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Your move.**



**31ST  
INTERNATIONAL CONFERENCE  
OF THE RED CROSS AND RED CRESCENT**

GENEVA 2011

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

**INCLUDING THE SUMMARY REPORT  
OF THE 2011 COUNCIL OF DELEGATES**

**Prepared by the International Committee of the Red Cross  
and the International Federation of Red Cross and Red Crescent Societies**

**Geneva 28 November–1 December 2011  
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OF THE RED CROSS AND RED CRESCENT**

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# RESULTS OF THE MEETINGS OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

## 1.1

### AGENDA AND RESOLUTIONS OF THE 2011 COUNCIL OF DELEGATES

#### 1.1.1 Agenda

##### I. Elections, agenda and procedural matters

1. Opening of the Council
2. Election of the Chair, Vice-Chair and Secretaries of the Council
3. Adoption of the agenda of the Council of Delegates

##### II. Issues for debate and decision

##### 4. Nuclear weapons

Building on Resolution 7 adopted by the 2009 Council of Delegates, the draft resolution highlights the human costs of nuclear weapons and the difficulty of reconciling their use with international humanitarian law. It will further define a position of the International Red Cross and Red Crescent Movement on such weapons.

##### 5. Movement components' relations with external humanitarian actors

As follow-up to a recommendation from the 2009 Council of Delegates workshop on "Relations with Actors Outside of the Movement," the draft resolution calls on all Movement components to endorse a proposal for further action in supporting Movement partners' relations with

external humanitarian actors in a coordinated and coherent manner and in line with the Fundamental Principles.

##### 6. National Societies preparing for and responding to armed conflict and other situations of violence

Following up on the recommendation of the 2009 Council of Delegates workshop on "Collective responsibility and partnerships," in view of recent world events and on the basis of a background report, the resolution calls upon leaders of National Red Cross and Red Crescent Societies to improve preparation and positioning for greater access to those in need in armed conflict and other situations of violence.

It encourages the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies and National Societies to continue developing a practical guide that will enhance the safety of and protection for National Society staff and volunteers and improve access to and protection for the beneficiaries they serve.

Furthermore, the resolution invites the International Federation and the ICRC to define how the mandates, roles and responsibilities of National Societies in armed conflict and other situations of violence may best be reflected in National Societies' statutory and legal base instruments.

## 7. Strategy for the Movement

As follow-up to Resolution 2 of the 2009 Council of Delegates, the Standing Commission presents the evaluation of the Strategy for the Movement.

The draft resolution will outline continued work on Movement fora and on reviewing and/or revising National Society statutes. The resolution will further outline options for Movement-level strategic guidance based on the findings and recommendations of the evaluation.

## 8. Memorandum of Understanding between the Palestine Red Crescent Society and the Magen David Adom in Israel

Report by the Monitor on progress in implementation

## III. Issues for decision

### 9. Red Cross/Red Crescent heritage

The draft resolution calls on all components of the Movement to raise the priority accorded to the preservation, utilization and promotion of their historical and cultural heritage.

### 10. 31st International Conference of the Red Cross and Red Crescent

- 10.1 Adoption of the agenda of the 31st International Conference of the Red Cross and Red Crescent
- 10.2 Proposed officers for the 31st International Conference

## IV. Follow-up to the 2009 Council of Delegates

*The follow-up reports will be submitted as working documents to all members, 45 days before the opening of the Council of Delegates.*

*National Societies wishing to raise issues stemming from the reports shall inform the Standing Commission in advance for such requests to be added to the Council of Delegates agenda. Written comments to the reports are welcomed in advance.*

***No follow-up reports will be introduced / discussed at the Council unless requested by a National Society as per above.***

1. Report on the work of the Standing Commission (Regular report to the Council of Delegates)
2. Report on the implementation of the Movement policy on internal displacement (Resolution 5/2009 Council of Delegates)
3. Report on experiences of Movement components with the Code for Good Partnership (Resolution 9/2009 Council of Delegates)
4. Report on the progress in implementation of the Seville Agreement and its Supplementary Measures (Regular report to the Council of Delegates)
5. Report on the Empress Shôken Fund (Regular report to the Council of Delegates)
6. Report on implementation of the Movement Strategy for Restoring Family Links (Resolution 4/2007 Council of Delegates)

## V. Closing of the Council

Confirmation of date and venue of the 2013 Council of Delegates

## VI. Commissions

Three parallel commissions convene after *the closing of the Council* to prepare for the 31st International Conference.

The discussions will focus on conference procedures and on key issues on the agenda from a Movement perspective.

Time required: 1.5 hours

**Henry Dunant Medal ceremony, to be followed by a reception hosted by the ICRC and the International Federation**

### 1.1.2 Resolution 1: Working towards the elimination of nuclear weapons

The Council of Delegates,

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

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

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

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

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

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

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

*drawing upon* the testimony of atomic bomb survivors, the experience of the Japanese Red Cross Society and the International Committee of the Red Cross (ICRC) in assisting the victims of the atomic

bomb blasts in Hiroshima and Nagasaki and the knowledge gained through the ongoing treatment of survivors by the Japanese Red Cross Atomic Bomb Survivors Hospitals,

*bearing in mind* the resolutions on weapons of mass destruction in general and the abolition of nuclear weapons in particular, adopted by the International Conferences of the Red Cross and Red Crescent in 1948, 1952, 1957, 1965, 1969, 1977 and 1981 and by the Council of Delegates in 2009, and the statements on nuclear weapons made by the President of the ICRC to the Geneva diplomatic corps in April 2010 and by the President of the International Federation of Red Cross and Red Crescent Societies to Nobel laureates in Hiroshima in November 2010,

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

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

- to engage, to the extent possible, in continuous dialogue with governments and other relevant actors on the humanitarian and international humanitarian law issues associated with nuclear weapons and to disseminate the Movement position outlined in this resolution.

### Resolution co-sponsors

ICRC

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

### 1.1.3 Resolution 2: Movement components' relations with external humanitarian actors

The Council of Delegates,

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

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

actors and making these available in a user-friendly manner;

- c) all Movement components should continue to strengthen Movement coordination mechanisms at country and regional level, to use this as a means to improve relations with external humanitarian actors and capture and share experiences of this in order to serve the most vulnerable better.

### 1.1.4 Resolution 3: Strategy for the International Red Cross and Red Crescent Movement (Movement Strategy)

#### 1. Background

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

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

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

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

The Nairobi resolution further invited the Standing Commission to continue its work on reducing the

complexities of the Movement fora, and to present its proposals for change, as relevant, to this Council.

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

#### 2. Decision

As the trustee of the International Conference of the Red Cross and Red Crescent, and as the permanent Movement body where all components are represented and that provides strategic guidance in matters that concern the Movement as a whole, the 2011 Council of Delegates ***calls on the incoming Standing Commission:***

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

information from their regional structures, with a view to improving follow-up and reporting and planning for future Movement-level meetings.

### 3. Follow-up

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

#### 1.1.5 Resolution 4: Revision of National Society statutes and legal base

The Council of Delegates,

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

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

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

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

instruments in line with the minimum requirements of the Guidance document,

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

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

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

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

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

1. *congratulates* National Societies for their continuing and considerable efforts invested in the last decade in the revision of their statutes and related legal texts and in the strengthening of their legal base in domestic law;
2. *expresses its appreciation* to National Societies who have established a constructive dialogue with the ICRC and the International Federation, as well as with the Joint Statutes Commission, which has allowed the Movement to progress towards fulfilling the objective of strengthening National Societies' legal base;
3. *recommends* that National Societies that have not yet initiated or successfully completed a statutes revision process undertake the necessary steps in order to update their statutory or constitutional base instruments in accordance with the Guidance document and relevant Council of Delegates and International Conference resolutions;

4. *invites* National Societies undertaking a revision of their statutes and related legal texts to pay special attention to the following questions identified by the Joint Statutes Commission as the issues most often at variance with the Guidance document, including the definition of
  - the National Society's relationship with its public authorities, in particular its status and role as an auxiliary in the humanitarian field, in line with the Fundamental Principle of independence;
  - the National Society's governing bodies (composition, duties, procedures and rotation);
  - the roles and responsibilities of governance and management;
  - the National Society's membership;
  - the branch structure (e.g. how branches are created, what bodies govern them and the relationship between branches and headquarters);
5. *encourages* National Societies to initiate or pursue a dialogue, as required, with their national authorities in order to strengthen their legal base in domestic law, through high-quality Red Cross/Red Crescent laws, so as to formalize their auxiliary role in the humanitarian field and to recognize the commitment of national authorities to respect the ability of National Societies to work and operate in accordance with the Fundamental Principles;
6. *calls upon* National Societies, in particular at the level of their respective leadership, to continue working closely with ICRC and International Federation delegations in the revision of their statutes and related legal texts and in the strengthening of their legal base in domestic law, to take the recommendations of the Joint Statutes Commission into account, as well as to keep the Joint Statutes Commission duly informed of any progress or new developments;
7. *calls upon* the ICRC, the International Federation and the Joint Statutes Commission to pursue actively their support to National Societies and to seek ways of increasing their capacity and the effectiveness of their working methods. In their work to support National Societies, they should pay particular attention to National Society laws and regulations, to develop new advisory notes for National Societies as needed, and to ensure that the new institution-building mechanisms and tools established within the Movement duly include and reflect the objective of strengthening the legal and statutory base instruments of National Societies;
8. *invites* the ICRC and the International Federation to initiate a consultation with National Societies on the most effective ways to continue the process of strengthening National Society legal base instruments in the future, and thus to explore and implement new and innovative ways and models to support National Societies, and to draw further on existing resources, partnerships and legal expertise within the Movement, including the use of new learning platforms and relevant National Society capacities and networks;
9. *invites* the ICRC and the International Federation to draw on the work of the Joint Statutes Commission in order to report on the achievement of the ongoing objective of strengthening the legal and statutory base instruments of National Societies to the 2013 and subsequent Councils of Delegates.

**1.1.6 Resolution 5: Implementation of the Memorandum of Understanding and Agreement on Operational Arrangements, dated 28 November 2005, between the Palestine Red Crescent Society and the Magen David Adom in Israel**

The Council of Delegates,

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

1. *MDA and PRCS will operate in conformity with the legal framework applicable to the Palestinian territory occupied by Israel in 1967, including the Fourth Geneva Convention of 1949 on the protection of Civilians in Time of War.*
2. *MDA and PRCS recognize that PRCS is the authorized national society in the Palestinian territory and that this territory is within the geographical scope of the operational activities and the competences of PRCS. MDA and PRCS will respect each other's jurisdiction and operate in accordance with the Statutes and Rules of the Movement.*
3. *After the Third Additional Protocol is adopted and by the time MDA is admitted by the General Assembly of the International Federation of Red Cross and Red Crescent Societies:*

- a. *MDA will ensure that it has no chapters outside the internationally recognized borders of the State of Israel;*
- b. *Operational activities of one society within the jurisdiction of the other society will be conducted in accordance with the consent provision of resolution 11 of the 1921 international conference,*

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

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

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

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

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

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

1. *notes* the reported progress that has been made with respect to implementation and commends the efforts of both National Societies;
2. *notes with regret* that full implementation of the MoU has not yet been realized as observed by the monitor;

3. *strongly urges* the MDA to fulfil its obligations without further delay and complete the efforts under way to bring its operations into compliance with the geographic scope provisions of the MoU;
4. *requests* the ICRC and the International Federation to reaffirm the mandate of the monitoring process and to continue to support and strengthen the monitoring process of the implementation of the MoU;
5. *decides* that the monitoring process will continue until such time as the MoU is implemented in full and requests that regular reports on the monitoring mechanism are issued as deemed necessary;
6. *requests* National Societies to respond favourably to any request for assistance and support in the monitoring process;
7. *requests* the ICRC and the International Federation to arrange for the provision of a report on implementation of the MoU to the next Council of Delegates and through it to the International Conference.

### **1.1.7 Resolution 6: Preserving the historical and cultural heritage of the International Red Cross and Red Crescent Movement**

The Council of Delegates,

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

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

*recalling* that awareness of the history and operational experience of the components of the Movement is



crucial to current and future deliberations about its humanitarian work and modes of action,

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

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

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

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

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

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

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

1. *asks* all components of the Movement to raise the priority accorded to the preservation and utilization of their historical and cultural heritage, to make it better known and appreciated by means of museums, exhibitions, archives, other heritage facilities, and through promotional activities, and to make effective use of this wealth of knowledge and experience in their current humanitarian activities;
2. *encourages* all components of the Movement to share their experience in preserving and promoting their historical and cultural heritage and to call upon the good offices of the International Red

Cross and Red Crescent Museum in Geneva and the expertise of the International Federation and the ICRC as needed;

3. *requests* the International Red Cross and Red Crescent Museum, the International Federation and the ICRC, in consultation with National Societies, to present recommendations to the Council of Delegates in 2015 on preserving and promoting the Movement's historical and cultural heritage, based on the experiences and the concrete action taken by the different components of the Movement in this domain.

### **1.1.8 Resolution 7: National Societies preparing for and responding to armed conflict and other situations of violence<sup>1</sup>**

#### **I. Background**

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

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

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

National Societies have a mandate, as described in the Statutes of the International Red Cross and Red Crescent Movement (Statutes) to “organize, in liaison with the public authorities, emergency relief operations and other services to assist the

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

<sup>2</sup> An ICRC description of 'Other situations of violence' can be found in the background report supporting this resolution.

victims of armed conflicts as provided in the Geneva Conventions, and the victims of natural disasters and other emergencies for whom help is needed.”<sup>3</sup> A number of resolutions adopted at Councils of Delegates and International Conferences of the Red Cross and Red Crescent reinforce the mandate of National Societies to act as auxiliaries to the public authorities in the humanitarian field<sup>4</sup> and to provide humanitarian assistance and protection to those in need, including those affected by armed conflict and other situations of violence within their own countries.<sup>5</sup>

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

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

to victims of armed conflicts in accordance with the agreements concluded with the International Committee.”<sup>8</sup>

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

#### ***The ICRC’s Response to a Request by National Societies***

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

Based upon the best practices of National Societies, the ICRC developed the Safer Access Framework.<sup>9</sup> This

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

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

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

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

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

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

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

Framework outlines the numerous interconnected actions that a National Society needs to carry out in order to increase its acceptance by individuals, communities, weapon-bearers and authorities and thereby gain safer access to people and communities during armed conflict and other situations of violence.

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

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

## II. Challenges

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

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

Some National Societies are prevented, by all those who can influence access to beneficiaries, from providing humanitarian services to those in need on all sides of an armed conflict or other situation of violence, or they are challenged or even harassed when they attempt to do so. In this respect, there is, in some countries, a need to strengthen the

National Society's statutory and legal instruments to better reflect its role in armed conflicts and other situations of violence. This should take into account the Fundamental Principle of independence, which balances the autonomy of National Societies with their status and role as auxiliaries to the public authorities in the humanitarian field.

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

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

## III. Decisions

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

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

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

Movement's response to armed conflict and other situations of violence, the 2011 Council of Delegates:

1. *encourages* National Societies to intensify their commitment and efforts to adopt appropriate security/risk management systems, and to take other concrete measures to increase their safer access in armed conflict and other situations of violence. This includes the need to enhance the operational application of the Fundamental Principles and other relevant Movement policies as well as to obtain insurance coverage<sup>12</sup> for staff and volunteers working in crises, to adequately compensate them for possible injury, including psychological trauma/stress, or death in the line of duty;
  2. *urges* National Societies, where necessary, to engage in a dialogue with all governments concerned on the need for access to all populations affected by armed conflict and other situations of violence and to exert influence, where possible, on all those who can influence access to beneficiaries to respect the National Societies' role to provide neutral, impartial and independent humanitarian services, (as defined by the Fundamental Principles), with the support and involvement of the ICRC as appropriate;
  3. *urges* National Societies, the ICRC and the International Federation to continue to explore and analyse emerging trends and challenges to humanitarian action during armed conflict and other situations of violence, with a view to making such shared analyses the basis of coordinated contingency planning for the provision of rapid, effective and coherent response to the humanitarian needs of people and communities affected, while also strengthening their resilience;
  4. *encourages* National Societies to further define their mandates, roles and responsibilities in armed conflict and other situations of violence within their statutory and legal base instruments, as appropriate, and to promote their role broadly, both internally, and with external actors and communities;
  5. *invites* the ICRC and the International Federation to work closely with National Societies to define
- how the mandates, roles and responsibilities of National Societies in armed conflict and other situations of violence may best be reflected in National Societies' statutory and legal base instruments and to advise National Societies engaged in revising their statutes accordingly;
6. *recommends* that National Societies, as part of their permanent dialogue with their respective governments, work towards strengthening domestic legislation, policies, agreements and plans in order to establish the framework required to enable them to provide effective assistance and protection to populations affected by armed conflict and other situations of violence;
  7. *invites* the components of the Movement to continue to develop a practical guide, to further clarify the term 'other situations of violence' and to strengthen the capacity of all National Societies to prepare for and respond to armed conflict and other situations of violence – based on the Fundamental Principles, the Statutes of the Movement, relevant Movement policies and current National Society experience – as a valuable contribution towards building a Movement approach in this area;
  8. *encourages* the International Federation to work closely with the ICRC and National Societies to develop effective mechanisms that ensure the aforementioned guide and the ICRC's programmes and capacity strengthening expertise that support National Societies to prepare for and respond to armed conflict and other situations of violence are taken into account in the approach towards the development of strong National Societies, with a particular emphasis on incorporating relevant elements into emergency preparedness, response, recovery and organizational development initiatives.

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

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

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

## V. Follow-up

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

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

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

### Resolution co-sponsors

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

### 1.1.9 Resolution 8: Agenda and programme of the 31st International Conference of the Red Cross and Red Crescent

The Council of Delegates,

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

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

### 1.1.10 Resolution 9: Proposal of persons to fill the posts of officers at the 31st International Conference of the Red Cross and Red Crescent

The Council of Delegates,

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

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

### ANNEX – RESOLUTION 9

#### Proposal of persons to fill the posts of officers at the 31st International Conference of the Red Cross and Red Crescent

#### Proposition de candidats aux postes de responsables de la XXXI<sup>e</sup> Conférence internationale de la Croix-Rouge et du Croissant-Rouge

#### Propuesta de candidatos para la elección de miembros de la Mesa y demás funcionarios de la XXXI Conferencia Internacional de la Cruz Roja y de la Media Luna Roja

#### اقترح بأسماء المرشحين لشغل مناصب مسؤولين في المؤتمر الدولي الحادي والثلاثين للصليب الأحمر والهلال الأحمر

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

Référence : article 14 des Statuts du Mouvement – « Lorsqu’il se réunit avant l’ouverture de la Conférence internationale, le Conseil [...] propose à la Conférence des candidats pour remplir les fonctions mentionnées à l’article 11, alinéa 3 », à savoir « le président, les vice-présidents, le secrétaire général, les secrétaires généraux adjoints et les autres responsables de la Conférence. »

Referencia: artículo 14 de los Estatutos del Movimiento: “Cuando se reúne antes de la apertura de la Conferencia

*Internacional, el Consejo: a) propone a la Conferencia candidatos para los puestos mencionados en el párrafo 3 del artículo 11”, a saber: “La Conferencia Internacional elige al presidente, a los vicepresidentes, al secretario general, a los secretarios generales adjuntos y a las otras personas elegidas de la Conferencia”.*

المراجع: المادة 14 من النظام الأساسي للحركة: “عند الإنعقاد قبل افتتاح المؤتمر الدولي، فإن المجلس:  
(أ) يقترح على المؤتمر مرشحين لشغل المناصب المذكورة في الفقرة 3 من المادة 11 [..] رئيس المؤتمر ونواب الرئيس والأمين العام ومساعدتي الأمين العام وأعضاء مكتب المؤتمر الآخرين”

Chair of the Conference / Président de la Conférence / Presidenta de la Conferencia / رئيسة المؤتمر

**Ms Niki Rattle** (Cook Islands Red Cross Society)

Chair of the Drafting Committee / Présidente du Comité de rédaction/ Presidenta del Comité de Redacción / رئيسة لجنة الصياغة

**Ambassador Maria Farani Azevêdo** (Brazil)

Vice-Chair, political issues / Vice-président, questions de politique / Vicepresidente, asuntos políticos / نائب الرئيس، قضايا السياسة

**Ambassador Peter Gooderham** (United Kingdom)

Conference Vice-Chairs and Chairs of Thematic Plenary sessions / Vice-président(e)s de la Conférence et président(e)s des séances plénières thématiques / Vicepresidente(s) de las sesiones plenarias temáticas / نواب رئيسة المؤتمر ورؤساء الجلسات العامة حسب المواضيع

Plenary on IHL / Séance plénière sur le droit international humanitaire / Sesión plenaria sobre derecho internacional humanitario / جلسة عامة عن القانون الدولي الإنساني

**Ms Liesbeth Lijnzaad** (Netherlands)

Plenary on Disaster Laws / Séance plénière sur la législation relative aux catastrophes / Sesión plenaria sobre normas jurídicas aplicables en caso de desastres / جلسة عامة عن قوانين الكوارث

**Mr Fernando José Cardenas Guerrero** (Colombian Red Cross)

Conference Vice-Chairs and Chairs of Thematic Commissions / Vice-président(e)s de la Conférence et président(e)s des commissions thématiques / Vicepresidente(s) de la Conferencia y presidente(s) de las comisiones temáticas / نواب رئيسة المؤتمر ورؤساء اللجان حسب المواضيع

Commission A: Migration / Migration / Migración / اللجنة ألف: الهجرة

**Dr Muctarr Jalloh** (Sierra Leone Red Cross Society)

Commission B: Partnership for stronger National Societies & volunteering development / Partenariat pour des Sociétés nationales plus fortes et développement du volontariat / Establecer asociaciones para el fomento del desarrollo de las Sociedades Nacionales y del servicio voluntario / اللجنة باء: شراكة من أجل جمعيات وطنية أقوى ومن أجل تنمية التطوع

**Dr Dragan Radovanovic** (Red Cross Society of Serbia)

Commission C: Health Care in Danger / Les soins de santé en danger / La asistencia de salud en peligro / اللجنة جيم: الرعاية الصحية في خطر

**Dr Mamdouh Gabr** (Egyptian Red Crescent Society)

Commission D: Inequitable access to health care / Inégalités en matière de santé / Inequidades sanitarias / اللجنة دال: الإجحاف في مجال الصحة

**Ms Fatima Gailani** (Afghan Red Crescent Society)

Commission E: Humanitarian access and assistance / Accès et assistance humanitaires / Acceso humanitario y asistencia humanitaria / اللجنة هاء: إمكانيات الوصول الإنساني والمساعدة الإنسانية

**Vice-Minister Gómez Robledo** (Mexico)

Other officers / Autres responsables / Otros funcionarios / مسؤولون آخرون

Rapporteur of the Conference / Rapporteur de la Conférence / Relator de la Conferencia / مقرّر المؤتمر

**Ambassador Minelik Alemu Getahun** (Ethiopia)

Elections / Élections / Elecciones / الانتخابات

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

Pledges / Engagements / Promesas / التعهدات

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

Secretary-General of the Conference / Secrétaire général de la Conférence / Secretario general de la Conferencia / الأمين العام للمؤتمر

**Ambassador Jean-François Paroz** (Switzerland)

Assistant Secretaries-General / Secrétaires généraux adjoints / Secretarios generales adjuntos / مساعدا الأمين العام

**Mr Frank Mohrhauer** (International Federation)

**Mr Bruce Biber** (ICRC)

# 1.2 AGENDA AND RESOLUTIONS OF THE 31ST INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT

## 1.2.1 Agenda and programme

Tuesday, 29 November (whole day)

Monday, 28 November (morning)

COMMISSIONS

### OPENING CEREMONY

Reading of the Fundamental Principles

#### 1. Opening of the Conference

Welcoming addresses

- Chairman of the Standing Commission
- President of the Swiss Confederation

### FIRST PLENARY MEETING

2. Election of the chairperson, vice-chairpersons, secretary-general, two assistant secretaries-general and other officers of the Conference, and establishment of the Conference's subsidiary bodies (Commissions, Drafting Committee)

#### 3. Organization of work

- Workshops, side events, pledges
- Procedure for electing the members of the Standing Commission

#### 4. Keynote addresses

- President of the International Committee of the Red Cross
- President of the International Federation of Red Cross and Red Crescent Societies

Monday, 28 November (afternoon)

Tuesday, 29 November (evening)

### PLENARY MEETING

#### 5. Themes

##### 5.1 Strengthening international humanitarian law (IHL)

- Strengthening legal protection for victims of armed conflicts

COMMENCEMENT OF DRAFTING  
COMMITTEE – WORK

#### 5. Themes (continued)

##### 5.2 Strengthening local humanitarian action

###### *Commission A*

Migration: Ensuring access, dignity, respect for diversity and social inclusion

###### *Commission B*

Furthering the auxiliary role: Partnership for stronger National Societies and volunteering development

##### 5.3 Addressing barriers to health care

###### *Commission C*

Health care in danger: Respecting and protecting health care in armed conflict and other situations of violence

###### *Commission D*

Health inequities: Reducing the burden on women and children

##### 5.4 Strengthening international humanitarian law (IHL) (continued)

###### *Commission E*

Humanitarian access and assistance

6.30 p.m. – 7.30 p.m.

**Meet the candidates for election to the Standing Commission**

(Not part of the formal agenda of the Conference)

**Wednesday, 30 November (morning)**

**PLENARY MEETING**

- 6. Election of the members of the Standing Commission**
  - Roll call
  - Launch of the election
- 7. Follow-up issues**
  - 30th International Conference of the Red Cross and Red Crescent: Implementation of the Declaration “Together for humanity,” the resolutions and pledges
  - Implementation of the Memorandum of Understanding of 28 November 2005 between the Palestine Red Crescent Society and the Magen David Adom in Israel

**Wednesday, 30 November (afternoon)**

**PLENARY MEETING**

- 8. Standing Commission election: Proclamation of results or continuation of election**
- 5. Themes (continued)**
  - 5.5 Strengthening disaster laws**
    - Implementing the International Disaster Response Laws (IDRL) Guidelines
    - Strengthening domestic legislation for disaster-risk reduction
    - Addressing regulatory barriers to providing emergency and transitional shelter in a rapid and equitable manner after natural disasters

**DRAFTING COMMITTEE –  
CONSOLIDATION OF RESOLUTIONS**

**WORKSHOPS**  
**Monday 28 November and**  
**Wednesday 30 November**  
**(after the plenary session**  
**in the afternoon)**

Not part of the formal agenda of the Conference

**Thursday, 1 December (morning)**

- 9. Report on the work of the Conference**
- 10. Report of the Drafting Committee**
- 11. Adoption of resolutions**
- 12. Overview of pledges made at the 31st International Conference**
- 13. Closing**

**1.2.2 Resolution 1: Strengthening legal protection for victims of armed conflicts**

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

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

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

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

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

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

*reiterating* that international humanitarian law remains as relevant today as ever before in international and non-international armed conflicts



and continues to provide protection for all victims of armed conflict,

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

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

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

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

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

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

1. *thanks* the ICRC for the report outlining the main conclusions of its study on strengthening legal protection for victims of armed conflicts and for the consultations carried out with States in this regard;

2. *acknowledges* that the report identifies serious humanitarian concerns and challenges that need to be addressed, in particular those related to the protection of persons deprived of their liberty in relation to armed conflict and the need to ensure greater compliance with international humanitarian law, and that, on the basis of the consultations, the report calls for concrete and coordinated action to address these concerns;

3. *recognizes* the importance of analysing the humanitarian concerns and military considerations related to the deprivation of liberty in relation to armed conflict with the aim, *inter alia*, of ensuring humane treatment, adequate conditions of detention, taking into account age, gender, disabilities and other factors that can increase vulnerability, and the requisite procedural and legal safeguards for persons detained, interned or transferred in relation to armed conflict;

4. *recognizes*, taking into account questions raised by States during the preparation of and in the debates at the 31st International Conference, that further research, consultation and discussion are needed to assess the most appropriate way to ensure that international humanitarian law remains practical and relevant in providing legal protection to all persons deprived of their liberty in relation to armed conflict;

5. *recognizes*, taking into account questions raised by States during the preparation of and in the debates at the 31st International Conference, the importance of exploring ways of enhancing and ensuring the effectiveness of mechanisms of compliance with international humanitarian law, with a view to strengthening legal protection for all victims of armed conflict;

6. *invites* the ICRC to pursue further research, consultation and discussion in cooperation with States and, if appropriate, other relevant actors, including international and regional organizations, to identify and propose a range of options and its recommendations to: i) ensure that international humanitarian law remains practical and relevant in providing legal protection to all persons deprived of their liberty in relation to armed conflict; and ii) enhance and ensure the effectiveness of mechanisms of compliance with international humanitarian law; and *encourages* all members of the International Conference, including National Societies, to participate in this work while recognizing the primary role of States

in the development of international humanitarian law;

7. *notes* that such work should be carried out taking into account existing relevant international legal regimes and other international processes on similar issues; in this sense *expresses its appreciation* to the government of Switzerland for its commitment to exploring and identifying concrete ways and means to strengthen the application of international humanitarian law and reinforce dialogue on international humanitarian law issues among States and other interested actors, in cooperation with the ICRC;
  8. *invites* the ICRC to provide information on the progress of its work at regular intervals to all members of the International Conference and to submit a report on this work, with a range of options, to the 32nd International Conference for its consideration and appropriate action.
5. *invites* all members of the International Conference to submit pledges, either individually or jointly, in relation to the recommendations contained in the Action Plan;
  6. *invites* international and regional organizations to implement the actions contained in the Action Plan that relate to their activities;
  7. *requests* all members of the International Conference to make every possible effort to ensure that all actors concerned implement, as appropriate, the Action Plan,
  8. *invites* all members of the International Conference to inform the International Committee of the Red Cross on progress made on implementation of the Action Plan, with a view to the presentation of a report on implementation to the 32nd International Conference in 2015;
  9. *requests* the members of the International Conference to report to the 32nd International Conference in 2015 on the follow-up to their pledges.

### 1.2.3 Resolution 2: 4-year action plan for the implementation of international humanitarian law

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

1. *adopts* the Action Plan in Annex 1;
2. *urges* all members of the International Conference to implement the actions set out in the Action Plan, in accordance with their respective powers, mandates, capacities and applicable obligations under international humanitarian law, with a view to reaching the objectives defined in the Action Plan;
3. *reminds* States of the auxiliary role of National Red Cross and Red Crescent Societies to the public authorities in the humanitarian field, in particular where they work in the framework of national international humanitarian law committees or similar bodies, and *encourages* States to cooperate with them, as appropriate, in implementing the actions set out in the Action Plan;
4. *takes note* of existing initiatives by other humanitarian actors and organizations in certain areas covered by this Action Plan and stresses the need to ensure synergies between such initiatives and this Action Plan in cooperation with States;

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

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

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

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

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

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

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

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

States endeavour to make available the necessary telecommunication facilities to components of the Movement, taking into account the need of the Movement for two-way wireless telecommunication means when normal communication facilities are interrupted or not available, in accordance with Resolution 10 of the 2000 World Radiocommunication Conference. They assign to the components of the Movement the minimum number of necessary working frequencies in accordance with the applicable Radio Regulations and take all practicable steps to protect such communications from harmful interference. States which have not already done so consider acceding to the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations.

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

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

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

States and components of the Movement continue their dialogue to ensure a better complementarity

between and effective international coordination with different humanitarian actors, taking into account their respective roles and mandates.

**c) Implementation and enforcement**

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

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

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

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

Specific protection is due to certain categories of person in recognition of factors such as age, gender or disabilities, which make such persons more vulnerable in times of armed conflict. To safeguard adequate protection for all victims of armed conflicts, including in situations of occupation, without discrimination, such factors must be taken into account.

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

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

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

States take effective measures to register children immediately after birth and endeavour to establish supplementary identification and registration systems for all children, including for particularly vulnerable children like internally displaced children

and refugee children, to protect them from unlawful recruitment.

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

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

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

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

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

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

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

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

States reaffirm that attacks against civilians, including children and teachers, are prohibited, unless and for such time as they are directly participating in hostilities. States also reaffirm that attacks against civilian buildings dedicated to education are prohibited unless they make an effective contribution to military action by their nature, location, purpose or use and their total or partial destruction, capture

or neutralization, in the circumstances ruling at the time, offers a definite military advantage. In case of doubt whether civilians or civilian objects lose protection from attack, States treat them as civilians and civilian objects.

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

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

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

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

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

***e) Juvenile justice***

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

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

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

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

foster care or education and vocational training programmes.

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

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

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

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

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

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

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

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

**c) Displaced women**

Recognizing the great number of women among displaced persons, including in their role as heads of households, States take appropriate measures to ensure their physical and mental integrity, as well as to respect their dignity. Particular attention should be paid to ensuring their meaningful participation in decision-making, to protective measures for internally displaced persons against gender-based violence, such as location and protection of shelter, identified support and reporting systems, as well as access to female and child health-care services and those who provide it.

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

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

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

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

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

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

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

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

States reaffirm that journalists engaged in dangerous professional missions in areas of armed conflict are civilians and shall not be the object of attacks, unless and for such time as they are directly participating in hostilities. This is without prejudice to the right of war correspondents accredited to the armed forces to the status of prisoners of war provided for in Article 4.A.4 of the Third Geneva Convention.

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

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

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

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

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

#### *a) National incorporation*

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

In light of the right of families to know the fate of their relatives as referred to in Article 32 of Additional Protocol I of 8 June 1977, as applicable, States consider enacting appropriate legislation or arrangements to ensure adequate participation and representation of victims and their families as well as access to justice and protection of victims and witnesses, especially of women and children, in proceedings before their courts and in other transitional justice mechanisms concerning serious violations of international humanitarian law.

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

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

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

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

States, in cooperation with the ICRC and National Societies, pay special attention to the dissemination of

international humanitarian law to legal professionals, including prosecutors and judges. States commit to fulfilling their existing obligations under international humanitarian law, including the Geneva Conventions, and to ensuring respect thereof in accordance with Article 1 common to the four Geneva Conventions.

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

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

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

#### **Objective 5: Arms transfers**

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

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

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

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

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

#### **1.2.4 Resolution 3: Migration: Ensuring access, dignity, respect for diversity and social inclusion**

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

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

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

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

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

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

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

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

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

*welcoming* the background report highlighting the progress achieved in carrying out the commitments undertaken at the 30th International Conference and the Policy on Migration adopted by the 17th Session of the General Assembly of the International Federation of Red Cross and Red Crescent Societies and endorsed by the Council of Delegates in 2009,

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

1. *requests* States, in consultation with National Societies, to ensure that relevant laws and procedures are in place to enable National Societies, in conformity with the Statutes of the Movement and, in particular, the Fundamental Principles, to enjoy effective and safe access to all migrants without discrimination and irrespective of their legal status;
2. *calls upon* States, within the framework of applicable international law, to ensure that their national procedures at international borders, especially those that might result in denial of access to international protection, deportation or interdiction of persons, include adequate safeguards to protect the dignity and ensure the safety of all migrants. States are also called on, in line with such relevant international law and national legislation, to grant to migrants appropriate international protection and to ensure their access to relevant services, such as restoring family links. States and National Societies are invited to consult in the implementation of the aforementioned safeguards, as appropriate;
3. *strongly encourages* enhanced cooperation between public authorities, at all levels, and National Societies to pursue practical actions in formal and non-formal settings:
  - a. to promote respect for diversity, non-violence and social inclusion of all migrants;
  - b. to enhance cultural awareness between migrant and local communities;
  - c. to promote through formal and non-formal education, humanitarian values and the development of interpersonal skills to live peacefully together; and
  - d. to enhance social cohesion through the engagement of local and migrant populations and civil society organizations in voluntary service, community and sport programmes;
4. *encourages* States and the components of the Movement, in conformity with the Fundamental Principles and Statutes of the Movement, to continue to collaborate and build partnerships that recognize the role of the Movement in working with migrants and that could include relevant partners from international organizations (such as the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees and the United Nations Office on Drugs and Crime), non-governmental organizations and the private sector;
5. *requests* the International Federation to submit to the 32nd International Conference in 2015 a report on the measures taken in implementing the provisions of this resolution.



### 1.2.5 Resolution 4: Furthering the auxiliary role: Partnership for stronger National Societies and volunteering development

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

In terms of

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

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

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

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

and the International Federation of Red Cross and Red Crescent Societies to enhance their work to strengthen the legal base of National Societies, specifically in regard to the statutes of National Societies in view of creating more effective, accountable and transparent National Societies that are able to adhere at all times to the Fundamental Principles, and welcomes the continued commitment of National Societies to achieving this goal;

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

#### (II) Volunteering development

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

*acknowledging* thereby that volunteer development is a key prerequisite to strengthening National Societies,

an essential element of their operational efficiency and of the role they play as auxiliaries to the public authorities in the humanitarian field,

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

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

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

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

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

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

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

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

*noting with appreciation* the work done by the United Nations Volunteers in undertaking a study in 2009, *Laws and Policies Affecting Volunteerism Since 2001*,

culminating in the United Nations Volunteers 2010 guidance note, *Drafting and Implementing Volunteerism Laws and Policies*,

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

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

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

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

1. *in this regard calls upon* States and National Societies to create and maintain an enabling environment for volunteering. In particular, respective public authorities at all levels are encouraged to:
  - a. in light of the work done by the United Nations Volunteers and the International Federation, undertake a review of relevant national law and policies and work to strengthen such frameworks as appropriate;
  - b. ensure safe access for Red Cross and Red Crescent volunteers to all vulnerable groups in their respective countries;
  - c. integrate volunteer capacity into domestic emergency response plans at all levels;
  - d. promote volunteering through measures encouraging citizens’ engagement in such activities;
  - e. deepen their understanding of the role and impact that Red Cross and Red Crescent volunteers have in national social and economic development, as well as in responding to crises;

- f. facilitate the voluntary work of their National Society and support its efforts to mobilize recruit, train and retain volunteers;
2. *encourages* National Societies to include adequate provisions defining the status, as well as the rights and duties, of volunteers in their statutory and constitutional base instruments.

### 1.2.6 Resolution 5: Health care in danger: Respecting and protecting health care

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

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

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

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

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

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

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

*deeply concerned* that the wounded and sick might be prevented from receiving the care and protection

that they require by attacks and other impediments to the delivery of health care, and by threats and attacks endangering health-care personnel and facilities, and medical vehicles, and services to the wounded and sick,

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

*recalling* that respect and protection for the wounded and sick, and for authorized medical personnel, facilities and transports, are enhanced through the use of the distinctive emblems recognized by the Geneva Conventions and, where applicable, their Additional Protocols,

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

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

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

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

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

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

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

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

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

1. *recalls* the obligations to respect and protect the wounded and sick, as well as health-care personnel and facilities, and medical vehicles, and to take all reasonable measures to ensure safe and prompt access for the wounded and sick to health care, in times of armed conflict or other emergencies, in accordance with the applicable legal framework;
2. *urges all* States that have not yet done so to intensify their efforts to adopt the required domestic implementation measures based on relevant international legal obligations pertaining to the protection of the wounded and sick and health-care services, including, *inter alia*, through the adoption of legislative, regulatory or practical measures;
3. *calls upon* States to fully respect and implement their obligations under the relevant provisions of international humanitarian law concerning the protection and use of the distinctive emblems, and *further calls upon* States to adopt, where

appropriate, the legal measures, including enforcement measures, pertinent to the use and the protection of the distinctive emblems recognized by the Geneva Conventions and their Additional Protocols;

4. *calls upon* States to ensure, when circumstances require, adequate marking of medical facilities and vehicles with the distinctive emblems and signs, and their use of distinctive signals for the purposes of identification and protection;
5. *calls upon* States to ensure that their armed forces and security forces implement all applicable international legal obligations in relation to armed conflict, including situations of occupation, with regard to protection for the wounded and sick, as well as for health-care services, including through the development and adoption of appropriate doctrine, procedures, guidelines and training;
6. *calls upon* States to ensure effective investigation and prosecution of crimes committed against health-care personnel – including Movement personnel – their facilities and their means of transportation, especially attacks carried out against them, and to cooperate to this end, in conformity with their international obligations, at the inter-State level and with international criminal tribunals and courts, and *calls upon* States to prevent the deliberate and arbitrary obstruction of the delivery of health care;
7. *calls upon* the ICRC, National Societies and the International Federation of Red Cross and Red Crescent Societies to enhance understanding, on the national and the international level, of the major humanitarian problem of violence against patients and health-care workers and facilities, and work with States and others to identify and promote potential solutions;
8. *calls upon* National Societies, the ICRC and the International Federation to continue supporting and strengthening the capacity of local health-care facilities and personnel around the world and to continue providing training and instruction for health-care staff and volunteers by developing appropriate tools on the rights and obligations of health-care personnel and on protection for and the safety of health-care delivery;
9. *calls upon* National Societies with the support of the ICRC and the International Federation, to train their staff and volunteers in the provision

of effective medical assistance and in matters pertaining to their own security;

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

### 1.2.7 Resolution 6: Health inequities with a focus on women and children

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

*agreeing* with the World Health Organization that “the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being” and *noting* that according to the World Health Organization: “[w]here systematic differences in health are judged to be avoidable by

reasonable action they are, quite simply, unfair. It is this that we label health inequity. Putting right these inequities – the huge and remediable differences in health between and within countries – is a matter of social justice. Reducing health inequities is, for the Commission on Social Determinants of Health (hereafter, the Commission), an ethical imperative. Social injustice is killing people on a grand scale,”

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

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

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

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

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

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

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

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

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

*recalling* Resolution 2 of the 30th International Conference recognizing the special partnership between public authorities and National Red Cross and Red Crescent Societies as auxiliaries in the humanitarian field, a partnership that entails mutual responsibilities and benefits. In agreement with public authorities, National Societies deliver humanitarian

services, many of which contribute to removing barriers to care and increasing the equitable delivery of prevention, treatment, care and support,

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

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

*National Societies are called upon to:*

- 1) scale up efforts to bridge gaps between communities and health facilities, and between pre-pregnancy and child care, and improve access to prevention, treatment, care and support to those women and children, as well as adolescents and young adults, who would otherwise have limited or no access;
- 2) establish links with States and civil society organizations to survey, evaluate and measure the state of health inequities and the impact of policies and programmes to reduce health

inequities, using existing frameworks and tools;

- 3) use their status as auxiliaries to their public authorities at all levels to engage in dialogue, review existing health plans and where necessary advocate for equity;
- 4) monitor and evaluate progress towards equitable health, including access to and quality of reproductive, maternal, newborn and child health, as well as that of adolescents and young adults;

*States are strongly encouraged to:*

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

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

### *National Societies are called upon to:*

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

### *States are strongly encouraged to:*

- 4) recognize that quality, reliable, and up-to-date health education is essential to reducing health inequities and to enabling women and, when appropriate, children, adolescents and young adults, to make informed, autonomous decisions on health;
- 5) take the lead in providing education on healthy behaviour and practices that account for the specific local context;
- 6) ensure that education campaigns target the information needs of the population as a whole and pay special attention to the needs of those in vulnerable situations;
- 7) stimulate multi-sectoral action to support healthy choices;
- 8) create policies that encourage appropriate health-seeking behaviours and enable health promotion strategies;
- 9) involve civil society organizations in implementing campaigns to disseminate health information.

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

### *National Societies are called upon to:*

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

### *States are strongly encouraged to:*

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

### 1.2.8 Resolution 7: Strengthening normative frameworks and addressing regulatory barriers concerning disaster mitigation, response and recovery

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

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

*recalling* Resolution 4 of the 30th International Conference in 2007, which adopted the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (also known as the “IDRL Guidelines”) and encouraged States to make use of them,

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

*recalling* Final Goal 3.1 of the Agenda for Humanitarian Action adopted by the 28th International Conference in 2003, which called on States to “review their existing legislation and policies to fully integrate disaster risk reduction strategies into all relevant legal, policy and planning instruments in order to address the social, economic, political and environmental dimensions that influence vulnerability to disasters,”

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

*noting* that, at the 15th General Assembly of the International Federation of Red Cross and Red Crescent Societies in 2005, National Red Cross and Red Crescent Societies determined to scale up the capacity of the International Federation and its members to provide emergency shelter in their

response to the humanitarian needs following natural disasters and endorsed the International Federation’s offer to the Emergency Relief Coordinator to take a leadership role in the global “cluster” system in this respect,

*welcoming* the International Federation’s background documents on progress in the implementation of the IDRL Guidelines, on law and disaster risk reduction at the community level, and on addressing regulatory barriers to the rapid and equitable provision of emergency and transitional shelter after disasters,

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

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

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

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

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

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



### Strengthening legal preparedness for international disaster response

1. *reiterates* the urgency for States to be prepared to facilitate and regulate any international disaster assistance they may require, in order to ensure that the persons affected receive timely and effective relief;
2. *calls on* those States that have not already made use of the IDRL Guidelines to examine and, where appropriate, strengthen their national legal, policy and/or institutional frameworks to consider doing so, with support from their National Societies, the International Federation, the United Nations and other relevant partners;
3. *encourages* States and National Societies to continue to promote the IDRL Guidelines to relevant public authorities at all levels;
4. *invites* regional and international organizations to continue to make use of the IDRL Guidelines in developing and strengthening norms and mechanisms for cooperation in providing disaster relief and initial recovery assistance;
5. *welcomes* the efforts of the International Federation, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the Inter-Parliamentary Union to develop a “Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance” to assist States interested in incorporating the recommendations of the IDRL Guidelines in their legal frameworks;
6. *invites* further consultation with States and other stakeholders on the use of the model act as a reference tool;

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

7. *reiterates* that legislation is one of a number of key tools available to States to ensure that disaster risks are effectively addressed;
8. *affirms* that domestic legislation is one of a number of instruments able to promote community-level activity to reduce risks as well as the empowerment of communities with respect to risk reduction;
9. *encourages* States, with support from their National Societies, the International Federation

and other relevant partners, such as the United Nations Development Programme (UNDP), to review their existing legislative frameworks at all levels to assess whether they adequately:

- a. establish disaster risk reduction as a priority for community-level action;
  - b. promote disaster risk mapping at the community level;
  - c. promote communities’ access to information about disaster risk reduction;
  - d. promote the involvement of community representatives, National Societies, other civil society actors and the private sector in disaster risk reduction activities at the community level;
  - e. allocate adequate funding for disaster risk reduction activities at the community level;
  - f. ensure that development planning adequately takes into account local variability in hazard profiles, exposure, vulnerability and cost-benefit analysis;
  - g. ensure full implementation of building codes, land-use regulations and other legal incentives, taking into account areas of competence of various levels of government within countries to reduce disaster risk at the community level in a manner that does not impinge unnecessarily on livelihoods or rights;
  - h. promote strong accountability for results in reducing disaster risks at the community level;
10. *invites* National Societies and States to cooperate in widely disseminating information about existing legislation relevant to disaster risk reduction at the community level;

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

11. *affirms* the importance of finding practical solutions (both formal and informal) for quickly addressing regulatory barriers related to the provision of emergency and transitional shelter after disasters;
12. *calls on* States, the components of the International Red Cross and Red Crescent Movement and relevant humanitarian organizations to make every effort to assure equitable shelter assistance as between all persons in need, including as between those who possess formal legal title to

land or real property and those who do not, as well as between women and men;

13. *encourages* States, with support from their National Societies, the International Federation and other relevant partners, such as the United Nations and the World Bank, to review their existing regulatory frameworks and procedures relevant to post-disaster shelter to determine if they adequately:
  - a. provide for rapid measures to assign and/or temporarily requisition land for emergency and transitional shelter, if needed;
  - b. address how to provide shelter assistance to persons who lack documented title to their damaged or destroyed homes;
  - c. reduce the potential for any ambiguities or disputes with regard to land or property ownership to delay or hamper the provision of emergency and transitional shelter;
  - d. allow for tailored building standards relevant to the emergency and/or transitional shelter context;
  - e. include measures to mitigate the heightened risk of corruption associated with the provision of assistance in the wake of a natural disaster;

### **Extending support and partnerships**

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

### **Ensuring dissemination and review**

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

### **1.2.9 Resolution 8: Implementation of the Memorandum of Understanding and Agreement on Operational Arrangements, dated 28 November 2005, between the Palestine Red Crescent Society and the Magen David Adom in Israel**

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

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

## ANNEX – RESOLUTION 5

### Adopted resolution

#### Implementation of the Memorandum of Understanding and Agreement on Operational Arrangements, dated 28 November 2005, between the Palestine Red Crescent Society and the Magen David Adom in Israel

The Council of Delegates,

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

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

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

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

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

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

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

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

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

7. *requests* the ICRC and the International Federation to arrange for the provision of a report on implementation of the MoU to the next Council of Delegates and through it to the International Conference.

### **1.2.10 Resolution 9: Our world. Your move – For humanity**

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

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

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

*taking note with appreciation* of the measures taken by States and the components of the International Red Cross and Red Crescent Movement to implement the resolutions and the Declaration “Together for humanity” as well as the associated pledges, as

requested in Resolution 1 of the 30th International Conference, and *welcoming* the follow-up report prepared by the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies on the progress made,

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

# LISTE DES DÉLÉGUÉS LIST OF DELEGATES LISTA DE DELEGADOS قائمة المندوبين

## 2.1

### MEMBRES DE LA CONFÉRENCE MEMBERS OF THE CONFÉRENCE MIEMBROS DE LA CONFERENCIA

#### أعضاء المؤتمر

Selon le Règlement du Mouvement international, l'ordre alphabétique des membres de la Conférence est celui des noms de leur pays dans la langue française. Les indications relatives à la composition des délégations sont dans la langue choisie par la délégation.

In accordance with the Rules of Procedure of the Movement, the alphabetical order of the members of the Conference shall be the alphabetical order of the French names of their respective countries. All details pertaining to the composition of delegations are in the language chosen by the delegation.

De acuerdo con el Reglamento del Movimiento Internacional, el orden alfabético de los miembros de la Conferencia es el de los nombres de sus países en francés. Las indicaciones relativas a la composición de las delegaciones están en el idioma escogido por la propia delegación.

وفقاً للنظام الداخلي للحركة الدولية، يكون الترتيب الأبجدي لأعضاء المؤتمر هو الترتيب الأبجدي لأسماء بلدانهم باللغة الفرنسية. وتكون كل التفاصيل الخاصة بتشكيل الوفود باللغة التي يختارها الوفد.

**AFGHANISTAN / AFGHANISTAN /  
AFGANISTÁN / أفغانستان**

**Société nationale • National Society •**

**Sociedad Nacional • الجمعية الوطنية •**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr Mohammed Naim Dindar  
Secretary-General

Ms Sousan Rahimi Rasuli  
Director, International Relations

Ms Mursal Mahmmodi  
Volunteer

Mr Hamzah Zekrya

**État • State • Estado • الدولة**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr Sharif Ghalib  
Deputy Permanent Representative,  
Permanent Mission, Geneva

Mr Liaqat Ali Salehi  
Third Secretary, Permanent Mission, Geneva

Ms Neeta Shivalkar

Mr Fraidoon Amel

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Ms Astri Endresen  
Emergency Response Adviser, Permanent  
Mission, Geneva

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Ms Christine Beerli  
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Mr Bruno Staffelbach  
Member, ICRC Committee

Mr François Bugnion  
Member, ICRC Committee

Prof. Jurg Walter Kesselring  
Member, ICRC Committee

Mr Yves Daccord  
Director-General

Ms Helen Alderson  
Director, Finance and Logistics

Ms Charlotte Lindsey-Curtet  
Director, Communications and Information  
Management

Mr Pierre Kraehenbuehl  
Director, Operations

Mr Philip Spoerri  
Director, International Law and Cooperation

Ms Caroline Welch-Ballantine  
Director, Human Resources

Ms Maria Dos Anjos Gussing  
Deputy Director, Operations

Ms Brigitte Troyon  
Deputy Director, International Law and  
Cooperation

Mr Alexander Liebeskind  
Personal Adviser to the President

Mr Bruce Biber  
Head, Movement Cooperation and  
Coordination Division

Mr Knut Doermann  
Head, Legal Division

Ms Elizabeth Twinch  
Head, Assistance Division

Mr Andreas Wigger  
Head, Protection Division

Ms Carla Haddad Mardini  
Head, Public Communication

Ms Charlotta Relander  
Deputy Head, Movement Cooperation and  
Coordination Division

Mr Peter Herby  
Head, Arms Unit

**FÉDÉRATION INTERNATIONALE DES SOCIÉTÉS DE LA CROIX-ROUGE ET DU CROISSANT-ROUGE / INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES / FEDERACIÓN INTERNACIONAL DE SOCIEDADES DE LA CRUZ ROJA Y DE LA MEDIA LUNA ROJA / الاتحاد الدولي لجمعيات الصليب الأحمر والهلال الأحمر**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr	Tadateru Konoé President	Mr	Sayed Hashem Head, Risk Management & Audit Department
Ms	Annemarie Huber-Hotz Vice-President ( <i>ex officio</i> )	Mr	Ariel Kestens Head, Learning & Organization Development Department
Mr	Paul Birech Vice-President	Mr	Edward Happ Head, Information Services Department
Prof.	Jaslin U. Salmon Vice-President	Mr	Pierre Henri Kremer Head, Communications Department
Dr	Mohammed Ghanem Al Maaheed Vice-President	Ms	Françoise Le Goff Head, Administration Department
Ms	Eva von Oelreich Vice-President	Mr	Frank Mohrhauer Head, Governance Support, Policy Implementation and Oversight
Mr	Chrystold Chetty Chairman, Finance Commission	Mr	Mohammed Omer Abuzen Mukheir Head, Disaster Policy and Preparedness Department
Ms	Fatima Gailani Chair, Compliance and Mediation Committee	Mr	Andrew Rizk Head, Finance Department
Ms	Kate Forbes Chair, Audit and Risk Committee	Mr	Graham Saunders Head, Shelter & Settlements Department
Mr	Bekele Geleta Secretary-General	Ms	Geri Soneda Lau Head, Youth Action and Volunteering Development Department
Ms	Malika Ait-Mohamed Parent Under Secretary-General	Ms	Birgitte Stalder-Olsen Head, Logistics Department
Mr	Goli Ameri Under Secretary-General	Mr	Michael Veltman Head, Human Resources Department
Mr	Milton Xavier Castellanos Director of Zone, Americas	Ms	Yulia Gusynina Senior Governance Support Officer, Governance Support, Policy Implementation and Oversight Department
Mr	Ibrahim Mohamed Osman A.i. Director of Zone, Middle East and North Africa		
Mr	Alasan Senghore Director of Zone, Africa		
Ms	Anitta Underlin Director of Zone, Europe		
Ms	Elise Baudot Quéguiner Legal Counsel		
Dr	Katrien Beekman Head, Principles and Values Department		
Mr	Roger Bracke Head, Performance Development Department		
Mr	Simon Eccleshall Head, Disaster Services Department		
Mr	Josse Gillijns Head, Planning and Evaluation Department		

**2.2**  
**COMMISSION PERMANENTE**  
**DE LA CROIX-ROUGE ET DU CROISSANT-ROUGE**  
**STANDING COMMISSION**  
**OF THE RED CROSS AND RED CRESCENT**  
**COMISIÓN PERMANENTE**  
**DE LA CRUZ ROJA Y DE LA MEDIA LUNA ROJA**  
اللجنة الدائمة للصليب الأحمر والهلال الأحمر

Mr Massimo Barra  
Chairman  
Dr Mohammed Al-Hadid  
Vice-Chair  
Mr Steve Carr  
Member  
Mr Eamon Courtenay  
Member  
Mr Adama Diarra  
Member  
Ms Helena Korhonen  
Head of Secretariat

**Office of the Commissioner**

H.E. Mr Jean-François Paroz  
Commissioner of the 31st International  
Conference of the Red Cross and Red  
Crescent  
Mr David Wanstall  
Assistant to the Commissioner  
of the Conference





## 2.3 OBSERVATEURS OBSERVERS OBSERVADORES المراقبون

### 2.3.1 SOCIÉTÉS NATIONALES EN ATTENTE DE RECONNAISSANCE ET D'ADMISSION / NATIONAL SOCIETIES AWAITING RECOGNITION AND ADMISSION / SOCIEDADES NACIONALES EN ESPERA DE RECONOCIMIENTO Y ADMISIÓN /

الجمعيات الوطنية التي تنتظر الاعتراف بها وقبولها

#### ERITREA / RED CROSS SOCIETY OF ERITREA

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

- Ms Nura Omer Mohammed  
Secretary-General
- Mr Weldegebriel Habte Woldu  
Deputy Secretary-General
- Mr Abel Augustinio  
Acting Country Representative,  
Eritrean Delegation

### 2.3.2 ENTITÉS ET ORGANISATIONS AYANT PARTICIPÉ EN QUALITÉ D'OBSERVATEURS / ENTITIES AND ORGANIZATIONS THAT PARTICIPATED AS OBSERVERS/ ENTIDADES Y ORGANIZACIONES QUE HAN PARTICIPADO EN CALIDAD DE OBSERVADORAS /

الكيانات والمنظمات التي شاركت بصفة مراقب

#### SOUUDAN DU SUD / SOUTH SUDAN /

SUDÁN DEL SUR / جنوب السودان

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

- Mr John Majak Mourater Macot  
Director, Directorate for Multilateral Affairs,  
Ministry of Foreign Affairs

#### PALESTINE / PALESTINE / PALESTINA / فلسطين

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

- H.E. Dr Ibrahim Khraishi  
Ambassador, Permanent Observer,  
Permanent Observer Mission, Geneva
- Mr Imad Zuhairi  
Counsellor, Deputy Ambassador, Permanent  
Observer Mission, Geneva
- Mr Taissir Al-Adjouri  
Counsellor, Permanent Observer Mission,  
Geneva
- Ms Deema Asfour  
Attaché, Permanent Observer Mission,  
Geneva

### **African Union (AU, formerly OAU)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

M. Yakdhan El Habib  
First Secretary, Permanent Delegation, Geneva

### **Collective Security Treaty Organization (CTSO)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Maj. Gen. (rtd) Vladimir Nikishin  
Counsellor, Directorate of Military Security

### **Comité consultatif mondial des Amis (Quakers)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Prof. Caroline Dommen  
Ms Helen Kearney  
Mr Jonathan Woolley  
Prof. Lynn Finnegan  
Prof. Oliver Robertson  
Ms Rachel Jane Brett

### **Commonwealth Secretariat**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr Akbar Khan  
Director, Legal and Constitutional Affairs  
Division  
Mr David Banks  
Public Affairs Adviser to the Secretary-  
General  
Mr Kamallesh Sharma  
Secretary-General  
Ms Mehrunnisa Yusuf  
Legal and Administrative Support Officer

### **Comunità di Sant'Egidio**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Prof. Claudio Mario Betti  
Special Assistant to the President

### **Council of Europe**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Dr Petru Dumitriu  
Permanent Observer, Permanent Delegation,  
Geneva  
Ms Cédrine Beney  
Assistant, Communication and Public  
Relations

### **DARA**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr Ross Mountain  
Director-General

Mr Philip Eduard Tamminga  
Head, Humanitarian Response Index

### **European Union**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

H.E. Ms Mariangela Zappia  
Ambassador, EU Delegation, Geneva  
Mr Dimitris Iliopoulos  
Deputy Head of Mission, EU Delegation,  
Geneva  
Ms Nicoleta Birladianu  
First Secretary, Humanitarian Affairs, EU  
Delegation, Geneva  
Ms Ruth Kaufmann-Buehler  
Press Officer, EU Delegation, Geneva  
Ms Anna Bergeot  
Policy Officer, DG ECHO, Brussels  
Ms Pauline Torehall  
Policy Officer, European External Action  
Service, Brussels  
Ms Helena Winiarska  
Intern, EU Delegation, Geneva

### **Fédération internationale Terre des Hommes**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mme Eylah Kadjar-Hamouda  
Responsable du Secrétariat  
M. Steven Fricaud  
Chef de la cellule urgence de la Fondation  
Terre des Hommes à Lausanne

### **Fédération mondiale des anciens combattants**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

M. Serge Wourgaft  
Président d'honneur

### **Food and Agriculture Organization of the United Nations (FAO)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr Silvano Sofia  
Consultant

### **Geneva Academy of International Humanitarian Law and Human Rights**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Prof. Andrew Clapham  
Director  
Dr Annyssa Bellal  
Research Fellow  
Mr Gilles Giacca  
Researcher and Teaching Assistant

Prof. Marco Sassòli  
Professor of International Humanitarian Law  
Mr Stephen David Wilkinson  
Research Fellow

**Geneva International Centre  
for Humanitarian Demining (GICHD)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Ms Sharmala Naidoo  
Project Manager – Mine Action, Security  
and Development  
Mr Ursin Hofmann  
Assistant, Policy and External Relations

**Global Fund**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Dr Christoph Benn  
Director, External Relations and  
Partnerships Cluster

**Global Network of People Living  
with AIDS (GNP+)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr Julian Vincent Hows

**Green Cross**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Prof. Alexander Likhotal  
President  
Mr Pierre Muller  
Vice-President  
Mr Adam Koniuszewski  
Chief Operating Officer

**International Civil Defence Organization (ICDO)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Dr Vladmir Kuvshinov  
Deputy Secretary-General  
Col. Belkasssem Elketroussi  
Head, Operations and Strategic Studies  
Ms Catherine Dezani  
Legal Adviser  
Mr Riyadh Atwan  
Head, Research and Documentation Centre  
Dr Saltanat Tashmatova  
Senior International Relations Officer  
Ms Valerie Loh  
Assistant to the Secretary-General, Training

**International Council of Voluntary Agencies**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr Ed Schenkenberg van Mierop  
Executive Director  
Ms Klara Josipovic  
Information Officer

**International Criminal Tribunal  
for Rwanda (ICTR)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr Adama Dieng  
Registrar  
Dr Ahmed Iyane Sow  
Special Assistant to Registrar /  
Chief of Legal Services

**International Humanitarian  
Fact-Finding Commission**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Prof. Michael Bothe  
President  
Ms Mirjam Schüpbach  
Secretary  
Col. Charles Garraway  
Member  
Prof. Ghalib Djilali  
Member  
Prof. Eric David  
Member  
Dr Gisela Perren-Klingler  
Member

**International Institute of Humanitarian Law**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

H.E. Mr Maurizio Moreno  
President  
Prof. Fausto Pocar  
Senior Vice-President / Deputy Head of  
Delegation  
Prof. Michel Veuthey  
Vice-President / Deputy Head of Delegation  
Prof. Edoardo Greppi  
Professor of International Law, University  
of Turin  
Dr Stefania Baldini  
Secretary-General  
Col. Darren M. Stewart  
Director, Military Department

**International Islamic Relief Organization**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Ms Fawsia Al Ashmawi  
Representative

### International Labour Organization (ILO)

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr Alfredo Carlos A. R. Lazarte-Hoyle  
Director, Department of Crisis Reponse

### International Olympic Committee (IOC)

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr Tomas A. Ganda Sithole  
Director, International Cooperation and  
Development

Ms Katia Mascagni  
Senior Programme Manager

Mr René Fasel  
Executive Board Member

Ms Lizzy Openshaw  
Training Team

Ms Ouarda Derafa  
Training Team

### International Social Service (ISS)

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr Jean Ayoub  
Secretary-General

Ms Alice Verrier  
Assistant

### International Strategy for Disaster Reduction

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Ms Helena Molin-Valdes  
Director a.i.

