the company and the Movement component.2 ‘Public association of image’ refers to any connection in the mind of the public between the two organizations. Examples of partnerships include:
Sponsorships: Relationships in which a company gives financial support to a component of the Movement for a specific event, programme or project and in return expects public association of image. These are considered to be short-term, event-specific relationships.
Cause-Related Marketing: Relationships in which a company agrees to donate a specific amount of sales revenue (or an equivalent thereof) from a product, service, or brand, to a component of the Movement in return for the public association of its image with that of the Movement. These relationships are often highly advertised “joint promotions,” in which the company persuades the public to buy a product, service, or brand using the Movement component’s name and logo.
Strategic Alliance: Relationships formed between a company and a component of the Movement that are focused on jointly addressing a goal of common interest (e.g., resolving a specific social problem) and involve the public association of image. These relationships are often multifaceted, long-term, and pool the complementary strengths of two organizations.

2 The Policy does not apply to financial or in-kind donations or to commercial arrangements with suppliers and service providers that do not entail a communication or promotional dimension which might potentially create a public association of image. In these relationships, while there may be recognition of the company’s support, there must be no “public association” with the Red Cross or Red Crescent name, image and Emblem/logo.
1.1.2 The term ‘company’ encompasses state-owned enterprises as well as private firms and their foundations. The term ‘corporate’ refers to ‘company’.

1.1.3 The ‘International Red Cross and Red Crescent Movement’ (the Movement) is comprised of the International Committee of the Red Cross, all National Red Cross and Red Crescent Societies and the International Federation Secretariat.

1.2 The Policy applies to partnerships with the corporate sector within individual countries (at local and national levels) and globally.

1.3 The Movement establishes partnerships with companies to encourage their contribution towards protecting and improving the lives of vulnerable people in the countries where they have business interests, and building awareness of the Movement’s role in these countries. These partnerships also provide an opportunity for the Movement to influence corporate behaviour with respect to social issues through dialogue.

1.4 The Policy determines criteria for selecting corporate partners (“selection criteria”), proposes an assessment process to screen companies against these criteria (“screening process”) and defines terms for corporate partnerships (“partnership contracts”). The Policy is intended to maximize the Movement’s opportunities for working with the corporate sector whilst ensuring the protection of its values, reputation and integrity.

2. Statutory framework

2.1 The Policy is derived from the Mission and Fundamental Principles of the Movement, from the Mandates of its components and from the Regulations and Laws governing the use of the Emblem.

Humanitarian Dialogue

2.2 The Statutory Framework encourages partners to enter into relationships within the spirit of open dialogue on humanitarian issues. It also requires the Movement components to include a direct or indirect advocacy component in all partnerships.

2.3 Components of the Movement should encourage companies to behave in a more socially responsible manner. This is particularly important in the case of companies working to improve their image and relationship with civil society. Where appropriate, the partnership can include assistance and support to the company on the development and implementation of its corporate social responsibility strategy.

Laws and Regulations on Emblem Use

2.4 The Red Cross and Red Crescent Emblems are protected under international law (1949 Geneva Conventions and 1977 Additional Protocols)
and national law, and are first and foremost an internationally recognized symbol of protection during armed conflicts. Each Movement component is responsible for preserving the Emblem’s unique protective function.

2.5 The 1991 Regulations on the Use of the Emblem,3 adopted both by the Movement and all States party to the 1949 Geneva Conventions, outline the conditions governing the use of the Emblem by National Societies and their members.

2.6 In no circumstances can the protective and indicative use of the Emblem be compromised and all agreements with companies must comply with these regulations.

3. Selection criteria

3.1 The Selection Criteria apply to the company with which the Movement component enters into partnership. The Selection Criteria apply to a parent company of a corporate partner only if it has a significant ownership stake or voting power in the corporate partner. The Selection Criteria apply to a subsidiary of the corporate partner only if the corporate partner has a significant ownership stake or voting power in the subsidiary.

3.2 Potential partners are assessed against both guiding and desirable criteria:

3.3 Guiding Criteria

The criteria guiding the components of the Movement in deciding to establish a partnership with a company are as follows: The corporate partner must in no way be engaged knowingly or deliberately in activities running counter to (i) the Movement’s objectives and fundamental principles, (ii) principles of international humanitarian law4 and (iii) internationally recognized standards as embodied in the Universal Declaration of Human Rights of 1948, the Declaration on Fundamental Principles and Rights at Work of 1998, the Convention on the Elimination of all Forms of Racial Discrimination of 1965 and the Convention on the Elimination of Discrimination against Women of 1979.

3 The Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National Societies (here referred to as ‘Regulations on the Use of the Emblem’) were adopted by the 20th Red Cross and Red Crescent International Conference (1965) and revised by the Council of Delegates (1991). In this document, we refer to the revised version from 1991, which was also submitted to and approved by all the States party to the Geneva Conventions and agreed to by the ICRC and the Federation at the 1993 Council of Delegates (Resolution 8).