Ms Blin Aurélia  
Partnerships and Networks Officer

Mr Marco Toscano-Rivalta  
Adviser to the Special Representative of the  
Secretary-General

### International Telecommunication Union (ITU)

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr Cosmas L. Zavazava  
Chief a.i., Project Support and Knowledge  
Management Department; Head,  
Least Developed Countries, Small  
Island Developing States, Emergency  
Telecommunications and Climate Change  
Adaptation Division

Mr Alphonse Machunda Mkama  
Programme Officer

Mr Orhan Osmani  
Emergency Telecommunications  
Coordinator, Least Developed Countries,  
Small Island Developing States and  
Emergency Telecommunications

### International Union for Conservation of Nature (IUCN)

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Ms Susanna Soderstrom  
Constituency Coordinator, Europe

### Inter-Parliamentary Union

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Ms Andrée Lorber-Willis  
Director

### Islamic Committee of the International Crescent (ICIC)

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

H.E. Mr Ali Mahmoud Buhedma  
President

Dr Mohamed Hamed Elsbali  
Executive Director

### Islamic Development Bank

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Dr Awad Salem Al-Asaime  
Director, Communities of Non-Member  
Countries Department

### Joint United Nations Programme on HIV/AIDS (UNAIDS)

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Ms Hedia Belhadj  
Director, Partnership Department

### League of Arab States

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

H.E. Mr Saad Alfarargi  
Ambassador, Permanent Observer,  
Permanent Delegation, Geneva

Mr Ali Alfathi  
Minister Plenipotentiary, Permanent  
Delegation, Geneva

Mr Hafedh Tounsi  
Member, Permanent Delegation, Geneva

### Médecins sans frontières

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Ms Kristina May Torgeson  
Secretary-General

Mr Emmanuel Tronc  
Policy and Advocacy Coordinator

Ms Coline Beytout  
Advocacy and Humanitarian Diplomacy  
Officer

**New Partnership for African Red Cross and Red Crescent Societies (NEPARC Africa)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr Richard Hunlede  
Chief Executive Officer

**Ordre Souverain et Militaire de Malte**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

H.E. Ms Marie-Thérèse Pictet-Althann  
Ambassador, Permanent Observer,  
Permanent Delegation, Geneva

Ms Jan Dominique  
Director, Fondation Française de l'Ordre  
de Malte

Mr Lorenz Insam  
Delegate

Mr Michel Veuthey  
Minister Counsellor, Deputy Permanent  
Observer, Permanent Delegation, Geneva

Mr Xavier Guilhou  
Counsellor, Fondation Française de l'Ordre  
de Malte

**Organisation internationale de la francophonie (OIF)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

S.E. M. Ridha Bouabid  
Ambassadeur, Observateur permanent,  
Délégation permanente, Genève

Mme Sandra Coulibaly Leroy  
Représentante permanente adjointe,  
Délégation permanente, Genève

Mme Cécile Leque Folchini  
Conseillère aux affaires économiques et de  
développement, Délégation permanente,  
Genève

M. Alexandre Laronce  
Stagiaire

**Organization of Arab Red Crescent and Red Cross Societies (General Secretariat)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr Abdulla M. Al Hazaa  
Secretary-General

Mr Ahmad Alrwailly  
Director, Office of the Secretary-General

Mr Moez Hedhli  
Legal Adviser

Mr Muhammed Al Muhaizi Abdullah  
Consultant, Communication

**Organization of the Islamic Conference (OIC)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

H.E. Mr Slimane Chikh  
Ambassador, Permanent Observer,  
Permanent Delegation, Geneva

Mr Motjaba Amiri-Vahid  
Deputy Permanent Observer, Permanent  
Delegation, Geneva

Ms Aissata Kane  
Counsellor, Permanent Delegation, Geneva

Dr Ashraf Dajani  
First Counsellor

**Oxfam**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Ms Aimee Aisha Ansari  
Humanitarian Representative

Mr Adrien Muratet  
Co-facilitator, Protection Cluster

**Rights and Humanity**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Prof. Julia Hausermann  
Founder and President

**United Nations Development Programme (UNDP)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr Tom Delrue  
Early Recovery Adviser

Mr Frank Dille  
Disaster Partnership Adviser

**United Nations Habitat**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr George Deikun  
Director, Geneva Office

**United Nations Institute for Training and Research**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr Evariste Karambizi  
Manager

**United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr John Ging  
Director, Coordination and Response  
Division

Mr Niels Scott  
Chief, HCSS

Ms Aoibheann O’Keeffe  
Humanitarian Affairs Officer

Mr Anvar Munavvarov  
Humanitarian Affairs Officer

Ms Dina Abou Samra  
Humanitarian Affairs Officer

Mr Simon Bagshaw  
Humanitarian Affairs Officer

Ms Verena Elke Goettlich  
Associate Humanitarian Affairs Officer

Ms Indiana Ramirez Nates  
Intern

Ms Karin Model  
Assistant

Mr Nicola Melizzi  
Intern

Mr Wim Nellestein  
Intern

**United Nations Office for Disarmament Affairs (UNODA)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Ms Hine-Wai Loose  
Political Affairs Officer

**United Nations Office of the High Commissioner for Human Rights (UNOHCHR)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Dr Oscar Solera  
Human Rights Officer

**Office of the United Nations High Commissioner for Refugees (UNHCR)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr António Guterres  
High Commissioner

Ms Angela Raven-Roberts  
Executive Director

Ms Anja Klug  
Head, Asylum/Migration Unit, Division of International Protection

Mr Adelmo Risi Valdettaro  
Senior Inter-Agency Coordination Officer

Mr Alexander Beck  
Senior Legal Officer, Division of International Protection

Mr Cagatay Demiroz  
External Relations Officer

Ms Daria Santoni  
Associate Inter-Agency Officer

Ms Floriana Fabbri  
Assistant

**United Nations Volunteers (UNV)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Dr Mae Chao  
Adviser, Volunteerism Policy

**World Bank**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Ms Selina Jackson  
Special Representative to the World Trade Organization and to the United Nations, Geneva

Mr Daniel Kull  
Senior Disaster Risk Management Specialist

Ms Alina Truhina  
Team Assistant

**World Food Programme (WFP)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Ms Lauren Landis  
Director, Geneva Liaison Office

Mr Anthony Craig  
Chief, Emergency Preparedness and Response Branch

Ms Darlene Tymo  
Deputy Director, Geneva Liaison Office

Mr Arnold Kawuba  
Intern

**World Health Organization (WHO)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Mr Frank George  
Manager, External Relations

Dr Rudi Coninx  
Coordinator

**World Meteorological Organization (WMO)**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Dr M. Golnaraghi  
Chief, Disaster Risk Reduction, Weather and Disaster Risk Reduction Services Department

**World Medical Association**

*Chef de Délégation / Head of Delegation / Jefe de Delegación*

Ms Clarisse Delorme  
Advocacy Adviser

## 2.4 INVITÉS GUESTS INVITADOS الضيوف

### 2.4.1 Orateurs invités / Guest speakers / Oradores invitados / الضيوف المتكلمون

#### Cérémonie d'ouverture / Opening ceremony / Acto de apertura / حفل الافتتاح

- H.E. Ms Micheline Calmy-Rey  
President of the Swiss Confederation
- Mr Guy Mettan  
President, Geneva Red Cross
- Mr Najmuddin Helal  
Director, ICRC Orthopaedic Centre, Kabul
- Mr Olivier Haringanji  
Coordinator, Volunteer Youth,  
Burundi Red Cross

#### Séances plénières / Plenary session / Sesión plenaria / الجلسات العامة

- Mr Pär Stenbäck  
Monitor, Process of Implementation of the  
Memorandum of Understanding between  
the Magen David Adom and the Palestine  
Red Crescent Society, Minister HC, Helsinki

#### Commissions, ateliers et évènements parallèles / Commissions, workshops and side events / Comisiones, talleres y eventos paralelos / اللجان وحلقات العمل والأحداث المنظمة على هامش المؤتمر

- Dr Muctaru Amadu Sheriff Jalloh  
Chair, Migration Commission
- Mr Jerry Talbot  
Head, International Federation Evaluation  
Team for Japan
- Mr Bjorn Eder  
International Federation Representative in  
Japan
- Ms Aisha Gilani  
British Council and International Federation,  
Youth as Agents of Behavioural Change
- Dr Carole Presern  
Director, Partnership for Maternal, Newborn  
& Child Health (PMNCH), hosted by WHO
- Ms Gerry Elsdon  
International Federation Tuberculosis  
Goodwill Ambassador
- Prof. Praphan Phanuphak  
Co-Director, Thai Red Cross AIDS Research  
Centre
- Ms Susan Martin Herzberg  
Professor of International Migration /  
Director, Institute for the Study of  
International Migration, Georgetown  
University

**2.4.2 Croix-Rouge et Croissant-Rouge /  
Red Cross and Red Crescent /  
Cruz Roja y Media Luna Roja /  
الصليب الأحمر والهلال الأحمر**

- Mr Roger Mayou  
Director, International Red Cross and Red  
Crescent Museum
- Mr Patrick Auderset  
Head of Project, International Red Cross and  
Red Crescent Museum
- Mr Markku Tapani Niskala  
Secretary-General Emeritus, International  
Federation of Red Cross and Red Crescent  
Societies
- Mr Mark Akio  
Interim Chairman, South Sudan Red Cross
- Mr Arthur Poole  
Interim Secretary-General, South Sudan  
Red Cross

**2.4.3 Autres invités / Other guests /  
Otros invitados / ضيوف آخرون**

- Prof. Jovan Kurbalija  
Director, DiploFoundation
- Mr Milutin Milosevic  
Trainer, DiploFoundation
- Ms Sarah Schwab  
General Manager, Thunderbird Global  
School of Management
- Ms Caroline Susan Morrissey-Stanley  
Director, British Council, Switzerland
- Ms Charlotte Warakaulle  
Chief of the Political Affairs, External  
Relations and Inter-Agency Affairs Section,  
Office of the Director-General, United  
Nations Office at Geneva
- Mr Gerard Mc Hugh  
Director, Conflict Dynamics International



# 2011 COUNCIL OF DELEGATES

## 3.1 CONVOCAATION

To the Members and Observers of the  
COUNCIL OF DELEGATES  
of the International Red Cross and Red Crescent Movement  
Geneva, Switzerland, 26 November 2011

Geneva, 25 May 2011

Dear Sir/Madam,

In conformity with the Statutes and Rules of Procedure of the International Red Cross and Red Crescent Movement, we have the pleasure of inviting you to the next session of the Council of Delegates, which will take place at the International Conference Centre of Geneva (CICG) on **26 November 2011**.<sup>1</sup> The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies will co-host this Council of Delegates and look forward to welcoming you:

**on Saturday 26 November 2011**  
**at 9.00 a.m.**  
**at the International Conference Centre of Geneva (CICG)**  
Rue de Varembe, 15 – 1211 Geneva.

Please find enclosed **the provisional agenda** prepared by the Standing Commission, which includes comments and suggestions received from National Societies in response to preliminary consultations.

Rule 6.2 of the Rules of Procedure of the Movement requires that the Standing Commission receive observations, amendments or additions to the provisional agenda no later than 60 days before the opening of the Council (27 September 2011). However, it would be appreciated if comments could be sent by 30 August.

Any document submitted by a member of the Council for inclusion as an official working document has to be received by the Standing Commission no later than ninety days before the opening of the Council (28 August 2011).

<sup>1</sup> The Council follows immediately after the General Assembly (23-25 November 2011) of the International Federation of Red Cross and Red Crescent Societies and precedes the 31st International Conference (28 November – 1 December 2011)

The official working documents for the various agenda items of the Council, including draft resolutions, will be sent to you 45 days before the opening of the Council (12 October 2011).

The contact details of the Secretariat of the Standing Commission and the other organizers of the Council are enclosed.

Yours sincerely,

Tadateru Konoé  
President  
International Federation of Red Cross  
and Red Crescent Societies

Jakob Kellenberger  
President  
International Committee of the Red Cross

Encl.

- Provisional agenda of the Council of Delegates
- Information note on registering participants at the Council of Delegates
- Contact details of the organizers

## **3.2 AGENDA**

### **COUNCIL OF DELEGATES OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT**

Geneva, 28 November–1 December 2011

See 1.1.1 above  
(page 9)





## 3.3 CHAIRMANSHIP OF THE COUNCIL OF DELEGATES

### **Chairman**

Mr Jakob Kellenberger (International Committee of the Red Cross)

### **Vice-Chairman**

Dr Juan Cueva Ortega (Ecuadorean Red Cross)

### **Secretaries**

Mr Bruce Biber (International Committee of the Red Cross)

Ms Yulia Gusynina (International Federation of Red Cross and Red Crescent Societies)

### **Commissions on preparation of the 31st International Conference of the Red Cross and Red Crescent**

#### **Chairpersons of the Commissions**

Mr Steve Carr (American Red Cross)

Mr Adama Diarra (Mali Red Cross)

Mr Ian Courtenay (Belize Red Cross Society)





## 3.4 SUMMARY RECORD

### COUNCIL OF DELEGATES OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

Geneva, 28 November–1 December 2011

#### OPENING SESSION AND FIRST PLENARY MEETING

9.05 a.m.

##### Opening session

**Mr Barra** (Chairman of the Standing Commission), delivering his keynote address, recalled that the Council of Delegates was the only forum in which National Societies, the International Federation and the ICRC came together to discuss “family” matters. At the International Conference, governments would join the family to discuss future courses of action and issues of joint humanitarian concern. The Oxford Dictionary defined “movement” as an “act of moving,” but also as a “general activity,” a “group of people working together to advance their political, social, or artistic ideas,” or even as a “campaign undertaken by a political, social, or artistic movement.” Working together to advance shared ideas was particularly appropriate for the International Red Cross and Red Crescent Movement and the word summed up its ethos of taking action to help, deliver, build and advocate. When coordinating joint operations, delivering emergency response, lobbying governments for recognition of its role and mandate and advocating humanitarian values, the Movement was seen as one, acting for the common good as one of the best known brands in the world. However, traditional patterns of disaster and conflict were changing and tomorrow’s problems could not be solved with yesterday’s answers.

The Council’s agenda included: defining a Movement position on nuclear weapons; relations with other, external humanitarian actors; adopting guidelines for National Societies in preparing for and responding to armed conflict and other situations of violence;

evaluating the Movement Strategy; and making recommendations for the incoming Standing Commission. An update on the implementation of the Memorandum of Understanding (MoU) and the Agreement on Operational Arrangements (AOA) signed between the Magen David Adom of Israel and the Palestine Red Crescent Society was also on the agenda. The two National Societies faced tremendous humanitarian needs and the Movement must be able to focus on its main mission to deliver humanitarian assistance to vulnerable people, wherever they were.

The Movement was expected to speak at the International Conference with one voice, but he was concerned that its components preferred to work as independent actors, favouring their own agenda, possibly influenced by national interests. A National Society could be strong internationally only if it were strong at the national level. When operating at the international level, the Movement must deliver services as one entity, which might give rise to coordination problems or major challenges, but the joint response must be to set common priorities and aims. To remain the main humanitarian force globally, aside from working better together and improving service delivery, the Movement must strive to be the main auxiliary to governments in the humanitarian field. There was growing concern about independent humanitarian action and access to victims, and all components had to ensure adherence to the Fundamental Principles, especially with respect to independence, impartiality and neutrality.

The International Conference would focus on two main blocks of issues: strengthening international humanitarian law (IHL) and humanitarian action. Without its volunteers, the Movement would be nothing, yet volunteerism had never been on the agenda. It would now be discussed and governments would be asked to recognize the value of the work of

volunteers and provide them with better protection and a more enabling working environment. He invited the Council to join in a minute's silence in memory of staff and volunteers who had lost their lives in the service of humanity. The major new challenge was the dramatic change in the nature of conflict, making it more urgent than ever to reaffirm the basic rules of IHL and their applicability in modern conflicts. However, the core humanitarian values embedded in IHL must remain unchanged and the Movement must stand firm in defending those values at the Conference and in its everyday work. The Geneva Conventions still protected the victims of war and were as necessary and relevant today as they had originally been, saving lives, alleviating suffering, giving comfort to thousands of prisoners of war, helping to reunite millions of families and contributing to the restoration of peace.

The financial crisis was having an impact on the Movement's efforts and it must be prepared for less support from governments and the public. It should ensure that its actions lived up to its image as the most effective and efficient operator, working as one and adhering to principles and rules that had not been compromised, and that it could play its role of preferred partner both to the United Nations and governments, while keeping its doors open to cooperation with others, especially non-governmental organizations (NGOs). He disliked the expression "humanitarian market"; the Movement's work could not be compared to a market, where actors competed in their own interests to the detriment of other actors. Being the most important humanitarian network was both an honour and a burden for the Movement. It had the responsibility of fostering cooperation among all actors engaged in alleviating human suffering. In an increasingly globalized world, it was inconceivable to act alone, and interacting with different bodies had become vital.

Lastly, the Movement should look to the future. As a global movement working with local actors, its impact was felt at grassroots level, but it could also help shape thinking nationally, regionally and internationally through advocacy and humanitarian diplomacy, promoting its values and speaking for the most vulnerable worldwide. The slogan "think globally, act locally" was also very apt.

### **3.4.1 Item I. Opening session, elections, agenda and procedural matters**

#### **1 Opening of the Council**

**Mr Barra** (Chairman of the Standing Commission) opened the 2011 Council of Delegates and welcomed the Movement's 187th and newest member, the Maldivian Red Crescent. The Standing Commission had been involved in the Movement's fora for many years and greater participation by members in preparations for the Council agenda and in drafting resolutions had resulted in shorter meetings, which would help the Movement to conduct the Council smoothly and efficiently and ensure constructive outcomes. He hoped that, in their deliberations, participants would continue to honour the Movement's values and show respect for its Fundamental Principles.

#### **2 Election of the Chair, Vice-Chair and Secretaries of the Council**

**Mr Kellenberger** (President of the ICRC) was elected Chair of the Council of Delegates, and **Dr Cueva Ortega**, President of the Ecuadorean Red Cross, was elected Vice-Chair. They were assisted by **Mr Biber** of the ICRC and **Dr Gusynina** of the International Federation.

**Mr Carr** (American Red Cross), **Mr Courtenay** (Belize Red Cross Society) and **Mr Diarra** (Mali Red Cross) were elected chairs of the three commissions.

#### **3 Adoption of the agenda of the Council of Delegates (document CD/11/3.1rev)**

**Mr Kellenberger**, Chair of the Council of Delegates, drew attention to the provisional agenda and programme contained in document CD/11/3.1rev.

*The agenda was adopted.*

### **3.4.2 Item II. Issues for debate and decision**

#### **4 Nuclear weapons (documents CD/11/4.1 and CD/11/4.1DR)**

**The Chair** drew the attention of the Council to an amendment to add to the beginning of paragraph 4 of the draft resolution on "working towards the elimination of nuclear weapons" proposed by the Japanese and British Red Cross Societies and



co-sponsored by the ICRC and 28 National Societies, which would read: “calls on all components of the Movement, utilizing the framework of humanitarian diplomacy.”

*A video was shown featuring the “Hibakusha” survivors of the Hiroshima and Nagasaki atomic bombings*

**Ms Beerli** (Vice-President of the ICRC), introducing the draft resolution, said that the issue was of historic importance to the ICRC, the Movement and humanity. The ICRC, having supported appeals for the prohibition of nuclear weapons since 1945, was pleased to co-sponsor the draft resolution. It built on previous Movement appeals in the light of increased knowledge of the long-term consequences of nuclear weapons for health, the environment, agriculture and food production; the ICRC’s own conclusion in 2009 that the international response capacity to assist victims of chemical, biological, radiological or nuclear weapons was inadequate; as well as the International Court of Justice’s advisory opinion in 1996 on the legality of the threat or use of nuclear weapons.

The draft resolution had come at a crossroads in time, with new nuclear weapon States emerging and non-State armed groups expressing an interest in nuclear weapons on the one hand, but a renewed international nuclear disarmament debate and fresh commitments to reduce stockpiles by existing nuclear weapon States on the other. In 2009, Presidents Obama and Medvedev had called for steps towards a nuclear weapon-free world and had agreed to further reductions. They had been joined in that appeal by the United Nations Security Council in 2009 and by States party to the Treaty on the Non-Proliferation of Nuclear Weapons in 2010. Humanity faced a choice between continued proliferation, with an ever-increasing risk of nuclear weapon use, and engagement in a real process towards prohibiting and eliminating them. Nuclear weapons were unique in their destructive power and the unspeakable human suffering they caused, the risk of escalation and the threat they posed to the environment, future generations and the survival of humanity. Dr Marcel Junod, the first ICRC doctor on the scene to bring assistance to Hiroshima in September 1945, had subsequently written: “The physical impact of the bomb was beyond belief, beyond all apprehension, beyond imagination. Its moral impact was appalling.” Nuclear weapons were at odds with the concept of common humanity, violated the fundamental principles of IHL and threatened the continued existence of the human species. The Movement’s

principles made it impossible to remain indifferent to their terrifying effects and the draft resolution reflected the Movement’s belief that it could, and should, play a key role in ensuring that the right choice was made.

**Dr Tomonaga** (Nagasaki atomic bomb survivor and medical specialist in post-atomic bomb injuries and diseases), illustrating his remarks with slides, said that he and his mother had been among the 200,000 survivors of the 1945 Nagasaki atomic bomb that had also claimed 200,000 lives. Although, at two years old, he had no memory of the bomb, he had subsequently witnessed its belated effects as a doctor specializing in haematology and therefore fully concurred with the 1996 advisory opinion of the International Court of Justice that nuclear weapons were both immoral and illegal. The bomb had detonated above Nagasaki University Hospital instead of above its original target owing to a strong wind, killing over 900 medical students, nurses and professors, although the death rate would probably have been twice that had it not been for the hospital’s thick concrete ceilings.

Although its impact was less immediate, radiation from the bomb had brought long-term health consequences. Children under 10 years of age were now suffering from cancer and leukaemia, proving that genetic damage had been passed on to body cells 66 years previously. Research had revealed that close-range survivors carried radiation-induced genetic changes in apparently normal organ cells long before they finally developed cancer or leukaemia and that incidence of all types of cancer and leukaemia increased in proportion to the dose of radiation received. A recent study had also shown that a second wave of leukaemia was now appearing in young survivors of the 1945 bombings when they became elderly. The most pitiful consequence was the psychological fear endured by survivors for the rest of their lives. He urged the Movement to add its powerful voice to the anti-nuclear weapons campaign.

**The Austrian Red Cross**, fully supporting the draft resolution, said that the Movement would raise its strong and united voice on behalf of past and potential victims of the most terrible weapons of mass destruction ever conceived. It would urge States to outlaw them by way of a new and binding international instrument, to ensure their complete elimination and make it clear that nuclear weapons must never again be used. Concerning the differing opinions over some aspects of the draft resolution, especially the legality of the use of nuclear weapons under the current rules of IHL, the Austrian Red

Cross stressed the importance of IHL for vulnerable people and the Movement in situations of armed conflict. Irrespective of the need to correctly interpret legal provisions, its Fundamental Principles and its mission to alleviate the suffering of vulnerable people should first and foremost guide the Movement's actions. It was therefore fully entitled and obliged to express its views as a humanitarian movement as to how IHL should be fashioned in the future with regard to one of the greatest threats to humanity and all life on Earth. The purpose of IHL was to protect vulnerable people and restrict the most gruelling methods of warfare, not to protect weapons of mass destruction and hamper the Movement's efforts to help vulnerable people and make the world a safer and more humane place.

**The Japanese Red Cross** said that it was the National Society of the only country in the world to have suffered atomic bombings. At 8.15 a.m. on 6 August 1945, the first bomb had been dropped over Hiroshima, in an instant turning it into rubble and claiming a great many lives. The devastation had been so severe that the only hospital left standing had been the Hiroshima Red Cross Hospital. With no equipment or medical supplies available and most of the medical staff killed, the dedication of the people and volunteers had been crucial. The ICRC's Dr Marcel Junod, now beloved as a life-saver by the people in Hiroshima, had been the first non-Japanese doctor to arrive on the scene and the first to communicate to the rest of the world the dismal state of affairs and the threat to humankind. As International Federation President Konoé had said at the 11th World Summit of Nobel Peace Laureates in Hiroshima in November 2010, "The first Fundamental Principle of the Red Cross/Red Crescent was humanity: to alleviate suffering, protect life and health and ensure respect for humankind. Nuclear weapons were weapons against humanity." A wide range of views had been expressed while preparing the draft resolution, highlighting the political and sensitive nature of the debate. Abolishing nuclear weapons was bound to be a long and thorny path. The Japanese Red Cross warmly welcomed the draft resolution and urged the Council to adopt it.

**The Norwegian Red Cross** fully endorsed the draft resolution, as the Movement had always played a decisive role in discussions on the legality of the means and methods of warfare. Advances in IHL had often been achieved after the Movement had brought humanitarian suffering to public attention. The Movement's collective voice would add momentum to the nuclear weapons debate and, by adopting the draft resolution, would make an important

contribution to ensuring that atomic bombs were never again dropped. However, the true test would be its humanitarian impact and the National Society looked forward to working with all in the Movement to make a much-needed difference.

**The Canadian Red Cross Society** said that it had already adapted its own position on nuclear weapons in line with the ICRC's statement of April 2010. Nuclear weapons had grave humanitarian consequences and it was difficult to envisage how their use could ever be compatible with IHL. However, the Movement's mandate was to address the suffering of the most vulnerable and it should use that role to call upon States to never again use nuclear weapons and to pursue negotiations to prohibit their use. By adopting the draft resolution, the Movement was making its voice heard and bringing a humanitarian perspective to an issue that was more often led by security and defence considerations.

**The New Zealand Red Cross** joined other National Societies in welcoming the draft resolution, which presented the Movement with an important opportunity to speak out against the devastating humanitarian consequences of nuclear weapons. It would be a step forward in cementing its commitment to IHL and to working together towards the elimination of nuclear weapons. Communicating the human costs of warfare and the unacceptability of preventable suffering had been at the heart of the Movement since its inception. New Zealand had maintained an unswervingly independent and principled voice on nuclear issues for nearly 30 years and the National Society was proud to be a co-sponsor of the draft resolution and would play a full role in its implementation.

**The Australian Red Cross** said that the draft resolution, driven by the Movement's core principles, challenged the legitimacy of the use of nuclear weapons as a means of war and called for the adoption of a legally binding international instrument to render the use of nuclear weapons unambiguously illegal under international law. Much had happened in the evolution of IHL since Henry Dunant's courageous stand in arguing that some actions in war should be prohibited and outlawed as unconscionable and unhumanitarian, including reforms to the Geneva Conventions. Not every government would embrace the terms of the draft resolution, but the Movement should not be deterred; it was critically important to show its independence of government as the voice of humanity. The paper origami cranes that had been passed around the conference room were the original idea of a Japanese girl, Sadako, who had

ultimately died from the effects of the Hiroshima bomb. The Australian Red Cross suggested that they could be the symbol not only of the end of nuclear weapons, as she had originally intended, but also of the leadership role of young people in driving the campaign forward.

**The Swedish Red Cross** said that the Movement had long recognized nuclear weapons as one of the greatest potential threats to humankind. As an immediate reaction to the bombs of Hiroshima and Nagasaki, the ICRC had made its position clear that nuclear weapons should be abolished. In 1948, together with the States party to the Geneva Conventions, at the Seventeenth International Red Cross Conference in Stockholm, the Movement had expressed its serious concern over nuclear weapons, calling on States “to undertake to prohibit absolutely all recourse to such weapons and to the use of atomic energy or any similar force for purposes of warfare.” The threat was still real; indeed, it might even be greater today. The Movement had the opportunity to take another step towards the elimination of nuclear weapons and to prevent the extreme human suffering their use would cause. Urging members to support the draft resolution, the Swedish Red Cross emphasized that its message would be heard far beyond the walls of the conference room.

**The Red Crescent Society of the Islamic Republic of Iran** echoed the views expressed by previous speakers and warmly welcomed the draft resolution. The Movement had the capacity and ability to advocate by building on its principles and values and using its network of members and volunteers. The Iranian Red Crescent was ready to join the Movement’s collective efforts to take steps towards contributing to the elimination of nuclear weapons.

**The British Red Cross** fully supported the objective of working towards the elimination of nuclear weapons. Having consulted widely with the ICRC and key National Societies, the British Red Cross determined that it could not participate in the general consensus on the resolution, as it had significant concerns that the draft resolution was neither legally accurate nor practically achievable. If these concerns were not addressed, there was a risk that the Movement’s position may be perceived as less than credible, thereby hindering its ability to achieve practical outcomes on the issue. Despite its non-participation in the consensus on the resolution, the British Red Cross would continue to maintain direct dialogue with its government to further the general objective of working towards a world without nuclear weapons. It favoured an approach that reinforced

the Movement’s reputation as a unique, credible and trusted voice.

**The Netherlands Red Cross** stressed that the whole of humankind had an interest in the elimination of nuclear weapons. From the moment nuclear weapons had been invented, their humanitarian consequences had become, and remained, an ongoing concern. The Movement should put the power of humanity into effect and take a joint stand, as it had done on landmines and cluster munitions. The Movement’s only choice was to uphold its ideal to preserve human dignity and prevent human suffering by encouraging efforts to prohibit the use of nuclear weapons and working towards their complete elimination.

**The Red Crescent Society of Azerbaijan** said that, while nuclear weapons provided States with a means to maintain strategic stability and prevent war, their use was immoral, given the catastrophic impact they had on humankind. Tragedies such as Hiroshima and Nagasaki must never be allowed to happen again. New problems and challenges were emerging, such as nuclear terrorism, and everything should be done to prevent nuclear materials from falling into terrorists’ hands. A nuclear weapons-free world might appear to be beyond reach, but the draft resolution was a step in the right direction, especially as a demonstration of the Movement’s adherence to its Fundamental Principles.

**The Turkish Red Crescent Society** said that even witnessing the horrific scenes of the suffering of the Japanese people following Hiroshima and Nagasaki had not prevented the production and stockpiling of nuclear weapons in the guise of securing peace. Human beings differed from other species in their consciousness or wisdom; yet, the existence and proliferation of nuclear weapons showed the propensity of human beings to act unwisely to destroy life and the environment. The Turkish Red Crescent therefore supported the draft resolution and also encouraged National Societies to disseminate the potential threat among youth, who would take a leading role in the future.

**The Red Cross of Chad** fully supported the draft resolution, as it was the Movement’s opportunity to take a stance. Regrettably, since 1945 there had been a proliferation of nuclear weapons and even more countries were trying to acquire them. The strengthening of IHL was vital to enable the Movement to wage ongoing action for the elimination and prohibition of the use of nuclear weapons. The Chadian Red Cross also urged youth to come to the forefront on the issue.

**The Czech Red Cross** said that the impact of nuclear weapons was indiscriminate and, taking into account the International Court of Justice's 2009 advisory opinion, the use of nuclear weapons could never be in conformity with IHL. The principle of humanity was a core Fundamental Principle of the Movement and it therefore had a moral obligation to call for the abolition of nuclear weapons. The draft resolution was a step towards that objective and the Czech Red Cross urged members to support it.

**The Trinidad and Tobago Red Cross Society** said that it was pleased to be associated with the draft resolution, as the small, vulnerable countries of the Caribbean must advocate for the elimination of nuclear weapons. The draft resolution reflected the Movement's concern for humanity and hope for a future world free from nuclear weapons.

**The Fiji Red Cross Society**, speaking on behalf of the 12 National Societies of the Pacific region, said that the elimination of nuclear weapons was an issue close to the hearts of the region. It had already suffered the long-term environmental and human consequences of nuclear testing in its own backyard. The National Societies of the Pacific region lamented the devastating humanitarian consequences their neighbours in Japan had experienced and they would thus stand together to try to ensure it never happened again. More than any other means of war, nuclear weapons had the potential to cause unnecessary pain and suffering, which could never be compatible with the principles of IHL.

**The Namibia Red Cross** joined previous speakers in expressing its full support for the draft resolution. The Japanese experience should serve as a strong reminder of the dangers of nuclear weapons. The Movement must redouble its efforts to better prepare for dealing with nuclear incidents and National Societies should raise awareness of the threat of nuclear weapons. The Namibia Red Cross suggested holding a week-long, Movement-wide information campaign on the issue.

**The Italian Red Cross**, fully endorsing the draft resolution, said that the fact that all of the Movement's components were discussing the consequences of atomic bombs and appealing to States to ensure that nuclear weapons were never again used demonstrated its power to influence the international community by taking courageous decisions in the name of its Fundamental Principles, especially humanity. The Italian Red Cross recalled the words of Albert Einstein: "Man invented the atom bomb, but no mouse in the world would ever construct a mouse trap."

**The Burkinabe Red Cross Society** said that the video and slide presentations of the atrocities in Japanese had left a powerful impression. It stressed that the Movement must strive to save the world from nuclear disaster and safeguard the future for the younger generation. It fully supported the draft resolution, which would help create a peaceful society.

**The Salvadorean Red Cross Society** said that El Salvador categorically rejected nuclear weapons because of their destructive power and considered them to be one of the saddest inventions of human beings. The Salvadorean Red Cross had visited Hiroshima and Nagasaki and seen first-hand their devastating effects. Commending the ICRC on its efforts since 1945 to eliminate nuclear weapons, the Salvadorean Red Cross fully supported the draft resolution and urged all members to endorse it.

**The Guyana Red Cross Society** said that the graphic and moving descriptions through songs, pictures and words had clearly shown the need for the Movement to work towards eliminating nuclear weapons. The Guyanese Red Cross and many of its colleagues from the Caribbean and the Americas supported the draft resolution. The Movement must engage in dialogue with governments on eliminating nuclear weapons, with the principle of humanity at the heart of discussions.

**The Red Cross of Viet Nam** said that it strongly supported the draft resolution, as it was well aware of the dangers of nuclear and chemical weapons. In Viet Nam, there were over five million second-generation victims of the damage inflicted by Agent Orange and third-generation victims were now emerging. The poorest people had been affected and the Vietnamese Government and the Vietnamese Red Cross were providing support to the victims. Bioscientists estimated that landmine clearance would take 100 years and cleansing the land and people of Agent Orange would require another 300 years. The legacy of Japan and Viet Nam should be enough to convince the world of the need to eliminate nuclear and chemical weapons.

**The Red Cross Society of Panama**, fully supporting the draft resolution, said that the video and slides shown were a reminder of the latent danger to the whole of humanity because of the many countries still engaged in producing and stockpiling nuclear weapons.

**The Peruvian Red Cross**, welcoming the draft resolution, said that the devastating scenes of Hiroshima and Nagasaki would remain imprinted

on everyone's minds, serving as a reminder that they must never be repeated. Power should not be used to destroy, but to build, and the Movement should use its power to call on States to prohibit nuclear weapons.

**The Dominican Red Cross** associated itself with the views expressed by previous speakers. Nuclear weapons constituted a true threat to humanity and all forms of life on Earth and the Dominican Red Cross therefore fully endorsed the draft resolution.

**The Philippine National Red Cross** said that the Constitution of the Philippines stipulated that a policy of freedom from nuclear weapons in its territory should be pursued. The International Court of Justice had concluded that the principles and rules of IHL applied to nuclear weapons and that their use was a violation of IHL. J. Robert Oppenheimer himself, after testing the atomic bomb in July 1945, had quoted the *Bhagavad Gita*, "Now I am become death, the destroyer of worlds." The Philippine Red Cross was concerned that a nation or individual could potentially exert power over the entire world and wreak untold suffering upon people and the environment. It therefore fully endorsed the draft resolution and urged all National Societies to engage in dialogue with their leaders to ensure that they were fully informed and ready to take action to give future generations peace and security in a nuclear weapons-free world.

**The Congolese Red Cross** called for solidarity in the face of the possible threat to humanity. The video and slides confirmed that the Movement had a duty to remember with respect the victims of nuclear weapons worldwide and to deter their use to protect humanity for the sake of future generations. The Congolese Red Cross therefore supported the draft resolution.

**The Liberia National Red Cross Society** said that the current proliferation of nuclear weapons was a disaster waiting to happen and agreed that the world should never again have to witness the destruction caused by them. The Liberian Red Cross supported the draft resolution and encouraged Movement members to do the same to prevent human suffering in the world.

**The Lebanese Red Cross**, fully endorsing the draft resolution, said that vulnerable people and the whole world must be protected from the utter devastation of nuclear weapons. Talk of reducing, rather than eliminating, nuclear weapons was fruitless, as scientific evidence clearly showed that their level of

sophistication had developed, and would continue to develop, to such an extent that their use could only lead to global self-destruction.

**The Paraguayan Red Cross** said that during a meeting in Tokyo at the end of 1945, after the atomic bombing, General MacArthur had said, "Man is the enemy of man; there will always be weapons, but with this weapon humanity will not survive." Yet, weapons continued to be stockpiled and as long as there were conflicts weapons would be produced. Paraguay was a signatory to the Oslo agreement on the prohibition of nuclear weapons. Not all governments had signed it and the Paraguayan Red Cross therefore wholeheartedly supported the draft resolution.

**The Qatar Red Crescent Society** welcomed the draft resolution and strongly urged the Movement to work together across cultural and geographic divides to persuade governments that the use of nuclear weapons was not an option. The Qatari Red Crescent believed that National Societies should establish regional alliances, especially in the Middle East, and use their auxiliary role to engage with governments to remind them of their international and legal obligations and to advocate on behalf of the population living under a nuclear threat. The Qatari Red Crescent echoed the views expressed by Turkey on encouraging youth involvement in the nuclear issue.

**The Colombian Red Cross** said that it faced the humanitarian consequences of armed conflicts involving the indiscriminate use of weapons prohibited by IHL on a daily basis. The use of nuclear weapons clearly constituted a violation of the fundamental principles of IHL and the Colombian Red Cross fervently supported the draft resolution and urged National Societies to adopt it, sending a firm signal as the main humanitarian movement in the world.

*The resolution, as amended, was adopted by acclamation.*

## **5 Movement components' relations with external humanitarian actors (documents CD/11/5.1 and CD/11/5.1DR)**

**Ms von Oelreich** (Swedish Red Cross), Vice-President of the International Federation, introducing the draft resolution, said that a workshop held during the 2009 Council of Delegates to discuss relations with external actors had identified specific steps to take to improve Movement relations with outside agencies and actors

and internally, in addition to other ongoing activities and initiatives such as humanitarian diplomacy. The draft resolution summarized those steps and reflected a renewed focus on the auxiliary role of National Societies.

The draft resolution contained three calls to action. The first asked all Movement components to promote and showcase how they worked in accordance with the Fundamental Principles. The diversity of humanitarian actors, especially during complex situations and emergencies, made it vital to maintain the distinctive nature of the Movement and its unique characteristics and to raise awareness of the Fundamental Principles, the auxiliary role of National Societies and the protective nature of the emblems. Secondly, the International Federation and the ICRC, in coordination with National Societies, should develop guidance on a range of related issues, specifically gathering evidence of best practices and lessons learned in coordinating both internally and with external organizations in times of disaster. Since 2009, the International Federation had carried out real-time evaluations of major disaster response operations, such as the Haiti earthquake, the floods in Pakistan and civil unrest in the Middle East and North Africa. In addition, there was a need for further guidance on the membership's approach to civil protection agencies and the developing role that military actors were assuming in humanitarian response. The challenge for the Movement was to engage constructively with those actors, while protecting its Fundamental Principles and operational space. The third call to action was to continue strengthening Movement coordination mechanisms at national and regional levels to ensure effective cooperation with external partners and actors. With a growing number of National Societies operating in emergencies, a coordinated approach was more necessary than ever.

The distinctive nature of the Movement and its adherence to the Fundamental Principles should be balanced against the need to stay relevant and competitive in an increasingly interconnected world. The draft resolution was a key step in ensuring that its relations with external actors became not a cause for concern and decline, but a catalyst for growth.

**The British Red Cross** emphasized the importance of the draft resolution, as the situations in which the Movement operated were increasingly complex, involving a growing number of external humanitarian actors. Some considerations applied to all external relations, not least the Movement's Fundamental Principles, but separate issues should be addressed in

a focused manner. The British Red Cross recalled that the Movement already had a range of relevant policies and guidelines to help manage relations with external actors in times of calm and emergency at home and overseas. It proposed an amendment to paragraph b) iv to clarify the existing text, which had already been submitted to the drafting office, to read: "Use of the emblem by all Movement components in operations led by other organizations."

**The Netherlands Red Cross** recalled that the agenda item stemmed from the Movement Strategy adopted by the Council of Delegates in 2001, stating that: "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." Because it shared one emblem, the Movement was perceived as one organization and if one component spoke or acted, it reflected on the whole Movement. The Netherlands Red Cross urged it to search for common ground and address the recurrent discord on how it operated as a movement, or the draft resolution would fail to yield the expected results. Its goal to do better and reach further to help its beneficiaries required working together with other actors in the humanitarian field, which was not reflected in the draft resolution. The Netherlands Red Cross proposed adding these words to the last paragraph: "in order to serve the most vulnerable better."

**The Trinidad and Tobago Red Cross Society**, fully supporting the draft resolution, said that it had recently discussed how to respond effectively to a catastrophic earthquake with its key stakeholders. The exercise had revealed a need for more collaboration and consultation between all stakeholders. Furthermore, the Inter-American Conference in Haiti in 2012 would consider the role of civilian protection agencies and military and defence assets.

**The Russian Red Cross Society** said that the draft resolution was important in being able to confront new global challenges. It thanked the International Federation for raising the serious problem of road safety, which claimed the lives of 1.5 million people a year. Moreover, international migration affected many nations and millions of vulnerable people. The Russian Red Cross agreed that the Movement needed to attract new actors to its humanitarian activities and had itself made good progress in that area, including engaging in joint activities with the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Joint United Nations Programme on HIV/AIDS

(UNAIDS) and the International Organization for Migration (IOM), and receiving support from other National Societies such as the Norwegian and Finnish Red Cross Societies. It had ensured that responsibilities and structures with its partners were clearly delineated. For example, while UNHCR ran the country's migration operation, the Russian Red Cross dealt with its legal and social aspects.

**The Libyan Red Crescent** thanked the ICRC and the International Federation for their support during the recent crisis in Libya, the humanitarian consequences of which the National Society was still addressing. It was acutely aware of the importance of coordination between National Societies, non-governmental organizations and civil society organizations. Its experience had also helped it to identify the critical issues that must be considered in advance to meet the needs of a situation. The Libyan Red Crescent supported the draft resolution and suggested that the Movement might use the lessons learned from recent events in Libya to plan actions needed to ensure the effective implementation of the draft resolution.

**The American Red Cross** supported the initiative, but proposed adding the words "in consultation with National Societies" to paragraph b) to clarify the role of National Societies working with the International Federation and the ICRC, so that it would read: "The International Federation and the ICRC, in consultation with National Societies, continue to analyse the needs for and, where relevant, further develop guidance with particular attention to ..."

**The ICRC** said that the importance of engaging with external actors to maximize the impact of the Movement's work, while preserving its identity as part of the Red Cross/Red Crescent, had long been recognized in a number of resolutions. The ICRC supported the draft resolution and was strongly committed to its implementation.

**The Dominican Red Cross** said that, in line with the Council of Delegates' draft resolution of 2009, the planning committee of the 19th Inter-American Conference intended to discuss and introduce an initiative on relations with States, the military and civil society to ensure that information on the Movement's ethos and principles reached all humanitarian actors and the public.

**The Haitian National Red Cross Society** said that, well before the earthquake of 12 January 2010, it had established working and partnership relations with most external humanitarian actors. All United Nations agencies, civil society, the business sector and

government bodies operating in Haiti understood the principles and values of the Red Cross/Red Crescent. In view of the vulnerability of Haiti, the level of poverty among its people and the need to strengthen coordination between all humanitarian actors, the Haitian Red Cross gave its full backing to the draft resolution.

*The resolution, as amended, was adopted by acclamation.*

***The Chair of the Council of Delegates handed over the chair for agenda items 6 and 7 to the Vice-Chair of the Council of Delegates, Dr Cueva Ortega.***

## **6 National Societies preparing for and responding to armed conflict and other situations of violence (documents CD/11/6.1 and CD/11/6.1DR)**

**Dr Cheniti** (Tunisian Red Crescent), introducing the draft resolution and illustrating his remarks with slides, invited the Council of Delegates to observe a minute's silence in memory of Red Cross/Red Crescent staff and volunteers who had lost their lives or sustained injuries in the exercise of their humanitarian duties when intervening in armed conflict and other situations of violence. Recent events had demonstrated that armed conflict and other situations of violence could break out anywhere, at any time, and be long-lasting. National Societies must be prepared to respond to challenges in difficult circumstances, with the support of and in partnership with the Movement's components. Steps should be taken to gain the acceptance of armed actors and priority must be given to guaranteeing the safety of staff and volunteers to ensure their survival and help them to reach persons in need of assistance.

The revolutions in Tunisia and Libya in 2011 had given rise to many challenges for the Tunisian Red Crescent, including having to deal with repression, violence, safety issues, migration, 1.4 million displaced persons, transit and refugee camps and economic deterioration. The number, quality and commitment of its volunteers had made all the difference in helping the National Society to face those challenges and effective partnerships within and outside the Movement had been crucial. The Tunisian Red Crescent had signed agreements with the ICRC, the International Federation and National Societies in North Africa to help coordinate its activities. It had also forged partnerships with humanitarian agencies and the authorities, creating an opportunity

to strengthen its ties with the government so as to consolidate its auxiliary role and ensure that that was better defined in its statutes and national legislation. The key lesson learned was the need to have specific measures in place in anticipation of future conflicts.

He urged members to support the draft resolution and to commit to taking immediate steps to be better prepared for action. They should be ready to discuss with governments in the International Conference joint action to help vulnerable people in need of assistance. National Societies must build their capacities to ensure that they could fulfil their duties and responsibilities and be an integral part of a coordinated response by the Movement.

**The Turkish Red Crescent Society** welcomed the draft resolution, which would give valuable guidance on emergency response in armed conflict and other situations of violence. However, the Turkish Red Crescent and the 27 co-sponsors proposed an amendment to the title of the draft resolution: replacing “other situations of violence” with “internal strife.” Some governments might see the original wording as an extension of the Movement’s mandate under IHL, which they might find difficult to accept. The new wording would harmonize the draft resolution with the resolutions of the International Conference and the mission definitions laid down in the Movement’s Statutes, and also provide National Societies with a clearer, stronger mandate.

**The Norwegian Red Cross** said that not only armed conflict, but other situations of violence posed new threats that required a humanitarian response. As the terror attacks in Norway in July 2011 had shown, the Norwegian Red Cross also had to prepare for situations of violence. While recognizing the position of the Turkish Red Crescent, the Norwegian Red Cross could not accept the proposed amendment and, instead, proposed retaining the title of the draft resolution, but adding a paragraph to read: “asking the ICRC, in consultation with National Societies and the International Federation, to clarify further a common understanding of the content of other situations of violence, with the purpose of reporting back to the Council of Delegates in 2013.”

**The Colombian Red Cross** said that it would support any process that made National Societies more efficient and united. It had been working closely with other National Societies and the ICRC to develop mechanisms to provide guidelines for preventive action and raise awareness of all forms of situations of violence in order to better prepare and create effective response tools, as proposed by the

Council of Delegates in 2009. The title of the draft resolution was less important than its content and the Colombian Red Cross therefore called for all National Societies to support it to ensure improved working methods and safety in situations of conflict.

**The Libyan Red Crescent** said that having recently experienced the difficulties of working in a situation of violence, in which six of its volunteers had lost their lives, it fully endorsed the draft resolution and called for greater efforts to secure safer access. The Libyan Red Crescent had consulted the International Federation on implementing a plan in 2012 to train volunteers and had held discussions with the Transitional Government to encourage it to enact legislation to ensure volunteer safety.

**The Canadian Red Cross Society** said that, although Canada was perceived as having a low level of violence, it had been called on to intervene in armed clashes between the indigenous Mohawk community and the people of Oka, Quebec, in 1986. The Canadian Red Cross had provided neutral, impartial and independent assistance to the vulnerable. To allay concerns over the interpretation of the terms used in the draft resolution, as a co-sponsor of the draft resolution, the Canadian Red Cross would be happy to be part of an ad hoc working group of National Societies to draw up a compromise draft resolution that properly reflected the situation of each country and was acceptable to all. National Societies had a mandate and duty to be well prepared to intervene in every situation involving violence and must engage in dialogue with governments and with other Movement components to ensure a coordinated response.

**The Palestine Red Crescent Society** said that it had learned these lessons from its experience of working in a region subject to foreign occupation and other situations of violence: a clear mandate from the authorities defining the nature of the intervention and role of National Societies was necessary when working with other institutions, the Government or the private sector; preparation and good planning and review of the possible scenarios were paramount; the independence of National Societies was vital, especially when governments were part of the conflict; there should be active vigilance in the field to ensure that services reached all persons in need of assistance without distinction on grounds of politics or religion; National Societies should be strengthened to enable them to fulfil their role and duties, make the most of humanitarian diplomacy and gain respect and acceptance locally and nationally; and National Societies must have safe access to the injured and others in need of assistance.



**The Honduran Red Cross** said that Honduras had experienced a series of violent situations in recent years. The Honduran Red Cross, situated in a country that had traditionally been peaceful, had learned to prepare itself for situations of violence very quickly. From its short experience, it was aware of the need to clarify the auxiliary role of National Societies to ensure better access to victims. It therefore welcomed the draft resolution, which would strengthen National Societies and enhance the Movement's work.

**The Nepal Red Cross Society** supported the draft resolution, not least because Nepal had endured ten years of conflict, in which approximately 13,000 people had died. The Nepalese Red Cross itself had lost 30 staff and volunteers and about 100 more had been detained. Learning how to cope with situations of armed conflict, introducing effective tools that could be used in all kinds of situations and developing a good team of volunteers and staff had strengthened the Nepalese Red Cross. It supported the draft resolution as it stood, but was also open to the proposal of the Canadian Red Cross to set up an ad hoc working group to consider it further.

**The Nigerian Red Cross Society** said that it had recent experience of dealing with internally displaced persons. It called for strengthened Movement coordination in all conflicts to ensure effective distribution of resources to the vulnerable, especially because the humanitarian needs of people and communities differed widely. There was also a need for National Societies and the ICRC to review the types of resources that might be needed in future and to establish good warehousing practices. The Nigerian Red Cross thanked the ICRC and the International Federation for their help in emergency situations in Nigeria.

**The Mexican Red Cross** welcomed the draft resolution because there had been recent situations of violence in Mexico and the support of the Canadian Red Cross and the ICRC had been invaluable. Countries never knew when situations of violence might erupt. As for the concern over the terms used in the title, while it was useful for all countries to agree, having a resolution on the issue was of greater importance.

**The Sudanese Red Crescent**, strongly supporting the draft resolution, said that it was clear from its interventions during the events in Sudan over the past two years – the elections of 2010, the referendum in the southern part of Sudan in 2011 and the violence witnessed in recent months in the Blue Nile region – that the draft resolution was vital. During this difficult and violent period, the

Sudanese Red Crescent had, in collaboration with the ICRC, supported efforts to strengthen branches, provide training and carry out operations to ensure safe access for staff and volunteers and maintain its independence and neutrality.

**The Togolese Red Cross** said that it recognized the important role of all Movement components and thanked them for their valuable support in 2010 during the presidential elections in Togo. It therefore endorsed the draft resolution and urged the ICRC to prepare the practical guide as soon as possible.

**The Guyana Red Cross Society**, speaking on behalf of the National Societies of the Caribbean, said that the region suffered few incidents of armed conflict, but other situations of violence and internal strife were on the increase, both in urban and rural settings. They were often the result of substance abuse, gang violence, increased access to and use of weapons, leading to loss of life, dysfunctional families, higher health-service costs and negative effects on family livelihoods. They also led to greater need for psychological counselling, in which many National Societies in the Caribbean were not well trained. The National Societies of the Caribbean supported the draft resolution and firmly believed that, as members of the Movement, National Societies must apply the Fundamental Principles and relevant policies. Their position should be conveyed to governments, which must accept and understand the full meaning of auxiliary status. The region deeply appreciated the assistance rendered to its National Societies by the ICRC and the International Federation through programmes available not only to them, but to their armed forces and security forces. The National Societies in the Caribbean had been making every effort to encourage governments to enact domestic legislation where they were lacking and to strengthen them for effective implementation. They looked forward to publication of the practical guide, which would be a useful tool.

**The Red Cross Society of Côte d'Ivoire**, fully supporting the draft resolution, said that Côte d'Ivoire had been experiencing unrest since 2009, which had culminated in an unprecedented post-electoral crisis. Volunteers of the Ivorian Red Cross – six of whom lost their lives in the process – had provided nationwide support to victims and the needy. That had been possible only thanks to proper preparedness, the invaluable help of the ICRC, the International Federation and the Spanish Red Cross, and working closely with the authorities.

**The Red Crescent Society of Azerbaijan**, fully supporting the draft resolution, said that the nature

of armed conflict was becoming very complex, including potential terrorist activity. The Movement was the first to assist vulnerable people and its neutral image was trusted more than any other humanitarian network or organization. However, it needed to ensure that staff and volunteers were adequately trained to deal with armed conflict, to clarify its ideas on joint responsibility and partnership and to adopt measures to help staff and volunteers to better reach those in need of assistance. National Societies should provide practical training on safer access. The ICRC had more experience in that area. The Azerbaijani Red Crescent having already taken advantage of it, suggested that other National Societies might do the same.

**The Jamaica Red Cross** strongly supported the draft resolution because situations of violence could erupt without warning and had a severe negative physical and psychological impact on people's lives. It was important for National Societies to be adequately prepared for such eventualities. The Jamaican Red Cross thanked the ICRC and the International Federation, which had worked closely with it in responding to a situation of violence that had broken out in Jamaica in 2010.

**The Lebanese Red Cross** endorsed the draft resolution, but proposed an amendment to Section III (Decisions), paragraph 2, that would read: "urges National Societies, where necessary, to engage in a dialogue with their respective governments on their needs and those of other Movement components, particularly in other neighbouring countries in conflict with it, to have safe and unrestricted access to all populations affected by armed conflict and other situations of violence, in accordance with the relevant Fundamental Principles and international humanitarian law." The amended text would ensure a unified approach for the Movement and full protection for medical teams entering areas of armed conflict and other situations of violence.

**The Iraqi Red Crescent Society** stressed the need to strengthen the capacities of National Societies, especially in regions that experienced armed conflicts, so that they could respond more effectively to the humanitarian consequences. The paragraph of the draft resolution encouraging National Societies to coordinate with all stakeholders in the country concerned was very important; partnerships should include, not exclude, the national authorities and a coordinator should be appointed to work with the Movement's components. Lastly, any organization or individual violating humanitarian principles should be brought to justice.

**The Liberia National Red Cross Society** fully supported the draft resolution because it would address a very serious issue. It urged all members to support the draft resolution, as the Movement was a neutral and impartial humanitarian actor and should always have full access to people in need.

**The Central African Red Cross Society** said that armed conflicts could arise anywhere, at any time. The Central African Republic had experienced a series of mutinies and takeovers, which had prevented its people from living in peace. Rebels from Uganda occupying the south-east of the country had wreaked havoc among the people. The Central African Red Cross, whose volunteers had been overwhelmed by the situation, thanked the international community, traditional donors, the International Federation and the ICRC for their help and fully supported the draft resolution.

**The Dominican Red Cross** concurred with the views expressed on including urban violence in the draft resolution. It hoped to obtain the support of all National Societies of the Americas on the issue at the upcoming 2012 Inter-American Conference in Haiti.

**The International Federation** said that it continued to support the work of the ICRC in developing operational guidelines, under the Safer Access Framework, for National Societies working in armed conflict. It also supported finding ways to assist vulnerable people during internal conflict and strife, armed conflict and other situations of violence through strengthened National Societies delivering humanitarian services as auxiliaries to governments. In that regard, lessons learned from the experience of National Societies should be used to implement disaster preparedness and risk reduction programmes. A strong focus on humanitarian diplomacy was also critical to ensure that key stakeholders understood how the auxiliary role and Fundamental Principles could influence and enhance operations in situations of violence.

Recurrent attacks against staff and volunteers, their facilities and equipment, and the harm caused to beneficiaries, was alarming and National Societies needed to increase their acceptance by key stakeholders in peacetime. Volunteers came from the community and were often the first to respond to emergencies and crises. National Societies should thus advocate for enabling environments through legislation to protect volunteers and invest in volunteer training and management systems. A strong legal base was crucial for National Societies to assert their role and adhere to the principle of independence and they should

also advocate for their operational role to be clearly defined in national disaster and crisis management laws and government disaster policies and plans. The International Federation, in collaboration with the ICRC, would support National Societies in those endeavours. While the initiative addressed widespread situations of violence, interpersonal and self-directed violence, discrimination and exclusion undermined safety, health and human potential, deepened social differences, hindered the participation of disadvantaged people and led to significant humanitarian challenges, as explained in the International Federation's *Strategy 2020*, and must also be resolved. National Societies were in the unique position of being able to build a culture of non-violence and peace, as partners with a presence at the community level and a voice at the global level.

**The Afghan Red Crescent Society** said that the 30-year war in Afghanistan was well known, but less so was the resurgence of formerly-eradicated diseases due to the armed conflict, such as polio. The Afghan Red Crescent, in partnership with the ICRC and the International Federation, had done its best to reach those in need of assistance in difficult circumstances and in the mountainous terrain of Afghanistan. Despite implementing humanitarian diplomacy and the Seville Agreement, the Afghan Red Crescent still experienced problems in convincing its government of its mandate and the lives of at least two volunteers were being lost every year. It therefore strongly supported the draft resolution and urged fellow National Societies to follow suit.

**The Philippine National Red Cross**, supporting the draft resolution, said that the Philippines had enacted a comprehensive national law criminalizing violations of IHL, which had been disseminated nationwide to ensure that all citizens were aware that they were subject to domestic law for acts of rebellion and crimes against humanity, which were punishable by life imprisonment and heavy fines. Regular and criminal laws would also still be applicable, enhancing the protection afforded to staff and volunteers entering sites of armed conflict.

**The German Red Cross** welcomed the initiative, but shared the concern of the Turkish Red Crescent that the term 'other situations of violence' might be seen as an extension of the Movement's mandate under IHL. There had been strong hints that some governments would not accept it, which might result in further restricted access. The German Red Cross therefore fully supported the proposal of the Canadian Red Cross to set up an ad hoc working group to find a more suitable term.

**The ICRC** said that armed conflict and other situations of violence posed new and evolving challenges, which called for a renewed commitment to work jointly as a Movement. A strong, well-prepared National Society could, and should, be central to any response to armed conflict and other situations of violence, given its proximity to local communities and people and its unique relationship with the State. The draft resolution had been developed with, and for, National Societies, at their request. They must therefore be at ease with the terminology used in the draft resolution. The ICRC would be pleased to join the ad hoc working group proposed by the Canadian Red Cross to find a solution suitable for all, bearing in mind that the main aim of the draft resolution was to reach more people, effectively and safely, in order to provide humanitarian assistance to the vulnerable caught up in armed conflict and other situations of violence.

**Dr Cueva Ortega** (Vice-Chair of the Council of Delegates) thanked members for the rich discussion and welcomed the proposal of the Canadian Red Cross to establish an ad hoc working group to find wording for the draft resolution that would be acceptable to all, with a view to its adoption by consensus. He suggested that members interested in joining the group, along with Canada, Turkey, Norway, Colombia, Nepal, Lebanon, Germany, the ICRC and the International Federation, should meet immediately and report back to the afternoon's meeting.

**The meeting rose at 12.55 p.m.**

## SECOND PLENARY MEETING

2.35 p.m.

### Item II. Issues for debate and decision (continued)

#### 6 National Societies preparing for and responding to armed conflict and other situations of violence (continued) (documents CD/11/6.1 and CD/11/6.1DR)

**The Namibia Red Cross** said that the draft resolution called for better preparedness among stakeholders in the various countries by forging partnerships with governments and National Societies. It also called on National Societies to ensure the safety of staff and volunteers in situations of emergency. Even countries that enjoyed peace and stability, including

Namibia, were not immune to such situations. Noting that enhanced preparedness, awareness-raising and strengthening of IHL were essential, the Namibian Red Cross supported the draft resolution.

**The Vice-Chair** said that the ad hoc working group established to finalize the wording of the draft resolution had requested more time to conclude its work, and he suggested moving on to item 7.

## 7 Strategy for the Movement

### 7.1 Evaluation of the Strategy for the International Red Cross and Red Crescent Movement (documents CD/11/7.1 CD/11/7.1DR)

**Mr Carr** (Vice-Chairman of the Standing Commission), introducing the draft resolution and report on the Strategy for the International Red Cross and Red Crescent Movement and illustrating his remarks with slides, recalled that the 2009 Council of Delegates had commissioned an evaluation of the achievement of the three strategic objectives and the expected results of the ten actions of the Movement Strategy established in 2001. The draft resolution presented the work of the incoming Standing Commission and outlined measures to be completed ahead of the 2013 Council of Delegates in Australia. The main findings and recommendations of the evaluation were contained in the full evaluation report on the Strategy, available to Council members upon request. The ICRC and the International Federation would analyse the recommendations and formulate independent assessments on the best way to proceed, taking into account that the Strategy focused on the Movement as a whole and not on its individual components. The incoming Standing Commission would then examine the full evaluation and the ICRC and International Federation recommendations to determine recommendations for the Movement.

The evaluation findings had been mixed. Significant progress had been achieved in capacity building, Movement fora, response to emergencies, and areas involving auxiliary roles and effective communication. Conversely, modest results had been recorded on integrity issues and links with the private sector, and external trends and best practices had failed to resonate with National Societies, thus drawing little attention. While considering all ten actions relevant, the evaluator had concluded that the individual Movement components tended to move on tracks that often merged but were typically independent. Although the same values and work were shared, goals and interests often differed. Their environment

influenced their degree of involvement in the implementation of the Strategy's specific actions, so that working as a Movement remained an elusive target. Components seemed to be more focused on strengthening their individual positions rather than addressing the intricate issue of Movement image.

Five recommendations had been made: build on the strengths and weaknesses of the Movement; focus on key issues; bridge gaps; support Movement-wide initiatives; and guide Movement processes. First, systems and policies and knowledge management must be improved. Systematic monitoring and evaluation of operations and improvement of impact analysis were required. Priorities should be clear on climate change, disaster risk reduction, migration, poverty, hunger, violence, community safety, urbanization and other topical issues on the international agenda. Choices should be based on the Movement's strengths and added value. Better use should be made of its regional meetings as opportunities for debate on current issues and new trends. Electronic communication channels, including electronic conferences and consultations, should be used more efficiently for timely and constructive dialogue between Movement partners, without increasing operational costs. Furthermore, the Standing Commission, the ICRC, the International Federation and interested National Societies should have a system of consultation, review, monitoring and evaluation for promoting and guiding Movement-wide initiatives and processes. The Standing Commission should revitalize the process of strategic thinking within the Movement and a better understanding was required of the role and function of the Commission.

Work on Movement fora had been ongoing for a long time. A consensus had emerged that the International Conference, the Council of Delegates, the General Assembly and regional meetings should be more inclusive and effective. Progress had nevertheless been made through more efficient scheduling and coordination, and a reduction in the number of meeting days. The issues of frequency, alignment and merging of items on the agenda of the Council and General Assembly, and better coordination and use of regional meetings, called for further discussions, particularly among the two key stakeholders, the ICRC and the International Federation. The message conveyed by National Societies had been unequivocal: the impetus must come from Geneva. While it was important to preserve the unique role of the various official meetings, improvements could be made in the interests of the Movement, its individual components and those whom it served.

Over-strategizing could hamper action and results and, while the Geneva-based institutions and National Societies had developed their own strategies, the Movement required direction. The new Standing Commission should be tasked with examining the issue with all Movement components and submitting proposals to the 2013 Council of Delegates regarding the form of future strategic directions. Critical self-appraisal was important. Notwithstanding the crucial global role of the Movement, its size and complexity should not inhibit its further progress. Failing that, it could lose relevance in the 21st century. The draft resolution requested the Council to call on the incoming Standing Commission to finalize the work on the Movement fora, to find an appropriate format for the future Strategy and to review the monitoring of implementation of resolutions with a view to improving follow-up, reporting and planning for Movement-level meetings.

**The Netherlands Red Cross**, welcoming the report on the Movement Strategy, said that the adoption of the Strategy in 2001 had been a milestone in promoting effective cooperation within the Movement. As the updated Strategy was six years old and its level of ownership was decreasing, the Standing Commission should prepare a new update, focused on open-ended actions. The Netherlands Red Cross hoped that the incoming Standing Commission would foster more National Society involvement in the process. In 2005, the Council of Delegates had requested the Standing Commission to establish a mechanism to secure the review of the entire structure of Movement fora, and the Netherlands Red Cross welcomed efforts to shorten meetings and avoid duplication of agendas. Business remained unfinished, despite the unrelenting efforts of Mr Carr and his team, and the Netherlands Red Cross urged the incoming Standing Commission to take an innovative approach to the structure of meetings, adapting to current realities and being open to new working methods. The Netherlands Red Cross suggested establishing a working group composed of members with a wide range of expertise, including young people. Supported by the British, Danish, Hungarian and German National Societies, the Netherlands Red Cross proposed amending paragraph 2.1 to read: “To finalize the work on Movement fora and to submit change proposals for decision by the 2013 Council and, to this end, create an ad hoc working group representing National Societies with a wide range of expertise, including a youth representative.” In addition, paragraph 2.3 of the draft resolution reflected the consistent, long-standing request for better cooperation and efficiency, as part of the collective responsibility to provide assistance for victims. The Netherlands Red

Cross proposed amending paragraph 2.3 to read: “to update, in close cooperation with all components of the Movement, the open-ended actions of the present strategy, in order to implement them and, consequently, report to the 2013 Council. This effort should focus on coordinated and efficient Movement-level cooperation to strengthen the Movement’s image and performance in agreed key areas in order to deliver upon our mission for the most vulnerable. It should also take into account trends in the internal and external working environments.”

**The Jordan National Red Crescent Society** commended the methodology and tools used for the evaluation, also employed in major educational, social and political institutions. It noted with satisfaction that the Strategy served the overall purpose of the Movement rather than being focused on its individual components. In addition, the evaluation had taken into account current realities, which demonstrated the impartiality of the process and its objective results. It was important to maintain a comprehensive approach in working on the future Movement Strategy. The Jordanian Red Crescent seconded the proposals of the Netherlands Red Cross.

**The Australian Red Cross** noted that the Movement’s image was a key issue, with some members seeing the Movement as one organization, while others considered the ICRC to have a particular role and viewed the rest of the Movement as a single organization. There was insufficient understanding of the institutional structure and activities, which could be improved through meeting planned adjustments. Feedback from the evaluation should be used to help improve the effectiveness and efficiency of the statutory meetings and regional conferences, and the purpose of each type of meeting should be made clearer to all. The Australian Red Cross supported efforts to implement the Strategy and looked forward to the report to the Council of Delegates in Australia, in 2013. It endorsed the amendments proposed by the Netherlands Red Cross.

**The Swedish Red Cross** said that the Movement Strategy was an important tool to enhance common performance. Since its adoption, significant progress had been made in the Movement’s ability to work as one, the performance of which was measured against its joint achievements. Cooperation and coordination, with full respect for each other’s roles and mandates, was crucial, as was a climate conducive to open and transparent discussion. The Swedish Red Cross welcomed the emphasis on the importance of close relations between the International Federation and the ICRC.

The Movement's neutrality and independence were key to the effectiveness of its impartial humanitarian action in armed conflict and other situations of violence. The ICRC's experience, mandate and position within the Movement, and National Societies' local contextual understanding and human resources, provided significant added value. National Societies and the ICRC had mandates to assist and protect victims of armed conflict under the Geneva Conventions and the Movement's Statutes. Good cooperation and coordination, but also strong, well-functioning National Societies, were needed to give full effect to those mandates. The ICRC's increased support for capacity building within National Societies was therefore appreciated.

The Swedish Red Cross encouraged ongoing efforts to modernize Movement fora. The decisions and resolutions adopted at meetings should be systematically followed up and used as tools for humanitarian diplomacy. Another strategic step towards efficient and effective performance was to incorporate a gender perspective in all areas of work and in the Statutes, and to promote gender balance at all levels of governance. Lastly, the Swedish Red Cross supported the proposals of the Netherlands Red Cross.

**The Finnish Red Cross** said that the report showed that all Movement components could have made better use of the Strategy, more emphasis should have been placed on the shared vision, and the Standing Commission could have more actively encouraged better results through strategic cooperation. The Movement enjoyed a unique position as a global organization of people united by the same humanitarian values and protective emblems, but it needed a common strategic vision. Existing platforms should be used to develop strategies giving Movement components a strong sense of ownership and commitment. The Finnish Red Cross endorsed the draft resolution and urged the incoming Standing Commission to ensure that the new strategic framework, alongside the components' strategies, provided guidance for the whole Movement.

**The Trinidad and Tobago Red Cross Society**, drawing attention to the Movement's mandate of working as one for humanity, said that full use should be made of all available tools, particularly information and communication technologies, to enhance effectiveness, and greater involvement of National Societies in the activities of the Standing Commission should be promoted. The Trinidad and Tobago Red Cross supported the proposals of the

Netherlands Red Cross, but stressed that the working group's mandate and working methods should be clear to ensure an effective, realistic and achievable outcome. It also agreed that the group should include young people, given their important role in the future of the Movement.

**The Lesotho Red Cross Society** welcomed the Strategy, which provided a basis for enlightened thinking and had enabled it to identify priority issues and areas for improvement, resulting in well-informed decisions. Evaluation and monitoring were at the core of every modern organization and facilitated objective planning.

*The resolution, as amended, was adopted by acclamation.*

## 7.2 Revision of National Society statutes and legal base (documents CD/11/7.2 CD/11/7.2 DR)

**Mr Davey** (Chair of the Joint ICRC/International Federation Commission for National Society Statutes), illustrating his remarks with slides, introduced the report and draft resolution of the Joint ICRC/International Federation Commission for National Society Statutes, also within the framework of the Strategy for the Movement. He reminded everyone that the legal base of a National Society provided the essential foundation upon which it could formulate programmes and decisions, establish its structure, confer rights and impose duties on its members, and empower people for leadership and decision-making. The 2001 Council of Delegates had called on all National Societies to revise their statutory base in the period leading up to 2010. It was noteworthy that 90 per cent of National Societies had initiated a revision of their statutes since the adoption of the Strategy for the Movement in 2001. With the remaining 10 per cent, either the issue had not been treated as a priority or there was inertia; or the internal politics within either the National Society or the government had constrained the launching of the process. Those National Societies continued to be encouraged to initiate a revision. Almost one-third of National Societies had completed the process and now had statutes compliant with the minimum requirements of the guidance document. In the remaining two-thirds of National Societies, work was still in progress; while their revision had not yet been completed, most of the statutes had been brought further into line with the minimum requirements.

More importance had been attached in recent years to the establishment of a balanced auxiliary relationship

between National Societies and their respective public authorities. As a result, National Societies had become more attentive to their own laws and decrees, and had begun to reflect upon them internally and with their governments. That was evident in the increasing number of requests received by the Joint Statutes Commission from National Societies calling for comments on their laws and decrees.

Turning to the way forward, the draft resolution first highlighted the importance of continuing the revision process. Second, National Societies were encouraged to pursue dialogue with their national authorities to strengthen their legal base in domestic law. Third, the ICRC and the International Federation, operating through their headquarters and delegations, were asked to continue to support National Societies in that endeavour, and the Joint Statutes Commission to redouble its efforts in that regard. Fourth, after a decade of work on the issue, the time had come for a new consultation with National Societies on the most effective way to further strengthen their legal base. That exercise should consider not only the capacity of the Geneva institutions to act locally and with their delegations, but also ways of drawing more creatively on existing resources, partnerships and legal expertise available elsewhere in the Movement, notably in National Societies and their networks. A report on the progress made should be submitted to the Council of Delegates of 2013.

**The Trinidad and Tobago Red Cross Society** thanked the International Federation and the ICRC for their invaluable support in the revision of its statutes. The process was nearing completion and the text of the statutes should be transmitted to the Joint Statutes Commission before the end of 2011. Assistance would also be welcome for the revision of the National Society Act, to be carried out in consultation with the government. The Trinidad and Tobago Red Cross looked forward to cooperating with the ICRC and the International Federation, and with the public authorities, on the issue of National Society status.

**The Sierra Leone Red Cross Society** agreed that a National Society's legal base was the essential foundation of its existence and provided the framework for its activities and its relationship with its government. The Sierra Leone Red Cross had been established by an Act of Parliament in 1962 and would be celebrating its 50th anniversary in 2012. Its founding Act was archaic and, in the last two years, it had endeavoured to revise the Act to bring it into line with modern-day realities. Very satisfactory progress had been made and the Sierra Leone Red

Cross was hopeful that the task would be completed by 2012. It thanked the ICRC and the Joint Statutes Commission for their unflinching support in that regard. It therefore endorsed the draft resolution and urged all National Societies to do the same.

**The Jordan National Red Crescent Society** was in favour of the draft resolution, which would provide assistance to National Societies in revising their statutes. It had recently updated its own statutes and rules of procedure.

**The Peruvian Red Cross** said that the draft resolution should be given careful consideration. The Peruvian Red Cross had been subjected to six years of intervention by the Peruvian judiciary, involving 40 judges, who had been entitled under the statutes of the National Society to interfere with its activities, and had taken the liberty of amending its statutes. While proposed amendments to a National Society's statutes should be consistent with national legislation, they must comply with the recommendations of the Joint Statutes Commission. The Peruvian Red Cross hoped that no other National Society would ever endure a similar experience and urged the International Federation to send local experts or representatives of the Joint Statutes Commission to assist in such cases. It was important that the revision of statutes should close any loopholes that might allow National Societies' interests and principles to be violated. National Societies must be able to fulfil their mission to serve the needs of vulnerable people.

**The Togolese Red Cross** was highly appreciative of the work carried out by the Joint Statutes Commission, but regretted the amount of time it sometimes took to address the matters referred to it. For example, it was often necessary to await a decision from a supreme governing body on any proposed amendment to the statutes. The Togolese Red Cross therefore urged the Commission to act swiftly when cases were brought before it.

**The Bahrain Red Crescent Society** fully endorsed the draft resolution and thanked the International Federation and the Middle East experts who had helped the National Society to revise its statutes, namely its constitution and rules of procedure.

**The Nigerian Red Cross Society** said that, while it appreciated the efforts of the Joint Statutes Commission, it had submitted three amendments to its statutes to the Commission, but was still awaiting a final response. The situation was hampering effective communication locally and it appealed to the Commission to expedite the matter.

**The Yemen Red Crescent Society** said that it had received assistance from the Joint Statutes Commission in revising its constitution. Three years of work had led to the establishment, earlier in 2011, of a strong and comprehensive instrument in line with the Movement's constitutional developments.

**The Bangladesh Red Crescent Society** thanked the Joint Statutes Commission, and particularly the regional office in Kuala Lumpur, for helping it to formulate its new statutes. It had been a lengthy process owing to the requirement for adoption by Parliament. The Bangladeshi Red Crescent would soon have a fully-fledged constitution, which would contribute to democratizing the whole Movement in Bangladesh.

**Mr Davey** (Chair of the Joint ICRC/International Federation Commission for National Society Statutes) noted that a number of National Societies had successfully amended their statutes, or were in the process of doing so. The guidance document used by the Joint Statutes Commission as a basis for its work had originated in the International Federation's Governing Board and had subsequently been endorsed by the Council of Delegates. Referring to the appeal by two National Societies for the Joint Statutes Commission to act faster, he said that the Commission received many submissions, but prioritized requests so that draft statutes submitted to it for comments before adoption were given precedence. A table summarizing progress to date had been issued and was also available for consultation on the International Federation's website.

*The resolution was adopted by acclamation.*

*Mr Kellenberger, Chair of the Council of Delegates, resumed the chair*

## **8 Memorandum of Understanding and Agreement on Operational Arrangements between the Palestine Red Crescent and the Magen David Adom in Israel (documents CD/11/8.1, CD/11/8.2DR and 31IC/11/7.5)**

**Mr Stenbäck** (Independent Monitor of the Memorandum of Understanding and the Agreement on Operational Arrangements between the Palestine Red Crescent Society and the Magen David Adom in Israel) introduced his written report on the implementation of the Memorandum of Understanding (MoU) and the Agreement on Operational Arrangements (AOA) between the Palestine Red Crescent Society (PRCS) and the Magen David Adom (MDA) in Israel. The MoU and

the AOA had been established under duress in 2005 during a period of stalemate in the "peace process," to alleviate the restrictions on humanitarian activities imposed on the Palestinian people by the occupying power. Under the AOA, the MDA had pledged to assist the PRCS by lobbying and advocating on its behalf with the Israeli authorities. Although that had been largely fulfilled, optimum results could not be achieved as long as the occupation prevailed and the agreement itself did not address the consequences of 44 years of occupation.

While both National Societies were fully committed to their humanitarian mission, neither had been entirely satisfied with the outcomes achieved. A feeling of helplessness had emerged during the meetings held with the two Societies, as humanitarian activities were being affected by the security considerations of the authorities. Those who deemed the MDA to be responsible for the situation should remember that a National Society was rarely able to convince its government to change security laws and regulations. The implementation effort had therefore been focused on easing those rules. Some positive results had nonetheless been achieved. Five Palestinian ambulances were now able to circulate freely inside and around Jerusalem. Access for West Bank patients to Jerusalem was limited, however, to trauma cases and persons in need of special care provided only in the major hospitals in Jerusalem. Those patients required security pre-clearance and back-to-back transfers at the West Bank barrier and its checkpoints. Many Palestinian emergency operations were, however, directed to West Bank hospitals by the Israeli authorities, but Palestinian ambulances now enjoyed almost the same treatment as MDA and private ambulances.

The presence of MDA ambulances in occupied Palestinian territories serving the settlements had been a major challenge in drafting the MoU, and it had been agreed from the outset that the MDA should cease its activities in the West Bank. That was a legal requirement under the Statutes and rules of the Movement rather than a humanitarian issue *per se*. It was nevertheless a very sensitive issue in the Middle East context, taking into account its symbolic dimension. A successful resolution of the matter by the Movement and the two National Societies would demonstrate the ability of the Movement to rise above the obstacles created by the political situation. Rather than hiding the remaining humanitarian problems caused by the occupation, the focus should be on making decisions that truly supported the best interests of the weaker party. In the meantime, the PRCS continued to operate with many restrictions.



The report clearly showed that the MoU was not fully implemented and, regrettably, it had not been possible to verify some of the results. The illegal settlements were a contentious issue, internationally and within Israeli society. The MDA, under the leadership of Dr Noam Yifrach, had made efforts to implement the MoU so as not to stir up political controversy among the Israeli public and within the MDA's own membership. Progress had therefore been slow. That deserved criticism because, regardless of the sensitivities, the MDA had a duty to fulfil the commitments it had made since 2005. Mr Stenbäck nevertheless recognized that the MDA president had initially acted with courage against the will of his own authorities, thereby also infuriating members of his own National Society. The PRCS had fulfilled its obligation under the agreements to cooperate with the MDA in finding a solution. Dr Younis al-Khatib, the president of the PRCS, had shown patience and commitment throughout the many discussions. Both the spirit and the letter of the agreement had promoted constructive dialogue and compromise. There had been setbacks but also new starts, and an understanding of the rules of disengagement had finally been achieved through the pragmatic approach of the two presidents.

With regard to follow-up, the MDA's total withdrawal from the occupied Palestinian territory must be fully verified and the achievements made thus far must be consolidated. It was neither the task nor the mandate of the Independent Monitor to give instructions on the type of mechanism required for the next phase. He had sincerely hoped that the 22 missions to the region and countless discussions with the stakeholders during the four-year period would have led to the full implementation of the MoU. If requested, however, he would agree to continue to serve for a limited period of time. He expressed appreciation for the support he had received from National Societies, the ICRC, the International Federation and the Standing Commission. The draft resolution addressed the issue of follow-up and the text had been prepared by a drafting committee of dedicated National Societies and ICRC and International Federation representatives appointed by the International Federation's Governing Board. As an Independent Monitor and long-standing Movement operator and policy-maker, he would consider it a tremendous victory for the Movement if the Council of Delegates reached a consensus on the issue, in the context of what was perceived to be the most complicated and long-standing international conflict today.

**Dr Al-Hadid** (Chair of the drafting committee for the MoU) read out the draft resolution resulting from a

three-day consultation within the drafting committee and with all other parties concerned.

*The resolution was adopted by acclamation.*

**The British Red Cross** congratulated both National Societies, especially their respective leaders, for their significant efforts. It would continue to support their work and the monitoring process through humanitarian diplomacy with its government. It thanked the Independent Monitor for his report and emphasized that humanitarian principles must be at the centre of the discussions, avoiding any political or other influences extraneous to the Movement. The British Red Cross was pleased to have participated in the adoption of the resolution, which was both constructive and balanced, concentrating on solutions to humanitarian problems with a view to fully implementing the MoU.

**The Palestine Red Crescent Society** thanked the Independent Monitor for his report and the ICRC, the International Federation and National Societies for their support in implementing the MoU and assisting the Palestinian Red Crescent in its difficult endeavours to serve the most vulnerable. It commended the simple, straightforward nature of the MoU, which set forth the Movement's Fundamental Principles. Essentially, the MoU promoted the principle of unity and called for respect for the geographical scope of each Society, and the Palestinian Red Crescent looked forward to its implementation. In the name of the integrity of the Movement, and out of respect for the many international observers in Palestine, the Palestinian Red Crescent stressed the importance of accuracy and transparency, notably on the issue of ambulances. Photographs showed that ambulances were still bearing the MDA emblem instead of the new emblem representing the authorities that had legal control over the ambulances. Regrettably, six years had elapsed since the adoption of the MoU. However, the Palestinian Red Crescent and Dr Yifrach of the MDA were partners in the implementation of the MoU and the Palestinian Red Crescent reaffirmed its commitment to assisting the MDA in that endeavour, in keeping with the Movement's spirit and in tribute to all those who had lost their lives in the line of duty within and outside the Palestinian Red Crescent.

**The French Red Cross** said that Professor Mattei, the president of the French Red Cross, had participated in the June 2011 mission to the region to support the effective implementation of the agreements signed between the MDA and the PRCS in 2005. He had witnessed the cordial atmosphere that had prevailed throughout the mission and the determination and

perseverance of Mr Stenbäck and of the International Federation and ICRC delegates in the field. The goodwill and cooperation of the two National Societies had led to agreements acceptable to both parties. In line with the principle of universality, the French Red Cross urged all National Societies to express solidarity with the PRCS and the MDA, ahead of the review of the implementation of the agreements by the 31st International Conference.

**The Netherlands Red Cross** expressed particular appreciation for the work carried out by the Independent Monitor. Despite their differing circumstances, both National Societies had faced challenging situations, particularly in a socially – and politically – hostile environment. The Netherlands Red Cross therefore commended their respective leaders on their valuable efforts, without which the resolution would not have been brought before the Council.

**The Danish Red Cross**, speaking on behalf of the National Societies of Finland, Iceland, Norway, Sweden and Denmark, paid tribute to the two National Societies for their continuous efforts to fully implement the MoU and AOA. Notwithstanding the excellent efforts and results obtained, it should be remembered that the occupation of Palestinian territory imposed serious limitations on potential achievements. The Danish Red Cross, and the National Societies on whose behalf it was speaking, appreciated the unanimous adoption of the resolution and urged all National Societies to continue to support the PRCS and the MDA in their joint endeavours. They stressed that governments had a responsibility to respect the humanitarian work of the two National Societies and to comply with the provisions of the MoU on their respective geographical scope of operations.

**The Magen David Adom in Israel** said that the Independent Monitor's report recognized that 100 per cent of the AOA and 80 percent of the MoU had been implemented, which represented an overall implementation rate of 80 to 90 per cent. In that context, it questioned the meaning of the words "progress that has been made" in operative paragraph 1 of the resolution. There was a large ambulance service in Jerusalem providing free access to all Israeli hospitals. The MDA had withdrawn 80 percent of its operations from the West Bank, which represented substantial progress. Accordingly, the MDA had proposed to the drafting committee that it add the word "substantial" before "progress" to reflect that fact. Some members, however, had rejected his suggestion and refused to recognize the extent of progress made, for political or other reasons and because they were

more powerful than the MDA was. In view of their attitude – and independently of the MDA – Dr Yifrach, Chairman of the MDA's Executive Committee, had decided personally to discontinue the implementation process; therefore it remained to be seen what achievements would be made over the next two years.

**The Ghana Red Cross Society** wholeheartedly supported the MoU, which was designed to bring peace, security and prosperity between the MDA and the PRCS, and between the peoples of the two countries. The Ghanaian Red Cross was firmly convinced that there was no problem too great to overcome through humanitarian diplomacy. It would be beneficial to mobilize International Federation / ICRC resources in an innovative way, such as through youth action and women's networks, in addressing those challenges.

**The Papua New Guinea Red Cross Society** congratulated the PRCS and the MDA on their handling of the highly sensitive issue and noted the progress made since the 2009 Council of Delegates. It paid particular attention to developments in the region, in the face of the human suffering involved and taking into account the specific historical and geographical context. Fully endorsing the resolution, the Papua New Guinea Red Cross commended the Independent Monitor on the progress achieved despite the volatility of the situation.

**The Red Cross Society of Georgia** said that the two National Societies deserved due recognition for their considerable endeavours. The MDA had drawn attention to the percentage of pledges fulfilled under the MoU and the efforts it had required. More work was needed to achieve further progress, building upon those achievements, and efforts must be supported to ensure that humanitarian diplomacy prevailed. The Georgian Red Cross urged members to give serious consideration to the issue and to applaud the endeavours of both National Society leaders.

**The American Red Cross** welcomed the Independent Monitor's report, which recognized the significant progress achieved since the 2009 Council of Delegates. It commended the PRCS and the MDA on their sustained and substantial efforts and, in particular, on the full implementation of the AOA and improvements in humanitarian access. The ongoing commitment of the two National Societies to fulfil the obligations of the MoU was also noteworthy. Both had dealt with extremely difficult circumstances and strong external pressures intended to obstruct their implementation of the agreements. The MDA had faced significant, and often extreme, opposition



to its efforts to fulfil the provisions of the MoU on geographical scope, including from numerous members of the Israeli Parliament, the media inside and outside Israel and MDA donors, members and volunteers. Despite that opposition, and at great cost, the MDA and its leadership under Dr Yifrach had not wavered in its commitment to fulfilling its obligation and cooperating with the Independent Monitor and the PRCS in fully implementing the MoU. The American Red Cross remained committed to supporting that endeavour and urged members of the Movement to stand in solidarity with both Societies, in an ongoing effort to uphold the Movement's Fundamental Principles, particularly independence, neutrality and impartiality.

**The Chair** reassured Dr Yifrach that his courageous efforts and the progress he had achieved were not being questioned; nor were there doubts concerning the spirit of cooperation shown by Dr Al-Khatib.

### 3.4.3 Item III. Issues for decision

#### 9 Preserving the historical and cultural heritage of the International Red Cross and Red Crescent Movement (documents CD/11/9.1 and CD/11/9.1DR)

**The Chair** said that the draft resolution before the Council had been prepared by the International Federation, in cooperation with the International Red Cross and Red Crescent Museum, and was co-sponsored by the Australian, British, Chinese, Colombian, French and Serbian Red Cross Societies and the Turkish Red Crescent. He invited Ms Deniz Sölen of the Turkish Red Crescent to the podium, together with Ms Renée Zellweger of the ICRC, Mr Patrick Auderset of the International Red Cross and Red Crescent Museum, and Mr Grant Mitchell of the International Federation.

**Ms Sölen** (Turkish Red Crescent Society) said that the 150th anniversary of the origin of the Movement had been an appropriate time to reflect on the importance of its humanitarian action and the contribution of its components to the world's historical heritage relating to armed conflict and natural and technological disasters. The Movement had an undisputed place in history, serving as an inspiration to governments, communities and organizations in responding to humanitarian crises. Its components had accumulated a unique heritage, which must be preserved and promoted to inspire current and future generations, and guide their actions. Past experience demonstrated the importance of maintaining historical records of

the activities of the Movement in support of persons and communities affected by humanitarian crises. It had always endeavoured to restore family links, which played a pivotal role in alleviating the suffering of victims and their families, sometimes many years after armed conflict or disaster. That could only be achieved, however, if all of its components carefully preserved their operational files and institutional memory.

Prompted by its 20th anniversary in 2008, the International Red Cross and Red Crescent Museum in Geneva had initiated a process of reflection on the meaning of its mission and the future of its work, in order to disseminate knowledge of the Movement and its heritage. In the light of its special role and its location in Geneva, it had set out to enhance the preservation of the Movement's historical and cultural heritage. The celebration of several important anniversaries and commemorations in the next decade would provide the opportunity to raise awareness of the universal value of that heritage among current and future generations.

The draft resolution invited all Movement components to accord higher priority to preserving and promoting the Movement's historical and cultural heritage to make it better known and appreciated through promotional activities in museums, exhibitions and other heritage facilities and the establishment and operation of effective archive services. It further invited them to make effective use of that wealth of knowledge and experience in their current humanitarian activities. In addition, they were encouraged to share their experience in preserving and promoting their historical and cultural heritage, and to call upon the good offices of the International Red Cross and Red Crescent Museum in Geneva and the expertise of the International Federation and the ICRC, as needed. Finally, it requested the International Red Cross and Red Crescent Museum, the International Federation and the ICRC, in consultation with National Societies, to present recommendations to the Council of Delegates in 2015 on preserving and promoting the Movement's historical and cultural heritage, based on the experiences and the concrete action taken by the different components of the Movement in that domain.

The Turkish Red Crescent attached great importance to preserving and promoting its archives. It had thus opened its 144-year-old archives to researchers and the public, and was involved in efforts to establish a museum to preserve its historical heritage. Those archives must be protected, as they would serve as a reminder of the humanitarian values attributed to the

Movement by its ancestors and founders. National Societies should strengthen, develop and maintain the link between the past and those values, and combat any attempts to undermine them. The draft resolution laid the ground for a concerted effort to give the rich and unique history of the Movement the voice it deserved.

*The resolution was adopted by acclamation.*

## **10 31st International Conference of the Red Cross and Red Crescent**

### **10.1 Adoption of the provisional agenda and programme of the 31st International Conference (documents CD/11/10.1DR and 31IC/11/1.1)**

*The resolution was adopted by acclamation.*

### **10.2 Proposed officers for the 31st International Conference (document CD/11/10.2DR)**

*The resolution was adopted by acclamation.*

**The Chair** read out the following statement by the members of the branding initiative: “Components of the International Red Cross and Red Crescent Movement will work together to develop a better understanding and response to the global challenges posed by the different Red Cross and Red Crescent brand identities. This initiative was launched at a side event organized at the 2009 Council of Delegates in Nairobi. Within this initiative, a common definition of what branding means will be agreed, a branding position statement proposed, and processes developed to help manage and enhance the reputation and influence of National Societies. Working groups will be established to build brand development capability within National Societies and develop transnational guidelines which address a range of brand identity challenges such as digital and social media, commercial activity and competition. The Red Cross and Red Crescent international brands reference group comprising the ICRC, National Society representatives and the International Federation will oversee this initiative and will present a resolution to the Council of Delegates in 2013.”

### **3.4.4 Item IV. Follow-up to the 2009 Council of Delegates**

**The Chair** reminded everyone that any delegation wishing to comment on a follow-up report had to inform the Standing Commission of their request

ahead of the Council of Delegates. A request had been made by the Japanese Red Cross to address the Council on the report of the Joint Commission of the Empress Shōken Fund (document CD/11/11.5).

**The Japanese Red Cross** said that the Empress Shōken Fund had been established in 1912, following a donation of 100,000 Japanese yen (equivalent to four million Swiss francs today) by H.M. The Empress Shōken to the Red Cross to support its peaceful activities globally. It had been a pioneering initiative, enjoying a long history dating back to before the establishment of the International Federation and 2011 marked its centennial. To date, it had met 600 requests from National Societies and had supported their capacity building efforts in times of peace. The Fund was managed by the Joint Commission, which was composed of members of the ICRC and the International Federation; the Japanese Red Cross thanked the members of the Commission for all their endeavours.

Through the unrelenting efforts of several parties to increase the Fund’s capital, in particular the Japanese Imperial Household and the Japanese Red Cross, its value had stood at Sfr 10 million at the end of 2010. The recent global economic situation, however, had meant having to reduce the amounts distributed and the number of recipients considerably, compared to previous years. To reaffirm the significance of the Fund and its many achievements thus far, and to bring about further improvements, the Japanese Red Cross and the Joint Commission were planning a number of events, such as a commemorative publication on H.M. The Empress Shōken and the Fund, and a Red Cross/Red Crescent exhibition to be held in Japan in April 2012 to mark the anniversary of the death of H.M. The Empress Shōken and celebrate the Fund’s establishment. Ways to increase the capital of the Fund were also under consideration, to ensure that the Empress Shōken Fund remained a source of encouragement for National Societies worldwide.

**The Chair** said that the Cambodian and Belgian Red Cross Societies wished to comment on the report on the implementation of the Movement Strategy for Restoring Family Links (document CD/11/11.6).

**The Cambodian Red Cross Society** thanked the ICRC for its assistance in implementing the Restoring Family Links (RFL) Strategy for the Movement (2008-2018), thereby helping to address the needs of vulnerable people separated from their families as a result of armed conflict and other situations of violence, natural disasters and

international migration. The Cambodian Red Cross also thanked participating National Societies and the International Federation for their contribution to RFL coordination and cooperation with the Family Links Network and to emergency preparedness and response. Since 1988, the Cambodian Red Cross had set up a tracing and message service, with the support of the ICRC, to help Cambodians to locate family members.

The Cambodian Red Cross had participated in meetings on the issue in the Asia and Pacific region and had hosted a meeting in Phnom Penh in 2010 to enhance dialogue and cooperation with the Family Links Network in the region. It had also incorporated RFL in its Response to Human Trafficking Programme since 2009 to provide better services to vulnerable migrants and victims of violence, and had carried out an RFL-needs assessment for its four-year development plan of action for 2011-2014. It had raised awareness amongst the national disaster response team of RFL needs in disasters. Furthermore, RFL services had been provided in the aftermath of the stampede that had occurred in Phnom Penh in November 2010; and the Cambodian Red Cross had registered 309 tracing requests, of which 266 cases had been successfully resolved, while others were still pending. Conversely, the Cambodian Red Cross had not been effectively prepared and equipped to assess RFL needs during the Cambodian/Thai border conflict in April 2011. Drawing on that experience, it recognized the importance of training staff to be ready to deploy and manage an RFL response in emergencies.

**The Belgian Red Cross** commended the ICRC's efforts to ensure the implementation of the Strategy. It fully endorsed the Strategy and encouraged all components of the Movement to do likewise. It was pleased to announce that, at the forthcoming International Conference, it would pledge its commitment to further implementing the actions called for by the Strategy. Lastly, encouraged by the positive results achieved through the development of a web-based tracing database for the National Societies of the European Union, the Belgian Red Cross emphasized the importance of using new technologies and was ready to share that experience with all interested parties.

## **Item II. Issues for debate and decision (resumed)**

### **6 National Societies preparing for and responding to armed conflict and other situations of violence (continued) (CD/11/6.1)**

**The Canadian Red Cross Society** informed the Council that a compromise had been reached on the draft resolution under consideration and that the new version had been circulated to members. The ad hoc working group had met in a spirit of cooperation and consensus, and meaningful contributions had been made to the debate, demonstrating the important role of National Societies in addressing a variety of situations of violence.

*The resolution, as amended, was adopted by acclamation.*

### **3.4.5 Item V. Closing of the Council and date and venue of the next Council of Delegates**

**The Chair** confirmed that the next Council of Delegates would be held on 16 November 2013 in Sydney, Australia. He invited members to participate in the three parallel commissions convening after the closing of the Council, followed by the Henry Dunant medal ceremony. He declared the 2011 Council of Delegates closed.

**Mr Konoé** (President of the International Federation) said that, as Mr Jakob Kellenberger's term as President of the ICRC was drawing to a close, he wished to congratulate him on his invaluable contribution to the Movement. He shared his perception of the Movement as a network that could join forces. In 2006, Jakob Kellenberger had fully supported the adoption of the "third Protocol emblem" and had even taken the risk of putting the matter to a vote, which had been successful. Through a combination of principles and pragmatism, he had sought to keep bureaucracy to a minimum and had facilitated the efficient conduct of debates in the Council of Delegates. It was noteworthy that Mr Kellenberger had been born at the same hospital in which Henry Dunant had died, in Heiden, Switzerland. As a token of appreciation for his efforts, he presented him with a portrait of Henry Dunant, painted during the opening ceremony of the 18th General Assembly by world-renowned French speed artist, Frank Bouroullec. He wished him every success in his future endeavours.

**Mr Kellenberger** (President of the ICRC) expressed his gratitude for the confidence that had been placed in him over the years as president of the ICRC.

*The meeting rose at 5.05 p.m.*

### 3.4.6 Henry Dunant Medal awards ceremony

*Saturday, 26 November 2011  
7.05 p.m.*

**Ms Korhonen** (Head of the Standing Commission Secretariat), speaking in her capacity as Master of Ceremonies of the awards ceremony, informed the Council of Delegates that the Standing Commission had decided to award the 2011 Henry Dunant Medal, the Movement's highest distinction, to three esteemed Red Cross and Red Crescent personalities: **Dr Shimelis Adugna**, **Dr Astrid Nøklebye Heiberg** and **Dr Bosko Jakovljevic**. She invited Ms Frehiwot Worku, Secretary-General of the Ethiopian Red Cross Society, to the podium to introduce the first winner, Dr Adugna.

#### *Shimelis Adugna*

**Ms Worku** (Ethiopian Red Cross) said that Dr Adugna had joined the Ethiopian Red Cross after a long career serving his country and fellow citizens, during which time he had occupied numerous positions of responsibility, including Minister of Labour and Social Affairs. As a member of the National Relief and Rehabilitation Commission, for example, he had contributed greatly to the safety of the many Ethiopians affected by the drought of the mid-1980s by mobilizing international resources and providing support to the National Society's response operations. As President of the Regional Branch Office of the Ethiopian Red Cross in Addis Ababa, he had helped to develop services for the vulnerable and needy by expanding the country's ambulance service network and facilitating the establishment of 22 blood banks. During his eight-year term, Dr Adugna had strengthened the Society's capacity to respond to disaster and humanitarian needs, promoting its role as an auxiliary to the public authorities, mobilizing local resources to cover its core budget and ensuring the efficiency and sustainability of branch offices by facilitating coordination with headquarters. He had further helped to strengthen the capacity of other National Societies in Africa, while enhancing cooperation and partnership in emergency preparedness and response with a large number of Societies. As vice-president of the International

Federation, he had launched and promoted many important initiatives for the continent, including the establishment of the New Partnership for African Red Cross and Red Crescent Societies and had campaigned fervently for statutory meetings to be held in Africa, the first of which had taken place in Kenya in 2009. He had also hosted a special session of the Governing Board on how to advance continent-wide knowledge sharing and exchanges of ideas. Dr Adugna was a tough and determined champion of the Ethiopian Red Cross and the Movement. The Standing Commission had unanimously decided to award him the Henry Dunant Medal for his personal commitment, contribution to the development of humanitarian activities and work in promoting the Movement's Fundamental Principles and ideals.

*Amid applause, Dr Adugna received the Henry Dunant Medal and certificate from Mr Barra, Chairman of the Standing Commission.*

**Ms Korhonen** (Head of the Standing Commission Secretariat) invited Mr Knut Sverre, the chairman of Norwegian Red Cross Youth, to the podium to introduce the second winner of the Henry Dunant Medal, Dr Astrid Nøklebye Heiberg.

#### *Astrid Nøklebye Heiberg*

**Mr Sverre** (Norwegian Red Cross) said that Dr Heiberg, a respected professor of psychiatry, an active advocate for gender equality and a committed campaigner against torture, had joined the Norwegian Red Cross as a volunteer in the early 1980s. Elected president of the National Society in 1993, she had steadily increased its involvement in the Movement's operations and programmes. Her communication and bridge-building skills had helped to create an atmosphere conducive to restoring the Movement's unity and credibility at the 26th International Conference in 1996, after the last-minute cancellation of the Conference due to take place four years earlier in Budapest. After her election as the first female president of the International Federation, she had led a steadfast campaign to build the capacity of National Societies by enhancing the role of the vice-president and the Executive Council as primary dialogue partners and encouraging them to play a more active role in International Federation decision-making. In so doing, she had paved the way for significant improvements in regional emergency and disaster response, strengthening the Movement as a whole. She had also made a major contribution to efforts to combat the HIV/AIDS pandemic, especially in Africa, through the mobilization of resources, awareness-raising, and assistance for the vulnerable.

A tireless ambassador for the Movement and its humanitarian agenda, Dr Heiberg had set an example to others with her integrity, professionalism and unwavering dedication to the cause. The Standing Commission had unanimously decided to award her the Henry Dunant Medal for her personal commitment, contribution to the development of humanitarian activities and work in promoting the Movement's Fundamental Principles and ideals.

*Amid applause, Dr Heiberg received the Henry Dunant Medal and certificate from Mr Barra, Chairman of the Standing Commission.*

**Ms Korhonen** (Head of the Standing Commission Secretariat) invited Dr Dragan Radovanovic, president of the Red Cross Society of Serbia, to the podium to introduce the third winner of the 2011 Henry Durant Medal, Dr Bosko Jakovljevic, known for his outstanding contributions to international humanitarian law (IHL) and to the International Disaster Response Laws, Rules and Principles programme.

*Bosko Jakovljevic*

**Dr Radovanovic** (Red Cross Society of Serbia), said that the Red Cross had been an integral part of Dr Jakovljevic's life ever since he had joined the Yugoslavian branch as a volunteer in his twenties. Subsequently, in his long professional career with the Yugoslav Red Cross, where he had eventually risen to the position of Director of International Relations, Dr Jakovljevic had relentlessly promoted and contributed to the development of IHL both within the Movement and at every level of society. He had helped to develop the principles and rules for Red Cross and Red Crescent Disaster Relief, adopted by the 21st International Conference in 1969; served on the Yugoslav delegation at the Diplomatic Conference of Geneva of 1974-1977; advised the Standing Commission on the Statutes and rules of procedure of the Movement in the 1980s; contributed to the Red Cross and Red Crescent programme against racism and racial discrimination in 1982; participated in ten International Conferences of the Red Cross and Red Crescent; participated in and contributed to the outcomes of two Red Cross and Red Crescent peace conferences; and was a member of the Red Cross and Red Crescent Peace Commission. Since retiring, Dr Jakovljevic had been an active volunteer with the Red Cross Society of Serbia, and remained vice-president of its commission on IHL,

on which he had served as president from 1990 to 2000. His expertise in and commitment to IHL had inspired many to follow in his footsteps. He was deeply sensitive to human suffering and continued to be significantly involved in humanitarian work in the Balkan region. The Standing Commission had unanimously decided to award him the Henry Dunant Medal for his personal commitment, his contribution to the development of humanitarian activities, and his efforts to promote the Movement's Fundamental Principles and ideals.

*Amid applause, Dr Jakovljevic received the Henry Dunant Medal and certificate from Mr Barra, Chairman of the Standing Commission.*

**Dr Jakovljevic**, speaking on behalf of his fellow recipients and thanking the Standing Commission, drew attention to some of the aspects of the Movement that the vast army of Red Cross and Red Crescent members and supporters stood to learn in the course of their ever-wider and deeper cooperation. First, there were no limits to the Movement's action, mandate and activities wherever there was human suffering. Secondly, it relied on voluntary service; nobody was forced to join, yet none should be prevented from doing so. The right to make that choice had contributed to the expansion of the International Federation, and the number of members would never have been as great had it been compulsory. Thirdly, the Movement was clearly a contributor to peace; the first Nobel Peace Prize had been awarded to its founder, Henry Dunant, in 1901 and the ICRC itself had since won it on three separate occasions. Indeed, the Movement regarded peace as more than merely an absence of war; it was a matter of lasting cooperation among all States and peoples, with the common aim of ensuring respect for human beings and their basic rights. Last but not least, the Movement, through its activities, principles, ideology and mission, was combating the increasing violence in the world – the traditional and new forms of which were causing terrible suffering – not by arms, but by peaceful means. The world needed such an organization and its members should be proud to serve as soldiers in the vast humanitarian army of volunteers.

**Ms Korhonen** (Head of the Standing Commission Secretariat) congratulated the three laureates and thanked them for their contributions to humanity and to efforts to build a better world.

*The award ceremony closed at 7.35 p.m.*





## 3.5 LIST OF DOCUMENTS SUBMITTED TO THE COUNCIL OF DELEGATES

### Provisional annotated agenda of the 2011 Council of Delegates (CD/11/3.1)

#### DRAFT RESOLUTIONS AND BACKGROUND REPORTS

- Working towards the elimination of nuclear weapons (CD/11/4.1)  
*Document prepared by the ICRC in consultation with the International Federation*
- Movement components' relations with external humanitarian actors (CD/11/5.1)  
*Document prepared jointly by the ICRC and the International Federation*
- National Societies preparing for and responding to armed conflict and other situations of violence (CD/11/6.1)  
*Document prepared by the ICRC in consultation with the International Federation*
- Strategy for the International Red Cross and Red Crescent Movement (CD/11/7.1)  
*Document prepared by the Standing Commission in consultation with the ICRC and the International Federation*
- Joint ICRC/International Federation Commission for National Society Statutes (CD/11/7.2)  
*Document prepared by the Joint ICRC/International Federation Commission for National Society Statutes*
- Implementation of the Memorandum of Understanding and Agreement on Operational Arrangements, dated 28 November 2005, between the Palestine Red Crescent Society and the Magen David Adom in Israel (CD/11/8.1)  
*Document prepared by Mr Pär Stenbäck, Independent Monitor*

- Preserving the historical and cultural heritage of the International Red Cross and Red Crescent Movement (CD/11/9.1)  
*Document prepared by the ICRC and the International Federation with the support of the Australian, British, Chinese, Colombian, French, and Serbian Red Cross Societies and the Turkish Red Crescent, and in cooperation with the International Red Cross and Red Crescent Museum*
- Draft resolution on the provisional agenda and programme of the 31st International Conference (CD/11/10.1 and 31IC/11/1.1)
- Draft resolution on the proposal of persons to fill posts at the 31st International Conference (CD/11/10.2DR)

#### FOLLOW-UP TO THE 2009 COUNCIL OF DELEGATES

- Report on the work of the Standing Commission (CD/11/11.1)  
*Document prepared by the Standing Commission*
- Report on the implementation of the Movement policy on internal displacement (CD/11/11.2)  
*Document prepared by the ICRC in consultation with the International Federation*
- Report on the follow-up to the Code for Good Partnership (follow-up to Resolution 09/2009) (CD/11/11.3)  
*Document prepared jointly by the ICRC and the International Federation*

- Report on implementation of the Seville Agreement and its Supplementary Measures (CD/11/11.4)  
*Document prepared jointly by the ICRC and the International Federation*
- Report on the Joint Commission of the Empress Shōken Fund (CD/11/11.5)  
*Document prepared by the Joint Commission of the Empress Shōken Fund*
- Progress report on the Restoring Family Links (RFL) Strategy for the International Red Cross and Red Crescent Movement (2008-2011) (CD/11/11.6)  
*Document prepared by the Central Tracing Agency of the International Committee of the Red Cross in consultation with members of the RFL Implementation Group from National Societies and the International Federation*

# 31ST INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT

## 4.1 CONVOCAATION

To the members and observers  
of the 31st International Conference of the Red Cross and Red Crescent  
Geneva, Switzerland, 28 November – 1 December 2011

Geneva, 25 May 2011

Sir/Madam,

The Standing Commission of the Red Cross and Red Crescent has determined the place and date of the 31st International Conference of the Red Cross and Red Crescent. It will be held in Geneva from 28 November to 1 December 2011. As co-organizers of the conference, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies look forward to welcoming you

**on Monday 28 November 2011**  
**at 9.00 a.m at the International Conference Centre of Geneva (CICG)**  
Rue de Varembe, 15 – 1211 Geneva.

“**Our world. Your move – For humanity**” is the slogan of this Conference, which will focus on strengthening international humanitarian law and humanitarian action.

Please find enclosed the following preparatory documents:

1. The provisional agenda, prepared by the Standing Commission
2. A background document that explains the rationale and desired outcomes for the substantive issues set out in the provisional agenda
3. The guidelines for pledging, inviting participants to undertake voluntary specific humanitarian commitments to implement conference resolutions for the period 2012-2015, either individually or collectively with other members and/or observers
4. An information note on the registration of participants.

Please also refer to the following documents, which are available on the websites of the Standing Commission, the ICRC and the International Federation:

- **The Guiding Principles for the Election of the Standing Commission and the Statutes and Rules of Procedure** of the International Red Cross and Red Crescent Movement (new edition).

The Standing Commission will decide on a limited number of workshops to be held. These will provide participants with an opportunity to debate important humanitarian issues that are not on the formal agenda of the conference. Further information on the workshops will be provided to participants at a later stage.

This convocation is addressed to all the members of the International Conference, who, pursuant to Article 9 of the Statutes of the Movement, are:

- the duly recognized National Red Cross and Red Crescent Societies
- the International Committee of the Red Cross
- the International Federation of Red Cross and Red Crescent Societies
- the States party to the Geneva Conventions.

In accordance with Rule 5 of the Rules of Procedure of the Movement, this convocation is also addressed to all observers invited to attend the Conference.

Members of the conference are invited to give feedback on the enclosed background document, preferably by 30 June.

Rule 6.2 of the Rules of Procedure of the Movement requires that the Standing Commission receive observations, amendments or additions to the provisional agenda no later than 60 days before the opening of the conference (29 September 2011). However, we would appreciate receiving all comments by 30 August.

Any paper submitted by a member of the conference for inclusion as an official working document must be received by the Standing Commission no later than 90 days before the opening of the conference (30 August 2011).

The official working documents for the various agenda items of the conference, including draft resolutions, will be sent out 45 days before the opening of the conference (12 October 2011).

The address and contact details of the Secretariat of the Standing Commission and the other organizers of the conference are enclosed.

The Standing Commission welcomes Ambassador Jean-François Paroz as Commissioner of the Conference. The Government of Switzerland has offered its services to the Standing Commission and the co-organizers to assist in the preparations for the conference.

Please accept, Sir/Madam, the assurance of our highest consideration.