4 International humanitarian law (IHL) applies primarily in situations of armed conflict. It refers principally to the four 1949 Geneva Conventions and the two 1977 Additional Protocols. While it must be respected primarily by combatants (State and non-State bearers of weapons involved in the conduct of hostilities), IHL also applies to private companies in cases where they are directly involved in hostilities, for instance, through the hiring of military personnel. To learn more on whether a potential corporate partner has violated IHL, refer to: <www.preventconflict.org/portal/economics/>
In situations of armed conflict, the components of the Movement shall avoid entering into a corporate partnership that undermines the ability of the Movement to operate, which may be the case if one party to the conflict considers the corporate partner’s activities as partial and controversial. Consistent with the Movement’s objectives and principles, no component of the Movement shall establish a corporate partnership with a company, a material part of whose business involves the manufacture or sale of arms and ammunition. Other activities that may infringe the Movement’s objectives and principles include cases where a company:

3.3.1 Has as its core business the direct manufacture or sale of products publicly recognized as deleterious to health.

3.3.2 Through its business practices, materially contributes to armed conflicts or natural disasters.

3.3.3 Does not respect materially the local or national laws and regulations of the countries where it operates.

3.3.4 Has major public controversies in the country where the partnership takes place that would undermine the reputation, image or Emblems of the Movement.

3.4 Desirable Profile
All components of the Movement will encourage partnerships with companies:

3.4.1 Which respect the Movement’s humanitarian values and commit to a programme of action to support its work.

3.4.2 Which are leaders in exhibiting corporate social responsibility through policy and practice.

3.4.3 Who would respond positively to input from the Movement component aimed at improving their business practices in a way that promotes social responsibility.

3.4.4 Whose products and services relate to the Movement component’s mission or activity; and who would be the best possible partner in helping the component to achieve the aims, increase its reach and enhance awareness of its work.

3.4.5 Which are committed to volunteer action.

3.4.6 Which promote the education, health and social welfare of their employees to an extent that goes beyond what the law requires.

3.4.7 Which promote responsible production and use of their products and services and adhere to the principles of sustainable development.

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5 There are varying definitions of core business. KLD Research has defined it as 15% of annual revenues for retailers. Michael Jantzi Research Associates Inc. has defined it as 5% of annual revenues from sales.

6 Article 23 (d) of The Regulations on the Use of the Emblem states that “the company concerned must in no way be engaged in activities running counter to the Movement’s objectives and Principles or which might be regarded by the public as controversial.”

7 Sustainable Development is defined as “development that meets the needs of the present without
3.4.8 Which have a positive image, good reputation and a track record of good ethical behaviour.

4. Screening process

4.1 All components of the Movement screen potential corporate partners against the criteria defined in Section 3. All Movement components positively welcome constructive criticism on their partnerships and being screened in a similar manner by any potential corporate partner.

4.2 The potential corporate partner is the point of contact for obtaining information for screening, including information pertaining to relevant parent and subsidiary companies required to meet the Guiding Criteria, as per section 3.

4.3 The decision as to whether a company fulfils the requirements of this Policy is made on the best available information collected from credible sources during the research and takes into account the time period to which data relates.

4.4 Although an organization’s past will be considered as part of this review, its recent performance is most significant. Past performance can be mitigated by more recent commitment to positive change. The component should take account of action by the organization to resolve problems, together with opportunities for the component to assist with this.

4.5 All components of the Movement will continue to monitor the results of the screening and reserve the right to reassess any relationship in the light of new or previously unseen information, as set out in the Partnership Contract.

Screening procedure

4.6 Components will apply the following procedure to all potential partnerships:

4.6.1 As far as possible through shared data systems, find out whether any other Movement component has previously screened the company. Depending on the detail and how recently this information was obtained, further screening may still be required.

4.6.2 Gather information from external sources and from the company itself.8

a. Obtain the company’s annual report and accounts.

b. Consult a minimum of three independent, credible sources, which should include a general search engine, reputable international and local media, and credible and relevant NGOs.

compromising the ability of future generations to meet their own needs.” (World Commission on Environment and Development, 1987).

8 In cases where a company is not comfortable sharing information about itself, a system of “good faith” can be used. In this case, a company will not be required to reveal its information but will be requested to state that it fulfils the Guiding Criteria and that it will continue to meet them throughout
c. Invite the company to submit any information they wish to give relating to the selection criteria and their corporate social responsibility agenda.

4.6.3 It is recommended that Movement components also seek the advice of professional, independent, specialized rating agencies, advised by the Federation and the ICRC.

4.6.4 For multinational partnerships the Movement component researching the partnership must inform any other potential stakeholders within the Movement at this stage.