Tadateru Konoé  
President  
International Federation of Red Cross  
and Red Crescent Societies

Jakob Kellenberger  
President  
International Committee of the Red Cross

## 4.2 AGENDA AND PROGRAMME

### 4.2.1 AGENDA AND PROGRAMME

See 1.2.1 above  
(page 23)

### 4.2.2 PROGRAMME OF WORKSHOPS AND SIDE EVENTS

#### Sunday 27 November 2011

- Side event: Musical play on the life of Henry Dunant
- Side event: TEDxRC<sup>2</sup>

#### Monday 28 November 2011

- Workshop: Protection for victims of armed conflicts: How can a gender perspective on IHL make a difference?
- Workshop: Ensuring adequate and timely humanitarian response to migrants' needs and vulnerabilities: The challenges of access
- Workshop: Best practices in strengthening child protection
- Workshop: National Societies' preparedness and response to armed conflict and other situations of violence
- Side event: Screening of documentary: *Protection of Civilians in Peace Operations*
- Side event: Fact-finding as a tool for ensuring respect for IHL: Current concerns and perspectives
- Side event: The proper management of the dead from armed conflicts: A humanitarian imperative, from principles to practice
- Side event: The Copenhagen Process: Handling of detainees in international military operations
- Side event: Youth as drivers of a culture of nonviolence and peace: The power of sports, arts and creativity

#### Tuesday 29 November 2011

- Side event: Current challenges in the dissemination and implementation of IHL
- Side event: Innovative ways of promoting humanitarian education to children and youth
- Side event: Sustainable humanitarian action: Bridging relief to development
- Side event: Humanitarian access
- Side event: Launch of the *II Report on Implementation and Dissemination of International Humanitarian Law in the Republic of Poland*
- Side event: Engaging with armed non-State actors on the protection of civilians
- Side event: Towards a common strategy on IHL violations in video games
- Side event: The rule of law and sanctions
- Side event: ASEAN, beyond the 31st International Conference
- Side event: Concert: Roppongi Men's Chorus Club

**Wednesday 30 November 2011**

- Workshop: Using new technology to addressing the problem of insecurity of access to and provision of health care in armed conflict and other situations of violence
- Workshop: Humanitarian consequences of climate change
- Workshop: Strengthening partnerships to tackle humanitarian challenges
- Side event: Tuberculosis still kills 1.4 million people every year
- Side event: Private military and security companies: Protecting civilians in armed conflict beyond the Montreux document
- Side event: Special report on the earthquake and tsunami disaster operations by the Japanese Red Cross
- Side event: Promotion of IHL and its implementation in the Commonwealth
- Side event: Fraud and other abuse of the emblem on the internet
- Side event: RC/RC World AIDS Day

## 4.3 CONFERENCE OFFICIALS

### 4.3.1 CHAIRMANSHIP OF THE CONFERENCE

#### *Chairperson of the Conference*

Ms Niki Rattle (Cook Islands Red Cross Society)

#### *Vice-Chairpersons of the Conference*

Ambassador Peter Gooderham (United Kingdom)

Ms Liesbeth Lijnzaad (Netherlands)

Mr Fernando José Cardenas Guerrero (Colombian Red Cross)

#### *Rapporteur of the Conference*

Ambassador Minelik Alemu Getahun (Ethiopia)

#### *Secretary-General of the Conference*

Ambassador Jean-François Paroz (Switzerland)

#### *Assistant Secretaries-General*

Mr Frank Mohrhauer (International Federation)

Mr Bruce Biber (ICRC)

### 4.3.2 CHAIRMANSHIP OF THE CONFERENCE'S SUBSIDIARY BODIES

#### **Commission A**

##### **Migration: Ensuring access, dignity, respect for diversity and social inclusion**

Dr Muctarr A.S. Jalloh

(Sierra Leone Red Cross Society)

#### **Commission B**

##### **Furthering the auxiliary role: Partnership for stronger National Societies and volunteering development**

Dr Dragan Radovanovic (Red Cross Society  
of Serbia)

#### **Commission C**

##### **Health care in danger: Respecting and protecting health care in armed conflict and other situations of violence**

Dr Mamdouh Gabr (Egyptian Red Crescent Society)

#### **Commission D**

##### **Health inequities: Reducing the burden on women and children**

Ms Fatima Gailani (Afghan Red Crescent Society)

#### **Commission E**

##### **Humanitarian access and assistance**

Vice-Minister Juan Manuel Gómez Robledo (Mexico)

#### **Drafting Committee**

Ambassador Maria Nazareth Farani Azevêdo (Brazil)

### 4.3.3 BUREAU OF THE CONFERENCE

- Ms Niki Rattle, Chairperson of the Conference
- Ambassador Peter Gooderham  
Vice-Chairperson of the Conference
- Ms Liesbeth Lijnzaad  
Vice-Chairperson of the Conference
- Mr Fernando José Cardenas Guerrero  
Vice-Chairperson of the Conference
- Dr Muctarr A.S. Jalloh  
Chairperson of Commission A
- Dr Dragan Radovanovic  
Chairperson of Commission B
- Dr Mamdouh Gabr  
Chairperson of Commission C
- Ms Fatima Gailani  
Chairperson of Commission D
- Vice-Minister Juan Manuel Gómez Robledo  
Chairperson of Commission E
- Ambassador Maria Nazareth Farani Azevêdo  
Chairperson of the Drafting Committee
- Ambassador Jean-François Paroz  
Secretary-General of the 31st International Conference
- Mr Massimo Barra  
Chairman of the Standing Commission of the Red Cross and Red Crescent
- Mr Tadateru Konoé  
President of the International Federation of Red Cross and Red Crescent Societies
- Mr Jakob Kellenberger  
President of the International Committee of the Red Cross



## 4.4 OPENING CEREMONY

**Monday 28 November 2011**

*Alphorn players*  
*Screening of the video Our World, Your Move*

### **4.4.1 Welcoming address by Mr Guy Mettan, President of the Geneva branch of the Swiss Red Cross**

*(Original French)*

Madam President, Ministers, Your Royal Highnesses, Excellencies, ladies and gentlemen representing governments, colleagues from the Red Cross and Red Crescent, ladies and gentlemen, my very good friends, I am Guy Mettan and I am the president of the Geneva Red Cross, and we are one of the oldest National Societies because we are about to celebrate our 150th anniversary. I wish you a very warm welcome to Geneva for the opening ceremony of the 31st International Conference of the Red Cross and Red Crescent. It is a great pleasure for me to be here with you today.

As president of a local Red Cross, I am very pleased to see colleagues from the 187 National Societies, alongside their governments, participating in the work of this conference this week. Last week, the Maldivian Red Crescent joined the Movement, and, therefore, our number of National Societies has gone from 186 to 187. I'm also delighted to see volunteers, including those from the Geneva Red Cross, everywhere in this conference centre, to help us with our work, and I thank them for their commitment to bring in all volunteers, staff and all those who support our Movement in the world. Our opening ceremony is being webcast in four languages.

Before proceeding to the other events of this opening ceremony, I would like to thank the players of the Swiss Alphorn Academy and the team that produced the excellent video, and I invite you to applaud them warmly. To underscore the importance of the local humanitarian commitment, and to recall that our joint efforts are at the service of the communities we help everywhere in the world, I have the pleasure of introducing two persons whose daily work has specific impact every day in the field. Following this testimony, we will benefit from the talent of the Rudra-Béjart School, whose dancers will give us a premiere performance and will read the Fundamental Principles.

### **4.4.2 Testimonials**

**Mr Guy Mettan, President of the Geneva branch of the Swiss Red Cross**

*(Original French)*

Our first speaker is Najmuddin Helal from the ICRC Orthopaedic Centre in Kabul. By his testimony, he will show in a very forceful way the impact of his activities on the lives of his patients.

**Mr Najmuddin Helal, Director of the ICRC Orthopaedic Centre in Kabul, Afghanistan**

*(Original English)*

Good morning, everybody. Madam President of the Swiss Confederation, your Excellencies, Red Cross and Red Crescent friends, my name is Najmuddin.

I am one of the thousands of Afghans who have lost their legs due to landmines. I was 18 when it happened. I do not remember the details and, honestly, I do not want to. I just know that it was a miracle that I did not die, and that, at that time, I would not have minded if I had.

I spent six months in hospital. When I went home, I felt destroyed. I bought a pair of legs from a prosthetic workshop. One was three centimetres shorter, but at least I could stand and walk a few steps. My constant question was: Now what?

I was the eldest son; I knew that my father expected a lot from me. In order to allow me not to be stuck inside the house, my father bought a wooden chair for me, quite an expensive one. In Afghanistan, at home we usually sit on pillows and carpets on the floor. I used to sit outside my house looking at people, cars ... the life I was missing out on. Soon I became a sort of local landmark: the street where the cripple sits, they used to say.

I asked my father to help me to find a job, any job, even without a salary. But everywhere the answer was: NO. Nobody seemed to believe it was possible that someone like me could even think of asking for a job. They all looked at me with pity.

Five long black years passed. Then, one day, a friend told me that a new orthopaedic centre had opened in Kabul, thanks to a Swiss organization called the International Committee of the Red Cross. I went there. What immediately surprised me there was that I did not feel pitied. I got a pair of legs and I learnt to walk. Then I asked for a job. The answer was: Why not? Let's see. Unbelievable!

After a few weeks they called me and I became a physiotherapy assistant. It was not easy; I had to face the rivalry of the non-disabled employees, unhappy to have a colleague like me, and I had to learn everything from scratch. But I kept going, trying to improve and not to disappoint the Red Cross. Things went well and I was promoted.

Let me tell you something about our 'ortho' programme; it has changed a lot over the years. It began in Kabul in 1988, providing physical rehabilitation and prostheses for war-wounded patients, most of them landmine victims. Later, the ICRC began to help anyone with a disability, realizing that it was unfair to only support war victims. So far, the seven ICRC centres across Afghanistan have helped more than 100,000 people with artificial limbs, physiotherapy and training.

But that is not enough. Disabled persons also need to rediscover their dignity, self-confidence and self-respect so they can play an active part in society. Therefore, since 1997 we have also been helping patients to find their place again in society through training, microcredits and other activities designed to help them find a job.

Today, nearly all the technicians and physios are, like me, former patients – an example of positive discrimination. But despite the progress, the situation for many patients remains desperate. Because of the continuing war – the fighting, the checkpoints and the men carrying arms – many of them struggle to reach our centres to receive the treatment they urgently need. I hope that this conference can do something to help them. This is indeed a matter of life and death.

As for me, I now have legs, a job, a future, and a family. Sitting on that chair outside my house I would have never dreamed that one day I would be where I am now. Therefore, I always carry with me something that reminds me of what it is possible to achieve.

In 2004, I was privileged to go to Egypt to carry the Olympic flame on its journey to the Athens Games. There, you can see me on the screen. I am very proud of this. That's why I always keep this scrap of paper in my pocket on which I noted the dates of my trip to Cairo when I carried the Olympic torch in front of millions.

So, what about that chair my father bought for me? I burnt it when I became a physio, but I never told him.

Yes, the ICRC ortho centres in Afghanistan are really places where people restart their lives. And I am one of the thousands of lucky ones. Thank you very much.

**Mr Guy Mettan, President of the Geneva branch of the Swiss Red Cross**

*(Original French)*

I thank Najmuddin for having shared this with us, these words which are at the same time both very upsetting and also very encouraging, showing the activities of the ICRC in the field.

Our second speaker is Olivier Haringanji from the Burundi Red Cross; his contribution will illustrate the importance of volunteerism and effective action

with people, and the tangible impact and the will of communities to strengthen themselves. Please welcome Olivier with me. Thank you.

**Olivier Haringanji, Volunteer,  
Burundi Red Cross**

*(Original French)*

Excellencies, ladies and gentlemen, it is a great honour for me to address you from this podium at the 31st International Conference. My name is Olivier Haringanji; I am a volunteer National Youth Coordinator of the Burundi Red Cross, and it's in the name of the volunteers and the Red Cross Youth that I'm speaking today, in order to bear testimony to their tremendous commitment to those citizens of my country who are most affected.

As many did, I began as a volunteer at the Red Cross eight years ago, while my country was experiencing the most violent socio-political crisis of its history. Over the years, I realized what it meant to be a volunteer. I was able to measure the force of commitment and also of sacrifices that motivated my comrades. I saw volunteers exhausted by nights spent with the ill or the wounded; I saw volunteers who spontaneously ran to the help of refugees although they themselves were victims of the crisis. Some of them in Burundi, as elsewhere in the world, gave up their lives in order to save others.

I've always remembered, with sincere gratitude, all these volunteers. I often ask myself: Where do our volunteers find the strength, the means and the time to give themselves to other people? I have a feeling today that, in fact, we draw this strength from our common humanity. These inner resources we have in our hands we have also in our feet and in nature, which surrounds us. The time: we find there's always enough time for those who have determination, faith and passion. The truth is also that in the most desperate situations, there always remains a ray of hope that makes us believe in progress and encourages us to take action.

Let me give you a concrete example of the strength contained in this hope. In 2005, the Burundi Red Cross was moribund; the services it rendered throughout the country were very limited and very precarious. Its network of volunteers consisted of some 2,000 or 3,000 persons. Our presence in communities – and at the most local level, which we'd call our hills – was still greatly lacking. We had to pick ourselves up after years of civil war.

In the face of conflicts, disasters and poverty, it was clear that something else had to change; we had to change ourselves, and we did it. This change resided in the certainty that precarious social conditions and poverty should not prevent the citizens of Burundi from organizing themselves at the local level. We wanted to build something lasting, something sustainable, and in order to do so we knew that our best asset was our tradition of helping each other, which always existed before the war came about to upset this social coherence. We were certain that the Red Cross could catalyze this instinctive solidarity.

Today, in 2011, after a long and continuous effort at local mobilization, we can see the results. Now, our National Society has more than 350,000 volunteers: most of them face the same economic and social problems as those they are serving. Their activities are varied: they range from first aid to building and rebuilding homes, from assisting the vulnerable and the sick to helping in small farms. They are the agents of a dynamic resilience that is taking root in our communities.

This massive increase in the number of volunteers was preceded by a true change of mind or mentality that broke with a tradition of just always asking for help and the certainty that the Red Cross could be an important player and agent of change. Many national and international partners have joined us and have participated in this transformation. Our belonging to the network of the Red Cross and Red Crescent was a tremendous asset and it accelerated our change; it still is, while I speak to you. Together, we laid the foundations of a country that is prouder, more harmonious and better prepared to face danger.

Excellencies, ladies and gentlemen, our history doesn't stop here; it's not simply a stocktaking exercise, either in Burundi or elsewhere. My role among you, under today's spotlights, in the anonymous carrying out of my duties on a daily basis, is to continue to promote this culture of change.

I would like to end by making an appeal on behalf of all the volunteers of our Movement, in all the diversity of our cultures and our different realities: we join our voices to ask that each country have the necessary legislative framework that guarantees the protection of volunteers carrying out their humanitarian mission, that each country guarantee its volunteers free access to vulnerable people, that each country recognize the value of its volunteers and promote their integration in emergency response units as well as in development efforts.



My conviction is that the spirit of volunteering is in each one of us. It is a powerful agent of social transformation; it's also an essential value of our civilization. This recognition by governments is the key to making the passion of volunteers contagious and, thus, better preparing our societies to respond to future challenges.

My voice today is that of one volunteer among millions, the voice of a National Society, a voice to say that we must build our world together as we're doing in Burundi. I express the wish that this 31st International Conference will be the conference that puts communities and local situations at the heart of its work – with the secret hope that my modest message will be heard. It's there, in the daily lives of people, that the future of our humanity lies. Thank you very much.

**Mr Guy Mettan, President of the Geneva branch of the Swiss Red Cross**

*(Original French)*

Thank you, Olivier, for your testimony, which illustrates the expectations of our local communities, for which our work is most important. In Article 11 of the Movement's Statutes, we can read that all participants in the International Conference must respect the Fundamental Principles, and all the documents submitted must be in accordance with these principles.

To close this opening ceremony, the dancers of the Rudra-Béjart School will present a dance in which they will read out the Fundamental Principles. I draw your attention to the fact that this is an original creation, created specifically for our opening ceremony by students of the school, who've come from 14 countries. They've chosen to include in this performance the reading out of the Fundamental Principles of our Movement in 14 different languages, including our six official languages. Their performance takes us on a journey across continents and languages, beginning in Asia.

**4.4.3 Reading of the Movement's Fundamental Principles by dancers of the Rudra-Béjart School**

*Dance show*

**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.

## Mr Guy Mettan, President of the Geneva branch of the Swiss Red Cross

*(Original French)*

I would like to thank the dancers of the Rudra-Béjart School and their director, Michel Gascard, for this aesthetic and moving performance. And I think we can give them another round of applause.

Now we will take a break of half an hour to organize the hall for our next session, which will be the official opening. Again, I thank you for being here with us and for having given me the possibility of taking part in the opening of this 31st International Conference.





## 4.5 OPENING OF THE CONFERENCE

### 4.5.1 Opening of the First Plenary Meeting by Mr Massimo Barra, Chairman of the Standing Commission

*(Original English, Spanish and French)*

Madam President of the Swiss Confederation, Your Royal Highnesses, Excellencies, leaders of National Red Cross and Red Crescent Societies, ladies and gentlemen, dear Red Cross and Red Crescent friends, this 31st International Conference of the Red Cross and Red Crescent convenes under the slogan: Our World. Your Move – For Humanity. For our common humanity, for the world we share and that again faces enormous challenges – wars and conflict, environmental threats, financial crises, food shortages, to mention but a few. These challenges threaten not only the functioning of governments but also organizations like ours and – perhaps, and surely even more important – the daily lives of people, in particular the most vulnerable in our societies, who ultimately, as a rule, end up paying the price for all hardships.

This gathering of governments and National Red Cross and Red Crescent Societies as representatives of civil society is unique, in the true meaning of the word. Nowhere else, in no known structure, do these parties sit together, next to each other, on an equal footing, as equal partners, to analyse and discuss common humanitarian concerns. Further, this happens in a setting in which political controversies and interests are left outside this building, which contributes to an environment that is not exactly everyday practice, especially for representatives of States. The fact that it is the Red Cross and Red Crescent Movement that sets our agenda adds to the uniqueness of this conference.

Reflecting on how this is possible in today's so often divided world leads me to the concept of trust: trust in each other, trust between individual States and National Societies, trust in an open and honest dialogue, where no party is expecting to be taken advantage of or used for narrow political gains – in spite of the political agendas of governments and the humanitarian priorities of the Movement.

The aims of this conference are to strengthen humanitarian law and local humanitarian action. I want to underline the word strengthen. In public perception, both mentioned areas of work are already intimately linked to the Red Cross and Red Crescent. In the past, this conference has been instrumental in developing humanitarian law, in emphasizing the importance of adhering to it and ensuring it stays relevant in the situations it is intended for. In the same way, the work of National Societies, reaching the smallest and most remote communities in every country of the world, is almost a synonym for humanitarian action in people's minds.

We come back to trust: the Movement enjoys the trust of beneficiaries, as well as of donors, supporters and partners that it will stay true to its Fundamental Principles, especially to humanity, impartiality and neutrality, in all its actions. As a matter of fact, the Red Cross and Red Crescent is seen as the public good round the world. This I have personally experienced when witnessing a variety of situations where trained volunteers, proudly carrying our emblems, have met people in need – such as migrants landing on the island of Lampedusa, victims of earthquakes and floods or drug users rescued in the streets.

In spite of impressive achievements, there is always room for improvement – as with everything in life. The issues we will discuss and deliberate upon during the next four days will in the end clarify what

exactly we aspired to when setting strengthening as an objective – and you will be vital architects of and contributors to that development.

Excellencies, ladies and gentlemen, the previous conference in 2007 has already achieved important results in moving the humanitarian agenda forward. It also powerfully demonstrated that major humanitarian concerns truly are shared priorities for States as well as for our Movement. Another milestone was the recognition of National Red Cross and Red Crescent Societies as auxiliaries to public authorities in the humanitarian field. There are not only formal, legal grounds for this role; perhaps even more so, such a mandate is the result of the broad reach of our work, nationally, regionally and internationally.

It is a statutory requirement for its recognition that a National Society cover the entire territory of its home nation. However, it is more important that vulnerable people in need of humanitarian assistance and support, for whatever reason, can be accessed with our action. That makes our Movement an indispensable partner to every government, be it in responding to calamities and disasters, in reducing risks associated with natural disasters or with the impact of climate change, or in mobilizing communities in health-promoting activities and in fighting discrimination and intolerance. The range is wide; it varies from country to country according to local needs and priorities. Again, the auxiliary role builds on trust – the trust of authorities seeking to provide efficient services and needing assistance and the trust of beneficiaries, who know the Red Cross and Red Crescent to be a reliable service deliverer.

Under the umbrella provided by the auxiliary role, good partnership between National Societies and their respective governments can indeed strengthen local humanitarian action. The energy is provided by millions of volunteers who help mobilize the perhaps hidden or sleeping resources in the communities around them. We just heard of such impressive work in Burundi. There are several Burundis represented in this hall today, with equally committed volunteers, who give time and care to people, who give humanity a face and a name. We must salute these volunteers, whose value is remarkable not only in terms of their humanity but also in monetary terms. Their contribution to society should never be underestimated. They personify what Albert Einstein said: only a life lived for others is worth living.

Links and relations are built between governments and National Red Cross or Red Crescent Societies

when they work together in any form of humanitarian assistance. This partnership can extend borders; we have seen it work in major disasters and in response to humanitarian needs in conflicts and disturbances. A victim of the earthquake in Turkey or Haiti or of floods in Pakistan or of drought in Somalia becomes a neighbour in need of help, as do the men and women, children and elderly suffering in ongoing conflicts that uproot the security of their lives and turn them into vulnerable individuals in need of help and protection. Governments know and trust the channel that the Movement provides for assistance throughout the world. They can further strengthen it by providing for national frameworks that contribute to disaster response across borders or provide resources for local programmes in their own immediate environment.

Ladies and gentlemen, humanitarian work is not only protection and assistance. Equally importantly, it contributes to building a world without fear or prejudice. As we well know, one leads to the other – fear is at the core of prejudice, intolerance and, ultimately, discrimination and xenophobia; violence feeds violence. Red Cross and Red Crescent volunteers and in particular, the large youth representation among them, who are driven by the Fundamental Principles that you just heard, are also messengers for a culture of peace, for better understanding and acceptance of different cultures and people, for resolving conflicts and differences in dialogue.

The conference slogan calls on us to make our move – for humanity, or as the saying goes: “Change begins at home.” We are all familiar with this old phrase. In the days ahead, we can set change in motion in all the areas we will talk about and debate here at this Conference Centre. We are the leaders; we can show the way. Let us be inspired by the power of humanity, by the difference each of us can make to promote it and for millions of people needing our help and services every day. In the words of Winston Churchill, “Never, never, never give up.” Thank you.

Madam President of the Swiss Confederation, Your Royal Highnesses, Excellencies, leaders of National Red Cross and Red Crescent Societies, ladies and gentlemen, on behalf of the Red Cross and Red Crescent Movement, I welcome you to this 31st International Conference.

As called for by Rule 15.2 in the Rules of Procedure of the International Red Cross and Red Crescent Movement, the Chairman of the Standing Commission of the Red Cross and Red Crescent shall open the first plenary meeting.



It is my pleasure to warmly welcome all delegations from National Red Cross and Red Crescent Societies, from the States party to the Geneva Conventions and from the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies. I also welcome all observers, in particular the National Societies awaiting recognition and admission. We are all joined in this hall under the theme of “Our World. Your Move.”

I want to extend a special welcome and thank you to our host country, to President Calmy-Rey and through her to the Swiss Government, with our deep appreciation for the support she in person and the Swiss authorities have rendered to the Movement when organizing this Conference.

I now have the honour and pleasure to give the floor to Ms Micheline Calmy-Rey, President of the Swiss Confederation.

#### **4.5.2 Address by Ms Micheline Calmy-Rey, President of the Swiss Confederation**

*(Original French)*

Excellencies, President of the International Committee of the Red Cross, President of the International Federation of Red Cross and Red Crescent Societies, President of the Standing Commission, Your Highnesses, representatives of governments and of National Societies, ladies and gentlemen, I would first of all like to express my great pleasure at being in your company for the opening of the 31st International Conference of the Red Cross and Red Crescent.

Your presence in this room today is a clear demonstration of the universality of humanitarian principles. The two main objectives of the conference are more topical today: we see humanitarian crises are becoming increasingly complex because armed conflicts have become more intensified and involve an important number of actors, because the frequency of natural, man-made and environmental disasters is rising, and because the impact, regularity and accumulation of destructive forces are affecting a growing number of victims.

Somalia is a tragic example of this. The violence ravaging this country with an intensity hardly

seen elsewhere, for more than 20 years, is being compounded by exceptionally severe climatic conditions. In this situation, the work of humanitarian organizations is becoming increasingly difficult as a result of worsening security, growing humanitarian needs and regular challenges to humanitarian access.

Ladies and gentlemen, nowadays, wars are no longer fought on faraway battlefields, but in the middle of inhabited areas. Civilian populations are exposed more than ever to the horrendous consequences of this development. Switzerland, which has made respect for the promotion and implementation of international humanitarian law (IHL) a constant element of its foreign policy has adopted over several years a strategy for protecting civilians as part of a coherent and effective policy of protection. As a result, Switzerland has not only strengthened the effectiveness of its multilateral and bilateral action but also its capacity both to respond better to the challenges of protecting civilians during armed conflict and to ensure more respect for human dignity and civil rights.

Another major challenge is humanitarian access. Promoting rapid and unhindered humanitarian access is an absolute priority, as we have witnessed serious deterioration in the last ten years. In armed conflicts today, securing and maintaining humanitarian access has become increasingly difficult. A response at the operational level alone would be futile. Political means and argumentation based on law are essential. Switzerland has taken concerted action together with a number of partners at the political, legal and operational levels to promote humanitarian access to population groups affected by armed conflicts.

Switzerland recently launched an initiative on humanitarian access in situations of armed conflict with the aim of placing practical instruments at the disposal of national authorities, international organizations, and humanitarian actors on the ground. The theme of humanitarian access will be amply debated within the Commission on International Humanitarian Law. Humanitarian actors are aware that they need to work together and be innovative in order to provide a more effective response, and Switzerland has encouraged the work of all the components of the Movement, which continues to adapt its humanitarian response to ensure the protection of victims.

Ladies and gentlemen, in view of the constantly changing nature of contemporary humanitarian challenges, it is crucial that all the members of this conference act together in a spirit of respect for the

humanitarian principles of humanity, neutrality, impartiality and independence, and confront the needs created by current crises and conflicts.

The main challenge concerning IHL is to improve its implementation, not only by States but also by non-State actors. In this light, international criminal justice has without doubt made a considerable contribution to the fight against impunity. Nevertheless, violations of IHL are still occurring far too often. As reaffirmed by the ICRC in its report entitled *Strengthening Legal Protection for Victims of Armed Conflicts*, a process of reflection on strengthening IHL and developing mechanisms specifically capable of stopping such violations is needed.

It was acknowledged at the conference on Sixty Years of the Geneva Conventions and the Decades Ahead, which Switzerland co-hosted with the ICRC in November 2009, that further deliberation is urgently needed on the implementation of IHL, including its mechanisms. In keeping with its humanitarian tradition and its longstanding commitment to IHL, Switzerland has declared its willingness to facilitate discussions on the implementation of IHL. It is in fact Switzerland's understanding that in light of the opinion of the States, the question of respect for IHL should be given priority treatment and that the High Contracting Parties should pursue and deepen this debate in a more structured and systematic manner. The moment has come for the High Contracting Parties to work together to find specific and practical means to ensure respect for IHL.

To achieve this, Switzerland has launched a process to facilitate discussions between the High Contracting Parties, with the aim of identifying concrete means to improve and strengthen the application of IHL. It is, indeed, extremely important to strengthen dialogue not only between States but also with the other actors concerned because, in contrast to other bodies of law, there is no specific forum for addressing questions of IHL application on a regular basis. A discussion every four years at this unique conference is essential and indispensable, but it is not enough. This is why Switzerland hopes that everybody will be able to identify with this initiative and support it. We have an obligation to respect and to ensure respect for IHL, and it is time to give more substance to this obligation. We owe it to the victims – too many – of armed conflict.

The growing humanitarian needs of civilian populations, resulting in particular from the growing complexity of armed conflicts and the multiplication of natural and man-made disasters, have led us to

examine more closely than ever the serious challenges that are facing us. Convening under the banner of Our World. Your Move – For Humanity, it is our responsibility to humanity to engage in a constructive debate and to make commitments and decisions that will obtain the concrete results to improve both the protection of the victims of armed conflicts and humanitarian action.

Ladies and gentlemen, this conference will also be an opportunity to address a question to which Switzerland has dedicated much effort – the implementation of the Memorandum of Understanding between the Magen David Adom and the Palestine Red Crescent Society as well as the Agreement on Operational Arrangements. We share the view of the Monitor that this conference should define the necessary measures to take. To this end, Switzerland wishes to reaffirm that the objective of these two agreements is humanitarian and not political. It is important that we keep this perspective in mind when we decide how to follow up on this question. Switzerland is convinced that a decision on this question can be reached by consensus.

Ladies and gentlemen, I wish you every success in your work in the coming days. I am convinced that the results of the 31st International Conference will come up to our expectations as well as of those of the millions of victims for whom we can and must make a difference. Thank you for your attention.

**Mr Massimo Barra,  
Chairman of the Standing Commission**

*(Original English)*

Thank you, President Calmy-Rey, for your warm words and your important message to this 31st Conference of the Red Cross and Red Crescent; I'm certain they have been carefully taken note of and will be recalled in the debates to come.

To further underline the message by President Calmy-Rey, I want for my part to emphasize the principle of humanity, which is the first of the Fundamental Principles and at the core of the work of the Red Cross and Red Crescent Movement, everything it stands for and everything it does. Deeply rooted in the central message of our Movement's mission, it is our prime source of power. It is also the foremost driving force in our motivation to work for this Movement in various capacities – as volunteers, as activists, as members and staff as well as leaders on local, national, regional and international levels. And it will guide us in our deliberations during the coming days.

With these words, and with your permission, I declare the 31st International Conference open and propose that we proceed with item two on the agenda, which is the election of the Chairman, Vice-Chairmen, Secretary-General and other officers of this conference.

At this stage I would like to thank the representatives of the media for their interest in our conference. They are requested to kindly leave our auditorium, because the conference now moves into closed session.

#### **4.5.3 Election of the Chairman, Vice-Chairmen, Secretary-General, Assistant Secretaries-General and other Officers of the Conference**

**Mr Massimo Barra,  
Chairman of the Standing Commission**

*(Original English)*

Pursuant to Rule 15, paragraph three, of the Movement's Rules of Procedure, we now proceed to the election of the Chairman and the Vice-Chairmen of this Conference, the Chair of the Drafting Committee, the Secretary-General and Assistant Secretaries-General and other officers proposed by the Council of Delegates. It is further proposed that the Vice-Chairs function as chairs of the thematic plenary sessions and the Commissions as indicated in the proposal.

I have received from Mr Jakob Kellenberger, the Chair of the Council of Delegates, Council of Delegates Resolution / 11.10.2, which has also been distributed to you this morning. It was adopted by the Council on 26 November and proposes the list of persons to be elected to serve as officers at this Conference. The nominations have also been posted on the Conference and Standing Commission websites.

Can we elect these persons?

**[Applause]**

I understand that we consider these persons elected as officers of this 31st Conference. Thank you very much.

It is now my pleasure to invite Ms Niki Rattle to take over the chairmanship of this conference. I also invite the Vice-Chairmen, the Secretary-General and the Assistant Secretaries-General to come and take

their places here on the podium. I wish Niki and her team much wisdom and success in leading the deliberations of this conference.

#### **4.5.4 Conference agenda and programme, and procedure for adopting resolutions**

**Ms Niki Rattle, Chairwoman of the Conference**

*(Original English)*

Madam President of the Swiss Confederation – what a pleasure it was to meet you today – Mr Prime Minister, Your Royal Highnesses, Your Excellencies, leaders of National Red Cross and Red Crescent Societies, ladies and gentlemen and dear Red Cross and Red Crescent friends, I thank you for your vote of confidence in electing me as chair of this 31st International Conference of the Red Cross and Red Crescent. It is indeed an honour and a privilege to accept this very important role and I assure you that I shall give it my best.

It is not only an honour for me, personally; it is also an honour for my country and my region, which is why it gives me particular pleasure to welcome the Prime Minister of the Cook Islands, together with other first-time government representatives from the Pacific. My election is a strong symbol and an illustration of the importance of one of the main objectives of the conference: strengthening local humanitarian action. For the Cook Islands, as elsewhere in the Pacific region, the challenge for humanitarian action is to reach the people of the remote islands: you need seven to ten days to reach them by boat, 1,300 New Zealand dollars for one person to reach them, one-way; and the farthest island is four hours away by plane.

I was a nurse before becoming the Secretary-General of the Cook Islands Red Cross Society about 18 years ago, and so I know what the challenges are when providing access to health and other services. It took me two days to travel to Geneva to this conference; I see my election also as a strong symbol of the ambitions and objectives of the humanitarian network to reach out everywhere in the world: to the biggest cities as well as to the smallest and most remote islands.

Without a doubt, this is indeed a prestigious gathering of the Red Cross and Red Crescent Movement with

the States party to the Geneva Conventions, to reach groundbreaking decisions that will have an impact on vulnerable people. This is an opportunity that presents itself only every four years and so we must maximize the face-to-face deliberations at this conference, but these deliberations must reach in-country, building and enhancing working relationships in doing more, doing better and reaching further.

Ladies and gentlemen, before we embark on this journey, we need to recognize that together, in partnership, we have already achieved much. However, as with everything in life, we have to recognize that there are still constraints and challenges and give them our undivided attention in ensuring the best outcomes for the most vulnerable people, who are our business.

Please allow me now to explain how this conference will work. This afternoon's **plenary** meeting will be devoted to the theme of international humanitarian law. Please note there will be no general debate, to help us focus on the main themes. Tomorrow we will work in **Commissions**; they are open to all conference participants. The five thematic commissions will each be presented once, in three sessions, with different language combinations. Commission A will focus on migration, i.e. ensuring access, dignity, respect for diversity and social inclusion. Commission B will be about 'partnership for stronger National Societies and volunteering development.' Commission C will discuss 'health care in danger.' The debate in Commission D will be on inequitable access to health care. And, finally, Commission E will concentrate on international humanitarian law.

After this afternoon's plenary, the next plenary session will start on Wednesday at nine in the morning. Wednesday's plenary will start with the election of the members of the Standing Commission, for which we need a roll call, so it is important that you are here at nine o'clock for the roll call. After the launch of the elections, we will hear follow-up reports on the 30th International Conference and on the implementation of the Memorandum of Understanding between the Magen David Adom and the Palestine Red Crescent Society. On Wednesday afternoon, the plenary will discuss disaster law.

The final plenary meeting will be on Thursday morning. We will hear reports on the conference, on the work of the **Drafting Committee** and on the pledges, after which it will be time to adopt the resolutions. The Drafting Committee will finalize the resolutions for adoption. It is open to all conference members, and starts its work today at 1.30 p.m.

in Rooms Five and Six, and continues throughout Tuesday and Wednesday.

Let me now take you through the procedures of this conference. Each delegation wishing to speak in this plenary debate should register. If you have not, you should register. Just outside, there is a desk and there will be a speakers' list, which will be displayed at 12 noon. I will close the list at 1 p.m. Please bring a written version of your statement to the desk so that it can be given to the interpreters.

As we expect a large number of speakers, I have shortened the time for interventions, using the rights given to the Chair in Rule 18.2. Each speaker has the floor for a maximum of three minutes, unless speaking on behalf of a group as head of State or minister – then he or she will have five minutes. As I have to limit the time for statements, I ask you to exclude congratulatory declarations to the Chair in the interest of time and substance.

If your statement is longer than the time limits allowed, please note that you can hand in your full statement for the conference report – the blue book that we received – to the secretariat. There are no speakers' lists for the commissions and the time allotted to speakers will be the same as during the plenary sessions. Coming from a small island, I encourage particularly the National Societies to be active in all the debates, as this is the conference of the Movement. I will also give the floor to observers, time allowing and with the agreement of the conference, in accordance with Rule 9.3.

Allow me now to remind you that the aim is to approve the resolutions by consensus, in keeping with the Movement's rules of procedure and with longstanding Movement conference tradition. Here, I refer to Article 11.7 of the Statutes. I also want to remind everyone that statements by delegations must be in strict compliance with the Fundamental Principles. I quote Article 11.4 of the Statutes of the Movement: "No delegate or delegation shall therefore engage in controversies of a political, racial, religious or ideological nature." During the coming days, I hope we will stay focused on the objectives we want to achieve, in the interest of the vulnerable people whose eyes and expectations are turned on us.

There are still a few other issues that will be useful for you to note; pledging is an important way of committing yourselves to concrete action linked to the main issues at this conference. I encourage National Societies, States and observers to either join open pledges, which you can find at the pledging

stand down on the entrance floor, or to submit your own pledges. You can do that also jointly in true partnership with each other. Four years ago, when we came to the last conference, we had 340 individual or collective pledges. Let's see if we can do better at this conference in making our commitment to our conference.

As you have seen in the programme for the conference, we also have an election; we will elect five members to the Standing Commission on Wednesday morning. The deadline for the nominations is now closed, as your nominations were to be submitted 40 hours before the meeting, where the election will take place. Later today you will find in your pigeonholes an election booklet with instructions on the election procedure, together with the nomination forms for all the candidates. You can meet with the candidates tomorrow night at 6.30 p.m., across the road, at your pleasure.

Now, you are free to vote for any five candidates across the region, considering the quality and the representativeness of the candidates. Let me also now remind you of the roll call on Wednesday morning at 9 a.m. to determine the absolute majority required for election to the Standing Commission in the first round.

On the **Bureau of the Conference**: please take note that according to Rule 16.1 in the rules of procedure, it includes the Chair of the Conference, the Chair of the Standing Commission, the heads of delegations from the ICRC and the International Federation, the Vice-Chairs of the Conference, who will also chair the thematic plenary sessions and commissions, the chair of the Drafting Committee and the Secretary-General of the Conference. In addition, I also reserve the right to invite any other person or persons from any of the delegations present for consultation if it is in the interest of achieving the objectives of the conference.

I'm sure you have noticed by now that we have simultaneous **interpretation** in the working languages of Arabic, English, French and Spanish at the plenary sessions and in the commissions and the Drafting Committee. All official working documents will be distributed in these languages. In addition, we have Russian interpretation.

We know that, today, social media, such as Facebook and Twitter, are becoming an increasing part of many of our lives and that it is a powerful communication tool. However, during our official agenda – including the plenary sessions, commissions, elections, and

workshops – we are hopeful that the full attention of those who have joined us will remain on the important issues at hand. Consistent with our approach, limiting media access to ensure open and thoughtful debate, we respectfully request that participants do not make posts and updates to their personal or institutional social media platforms during official sessions. Our joint International Federation/ICRC communication team will be making regular updates to Movement social media channels on our collective behalf. If you would like to support their coordinated approach, please contact a member of that team. Please follow the screens in the lobby areas, as they are your best source of information on all events relevant to the conference.

Now I would like to give the floor to the Secretary-General, Ambassador Paroz, for further important information. Before that, I would like to remind you that the Swiss authorities are generously inviting all participants to a reception this evening at 7 p.m. at the Conference Centre. Thank you. To you, Mr Paroz.

**Mr Jean-François Paroz,  
Secretary-General of the Conference**

*(Original French)*

Thank you, Madam Chairwoman. About 2,000 people are meeting here for the next three days in Geneva for our 31st International Conference. They have as a common objective the strengthening of international humanitarian law and humanitarian action. The official discussions are therefore extremely important.

Our chairwoman has told us how to sign up for the plenary on international humanitarian law for this afternoon, and you still have five minutes to sign up at the pledge stand outside this room. Now, for Wednesday afternoon's plenary on natural disasters, the list of speakers will be open until 12 noon tomorrow, so you can sign up for the speakers on Wednesday afternoon until 12 noon tomorrow by also going to the pledge stand, which is just outside this room, or by email, as indicated on the internet site: david.wanstall@eda.admin.ch.

Now, since there are 2,000 of us taking part in the official discussions, there are many opportunities to share ideas. We also have a very rich programme of outside events; this was built around certain traditions that were very much appreciated at preceding sessions. There are workshops, some seven of them, between now and Wednesday evening at 5 p.m. They include also 20 parallel events, side events, treating



a vast range of humanitarian subjects. These events will take place here in the CICG and on the other side of the street, in the Varembe Conference Centre, and this throughout our week's programme.

You've probably already noticed an exhibition of photographs in the entry hall, as well as in the stands in the basement; such exhibitions are an International Conference tradition. But, this year, organizers have wanted to innovate, so if you haven't looked at the Humanitarian Village, I would encourage you to do so and take advantage of the new attractions that are proposed there; I'm thinking of the ICRC exhibition on Health Care in Danger and the International Federation exhibition in the Development Room; and then, you can find the computers that are available on the ground floor. Another innovative element of this 31st Conference: there's a speaker's corner here on the ground floor for those of you who would like to share your projects or your experience; you just sign up and indicate when you'd like to make a short presentation. If you don't want to sign up, nothing prevents you from going and listening to others' presentations.

As the Chairwoman of the Conference has already indicated, you'll find information on all these events on the screens in the Conference Centre and on the internet site of the conference. Cultural events are also planned and some of you certainly went to the Victoria Hall, to the oratorio devoted to the life of Henry Dunant, offered by the Swiss Red Cross, or the conference – TEDxRC2 – organized by the ICRC and the International Federation in the Bâtiment des Forces Motrices in Geneva.

I'll remind you also that tomorrow evening the Roppongi Men's Choir from Japan is offering, to all conference participants, a concert in Victoria Hall in Geneva. I hope, Madam Chairwoman, ladies and gentlemen, that this rich programme will help contribute to making this conference an unforgettable event, and I wish you a very pleasant stay here in Geneva. Thank you very much, Madam Chairwoman.

#### **Ms Niki Rattle, Chairwoman of the Conference**

*(Original English)*

Thank you, Ambassador Paroz. Thank you for looking after all the finer details, to help us run a very smooth conference.

It's my pleasure now to invite the Chairman of the Council of Delegates, Mr Jakob Kellenberger, to report back on the Council of Delegates. Thank you.

#### **Mr Jakob Kellenberger, Chairman of the Council of Delegates**

*(Original English)*

Madam Chair, Excellencies, ladies and gentlemen, I am pleased to report that the Council acknowledged and welcomed the recognition by the ICRC of the Maldivian Red Crescent and the Society's admission to the International Federation. This brings to 187 the number of recognized National Red Cross and Red Crescent Societies.

Last week's Council adopted a number of resolutions, three of which are of special note. The first is a resolution entitled Working Towards the Elimination of Nuclear Weapons, co-sponsored by the ICRC and 29 National Red Cross and Red Crescent Societies. The Council, while welcoming commitments made by States to a world free of nuclear weapons, appeals to all States to ensure that nuclear weapons are never used again, regardless of their views on the legality of such weapons, and to pursue in good faith and conclude with urgency and determination negotiations to prohibit the use of and completely eliminate nuclear weapons through a legally binding international agreement based on existing commitments and international obligations. A second resolution sets out concrete measures to strengthen the capacity of National Societies to alleviate human suffering and to save lives in armed conflicts and other situations of violence.

Finally, the Council examined the progress made in the implementation of the Memorandum of Understanding of 28 November 2005 between the Palestine Red Crescent Society and the Magen David Adom in Israel. This led to the adoption by consensus of a resolution based on wide consultations with National Societies as well as with other concerned parties. I commend this resolution to the Conference. Thank you.

#### **Ms Niki Rattle, Chairwoman of the Conference**

*(Original English)*

Thank you, Mr Kellenberger, for giving us this update on the Council. If you don't mind, we will ask you to remain, as I will ask you later to take the podium as the President of the ICRC.

Before we go to that, ladies and gentlemen, I would like to make the following announcement, please. In his capacity as the Vice-Chair of this International

Conference, Ambassador Peter Gooderham will be available for any consultations on the implementation of the Memorandum of Understanding of 28 November 2005 between the Palestine Red Crescent Society and the Magen David Adom in Israel on the basis of the resolution that was adopted by consensus at the Council of Delegates. He will report back to the plenary meeting on Wednesday morning. A draft resolution to this end will be distributed in your pigeonholes tomorrow.

So, may I now again invite the President of the ICRC to address us, please? Thank you.

#### **4.5.5 Keynote address by Mr Jakob Kellenberger, President of the International Committee of the Red Cross**

*(Original English)*

Madam President of the Swiss Confederation, ladies and gentlemen, this conference comes near the end of a quite extraordinary year. From the armed conflicts in Côte d'Ivoire and Libya, to the dramatic and largely unanticipated events in North Africa and the Middle East, and to the tsunami and nuclear disaster in Japan, the past year has set many challenges to humanitarian response.

In the last four years, well over 60 countries have suffered armed conflicts, with civilians bearing the brunt of the devastating consequences. Beyond armed conflicts, we have also seen massive social unrest in many countries; natural disasters such as those in Pakistan and Haiti; and violence in the context of organized crime, with death tolls sometimes far exceeding those of armed conflicts. These situations have also caused millions of people to suffer devastating and distressing consequences.

We have to respond to complex humanitarian needs in increasingly diverse and unexpected situations. The effects of the economic and financial crises add to the complexity of the challenges to be faced in various contexts.

I will address two issues of particular interest and concern for all of us: barriers to health care and strengthening legal protection in armed conflicts. But before focusing on these questions, let me make a few remarks about the environment in which we operate.

The environment in which humanitarians operate is changing and the constraints are numerous. Humanitarian activities are sometimes denied for political reasons, for instance, because they are perceived as a threat to the sovereignty of States, or as legitimizing non-State armed groups. The increasing involvement of military forces in humanitarian action – particularly in situations of armed violence – can create a serious obstacle to humanitarian action being perceived as independent, impartial and exclusively humanitarian. Moreover, humanitarian access is often complicated by administrative barriers and restrictions, such as difficulties in obtaining visas, import authorizations for relief supplies, delaying procedures and repeated controls.

Security-related issues are among the main constraints to humanitarian access. Ongoing armed confrontations; the increasing fragmentation and complexity of conflicts with their multiple actors; lack of access to non-State armed groups to gain acceptance and security guarantees; the deliberate targeting or kidnapping of aid workers or of aid convoys: these are some of the factors that have prevented humanitarian assistance from reaching those in need, leaving the fate of tens of thousands of civilians uncertain.

In light of these challenges, the debate we will have at this International Conference on humanitarian access is timely. Its relevance is benchmarked against its contribution to improving access on the ground. The extent of access a humanitarian organization enjoys doesn't depend only on others. It also very much depends on the credibility of the humanitarian organizations themselves and their capacity to carry out relevant action for those in urgent need of assistance and protection.

I wish now to address one specific concern, that of health care in armed conflicts and other situations of violence. As if the strain on health care during times of crisis were not enough, it is all too frequently exacerbated by the flagrant lack of respect for the rules of international law. Health-care workers are harassed or threatened, sometimes simply for treating or coming to the rescue of the wrong patients. Supplies are diverted or robbed. Ambulances are misused for military purposes or deliberately blocked from accessing the wounded. Ambulances and hospitals are directly targeted, killing or wounding health-care staff and patients.

Such violations deny the right of wounded and sick people to health care. They have far-reaching



consequences, exacerbating a situation of insecurity where health-care workers and humanitarian actors cannot reach those in need. This leads to immeasurable longer-term repercussions for entire communities. In Afghanistan, Pakistan and Colombia, for instance, vaccination campaigns have faced setbacks because of the difficulty in ensuring the security of health-care workers. This is the reality that we, the ICRC and National Red Cross and Red Crescent Societies, face in many countries where we operate today. This intolerable situation calls for action – for increased efforts by us and by the other components of the Movement – and for effective measures by States who have the primary responsibility in ensuring health care for their populations.

The ICRC, together with National Societies and other partners, is therefore stepping up its operational activities related to health care, mobilizing public opinion, and advocating for the adoption of appropriate solutions. Already, National Societies and the ICRC are working hand in hand round the world to maintain and improve health care in armed conflicts and other situations of violence. This was evident once more this year in such challenging situations as Somalia, Libya and Syria, where close cooperation with the National Red Crescent Societies was – and is – decisive for the timeliness and quality of assistance provided in the health and medical sector. In fact, National Societies are the main local actor and primary partner of the ICRC in the majority of contexts. I take this opportunity to pay tribute to the commitment and courage of the volunteers from these Societies.

Health services and physical rehabilitation are among the ICRC's largest assistance programmes. At our last conference, I informed you about the ICRC's intention to boost its capacities to provide high-quality health services in general, and medical care in particular, in the years to come. This determination was confirmed in our Strategy 2011–2014. Indeed, health services figure among the domains where the ICRC will play an important role in all situations where it is active. These situations are armed conflicts – which will remain at the heart of the ICRC's mission – other situations of violence, and natural disasters in conflict environments. They also include early-recovery situations, with activities aimed at re-establishing and reinforcing the physical and psychological resilience of victims of armed conflicts and other situations of violence.

The reinforcement of our health and medical response is well on track, as demonstrated by contexts such as Afghanistan and Pakistan. More remains

to be done. Close cooperation with participating National Red Cross Societies, with their medical capacities and experience, will remain crucial for successful operations. I also wish to thank these Societies. Trustful cooperation with the International Federation at all levels matters to the ICRC. It is important for the International Red Cross and Red Crescent Movement as a whole, for the Movement as a network whose components stick to the same principles.

Ladies and gentlemen, I turn now to strengthening legal protection for victims of armed conflict under international humanitarian law (IHL). Based on its long experience, the ICRC is convinced that the very existence of legal rules is essential for the protection of victims of armed conflict. Legal norms cannot be adequately replaced by policies, non-binding commitments or ethical codes, because these change with circumstances and political priorities.

It is, of course, difficult to measure the impact of binding norms. It is also true that violations continue to be committed in spite of these norms. However, the impact of legal rules should not be measured only by the violations we see, but also by atrocities that were prevented. Wars would be even more horrific if there were no rules at all. If we accept that the very existence of binding norms of IHL contributes to better protection, then reviewing their adequacy for responding to contemporary humanitarian problems is an ongoing task.

In most cases, the law provides sufficient protection and the problem lies in lack of compliance. Even as the face of war inevitably changes, the norms are, in general, broadly formulated so that they can be interpreted in the light of different and evolving circumstances, according to their object and purpose. The founding principles of IHL – the obligation to spare the civilian population from the effects of hostilities, protecting the life, health and dignity of all persons – are as true, and as necessary as ever, and must be recalled and reaffirmed.

In this spirit, at the last International Conference in 2007, States and the components of the Movement adopted Resolution 3 on the reaffirmation and implementation of IHL – a strong resolution whose main message is that respect for existing rules of IHL is essential to preserve human life and dignity in armed conflict.

Existing IHL has proven, on the whole, to adequately regulate contemporary armed conflicts. However, there are certain areas where the ICRC considers



that existing rules fail to provide sufficiently clear answers to specific humanitarian concerns. This can be because a certain area was deliberately never regulated, or not regulated in any detail. Doubt can also arise when realities change so much that existing rules cannot be interpreted to provide the answers; or when there is disagreement on whether they can or not. In such situations, the law must be strengthened, sometimes by clarifying it to make sense in contemporary circumstances, or sometimes by developing additional rules.

The ICRC has for the past few years been engaged in a process of research on the need to strengthen IHL and has identified four areas in which it considers that IHL should be strengthened. These are: the protection of internally displaced persons; the protection of the natural environment; the protection of persons deprived of their liberty in non-international armed conflicts; and the need to enhance and ensure the effectiveness of mechanisms for compliance with IHL, and to ensure reparations for victims of armed conflicts.

The consultations so far have effectively narrowed the focus of discussions to the subjects of compliance with IHL and detention in non-international armed conflict. The majority of States did agree that the humanitarian problems arising in these two areas are of concern. This does not mean that everybody agreed with the ICRC that these areas of IHL fail to provide sufficient protection. Some held the view that these particular humanitarian concerns must be addressed by reaffirming and respecting existing rules. Thus, the discussion on how the humanitarian problems should be addressed – by reaffirming existing rules, clarifying them or developing them – remains an open question. What is clear, however, is that this conversation must take place.

The decision on whether to go forward or not ultimately lies in the hands of governments, as they alone can create international law. It is, however, the ICRC's responsibility – based on its field experience and expertise – to draw governments' attention to areas where it feels IHL should be strengthened. Just as the nature of armed conflict is evolving, so are the humanitarian consequences and the needs for protection. Today, the ICRC will submit to this conference the results of its stocktaking. The proposal to strengthen IHL is dictated by our belief that, along with humanitarian action, stronger law will bring stronger protection.

Ladies and gentlemen, allow me to conclude. We are living in a time of extreme uncertainty, facing more

complex environments with blurred lines – blurred lines between humanitarian action, early recovery and development; blurred lines between different forms of organized armed violence, armed conflicts being one of them; and blurred lines with regard to the applicability of different bodies of law.

Are we drawing the right conclusions? Are we asking the right questions? One thing is clear: there is no reason to become paralyzed or exhausted by endless speculation because we have to face uncertainty, or to get lost in endless debate over ever-changing and often ill-defined notions and concepts. It is, however, useful to accept the certainty of uncertainty and indispensable to maintain our will and capacity to act. Moreover, there are things we can do that will be useful in any type of situation that might arise, such as sticking to a principled approach tested on the ground, strengthening our rapid deployment capacities with all that that implies, and increasing the number of actors with whom we are in dialogue.

Blurred lines, increased complexities, and the need for adjustment are all factors taken into account in the ICRC's strategy. At the heart of this strategy is the determination to further broaden our scope of action. Declarations of intent will never be sufficient to save lives and protect human dignity. We shall not let up in our efforts to take on board the perspective of those whose lives have to be saved now and whose dignity has to be protected now. And we resolve to act accordingly, now and tomorrow. Thank you.

**Ms Niki Rattle, Chairwoman of the Conference**

*(Original English)*

Thank you very much, President Kellenberger. A lot for everybody to think about for the rest of the week, as we come to agree on our resolutions about making life better for the people we care for.

It is now my pleasure to invite Mr Konoé, the President of the International Federation, to address the audience, please.



#### **4.5.6 Keynote address by Mr Tadateru Konoé, President of the International Federation of Red Cross and Red Crescent Societies**

*(Original English)*

Madam President of the Swiss Confederation, Prime Minister, Ministers, Excellencies, Red Cross and Red Crescent friends and colleagues, it is a great honour to address the 31st International Conference of the Red Cross and Red Crescent as President of the International Federation of Red Cross and Red Crescent Societies. I am very much looking forward to the debates and discussions we will have over the coming days.

This morning, I will speak of the need to build the capacities of the International Federation's member National Societies, of implementing and promoting strong disaster laws, and of the importance of promoting adherence to humanitarian principles as a common ground for better coordination among partners.

Excellencies, ladies and gentlemen, we are all well aware that humanitarian crises are increasing in number, scale and complexity, and that the responses of the international community are often generous. At the same time, donor governments, and international organizations such as the United Nations, can experience difficulties in both reaching vulnerable people and maintaining access to them, as necessary.

Against this backdrop, many humanitarian actors – including the UN family – increasingly emphasize the importance of, and the need for, strong and efficient operational partners at the local level. National Red Cross and Red Crescent Societies, being recognized by all governments as their independent auxiliaries, are equipped to partner with governments in the fulfilment of domestic humanitarian responsibilities within their own borders. Our National Societies also work within the framework of the International Red Cross and Red Crescent Movement, including the rules adopted by the International Conference, to carry out humanitarian work internationally.

At the same time, the neutrality, impartiality and independence of National Societies and their actions – guaranteed by their adherence to the Fundamental Principles of the Movement – are often the best approach to gain not only access to the people in need, but to gain their trust and confidence

as well. The Red Cross and Red Crescent is well placed to work with UN and other governmental, intergovernmental or humanitarian agencies in order to provide effective humanitarian assistance at local levels, particularly in politically sensitive and complex situations.

This unique strength was effectively translated into real action in the Middle East and North Africa during the civil unrest that has affected many countries in that region this year. Red Crescent volunteers were among the first to respond, and in many cases, the Red Cross and Red Crescent was one of the very few organizations to have good access to the people in need.

This being said, our National Societies are at different stages of development. Like any agency, each has particular strengths and challenges. And there remains, of course, the need for external support to maximize their operational and institutional capacities, so that they may best carry out their humanitarian activities as auxiliary to the public authorities, and serve as strong and dependable local partners to international humanitarian actors.

Capacity building is one of the cornerstones of the International Federation's work, and we draw on the knowledge, expertise and resources of the global network for the benefit of the entire membership. Our ambition is for member Societies to reach their full potential in the service of the most vulnerable people. As the International Federation's Strategy 2020 says, National Societies and their secretariat are called on to do more, do better and reach further; this call for excellence requires strong National Societies.

The International Federation and the ICRC share a common ambition for stronger National Societies. With the International Federation in the leading role, the two organizations actively collaborate in this capacity building work and will continue to do so. However, the Movement has limited resources for capacity building. We ask governments to continue to try to fully understand the needs, capacities and value of their National Societies. In addition, we ask that further efforts be made to strengthen partnerships between National Societies and their governments, which preserve the mandate and independence of the Society while securing long-term government support and funding for its development and capacity building.

A National Society also needs a supportive external environment if it is to function effectively. This includes ensuring that there is a comprehensive Red

Cross or Red Crescent law in place to protect the mandate and branding of the Society, and endowing it with the necessary tax exemptions and facilities.

I am convinced that enhanced partnerships between governments and National Societies can make a significant difference, including through appropriate resourcing. Such partnerships are critical to ensure that National Societies have the necessary resources and capacities to coordinate and support their work and growth, including core functions such as emergency response and strengthening community resilience. It is also important to ensure enabling environments for volunteer development and improve accountability to our beneficiaries and donors.

No government, no matter how strong, can hope to do everything. So, by strengthening its National Society, a government can make use of the resources mobilized by that Society, so that more can be achieved – particularly in support of marginalized groups that can be difficult to reach through official means.

A government can also draw on its National Society's expertise by allowing humanitarian professionals to sit at policy and decision-making tables. In the domestic context, a National Society leads by setting an example of good citizenship, by promoting volunteerism at the community level, and this also has a positive economic effect. A recent International Federation survey, called *The Value of Volunteers*, has shown that active Red Cross and Red Crescent volunteers provided nearly six billion US dollars' worth of services worldwide in 2009 alone. And, on the international stage, the humanitarian work of a strong National Society expresses solidarity and sympathy, creating a bridge between peoples and nations.

I therefore ask that the States present here help to build the capacities of their National Societies. Your support will lead to a sustainable rise in the quality of disaster response operations, as well as that of long-term development programmes such as risk reduction, disaster preparedness, health and other community-based activities. This will raise the quality of life and resilience of the people you govern, and contribute to the well-being of your nation. I look forward to our discussions under the agenda item on furthering the auxiliary role.

Excellencies, ladies and gentlemen, the Red Cross and Red Crescent's commitment to disaster preparedness, risk reduction, response and recovery, and to

development work – including in health and social care – is undiminished. However, we are well aware that we must continue to improve and enhance our work in these areas if we are to meet expectations in a world increasingly beset by complex disasters and crises.

As President of the International Federation, I am sure that we will make progress at this International Conference, with regard to the themes of strengthening disaster laws, addressing inequitable access to health care for women and children in particular, and on migration – specifically, ensuring access, dignity, respect for diversity and social inclusion.

I will now focus on one of these topics – International Disaster Response Laws, or IDRL as it is known. The Movement has always been at the forefront of raising humanitarian standards in order to make the world a safer place for all. Consider the ICRC's work as the guardian of international humanitarian law; the International Federation's work on The Code of Conduct for The International Red Cross and Red Crescent Movement and NGOs in Disaster Relief – created by eight of the world's largest disaster response agencies in the summer of 1994 – and our continued engagement in international initiatives, including the Humanitarian Charter and Minimum Standards in Humanitarian Response, which is known as the Sphere Project.

These have been followed most recently by the International Federation's strong engagement in the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance, also known as the IDRL Guidelines, which were adopted by the International Conference in 2007. These guidelines can help to both anticipate and solve common regulatory problems in international operations, and thus contribute to hastening the entry of relief and to ensuring oversight and control by domestic authorities. In the years since, the ongoing need to implement these guidelines has been highlighted by a number of major disasters.

Recent examples include the earthquake in Haiti, which inspired a response from hundreds of foreign organizations, and the 2011 complex earthquake, tsunami and nuclear crisis in Japan, which was followed by more than 160 offers of assistance from government sources alone.

It is very clear that, because of the increasing number and complexity of disasters, governments need a balanced and well-prepared system as envisaged by the IDRL Guidelines if international assistance



is to be managed effectively. There have been some encouraging examples of implementation, but more work is needed to ensure that all States are prepared for the most common regulatory issues in international disaster response operations. The International Federation continues to work with National Societies, States and other partners in promoting the implementation of these guidelines. We look forward to reviewing the global implementation process, and to setting future directions for IDRL, at this conference.

The International Federation's General Assembly, which preceded this International Conference, has called on its Secretariat to extend its research, support and advocacy in the area of IDRL, including the promotion of stronger integration between Red Cross and Red Crescent and non-governmental assistance in international response mechanisms for nuclear power plant accidents.

Excellencies, ladies and gentlemen, in this changing world, full of complex challenges, few things remain constant. But the Movement is still defined by, and driven by, its commitment to seven Fundamental Principles, viz. humanity, neutrality, impartiality, independence, unity, universality and voluntary service.

The principles of humanity, impartiality and independence have become synonymous with the concept of humanitarian assistance among many other organizations, even including the UN agencies. The UN, after all, took its commitment to humanitarian principles directly from the 21st International Conference of the Red Cross and Red Crescent in Istanbul in 1969. The importance of humanity, impartiality and independence is becoming even more critical as operational situations become more complex, and the number and diversity of humanitarian actors increases.

Our Movement must take into account both the changing nature of the humanitarian challenges in the world, and the increasing involvement of governments and the military in the relief phase of disaster response operations, particularly in sensitive areas. In light of this, we must build and maintain relationships with all actors engaged in relief and recovery, while working within our respective mandates and remaining true to the Fundamental Principles that set us apart.

These relationships must be carefully managed along our existing guidelines to ensure our continued long-term access to people in need. This will require

cultural sensitivity and respect, as well as knowledge. And while we have had successes, more work needs to be done.

A recent international dialogue co-convened by the Swiss Agency for Development and Cooperation, the International Federation, the International Council of Voluntary Agencies and the United Nations Office for the Coordination of Humanitarian Affairs highlighted that one of today's key challenges in bridging national and international assistance is insufficient mutual understanding, dialogue and knowledge-sharing among States affected and the international community. This has led to gaps in trust and confidence, as well as failures to coordinate, ultimately hindering our ability to work together effectively.

Continuing to foster and grow long-term relationships, working towards a culture of true respect and understanding for the positions and values of others, and critically examining one's own systems and ways of working: these are lessons learnt, and necessities, in this regard.

We will continue to engage with external humanitarian actors and remind them that we work in accordance with our Fundamental Principles, in order to ensure continued respect for the mandates and identities of each Movement component.

As discussed during the Council of Delegates, as a Movement we are currently developing more internal practical guidance, tools and mechanisms for building relationships with key partners, including UN agencies and the private sector.

I encourage all Movement components to be untiring in their rigorous application of the Fundamental Principles and our humanitarian standards, including the Code of Conduct, to actual situations in the field. And I call upon States to respect such endeavours of the Movement's components and to execute the recommendations set out in the Code of Conduct for governments of both donor and aid-recipient countries, and in the IDRL Guidelines.

In my role as President of the International Federation, I have often spoken of what I call the "spirit of togetherness" – National Societies and their secretariat working together effectively, learning from their different cultures, expectations and experiences. It is my hope that this International Conference will encourage the continued evolution and growth of a similar "spirit of togetherness" between the Movement and the States Parties.

Too much is at stake in this changing world. We have to work together for humanity, else we risk allowing the formation of a humanitarian vacuum – a worst-case scenario where people in need cannot access assistance because of a lack of respect for humanitarian principles. This would be an unacceptable failure, particularly in light of the tremendous potential that we all have as individuals and organizations, and as partners.

Excellencies, ladies and gentlemen, let us enjoy a fruitful International Conference, in the “spirit of togetherness,” and with full respect for our Fundamental Principles.

Thank you very much, indeed.

**Ms Niki Rattle, Chairwoman of the Conference**

*(Original English)*

Thank you very much, President Konoé, for rounding us all up in the “spirit of togetherness” before we go to lunch; that was wonderful.

Before closing this session, and wishing you *bon appétit*: please be back here in this room at 1.45 p.m. We’ve just shifted the programme a little bit, to 1.45 sharp for the plenary on international humanitarian law. The Drafting Committee will begin at 2 p.m. in Room Five and Room Six. We will now close for lunch and be back here at 1.45 p.m., please. Thank you very much.





## 4.6 FIRST PLENARY MEETING



### 4.6.1 Opening address by the Chair of the Plenary

#### Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law

*(Original English)*

Ladies and gentlemen, I propose that we start this session of the plenary. I would like everybody to take their seats and to get organized, because we have work ahead of us.

Good afternoon, colleagues and friends. My name is Liesbeth Lijnzaad, and it is an honour and a pleasure for me to chair this session on international humanitarian law (IHL) this afternoon.

Before we start, I would like to remind you of a few organizational matters. From 5 p.m. onwards, four workshops will take place in parallel to this plenary session. If you wish to attend these workshops, please leave the room as quietly as possible so that it will not affect the debates in progress.

After both this plenary session and the workshops, at 7 p.m., the Swiss authorities have generously invited all participants to a reception, which will take place in this building.

We have a lot of work in front of us before we can enjoy the food and drinks of the Swiss reception, which is why I would like to summarize some ground rules before I give the floor to our introductory speaker, Dr Spoerri.

After the introduction, we will start our debate, which will be guided by the key questions you have seen on the conference website, and which are also here on

the slides behind me. I can't see the slides now, but I trust they will appear on the screen behind me.

I encourage you to address the theme and the main issues, and appeal to you not to present formal statements unless they are directly related to the issues at hand. On a personal note, I would ask you to exclude congratulatory statements to me in the interests of time and substance.

As for the debates in this conference, I would like to remind you all of the Fundamental Principles. No delegates or delegation will be allowed to engage in political, racial, religious or ideological controversies, as stated in Article 11(4) of the Statutes. I do hope that we can stay focused on the objectives and key issues and remember why we are here.

I will give you the floor in the order in which you have registered. Once all registered speakers have made their statements, we will be at the end of the debate. And I would note that at the moment, there are 84 delegations on the list of speakers, which is closed now.

Statements are limited to three minutes; five, if you speak on behalf of a group, in which case I ask you to say so when you get to the floor. I will ensure that we stick to the time limit, and I trust you will make your best efforts to assist me with that.

There is a drafter with us. I'm not sure where, but there is a drafter with us who will record the main substance of our deliberations to be included in the final report of the conference to Thursday morning's plenary. Also, it is my intention to brief the Drafting Committee on the gist of the debate we will be having this afternoon.

If you have issues that you feel strongly about regarding the draft resolutions, I suggest you make

sure that they will also reach the Drafting Committee. I hope these rules will not inhibit but inspire us to have a lively and focused debate.

Now, ladies and gentlemen, it is up to the delegations. I take it that you have all studied Document 5.1.1 in preparing for this session. Many of you will already have had the possibility of engaging with the ICRC on the topic of strengthening the legal protection for victims of armed conflict. Today provides a unique opportunity for all delegations to express your ideas on this topic. States and National Societies bring different perspectives to this debate, and it is valuable to understand each other's experiences and views, and to learn from each other. I would invite you all to express your views, thereby contributing to the aim of strengthening the protection for victims of armed conflict.

And now, without further ado, I would like to give the floor to Dr Philip Spoerri, Director for International Law and Cooperation at the ICRC. He will introduce the subject of our discussions today.

I give the floor to Philip.

#### **4.6.2 Speech by Dr Philip Spoerri, Director for International Law and Cooperation, International Committee of the Red Cross**

*(Original English)*

Madam Chair, Excellencies, ladies and gentlemen, we gather here today to address several major humanitarian concerns in contemporary armed conflicts. Through this thematic plenary session on international humanitarian law (IHL), we want to ensure that we clearly address the needs of the victims of armed conflicts. These needs have evolved in recent years, and it is our common responsibility, as members of the International Conference of the Red Cross and Red Crescent, to ensure that IHL continues to provide concrete and appropriate responses to the enormous suffering resulting from armed conflicts.

IHL is a tool for concrete action. The ICRC is convinced that strengthening this legal framework will contribute to meeting the serious humanitarian concerns that we are still facing.

Excellencies, ladies and gentlemen, Resolution 3 of the last International Conference, held in 2007, recognized that in general terms, IHL clearly remains relevant for the protection of all victims of armed conflict. While this conclusion remains valid today, there is a need to assess the extent to which the existing rules of IHL should be strengthened. Strengthening this legal framework includes reaffirming it when it is not properly implemented, or clarifying or developing it when it does not sufficiently meet the needs of the victims of armed conflicts.

Different options are therefore available, and these should be carefully studied. The opinion of States in this regard will be central, and will have to be pursued by in-depth discussions on these substantive issues. Our thematic plenary session today will focus on a report describing the conclusions of the ICRC's internal study on strengthening legal protection for victims of armed conflicts. The report also presents the results of bilateral consultations on this study, in which all States were invited to participate.

Both the study and the bilateral consultations have helped the ICRC gain a clearer understanding of the issues that should be selected for further examination. These consultations and discussions need to continue on a multilateral basis. This plenary session offers an important opportunity to engage in a dialogue involving all States and the components of the Movement.

Excellencies, ladies and gentlemen, as preparation for our debate today, you will have received a 'concept note' that provides background information for the thematic plenary session on IHL and sets out the guiding questions that we will be addressing. Allow me to provide you with further details on these guiding questions.

The first question invites you to share your assessment of the humanitarian consequences of armed conflicts in the four areas highlighted in the ICRC report. By way of reminder, these areas are: a) the protection for persons deprived of their liberty in non-international armed conflict, b) international mechanisms for monitoring compliance with IHL and reparation for the victims of violations, c) the protection of the natural environment, and d) the protection of internally displaced persons.

In each of these areas, the ICRC report provides an analysis of issues of humanitarian concern. We would like now to know your views on this analysis and the specific issues identified, and also whether there are other issues that need further attention.





The second question addresses the need to establish priorities with respect to strengthening legal protection for victims of armed conflicts. The bilateral consultations have shown that a number of States believe that it would not be realistic to work simultaneously on all the four areas that I have just mentioned. Therefore, we would like to ask you whether you agree that future work should focus as a matter of priority on two questions, namely, a) the protection of persons deprived of their liberty and b) international mechanisms for monitoring compliance with IHL. Let me emphasize that these two areas are the ones that have attracted the most interest and support from States during the consultations.

I would like to draw your attention to the fact that the question of reparations for the victims of violations of IHL is not included in this proposal for strengthening compliance mechanisms. Whereas some States were of the view that further work on the issue of reparations would be necessary, others did not seem to consider it a priority for the time being.

The third and last question invites you to give your views on the specific issues that should be addressed in future multilateral consultations and discussion in the two priority areas that I have just mentioned.

With regard to the protection for persons deprived of their liberty in non-international armed conflict, future work to strengthen IHL must aim at ensuring humane treatment for all those in the power of parties to armed conflicts, whether State or non-State parties. It is of utmost importance to have a clear understanding of the material conditions of detention required to ensure humane treatment. In practice, all too often, the ICRC visits places of detention where the facilities, conditions and/or treatment of detainees are clearly not compatible with the dignity of the detainees, and have serious adverse consequences for their physical and mental health, and even put their lives at risk.

It is also the ICRC's experience that the specific needs of certain categories of person in detention, such as women, children, or persons with disabilities, require further attention. But humane treatment also means that every person must be protected against arbitrary detention. To be arrested and detained for a long period of time without knowing the reasons for the detention, or having access to procedures for challenging the lawfulness of detention, results in great suffering.

IHL must be strengthened as a matter of urgency to solve this problem. This body of law does not

provide sufficient legal protection for internees, specifically persons detained for security reasons during non-international armed conflicts.

Lastly, the ICRC also strongly believes that the fate of detainees transferred from one authority to another is a matter for serious concern. In certain instances, these persons have endured serious violations of their rights, such as arbitrary deprivation of life, torture, forced disappearance, or persecution.

With regard to international mechanisms for monitoring compliance with IHL, the ICRC is convinced that insufficient respect for applicable rules is the principal cause of suffering in armed conflicts. The consequences in human terms are tragic, as confirmed by the number of civilians killed or injured, and the number of persons who are detained arbitrarily, ill-treated, displaced, separated from their families, or reported missing.

Entire populations can also be deprived of the minimum resources essential for their survival. Therefore, the ICRC believes that there is an urgent need to improve compliance with IHL in armed conflict.

In recent years, there has been a strong emphasis on developing criminal law and procedures to prosecute and punish those who have committed serious violations of IHL. Some States have enacted and implemented domestic legislation through which they can prosecute such persons. The establishment of international tribunals, and of the International Criminal Court in particular, represents a significant phase in the development of measures to combat impunity.

However, strengthening international criminal law and procedures is not enough. Further action should focus on strengthening those mechanisms that may have an impact on belligerents during armed conflict. These mechanisms are crucial in helping to prevent violations of IHL, while criminal procedures are used once such violations have been committed.

Improving the system for monitoring IHL is a priority, because most of the procedures under this body of rules have not, or have almost never, been used in practice. Moreover, relevant mechanisms were created to apply only in international armed conflicts; no equivalent mechanism exists in IHL treaty law on non-international armed conflicts.

It is true that mechanisms have been developed outside the ambit of IHL. The United Nations

system and some regional organizations play a role in monitoring the behaviour of parties to armed conflicts. However, as explained in the report presented by the ICRC, procedures put in place by the United Nations and other organizations or actors were not developed specifically for implementing IHL, and also have their limitations.

Madam Chair, Excellencies, ladies and gentlemen, through our debate today, we intend to build together the foundation for strengthening IHL. Our immediate goal is to reach a common understanding of the questions under discussion, and provide clear guidance for future work. We must ensure that substantive consultations and discussions continue in the future.

In the longer term, I trust that we will be able to identify concrete outcomes based on the conclusions of this plenary session of the International Conference, and propose legal solutions that will really make a difference for the victims of armed conflict. We look forward to engaging with you all in this dialogue today and in the future. Thank you very much.

#### **4.6.3 Discussion on international humanitarian law (IHL)**

##### **Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original English)*

Thank you very much for giving this introduction and for kicking off our discussions on this important subject.

We now move to your views, the views of the delegations; and 84 delegations have indicated that they want to express their thinking on the subject. That is very welcome. However, I would very much suggest you stick to the time.

The first delegation to speak – and very welcome they are – is the delegation of Germany. They will kick off our discussion. After that, the next delegation to speak, and therefore the next to get ready, is the Swedish Red Cross. Germany, you have the floor.

##### **Germany**

*(Original English)*

Madam Chairperson, thank you very much. It's an honour to be the first speaker on this long list.

Let me begin by underlining that Germany has been and continues to be firmly committed to the rule of, and respect for, IHL. My country continues to be a close and reliable partner to the ICRC. IHL is a central part of present-day international law. The paramount aim of all norms of IHL is the balancing in armed conflicts of the fundamental principles of military necessity and humanity. Its purpose – limiting the suffering war imposes by affording victims the maximum possible protection and assistance – is just as important today as it was at the time of its creation.

In this respect, IHL in its current state has proven to be the appropriate legal framework for the conduct of armed hostilities and the protection of the civilian population. The regulatory framework drawn up by the 1949 Geneva Conventions, and their Additional Protocols of 1977 and 2005, remains adequate. Therefore, we do not see the need for any new formal legal instruments.

However, this does not mean that there is nothing for us to do. The ICRC has formulated pertinent questions concerning the strengthening of legal protection for victims of armed conflicts, questions that illustrate the need for clarification.

The issue of detention, as well as of compliance enhancement, warrants further endeavour, as requested by the ICRC, and we will comment on its preparatory work in this regard.

We encourage States, as the primary actors responsible, to work with the ICRC in order to bring about the required clarification. This could be achieved, for instance, by elaborating formally non-binding instruments, reaffirming relevant principles of IHL addressing particular challenges. A good example of such an integrative approach based on lessons learned is the process that led to the adoption of the Montreux Document. We share the concerns of the ICRC as to the violations of IHL. We believe that efforts should be made to facilitate a process, led by States working in cooperation with the ICRC, for exploring and identifying specific and practical ways of strengthening the application of IHL. This could also include a review of the International Humanitarian Fact-Finding Commission.

Madam Chair, my delegation is looking forward to the deliberations at this conference. We are convinced that if we work together, we will be able to make progress.

### Swedish Red Cross

*(Original English)*

Madam Chair, the protection framework that IHL provides must be continuously evaluated and adapted to make sure that humanitarian concerns in contemporary armed conflict are adequately addressed. The Swedish Red Cross welcomes the ICRC's initiative to study the legal protection for victims of armed conflict.

We appreciate that the issues, of protection for persons deprived of their liberty and of the need to ensure greater compliance with IHL, have been selected for further research and consultations that will, hopefully, lead to appropriate protection for victims of modern armed conflict. However, the selection of the two topics is a result of a compromise. We believe that IHL needs to be strengthened in relation to all four areas originally proposed by the ICRC. We therefore encourage the ICRC to continue its research also in relation to protecting the environment during armed conflicts and protecting internally displaced persons.

What makes the ICRC's study highly relevant is its field-based approach. While carrying out its daily work to protect and assist civilian and military victims in armed conflict, the ICRC documents and analyses the actual effects of providing legal protection for these victims. This is why the ICRC's role in developing IHL, in accordance with the Statutes of the Movement, remains pertinent.

We would also like to underline the important experience and role of National Societies, which could be of great value to this process: the knowledge of volunteers and staff of National Societies, who work on the battlefield, risking their lives to protect and assist victims of armed conflict; and secondly, the acknowledged role of National Societies to cooperate with and assist their governments in the promotion, dissemination and implementation of IHL.

Madam Chair, armed conflict has a profoundly different impact on women, girls, boys and men. Risks and vulnerabilities differ and have various effects. This is important to bear in mind when exploring how to further strengthen legal protection for victims

of armed conflict. While seeking to address adequate and effective protection under IHL, gender is a factor that must be taken into account.

We are pleased to note that gender perspectives have been considered in the ICRC's study, for example, in relation to protection for women deprived of their freedom. However, we believe that gender perspectives are relevant in most aspects of IHL, not least when addressing means for halting and redressing violations.

Gender is equally relevant for the ongoing work to update the commentaries to the Geneva Conventions and their Additional Protocols, which was recently initiated by the ICRC.

Madam Chair, the Swedish Red Cross considers this initiative to be of great importance. We will follow this process closely and will remain committed to supporting and contributing whenever appropriate.

### Japan

*(Original English)*

Thank you, Madam Chair. Against the backdrop of recent armed conflicts, Japan considers the protection of victims of armed conflict, especially in situations of non-international armed conflict, to be a matter of urgent priority. To achieve this purpose, IHL needs to be made universally applicable through further accessions to the Additional Protocols of the Geneva Conventions and other relevant treaties and conventions, while further measures to ensure compliance with IHL also need to be taken.

The Japanese Government is working actively to broaden the geographical scope of IHL. For example, at the beginning of this month, it hosted a round table conference for East and South-East Asian countries on accession to the Additional Protocols. On this occasion, views were exchanged on the advantages of acceding to the Additional Protocols, and experience was shared on the practical aspects of their ratification and implementation.

Likewise, Japan served as a 'Friend of the Chair' during the first two Meetings of States Parties to the Convention on Cluster Munitions, with the aim of achieving universal accession. For the same purpose, we have further supported the efforts by His Royal Highness, Prince Mired Bin Raad Al-Hussein of Jordan, in his role as the Special Envoy on the Anti-Personnel Mine Ban Convention.

Madam Chair, Japan highly appreciates the efforts by the Movement to promote greater compliance with existing IHL. It fully agrees with the Movement on the importance, *inter alia*, of enhancing access for civilians to humanitarian assistance, and of improving the protection available to the vulnerable, such as women, children and the disabled, during armed conflict. Japan strongly hopes that universal action will be taken through the implementation of the proposed four-year action plan.

Japan also supports the initiatives proposed by Switzerland in its capacity as the depositary of the Geneva Conventions to facilitate a process aimed to strengthen the application of IHL and reinforce dialogue on this subject.

The universal jurisdiction of the International Criminal Court will contribute greatly to deterring violations of IHL and eliminating impunity. As the foremost financial contributor to the ICC, Japan is working in particular to increase the number of parties to the Rome Statute. Meanwhile, the International Humanitarian Fact-Finding Commission is an important and impartial institution, whose purpose is to re-establish respect for IHL in cases of violation during armed conflict. Japan will also take part in the discussions on the means to make the Commission more operational.

Madam Chair, the Japanese Government concurs with the ICRC's assessment that while, on the whole, existing IHL remains an appropriate framework for regulating the conduct of parties to armed conflicts, further research, consolidation and discussion are needed in a number of areas. Japan supports the proposal to give priority to the two areas mentioned, as the ICRC conducts further research, consultations and discussions so as to ensure that IHL remains practical and relevant.

Japan hopes that the ICRC will continue its indispensable contribution to the development of IHL based on its unique experience in the field, again through detainee visits and other operations. Japan, for its part, remains prepared to contribute to this work as far as possible.

## Switzerland

*(Original French)*

Madam, Switzerland would, first of all, like to thank and congratulate the ICRC for its report on strengthening legal protection for victims of armed

conflicts. This report provides an excellent summary of today's situation. We share the ICRC's concerns with respect to the issues identified. We feel that the priorities are protection for those deprived of their liberty and strengthening of IHL.

We hope that the ICRC will, of course, continue its consideration of the two other issues. Switzerland feels that IHL is the framework for monitoring armed conflict and protecting victims. This is the area that causes the most problems. There is a need to strengthen IHL; that is the priority. We feel there is a need to amend and prioritize the whole question of monitoring respect for IHL.

In the study on the first 60 years of the Geneva Conventions and the years to come, that was the conclusion drawn. A number of States agreed that further deliberations on IHL implementation and its mechanisms were urgently needed. With respect to international mechanisms for ensuring respect for IHL, as the ICRC has said, the High Contracting Parties do agree that IHL mechanisms do not seem to be working anymore. One may simply refer to the Commission on IHL, which has never really got down to work. We would like to refer to the fact that IHL does not enjoy the same type of institutional support that, say, human rights do.

It was also pointed out that even if oversight and implementation of IHL mechanisms provide some support to victims, they have their constraints and limitations. The High Contracting Parties must, therefore, work together to find specific practical ways of ensuring greater respect for IHL through a more structured and systematic dialogue on the subject. We firmly believe that States' greater involvement in the debate on IHL is most important.

This would give everyone a sense of ownership and great responsibility. We can work together. That is the way in which we will improve IHL implementation, which is why we hope that there will be support for this, with pledges in this area.

Switzerland would like to add that it is also concerned about the situation of those deprived of their freedom in armed conflicts. They are in a very vulnerable situation and, often, legal guarantees are the only protection they have against arbitrary treatment.

We do agree that with respect to non-international conflicts, there are no rules that are clearly established, particularly with respect to those who are deprived of their liberty. States must find a way of tackling these issues, and we do hope that the debate in this

International Conference will enable us to find ways of guaranteeing protection for all victims of armed conflicts, because we owe them that much.

## United Kingdom

*(Original English)*

Thank you, Madam Chair. The United Kingdom continues to value the vital role of the International Red Cross and Red Crescent Movement in seeking to prevent and alleviate human suffering, and to protect those in need of assistance, particularly during armed conflict. Enhancing practical adherence to IHL has long been, and remains, one of the United Kingdom's key priorities.

The UK Government compliments the ICRC on its study on strengthening the legal protection for victims of armed conflicts, and we express our appreciation of the inclusive manner in which the organization has carried out this consultation process.

IHL remains the most appropriate framework for regulating the conduct of parties to armed conflicts, including internal armed conflicts. What is needed in most cases to improve the position of those affected by armed conflict is for the existing framework of laws, which is impressive, to be properly implemented by the parties. Compliance with the current law rather than the establishment of new laws should be the focus of our collective efforts. We would also again emphasize the need for universal ratification of the Geneva Conventions and their Additional Protocols, especially Additional Protocol II.

Against that background, Madam Chair, the UK Government expresses its readiness to contribute positively to the further consultation process that will now begin on the priority areas set out in the ICRC's latest report. This process should, in our view, produce a range of options so that States can decide what action should best be taken.

The major overall challenge that needs to be addressed when considering IHL in the context of internal armed conflicts is its application to non-State groups, and the related question of the willingness of States to assume obligations or commitments that may not be reciprocated. Particularly difficult issues would also, for example, arise in relation to reparations by non-State groups.

In relation to protection for persons deprived of their liberty, the UK also stresses the need to take

into account the work that has already been done on certain aspects of this subject, especially in the proceedings of the Copenhagen Process.

Madam Chair, the international community is faced by numerous difficult and disparate challenges, but through cooperation at the local, regional and international levels, we can make progress towards overcoming them. The UK Government places great emphasis on further developing the capacity of both the ICRC and the International Federation, and strengthening their impact. And we recognize and appreciate the role played by National Societies in the humanitarian field.

Over the coming four years, Madam Chair, the UK Government has pledged to take a number of actions. We have pledged jointly with the British Red Cross Society, our EU partners and the National Societies, and for the first time, with our partners within the Commonwealth and their National Societies. These pledges include making every effort to facilitate ratification of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols, to continue to respect fundamental procedural guarantees for all persons detained in armed conflict, and to continue to raise public awareness of IHL.

We look forward to continuing our close working relationships with all the component parts of the Movement.

## Australian Red Cross

*(Original English)*

Thank you, Madam Chair. Ladies and gentlemen, the Australian Red Cross supports the work of the ICRC in strengthening legal protection for victims of armed conflict, and our government will talk more about that when they make their statement later on this afternoon, so I won't steal their thunder, which would be unwise of me to do.

The Australian Red Cross has a strong commitment to IHL. Our programme encompasses not only dissemination activities such as seminars on 'women and war' and 'recent challenges of IHL', but also significant humanitarian diplomacy on key themes such as the prohibitions against the use of child soldiers and of anti-personnel landmines.

Recently, we have put considerable energy into our nuclear weapons campaign and into finding creative

and innovative ways to draw the attention of the international community to the humanitarian and environmental consequences of the use of these weapons; hence, the cranes that adorn my desk today, which we produced for the Council of Delegates on Saturday.

Another important contribution of the IHL programme in Australia is the high-level engagement with authorities in military exercises and pre-deployment briefings. This includes regular IHL training, courses for members of the Australian Defence Force and the Federal Police, particularly those who go on peacekeeping missions.

In the last few years, we have also commenced working with journalists and other media people to ensure that they have a full understanding of IHL and of the important role this body of law plays during armed conflicts. We work with the ICRC to provide training sessions for war correspondents before they are deployed in areas of tension. We're also very dedicated to ensuring that the emblems are correctly used in Australia, and work with our colleagues in the legal department of the Australian Defence Force to do this.

The Australian national IHL committee meets regularly. It consists of both government and Red Cross personnel and discusses a range of relevant issues, including advances in the implementation of IHL, and themes of interest, such as 'health care in danger'.

Australia also has eight state and territory-based IHL committees, which also perform a valuable role in disseminating IHL right round the country, hosting conferences, moot courts, moot seminars, debates on matters of IHL and humanitarian concern, and also flash mobs that have currency with viewers on YouTube.

The Australian Red Cross has produced a number of documents, including a guide for parliamentarians – we've heard a lot about it at the General Assembly – a handbook for members of parliament to explain IHL and the Movement itself in a concise and interesting manner, as well as a biannual IHL magazine that is sponsored by a major law firm in Australia.

So Australia is very supportive of IHL dissemination work, and we urge everyone here to do more, to do better, to reach further in this unique area of activity and focus for our Movement.

## France

*(Original French)*

Thank you, Chair. This session on IHL is one of the high points of the 31st International Conference of the Red Cross and Red Crescent. It is an opportunity for France to recall the importance it attaches to the four Geneva Conventions and their Additional Protocols, particularly the three common Articles that are the basis of our collective commitment.

Over the past few decades, the world has seen growth and diversification in armed conflict, confronting the international community with multiple and ever more complex challenges. In this regard, France feels that there are three objectives that must be given priority.

First of all, ensuring universalization of the Protocols additional to the four Geneva Conventions.

Secondly, ensuring that IHL is applied in the context of non-international armed conflict – whether this is carried out by States or non-State armed groups – and particularly that the fundamental guarantees under Article 75 of Additional Protocol I are respected and put into effect.

And thirdly, ensuring that States Parties are more involved in the debate on questions of IHL, together with the ICRC, to strengthen their feeling of ownership and responsibility.

Here, I salute the consultative approach adopted by the ICRC in the framework of its study on the strengthening of legal protection for victims of armed conflicts. This consultative approach is a good example of the increased involvement of States that France advocates.

The objective of the work done by the ICRC, and I do stress that it is high-quality work, was to assess the need to strengthen the law in various fields. France agrees with the analysis of the ICRC, which concluded that existing law was relevant and could meet current challenges. That is why France feels that it is preferable not to move into legislative or normative development today. We would prefer an approach that clarifies existing standards, for example, in the form of interpretive guides.

Generally speaking, France wishes to pay tribute to the ICRC for its unstinting efforts to promote IHL. It also reaffirms its unreserved support for the actions taken by the ICRC in situations of armed conflict, and

also reaffirms its respect for the ICRC's independence. My country, however, is very committed to ensuring that the ICRC carries out its actions within the framework of the Geneva Conventions signed and ratified by States, so as to preserve its credibility.

France is also calling on each component of the Movement to concentrate its actions on priority areas within its mandate. We hope that this active and constructive contribution will enable us to examine the resolutions before this International Conference.

### Norwegian Red Cross

*(Original English)*

Madam Chair, Excellencies, nearly 150 years after the first Geneva Convention was adopted, conflicts continue to cause unacceptable suffering, particularly to the civilian population.

At the outset, I therefore wish to commend the organizations of the International Conference for giving ample time to discuss how IHL can be strengthened. The International Conference constitutes a unique forum. It is the responsibility and the prerogative of States to adapt new international law. But with our global presence in the field, it is the responsibility and the prerogative of the Red Cross and the Red Crescent to share our knowledge of the humanitarian consequences of the means and the methods of modern warfare.

It is these humanitarian consequences that should constitute the core of the discussion on where and how to strengthen IHL, to strengthen protection for victims of armed conflict. On behalf of the Norwegian Red Cross, I would like to emphasize three areas we believe need more international attention in the years to come. We believe the rules providing protection for the natural environment during armed conflict need clarification and reinforcement. Conflict-inflicted damage to the environment has had severe consequences for the health and survival of civilians. We wish to invite all members of this conference to take part in a process to strengthen IHL in protecting the environment.

Secondly, we would like to underline the importance of the newly adopted Movement position on nuclear weapons. The question of the legitimacy of nuclear weapons is a question of protecting human lives, and a question of respect for the fundamental principles of IHL. These weapons do not distinguish between civilians and combatants.

Lastly, we also take this opportunity to call for a comprehensive and universal international ban on the recruitment of child soldiers. There is a need to condemn the use of all combatants below the age of 18. This responsibility lies first and foremost with States, and we ask that they be aware of the importance of their efforts. We must all walk the walk now.

### Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law

*(Original English)*

Thank you very much. And for all of you who have been looking at the very dark screen, I'm not sure if it's visible to you up on the balcony, but on the ground floor, one corner of the room is extremely dark. We apologize for that. We had hoped that the light would be fixed during lunch. It proved to be slightly more difficult than that, but please don't take it as a message from us. We appreciate your being here, and we apologize for the lack of light.

### Croatia

*(Original English)*

Thank you, Madam Chair. Let me commence by saying how we pleased we are that the conference has chosen this slogan, Our World. Your Move – For Humanity. The urgent need for strengthening IHL, as well as humanitarian action, has to be more widely recognized today, when in many countries, the most excluded, poorest and marginalized people are suffering owing to the horrible consequences of armed conflicts or natural disasters. In this regard, allow me to support the resolution as well as the pledges with this aim at the conference, and call on the representatives of States, as well as of the Movement, to join us in pledging, in particular by signing Switzerland's pledge for strengthening and furthering respect for IHL, with a view to furthering its implementation.

Madam Chair, as a country that experienced the atrocities of war in the early '90s and that has recently passed through a multi-faceted transition, Croatia has gradually moved from being a recipient of international assistance towards establishing itself as a donor country. In this respect, we are committed to assisting those who need our support, and we are looking forward to further development of our capacities for providing humanitarian assistance.



With regard to humanitarian assistance, Croatian legislation fully recognizes the role and specificities of the Croatian Red Cross as an implementation partner in the national strategy for development and humanitarian assistance. Indeed, in the past few years, the Croatian Red Cross has been one of the Croatian Government's key partners in providing humanitarian assistance to third countries. Aid in the form of direct financial contributions – for Haiti, Chile, Pakistan, Japan and Turkey – has been channelled through the Croatian Red Cross.

We would also like to draw attention to the successful project between the government and the Croatian Red Cross that was realized this summer. A total of 25 children accompanied by five adults from the Japanese city of Sendai, a town hit by the catastrophic earthquake and tsunami, spent 15 days in Croatia as part of their recovery.

All these efforts, although modest in comparison to the existing needs, give us a sense of humanity, and additionally strengthen the synergy between my government and the Croatian Red Cross. They also confirm the successful role of the National Society as auxiliary to the government, contributing to our common responses to important and demanding challenges worldwide in the humanitarian field.

## Finland

*(Original English)*

Madam Chairperson, speaking on behalf of the government of Finland, in my comments I would like to concentrate on strengthening the legal protection for victims of armed conflicts and on better implementation of IHL. We share the ICRC's concern over the gaps and weaknesses in the legal protection for victims of armed conflicts in the four areas identified in the ICRC's recent internal study on the subject. Humanitarian concerns related to situations in which individuals are deprived of their liberty, particularly in the context of non-international armed conflicts, are an important issue in need of immediate attention. We also agree with the ICRC that suggestions to enhance mechanisms for ensuring compliance with IHL deserve careful consideration.

We very much support the general aim of increasingly focusing on the situation of victims of armed conflict. The plight of victims often gets less attention than the role of combatants in international discussions. We would like our discussions in this conference to

generate a commitment to the perspective of victims in a comprehensive manner and in compliance with the Fundamental Principles. A particular concern is the situation of the most vulnerable groups that often suffer most in armed conflicts, namely women and children.

It is our view, however, that while attention should be paid to the particular issues mentioned in the resolution for strengthening legal protection for victims of armed conflicts before us, the international community should also search for comprehensive solutions that will take into account the needs of all victims of armed conflicts, and particularly of the victims of the most serious international crimes.

We would like to point out the plenitude of challenges that victims face, while acknowledging the view that it is not realistic to work simultaneously on all areas identified in the ICRC study. We wish that this conference would, however, clearly recognize the needs of all victims in armed conflicts.

As a further point, we would also like to draw attention to the fact that in addition to IHL, other bodies of international law protect victims of armed conflict as well. In particular, human rights law and refugee law also contribute to the legal protection for victims of armed conflicts.

Even though these bodies of law may not be directly covered by the mandate of the International Conference, we feel that their existence could still be usefully acknowledged in the resolution. It is primarily from these two considerations that our suggestions for the draft resolution on legal protection arise.

Madam Chairperson, it is generally recognized that the greatest challenge to IHL is not related to the need to draw up new rules, as was today already mentioned by the President of the Swiss Confederation. The key goal is effective implementation, which also includes accountability for violations. We need resolute political will to reach this goal. This work indeed starts at home.

There has been wide recognition of the need to further enhance IHL-implementing mechanisms, and the need to collect objective impartial information on possible violations of IHL. Protocol I of 8 June 1977 additional to the Geneva Conventions provides for the International Humanitarian Fact-Finding Commission. The problem is that this mechanism has not been called upon. We wish to support proposals to render it more operational.



## German Red Cross

*(Original English)*

Madam Chair, distinguished delegates, dear colleagues and friends, the German Red Cross welcomes the reports of the ICRC addressing new challenges to IHL and the adequacy of existing IHL. We wish to thank all those who have contributed to the thorough research and reflection on these issues.

Both reports, as well as the four-year action plan for the implementation of IHL identify the issues that have to be dealt with in the coming years very well, bearing in mind that the vast majority of all the ongoing armed conflicts in the world are of a non-international character. The German Red Cross shares the view that the law on protection for persons deprived of their liberty, especially in non-international armed conflicts, needs to be strengthened.

The legal framework provided by IHL is still suitable for many if not most of the new challenges in modern warfare. However, compliance with existing rules has to be improved. Thus, the mechanism for monitoring compliance with IHL, as recommended in the report on strengthening legal protection for victims of armed conflicts, is a meaningful approach.

The German Red Cross has a longstanding vital interest and experience in such an instrument. The German Red Cross reports on a regular basis on the national implementation of IHL to the German IHL Committee, as well as to the ICRC's advisory service. We will continue to do so, and have constantly advocated and received the contribution of the German Government in this regard. Hence, the German Red Cross will support the draft resolutions submitted on strengthening legal protection for victims of armed conflicts and on the four-year action plan. In addition, we most strongly support the idea of a joint EU National Societies and Member States pledge on this issue.

We therefore strongly encourage members of the International Conference to endorse the draft resolutions on strengthening legal protection for victims of armed conflicts, and on the four-year action plan for the implementation of IHL by consensus.

## United States of America

*(Original English)*

On behalf of the United States, let me offer special thanks to the entire Movement, including our own American Red Cross, for your outstanding leadership and indispensable humanitarian role. As the State Department's legal adviser, I come here today to reaffirm the United States' abiding commitment to IHL.

Ten years after 11 September, we continue to face real threats, but during the last decade, the United States has learned important lessons and has worked very hard to ensure that we conduct all aspects of armed conflict, in particular detention operations, in a manner consistent, not just with the applicable laws of war, but also with the constitution and laws of the United States. As President Obama reaffirmed in his 2009 Nobel Lecture, we have a moral and strategic interest in binding ourselves to certain rules of conduct. Even as we confront a vicious adversary that abides by no rules, the United States of America must remain a standard-bearer in the conduct of war.

The United States appreciates the ICRC's vision and efforts to identify strategies to strengthen the implementation of IHL, and to ensure that IHL remains the appropriate framework for promoting greater legal compliance among parties to both international and non-international armed conflicts. Because customary law derives from State practice, we think it is important that the development of IHL continue to be led by States.

Because we are committed both to humane treatment of those detained and the effectiveness of US national security policy ruled by law, the US Government announced our support this year for two additional components of the international legal framework on armed conflict. We have urged our Senate to take action towards ratification of Protocol II of 8 June 1977 additional to the Geneva Conventions as soon as practicable, and acting out of a sense of legal obligation, my government has committed to treating the fundamental humane-treatment principles in Article 75 of Protocol I of 8 June 1977 additional to the Geneva Conventions as applicable to any individual it detains in an international armed conflict.

I am also pleased to report that the US has fulfilled the pledge it made four years ago at the 30th Conference, namely to ratify five treaties that promote respect for

IHL and enhance humanitarian protection during armed conflict.

As we noted last week, the US regrets that the just concluded Fourth Review Conference of the Convention on Certain Conventional Weapons failed to adopt yet another key protocol on cluster munitions, which would have for the first time placed the major users and producers under a legally binding set of prohibitions and restrictions. We saw such a protocol as complementary to, not competitive with the important Oslo Convention.

But even without this protocol, we will move forward. Since 1993, the US has provided more than 1.9 billion US dollars to mitigate the threat from explosive remnants of war, and the US resolves to implement its own voluntary policy to prohibit by 2018 the use of cluster munitions with more than a 1% unexploded ordnance rate, and to encourage other countries to take similar steps.

In closing, the US is pleased to participate in this 31st International Conference, because we share your unshakeable commitment to humanitarian values and international law. The US does not consider these conventions to be outmoded. To the contrary, the Geneva Conventions are as vital today as when they were first conceived. That is why we will always be your staunch partner in this critically important ongoing effort to ensure the implementation of the laws of war and furtherance of our humanitarian values.

## Indonesia

*(Original English)*

Thank you, Madam Chairperson. We offer our congratulations on the convening of this important conference, and welcome the motto, Our World. Your Move – For Humanity, which clearly indicates that we must take the lead for the sake of our world. Today, we live in an increasingly complex world in which the nature and the risks of armed conflicts are getting more difficult to predict and to deal with. The features of armed conflict have changed dramatically.

Needless to say, this phenomenon poses new challenges in that more and more civilians are becoming victims. These challenges require us to have stronger and more effective shared rules for protecting civilians in armed conflicts. In this regard, there can be no doubt about the value of existing IHL. It is a global achievement, and universally

acknowledged. Applying it is of fundamental importance in protecting civilians during armed conflict.

We are of the view that existing provisions of IHL for protecting civilians and caring for civilian victims of war can meet the challenges of contemporary armed conflict. What is needed is the fulfilment and earnest implementation of existing IHL obligations.

While we acknowledge the continuing adequacy of IHL for addressing contemporary challenges, Indonesia is of the view that the best way to meet these challenges is prevention and resolution of conflicts. Indonesia also underscores the need to strengthen cooperation in the development of national legal frameworks for implementing IHL and ensuring effective protection for civilians in armed conflict. We should ensure that vulnerable groups, in particular women and children, are given serious attention in this regard.

Madam Chairperson, the last point I want to highlight is that the application of IHL needs to have a sound basis in the national context of each State. One size will never fit all. In addition to a universal approach, specific approaches for each State must be drawn up – and these must be based on a better understanding of the challenges they face with respect to the application of IHL. To this end, Indonesia, together with Norway, convened the Asia Pacific workshop on the protection of civilians under IHL, which was held in Jakarta from 7 to 8 November 2010, so as to ensure broader understanding and explore ways and means to further our common cause.

We would like to underline also that all stakeholders should work together in partnership to ensure that the noble cause of protecting human lives, particularly victims of armed conflicts, is duly taken into account. In conclusion, my delegation wishes to reiterate the unwavering commitment of Indonesia to promote adherence to and implementation of the rules and principles of IHL.

## Austria

*(Original English)*

Madam Chair, the ICRC report prepared for this conference shows that there is broad agreement that what is required is stricter compliance with IHL, but the question is: How can monitoring procedures be strengthened in order to encourage belligerents to meet their obligations? We believe that there is a role

to be played, both by independent bodies and by the States party to the Geneva Conventions collectively responsible for compliance.

We are looking forward to working with the ICRC and all other interested partners on this important issue and support the pledges of Switzerland related to the strengthening of IHL, and to making the International Humanitarian Fact-Finding Commission more operational.

Madam Chair, Austria believes that IHL is closely related to the issues of protection of civilians, accountability, and the fight against impunity, which we actively pursued during our Security Council membership, and the elaboration of Security Council Resolution 1894 on the protection of civilians in armed conflict. These issues continue to be priorities during our term in the Human Rights Council.

Internally, we are now working on the incorporation of specific international crimes in the Austrian Criminal Code in addition to the existing rules, corresponding to the relevant provisions in the Geneva Conventions and their Additional Protocols, and the Rome Statute of the International Criminal Court.

Austria remains deeply concerned about the high number of acts of violence against journalists during armed conflicts. The work of journalists is crucial, both for public knowledge of IHL, and for knowledge of its violations. We therefore welcome the strong focus on the proposed action plan on the protection of journalists. Only a few days ago, the protection of journalists was the subject of a high-level expert consultation that we organized in Vienna. We are also preparing an amendment of Austrian legislation in order to provide a legal basis for the issuing of identity cards for journalists in accordance with Article 79 of Protocol I of 8 June 1977 additional to the Geneva Conventions.

Madam Chair, the threat posed to civilians by explosive weapons remains a great concern for Austria. The adoption of the Oslo Convention on cluster munitions was a landmark in international law. We are convinced that any legal instrument in this field needs to respect and build on the standards of the Oslo Convention. We applaud the continuous efforts of the ICRC, and of National Societies, in working towards the total elimination of nuclear weapons, as demonstrated by the resolution adopted by the Council of Delegates.

## Kyrgyzstan

*(Original English)*

Thank you. Madam Chair, please allow me to briefly update the distinguished audience on the progress of IHL implementation in Kyrgyzstan, a process of some significance for us. In 1999, the Government of Kyrgyzstan established an inter-agency commission on IHL implementation that included, in addition to government officials, the head of the ICRC's delegation to Kyrgyzstan. Our government developed and approved regulations and an action plan on IHL implementation, on the basis of and in accordance with which the aforementioned commission acts and works. We carried out, at the national level, activities in order for Kyrgyzstan to join separate international treaties and covenants, as well as to make corresponding amendments to existing national legislation.

At the present time, we are continuing to draw up plans for harmonizing our national legislation with IHL provisions. I inform you today, with some satisfaction, that Kyrgyzstan has already carried out half of those planned actions. In 2000, we passed a State law on the red crescent and red cross emblems that sets out rules for the proper use of the emblem, and for its protection, during times of peace and of conflict.

In 2004, an agreement on the status, privileges and immunities of the ICRC in Kyrgyzstan was signed and ratified, and came into effect. Three years later, a new State law introduced amendments to the code of the Kyrgyz Republic on administrative responsibility to include at least administrative violations of the rules regarding use of the red crescent and red cross emblems.

We have also worked to integrate IHL into the armed forces of Kyrgyzstan. The State law on defence stipulates that when defending Kyrgyzstan, the armed forces must follow provisions of international law and treaties and covenants of which the country is a member.

Over time, Kyrgyzstan has updated its inter-agency action plan on implementation of IHL. Within the framework of the plan, we worked out both a draft law on introducing additions to the criminal code of the Kyrgyz Republic, which includes provisions on criminal responsibility for war crimes, and proposals for changing national legislation in order to ensure protection for women and children during armed conflicts.

Madam Chair, I would like to take this opportunity to thank the ICRC and the International Federation of Red Cross and Red Crescent Societies for fruitful activity related to provision of humanitarian, financial and technical assistance to residents of Kyrgyzstan, as well as for successful implementation of educational programmes on human rights issues in our country.

Madam Chair, I would like to confirm that Kyrgyzstan is unwaveringly and consistently committed to the protection and encouragement of all basic rights and freedoms of our citizens in full accordance with international standards. We are also firmly committed to fulfilment of all international obligations that Kyrgyzstan has assumed.

In conclusion, I would like to reassure all of you that Kyrgyzstan remains an active proponent of strengthening IHL. I hope that this conference results in the States party to the 1949 Geneva Conventions looking for and eventually finding approaches to the collective promotion of humanitarian principles.

## Serbia

*(Original English)*

Thank you, Madam Chair. Allow me to make just a few points about the activities of the Government of Serbia in order to contribute to the strengthening of IHL, and in providing humanitarian assistance on the local level.

In this context, I would like to point out that in 2010, the Serbian Government set up its national committee for the implementation of IHL, which has already initiated several concrete activities. Given the significant role played by the Serbian Red Cross in addressing a number of important issues, the relevant authorities in Serbia are strongly committed to further developing mutual partner relations, while fully respecting the independence of the National Society.

Our efforts to promote, develop and implement IHL have produced experts who actively participate in the emergence of this branch of law. We are particularly honoured that one of the foremost IHL experts is our compatriot, Dr Bosko Jakovljevic, adviser to the Serbian Red Cross. I would like to thank the Standing Commission of the Red Cross and Red Crescent for its unanimous decision to award Dr Jakovljevic the prestigious Henry Dunant Medal at this session.

The Republic of Serbia greatly appreciates and commends the efforts made by the ICRC in the preparation of its study aimed at strengthening the legal protection for war victims. We share the ICRC's assessment that, overall, IHL constitutes an appropriate legal framework for dealing with armed conflict situations, and that it is necessary to insist upon consistent respect for its rules and principles.

We support the inclusion of the international mechanism for monitoring respect for IHL among the priority issues, along with the protection of persons deprived of their liberty.

We stand ready to participate in consultations conducive to developing measures for improving the legal protection for war victims. We believe that the specific nature of the experience gained by the Serbian government authorities in ensuring the implementation of IHL can contribute to its further development.

Madam Chair, we have joined the pledge made by Switzerland to enhance the importance of the International Humanitarian Fact-Finding Commission. We will continue to support the work of the Commission in its efforts to help the parties to transfer their competencies to this important, and above all, expert body. Precisely because of the importance of this body, we have decided to submit the candidature of Professor Starčević for re-election to membership of the Commission. I would like to take this opportunity to call on all of you to support this candidature.

In concluding, I would like to draw your attention to the necessity of joint action to address many of today's challenges, such as international and non-international conflicts, global terrorism, migration issues, pandemics, and ever more frequent large-scale natural disasters. I strongly believe that all of us present here today are aware of the need for appropriate international involvement, constructive cooperation, and establishment of a framework for the prevention of and rapid action in humanitarian catastrophes. These efforts should aim to prevent and alleviate the suffering of the people affected, and to provide them timely and comprehensive assistance, because the responsibility for lending assistance to those in need lies with all of us.

## Australia

*(Original English)*

Madam Chair, Australia welcomes the opportunity to provide its views on the conclusions of the ICRC's report on strengthening legal protection for victims of armed conflicts, and the proposal that this conference invite the ICRC to continue discussions with States as to how best to take this work forward.

Australia agrees with the principal conclusion of the ICRC's report, namely that IHL in its current state continues to provide a suitable framework for regulating the conduct of parties in armed conflict, and that efforts must be made to ensure there is better compliance with the existing framework.

The number of reported incidents in which civilians, for example, are deliberately targeted by parties to conflicts is shocking and deplorable. As such, we must ensure that in examining where the law might be strengthened, we do not lose sight of the fact that there is much work to be done in living up to the promise of the law that already exists.

It is for this reason that Australia welcomes the fact that the ICRC has concluded that priority should be given to enhancing compliance with IHL. We are very interested in exploring with States and the ICRC ideas for strengthening relevant mechanisms for monitoring compliance. We do not think our work in this area will be easy, particularly given the number of non-State armed groups whose conduct is cause for concern. Nonetheless, we look forward to engaging in creative thinking with the participants at this conference this week and beyond as to how we can enhance compliance with the law.

While strict application of existing law is key, Australia recognizes that the way in which armed conflicts are fought has changed since the Geneva Conventions and their Additional Protocols were adopted, and that this poses challenges that are not specifically addressed by IHL. In this context, we welcome the ICRC's conclusion that priority should also be given to strengthening the legal protection for persons deprived of their liberty, a subject in which Australia has a strong interest. We also welcome the approach taken in the draft conference resolution on strengthening legal protection for victims of armed conflicts to invite the ICRC to pursue further research, consultation and discussion in cooperation with States to identify how best to take work on this topic forward.

In Australia's view, the ICRC study provides a useful starting point for an examination of the gaps that are alleged to exist in relation to detention. It is, of course, not our only reference point. We also need to study what efforts are currently being made to meet those gaps. And once this further study has been undertaken, States will be in a position to make decisions how best to proceed.

## Malaysia

*(Original English)*

Madam Chair, Malaysia is of the view that IHL remains relevant and is parallel to the existing practice in the Malaysian armed forces. The Geneva Conventions alone are insufficient to protect victims of armed conflicts, especially non-combatants.

In the interests of promoting international peace and security, the Malaysian armed forces actively participate in UN peacekeeping missions. To date, the Malaysian armed forces have participated in 24 UN peacekeeping missions in more than 13 countries. Because of its importance for these missions, IHL has been introduced in all tactical courses and unit commander military courses in Malaysia. This has enabled Malaysian troops employed in peacekeeping roles to carry out their duties and operations in conformity with IHL.

In addition, the Malaysian Government approved the establishment of the Malaysian IHL committee (JUKAM) on 12 December 2007. JUKAM is chaired by the Minister of Foreign Affairs, and its secretary is the Minister of Foreign Affairs. The purpose of JUKAM is to establish a permanent focal point for the consideration of all IHL issues, both at the national and the international level. JUKAM provides a centralized body to advise the government on its policies with regard to IHL issues, in particular, on questions of ratification or accession to the remaining IHL and related treaties.

Madam Chair, the Government of Malaysia remains firmly supportive of the national commitment to international disarmament of weapons that cause unacceptable harm. Malaysia is one of the earliest in its region to have signed the Anti-Personnel Mine Ban Convention, and has fully accomplished the destruction of its stockpile. The draft resolution for strengthening legal protection for victims of armed conflicts provides direction and is supplementary to the existing legal framework. However, emphasis should be placed on international monitoring of



compliance by parties to conflicts, thus mitigating unnecessary suffering caused by armed conflict today. The best guarantee of adherence to the IHL regime in armed conflict is to ensure that necessary laws and infrastructure are put in place in peacetime, and to raise awareness of rights and obligations in IHL among both the armed forces and the civilian population during peacetime.

**Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original English)*

Thank you very much for your statement, madam. The next speaker is Palestine. As you will be aware, they are an observer. They have approached us and requested to participate at this stage, and I have agreed to that. Palestine takes the floor now, and they will be followed by Norway. You have the floor, Palestine.

**Palestine**

*(Original Arabic)*

Thank you, madam. I would like to thank you for your understanding. We requested the floor on this question of strengthening legal protection under IHL. This is a form of law that is often violated, particularly by occupying forces, which is why everyone has to do what they can in order to ensure respect for IHL in all circumstances. We cannot possibly allow for double standards in these sorts of situations.

IHL, and the Fourth Geneva Convention in particular, face a number of challenges. There is a need for joint efforts so that all possible mechanisms for IHL implementation can be considered. Everybody has to fulfil their legal responsibilities.

Furthermore, there is a need to consider what to do when occupying forces are in flagrant violation of IHL, and of civil and cultural rights, or in violation of any number of international conventions.

The Zionist entity, Israel, which is expansionist, has been seizing public and private property, has set up a number of checkpoints, and monitors the movement of people and goods. Those authorities also impose collective sanctions. There is also the question of the wall of separation, the way in which Jerusalem is being made Judaic, the decisions that are being taken with respect to architecture, the way in which goods and income are being seized. And we're talking here

about the belongings of Palestinians. Their rights are being violated.

We would like to take this opportunity to reassert the need for the international community to act. The international community must demand that Israel implement all the conventions and treaties that have been signed. It must also be urged to respect the agreement that was signed between the Magen David Adom and the Palestine Red Crescent Society, as well as fully implement that agreement.

The agreement between the two National Societies enjoyed full support from the conference. The Geneva Conventions and their Additional Protocols, international law on the whole, require that these issues be dealt with and that the agreement between the two National Societies be implemented and respected.

This is with a view to respecting the protection of the Palestinian people. That is why there is an urgent need for a clear and frank resolution to be adopted. It must ask for the implementation of the Fourth Geneva Convention as well as the 2011 declaration. This is in order to ensure that IHL is fully implemented.

**Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original English)*

Thank you very much. You were just ahead of me, because I wanted to say that you were slightly over time. But never mind. We move on with the delegation of Norway, to be followed by the delegation of Sweden; and I am afraid we're back in the dark corner again. Delegation of Norway, please.

**Norway**

*(Original English)*

Thank you, Madam Chair. Respect for IHL is more than a moral imperative. It is a legal obligation. As we speak, we are vividly reminded, notably by unfolding events in Syria and elsewhere, that this is not an abstract matter.

IHL rests on two fundamental pillars. The first is an effective legal framework that limits the effects of armed conflict on people and property, and in so doing, it reflects and reinforces basic principles of humanity in international law, and protects particularly vulnerable persons.