4.6.5 In cases where a Movement component wishes to establish a partnership that involves joint-activities or visibility in a country affected by armed conflict or internal strife, the partnership must be discussed with the ICRC’s head of delegation in that country prior to agreement, to ensure compliance with Guiding Criteria.

4.7 If the screening process reveals that the potential partner does not meet the criteria in 3.3, the Movement component will not pursue the partnership.

4.8 All Movement components will have a clear decision making process to determine whether to develop a partnership, based on the results of the screening process. It is recommended that a final decision be taken by a senior manager where concerns or controversy remain.

5. Partnership contract

5.1 Every corporate partnership within the scope of this Policy must be agreed in writing. Partnership contracts can be based on the sample Corporate Partnership Contracts for Sponsorships, Cause Related Marketing relationships and Strategic Alliances as provided in the Policy.

5.2 When negotiating partnership contracts the Movement component must bear in mind the value of an association with the International Red Cross and Red Crescent Movement. This value must be reflected in the terms of the agreement and in the financial and non-financial contribution made by the company.

5.3 Mandatory elements for Movement components’ partnership contracts:

5.3.1 All parties to the agreement must be explicitly stated. In particular:

a. The corporate partner signing the agreement must be the entity that is undertaking the roles and responsibilities set out in the agreement.

b. Each Movement component is a separate legal entity and in order to be a party to the agreement must individually sign it.

the term of the agreement, as per 5.3.4. Alternatively, signing a confidentiality agreement (See Sample Document VI of the Policy for further reference) might also be considered to facilitate the information sharing process.
5.3.2 The corporate partner will not infringe the Movement’s objectives and principles.

5.3.3 Acknowledgement that the use of the Red Cross and Red Crescent names and emblems will conform to Article 23 of the Regulations on the Use of the Emblem and control of these will be maintained by the Movement component throughout the agreement with the right to review and amend all communications before use.

5.3.4 The company should confirm that its activities do not materially infringe the principles set out in paragraph 3.3.

5.3.5 Termination clauses which allow the Movement component immediate and public withdrawal from the partnership if:
   a. The company commits a significant breach of the contract, in particular if it no longer fulfils the Guiding Criteria.
   b. Continued association will bring any component of the Movement into disrepute because of a change in the company’s behaviour or public perception of its practices.

5.3.6 Acknowledgement that partnership between a Movement component and the company should in no way lead to the belief that the Movement or any of its components endorse the company, its products, policies or services.

5.3.7 Acknowledgement that no Movement component can grant formal, open-ended ‘exclusivity’ to any company, or accept limitations on developing partnerships with other companies. In certain instances, granting exclusivity for a specific purpose over a defined period of time may be appropriate within the scope of activities undertaken.

5.3.8 Acknowledgement that the Movement component is under no obligation to buy the products, goods or services of the company as a result of the agreement. Any commercial transaction with the company will be subject to a separate agreement.

5.4 Recommended elements for partnership contracts

5.4.1 The length of the contract/partnership.

5.4.2 The recognition which the Movement component will give the company in return for its support. This recognition will be commensurate with the level of support from the company.

5.4.3 Description of any other potential partners (such as contractors) who may become involved in the partnership. The Movement component may choose to screen any of these partners.

9 Multinational partnerships are partnerships which involve a multinational company and more than one National Society. These partnerships require the involvement of the International Federation (10th General Assembly, 1995).

10 Endorse: This refers to a situation in which the Movement component is seen as “providing a sign of formal and explicit approval of the products, policies or services of a company”. As per Article 23 of the Emblem Regulations, “no confusion must be created in the mind of the public between the company’s activities or the quality of its products and the Emblem or the National Society itself.”
5.4.4 Terms for the handling of unforeseen events and disputes.
5.4.5 Acknowledgement that the company will minimize financial and commercial risks for the Movement component, including potential fiscal and tax issues.
5.4.6 A designated point of contact within the company to manage the partnership.
5.4.7 Acknowledgement that the company cannot assign this contract to another legal entity if it is acquired by another company, goes into voluntary or compulsory liquidation, or if a receiver is appointed over all or part of the business of the company.
5.4.8 For cause related marketing relationships, acknowledgement that the corporate partner will agree to keep (separately) all financial records pertaining to the partnership and to give the Movement component access to these upon request. The Movement component reserves the right to commission an independent audit of the company’s books in relation to the partnership. The audit should be paid for by the company. The company should also make available to consumers complete and accurate information on how any purchase results in a donation, including the amount of that donation.
5.4.9 The amount of income which will be made available as an upfront donation, if there is one.
5.4.10 Acknowledgement that the partnership will be subject to monitoring, review and evaluation by both partners at regular intervals throughout the period of the agreement and formally, at the end of the partnership.