The second concerns adequate mechanisms to ensure compliance with the law. As highlighted in the latest report of the ICRC, the need to strengthen legal protection for victims of armed conflict is a topic that requires this conference's undivided attention. Most of those suffering the terrible consequences of armed conflict do so because the parties to conflicts fail to adequately respect existing law. Adopting measures to ensure greater compliance is therefore essential. This must be at the core of this conference. All States party to the four Geneva Conventions and their Additional Protocols have the obligation, while respecting the UN Charter and international law, to contribute to ensuring compliance with these instruments.

As the ICRC has commendably pointed out, normative gaps must also be addressed for IHL to retain its relevance. Simply put, the nature of armed conflict is not static. Neither can the law be. At the same time, key principles and rules have proven resilient. There are no legal black holes of protection.

Rules applicable to persons deprived of their liberty within non-international armed conflicts are in our view clearly insufficient, as are the resources devoted to the establishment of proper material conditions of detention. Moreover, in our view, the protection of the natural environment during armed conflict also needs to be carefully examined.

The protection of the sick and wounded lies at the heart of IHL. States have the primary responsibility to provide, organize and enable appropriate health care, but we must also recognize the essential contribution of civil society, including the capacities of National Red Cross and Red Crescent Societies. In response to the tragic attacks on 22 July this year in Norway, health personnel and volunteers from the National Society and other organizations saved lives and provided relief.

The world has also seen a disturbing increase in violence directed against health-care personnel and facilities providing humanitarian aid. We therefore fully support the ICRC project, Health Care in Danger. A needs-based approach is essential, and preparedness is key.

Madam Chair, we welcome the decisions just adopted by consensus by the Movement, in particular on nuclear weapons and on armed violence. These groundbreaking decisions reflect the wider understanding on how IHL can be promoted. We look forward to a continued close partnership with the ICRC and the Movement on these issues.

The conference is an important opportunity to strengthen IHL. We hope that from this dark corner of the room, we may nevertheless have contributed to shedding light on some of the priority issues, and we remain committed to contributing actively to this end.

**Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original English)*

Thank you very much. Let us say I have just been lenient because you are in the dark corner, but that is the only excuse for over-running your time. Next one is Sweden, and you are in the dark corner as well, but it is really three minutes. Delegation of Sweden, please.

**Sweden**

*(Original English)*

Madam Chairperson, the focus of the four thematic areas during this conference reminds us that there still is a lot of work that needs to be done, and this has to be done in full partnership between governments, National Societies, the Movement, international organizations and civil societies at large.

Let me take this opportunity to express our deep appreciation to President Kellenberger, who always displays great energy in the performance of his important task in a humble, efficient and humane manner.

Sweden supports the work done by the ICRC to continuously scrutinize, review and interpret the legal framework of IHL. The ICRC study on how to strengthen the legal protection for victims of armed conflict is a comprehensive and accurate description and analysis of the current state of IHL.

The ICRC has a difficult but most fundamental task ahead to pursue the deliberations and the analysis of the problems raised in the study. Sweden agrees that there is a need to enhance the protection for persons deprived of their liberty. We welcome the fact that applicable human rights are also taken into account in the analysis on how to strengthen the legal protection in non-international armed conflicts.

There must never be any doubt that all detainees must be treated humanely and with full respect for



their rights, and that there must be a legal basis for any type of detention. It is a timely initiative, and we support a process to negotiate enhanced protection for persons deprived of their liberty, in line with the proposals put forward in the study. It is vital that the ICRC continue this process with a clear mandate from the conference.

Equally important is the continued work to strengthen the implementation and monitoring of IHL, and we are looking forward to a renewed commitment and continued work on this topic.

As a result of a Swedish initiative, the EU, in 2005, adopted guidelines on IHL that were further enhanced in 2009. Let me in this regard express our support for the Swiss initiative to strengthen the implementation mechanism for and dialogue on IHL.

Sweden believes that there is a need for increased protection of the natural environment. It is crucial to keep on working on this issue, clearly, a key challenge for the future.

Sweden supports the effort to confirm and clarify the rules regarding the protection of journalists. We recognize that the work of journalists and other media representatives contributes to public knowledge of violations of IHL.

Finally, Madam Chairperson, armed conflicts have a profoundly different impact on women, girls, boys and men. Both sexes suffer the harsh consequences of violence, and are victimized by war. But women, girls, men and boys have distinct and diverse strengths, interests, needs and capacities, which should be equally valued and inform effective humanitarian work. The integration of a gender perspective is a necessity to improve the effectiveness of IHL, and strengthen the protection for individuals during times of armed conflict.

## Honduras

*(Original Spanish)*

Thank you, Madam Chair. Honduras fully endorses the results of the study carried out by the ICRC, and in particular its main conclusion that IHL still provides, generally speaking, a suitable legal framework for regulating the conduct of parties to armed conflicts. Convinced as we are of the detrimental effect of armed violence on the development of our society, we can only throw our weight behind the efforts,

being made at various forums and through various mechanisms, to strengthen the provisions of IHL.

At the international level, we have taken part in initiatives to promote this cause and the importance of committing to it. Since this issue touches upon the mandate of many international bodies – involving migration, refugees, health, development and human rights, to name but a few – our work in Geneva offers many opportunities to do so.

We agree on the need to protect people deprived of their liberty who are victims of armed conflict, and above all on the need to strengthen mechanisms for monitoring compliance with IHL, ensuring that humanitarian concerns are taken into account in all international legislation and conventions.

In this vein, a group of around 50 countries recently concluded that the draft protocol to regulate the use of cluster munitions, within the Convention on Certain Conventional Weapons, did not satisfy humanitarian requirements. It represented a step backwards with regard to the existing Convention on Cluster Munitions, running counter to the principles of IHL. The ICRC played a key role in this decision.

At the national level, we have set up the Honduran Commission on International Humanitarian Law, made up of representatives of the government, civil society and the Honduran Red Cross, and we are working on overhauling our legislation in this area.

Since strengthening IHL is one of the objectives of this conference, three of the five pledges submitted by the Honduran Government are related to this issue.

It is our wish, Madam Chair, that our discussions be rewarding and yield legal solutions to help improve our response to these issues. Thank you.

## Netherlands

*(Original English)*

Madam Chair, in this debate, we are invited to address a number of guiding questions related to the ICRC study on strengthening legal protection for victims of armed conflict. Before going into the substance of this report, allow me to commend the ICRC on this particular effort. Indeed, while States have the primary responsibility for the development of IHL, we do appreciate the very valuable role of the ICRC in facilitating the discussion on strengthening IHL. The usefulness of this role is illustrated by both



the substance of the research undertaken for this particular study and by the consultations that have subsequently taken place with States.

Turning now to the study itself, the Netherlands concurs with the principal conclusion in this study that IHL, as it currently stands, still provides a suitable legal framework for the protection of victims of armed conflict. Stricter compliance with that framework is called for rather than new rules. However, it might be timely to look into areas of IHL that could be strengthened, clarified, or better enforced, and in this respect, the Netherlands agrees with two areas of focus that have been suggested by the ICRC, i.e. the protection for persons deprived of their liberty and implementation mechanisms.

With regard to the first topic, the Netherlands considers that it is indeed important to focus future work on the deprivation of liberty in non-international armed conflict. The existing rules for this type of armed conflict might benefit from clarification and possibly elaboration through the development of soft law on arms and a compilation of best practices. This might be particularly relevant for the material conditions of detention, as well as with regard to the transfer of persons deprived of their liberty.

At the same time, we signal that in connection with non-international armed conflict, the relationship between IHL and human rights law is a relevant one to further clarify.

With regard to future work on this topic, we would further suggest that there will be a clear link with other efforts that are currently under way on the topic of detention in other fora, such as the Copenhagen process.

On the issue of implementation, there is a clear need to strengthen monitoring and compliance with IHL within the IHL system. In the past we have increasingly witnessed reporting on IHL situations by political bodies without a clear IHL mandate or the requisite expertise. Therefore, the Netherlands considers it important to renew efforts to explore ways and means to strengthen IHL implementation in a manner that is both realistic and effective, and above all, truly beneficial for the persons whom IHL aims to protect.

## Mexico

*(Original Spanish)*

Thank you, Madam Chair. Mexico compliments the ICRC on its study on strengthening legal protection for victims of armed conflict. We agree with the ICRC that treaty-based and customary IHL is fully valid.

In most cases, stricter compliance with the provisions of IHL would improve the lot of people affected by conflict.

Nevertheless, we recognize that there is a need to more effectively strengthen protection for victims of armed conflict, particularly in light of the way armed conflict is developing and the emergence of new challenges for humanitarian work.

The process undertaken by the international community to analyse this matter should be inclusive and open to all States and interested parties, should be designed by common agreement, and should devote enough time to studying the findings in order to achieve a better outcome. The analysis should be comprehensive, looking at all the options for strengthening protection. Its starting point should be existing provisions of IHL and it should be consistent with international human rights law. As regards protection for people deprived of their liberty in connection with armed conflict, it is useful to consider the challenges identified by the ICRC in its report on contemporary armed conflicts. This report dealt in particular with the interplay between IHL and international human rights law in relation to detention.

The main challenge with regard to mechanisms for monitoring compliance with IHL is the lack of effective mechanisms for halting violations of IHL when they occur. Hence the need to weigh up the advantages and disadvantages of the two options set out in the ICRC report, including that of strengthening existing IHL mechanisms. Whatever the option selected, it should be independent, impartial and non-politicized.

My delegation would like to highlight one issue raised by the ICRC in its report on IHL and the challenges of contemporary armed conflicts, namely the adoption of an effective treaty at the 2012 United Nations Conference on the Arms Trade Treaty. This treaty should set high standards, with a view to preventing the transfer of weapons in countries where there is a substantial risk that the arms will be used to commit

serious violations of IHL. It should also prevent the illicit circulation of arms.

Madam Chair, Mexico will participate actively and constructively in this important process of analysis that aims to strengthen legal protection for victims of armed conflict worldwide. Thank you.

**Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original English)*

Thank you. Next speaker is Poland, and before I give Poland the floor, I need to clarify. Poland will speak in its own right, and Poland will also speak on behalf of the European Union, which is an observer. And in agreement with the Bureau, we have decided to take these two statements together so there will be more time for this statement.

After Poland, Cyprus will speak. But first of all, Poland, wearing two hats today. Poland, you have the floor.

**European Union represented by Poland**

*(Original English)*

Thank you very much. Madam Chairperson, I will start with the presentation on behalf of the EU and its member States.

Madam Chairperson, when we addressed the International Conference four years ago, we reaffirmed in strong terms the continued relevance of IHL as well as the obligation of all parties involved in armed conflict to respect it. While fully supporting the Geneva Conventions and Protocols I and II of 8 June 1977 additional to the Geneva Conventions, we committed ourselves to promoting compliance with IHL in a visible and consistent manner. A report containing the pledges we made four years ago in this regard and the EU and its member States' actions to fulfil these pledges is available to the conference.

The EU and its member States have invested a lot in training and education in IHL, especially for law enforcement officials and military personnel in third countries, as well as for humanitarian actors who provide assistance in conflict situations.

Madam Chairperson, allow me to give emphasis to the biggest challenge we are facing today, which is

achieving better compliance with IHL by all parties to a conflict, including non-State actors.

It is our premise that existing humanitarian rules remain relevant, fully applicable today. It is important that this conference send an unequivocal message in this regard. The EU and its member States wish to thank the ICRC for the report on strengthening the legal protection for victims of armed conflicts, for the substantive work invested, and for the inclusive consultations carried out on this issue.

Studying possible options to ensure better compliance with IHL by all parties to conflicts remains a priority for the EU and its member States. In this regard, we need to make all actors aware that disregarding IHL comes with a high cost. We need to document abuse of IHL and human rights law, and bring those responsible to justice. Accountability is crucial in order to secure compliance.

In line with our efforts to prevent impunity, the EU and its member States will pledge during this conference to promote the universality and preserve the integrity of the Rome Statute. The EU is making some 40 to 60 representations each year for this purpose, and we shall continue to fight against impunity, support the Court, and assist third States wishing to become party to the Rome Statute.

Madam Chairperson, in the area of IHL dissemination, let me underscore the commitment of the EU and its member States to promoting dissemination and training in IHL in third countries amongst national authorities, armed non-State actors, and humanitarian actors. We will certainly continue to support the Movement in its efforts to strengthen IHL. The EU and its member States will make common pledges at this International Conference, which will bear testimony to that.

In concluding, allow us to emphasize that humanitarian access and assistance during armed conflict is an issue of common interest and shared responsibility for all members of the International Conference. We welcome in this regard the ICRC report on IHL and the challenges of contemporary armed conflict, and encourage the ICRC to generate broader reflection on these challenges.

## Poland

*(Original English)*

And let me say a few words on behalf of my country. It is my privilege to speak at this conference on behalf of the Republic of Poland. I fully associate myself with the statement delivered on behalf of the EU and its member States.

I would like to recall that in recent years, the Polish Government, in cooperation with the Polish Red Cross, prepared two reports on the implementation and dissemination of IHL in the Republic of Poland. The report contains, *inter alia*, information on international agreements binding on the Republic of Poland in the area of IHL. It also reflects the principle of special protection for certain categories of person, such as prisoners of war, internees, repatriates, and medical and religious personnel. Through this initiative, we would like to contribute to the measures undertaken by the international community in order to strengthen respect for existing IHL rules. We will organize a side event tomorrow in which we will present our report.

Madame Chairperson, finally, the Republic of Poland would like to assure everyone of its commitment and readiness to take steps for strengthening legal protection for victims of armed conflicts. We affirm our will to cooperate in this regard at all levels in order to facilitate measures aimed at ensuring respect for IHL.

## Cyprus

*(Original English)*

Madam Chairperson, IHL provides the necessary framework for the protection of victims of international and non-international armed conflicts. In our opinion, what is needed is the strengthening of the mechanisms for monitoring compliance therewith.

True, the eradication of armed conflicts around the globe has not been achieved. However, this is not because IHL principles and values have lost their relevance. On the contrary, in all cases, the transgressing State invokes the same tenets in order to justify its behaviour. Exerting every effort at national, regional and international levels to improve and enhance mechanisms for monitoring compliance, putting an end to impunity, and finding remedies for the victims, remains a priority for the Government of the Republic of Cyprus.

Having experienced the consequences of military action, my country strongly believes that accountability is the key in securing compliance with IHL.

Madame Chairperson, achieving full respect for the human rights of internally displaced persons, and finding durable solutions to their displacement, is an issue of high priority for Cyprus since nearly one-third of its population has been displaced owing to the continuing illegal presence of foreign military troops.

The law protecting internally displaced persons should be strengthened, and relevant measures should be adopted to enable them to return to their homes under satisfactory conditions. Violations of people's rights in the realm of housing, land and other property, often accompany displacement. The loss of their homes and land actually deprives displaced persons of their shelter and sources of livelihood. Not being able to recover their houses and their land clearly constitutes an obstacle to a lasting settlement. It is imperative therefore to establish processes and conditions to ensure that displaced persons can find safe and dignified durable solutions that respect their rights, needs and legitimate interests.

In closing, Madam Chair, I wish to underline the importance that my government attaches to universalizing the competence of the International Fact-Finding Commission, as well as to the promotion of the universality and preservation of the integrity of the Rome Statute.

## Indonesian Red Cross Society

*(Original English)*

Madam Chairperson, let me first of all thank the organizers for convening this meeting, which allows us to discuss these pertinent issues. From previous agreed sub-themes before us, allow me to focus on efforts by the Indonesian Red Cross – Palang Merah Indonesia (PMI) – in partnership with relevant government agencies to reunite families, dispersed particularly in connection with natural and other disasters, trafficking in persons, and internal displacement.

Through the Restoring Family Links programme, PMI, in close collaboration with the ICRC, provides capacity building to enhance the skills of humanitarian volunteers in disaster-prone provinces, not only throughout Indonesia, but also at the global level.

Apart from efforts to reunite families and the victims of the 2004 tsunami in Aceh, Indonesia, PMI, in cooperation with the Japanese Red Cross, facilitated similar efforts in Tokyo following the recent tsunami in Japan. In addition, in partnership with the Indonesian Immigration Agency, PMI, through the RFL programme, has facilitated the identification of family members who were separated as a result of conflict or terrorist attacks.

Currently, to improve the effectiveness of such programmes, PMI carries out joint exercises on disaster victim identification with the DFI Unit of the Indonesian National Police.

Madam Chairperson, with regard to internally displaced persons: having learnt from its experiences in dealing with serious or natural disasters – such as the landslides in Papua, the volcanic eruption in Central Java, and the tsunami in Mentawai, West Sumatra, last year – PMI is currently developing measures and skills to reach out to victims in risky and isolated areas, such as volcanic regions, through the provision of special vehicles. In Mentawai, a small and remote island, PMI evacuated the victims with helicopters donated by the Government of Indonesia. PMI received nine helicopters, which are helping it to evacuate victims in every PMI operation.

After evacuating these victims, PMI meets their specific needs by distributing various items, by supplying water and sanitation services, and by providing health care and social support.

In conclusion, PMI is of the view that the efforts to develop IHL with regard to displacement require careful consideration. We believe that global efforts should be based on the Guiding Principles on Internal Displacement and should focus on building national capacity in dealing with displaced persons.

I thank you.

## **Iceland**

*(Original English)*

Madam President, distinguished delegates, the history of mankind is indeed a story of wars, power struggles, confrontation and conflicts between nations, peoples and individuals. Millions of victims have lost their lives, not to mention all those who have had their dignity forcibly taken away from them. Wars are always indiscriminate, marked by

chaos and savagery. They kill our hopes for progress and development and a better future and a better world.

War starts when diplomacy ends. Diplomacy, however, can start when war ends. It was, therefore, a remarkable event when some 58 countries gathered here in Geneva in 1948-49 to negotiate and sign the four Geneva Conventions with the solemn aim of limiting the horrors of war. The Geneva Conventions are today one of the most widely ratified international treaties, testifying to their universality.

The ICRC plays an indispensable role as, partly, promoter and guardian of IHL as enshrined in the Geneva Conventions. The Geneva Conventions, as a basis for IHL, are applicable to all armed conflicts and contain the minimum standards of behaviour in all types of conflict. The common goal of IHL and human rights law is protection of the individual and of his or her fundamental rights in all circumstances. The rules and legal norms are there and it is part of our common and solemn task to ensure that they be widely known and respected.

With that in mind, my government has undertaken, in good cooperation with the Icelandic Red Cross, to increase knowledge of the basic provisions of the Geneva Conventions by distributing them as widely as possible in an Icelandic translation.

In recent years, the world has witnessed a blurring of lines between military and political operations on one hand and humanitarian assistance to victims of conflicts on the other. As a consequence, people who are living in conflict areas often do not see the difference between the activities of military units and humanitarian organizations. When armed forces deliver aid in conflict areas, it can dramatically increase the security risk for humanitarian organizations and their personnel. Civilians and combatants in many instances cannot see the difference between armed forces and the personnel of humanitarian organizations.

Furthermore, when military actors are engaged in humanitarian actions, it raises concerns that their assistance is delivered where it is most strategic, but not necessarily where it is most needed. Gaining and maintaining access to victims of armed conflict is crucial to the delivery of humanitarian assistance and protection. Lack of security for the personnel of humanitarian organizations working in conflict areas remains a predominant obstacle to their access to the population that are most in need of assistance.

Humanitarian actions can best be fostered through increased respect for the rules of IHL, and through a rigorous preservation of space for independent and humanitarian action.

Peace needs to be promoted to ensure the security of mankind. Our public conscience demands that we preserve and strengthen the dignity of the human being, but courage and determination is needed from each one of us to be able to meet that challenge.

Thank you.

## Morocco

*(Original Arabic)*

Thank you, Madam. The 31st International Conference of the Red Cross and Red Crescent is taking place in a very particular international and regional context. There have been major geopolitical changes as well as economic security and environmental challenges. There are also armed conflicts in different parts of the world that persist, and this means that the international community really must work for cooperation and solidarity and find humanitarian solutions for the victims and peoples affected.

This conference is taking place at a particular time for my country, as our new constitution has just been adopted. This constitution is the Magna Carta for Morocco, and it is the enshrinement of human rights in my country. This is a way of confirming the humanitarian and internationalist nature of the Kingdom of Morocco and its foreign policy. This is in perfect harmony with its domestic democratic choices and the active and direct participation of all forces in the nation.

The Kingdom of Morocco is faithful to its national choices and international commitments, and would like to reiterate its commitments to the noble universal principles of IHL. They are as important now as they were in the past. And we also support all initiatives that aim at promoting humanitarian causes, and it is in this context that we would like to express our solidarity with those affected by humanitarian crises and natural disasters throughout the world in general, and particularly in the African and Arabo-Muslim world.

Morocco's humanitarian commitment has been shown by the role played by its National Society in ensuring that IHL principles became operational

in the context of armed conflicts as well as natural disasters. That has been our commitment, and this is how the Moroccan Red Crescent under the presidency of Her Royal Highness, Princess Lalla Malika, has come to work for vulnerable people, and to promote the dignity of people, whatever their circumstances.

The Kingdom of Morocco remains committed to the strengthening of IHL with full respect for the mandates of the ICRC and the International Federation. In this regard, we consider that strengthening the IHL framework is an urgent need. We do need to ensure that we can deal with problems that emerge. This strengthening must be part of a structured dialogue that respects humanitarian goals. This is true with respect to IHL, or any additional mechanism for monitoring and ensuring respect for IHL.

We would like to thank the Swiss authorities for the measures that they have taken to ensure better implementation of IHL and better monitoring of respect for it. We are willing to participate in all discussions that the Swiss Government might launch with respect to ensuring respect for IHL, and we would also be willing to participate in debates on mechanisms.

Thank you, Madam. I will finish by saying that we would like to express our support for the Memorandum of Understanding signed between the MDA and the Palestine Red Crescent Society, and we are happy with the consensus that emerged on the subject of that agreement.

## Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law

*(Original English)*

I now give the floor to the delegation of the Cook Islands, and in fact, we very much appreciate that the Prime Minister of the Cook Islands is here at the conference, and I understand that the Prime Minister is going to make the statement. You have the floor, sir.

## Cook Islands

*(Original English)*

Thank you, Madam Chair. Your Excellencies, may I begin by expressing my appreciation to the Swiss

Government and to the International Federation for the hospitality extended to me and my delegation since our arrival in Geneva. I am also grateful to the ICRC for the assistance extended to the Cook Islands since our country became a member of this great Movement in 2003.

May I also say that my country is deeply honoured to have one of our own, Madam Niki Rattle, chosen to chair this most important conference.

Joining together with the other countries represented here today in a combined effort to strengthen respect for IHL is a responsibility my country takes very seriously. We are small. We have no military forces of our own. Indeed, it has been more than half a century since we last sent troops to serve in an armed conflict, World War II. Nevertheless, daily telecasts and other media reports bring home to Cook Islanders, as well as to other small island Pacific States, the horrors of war and the threats they pose to the lives and welfare, not only of combatants, but also of innocent bystanders caught up in the conflict. As geographically isolated from war as we in the Pacific may seem to be to many, the tragic consequences nevertheless are very real for all of us.

With that realization, comes a responsibility shared by the Cook Islands and all other members of the international community. That responsibility is to build strong respect for the Geneva Conventions and other IHL instruments. However, a different challenge to meeting that responsibility faces small countries like us and others in the Pacific far from the theatres of conflict. That challenge is to find an appropriate role in building respect for IHL.

Over the past 12 months, my government and the Red Cross have together worked to address that challenge. We may not have our own military forces or be involved in military conflict, but we understand well that if we are to play our own small part in keeping safe the victims of war, then Cook Islanders need to first build knowledge of and respect for IHL in our own country.

The seed of knowledge of IHL must be planted, which if nurtured with care will grow into familiarity and respect. In that regard, I wish to record with appreciation the initiative and drive of the Cook Islands Red Cross over the course of this year in planting that seed. Through the combined efforts of the National Society and my government, a national IHL committee has been established to promote knowledge of and respect for IHL. It is already active.

The fruit of their own knowledge and respect, I believe, will be an opportunity to reflect those values and attitudes more widely in our own region and beyond. We may be small, but through such actions, we and other nations like us, can contribute to building global support for IHL.

In that regard, and on behalf of my government, may I express our gratitude to the ICRC for its valuable assistance in the field of IHL. My government gives its full support and cooperation to the Cook Islands Red Cross in building strong respect for IHL in our country.

Towards that end, and for the very first time, we have taken the initiative to commit the government in joint pledges with the Cook Islands Red Cross to working together to promote IHL in international disaster response law.

On that note, Madam Chair, and in conclusion, my country looks forward to working with its friends across the Pacific, to stand together with us in building a culture where respect for IHL is strengthened, both in our own region and beyond.

#### **Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original English)*

Thank you, Excellency, and thank you very much for underlining that the importance of IHL goes well beyond its importance for the military. I think that is a point that is relevant to all of us in this room.

#### **Canada**

*(Original English)*

Thank you, Madam Chair; and, Madam Chair, thank you very much for raising Article 11(4) of the Statute earlier to avoid politicization in this chamber.

We welcome efforts by States and the ICRC to advocate better and more implementation and promotion of IHL. Ongoing protection challenges in countries such as Somalia, Sudan, Yemen, Syria, Côte d'Ivoire and Afghanistan demonstrate the need for sustained international attention to meet the protection needs of populations affected by violence in armed conflict.

We fully agree with the conclusion reached in the ICRC's recent study on strengthening legal protection

for victims of armed conflict that IHL remains the appropriate framework for regulating the conduct of parties to armed conflicts.

The Government of Canada is of the view that the gaps in IHL are not legal or normative, but rather lie in IHL's implementation. While acknowledging President Kellenberger's concerns, we remain of the view that efforts to create new IHL could actually weaken the current legal regime.

Madam Chair, we are particularly interested in the first area identified by the ICRC on protection of persons deprived of liberty. Canada has strong interests in detention issues, particularly in non-international armed conflicts, and has demonstrated its commitment to improving protection and ensuring compliance with IHL throughout its work in Afghanistan.

Canada shares the often-voiced concern regarding the grave number of violations of IHL that still occur. Violations of IHL continue to occur at an alarming rate. Those who commit them must be held to account for their actions.

Madam Chair, we recommend a stronger focus on developing best-practice guidelines, toolkits or implementation mechanisms through State-led initiatives to better implement IHL. We would support work aimed at improving the way States address detention issues in non-international armed conflicts, and this could take the form of non-binding declarations or documents, best practices and guidelines that reaffirm relevant principles of IHL.

We believe our efforts should be directed to strengthening existing compliance mechanisms, including the International Criminal Court.

Canada is committed to participating actively in future dialogues on the promotion, protection and strengthening of IHL, including in relation to the four areas of concern identified in the ICRC study. Any process going forward must take into account that the making of IHL remains under the purview of States. It is our hope that our efforts are directed towards increasing the implementation of IHL.

## Colombia

*(Original Spanish)*

Thank you Madam Chair, ladies and gentlemen. First of all, on behalf of the Government of the Republic of Colombia, I would like to express my thanks for the invitation to take part in this momentous conference.

Under the leadership of President Juan Manuel Santos, Colombia is strongly committed to further progress on human rights and IHL. This commitment is first and foremost to the Colombian people and stems from their convictions about the rule of law. But it is also a commitment to the international community, a sign of respect for people's values, principles and inalienable rights.

Colombia is a leading player in the promotion, defence and protection of human rights and IHL, not only by ratifying and implementing relevant international instruments, but also by drawing up and enforcing domestic rules and instruments that reflect those international standards.

After intense discussions in its democratic forums, Colombia now has a comprehensive legal framework to help victims of the armed conflict. The most notable example of this is the Victims' Rights and Land Restitution Law, the signing of which, on 10 June 2011, was attended by United Nations Secretary-General Ban Ki-Moon.

This law sets out a far-reaching and ambitious mass programme for comprehensive recognition, relief and reparation for the victims of Colombia's internal armed conflict. Part of a wider transitional justice policy, the law also provides for some four million Colombians who have suffered as a result of the conflict to receive recognition, humanitarian assistance and, above all, reparation for serious human rights violations and infringements of IHL.

This process of recognizing and making reparation to conflict victims, alongside other priorities, has required institutional changes in our country. The government is therefore overhauling its institutions accordingly. One of the main changes has been the founding of the Administrative Department for Social Prosperity, which will oversee social inclusion and reconciliation in the country.

By way of conclusion, I would urge all of us participating in this important forum to forge spaces in which we can engage in dialogue and discuss the

future. Our focus should be two key issues: firstly, reparation for victims of human rights violations, as is currently under way in Colombia; and secondly, linked to the first and no less important, protection for internally displaced people.

Finally, I wish to underline Colombia's commitment to, and support for, the International Red Cross and Red Crescent Movement. We particularly admire the work of the Colombian Red Cross, who are here by my side, and of the ICRC delegation in Colombia, which strives to protect and assist the victims of the internal armed conflict. Thank you.

**Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original English)*

Now the next speaker is Pakistan. Pakistan will, as we have done before with the European Union, speak in its own right, and will also speak on behalf of the OIC. So I give the floor to Pakistan for, again, I think, a statement with two hats on.

**Organization of the Islamic Conference (OIC) represented by Pakistan**

*(Original English)*

Thank you, Madam Chairperson. First, I am delivering this statement on behalf of the Organization of the Islamic Conference. OIC countries believe in the value of respecting IHL. We firmly believe that the international communities' collective failure to respect rules that regulate conduct of armed conflicts and limit effects of war has made achievement of peace a difficult proposition. We believe that the changing nature of war has further aggravated the plight of many across the world, including the Muslim world.

The frequent and pervasive violations of victims' rights all around the world, in particular in situations of foreign occupation, are of serious concern to us. New challenges, such as the use of private, military and security companies, as well as interrogation practices and technologies, must also be taken into account.

OIC countries strongly desire to engage in a constructive process to reaffirm, clarify and develop IHL. We further believe that there is a dire need to remove the culture of selectivity, double standards

and discriminatory treatment in implementing IHL by strengthening the rule of law and regulating the behaviour of all States.

Regarding the report on implementation of the resolution and follow-up to the implementation of the MoU of 28 November 2005 between the Palestine Red Crescent Society and the Magen David Adom (MDA) we, 1) emphasize that the MoU has not been fully implemented, particularly with regard to its geographical scope, 2) reiterate the need for the MDA to fulfil its obligations towards the completion of the geographical scope provisions of the MoU, 3) reaffirm that the mandate of the independent monitors should continue until the full implementation of the MoU, 4) request the conference to remain seized of the matter, and 5) request the ICRC and the International Federation to follow up on the implementation of the MoU.

The OIC has also examined the resolution on the topic of health care in danger, and would like to suggest that it has no relevance to other forms of violence, which we believe is not linked to situations of armed conflict.

On the four-year action plan, we consider the convening of the High Contracting Parties to be a necessity for following up on the implementation of the 2001 declaration.

We also see objective number five having no relevance to the functioning of this conference. We are continuously following the dialogue, and would like to present our detailed position during the process of the deliberations.

**Pakistan**

*(Original English)*

Madam President, I would now like to read out Pakistan's national statement.

The complex international environment today poses new challenges for the effective implementation and strengthening of IHL. The changing nature of conflict, use of new methods for the use of force, and the introduction of new technologies and weaponry have made upholding IHL much more difficult.

The urgent need for ensuring effective implementation of international law and IHL, as well as bringing them in line with emerging realities, is underscored by the unprovoked air attack on a Pakistani border post well



inside Pakistani territory by US and NATO forces just two days ago, on 26 November.

This attack has caused the death of 24 Pakistani military personnel. Already, more than 35,000 Pakistani civilians and over 1,000 Pakistani security personnel have lost their lives in the so-called 'war on terror', but at least the terrorists do not claim to be our friends and allies, as do the United States and NATO.

The most important aspect of this aggression is the claim of the perpetrators to immunity, exceptionalism and a belief that they are above the law. It is such violations of international law and IHL that pose the gravest threat to civilized human behaviour. Use of new weapons technology, such as the use of drones, also raises urgent questions about the current relevance of IHL and human rights law.

Drones are claimed to ensure targeted killings of alleged terrorists, but in reality, cause massive collateral damage, the wholesale slaughter of innocent people. Moreover, several human rights activists and officials have raised fears that use of such weapons amounts to extra-judicial killings. These views need to be taken seriously.

Behind the façade of fighting terrorism, some powers that claim to be the torch-bearers of democracy and human rights have resorted to what they euphemistically call advanced interrogation techniques, but in fact are nothing less than torture. Apart from enforcing illegal renditions, these powers have set up detention centres such as in Guantanamo, Bagram and Abu Ghraib, where the hapless prisoners have no recourse to the due process of law. The personnel deployed in these detention centres, belonging to the armed forces, and even private companies of these powers, continue to reportedly resort to pre-judicial killings ...

**Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original English)*

Excuse me. Can I remind you of Article 11(4) in the rules of procedure where it is indicated, and I've stated this at the beginning of our debate, that we should not engage in political, racial, religious or ideological discussions here? So I just want to remind you of that and ask you with that to continue your statement.

**Pakistan (continued)**

*(Original English)*

Madam President, I am referring to incidents that are grave and flagrant violations of international human rights law, IHL, and international law. That is the topic of our discussion today, and it is in that spirit that I am referring to these instances of how IHL is being violated.

Now, if I may continue. The increasing use of private contractors to supply mercenaries and so-called security operatives has also caused the dilution of international human rights law and IHL. These hired guns are considered to be above the law of the States where they are deployed. Indeed, as recent events have shown, they even claim diplomatic immunity after killing local people in cold blood in broad daylight, and once such people are spirited away to their countries, face no criminal charge, or at worse, get off with a light sentence.

For all these reasons, Pakistan believes that there is a dire need to make IHL more relevant and effective to protect the rights of the victims, and thereby ensure that justice is upheld. The real challenge is regulating the behaviour of all States, powerful and weak, and enhancing accountability across the board, without hypocrisy or double standards, no matter how, where and by whom violations occur.

Madam President, the full text of my speech will be distributed in the room. This was an abridged version. Thank you very much.

**Turkey**

*(Original English)*

Thank you, Chair. Please allow me first to express our gratitude to all who have contributed to the successful organization of this important conference. Madam Chair, in our globalizing world, the concept of IHL is gaining increasing importance. We are convinced that the primary role should be played by States in developing and strengthening IHL. In line with universal developments, Turkey for its part, has included IHL in academic programmes, at both the military and the police academies as well. We continue to cooperate with the ICRC on this issue.

Turkey, in light of the gravely increasing need for rapid and unhindered humanitarian access, has become a leading donor. We assure the international



community of our continued role in the field of IHL, based on our strong political will, as well as our improved capabilities. Syria, Libya, and Somalia are some of the recent examples of contemporary tests of the notion of civilization.

I should also add that the Turkish Red Crescent Society is performing excellent service. Obviously, we all need to reiterate our gratitude to our National Societies.

I would also like to reiterate our commitment to developing IHL. Nevertheless, I wish to raise a concern with regard to Protocols I and II of 8 June 1977 additional to the Geneva Conventions, to which Turkey has not become party. We have serious concerns with respect to the term 'armed non-State actors'. In this regard, we are also uncomfortable with suggestions to establish dialogue with these groups, namely 'armed non-State actors'. Such a development would obviously end up providing legitimacy to terrorist organizations.

We remain opposed to the efforts to amend IHL in a way that creates an encouraging environment for terrorist groups. That would undermine our efforts to strengthen IHL.

Madam Chair, finally, I wish to put the record straight with regard to the effort by one delegation to once again misrepresent the facts on the question of Cyprus. I see no point in responding to the descriptions uttered here. I believe this is not the proper forum. Negotiations with a view to settling the Cyprus question under the auspices of the United Nations are ongoing. My government remains committed to supporting the negotiated settlement of the Cyprus question.

**Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original English)*

Thank you very much to Turkey, and thank you for the way in which you have used your right to reply. I now move to the International Federation, who will be followed by the delegation of Russia. International Federation, sir, you have the floor.

**International Federation of Red Cross and Red Crescent Societies**

*(Original English)*

Thank you, Madam Chair, for giving me the floor to speak on behalf of the International Federation. Honourable delegates, ladies and gentlemen, the International Federation welcomes the report of the ICRC and congratulates it for bringing these important issues of humanitarian concern to the attention of this conference.

As you will hear from the statements in today's debate, these are questions that are of keen interest to many of our member National Societies. The International Federation will not be speaking in detail on the four issues raised in the ICRC's report. We would, however, like to take this opportunity to recall the historic role of the ICRC in leading dialogues on the potential development of IHL.

Without the work of the ICRC, supported by National Societies in countries around the world, we would not today benefit from the Geneva Conventions, the Additional Protocols, and many other key IHL instruments that make such an incalculable difference in the lives of persons caught up in war. Together, the ICRC and the National Societies have played a key role over the years in the shift towards collective concession of *jus in bello*. Traditionally seen as a set of rules designed for the traditions of chivalry and the convenience of the parties, it is now generally accepted that the sole and overriding purpose of rule-making in this area must be to reduce unnecessary suffering. Where, as has been suggested here, the framework of IHL is found to be inadequate for that critical task, we have a collective responsibility to act.

We hope that the States gathered here today will weigh the ICRC's recommendations with that responsibility in mind.

**Russian Federation**

*(Original Russian)*

Chair, dear colleagues, might I express my profound thanks to the organization for having convened this forum? I also welcome the atmosphere here in the room. We have brought together members of the States party to the Geneva Conventions, the ICRC, the International Federation, and the National Societies, which enables us to look comprehensively at all of the acute pressing humanitarian issues facing

us. The exchange of views in the documents that have been given to the conference will enable us to reinforce the unity of the International Red Cross and Red Crescent Movement and make a major contribution to alleviating human suffering wherever it may occur.

Since the 30th Conference, the ICRC has done tremendous work with respect to aiding the victims of armed conflicts in Iraq, Afghanistan, Somalia, Libya, South Ossetia, Serbia, and many other regions.

We have seen a considerable growth in the cooperation between the ICRC and Russia. We have been able to increase the geographical scope of our activity. We have been able to take more operational and effective decisions. This strengthened work of the ICRC has also involved members of the media and our Ministry of Emergency Situations, which is a young ministry. It is 20 years old, and we have worked on the basis of the principles of the Geneva Conventions for 20 years now, or over 20 years.

We have participated in over 400 actions. Very often we are side by side with representatives of the Red Cross and we have been able to create a unit that is vital in very complex situations. The ICRC has participated actively in strengthening IHL, increasing its effectiveness and its implementation. This is work that is very important and topical, particularly today, given the new challenges that have occurred recently, the new threats that we have seen emerge.

With respect to the effectiveness of our activity, legal questions, we must think about the fight against terrorism and other manifestations of evil. It is very important to see this study carried out by the ICRC with respect to the need to strengthen legal protection for victims of natural disasters or armed conflicts, and here, the Ministry of Emergency Situations in Russia signed an agreement with the Red Cross and began working with a view to cooperating more closely with them in order to have a better basis for our work in the future.

Here I support the proposal that was made by Switzerland, the proposal by Ms Calmy-Rey with respect to a series of seminars, and possibly an international conference, on these very topical issues with a view to having a regular exchange of views in this field, and I do believe that we are prepared for that constructive dialogue.

The Russian Federation feels that the ICRC is one of the basic foundations of the Movement and is an agent for a very high level of humanism.

## Djibouti

*(Original French)*

Thank you, Chair. Djibouti welcomes the inclusion on the agenda of this item, and certainly it sends a very important signal to the victims of armed conflict with respect to the series of rules that we have – that the parties concerned are looking at them seriously. We must look at the obstacles to IHL and see how we can strengthen implementation thereof. I welcome the proposal by Switzerland as depositary State with respect to the strengthening of IHL and its commitment to exploring and identifying specific aspects related to mechanisms. Djibouti assumes its full responsibility with respect to IHL and is a fervent supporter of the Geneva Conventions. It has looked very carefully at the text and wants to be one of the States that contributes to the Swiss initiative.

Djibouti has always scrupulously respected IHL, as can be seen by humanitarian bodies, including the ICRC, with which we have interacted. Nonetheless, the same is not true for our neighbouring areas, which have been at war with Djibouti since 2008. We agree with the analysis of the ICRC that the main source of suffering caused by armed conflict is a lack of respect for IHL and not a weakness of the law itself. We believe that we must have new mechanisms if IHL is to play its protective role.

Eritrea has denied the existence of prisoners it has taken, has not released their names and has not cooperated with the various actors, including a peace mission sent by the UN. The Security Council was seriously concerned by this alarming situation, and in Resolution 1907, paragraph 4, ordered Eritrea to provide all information related to the prisoners who have disappeared over the four years of conflict, so that we can see the conditions in which they are held. Thus far, Eritrea continues to refuse to cooperate.

## Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law

*(Original English)*

Might I suggest that you take account of Article 11, paragraph 4, of the rules of procedure, please, with respect to statements of a political nature? Could you conclude your statement, please? Thank you.

**Djibouti (continued)***(Original French)*

Chair, with all due respect, this is a flagrant violation of the Third Geneva Convention to which I wanted to draw the attention of the distinguished members of this conference. I did not want to politicize the debate. We want to take the opportunity offered by the dialogue today to launch a purely humanitarian appeal that Djiboutian prisoners be dealt with in a humanitarian way under the Geneva Conventions. We are fully prepared to cooperate with all actors concerned, and we also welcome the finalization of the debate on the operational aspects of the MoU between the MDA and the Palestinian Red Crescent. And we would like to have full implementation of the Geneva Conventions, including the fourth Geneva Convention as it relates to the occupied territories.

**British Red Cross***(Original English)*

Thank you, Madam Chair. The British Red Cross will confine its remarks to responses to the three guiding questions on this important topic.

Concerning the first question, we agree with the decision by the ICRC in consultation with States to focus on two priority areas. Progress in the two areas identified may also have humanitarian benefits for the two areas not deemed to be a priority.

For question two, we believe that the inclusion of other topics would only dilute efforts to the detriment of the selected priority topics.

As you may be aware, in September, the Chairman of the Baha Mousa public inquiry published his report on the death of an Iraqi civilian who died in the custody of British soldiers in Iraq in 2003. While this inquiry shows that the UK authorities take seriously their obligations under IHL, it also highlights the importance of the subjects chosen as priority, namely the protection of persons deprived of their liberty in armed conflict, and the importance of effective mechanisms for ensuring compliance with IHL.

With regard to question three, the British Red Cross agrees with the issues identified by the ICRC in the study. Clearly, it would be most effective to focus on the areas where there is an expectation of consensus. Further, as is stated in the current draft resolution on the subject, this work should take into account

other international processes on similar issues. As such, it would seem wise not to focus on those areas where there are already processes in order to avoid duplication of effort.

Initially, we should focus on the compliance mechanism before complicating the matter further with the subject of reparations, which itself is a subject on which there will be difficulty to find consensus.

In conclusion, we feel that National Societies with their special auxiliary and IHL roles have a part to play in efforts to strengthen legal protection for victims of armed conflicts. We are pleased that this is reflected in the draft resolution.

**Ireland***(Original English)*

Thank you, Madam Chair. I would first wish to congratulate everyone involved in the organization of this conference.

Ireland commends the ICRC for its very clear report on strengthening legal protection for victims of armed conflicts. Ireland shares many of the conclusions documented in this report. We agree that, by and large, the existing rules of IHL remain sufficient to protect the victims of armed conflict. Where in the past they have not been sufficient, such as in cases of weapon systems that cause indiscriminate harm to civilians, we have been among those who have promoted the development of new instruments to prohibit or regulate the use of these weapons.

In this respect, the Irish Government was honoured to have hosted and chaired the diplomatic conference in Dublin in 2008 that adopted the Convention on Cluster Munitions.

Ireland agrees with the ICRC that in a number of areas, the present rules require clarification or development. In our view, this is clearly the case with regard to procedural safeguards regulating the tension in non-international armed conflict. Of the four areas identified in the report as possibly requiring a stronger legal framework or new normative action, Ireland agrees that the main initial focus should be given to areas of protection of persons deprived of their liberty, especially in situations of non-international armed conflict – for example, overcrowding and other issues – and also, other mechanisms for ensuring compliance with IHL.

But focus on these areas should not be at the expense of other gaps that need to be addressed. Ireland agrees, for example, that the laws protecting internally displaced persons may need to be strengthened: the ability of people to return to their homes under satisfactory conditions, for example.

However, in our view, the greatest current obstacle to the protection of victims of armed conflict is the frequent failure by both the armed forces of States and non-State groups to respect the existing rules. This failure may occur for a number of reasons: lack of knowledge of the law, absence of political will to ensure respect for the law, or indeed tolerance or promotion of a culture of impunity. It goes without saying that if the existing rules were followed, much of the human suffering in contemporary armed conflicts would not occur. Where they are not followed, there must be accountability.

Successive Irish governments have consistently advocated the effective investigation and prosecution of violations of IHL. In addition, Ireland agrees with the conclusion of the ICRC report that serious consideration must now be given to develop effective independent and neutral means of monitoring compliance with IHL during conflict and ensuring that violations can be prevented or stopped.

For various reasons, the existing mechanisms established within the framework of IHL have not been able to do this, and as a consequence, that has been left to other bodies to attempt to do on an ad hoc basis.

Ireland looks forward to working with the ICRC and others to develop ideas that will strengthen the effectiveness of IHL in its central task of defending the defenceless in time of war.

**Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original English)*

Thank you very much. Now there are two things I wanted to share with you. First of all, Ireland was the 40th speaker on the list. We are at quarter to five, and the list goes all the way to 84. So the good news is that almost all delegations, many delegations, want to contribute to the discussion. I think that is very valuable, also because in the second half of my list there are many National Societies wishing to speak, and I think that that is very welcome in this discussion. But we're facing a time problem. We

will reflect on how to deal with that, but half way is 42/43, so we still have a lot ahead of us, and it would be valuable to listen to all delegations and to be able to take up all the thinking that delegations have done with respect to this subject.

That is one thing, and we behind the table need to address that. I will let you know more about our issue of time.

The other thing is that I need to announce to you that in more or less 15 minutes, the four workshops will start. Now, of course, those workshops are probably very interesting, but at the same time, what is being said here is also very interesting. So I am not giving you any advice. If you want to leave, the workshops will be starting in 15 minutes. This might be a good moment to pick up your papers and go to the workshops. At the same time, I think it would be very interesting to stay as well.

So, no advice from me; just so that you know that if you want to go to the workshops, you probably need to get ready now.

We will then continue with, on my list, Costa Rica to be followed by South Africa. Costa Rica, you have the floor.

**Costa Rica**

*(Original Spanish)*

Thank you, Madam Chair.

Costa Rica is very pleased that the Geneva Conventions have been universally ratified. This reflects States' resounding and genuine commitment to complying and fostering compliance with IHL.

In the context of this, the 31st International Conference, with the slogan "Our World. Your Move - For Humanity," universal ratification symbolizes the growing commitment of the international community to strengthening IHL.

As many of you know, Costa Rica has had no army since 1 December 1948, when its last armed conflict came to an end. Costa Rica has always put people at the centre of its public policies, hence our wholehearted support for IHL.

Although armed conflict is a thing of the past in our country, we support the more specific provisions regulating armed conflict found in Hague law.



In multilateral international negotiations on disarmament, Costa Rica is therefore guided by a set of principles based on IHL.

Costa Rica champions IHL, not only in response to the obligation laid down in the Geneva Conventions of fostering compliance with this body of law and promoting its progressive development but also, driven by its absolute commitment to protecting human life and dignity.

Strengthening IHL depends on the effective implementation of and compliance with existing regulations. To achieve this, all the parties to the conflict must be involved.

It is worth remembering that many of the provisions of IHL are considered customary rules. There is therefore no justification for parties to armed conflict failing to comply with them or the progressive development thereof.

We applaud the ICRC study conducted for this conference and we welcome the adoption of the ensuing resolution.

Costa Rica is convinced that ways to strengthen the application of IHL can be found and is therefore honoured to join Switzerland in its pledge to facilitate a process to explore and identify concrete ways and means of doing so. We have also submitted pledges about tackling war crimes and crimes against humanity.

Lastly, I would highlight the Costa Rican Government's decision to continue its cooperation efforts on the four-year action plan for the implementation of IHL and of the pledges submitted to this conference. Thank you.

## South Africa

*(Original English)*

Thank you, Chairperson. It is a privilege for South Africa to be part of this discussion. I am actually more happy to know that I am not part of finding a response for addressing your time concerns for the meeting.

At the outset, it would be appropriate to acknowledge the important work that the ICRC has done to produce the informative report on strengthening legal protection for victims of armed conflicts. We are also in agreement that the points raised in the

report are crucial for further discussions, and that it is important to ensure greater compliance with the existing legal framework in order to improve the situation of persons affected by armed conflict. It is critical that the process of inclusive deliberations be undertaken within a spirit of partnership and mutual respect, in order to address the various challenges that we are still faced with today within the framework of IHL.

South Africa, since its return to the international community, has signed and ratified most IHL instruments, particularly the Geneva Conventions and Additional Protocols I and II. We are therefore of the opinion that IHL remains as relevant today as ever before in international and non-international armed conflicts, and should continue to provide protection for all victims of armed conflict.

It is our firm belief that the ICRC has a particular role to play to improve understanding and dissemination of IHL in support of the primary role that States have in the development of IHL. Against this background, I am proud to say that the South African Government has already co-hosted with the ICRC 11 regional conferences in South Africa to promote the principles of IHL.

In order to ensure better implementation and understanding of IHL, it is also critical that the capacities of countries where so requested be improved and strengthened. My delegation is thankful to the ICRC for providing that support to my own country, but also in our region, as manifested by the co-hosting of the regional meetings mentioned above.

In this regard, South Africa would also be supportive of further research, consultations and discussions to be undertaken to assess the most appropriate way to ensure that IHL remains practical and relevant in providing legal protection to all persons deprived of their liberty in relation to armed conflict. We are particularly interested in ensuring that specific attention be paid to the protection needs of women, children, the elderly and the disabled.

In conclusion, my delegation believes that the essential spirit of the Geneva Conventions to uphold life and dignity, even in the midst of armed conflict, is as important as it was more than 60 years ago. It is our world, and we need to move together in order to do better.

## Algeria

*(Original Arabic)*

Thank you. We would like to thank the ICRC for having prepared and submitted this text on strengthening legal protection for victims of armed conflicts. We support the statement made by the speaker on behalf of the Organization of the Islamic Conference.

The protection for civilians suffering from foreign occupation is a very important one and we must pay due attention to that. This is part of the basis for strengthening IHL. We must respect and implement existing international law, and IHL is the best of international laws.

With respect to the implementation of the law, we believe that the extension of IHL to situations such as the fight against terrorism falls within the national remit. The problems associated with protecting victims – civilian victims and armed victims – arise when parties to a conflict disregard IHL; and full implementation and ensuring respect are the best ways of dealing with that. We must, therefore, redouble our efforts in order to make effective the remit of existing mechanisms for monitoring respect for IHL.

These mechanisms should work on the basis of non-partisanship, objectivity, and with full respect for the UN Charter, sovereignty of States and non-interference in internal affairs. Algeria is strongly attached to IHL, and in 2008, introduced the International Humanitarian Law Commission presided over by the Ministry of Justice. This commission is composed of representatives of the ministries concerned, the armed forces, the Algerian Red Crescent and the Commission for the Promotion of Human Rights. It is intended to implement IHL in Algeria by adapting national legislation to IHL.

The Algerian Red Crescent is making a considerable contribution to the promotion and dissemination of IHL through all of its branches throughout the national territory. Algeria also maintains close cooperation with the ICRC in providing information to young diplomats, lawyers and officers in the army. I would like to pay particular tribute to the volunteers and all of those who work in full neutrality.

## Portugal

*(Original English)*

Thank you, Madam Chair. Recent events in different parts of the world have repeatedly shown the need for further debate on ways and means to strengthen IHL. Since the last International Conference, more than 60 countries have been engaged in armed conflicts. Compounding this worrisome trend, the vast majority of known victims did not rank among the armed forces, but rather among the civilian population. Portugal fiercely condemns all forms of violence against civilians and believes that further coordination among humanitarian actors and other stakeholders remains of paramount importance, be it in the context of operations, or in the development of legal and political mechanisms to protect the lives, health and dignity of persons affected by armed conflicts.

We note with concern the existence of shortfalls in the protection for persons deprived of their liberty. Adequate detention conditions that take into account age, gender, disabilities, and other factors, should be granted to detainees. Portugal would like to express its satisfaction at the recognition of the specific needs of women and children in the ICRC report, and to announce from the outset its support for the four-year action plan for the implementation of IHL to be adopted later on. We are particularly pleased to see among its objectives the enhancement of the protection afforded to those two categories of person.

Madam Chair, monitoring compliance with IHL is of the utmost importance, both as a way to preserve the integrity of this legal corpus and as a means of exerting pressure on the belligerents. Conscious of the limitations of the IHL monitoring and compliance mechanisms, we stand ready to explore ways to render them more effective. We support in this regard the discussion of ways and means to make the International Humanitarian Fact-Finding Commission more operational and to encourage States to report to it in situations of armed conflict.

Allow me, Madam Chair, in this regard to make reference to the activity of the ongoing Portuguese presidency of the Security Council. In the beginning of November, we promoted a seminar on accountability and fact-finding mechanisms for violations of IHL and human rights law, which focused on individual criminal responsibility, fact-finding mechanisms, and reparations. More recently, an open debate on the protection of civilians also took place. Both events

allowed the fruitful and lively exchange of views on strengthening protection for civilians, including through IHL. We would like to thank the ICRC for its most substantive and useful contribution to these discussions. I can assure you that Portugal will continue to strive to keep these issues high up in the UN Security Council's agenda for the remainder of our tenure – involving, while so doing, relevant humanitarian and human rights actors.

Madam Chair, I would like to conclude my statement with a reminder. Inaction is not an option. Further strengthening of existing IHL is indeed necessary.

### **Kazakh Red Crescent Society**

*(Original Russian)*

Madam Chair, having studied the draft of the resolution, I would like first, on behalf of our Society, to support all the resolutions. Fortunately, in Kazakhstan, we have not had to live with any armed conflicts, neither in the past nor right now. However, we feel deep sympathy for all other countries involved in such conflicts. We are informed regularly about the operations of the ICRC and the activities of the National Societies. We feel deepest sympathy for the citizens of those countries, and we support the activities of the volunteers whom we admire and of the staff of the ICRC who have to face very difficult conditions in order to preserve the lives and dignity of those involved.

I would like to touch upon the implementation of IHL in our country. As far as our position as a National Society is concerned, we have started cooperating with the ICRC, and thanks to this cooperation, we have been able to create our own network for the dissemination of information on international human rights. At our headquarters, we cooperate on all the main subjects and activities, and also coordinate relations with the Ministry of Emergencies and with the Ministry of Education.

Thanks to our relationship with the Ministry of Emergencies, we can cooperate not only in case of natural disaster, but also when armed conflicts arise. And we have also increased the possibilities of dissemination through our regional network. Our instructors regularly organize courses for the leaders of public services.

We also officially cooperate with military units. Our staff and volunteers carry out seminars on international human rights and on IHL.

At the beginning of 2012, we are going to conduct a seminar and we will present our new strategic plan, which will be in accordance with the results of this conference, and especially with the four-year action plan on implementation.

Speaking on behalf of our National Society, I would like to thank the International Federation and the whole Movement. I believe that all of these materials will be of great significance for the National Society, and will be very helpful for us when we prepare our own documents.

I believe that our conference will be a step forward in helping National Societies achieve a more mature understanding of the issues, and in identifying our goals according to the challenges of the 21st century. This conference is yet another step in the implementation of our Fundamental Principles and is a very good illustration of the principle of independence.

### **Slovenia**

*(Original English)*

Madam Chairperson, ladies and gentlemen, the subjects for this conference were selected carefully, and are particularly challenging for every National Society, and every State party to the Geneva Conventions. We are aware that the effective implementation and strengthening of IHL at the national level is of the utmost importance for the effective legal protection of victims of armed conflicts.

Permanent and effective promotion of IHL in general, and the Geneva Conventions and their Additional Protocols in particular, is crucial to ensuring the protection of victims of armed conflict. In this regard, I would like to emphasize that IHL is one of the most powerful tools at the disposal of the international community to ensure protection and dignity for all persons affected by armed conflicts.

We will continue to do our utmost to promote an international order based on the rule of law where no State or individual is above the law, and no person falls outside its protection, particularly in situations of armed conflict.

Slovenia appreciates the endeavours made by the ICRC and the Government of Switzerland in organizing individual consultations with the States party to the Geneva Conventions on the need to strengthen IHL. A recent ICRC study also showed



that ensuring better protection for victims of armed conflicts involves addressing some normative weaknesses through the reinforcement of the law.

After consultation with some States Parties, the ICRC came to the conclusion that any further dialogue on strengthening IHL should focus on two specific areas: protection of persons deprived of their liberty and mechanisms for monitoring compliance with IHL. This conclusion serves as a solid basis for further discussion led by the ICRC.

Slovenia has, therefore, co-sponsored the pledge of Switzerland in connection with strengthening the application of IHL.

## Georgia

*(Original English)*

Good evening, Madam Chairperson, ladies and gentlemen. It is an honour to address such an esteemed audience today. Rapid changes in the environment we are living in and the continuing development of technologies set new barriers that, along with the traditional ones, challenge governments and societies to ensure adequate and comprehensive implementation of IHL.

Since the 30th Conference in 2007, the Government of Georgia has been facing challenges of a diverse character, including armed conflict, as a result of which thousands of persons were displaced internally, and hundreds are still considered to be missing. In light of this, my government has undertaken concrete measures to address these challenges and improve the implementation of IHL.

Georgia has pledged to take all appropriate measures to ensure effective implementation of IHL, and is faithful to this pledge.

One of the crucial elements for strengthening the implementation of IHL is enhancing cooperation between governments, the ICRC, and National Societies. In light of this, we would like to underscore the invaluable role played by the ICRC in assisting victims of armed conflicts in Georgia in the regions where the government is unable to exercise effective control and reach the population in need of assistance.

The Government of Georgia has been closely cooperating with the ICRC on a number of issues to ensure implementation of IHL. We were successful in addressing such sensitive issues as, for example,

the fate of missing persons. The existing mechanism that allows for open dialogue regarding the fate of missing persons, giving hope for their identification to their families, is indeed a good example of successful application of IHL. We pledge to continue working in this direction.

Moreover, addressing humanitarian challenges related to the hundreds of thousands of persons displaced as a result of armed conflict is still an issue that is acute in Georgia, as well as in a number of other States. Hundreds of thousands of displaced persons remain deprived of the possibility of returning to the places of their habitual residence, and of access to a durable and dignified solution to the problem of displacement. It is our strong belief that the international legal framework regarding internally displaced persons leaves room for improvement and strengthening. Therefore, we consider it necessary and commit ourselves to continue working in this direction, to ensure maximum protection and support for internally displaced persons, both in theory as well as in practice.

## Uruguay

*(Original Spanish)*

Thank you, Madam. I have the honour of speaking on behalf of Argentina, Brazil, Paraguay and Uruguay, the members of Mercosur, as well as the Bolivarian Republic of Venezuela, which is an accession State, and then Bolivia, Chile, Ecuador and Peru as well.

I would like first of all to say that we support the ICRC's work for the dissemination and implementation of IHL. We also recognize the tireless endeavours of Red Cross and Red Crescent volunteers throughout the world. They work so hard to bring first aid to the victims of natural disasters. We know very well that civilians are the first to suffer in the event of conflicts and armed violence. We see the high levels of human suffering that result from parties to conflicts not respecting their obligations under IHL. The images of the reports of these worrying violations of fundamental rights require effective, immediate response. We need first of all to tackle the challenges that contemporary armed conflicts pose.

We welcome the study on strengthening legal protection for victims of armed conflict that was drawn up by the ICRC. This report aims at identifying the major humanitarian problems we face. We also welcome the consultations held with States on this subject.

We agree with the ICRC that there is a need for legal strengthening in the four areas identified in the report, but we cannot deal with all four at once. We need to prioritize. And we do support the recommendation that future works focus on the two areas that enjoy the greatest support from States participating in bilateral consultations: protection for persons deprived of their liberty in the event of armed conflict and international mechanisms for monitoring compliance with IHL.

Mercosur would like to reiterate its support for IHL. We feel that we must absolutely ensure that we improve respect for IHL, particularly when parties in conflict do not respect IHL. We need to see how we can enforce what we already have, or see what else needs to be done.

With respect to people in areas where there is armed conflict, we need to ensure better legal protection for those who are deprived of their liberty in such situations. We need clear legal guidelines in order to prevent arbitrary detention. We also need to ensure that there is due process established for such types of detention. We do hope that this conference will actually provide for in-depth consultations amongst States on these subjects. We do not feel that discussions held every four years in this forum will help us to meet the challenges of IHL. That is why we feel that the debate being held here be continued in another forum so that we are in a position to deal with the humanitarian problems that we identify.

Madam, I would like to take this opportunity to reiterate that Mercosur and associate States support the ICRC's work in order to ensure respect for IHL, and that we will also continue to support the peaceful settlement of disputes and armed conflicts.

## Spain

*(Original Spanish)*

Thank you, Madam Chair. Spain believes that it is incumbent upon us all to strengthen IHL and ensure compliance with it, but particularly upon States and non-State actors involved in contemporary armed conflicts. Spain therefore welcomes the study by the ICRC on strengthening protection for victims of armed conflict and has actively contributed to the consultation process about the report in the lead-up to this International Conference.

As we made clear during our discussions with the ICRC, we fully endorse the value and importance

of the four areas highlighted in the report. They are all directly linked to today's armed conflicts, with particular emphasis on the phenomenon of non-international armed conflicts and the emergence of non-State actors.

However, we fully agree with the general consensus that in order to work effectively in the coming years, we should focus our attention primarily on protecting people deprived of their liberty in connection with non-international armed conflicts, on one hand, and, on the other, on improving mechanisms for monitoring compliance with IHL.

Madam Chair, firstly, Spain believes it is of the utmost importance to address the issue of protection for people deprived of their liberty in connection with non-international armed conflict – people whose lives, well-being and rights are seriously and constantly at risk. In my delegation's opinion, there are two main dimensions to this discussion: people deprived of their liberty as a result of the actions of non-State actors; and people deprived of their liberty in the context of and in connection with peacekeeping operations and other internationally sanctioned military operations.

Secondly, Spain attaches particular importance to the issue of mechanisms for monitoring compliance with IHL. We would like to place on record that we are concerned over the ongoing inactivity of the International Humanitarian Fact-Finding Commission, no doubt for reasons beyond the Commission's control. My delegation is also concerned about the lack of other formal mechanisms to effectively monitor whether States are fulfilling their obligations under IHL. Without such mechanisms, we cannot conclude that IHL has fully achieved its potential for ensuring the rule of law.

We share the ICRC's firm conviction that it is necessary to discuss implementation mechanisms. My delegation therefore endorses Switzerland's initiative to facilitate a consultation process in this regard.

Finally, therefore, my delegation pledges its support for the proposal put forward by Switzerland. Thank you, Madam Chair. I would like to close by reiterating Spain's profound commitment to compliance with and full implementation of IHL. Thank you.

## Red Cross of Chad

*(Original French)*

Thank you, Madam. Madam Chair, it is rather difficult to remain silent having heard that it is in Geneva, this city of Calvin, that the first Swiss section of the Women's International League for Peace and Freedom was founded in 1915. Having heard about that, we must take the floor. We feel we must take the floor having heard from young volunteers from ten different countries who performed for us this morning, and we found that performance to be of great consolation. It is of course much more appealing than the noise of weapons.

Then we heard from young Afghan volunteers, and we know how they have to endure the risks of anti-personnel mines. We have also heard from the Burundi National Society. We National Societies must work with our governments in order to ensure that we have legislation to provide protection for volunteers and humanitarian workers.

Madam Chair, we heard from Micheline Calmy-Rey, the President of the Swiss Confederation. She invited us to ensure respect for IHL and said that we should stress the importance of that respect to our States, in order to counter the risks that peace and all positive values face. That is to say, human life and dignity in times of conflict. The Chadian Red Cross will work with the Chadian Government. We will do what we can to improve and to ensure respect for IHL. In fact, we have made every effort to ensure that ICRC delegates have access to many parts of Chad's territory.

We have always worked to promote respect for human dignity and the recognition of all human rights, and this in the darkest of times. People from Geneva, from Switzerland, and particularly women, have been at the forefront of this battle to defend the dignity of human rights. We, too, are doing what we can to ensure the implementation of IHL, and we do in this respect support the agreement between the Palestinian Red Crescent and the MDA. That indeed was a landmark and it will enable the Palestinians and the Israelis to live together in peace. Here, too, we have another illustration of how it is possible for two peoples to live together in peace.

The Chadian Red Cross works closely with the government of the country, and we ensure that IHL is respected, as are the emblems of the red cross and the red crescent. IHL is vital when it comes to dealing with armed conflicts. We must, however, be very

careful to ensure that the mechanisms required for its implementation are put in place.

And in conclusion, Madam, the Chadian Red Cross has been working with the ICRC on IHL. We invite parliamentarians, members of governments, and representatives of civil societies to participate in these workshops. We do feel that IHL could bring about a better world.

## Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law

*(Original English)*

I thank you, sir. The next speaker is the delegation of Iran, to be followed by the Holy See. Iran is not in the room? We do not see anyone waving, so we continue with the Holy See. You have the floor. Excuse me; you are speaking on behalf of Iran? I have established Iran is not in the room at the moment. We continue with the Holy See. And as things stand, the list is very long and it happens to be closed. So, Holy See, please, your statement.

## Holy See

*(Original English)*

Madam Chairperson, today, crises can arrive totally unexpectedly. Action for humanity becomes urgent and demands concrete answers. Public conscience, as in the Martens Clause of the 1899 Hague Convention (II), needs to be reawakened. Life moves ahead of legislation, and thus public conscience serves well while the international community waits for legal measures to catch up with life. In the meantime, the same effort must continue – to develop rules that prevent suffering and save lives – that marked the emergence of IHL from its beginning.

There are moments when people and nations are compelled to claim the right to protect their existence, dignity and freedom. Public conscience, common to the human family, makes us aware that unfortunately this goal of protection often becomes an occasion to use degrading means, both distant from the legal achievements of international law and ineffective in resolving conflicts and disputes.

The adoption of dialogue and negotiation, including through the intervention of an impartial third party, or of an international authority with sufficient powers, now is a choice no longer to be postponed.

Responsible dialogue will guarantee to opposing parties respect for their legitimate aspirations and a durable peace.

The test for IHL is its ability to respond to emergency situations created by natural disasters or other disruptions. Equally essential remains the need to establish norms and guidelines for action on a solid, ethical and moral basis.

The Holy See has no technical solutions to solve the problems posed by today's emergencies. It is, however, duty bound to point out at this conference that no principle, no tradition, no claim authorizes the infliction on a people of repressive actions or inhuman treatment. It does show in the name of the supremacy of those principles of international law and the requirement of public conscience, there remains a solid foundation of IHL. In this context, we are reminded that the simple application of the law is not sufficient.

In the search for solutions, the Catholic Church offers a concrete contribution through education and action. It teaches that the source of human dignity and undeniable rights resides in the spiritual and physical unity of the person. Through the formation of conscience, citizens can be prepared to promote those values of humanity that IHL, more than juridical norms, is made operational exactly in situations where the dignity of the human person is violated and denied.

Catholic organizations all over the world carry out humanitarian assistance and promote humanitarian law in this spirit, as the 2011 report of the Holy See to the ICRC shows.

These, Madam Chairperson, are some thoughts that the delegation of the Holy See wants to present this conference to encourage governments and international institutions to help break existing stalemates, to take specific and timely steps to overcome conflicts, to enact generous form of solidarity with all victims of disasters, catastrophes and conflicts, and thus fulfil the aspiration of unity of the human family.

## Italy

*(Original English)*

Thank you, Madam Chairperson. First of all, I would like to confirm here the strong commitment of Italy to promoting and disseminating IHL. As a member

State of the European Union, we are pleased to subscribe to a number of joint pledges, including on IHL, in recognition of the paramount importance of national implementation and enforcement of these principles. But those are the responsibilities of States in this respect.

I would like to record that Italy has the privilege of hosting the centre of excellence in this field, the International Institute of Humanitarian Law of Sanremo, which recently organized a round table exactly on the issue we are discussing today, with the distinguished participation of President Kellenberger.

Madam Chairperson, the protection of civilians in armed conflict is certainly a matter of major concern for my country. Millions of civilians worldwide are victims of the consequences of violence and war, and as a result, subject to forced displacement, hostage-taking, rape, torture, extra-judicial execution and massacres. Classic warfare involving armed forces of two or more States has become rare. In today's world, we witness, increasingly, non-international armed conflicts opposing regular armed forces to non-State armed groups.

These new scenarios risk undermining respect for the rules governing the conduct of hostilities and can lead to serious violations of IHL, of human rights and of refugee law. As the lines between various armed groups and between civilians and fighters have become extremely blurred, the notion of distinction between civilian objectives and military objectives is also being challenged, with severe consequences for civilian populations. Often, civilians are even subject to deliberate attacks, hostage-taking, and used as human shields.

Madam Chairperson, Italy welcomes the draft resolution on the four-year action plan for the implementation of IHL, and the draft resolution on strengthening legal protection for victims of armed conflicts. Protection of civilians has also been an issue on the agenda of the Security Council since 1999, when the first report of the Secretary-General was published. Several resolutions specifically addressing the protection of civilians have been adopted since.

At the same time, the resolutions on women and children, protection for humanitarian workers, conflict prevention and sexual exploitation also include elements concerning the protection of civilians in times of conflict. We urge full compliance with this important body of agreed rules. We should not forget that States bear the primary responsibility for the application and monitoring of the legal

framework ensuring the protection, safety, dignity and integrity of civilians in conflict situations. These principles are fully reflected in domestic Italian regulations on crisis management operations.

A code of conduct for Italian armed forces on active duty has been distributed to all persons involved, and to every military member involved in crisis management operations: three of the ten basic rules address protection for civilians in armed conflict.

Let me conclude, Madam Chairperson, by reaffirming our strong belief that safeguarding human life and dignity in armed conflict situations should remain an important priority of our times, and that we should engage collectively in a strong defence of such fundamental values.

## Hungary

*(Original English)*

Thank you, Madam Chair. Hungary highly appreciates the efforts of the ICRC and the International Federation aimed at assisting the victims of armed conflicts and of natural and man-made disasters, regardless of their nationality, gender, ethnic origin, and religious or political beliefs. Our government is fully committed to lending its support to the activities carried out by the different components of the Movement. Hungary feels privileged to be hosting the Europe Zone Office of the International Federation in Budapest since 2008.

Madam Chairperson, the Government of Hungary attaches great importance to the observance of IHL, human rights law and refugee law, which are to be considered as complementary to each other in the course of their implementation. I would like to record that Hungary is party to all major treaties in the field of IHL. In this context, let me inform you that in line with our pledge, Hungary has ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

As far as the implementation of IHL instruments is concerned, we share the view that the existing principles and rules are relevant and alive. Nevertheless, we witness grave violations of IHL, attacks against civilians, as well as against international humanitarian personnel. These reprehensible actions strongly call for coordinated actions aimed at bridging the widening gap between the existing rules and the diminishing respect for them. It is

our strong belief that all parties to conflicts should observe these rules in the event of international, as well as non-international, armed conflicts.

In this connection, we would like to encourage wider acceptance of the competence of the International Humanitarian Fact-Finding Commission under Article 90 of Protocol I of 8 June 1977 additional to the Geneva Conventions.

I would like also to affirm our strong commitment to the Rome Statute and the International Criminal Court. Hungary does hope that the ICC will be a powerful instrument of deterrence against international crimes such as crimes against humanity and war crimes.

Madam Chairperson, we fully share the view that wide dissemination of humanitarian principles is the primary method for effective implementation of IHL. We believe that this remains one of the main responsibilities of governments. We believe that one of the main responsibilities of the Government of Hungary in this regard is to promote the Hungarian National Advisory Committee on the implementation of IHL, which functions in close cooperation with the Hungarian Red Cross.

## Egypt

*(Original Arabic)*

Chair, ladies and gentlemen, as I am addressing you, the Egyptian people are building their democracy. We know that it will not be an easy road, but we do have trust and confidence in the ability of the Egyptian people to overcome difficulties.

It has been four years since the 30th International Conference, which was rich in the hope that we could have a better world where the Fundamental Principles of the Movement would prevail, and we are holding this conference with that hope once again.

We have seen deterioration in respect for IHL. Things have become worse, and that brings us to committing ourselves even more to IHL and finding means to ensure respect for it. Various governments have been faced with a complex situation because of the absence of a mechanism for monitoring respect for the provisions of IHL and the absence of sanctions in case of violations.

Even if we could impose moral sanctions, that would not enable us to prevent violations. That is why the

proposal of the Swiss Government, through its pledge to the conference to improve respect for IHL, is a positive development. We do hope that ideas will come up during the conference to that end.

We believe that Protocol II of 8 June 1977 additional to the Geneva Conventions will enable us to improve respect for civilians in armed conflicts. And bearing in mind the need to protect civilians during armed conflict and occupation, we submitted an initiative in 2005 to the Human Rights Commission. We are pursuing that initiative following the creation of the Human Rights Council. The initiative is intended to establish a complementary relationship between IHL and international human rights law so that there is no possibility of failing to respect human rights and protect civilians during conflicts, and also to prevent war crimes. We note that war crimes are going down as we adopt new criteria and standards. We must find solutions to ensure that all those who violate human rights are held responsible for their acts.

Chair, all of us as States and National Societies must take up our responsibilities, and we would ask the ICRC to continue the work that it has begun so that it can face the challenges before it. States must follow the principles of IHL.

### **Red Crescent Society of Azerbaijan**

*(Original Russian)*

Madam Chairperson, dear friends, I have two speeches in front of me. The first is the one I drafted in Baku, which is of a political nature; and the second one was written a couple of hours ago. Taking into account the statement of the President of the Swiss Confederation, and in accordance with the nature of the conference, I had to give up the first speech and to make a statement that consists of principles of tolerance and political wisdom.

Dear Madame Chair, ladies and gentlemen. It is clear to all of us that in our quickly changing world, as it becomes more 'globalized', armed conflicts between States or situations of internal strife bring suffering to people mainly because of a lack of implementation of IHL. Most States took on certain obligations and signed various official documents but failed to implement them fully; and we can now see some of the effects of ignoring the norms of IHL in zones of armed conflict. As a result, I think that it is important for National Societies, together with their governments, to regularly disseminate IHL. It is important for us to ensure that combatants and

civilians are informed of this legislation as much as possible, and we should introduce legislation that provides for sanctions for criminals.

My country, as a result of a well-known international conflict, has the largest number of refugees and internally displaced persons in Europe. Close to one million people are far from their homes. This means that one million people out of a total of nine million people in Azerbaijan are either refugees or internally displaced persons. So we call upon the conflicting sides – and I wish to say that it is not enough just to follow the principles of IHL: we must ensure that both sides work on strengthening IHL. A man carrying weapons should stop feeling vengeful, and should recognize the value of human life in every complicated situation, and should remember that the minimum of IHL is invested in human beings.

I would like to mention the specific role of the ICRC, which has a mandate to conduct a whole range of activities. One of these activities could be immediately responding to violations of IHL by drawing attention to them through the mass media. I think this could to an extent stop illegal actions by conflicting sides.

### **Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original English)*

Thank you. And I think we are all happy with your statement in that sense.

### **China**

*(Original English)*

Thank you, Madam Chairperson, Excellencies. At the outset, please allow me on behalf of the Chinese delegation to congratulate you on your election as Chair. With your outstanding leadership, I believe the conference will be a great success.

Madam Chairperson, in today's regional unrest and armed conflicts, ignorance of and disrespect for IHL have been evident from time to time. IHL faces various challenges, including non-traditional armed conflicts, new players in conflicts, such as peacekeeping troops and private military and security companies, and new means and methods of warfare, all of which intensify the need for and importance of strengthening IHL.

Madam Chairperson, in our view, the reasons behind the challenges facing IHL are multi-faceted, including among other things, inadequate political will, and inadequate capacity, awareness and knowledge among States and the parties concerned to observe and implement IHL. Therefore, we should enhance political will, emphasize capacity building of States and parties concerned, and make efforts to improve IHL rules to deal with new challenges.

Madam Chairperson, we have noted that the ICRC report, entitled *Strengthening Legal Protection for Victims of Armed Conflicts*, raises four issues and suggests two of them as priority for further discussion, namely protection for persons deprived of their liberty and an international mechanism for monitoring IHL.

Given the complex nature of current conflicts, the impact on and the needs of the victims may vary from case to case. Therefore, we suggest that the priorities of a future study should be decided after soliciting the views of the international community extensively and thoroughly in order to comprehensively understand the needs of the victims in conflict areas.

The Chinese delegation believes that it is most important to ensure that all victims of armed conflicts obtain timely and fair humanitarian assistance. We support the mission of the ICRC and the International Federation to carry out operations under the principle of independence and neutrality, and call on the powers and States concerned to do their best in facilitating humanitarian relief under the current IHL framework.

Madam Chairperson, China emphasizes the peaceful solution of disputes and attaches great importance to IHL's role in maintaining human dignity. We participated in important humanitarian conventions, fulfilled our obligations, and put in place domestic laws – including the law on national defence, criminal law, a Red Cross Act, and military laws – and also promoted IHL by enhancing awareness and knowledge of IHL among all sectors of society.

Madam Chairperson, the Chinese Government will continue to promote with the international community respect for and strengthening of IHL.

## Netherlands Red Cross

(Original English)

Thank you, Madam Chair, from the dark dens in the back. Here is the Netherlands Red Cross. The Netherlands Red Cross is strongly convinced that IHL is of primary importance for protecting victims of armed conflict. We think that it is highly appropriate that strengthening the legal framework for that protection in complex contemporary conflicts, is on our agenda today.

The study undertaken by the ICRC on the 36 subjects has indicated further possible development of IHL. The momentum should be grasped in the coming days when discussing the strengthening of protection for persons deprived of their liberty and mechanisms for monitoring compliance with IHL. This is the true mandate of the International Conference and proves its relevance.

With regard to the deprivation of liberty related to armed conflict, the Netherlands Red Cross agrees with the ICRC's conclusions that the legal basis for the detention, treatment, conditions of detention and procedural guarantees should be addressed properly to provide adequate response to the risks persons deprived of their liberty face in the context of contemporary armed conflict.

We should not forget they are extremely vulnerable and need extra protection. We believe that special attention should be given to persons deprived of their liberty during non-international armed conflicts, as the current legal framework is insufficient.

Furthermore, we find it important that these issues merit particular attention in the light of military operations by multinational forces, be it in international or non-international armed conflicts. While this has not been specifically addressed in the ICRC's conclusions, this subject deserves further study.

The need for better compliance with IHL has been on the agenda of this conference ever since its inception, and rightly so. However, practice often shows another reality, owing to lack of political will, insufficient respect for IHL or lack of knowledge of IHL. Moreover, it cannot be stressed enough how essential compliance is to the values underlying IHL: most prominently, respect for and protection of human dignity.

Madam Chair, we support the conclusions of the ICRC, but we encourage the ICRC, in close consultation with States, to continue to remind us of

the other issues identified in the study, such as the protection of the natural environment and reparation for victims of violations of IHL.

The resolution invites the ICRC to pursue further research, consultation and discussion in cooperation with States to identify and propose the way ahead. This mandate should be effective in its procedure and its content. Madam Chair, my National Society favours a robust mandate to maximize the chances of actually progressing on these issues.

In conclusion, my National Society warmly welcomes the resolution, especially at a time when the number and complexity of non-international armed conflicts is increasing, and hence the need for better protection for the victims of these conflicts.

### **Red Cross of Romania**

*(Original English)*

Madam Chair, thank you for the floor. We appreciate the work of the ICRC in drafting the four-year action plan for the implementation of IHL, and we are determined to work together with the Romanian authorities at the national level in order to further its objectives.

As Romania is a State contributing with armed forces to peacekeeping operations in armed conflicts and other situations of violence around the world, the Romanian Red Cross prioritizes the dissemination of IHL as a tool for the prevention of IHL breaches.

To this end, we developed good cooperation with the University of Defence in Romania, several other public and private universities, and more recently with the Police Academy. The dissemination sessions conducted jointly with these institutions constitute the basis for further dialogue on IHL issues with the public authorities, and they play an important educational role for the armed forces.

Madam Chair, in order to prevent IHL breaches, we must educate the population as widely as possible. The Romanian Red Cross's strategic plan for the next four years aims at strengthening our role as educational actors for young people on IHL and humanitarian values. We intend to build upon the different projects developed together with the ICRC, and with the Belgian and British National Societies, aimed at raising awareness of the negative consequences of armed conflicts and of the need to limit the suffering caused thereby.

Recently, our endeavours have borne fruit, as the Ministry of Education in Romania has included IHL among the optional subjects for high school education. This is a first step in recognizing the importance of disseminating knowledge of IHL, and we are determined to support their efforts in providing education to young people who will be the decision-makers, legal advisers, and members of the armed forces of the future, or merely well informed citizens.

Finally, the Romanian Red Cross commits to consolidating the relationship with the public authorities and other National Societies in the field of implementation of IHL, and to supporting this implementation through dissemination projects meant to educate the young on IHL matters in the future.

### **Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original English)*

Thank you very much for your contribution. Now the agenda tells us that this session would finish at six o'clock, and our next major event is clearly the reception that is being hosted by the Government of Switzerland, but that is really round the corner, so I would think that you have enough energy and interest left for all of us to stay here until half past six, and we will do some more statements that have been prepared. And then, at the end of our session, so half past six-ish, I will tell you how we will proceed with the remaining delegates.

We are now ... Belgium is number 60 on the list, and we have all the way to 84. We will not do that in half an hour, and I do not think it will be wise to go through it very rapidly, leaving aside the question whether that is possible. I think it is important that we listen to everybody, and I will announce at the end of the debate what we will do with the remaining delegations wishing to speak.

### **Belgium**

*(Original French)*

Thank you, Madam, Vice-Chair. Since the Vice-Chairs endorse the statement of the European Union, Belgium hopes that our conference will offer an opportunity to address the need to strengthen legal protection for victims of armed conflicts and



disasters, to prevent these situations and to mitigate their effects.

The ICRC's study on IHL shows that deeper thought must be given to three subjects.

First subject: the worrying lack of a clear framework defining detention conditions during non-international armed conflicts. We believe that such a framework would offer procedural guarantees to detainees and would make it possible to afford specific protection to the most vulnerable among them.

Second subject: environmental protection and conservation – a subject to which IHL has so far devoted insufficient consideration, despite the fact that environmental degradation has serious consequences for the well-being, or even the survival of whole sections of a population.

Third and last subject: population displacement, the tensions it causes when it is brought about by armed conflicts and the increased vulnerability of men and women who are forced to flee from their homes and their land.

Belgium agrees with the priorities proposed by the ICRC. The issue of international mechanisms to monitor compliance with IHL is of particular importance. While the rules of IHL are certainly open to improvement, warring parties' inability to enforce them is the principal cause of non-combatants' suffering. That is why Belgium joins Switzerland in committing itself to further efforts to identify specific measures for improving the implementation of IHL.

In our opinion, this work will help to determine the best means, at national level as well, of dealing with the concerns highlighted in the ICRC's study. For example, it might prove wise to think about ways of creating a greater awareness of the rules of IHL in order to ensure that punishment actually does act as a deterrent.

It might also be useful to give the International Humanitarian Fact-Finding Commission a really active role by authorizing the Security Council to instruct it to investigate IHL violations or to facilitate the adoption of suitable measures for halting them. Revamping the Commission's role to give it a more positive part to play might encourage more States to recognize its competence.

It is also essential that preventive and monitoring mechanisms be accompanied by measures to punish

those who violate IHL. Punitive mechanisms at national and international level are an important step towards recognizing victims' suffering and they contribute to the reparation process.

In conclusion, Belgium strongly supports the draft resolution on strengthening legal protection for victims of armed conflicts, which, I hope, will be adopted by consensus. We will give favourable consideration to any amendment to the text that would offer victims better protection. Thank you, Madam, Vice-Chair.

### **Lebanese Red Cross**

*(Original Arabic)*

Thank you, Chair. This important and basic item on our conference's agenda will, I hope, be adopted. And that leads me to share the following thoughts.

With respect to legal protection for victims of armed conflicts, we attach particular importance to this issue, bearing in mind the numerous violations of IHL and the failure to respect this body of law. We do hope that this humanitarian problem will be dealt with. We do hope that the law can mention clearly the steps to be taken by States and other contracting parties in a limited period of time.

Practical local laws must be adopted and truly implemented without counting solely on States for implementation in order to meet the needs of the victims of armed conflicts.

With respect to medical staff, we know that these people are working under the banner of international aid. We can certainly say a lot about that, but in a nutshell, we do know that the ICRC has lengthy experience in this area. We have the necessary legislation; we just have to make sure that it is properly implemented. We must ensure that it is practically and really implemented. But that is not enough. It is very important to say, and this is lacking, that there is no justification for non-respect.

For all of these reasons and many others, we believe that the report drawn up by the ICRC is an excellent one. We would like to thank the ICRC for it. It is a very important report, more than necessary, and very courageous and we hope that we can reach the target. Even if we have a very long and difficult road, we must unstintingly continue dialogue, despite the fact that we would hope that a draft resolution could have included binding language rather than just



encouraging language and oblige rather than ask that efforts be undertaken. Many States use those words in order not to apply IHL.

Chair, I think we have put our finger on the sore point, but we do hope that this conference will reach encouraging results in order to have proper and full respect for IHL.

### **Polish Red Cross**

*(Original English)*

Thank you, Madam Chairperson. On behalf of the Polish Red Cross, I would like to declare our commitment to the philosophy that stands behind the motto of the conference: Our World. Your Move – For Humanity. To succeed in fulfilling the Red Cross's mission, cooperation between National Societies and governments is crucial. This conference gives a unique chance to strengthen the basis of the cooperation and to open new perspectives for common action for vulnerable communities.

Let me stress that apart from the goodwill expressed by the presence of both the Polish Red Cross and the Polish Government delegations, we also need a legal framework for common activities. In this perspective, we value very highly the cooperation on the substance of this conference – issues of IHL and disaster law. We are satisfied with the cooperation with the Ministry of Foreign Affairs and the Ministry of Defence in raising awareness of IHL amongst soldiers, students, and the staff and volunteers of the Polish Red Cross, and in strengthening the legal protection for victims of armed conflicts.

We also hope to participate in the common process of strengthening controls on the transfer of weapons, in the form of an arms trade treaty. What is more, the importance of good legal regulations, not only in the field of IHL, but also disaster management, which is the second big issue of this conference, became evident during the huge floods in Poland last year. Our rescue teams closely cooperated with public administration at all levels. The experience of this cooperation was very positive. However, it showed the need for a legal basis for the Polish Red Cross unit's inclusion in the national disaster management system. That allows us to fully support and identify with the draft resolutions that are the subject of the conference.

We strongly believe that only by depending on the precisely defined auxiliary role with regard to

cooperation with government will we be able to respond properly to the humanitarian challenges of the contemporary world.

### **Greece**

*(Original English)*

Thank you, Madam Chair. Greece would like to thank the ICRC for its report outlining the main conclusions of its study on strengthening legal protection for victims of armed conflicts. We believe this report is a valuable tool and food for thought for further discussions on this very important matter, and we agree with its main conclusions that IHL continues to provide an appropriate framework regulating the conduct of parties to armed conflicts, and that what is needed actually is stricter compliance with existing rules rather than the drafting of new ones.

In our view, strengthening of the legal protection for victims of armed conflicts is a formidable goal that we certainly support, and the achievement of which requires constant efforts from all parties concerned. At the same time, the means and practices used to reach this formidable goal are also very important and require special attention.

In this regard, we would like to point out that the report contains interesting ideas, especially in the sections concerning protection for persons deprived of their liberty and the international mechanisms for monitoring compliance with IHL. However, it should also be noted that while interesting, some of these ideas and proposals may be quite ambitious.

In what concerns protection for persons deprived of their liberty, we understand that the main focus is to supplement the existing provisions, or create new ones, concerning non-international armed conflicts, possibly by extending or drawing inspiration from the relevant provisions concerning international armed conflicts, when such provisions exist. While recognizing the importance of this issue, we have at the same time to emphasize that non-international armed conflicts by their nature have some particular characteristics that should be taken into account in the process of considering the possibility of the elaboration of relevant new rules. Consequently, any such process should proceed with measured, cautious steps, allowing for enough time for the consideration of all the relevant aspects.

In what concerns the issue of international mechanisms, our foremost concern is the avoidance

of any possible duplication of existing IHL and international criminal law mechanisms – especially if it would mean their weakening – as well as the achievement of maximum effectiveness. However, we are open to the exploration of new ideas, such as the one voiced earlier by Switzerland.

Let me conclude, Madam Chair, by repeating that my country supports the draft resolution on the issue before us, which allows for further discussion and elaboration of this very important topic, while at the same time underlining the primordial importance of the already existing legal framework.

### **Austrian Red Cross**

*(Original English)*

Thank you, Madam Chair. Madam Chair, Excellencies, friends of the Movement, among the most relevant topics of this conference, traditionally, are questions of IHL that concern protection for the most vulnerable and the prevention of the worst atrocities in situations of armed conflict. Sadly, even though IHL in its modern form has been in force for many decades, we are still facing violations of this law every day, and mechanisms for monitoring and enforcement that were envisaged by the creators of IHL, remain largely unused, or often ineffective. More and more civilians are suffering under attacks. Children are still recruited as child soldiers. The protective emblems of the red cross and the red crescent are sometimes still misused. Prisoners of war are still tortured and journalists are still deliberately targeted during armed conflicts, and countless people are forced to flee from their homes and to leave their livelihoods and their families behind, to name just a few examples.

Madam Chair, I believe we all agree that this situation has to change dramatically. On behalf of the Austrian Red Cross, I urge all of you to work to the best of your abilities to ensure that all vulnerable people affected by armed conflict finally receive the support and protection to which they are entitled under IHL, and that IHL finally receives the respect which this noble cause truly deserves.

I ask you to launch a joint effort to identify truly effective ways to ensure full and universal implementation of and respect for IHL, either enhancing the applicability of established methods, or creating new methods that are more promising than the old ones. And I would like to remind us all that this is not merely a theoretical debate about

legal questions, but that we are talking about concrete people, concrete lives, and very concrete suffering that is taking place right now in many places on this earth.

I further urge all States party to the Geneva Conventions to ensure that violations of IHL never remain without legal consequences.

Madam Chair, much more needs to be done, also following the terms of our strategy '20/20 to save lives and change minds. This includes in particular a good partnership with our governments. This conference, as a continuation of so much that was achieved during the last many years, could mark a strong milestone, or become in future years an embarrassing reminder of the distance between our ambitions and our actual achievements in terms of implementation.

### **Denmark**

*(Original English)*

Thank you, Madam Chair. The starting point for the Government of Denmark is that the rules of IHL are as important as ever. Denmark, however, is far from convinced that the main challenge to IHL today is a shortage of rules, or that the most urgent task is to develop new rules. Even if we should be able to make legal adjustments in order to meet changing situations, the main challenge will remain, as we have heard repeatedly today, the application in good faith of the rules.

The Danish Government will partake in several pledges on dissemination of IHL at this conference, also amongst those who are present in areas of armed conflict, and thereby increase awareness of the importance of rules being applied in conflict areas. This is important to both combatants and civilians, as well as to ensure the international legal order.

The Danish Government, like the ICRC, attaches great importance to strengthening legal protection for victims of armed conflicts, including persons deprived of their liberty. The Danish Government is in general very pleased with the cooperation with the ICRC, and we are ready to, and looking forward to, continuing to work with the ICRC on the follow-up to the IHL resolution from this conference.

Madam Chair, my government sees no competition or contradiction between the ICRC study and the draft resolution and the Copenhagen process on the

handling of detainees, which aims to address the need to establish multilateral, durable guidance to the practical and legal questions related to the handling of detainees in international military operations.

I will use this opportunity, Madam Chair, to repeat that the Copenhagen process is not about undermining existing legal obligations, but about ensuring clarity in regard to the existing rules, clarity for the detained, and for the soldiers detaining. The Danish Government is committed to continuing the Copenhagen process, but also to opening up the process. We will continue to work closely together with the ICRC and other interested partners to bring the Copenhagen process to its conclusion.

Madam Chairman, I do not believe that a discussion on IHL is complete without highlighting the unique auxiliary role of National Societies. The Danish Government attaches great importance to the enormous efforts of National Societies, and recognizes that they play a major role, both in implementation and dissemination of IHL. We are, therefore, pleased also to make several joint pledges with the Danish Red Cross and together with the other Nordic States, with the other Nordic National Societies at this conference. This is important, not only because we pledge on substantially relevant issues, but because making pledges with the Danish Red Cross is also a token of the very good relations that we have with this Society, and a confirmation of my government's commitment to continuing this cooperation.

## **Jordan**

*(Original Arabic)*

Thank you, Madam. I would like to thank the ICRC and the International Federation, as well as those engaged in all the preparatory work for this conference. We undertake to work constructively with all parties in order to ensure that we obtain practical results. As you know, Jordan has been innovative in ensuring protection for the victims of armed conflict and those living under occupation. Jordan has proffered many services and much aid. Our army has participated in peacekeeping operations, as well as medical aid and health services, and there have been donations made to these activities.

Now, Madam, our government considers that all of the work undertaken by the Jordanian Red Crescent is of great significance, and we do indeed intend to ensure that the Red Crescent figures on school

curricula. We would like to encourage everyone to work for the good of others.

We are gathered here to consider a number of issues: among them, the strengthening of IHL and aid to be provided in the wake of disasters, all of this through mechanisms that all parties are to consider. We would reassert the importance of all parties working together, in the interest of ensuring respect for IHL.

We stress how important it is to implement the Geneva Conventions and ensure full respect for the Conventions and their Additional Protocols. We must ensure that IHL is respected and that we provide legal protection to the victims of armed conflict or foreign occupation. All parties to armed conflict, and all those countries that undergo foreign occupation, must ensure that IHL is respected.

This conference is taking place at a key time for the Arab world. There has been much human suffering, and a huge number of victims. There is a need for food, health care, and drugs. All of this serves to highlight the significant role played by the ICRC. It also serves to show how important it is that National Societies enjoy full support to meet their huge responsibilities.

To wind up, Madam, let me say two things. We would like to thank the independent monitor who reported on the agreement between the Palestinian Red Crescent and the MDA. We would very much like to see the implementation of the agreement continued, and I should like to thank you there.

## **Libya**

*(Original Arabic)*

In the name of God, the compassionate and the merciful, Madam, ladies and gentlemen, it is a great honour for my country, Libya, to take this opportunity to welcome this 31st International Conference of the Red Cross and Red Crescent. Libya has known a difficult period in the wake of tragic upheaval. Thank God, we have now begun a new era in Libya's history, and we do hope that it will be underpinned by the principles of our noble Movement. We have paid a heavy price in human lives and sacrifices made by the Libyan people.

I would like on behalf of all Libyan people to thank all those who provided support. We have had help from countries and from humanitarian organizations. We

have had moral and material support that has been direct or indirect. Thank you.

Madam, free Libya is proud of the work done by Libyan Red Crescent workers under very difficult circumstances in a very large country. They have acted in keeping with Red Cross and Red Crescent principles, and we would like to express our support for the humanitarian work carried out by all National Societies. We would like to highlight the role that we will play as an auxiliary to the Libyan Government.

Finally, we would like to remind you that Libya is beginning a new era that we hope will be an era of justice, equality and transparency. We will work with all countries in the world in order to ensure that there is peace, well-being and IHL, and that humanitarian aid will be provided wherever necessary.

#### **Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original English)*

Thank you very much, and I am sure that many people in this room are very happy that you are with us today. Our next speaker is the Red Cross Society of Côte d'Ivoire, followed by the Trinidad and Tobago Red Cross Society speaking on behalf of a number of Caribbean National Societies. The Red Cross Society of Côte d'Ivoire has the floor.

#### **Red Cross Society of Côte d'Ivoire**

*(Original French)*

Thank you, Madam. When there is chaos and terror, IHL does create a humanitarian space for people who are to be protected. Unfortunately, there is not enough protection afforded, given the violations of IHL. That said, IHL does remain the legal framework for the management of hostilities. That is why it is vital for the Movement to strengthen IHL, particularly through the promotion and dissemination of that law throughout all societies, be it fighters, be it civil society. We say this because it is the lack of respect for IHL that is the major cause of suffering that results from armed conflict.

Côte d'Ivoire is just emerging from a crisis that lasted some ten years and we therefore know all too well what role IHL has to play in protecting human lives and dignity. A number of appeals have been made for showing respect for IHL, and we have tried to

get parties to conflicts to abide by the principles of IHL, and this in order to protect civilian populations. Sadly, this did not enable us to reach victims in time because of the measures taken by fighters.

In the name of those who could have been saved, and in order to ensure better protection for tomorrow's victims, the Ivorian Red Cross would like to reiterate its commitment to all actions to be taken to improve the lot of victims of armed conflict. We support the efforts made by the ICRC and we welcome the report introduced this morning.

We need to think together, think globally, act locally. We wish to act on behalf of all humanity, and the Ivorian Red Cross is always ready and willing.

#### **Trinidad and Tobago Red Cross Society**

*(Original English)*

Thank you, Madam Chairman. For the most part, the Caribbean has been spared the horrors and debilitating effects of armed conflict. We have, however, had to address the impact of natural disasters and the continuing fallout from the global economic and financial crisis. These have taken a toll on our development agenda.

It is our stark knowledge as well the harsh reality that we have been witness to a dramatic increase in criminality and other forms of violence. States have, therefore, had to act to stem this tide. There is, therefore, a role for our National Societies in bringing to the attention of all concerned, including the armed forces and security forces, what their duties, rights and responsibilities under IHL and human rights law are. We can therefore submit that this is a priority area for us.

We therefore appreciate the thrust envisaged in the ICRC's 2011-2014 institutional strategy. And the proposal, and I quote, "to focus on situations of organized violence in urban settings, State repression, or inter-community violence." There can be no gainsaying the need for a holistic approach, which could serve to strengthen the reach of IHL; and here we once again request the kind assistance of the ICRC to provide much needed support.

It is one thing, Madam Chairperson, to become party to a myriad list of IHL and human rights legal instruments; it is, however, another matter to convince our governments, with their domestic legislative agendas, which may reflect promises or

which may entail different commitments under other treaties and statutory obligations, of the need to adhere to IHL treaties. We therefore will continue advocacy and dissemination programmes in order to ensure that our volunteers are well equipped to undertake these tasks.

Globalization has shown that the world is indeed a village, and we are all too aware of the free movement of people. As a tourist destination, the Caribbean can unwittingly become safe havens for those alleged to be in breach of IHL. The absence of appropriate legislation with implementing mechanisms would weaken our commitment and resolve to strengthen and uphold IHL. We are, nevertheless, working assiduously to become party to IHL treaties and create the necessary legal framework for their implementation.

We also believe that there should be a closer examination of the issues touching on the protection of the natural environment, and we lend our support to the approach submitted by the ICRC.

One final point, Madam Chairman, is the importance for all to consider the effects of the illegal transfer of small arms and ammunition. We in the Caribbean are daily reminded of the human cost associated with the use of such weapons. We therefore support and encourage the ICRC and those involved in different fora to continue their awareness campaigns.

These are just some of our concerns, but we will do our part to influence our State authorities to partner with us so that we would be in one mind and conviction, and work to strengthen IHL. We owe it to our world and to our people.

### **Red Cross of Benin**

*(Original French)*

Thank you, Chair. IHL is, and continues to be, of undeniable relevance in all Red Cross dialogues. Henry Dunant was right at Solferino on the battlefield, when he came out with our rallying cry: *tutti fratelli*, we are all brothers. That shows neutrality and the refusal of our Movement to get into politics. That has remained unchanged throughout the years.

Today, by drawing attention to the importance of humanitarian action, our conference is showing its firm determination to hold fast to our beliefs and to move forward. The number of wars and violations of human rights, of famines, and of

instances of discrimination, has not gone down. Our commitment to a better world has never been as necessary as it is today. That is why the Benin Red Cross in its programmes has given priority to the protection of women, children, refugees and internally displaced persons, to protection against violence and to inter-sectoral means to reinforce and strengthen IHL.

We encourage the ICRC in its initiative and we are resolved to work hand in hand with the ICRC, within the limits of our capacities, in order to ensure respect for IHL in all of its forms.

### **Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original English)*

Thank you. And I would like to thank all of you for your perseverance and your stamina, and for still being here with us.

I want to make some comments before we suspend this discussion. I would note that at the moment, the Benin Red Cross was number 70 on the list. We have, I think, 14 or 15 remaining. What we are thinking at the moment is that we will reopen the debate on the plenary session on IHL on Wednesday morning. At the moment, we are thinking we are going to do that between agenda item 6, which is "election of the Standing Commission," and agenda item 7, "follow-up issues." So that would be the spot when we would be doing that: Wednesday morning.

I have on my list: Tunisia, Ghana Red Cross Society, Honduran Red Cross, Namibia Red Cross, Czech Republic, Togolese Red Cross, Red Cross Society of Panama, Mongolia, Madagascar, Chile, Rwandan Red Cross, Syrian Arab Red Crescent, Sierra Leone together with Sierra Leone Red Cross Society, and Iraqi Red Crescent Society, to be followed by the ICRC, the final speaker.

Those are the delegations on my list, and those are the delegations that will be able to speak on Wednesday. And as I said, the list remains closed. And one of my colleagues will talk to the delegation of Guinea, who have raised their flag.

I will make some concluding remarks on Wednesday. Some of the people on the stage have been keeping track of the main currents in what you have all been expressing, but of course, to give a broader overview, we would need to listen to the remaining delegations,

and we will do so on Wednesday morning. In the meantime, I will find a time slot to talk to the drafting group, and to at least report on what has been said here so far.

With that, I will suspend the debate of the IHL plenary and give the floor to Frank Mohrhauer for some more organizational details.

**Mr Frank Mohrhauer, Assistant Secretary-General of the Conference**

*(Original English)*

Thank you very much, Madam Chair. Just very briefly, and I will stay within my limit of three minutes, I promise. First of all, the draft list of the delegates will be available in the pigeonholes very soon. And this is, as I said, a draft list. So we ask all delegations to kindly check their names, the titles and the order, and to let the registration desk know of any changes.

So, thank you very much for this.

Secondly, just to remind you that tomorrow morning, we will not come back to plenary. We will start at nine o'clock directly in the Commission sessions, and you have in the programme on your tables, which was distributed this morning, exactly which commission will start in which room. And every commission will be repeated once; so smaller delegations, too, will be able to attend all commissions.

**Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original English)*

Thank you very much. So with that, this meeting is suspended, and I think we have worked hard, so we probably deserve a drink.

Thank you very much.







## 4.7 SECOND PLENARY MEETING

Wednesday 30 November 2011

Ms Annemarie Huber-Hotz, Vice-Chair, Elections

### 4.7.1 Election of the members of the Standing Commission

(Original French)

Ms Niki Rattle, Chairwoman of the Conference

(Original English)

Good morning, ladies and gentlemen. *Buenos días. Bonjour.* Greetings. Thank you. I think we are going to start our business for the day, as we wait for the rest of the people to take their seats. We will begin the business for the day, please. Thank you for your hard work at the Commissions yesterday, and we look forward to another very hard working day today.

I thank you very much for your attention. If we may please begin the business of the day. Today's programme will be the following: first, we will elect the Standing Commission for the coming four years; second, as was announced on Monday evening, we shall resume the plenary debate on IHL for about one hour; and thirdly, we are going to look back at what we have done, or achieved, since the 30th Conference in 2007, and hear the report of the independent monitor on the MoU between the Palestine Red Crescent Society and the Magen David Adom in Israel.

Let us start the election process. I am very pleased to invite Mrs Annemarie Huber-Hotz, the President of the Swiss Red Cross, to take over the Chair in leading us in the election process. I invite Annemarie Huber-Hotz to come to the podium, please. Thank you.

Thank you, Madam Chairwoman. Distinguished delegates, I would like to extend a very warm welcome to you to this plenary meeting. It is a privilege for me to introduce the election of the members of the Standing Commission, and I would like to thank you for the trust placed in me by electing me Vice-Chairman. I have received, from the Secretary-General, the envelopes containing the names of the candidates for the Standing Commission. You have received the necessary documents for elections to the Standing Commission, and therefore we can proceed with this election.

Pursuant to Article 20, paragraph 6 of the Rules, the election will begin with the official designation of three tellers who will then look at the voting bulletins; then we will proceed to a roll-call to determine the absolute majority that is necessary for the first round of votes. If five or more candidates obtain an absolute majority in the first round, the five with the most votes will be elected to the Standing Commission. If seats remain to be filled, there will be a second round of voting, and the candidates with the most votes will be elected.

The second round will be held this afternoon. After the roll-call vote we will start voting: for the first round, delegations will be divided into six groups and will have to vote in alphabetical order, according to the French spelling. Each group will be called on to vote through a slide projected onto the screen in the plenary. Therefore, when your delegation is called, its leader or a delegate who has been designated to replace him will go into room 20, on the third floor, where he will cast a secret vote.

Volunteers are waiting for you at the doors on your right to tell you how to get to room 20. In order

to facilitate the voting procedure, we would like you to wear your badge visibly, and if the leader of the delegation has designated an alternate in his delegation, then the alternate must come forward at the time of the vote with his badge and a proxy form that is duly filled in and signed. I would like to draw your attention to an important point: a delegate may not vote on behalf of a member of another delegation, even if that proxy is awarded by a National Society to their State's delegation or vice versa. These proxy forms are in the booklet that was put into your pigeonholes on Tuesday. There are no other ways of voting.

It is also in these little booklets that you will find all the instructions for the election, as well as the names and CVs of each candidate. As you know, we have to elect five members of the Standing Commission; therefore you can choose only five names. Each candidate will have only one vote. Any voting ballot on which there are the names of more than five candidates will be declared null and void.

I would like to draw your attention to the importance of balanced and equitable geographical distribution in your choice, and I am sure you will bear this in mind. So each delegate can vote for five candidates only. So we will start the voting procedures and I would like to read out the seven candidates to the Standing Commission per region. And in alphabetical order we have Dr Mohammed Al-Hadid from the Jordanian Red Crescent, Mr Massimo Barra from the Italian Red Cross, Mr Steve Carr from the American Red Cross, Ms Delia Chatoor from the Trinidad and Tobago Red Cross, Mr Adama Diarra from the Mali Red Cross, Minister Pär Stenbäck from the Finnish Red Cross, and Mr Greg Vickery of the Australian Red Cross.

The Chairman has designated three tellers among the delegates, members of the conference, to go through all the voting ballots. The tellers are Mr Chrystold Chetty of the Seychelles Red Cross, Mr Muftah Etwilb of the Libyan Red Crescent, and Mr Johan Palsgård from Sweden; they will be helped by Mr Yves-Jean Duménil and Mr Christophe Lanord. We will proceed to a roll-call vote. We will begin with National Societies, and then we will have States party to the Geneva Conventions, then the ICRC and the International Federation.

I give the floor to our experienced secretaries: first of all, to Frank Mohrhauer for the first part of the roll-call vote, and then to Mr Biber for the second. Mr Mohrhauer.

## **Mr Frank Mohrhauer, Assistant Secretary-General of the Conference**

*(Original English, French)*

Thank you very much, Mrs Vice-Chair of the International Conference. It is a pleasure for me to do the roll call of the National Societies. These are those who sit behind the red nameplates, so please only now the red nameplates, and when I call you, I would ask you to kindly raise your nameplate really high, specifically those who sit in the upper ranks. It is not easy to see you, but if you wave your nameplate high enough we will see it, and we will have people behind me who will note that you are there.

As is the tradition, and per the rules or the regulations, the roll call has to be done in French alphabetical order, and that is always a challenge for me, as someone whose mother tongue is German and who has begun by speaking English, to speak French, and so for all those whose mother tongue is French, I apologize immediately: my pronunciation will probably be not the best.

Now I will begin with the roll-call vote in French alphabetical order, and I will start with Afghanistan. Present. South Africa. Albania. Algeria. Germany. Andorra. Angola. Antigua and Barbuda. Saudi Arabia. Argentina. Armenia. Australia. Austria. Azerbaijan. Bahamas. Bahrain. Bangladesh. Barbados. Belarus. Belgium. Belize. Benin. Bolivia. Bosnia-Herzegovina. Botswana. Brazil. Brunei Darussalam. Bulgaria. Burkina Faso. Burundi. Cambodia. Cameroon. Canada. Cape Verde. Chile. China. Colombia. Comoros Islands. Congo. Costa Rica. Côte D'Ivoire. Croatia. Cuba.

Denmark. Djibouti. Dominica. Egypt. El Salvador. The United Arab Emirates. Ecuador. Spain. Estonia. United States of America. Ethiopia. The former Yugoslav Republic of Macedonia. The Russian Federation. Fiji. Finland. France. Gabon. Gambia. Georgia. Ghana. Greece. Grenada. Guatemala. Guinea. Guinea-Bissau. Equatorial Guinea. Guyana. Haiti. Honduras. Hungary. Cook Islands. The Solomon Islands. India. Indonesia. Iran. Iraq. Ireland. Iceland. Israel. Italy. Jamaica. Japan. Jordan.

Kazakhstan. Kenya. Kyrgyzstan. Kiribati. Kuwait. Lesotho. Latvia. Lebanon. Liberia. Libya. Liechtenstein. Lithuania. Luxembourg. Madagascar. Malaysia. Malawi. Maldives. Mali. Malta. Morocco. Mauritius. The National Society of Mauritius. Mauritania. Mexico. Micronesia. Monaco. Mongolia. Montenegro. Mozambique. Myanmar. Namibia.

Nepal. Nicaragua. Niger. Nigeria. Norway. New Zealand. Uganda. Uzbekistan. Pakistan. Palau. Palestine. Panama. Papua New Guinea. Paraguay.

Netherlands. Peru. Philippines. Poland. Portugal. Qatar. The Syrian Arab Republic. The Central African Republic. The Republic of Korea. The Democratic Republic of the Congo. The People's Democratic Republic of Laos. Moldova. The Dominican Republic. The People's Democratic Republic of Korea. The Czech Republic. The United Republic of Tanzania. United Kingdom. Romania. Sorry, could I go back to the United Kingdom? Thank you. Rwanda. Saint Lucia. Saint Kitts and Nevis. San Marino. Saint Vincent and the Grenadines. Samoa. Sao Tomé and Príncipe. Just the National Society, the red plate, please. The red card. The National Society of Sao Tomé and Príncipe. You are not there? Are you the National Society? Thank you.

Senegal. Serbia. Seychelles. Sierra Leone. Singapore. Slovakia. Slovenia. Somalia. Sudan. Sri Lanka. Sweden. Switzerland. Suriname. Swaziland. Tajikistan. Chad. Thailand. Timor-Leste. Togo. Tonga. Trinidad and Tobago. Tunisia. Turkmenistan. Turkey. Ukraine. Uruguay. Vanuatu. Venezuela. Viet Nam. Yemen. Zambia. Zimbabwe.

That concludes the roll-call of the National Societies.

**Mr Bruce Biber, Assistant Secretary-General of the Conference**

*(Original English, French)*

Thank you very much, Madam Chairman, Madam President, Mr Vice-President. Governments kindly raise their plates when called. These are the black nameplates, and I would ask, just as Frank did, do not hesitate to really wave it, so we can really clearly see it. So, please wave. Thank you. And I will proceed also in French, yes.

Afghanistan. South Africa. Albania. Algeria. Germany. Andorra. I repeat, Andorra. Angola. Antigua and Barbuda. I repeat, Antigua and Barbuda. Saudi Arabia. Argentina. Armenia. Australia. Austria. Azerbaijan. Bahamas. I repeat, Bahamas. Bahrain. Bangladesh. Barbados. I repeat, Barbados. Belarus. Belgium. Belize. I repeat, Belize. Benin. Bhutan. Bolivia. Bosnia-Herzegovina. Botswana. Brazil. Brunei Darussalam. I repeat, Brunei Darussalam. Bulgaria. Burkina Faso. Burundi. Cambodia. Cameroon. Canada. Cape Verde. I repeat, Cape Verde. Chile. China. Cyprus. Colombia. Comoros.

Congo. I repeat, Congo. Costa Rica. Côte D'Ivoire. Croatia. Cuba.

Denmark. Djibouti. Dominica. I repeat, Dominica. Egypt. El Salvador. United Arab Emirates. Ecuador. Eritrea. I repeat, Eritrea. Spain. Estonia. United States of America. Ethiopia. The former Yugoslav Republic of Macedonia. Russian Federation. Fiji. Finland. France. Gabon. Gambia. I repeat, Gambia. Georgia. Ghana. Greece. Grenada. I repeat, Grenada. Guatemala. Guinea. Guinea-Bissau. Equatorial Guinea. Guyana. Haiti. Honduras. Hungary. Cook Islands. Marshall Islands. Solomon Islands. India. Indonesia. Iran. Iraq. Ireland. Iceland. Israel. Italy. Jamaica. Japan. Jordan.

Kazakhstan. Kenya. I repeat, Kenya. Kyrgyzstan. Kiribati. Kuwait. Lesotho. Latvia. Lebanon. Liberia. I repeat, Liberia. Libya. Liechtenstein. Lithuania. Luxembourg. Madagascar. Malaysia. Malawi. I repeat, Malawi. Maldives. Mali. Malta. Morocco. Mauritius. Mauritania. I repeat, Mauritania. Mexico. Micronesia. I repeat, Micronesia. Monaco. Mongolia. Montenegro. Mozambique. Myanmar. I repeat, Myanmar. Namibia. Nauru. I repeat, Nauru. Nepal. Nicaragua. Niger. Nigeria. Norway. New Zealand. Oman. Uganda. Uzbekistan. I repeat, Uzbekistan. Pakistan. Palau. Panama. Papua New Guinea. Paraguay.

Netherlands. Peru. Philippines. Poland. Portugal. Qatar. Syrian Arab Republic. Central African Republic. Republic of Korea. Democratic Republic of the Congo. People's Democratic Republic of Laos. Moldova. Dominican Republic. People's Democratic Republic of Korea. Czech Republic. United Republic of Tanzania. Romania. United Kingdom. Rwanda. Saint Lucia. Saint Kitts and Nevis. San Marino. Holy See. Saint Vincent and the Grenadines. I repeat, Saint Vincent and the Grenadines. Samoa. Sao Tomé and Príncipe.

Senegal. Serbia. Seychelles. Sierra Leone. Singapore. Slovakia. Slovenia. Somalia. Sudan. Sri Lanka. Sweden. Switzerland. Suriname. Swaziland. I repeat, Swaziland. Tajikistan. Chad. Thailand. Timor-Leste. Togo. Tonga. Trinidad and Tobago. Tunisia. Turkmenistan. Turkey. Tuvalu. Ukraine. Uruguay. Vanuatu. Venezuela. Viet Nam. Yemen. Zambia. Zimbabwe.

And so I have finished with the States party to the Geneva Conventions. Now, the ICRC. The International Federation. The roll-call for the ICRC and the International Federation is now finished. I pass the floor to the Vice-Chair.



**Ms Annemarie Huber-Hotz, Vice-Chair, Elections***(Original French)*

Dear delegates, the roll-call is now finished. The result of the roll-call – the components of the Movement and the States party to the Geneva Conventions were in attendance – is as follows: 170 National Societies, 150 governments, the ICRC and the International Federation, which means a total of 322 delegations. The absolute majority is 162. We will tell you as soon as the results of the first round are available, at the end of the morning. We can now move to the vote.

I would like to first invite the delegates whose names in French begin with A and B to go to room 20 on the third floor. The first letters of the next delegations invited to vote will come up gradually on the screen. We will now continue with the agenda, and I give the floor to the President.