6. Implementation

6.1 This Policy is intended to be implemented at all levels of the Movement (local, national, international).
6.2 Each component of the Movement – the Federation, the ICRC and National Societies – is individually responsible for implementing the Policy, and instructing its volunteers and staff accordingly.
6.3 The Federation Secretariat and the ICRC will ensure dissemination of the Policy to all components of the Movement; the National Societies are responsible for disseminating the Policy internally to local chapters and branches and for monitoring its correct application.
6.4 The Federation Secretariat and the ICRC will be responsible for ensuring that the Policy is fully respected and implemented by the Movement as a whole. They will facilitate Movement components sharing their experience using the Policy, and review its implementation across the Movement.
6.5 Monitoring corporate sector partnerships and use of the Policy will form part of the National Society self-assessment process, and as such will be reviewed regularly.
6.6 Based on the review described in 6.5, the Federation Secretariat and the ICRC will analyse the Policy’s implementation and will make recommendations for improvement of the Policy to the Council of Delegates.

6.7 All components of the Movement are responsible for informing other Movement components of their relationships with multinational companies. National Societies are responsible for keeping the Federation Secretariat informed on these matters.

6.8 This Policy applies from the date of its adoption, to any new partnership contract or renewal or extension thereof.

6.9 It is recommended that the Policy be applied during the various stages of corporate partnership building.

11 Exclusivity: a situation in which a Movement component agrees that the corporate partner will be its sole partner for an unspecified period of time.
Resolution 11

REVISION OF THE REGULATIONS FOR THE EMPRESS SHÔKEN FUND

The Council of Delegates 2005, having taken cognizance of the report of the Joint Commission of the Empress Shôken Fund,

1. thanks the Joint Commission for its management of the Empress Shôken Fund and approves all provisions made by it;
2. approves the new Regulations for the Empress Shôken Fund, the text of which is as follows:
Annex (Resolution 11)

REGULATIONS FOR THE EMPRESS SHÔKEN FUND


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

Article 2 — The Fund shall be administered and its revenues distributed by a Joint Commission of six members chosen in their personal capacity. The Joint Commission shall be composed equally of three members appointed by the International Committee of the Red Cross and three by the International Federation of Red Cross and Red Crescent Societies; the quorum shall be four. The Chairman of the Joint Commission shall be on a permanent basis one of the representatives of the International Committee of the Red Cross whereas the International Federation of Red Cross and Red Crescent Societies shall provide the Joint Commission’s Secretariat. The Joint Commission shall meet at Geneva, in principle at the headquarters of the International Federation of Red Cross and Red Crescent Societies.

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

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

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

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

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

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

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

Article 9 — A sum which shall not exceed CHF 50,000 shall be set aside to cover the cost of administering the Fund and of assisting the National Societies concerned in the realization of their projects.

Article 10 — The Joint Commission shall present to each Council of Delegates of the Red Cross and Red Crescent a report on the current financial situation of the Fund, the allocations which have been made since the preceding Council and the use made of those allocations by National Societies. The Council of Delegates shall transmit this report to the Japanese Imperial Family through the intermediary of the Japanese Red Cross Society.
Resolution 12

OUTCOMES OF THE WORK IN COMMISSIONS

The Council of Delegates,

*thank*ing the International Federation and the ICRC for the background document on “Access to Victims and Vulnerable People” and “Neutral and Independent Humanitarian Action” prepared for debate in the Commissions,

*taking note* of the consolidated reports and recommendations of the Commissions,

*appreciating the input from and encouraging* continued participation by National Societies in the dialogue and preparations leading up to the 2007 International Conference,

*invites* the Standing Commission, the International Federation and the ICRC to build upon the consolidated reports and recommendations of the Commissions when identifying the themes and topics to be addressed by the International Conference in 2007.
Africa – books


Africa – articles


Latin America – books


Latin America – articles

Asia – books


Asia – articles


Europe – books


Middle East – books


Middle East – articles


Weapons – books

Weapons – articles

El derecho internacional ante las nuevas armas biotecnológicas / José Roberto Pérez Salom – In: Revista española de derecho militar 84, julio-diciembre 2004, pp. 61-90.

Humanitarian assistance – books


Humanitarian assistance – articles


ICRC – books


Conflicts, security and armed forces – books


Conflicts, security and armed forces – articles


International humanitarian law – books


International humanitarian law – articles

Compliance with international humanitarian law by non-state actors / Gauthier de Beco – In: Humanitäres Völkerrecht; Vol. 18, Nr. 3, 2005, pp. 190-199.


Executive plans and authorizations to violate international law concerning treatment and interrogation of detainees / Jordan J. Paust – In: Columbia journal of transnational law; 34, 2005, 43 pp.


International criminal law – books


International criminal law – articles


Economy – books


Children – books


United Nations, NGO – books


Refugees, displaced persons – books


Refugees, displaced persons – articles


Religion – books


Terrorism - books


Torture – articles