**4.7.2 First Plenary Meeting discussion on IHL (continued)****Ms Niki Rattle, Chairwoman of the Conference***(Original English)*

Let us now resume with the plenary debate on IHL. I am very pleased to invite Liesbeth Lijnzaad to take over the chair and direct the debate. I also ask Philip Spoerri, Director for International Law and Cooperation at the ICRC, to join us at the podium please. Liesbeth and Philip.

**Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law***(Original English)*

Good morning, everybody. We are going to resume the plenary session on IHL. As I mentioned on Wednesday, there is a speakers' list. I have 18 delegations on the speakers' list. The first speaker, the delegation of Tunisia, to be followed by the Red Cross of Ghana. Tunisia, please, you have the floor.

**Tunisia***(Original French)*

Thank you very much, Madam Chairman. Our discussion on the basis of such a rich agenda, full of very relevant and difficult issues, places a very special responsibility before us. We must meet the challenge of devoting more time to the noble values defended by the Movement while at the same time opening up the path to a more targeted look at IHL.

Obviously the duality of strengthening IHL and developing humanitarian action at the local level as a platform for our discussion is not a simple issue, and I would like to thank the ICRC, for the wonderful study they carried out of contemporary armed conflicts. The principal tenets of this reflection process show once again that the *sine qua non* condition of defending the victims of armed conflict means that we are going to, since these are on the rise, we are going to have to better enforce IHL.

IHL is certainly not perfect in all ways. We should strengthen it, but it is not a question of accumulating legal instruments in order to fill certain gaps by the studies which will be the subject of an in-depth study in this assembly. Tunisia has for a long time followed a legalistic view that goes together with the efforts of the international community. My country, more than ever, wants to complete its process of democratization and stabilization in order to establish a prominent state of law and to be one of the countries that respects human rights, and respects all its international commitments, particularly those having to do with IHL.

In this vision, we give great importance to adapting our legislation to various international instruments in order to fill certain unacceptable gaps. In this context, I would like particularly to underline that Tunisia has just adhered to the International Criminal Court. We consider that humanitarian policy is a global issue, and this challenge can only be met globally through a common approach with a strategic global alliance led by the values of sharing and universality.

Madam President, the National Societies play a primary role in implementing the Geneva Conventions of 1949 and their Additional Protocols. They should, therefore, enjoy the unconditional support of governments in order to carry out their mission in all independence. In Tunisia, the Red Crescent Society has ...

**Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original French)*

I am sorry, sir, you have gone well beyond your three minutes. I continue with the next speaker. Ghana, the floor. You will be followed by Red Cross Honduras.

**Ghana**

*(Original English)*

Thank you very much, Madam Chair. The Ghana delegation, comprising both National Society representatives and government representatives wish to express our gratitude to the International Federation, the ICRC, and the Swiss authorities for organizing the 31st International Conference of the Red Cross and Red Crescent. The Ghana delegation also expresses its fullest support for the protection of victims of armed conflict and for the implementation of IHL.

The Ghana Red Cross Society, which was established in 1958, through an Act of Parliament, has since its inception paid particular attention to the dissemination of the principles of IHL in discharge of its services as mandated by the laws of Ghana. The relevance of the Movement during national disasters cannot be overemphasized, and the Ghana Red Cross Society has played its role during such unfortunate disasters in their country, and in the west African sub-region.

Our delegation wish to underscore the commitment of the Government of Ghana, and the Red Cross to working closely together whilst respecting the Fundamental Principles of the Movement. Our delegation also wish to mention the invaluable assistance given to us during disasters and emergencies by the International Federation, the ICRC, and National Societies around the world. In this regard, we wish to mention the assistance given by the Japanese Red Cross, the Iranian Red Crescent, the Norwegian Red Cross, the Chinese Red Cross, the Swiss Red Cross, the Italian Red Cross, and others that we are unable to mention here.

We wish to also emphasize our commitment to IHL in protecting victims of armed conflict, as we have been doing during assistance to refugees from Liberia, Côte D'Ivoire, and Sierra Leone.

Madam Chair, on this note, our delegation wish to reaffirm the commitment of both the Ghana Red

Cross Society and the Government of Ghana to working closely together for implementation of IHL to protect victims of armed conflict. Madam Chair, the Ghana Red Cross Society and the Government of Ghana support the draft resolution.

**Honduran Red Cross**

*(Original Spanish)*

Thank you, Madam Chair. The Honduran Red Cross has always been concerned about protecting victims – in all circumstances, but especially those affected by armed conflict. We strongly believe that States should in peacetime develop all the necessary legal instruments to ensure that, if armed conflict arises, mechanisms are in place to bring to justice the perpetrators of violations of IHL.

The Honduran Commission on International Humanitarian Law was set up in 2007. The Honduran Red Cross takes part in this body and we have been striving to get serious violations of IHL included in the domestic legal framework, and to prevent them through the ratification of vitally important treaties. The Commission has made progress on this front and has drawn up a proposal that will, we hope, be reviewed and adopted into domestic law.

In this vein, and in accordance with the Movement's mandate, the Honduran Red Cross has committed to working bilaterally with the government, and as a member of the Honduran Commission on International Humanitarian Law, towards the implementation of the proposed action plan. Thank you, Madam Chair.

**Namibia Red Cross**

*(Original English)*

Chairperson, we are going to read a joint statement by the Government of the Republic of Namibia and the National Society on the topic of strengthening IHL. Chairperson, ladies and gentlemen, despite the fact that Namibia as a country is currently enjoying peace and political stability, we support the resolution in its totality. Namibia is a very young country, as it obtained its independence only 21 years ago, and that independence came, as many of you may be aware, after a long and bitter liberation struggle that was supported by the international community and peace-loving nations.



Some of the nations that stood by us during those long and bitter years of struggle are presently experiencing disturbing developments leading to the loss of innocent lives and human suffering, a situation that we see and deplore. Hence, Namibia, time and again, reiterates the time-tested principle of encouraging parties to any conflict to embark upon and exhaust all means available for resolving conflicts peacefully.

Chairperson, during peacetime, it is our duty to be proactive, and make sure that the auxiliary role of the National Society is correctly understood by all players, so that in the event of conflict its principles of humanity, neutrality, independence and impartiality will be backed by concrete and credible actions. In Namibia, the National Society now endeavours to launch an awareness and sensitization campaign on IHL implementation in all branches of government, especially the executive, as well as amongst the public at large.

The National Society further organized in assisting internally displaced persons as a result of the heavy floods that we continue to experience in our country. The Republic of Namibia has revised and adopted as domestic legislation, and has domesticated, the Geneva Conventions and their Additional Protocols. At the same time, Namibia has a draft bill, which, once passed into law will give guidelines on the management of disaster situations in the country and elsewhere.

The Namibian Defence Force has decided to introduce IHL into its training curriculum, as a separate subject; all recruits into the Defence Force will be taught this subject as part of IHL dissemination efforts.

## **Czech Republic**

*(Original English)*

Thank you Madam Chairperson. Madam Chairperson, ladies and gentlemen, let me inform you that the Czech Republic, which is bound by all IHL conventions, considers IHL to be an essential part of contemporary international law. In addition, in the last two years, we ratified international conventions that have a very strong connection with IHL. We ratified the Rome Statute of the International Criminal Court in 2009, and the instrument on ratification of the Convention on Cluster Munitions was presented this year.

Let me also inform you that on the tenth of October 2011, the Czech National Committee on Implementation of International Humanitarian Law

was officially established. Further, a new Act on Development Cooperation and Humanitarian Aid entered into force in the Czech Republic. This act lays down conditions for the provision of development cooperation and humanitarian aid financed by the national budget and the competence of government authorities and the Czech Development Agency in this area.

Madam Chairperson, the Czech Republic maintains its policy of supporting effective action by the international community to ease the suffering of vulnerable people worldwide. These activities are one of the main priorities of the Czech government in the field of humanitarian and development policy at the international level in different parts of the world. The major topic of this 2011 conference, strengthening legal protection for victims of armed conflicts, is considered by the Czech Republic as a principal tool for weakening the many negative and tragic kinds of impact that the military – in extreme cases, the in-combat – operations of armed forces have, especially on the civilian population during armed conflict.

The Czech delegation is in agreement with the proposal of the ICRC to pay special attention to the two topics specified in the ICRC study on strengthening legal protection for victims of armed conflicts, as a matter of special consideration during this conference. Protection for persons deprived of their liberty in non-international conflicts has to be considered one of the key elements of protection for vulnerable people in armed conflict worldwide. There is no shortage at present of distressing accounts of ordinary people's living conditions being influenced by the military operations of armed units, non-official armed groups, or other special entities that are involved.

An international mechanism for monitoring compliance with IHL and providing reparations for victims of violations could contribute to securing international law. In case of grave breaches of IHL, I believe reparations are an effective tool for strengthening international law and helping victims.

## **Togolese Red Cross**

*(Original French)*

Thank you, Madam. The Togolese Red Cross joins previous speakers in greeting the ICRC and congratulating it. Our country has experienced post-electoral violence and therefore we opted for

prevention through IHL to prevent such violence. This campaign has enabled us to measure the benefits, recently, of doing this, with the invaluable support of the ICRC at its Lomé office; also, by going out to barracks and security forces, we have tried to direct our efforts at young people in political parties and local authorities in all corners of our territory, by holding workshops and conferences. We noted that all the information provided by the campaign to raise awareness among these people has borne fruit, because this was received with interest and our elections in 2010 were not the scene of violence.

This situation has encouraged us to proceed and spread IHL at universities and schools. With the French Red Cross, we are devising a pilot project, which, of course, will be disseminated, so that IHL will be made known to young people, because it is this part of our population that is often manipulated to engage in violence. The Togolese Red Cross supports all measures for implementing IHL and making it known to all.

### **Red Cross Society of Panama**

*(Original Spanish)*

Thank you, Madam Chair. The Red Cross Society of Panama applauds the achievement of this conference in focusing on new challenges for strengthening IHL, such as protecting people deprived of their liberty or displaced in connection with conflict. It has also addressed other significant issues, such as safeguarding health care in armed conflict and other emergencies. We applaud the ICRC study on legal protection for victims of armed conflict and agree with its finding that priority should be given to protecting people deprived of their liberty and to mechanisms for monitoring compliance with IHL.

Madam Chair, the objectives outlined for the conference are undoubtedly key to strengthening IHL. In the view of the Red Cross Society of Panama, such strengthening requires intense efforts at national level to bring into force previously unimplemented provisions of IHL. Since we deem that the existing treaties provide comprehensive legal protection, it is perhaps only necessary to make some adjustments. We believe that the national commissions on IHL have a vital role to play in this task. Governments, including the Panamanian Government, should therefore make every effort to keep these bodies active beyond their own term of office. Changes of government should not affect the work of these commissions.

In Panama, the National Standing Committee for the Implementation of International Humanitarian Law was instrumental in bringing about the adoption of measures enshrining this body of law and in promoting it and providing constant advice to the government. Now we must make sure that the Commission continues to be relevant, a task for which cooperation between the Red Cross Society of Panama and the government – a tradition now – will continue.

We are also prepared to work with the ICRC on future multilateral consultations about humane treatment for people held by parties to conflicts, arbitrary detention, and special protection for certain groups. I should also stress that Panama is known for having approved most of the international community's and the ICRC's initiatives aimed at humanizing conflict, and has even included war crimes in its penal code. However, it has not yet adopted Protocol III of 8 December 2005 additional to the Geneva Conventions and the Protocol on Explosive Remnants of War (Protocol V to the 1980 Convention).

The Red Cross Society of Panama will keep pushing for the authorities to adopt these international agreements in the near future.

By way of conclusion, I reiterate the commitment of the Red Cross Society of Panama to strengthening IHL in Panama and to the conclusions of the study that is the focus of our discussions. We will devote all our energies to working with the authorities and the ICRC towards the adoption of national measures to comply with the conclusions of this conference, and in particular of this study. Thank you.

### **Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original English)*

Thank you very much, Red Cross from Panama. Before I give the floor to Mongolia, this would be the time where we call on delegations with names, in French, between 'C' and 'F', to go to the elections. So those delegations, could you please go and cast your votes?

### **Mongolia**

*(Original English)*

Thank you, Madam Chair. Mongolia welcomes and supports the convening of this important conference.

Strict observance of and respect for IHL is very crucial and needed in the humanitarian field. As we all know, this year, a number of armed conflicts occurred around the world. We all learned of cases where IHL had been violated. This should not happen under any circumstances.

We urge those who have been involved in these situations to fully respect IHL. The Government of Mongolia attaches due significance to the promotion of education in IHL. In this respect, the Government of Mongolia has successfully included IHL in the official curriculum of secondary schools in Mongolia, with the cooperation of the ICRC and the Mongolian Red Cross Society. We have also formed a national committee on IHL, headed by the deputy prime minister, and consisting of government officials and the National Society.

We would like to emphasize the importance of the continuation of this agenda, particularly by preparing teaching professionals in the area of IHL, and by establishing supportive environments at schools.

### **Madagascar**

*(Original French)*

Thank you, Madam. Madam, the document on the strengthening of legal protection for victims of armed conflict is a source of inspiration for solving problems in armed conflicts. IHL is an appropriate framework to reconcile military requirements with humanitarian concerns. The value of this has been established, and we in Madagascar intend ratifying the international legal instruments.

We, in 2006, established a National Commission for Humanitarian Law. We are still progressing by establishing local structures. Madagascar would like to have more international cooperation to strengthen capacities in order to obtain better results. Moreover, our country is open to discussing the promotion of IHL and we also regard with favour the ICRC proposal that focuses on two areas deemed crucial, namely, protection for those in prison and international mechanisms for monitoring respect for IHL and compensation for victims of violations.

Finally, Madagascar is among the 72 States that recognize the competence of the International Fact-Finding Commission stipulated in Article 90 of Protocol I of 8 June 1977 additional to the Geneva Conventions relating to the protection of victims of international armed conflicts. Examining the

case of this Commission seems to be relevant in the context of discussions on the strengthening of the monitoring mechanisms for IHL. The International Humanitarian Fact-Finding Commission has not been called upon before, but we think that bilateral discussions and, if necessary, multilateral discussions could be very useful.

Madam, the commitments of the Madagascar delegation will be submitted to the ICRC at the end of this conference.

### **Chile**

*(Original Spanish)*

Madam Chair, on behalf of the Chilean delegation, I reaffirm our country's belief in the validity of IHL and in the need to strengthen this set of fundamental principles and rules for the protection of people affected by armed conflict. We agree with the findings of the report produced by the ICRC, in the sense that the current challenges are not linked to a problem with the existing legal framework (i.e. a lack of or defective rules). Rather, there is a need for stricter implementation and compliance, which will undoubtedly improve the lot of victims of armed conflict.

With this in mind, Chile believes that the discussions during this conference should focus on implementing IHL properly. This is a key part of fulfilling the duty of all States party to the Geneva Conventions and their Additional Protocols to comply and foster compliance with IHL.

Improving implementation mechanisms requires dialogue between the States Parties and the ICRC in order to make a practical and technical assessment of the validity and effectiveness of existing mechanisms. But we also need to look at how we can improve the way in which they are enforced and even come up with new ways to ensure compliance with IHL.

That is why Chile endorses and backs the proposal of Switzerland – as the depositary of these international instruments – to facilitate an ongoing process with the High Contracting Parties, in conjunction with the ICRC, to explore and identify concrete ways and means to strengthen the application of IHL. An inclusive dialogue with all parties, including National Societies, is key to the development of implementation mechanisms. And in Chile, the National Society plays an important role in promoting IHL.



Madam Chair, if we are to secure the effective implementation of IHL, the times in which we live require us, at this conference, to renew both our legal obligations and moral and political commitments to the victims of armed conflict.

The Chilean Government is prepared to take on this challenge, shoulder to shoulder with all those actors who share this collective responsibility. Thank you.

**Rwandan Red Cross**

*(Original French)*

The Rwandan Red Cross and the Government of Rwanda are committed to supporting IHL. As a country that experienced an unprecedented tragedy in 1994 with the genocide of the Tutsi, we need a framework that emphasizes the importance of IHL. If IHL had been applied during that crisis, we would not have had a loss of more than one million people, and men, women and children would not have lost their lives. If the Red Cross had been used properly during that period, perhaps some lives would have been saved.

In considering the ICRC report on IHL, we would like to express concern about armed bands that cause violence and wreak havoc among the civilian population, and we recall this from our own experience. For instance, some armed groups, non-State actors, created casualties within the civilian population. This went on for several years, and we all know who the leaders were. Because of the atrocities committed by these armed groups against civilians, very often we react belatedly to condemn these acts that assault human dignity and integrity.

We have the legal framework; it must be implemented. Non-State actors' activities should not be an obstacle to implementing IHL. During conflicts and situations of violence we must give enhanced protection to women and children. Very often, women were victims of rape and other sexual violence. This has led to sexually transmitted diseases and unwanted babies, and very difficult situations were created, difficult to grapple with even in normal times. And very often we have had to take care of many orphans.

We salute the Rwandan authorities that have established basic legal mechanisms to protect women and children, in times of peace and during conflict: for instance, the law on repressing violence, gender violence. And we have also created sound legal bodies to promote IHL and protect women and

children, mainly a gender monitoring office, and other mechanisms. This has been contemplated in the new constitution – Article 183. We want to monitor evolution and development and we have other legal instruments that guarantee enhanced protection for women and children.

**Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original English)*

Please conclude, sir.

**Rwandan Red Cross**

As you know, the restoration of family links following the conflict is one of our prime issues.

**Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original English)*

I am sorry, sir. You have far exceeded your three minutes ... Syrian Red Crescent please.

**Syrian Arab Red Crescent**

*(Original Arabic)*

Thank you, Madam Chair. The Syrian Arab Red Crescent would like to thank all those who contributed to supporting its humanitarian efforts recently, by answering the call of the International Federation and supporting the efforts of the ICRC, which is supporting the Syrian Arab Red Crescent in providing assistance for those who need it.

The Syrian Arab Red Crescent would like to affirm that we are upholding the Fundamental Principles, namely the principles of impartiality and independence, while we cooperate in humanitarian action on the ground,. We lost one of our volunteers during a shooting incident when one of our ambulances was targeted. Two of our volunteers are still under medical supervision. The Syrian Arab Red Crescent and the International Federation, as well as the ICRC, have issued a joint call, asking for support and assistance for volunteers from the Red Crescent and providing for their security and safety, so that they are able to provide their assistance to those who need it.



The Syrian Arab Red Crescent was able, through the help of those in the ICRC, to reach people in 'hot spots' who need dire assistance, humanitarian assistance. We were able to meet their needs with the speed that was needed. And we thank all those who supported our efforts by answering the call issued by the International Federation and supporting the efforts of the ICRC in covering the humanitarian needs resulting from the recent events in Syria.

### **Joint statement by Sierra Leone and the Sierra Leone Red Cross Society**

*(Original English)*

Thank you, Madam Chair. Madam Chair, distinguished delegates, I would like to thank the organizers first for the 31st International Conference, and for giving us the opportunity to speak at this session on strengthening IHL. Sierra Leone fully supports the implementation of all IHL treaties.

Sierra Leone went through one of the bloodiest civil conflicts in history, which witnessed gross violations of the tenets of IHL. After the ten-year war that was followed by the establishment of the Special Court for Sierra Leone, to try those who bore the greatest responsibility for the atrocities, the awareness for IHL was further raised among the citizens and the government. Hence the need to quell future impunity became felt. Accountability is necessary to ensure compliance.

At the Economic Community of West African States (ECOWAS), the ICRC and our conferences in Abuja, the plan of action for the implementation of IHL by ECOWAS was devised. We also had the opportunity of partnering with the ICRC office in Sierra Leone and the regional offices in Abidjan and Conakry. And under the aegis of the National Society, the Sierra Leone Red Cross Society, who collectively kept guiding us towards achieving the commitment to ensure implementation of IHL.

On behalf of our delegation, I want to thank them specially for ensuring effective ICRC support for the Government of Sierra Leone. It took us time and effort to arrive at where we are. In addition to the signing, ratification or domestication of several humanitarian treaties such as the ECOWAS Convention on Small Arms and Light Weapons and the Kampala Convention on Internally Displaced Persons, to name but a few, we are on the road to fulfilling the task of first, domesticating the Geneva Conventions and its Additional Protocols, and

second, establishing an inter-ministerial committee for the implementation of IHL.

We are pleased and honoured to report that a few days before our departure for this conference, the Cabinet approved both. The Ministry of Justice is already in the process of drafting the Geneva Conventions bill for Sierra Leone for parliamentary debate and presidential assent. The Ministry of Foreign Affairs of Sierra Leone is also putting mechanisms in place for the establishment of an inter-ministerial committee for the implementation of IHL. We are of the view that had these two tasks been achieved earlier, the consequences of the civil war would not have been as devastating as they were.

The Government of the Republic of Sierra Leone is committed to ensuring that issues related to IHL are given attention. On behalf of our delegation, Madam Chair, I would like the ICRC and other partners to continue their support as we have reached a crucial stage in our long journey, which needs stronger support to reach its destination. We hope that before the end of this first quarter of 2012, the two jobs will have been concluded, and we will then have a national law on IHL.

Having the law is an important piece. The next crucial piece is to have a functioning IHL committee. We are committed as a government, and we crave the continued support of the ICRC and other partners in this regard.

### **Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original English)*

Thank you very much. And thank you for remaining within the time. Before we continue, I would like to ask all delegations with a name in French between 'G' and 'K' to now go and vote. This would be your moment to go vote. I see many people have already left; most of them were in front of me. So this would be voting for countries and Red Cross and Red Crescent delegations between 'G' and 'K'.

### **Iraqi Red Crescent**

*(Original Arabic)*

Madam Chair, ladies and gentlemen, greetings. The conflicts that have been witnessed by Iraq since 1980 and following that time, in addition to the

violations committed against IHL through a series of both local and international conflicts and that were accompanied by international sanctions, followed by terrorist operations that targeted civilians in particular: all this led to the depletion of huge resources of one of the countries in the region of the Middle East most able to achieve progress and growth.

And this led to an increase in the suffering of people and of people in need in the society – I refer especially to orphans and the handicapped, widows, and both internally and externally displaced persons. And the deterioration of the level of services, especially in both the fields of education and of health, has had a great impact today on the possibility of swiftly carrying out reconstruction and development.

In view of this, the Iraqi Red Crescent, which is concerned with the implementation of the provisions of IHL in accordance with Iraqi law, hopes that this conference will adopt the means and mechanisms that strengthen IHL, and support its implementation so as to guarantee protection – the necessary protection for civilians and for facilities and their personnel who provide humanitarian services during conflicts – and to emphasize and strengthen the international institutional capacities related to the implementation of IHL, especially the components of the Movement, whether we are speaking of the ICRC or the International Federation.

Thank you.

## Israel

*(Original English)*

Thank you, Madam Chairperson. Israel is grateful for the opportunity to speak on this subject of great importance to all of us in the Movement. Israel sees itself as bound by its IHL obligations. This commitment exists despite the existential challenges that Israel has faced throughout the 63 years of its existence.

Israel's authorities and its judicial system aggressively promote these ideals, before, during and after conflicts. Extensive training and dissemination on humanitarian concerns and values take place among Israel's security and military personnel. During armed conflict, legal advisers are closely involved during the decision-making process, and are deployed to offer real-time advice. When violations of IHL principles are alleged, the Israeli justice system is designed

not only to mete out punishment and deter future violations, but also to provide opportunity for redress to parties injured by State offences.

Israel expends significant effort to learn and implement lessons from its past conflicts in order to improve humanitarian protection and increase awareness of modern dilemmas and challenges. Israel's high standards are not affected by the lawlessness of its adversaries, or the severity of the threats they pose. Israel stands committed to the rule of law. As Israel's Supreme Court has recognized, "This is the destiny of a democracy: it does not see all means as acceptable, and the ways of its enemies are not always open before it. A democracy must sometimes fight with one arm tied behind its back. Even so, a democracy has the upper hand. The rule of law and the liberty of an individual constitute important components of its understanding of security. At the end of the day, they strengthen its spirit, and this strength allows it to overcome its difficulties."

Madam Chairperson, in our view, the greatest dilemma for the law, and for the protection of victims, is the lack of compliance with IHL. This reality is particularly true for conflicts involving non-State actors. Such conflicts are often known as asymmetrical armed conflicts. The asymmetry is not the perceived strength of one side, but an imbalance in commitment to humanitarian norms. Israel has faced this challenge in recent years in conflicts with non-State actors that have significant military capabilities that pose real threats to Israeli civilians. These groups wantonly defy the laws of armed conflict.

For example, while Israel takes every measure to ameliorate adverse impact on civilians, in accordance with IHL, our adversaries expressly target Israeli civilians, and even purposefully endanger their own population. Rather than imposing additional obligations on responsible States that take their IHL obligations seriously, avenues should be explored to increase respect for the law by those that regularly and intentionally violate their obligations.

These efforts should include accountability of States for the action of non-State actors from within their territories. Israel has participated, with great interest, in the current dialogue regarding the direction of IHL, and continues to exchange views with States, the ICRC, and other interested parties. Israel believes in the primacy of States in such a process. Our ongoing discussion and new attempts to respond to modern dilemmas must ensure that IHL remains practical, and any steps forward must be taken with real caution.

If IHL loses its practicality, it will lose its relevance. Building an honest and non-politicized dialogue offers a better opportunity to protect those most vulnerable during conflict.

## Brazil

*(Original English)*

Thank you, Madam Chair. Madam Chair, Brazil associates itself with the statement delivered by the delegation of Uruguay, on behalf of Mercosur earlier this session. We wish to add a few points in our national capacity, particularly on the issue of protection for civilians in armed conflict. In a debate on the topic, a couple of weeks ago in the UN Security Council, Brazil's foreign minister, Antonio Patriota stressed the need to prevent violence against civilians in the conduct of hostilities, to ensure accountability, and to guarantee, especially in situations of armed conflict, access to humanitarian assistance.

On the last issue, the following point was made, and I quote: "Blocking access to humanitarian aid can be just as lethal as pulling a trigger." Reference was also made to the imperative need to ensure compliance with the rules of IHL. Minister Patriota also referred to the specific discussion on the responsibility of States to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity, the so-called responsibility to protect. I would like to quote a few points raised by the Foreign Minister of Brazil, five quotes in total.

First quote: "The recognition that there is a responsibility to protect was a milestone ... this responsibility must be exercised, first of all, through the use of diplomatic, humanitarian, and other peaceful means ... only in those cases in which peaceful means proved to be inadequate should coercive measures be contemplated."

Second quote: "Before embarking upon military action, the international community is expected to conduct a comprehensive and judicious analysis of all possible consequences. The use of force always brings with it the risk of causing unintended casualties and disseminating violence and instability."

Third quote: "... much has been said about the responsibility to protect, but very little about the responsibility while protecting ... the international community, as it exercises its responsibility to protect, must demonstrate a high level of responsibility while protecting ..."

Fourth quote: "The international community must be rigorous in its efforts to exhaust all peaceful means available in the protection of civilians under threat of violence."

Fifth and last quote: "In the event the use of force is contemplated, action must be judicious, proportionate and limited to the objectives established by the Security Council."

These were the points we wish to highlight on behalf of the Brazilian delegation. Thank you also for the opportunity to speak under this agenda item.

## Guinea

*(Original French)*

Thank you, Madam Chairman. I would like to thank you for giving me the floor as the representative of the Guinean Government. My presence at this conference bears eloquent testimony to the good relations that exist between the Guinean Red Cross and the Guinean Government.

Despite the prodigious development of science and technology and the evolution of societies toward collective organization, painful events continue to be part of our environment, with more or less grim consequences. The Republic of Guinea does not evade this sad reality. In fact, our country can give very clear testimony of social troubles in neighbouring countries: Liberia, Sierra Leone, Guinea-Bissau and Côte D'Ivoire. We have had to manage massive flows of refugees therefrom, together with our partners UNICEF, the ICRC, UNHCR, and the Guinean Red Cross. This is in addition to having to manage social conflicts and post-electoral disturbances that took place in my country from 2006 to 2010.

The consequences of these events led our country to understand the importance of setting up a favourable environment for strengthening IHL in order to improve the conditions of care for victims of these crisis situations. This is how IHL constitutes a tool to improve humanitarian action in general, by requiring States to take on their full responsibility in the protection of rights of all persons, in all conditions, in the context of partnership with humanitarian actors.

This is why the government of Guinea supports this draft resolution that is, in respect of IHL, a guarantee of safety not only for Red Cross volunteers but also for all health personnel and vulnerable persons during crisis situations. Efforts have already been

made, such as the promulgation of L95 PRG on protecting the name of the Red Cross and its emblem and the establishment of a national IHL commission that will ensure that all the conventions are ratified by our government and information about them disseminated to all political and administrative authorities as well as people in uniform.

**Ms Liesbeth Lijnzaad, Chair of the Plenary on International Humanitarian Law**

*(Original English)*

Thank you, sir. I have been asked to indicate to the meeting that the ICRC, who were on the speakers' list, have informed me that they no longer need to speak, so they have given up their position on the speakers' list for this session. And that brings me to concluding this session with a few remarks on the basis of the exchange of views in the Monday afternoon session and during the past hour here.

I think going through all the speeches, listening to all the speeches, both from State delegations and from Red Cross and Red Crescent delegations, there are a number of threads that appear in many of your statements. I think we have all confirmed that IHL remains appropriate to address the needs of the victims of armed conflicts today. We agree that we need to work together to constantly evaluate the needs of the victims in practice to ensure that IHL remains relevant.

Several of you emphasized the valuable work of the ICRC as presented in the report on strengthening legal protection for victims of armed conflict. While the report expresses concern with regard to four major areas, there is broad support to prioritize two issues, namely, protection for persons deprived of their liberty in armed conflict, and the international mechanisms for monitoring respect for IHL. In that respect also, a number of delegations referred to the relevance of the international fact-finding commission.

Some delegations, although accepting the prioritization – that is really a tongue twister for me – the prioritization, have asked that the ICRC should continue to reflect on its own on the two other issues not retained as a current priority. Our debate highlighted the need for efforts to strengthen IHL to take into account the interplay of IHL with other relevant legal frameworks, such as human rights law. It was also stressed that all ongoing work should be complementary with other ongoing processes

in the areas of concern. In terms of process, the primary role of States in the development of IHL was reaffirmed. The specific role and expertise of the ICRC was highlighted. The ICRC was asked to lend its support to facilitate the advancement of these issues, as recognized by the Statutes of the Movement.

With regard to compliance mechanisms, apart from the wide support expressed for the ICRC initiative, a good number of delegations welcomed the initiative announced by Switzerland and aimed at facilitating further dialogue.

Now, that is my summary of our very lengthy, I think very thorough and very broad, discussions in the plenary on IHL, and it also concludes this plenary. I very much thank you for your cooperation, and I think the floor is returned to our Chair.

**4.7.3 Follow-up to previous conferences**

**Ms Niki Rattle, Chairwoman of the Conference**

*(Original English)*

We thank Dr Lijnzaad and Dr Spoerri for leading us through this session this morning, and I thank all the rest of the delegates who made presentations this morning, and I also thank the rest of you for your patience in waiting for our last delegate to make his presentation this morning. Very well done. We shall now move on to the next item on our programme, that being the follow-up to the 30th International Conference report.

All delegations have been sent the questionnaire about the implementation of the resolutions and pledges of the 30th International Conference. I would like to thank all of you who did send your feedback to the co-organizers. A total of 114 replies to the follow-up questionnaire have been received: 39 responses from States party to the Geneva Conventions and 75 from National Societies. This definitely exceeds the number of replies to the questionnaires on the follow-up to the 27th and 28th International Conferences, which means that we have established a new record. Which is wonderful.

It is also very encouraging to note that some States and National Societies, demonstrating a spirit of constructive cooperation, submitted joint pledges.



Your replies to the follow-up questionnaire have enabled the ICRC and the International Federation to compile a comprehensive follow-up report for the 30th International Conference. It is divided into four parts, each one pertaining to the following resolutions.

One: The declaration, Together For Humanity. Two: The specific nature of the International Red Cross and Red Crescent Movement in action and partnership, and the role of National Societies as auxiliaries to the public authorities in the humanitarian field. And three is about reaffirmation and implementation of IHL, which we have spent a lot of time in talking about on Monday and today. We will talk later about adoption of the guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance.

As you know, each of our International Conferences builds on the one side, on the achievements of the previous one, and on the other side, considers the most urgent challenges that have appeared since the last conference. I strongly encourage you all to read this comprehensive follow-up report very carefully, if you have not yet done so. As you know, it is available on RCRCconference.org, which is the official website of our conference.

Let us now move on to the next item on the agenda, which is the MoU between the Palestine Red Crescent Society and the Magen David Adom – my English sometimes gets a bit mixed up, and I beg your forgiveness. As you know, the Vice-Chair for Political Affairs, Ambassador Gooderham, has been available for questions on this issue, and I thank him for his precious support. It is now my pleasure to call on Pär Stenbäck, independent monitor of the MoU, to give us a short account of his observations. The floor is open to you, Pär, please.

**Mr Pär Stenbäck, Independent Monitor of the Implementation of the Memorandum of Understanding and Agreement on Operational Arrangements between the Palestine Red Crescent Society and the Magen David Adom in Israel**

*(Original English)*

Thank you, Madam Chair. Madam Chair, ladies and gentlemen, Red Cross and Red Crescent delegates, and government delegates, *mesdames et messieurs*. Today, it is exactly six years and two days since the signatures were attached to the two agreements that

opened the doors for the Magen David Adom of Israel and the Palestine Red Crescent Society to the Movement.

The delegates to this conference have the right and the obligation to ask two questions: Why are we still forced to discuss the implementation of this agreement? And how can we ensure that they will finally be declared fully implemented?

I believe the agreements were signed in good faith, with an intention to fulfil the obligations at a suitable moment. Perhaps the signatories were slightly too optimistic regarding the environment in which they were to act. In 2005, nobody could foresee the invasion of Lebanon, the Gaza conflict, or the flotilla incident, all of them creating an atmosphere not friendly to lifting restrictions and improving humanitarian interchange.

The first two years were spent searching for a model to introduce five Palestinian ambulances in East Jerusalem. Those who participated in the earlier International Conferences will remember how central this issue was. When I took over as a monitor in June 2007, the issue was not yet solved, and it took almost two more years before these ambulances could move unhindered in both West and East Jerusalem, bringing Palestinian patients to both Israeli and Palestinian hospitals without excessive checks at the hospital gates or at the West Bank barrier, when serving patients with Jerusalem IDs. The outcome is a major achievement, considering the restrictive Israeli policy towards Palestinian institutions in Jerusalem.

I have outlined other improvements in detail in my written report before you. It seems unnecessary to describe these once more: they are part of an Agreement on Operational Arrangements. Let me simply commend the two Societies and their leadership for their positive, pragmatic and flexible approach to these issues. The restrictions caused by the ongoing occupation are quoted as the reason when ideal solutions have not been possible. Even if this does not excuse non-implementation, we should remind ourselves that the MDA does not have the power or all-out influence to make the Israeli Government change its policy and security-motivated restrictions.

Let me move to the more controversial of the two agreements, the Memorandum of Understanding. In my first conversations with the Israeli Government's representatives in 2007, I was informed that the removal of MDA ambulances was not an acceptable

solution. Even if this was the clear obligation of the MoU, based on Movement regulations. Fortunately, the MDA was willing to explore alternative models for it ceasing its operation in the occupied Palestinian territories. In a legal sense, it transferred the responsibility for administering all its ambulances to the communities in the West Bank in 2009.

However, an understanding between the two Societies was needed to create visible differences between MDA ambulances in Israel and the transferred ambulances. Such an understanding was reached only in June 2011, this year, and the process of changing ambulances and their external appearance, including the introduction of neutral markings, started in late July and continued until this month. As I have explained, this late implementation of an essential part of the MoU made it impossible to confirm and validate the outcome. The Council of Delegates concluded that there was a need for follow-up, and the resolution was passed unanimously, asking the ICRC and the International Federation to continue the monitoring process until the MoU was implemented in full. The next phase will therefore focus on the geographical scope. The obligations under the Agreement on Operational Arrangements have become part of the normal rules for interaction between members of the Movement.

MDA leadership has informed me that total withdrawal from the West Bank can be concluded in 2012. Based on the monitoring experience of the last six years, I think it is possible to plan for a validation process that will guarantee and confirm that MDA no longer carries out operations of any kind in the occupied Palestinian territories. This does not demand a very intensive effort – observation on the ground of ambulance activities, and possibly other MDA activities during a period of time – and is nothing extraordinary that could change the character of the monitoring as it has been up till now.

Are we ready to go that extra mile which would bring all elements of the MoU in accordance with the agreed document of 2005? In order to clarify this, and obtain an answer to the question, I wish to direct an appeal to each of the stakeholders. These appeals are meant to meet the fears, doubts and hopes of those most concerned, and they are made in the Red Cross and Red Crescent spirit of good faith.

I appeal to the MDA and its Chairman, Dr Noam Yifrah, to continue his remarkable work to complete what he has already started and implemented up to about 85%. You should be aware that this effort of

yours, and sacrifices, are appreciated and well known in the Movement, even if this is not expressed in any formal resolution. And seek the active support of your government to finalize your important task.

I appeal to the Palestine Red Crescent Society and its Chairman, Dr Younis Al-Khatib, not to cast doubts on the results of the changes that are taking place regarding MDA presence in the occupied Palestinian territories, and to trust the findings of this independent and neutral monitoring process, once it has been concluded. After that, you could and should rely on the support and goodwill of the two institutions of the Movement in line with the Council of Delegates resolution.

I appeal to the representatives of the Israeli Government present here today to accept an appropriate interpretation of the unanimously approved Council of Delegates resolution, meaning that after a one-year maximum period further of monitoring, if that for some reason does not lead to full implementation, the follow-up task will be handled by the ordinary bodies of the ICRC and the International Federation. To achieve full implementation at the earliest possible moment, the Israeli Government can, at its will, actively and openly support the MDA in its sensitive task.

I appeal to the representatives of the Palestinian Authority present here today to continue to support the resolution adopted by the Council of Delegates, opening for ordinary Movement bodies to decide about any further action needed in light of the 2005 agreements, after receiving the report of the following monitoring.

I appeal to the ICRC and the International Federation to continue to put staff and other resources at the disposal of the monitoring mechanism, to enable effective validation of the situation concerning MDA activities in the West Bank, and to define a joint decision-making model for handling the results of the next monitoring report.

Excellencies, delegates, let me conclude by saying that if we can get positive reactions in the answers to these appeals, I am convinced that the Movement, with the support of all States present here, can make its contribution to an improved humanitarian environment for a region in turmoil, plagued by so many negative factors, failures by State actors, and marked by a growing pessimism. Thereby, the Red Cross and the Red Crescent can stand out as a Movement for peace and reconciliation, even in the darkest hour. I thank you. *Merci.*

**Ms Niki Rattle, Chairwoman of the Conference**

*(Original English)*

Thank you, Mr Stenbäck, for your assessment of the situation on the ground. Ladies and gentlemen, let me, as the Chair of the Conference, and on behalf of the Bureau, express our appreciation for the efforts undertaken by all parties to achieve agreement on this important item on the agenda. I will make sure that this acknowledgement is reflected in the proceedings of the International Conference. We

have, in front of us, a draft resolution that is the result of a consensus, after wide consultation, and I propose that we adopt it by acclamation.

I thank you very much for your support of this resolution, and as we do not have the first results of our vote, we defer this meeting until probably about 12.15 p.m., where everybody will be called back in and we will be able to give you the first results of our election. I thank you very much for your attention this morning. Thank you.



## 4.8 THIRD PLENARY MEETING



### 4.8.1 Election of the members of the Standing Commission (continued): Proclamation of results

**Ms Annemarie Huber-Hotz, Vice-Chair, Elections**

*(Original French)*

Excellencies, dear delegates, I have the pleasure of calling to order this afternoon's session. I hope that you have had a good luncheon break.

I am also pleased to tell you now the results of the election of the members of the Standing Commission. We have just received them from the tellers, and I draw your attention to the fact that the roll call registered 170 National Societies, 150 States party to the Geneva Convention, the ICRC and the International Federation: a total of 322 participants in the roll call, giving a majority, an absolute majority, of 162 votes.

During the election, 332 delegations participated. Let me give you the results of the elections. The following were elected:

Mr Massimo Barra, 243 votes; Mr Steven Carr, 229 votes; Minister Pär Stenbäck, 226 votes; Mr Greg Vickery, 224 votes; and Dr Mohammed Al-Hadid, 213 votes.

So I note that there is no need for a second ballot, but I would tell you that the other candidates received the following number of votes:

Mr Adama Diarra, 182 votes; and Mrs Delia Chatoor, 129 votes.

Dear delegates, I am happy on your behalf to congratulate all of the members of the Standing Commission who have been elected, and I wish them great success in the important work they have to do. Might I also thank the two Assistant Secretaries-General for the roll call, which was not very easy, and the tellers and all those who helped them.

So the election of the Standing Commission is thus concluded, and I give the floor to Mr Cardenas for the next item of the agenda. Thank you very much.

### 4.8.2 Opening address by the Chair

**Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law**

*(Original Spanish)*

Good afternoon, all. We will now begin the plenary for this afternoon, and if everyone would agree, we can open this and offer special congratulations to those who have been elected members of the Standing Commission.

This afternoon's meeting is dedicated to the theme of strengthening disaster laws. As a lawyer myself, and I do work as a lawyer, and coming from a country and a National Society that is exposed to many humanitarian challenges arising from natural disasters and man-made disasters, I feel that law is a very important tool to us working in the humanitarian field and in the context of humanitarian action. The law can establish hard accountabilities; it can demand that we account for our actions. It can guarantee proper use of funds received for humanitarian action;

and it can establish effective systems for day-to-day issues of importance to victims of disasters. The stronger a law is in helping us deal with actions, the stronger our action would be, and the greater possibility we will have of responding properly to disaster situations.

Now, this afternoon, we will try to look at and establish how a well-designed, well-conceived law on disasters can indeed be used as a tool to increase the effectiveness of humanitarian assistance, and we will look at how a good law can help us to reduce the inequities that arise in terms of how assistance is provided and how it can provide acceptable standards of quality for our humanitarian action.

We will also try to see how a good law can effectively reduce the impact of natural disasters by promoting an effective risk reduction system in the humanitarian world.

Now, for this topic of strengthening disaster laws, we will be looking at three distinct sub-themes. The first is legal preparedness for international disaster response. The second is enhancing disaster risk reduction through legislation, particularly at the community level. And thirdly, we will be looking at the provision of transitional shelter, which will have an impact on assistance to communities following natural disasters.

Matthias Schmale, the International Federation's Under-Secretary-General for Programme Services, will now give us an overview of the general theme and of the three sub-topics that I have mentioned.

Now, we will also have a number of presenters, featured speakers who have been invited to share with the plenary their experience in using the law as a tool to improve disaster preparedness and response. In order to maintain the distinction between the three sub-topics that I mentioned earlier, we will hear the featured speakers in three different groups, one group for each sub-topic, and there will be two speakers for each group.

After each group has spoken, I will open the floor for those who have asked to be on our list of speakers to make their statements and comments.

As you must have noted in the concept note and guiding questions for this thematic plenary, there are some standard or model questions for each topic that will help us in putting the questions, and it will help the speakers to answer your questions properly.

Now, I do see that there is very great interest here. There are many delegations that did pre-register on the list. Now, in order to ensure that everyone has a proper opportunity to speak, I will stress very firmly that those who are on the list of speakers must respect a maximum time limit of three minutes; and where speakers are speaking on behalf of a group or a larger organization, they will have five minutes.

Now, time is of the essence and as we respect our own speaking time limit, we will be respecting the speaking time limits of others as well.

Now, I am sure that this afternoon we will have a very rich discussion on this topic with the presence of States, representatives of governments, National Societies, the International Federation and the ICRC. We will have an extremely important discussion on the strengthening of disaster laws.

I will now give the floor to Matthias Schmale, Under-Secretary-General for Programme Services at the International Federation. He will be giving us an introduction.

Matthias, you have the floor.

#### **4.8.3 Introduction by Mr Matthias Schmale, Under-Secretary-General for Programme Services, International Federation of Red Cross and Red Crescent Societies**

*(Original English)*

Thank you, Mr Chairman, Commissioner, honourable delegates, ladies and gentlemen, since this conference last convened four years ago, people in every corner of the world, as we know, have suffered the effects of natural disasters, both large and small. When devastating earthquakes struck China in 2008, and Haiti and Chile in 2010, when a tsunami ravaged Samoa and other Pacific islands in 2009, when Pakistan experienced historic flooding in 2010, and again this year, and as the Horn of Africa continues to experience the effects of extreme drought and food shortage, people have relied on governments, their governments, the Red Cross/Red Crescent, and other humanitarian actors for life-saving assistance.

Now, experience has shown that well-crafted domestic laws can be indispensable tools for reducing vulnerability to disasters and ensuring timely and

effective response. This International Conference has become a key international forum for promoting the strengthening of disaster laws. Legal preparedness for disaster response figured prominently on the last two conference agendas. Four years ago, we adopted the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance, also known as the IDRL Guidelines.

The Guidelines are meant to assist States to prepare their regulatory frameworks in advance of a disaster. The aim is to avoid the most common regulatory problems identified in the over two dozen case studies we commissioned, and the numerous consultations we held over a period of seven years. On the one hand, these problems have to do with bureaucratic barriers to the entry of international relief, such as delays with visas, customs, taxation and registration issues. On the other hand, they also include problems with the quality and coordination of international assistance if the State affected lacks a system for oversight. Many States, in fact, lack specific laws and procedures to deal with these problems.

Now, the adoption of the Guidelines at our last conference was a major milestone. Since then, nearly 70% of States responding to this conference questionnaire earlier this year reported significant follow-up action on the resolution and related voluntary pledges. At least nine States have adopted new legislation or regulations consistent with the Guidelines.

Working together with the UN Office for the Coordination of Humanitarian Affairs (OCHA) and the Inter-Parliamentary Union, we in the International Federation are developing model legislation as an additional tool for States in this area. This tool is presented to this conference in a pilot, and hopefully all of you in your delegations will have found copies in your pigeonholes at the registration desk.

Now, despite this positive progress, substantial gaps remain. The legal frameworks of many States are still under-prepared to effectively facilitate and regulate international disaster assistance. Moreover, the complexity of managing international operations remains high as the over 160 State offers of assistance to Japan earlier this year after the earthquake and tsunami attest.

As the Chairman has already mentioned, under the thematic heading of strengthening disaster laws,

we are also examining two additional sub-topics. The first relates to the use of legislation as a tool for disaster risk reduction, in particular to enhance impact at the local community level. Our research and other studies in this respect have shown that disaster risk reduction efforts are lagging behind at the local level, where disasters obviously impact, or where the impact of disasters is obviously felt most immediately and acutely.

We also know that when communities are knowledgeable about the risks they face, and when they are empowered to take part in decision making about addressing those risks, they can have a multiplier effect on governmental efforts.

Law can be a powerful tool to facilitate community engagement. Law can ensure access to information and secure representation of civil society and private sector actors. It can also promote risk mapping at the community level and local levels, and guarantee funding for risk reduction activities. As an example, a new disaster management law in the Philippines does exactly this, requiring that a portion of local revenue be set aside and strictly reserved for disaster risk reduction and preparedness activities. Law can also ensure accountability and implementation of building codes and land-use regulations, and provide incentives to reduce disaster risk in a manner that does not impinge unnecessarily on livelihoods or rights.

And this brings me then finally to the third sub-topic presented under this theme, which is the need to take action to reduce regulatory barriers to emergency and transitional shelter assistance. As we have seen, the destruction caused by a natural disaster can displace huge numbers of people, and while permanent solutions take time, providing people with emergency and transitional shelter is critical to the health, safety and well-being of the people affected.

Shelter provides protection, personal safety and security. It restores dignity and allows families to begin rebuilding their lives and livelihoods. Yet, from our own experience and our discussions with various humanitarian partners, not least as convener of the Global Cluster for Emergency Shelter in Natural Disasters, we in the International Federation know that regulatory issues are among the most significant obstacles to the provision of timely and equitable shelter assistance to those displaced by disasters. Practical solutions are needed to avoid delays in the provision of shelter assistance, and to ensure that this critical assistance reaches landowners and non-owners alike.



By reviewing their domestic regulatory frameworks in advance of a disaster, States can establish systems to avoid these obstacles and speed up the delivery of shelter assistance. They can ensure, for example, that suitable land will be made available for emergency and transitional shelter in the event of a disaster. Authorities can establish building standards specifically tailored for non-permanent shelter structures, and they can create systems to swiftly resolve land title disputes that often stall even interim solutions.

Let me end with an example from Haiti, where as we know, upwards of one million people were displaced by the earthquake in early 2010. There, gaps in land tenure complicated the provision of transitional shelter and contributed to delaying the move from tarpaulins to roofs. But innovative solutions are, in fact, being devised. In situations where no formal title existed before the earthquake, the International Federation-led inter-agency shelter cluster created a document requiring the signatures of three people or institutions: the local administration, the beneficiary or person affected and family, and the legal owner of the land concerned. This document is, effectively, a lease agreement for a transitional period of three years, and has become a generally applied solution.

While there are many anecdotal examples of this kind of good practice in this area, a more concerted effort is necessary. By taking action in advance of a disaster, a great deal of human suffering can be avoided. Assistance can be provided more quickly and more equitably to the populations affected.

I wish us all a productive debate, and we look forward to working together with you to address these important humanitarian issues. Thank you very much.

#### **4.8.4 Keynote speakers' statements and discussion on implementation of International Disaster Response Laws (IDRL) Guidelines, enhancing disaster risk reduction through legislation, and regulatory barriers to providing emergency and transitional shelter in a rapid and equitable manner after natural disasters**

### **PART I – IMPLEMENTATION OF THE IDRL GUIDELINES**

#### **Keynote speakers' statements**

##### **Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law**

*(Original Spanish)*

Thank you for that presentation. The first speaker will be Mr Budi Adiputro. He is the Secretary-General of the Indonesian Red Cross. He will speak to us on Indonesia's experience, both his country's and his National Society's, and he will tell us of the impressive progress that they have made in terms of implementing international disaster response laws over the past few years, and at the same time, he will tell us of the important role that his National Society has played in this process.

##### **Mr Budi Adiputro, Secretary-General of the Indonesian Red Cross**

*(Original English)*

Mr Chairman, Excellencies, distinguished delegates, firstly, before I start, let me on behalf of the Indonesian Red Cross congratulate the elected Standing Commission.

At the outset, I would like to thank you for giving me the floor to share with you Indonesia's experience in dealing with disaster management (DM), especially the legal aspect. I will be brief in expounding the DM legislation.

The impact of the Aceh tsunami in 2004 is twofold. It has in the first instance made Indonesia and the international community at large teach us all at their disposal to handle the aftermath of the disaster. Secondly, we have a lesson learnt. It has shown to the

Indonesian Government and all related stakeholders the importance of strengthening legal bases and structures that can bring all stakeholders in a union to manage the impact and risks of future disasters.

Mr Chairman, the role and contributions of international organizations and non-governmental international organizations, such as UN agencies and the Red Cross and Red Crescent Societies, foreign governments and other international communities that have been strengthening disaster mitigation efforts, reducing disaster hazards and risks, reducing the suffering of the people affected and accelerating community recovery are well known and recognized.

The fact of the matter was that we had a global disaster management mechanism where support came not only from within Indonesia, but also from all over the world, from the UN, the Movement, foreign governments, and international non-governmental organizations; and there were some regulation-related obstacles that had to be faced during the provision of international assistance in the field.

It is against this backdrop that Indonesia, in the aftermath of the disaster, engaged itself in a series of improvements to its law and regulations in order to better manage the future impact of disasters, to reduce duplication and overlapping, as well as to maximize and harmonize the utilization of resources.

Why do we need a DM law and better legislation? In some cases, we still find long, complicated, bureaucratic processes in facilitating the release of international assistance. In addition, there is a lack of understanding among the stakeholders of the rules and regulations of the governments, as well as in the national agencies and early recovery system and recovery assistance.

The Aceh tsunami has also made Indonesian people aware of the fact that DM is everyone's responsibility: governments, civil society, and the private sector. Therefore, a better set of laws and regulations is needed to strengthen the readiness and participation of the communities, especially of the government officials who work with disaster response operations.

What role does the Indonesian Red Cross, Palang Merah Indonesia (PMI), play in advocating better legislation? PMI, as a member of the DM legislation working group, has been fully involved in advocating and promoting better DM legislation. In 2004, PMI engaged non-governmental organizations, civil society, and mass media and initiated the process

of making the DM law, by proposing an initial draft, consulting and advocating it, as well as making revisions.

In 2006, PMI conducted an international symposium on the international legal aspects of DM. This even offered further recommendations for the refinement of the DM law. Salient points of the recommendations are to clarify roles and responsibilities of each and every international organization in terms of DM in Indonesia, and the need to implement IDRL consistently.

The review process has been going on for almost two years, with PMI being very active in giving input and recommendations to the president and the parliament on the importance of incorporating IDRL on international aid facilitation in the draft of the DM law, and making it a legal basis for DM activities.

On 26 and 27 April 2009, PMI supported the BNPB, the Indonesian disaster management agency, which conducted a workshop on IDRL application to facilitate national policy on international humanitarian assistance in Indonesia.

PMI has also been actively facilitating the drafting of the Guidelines on the role of international organizations and non-governmental international organizations during emergency response.

Mr Chairman, there is a significant change of paradigm in the way DM handles victims, a shifting of the mind-set from simple emergency response management to more comprehensive disaster reduction and risk management. Various DM aspects have to be integrated into national and local development planning. Therefore, DM is wide open to the participation of civil society and the private sector. The DM law of 2007 is focusing more on efforts to save and protect communities, as the fulfilment of government responsibility to respect the right of the people. The way one understands DM now has changed: it is no longer solely the responsibility of the government but the responsibility of everyone.

The new DM law also promotes and facilitates international assistance from entry-point types of assistance, clearance procedures for personnel, goods and equipment, relief distribution, and protection and security for monitoring and evaluation. International organizations are allowed to play a role in DM once the Government of Indonesia announces the needs or accepts the offer of assistance from the international community. In order to manage such assistance, to facilitate efficient and effective reception, and



to use assistance appropriately for the maximum benefit of the communities affected while complying with relevant regulations, specific regulations are needed to guide the implementation of international humanitarian assistance.

Mr Chairman, indeed there are challenges in the implementation of international disaster response law. The biggest challenge relates to coordination, communication and harmonization of the roles and responsibilities of each sector in implementing DM law. The other challenges are also apparent.

Firstly, how far can government policy and political commitment be translated into practical actions? Secondly, how ready are we to change the paradigm of our thinking and action: for example, from local to global approach in a more comprehensive way? Thirdly, how consistent are the commitment and willingness of the government in implementing DM law and other regulations? Fourthly, how can the government sustain its capacity to perform at national and local levels?

The way forward. It is incumbent on PMI to play a bigger role in advocating and promoting the application of IDRL. PMI becomes one reference point for IDRL issues, and has until now been welcomed as an important facilitator in related discussions and consultations. Thus, for the implementation of DM law, PMI can give input and recommendations to the government in order to improve international disaster response law, capacity and performance.

Therefore, Mr Chairman, PMI also believes that sharing its experience in this august body will open windows of opportunity, and further strengthen cooperation as widely as possible. Indonesia has driven some miles to reach its current achievement in international disaster response law. I look forward to having your valuable comments during our deliberations. Thank you, Mr Chairman.

**Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law**

*(Original Spanish)*

I would like to thank the gentleman for that statement. That was a most interesting presentation. It gives us a new perspective as National Societies and governments on the way disasters are managed and on how we can think about disaster preparedness and the need to care for victims, and indeed, to anticipate problems so as to avoid there being victims.

I would now like to give the floor to Alicia Arango Olmos, who is the chief of the Permanent Mission of the Colombian Government to the United Nations here in Geneva. Ambassador Arango will be sharing Colombia's experience with us. She will be talking about what the Colombian Government has done with respect to legal preparedness for international disaster response. This will include, as we will see, a recent project carried out by the Colombian Government in cooperation with the Colombian Red Cross and the International Federation.

**H.E. Ms Alicia Arango Olmos, Ambassador, Permanent Representative, Permanent Mission of Colombia, Geneva**

*(Original Spanish)*

Thank you, Mr Chair. I extend my greetings, in particular to the members of the Commission, to everyone in the hall, to representatives of National Societies and governments, and to you, ladies and gentlemen.

Thank you for this opportunity. Colombia frequently experiences natural disasters; difficulties are currently arising as a result of the rainy season, which has already claimed the lives of 175 Colombians and has affected 356,000 people nationwide. We are also facing other ongoing situations in connection with the internal conflict and poverty.

We believe that it is essential to keep working on strengthening our institutions through adequate regulation, while also raising awareness of the problem and driving through new disaster prevention and relief policies.

Colombia has had a disaster prevention and relief system since 1988. The system has evolved over the years to include various public and private sector and community agencies, which have been actively involved in disaster response, highlighting the need to include regional and local structures in order to achieve a cross-sector, integrated approach.

The legal framework for disaster relief has improved over the years. There has been a considerable increase in awareness of the importance of risk reduction and budget earmarking for this purpose. We have a new national unit for disaster risk reduction, which falls under the remit of the President's office. This shows that there is commitment to this issue at the highest level and sets an example to other countries. The Ministry of the Interior and Justice's

Risk Management Department and the Colombian Red Cross signed a technical assistance agreement on 15 April 2010, with a view to enhancing legal preparedness for handling international aid in the event of a disaster in Colombia.

In a similar vein, on 19 August 2010 the Colombian Red Cross and the International Federation signed a technical assistance agreement on strengthening legal preparedness to facilitate and regulate international assistance in the event of a disaster in the country.

Colombia is extremely keen to implement all aspects of the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance. Progress on this project (carried out jointly with the Colombian Red Cross) has been the basis for a bill leading to the adoption of the national disaster risk reduction policy and system. The aim is to strengthen the technical, political, administrative and financial aspects of Colombia's risk reduction system, such that it is able to cope with a large-scale disaster.

Work continues with the various State institutions to coordinate the implementation of recommendations that require joint efforts.

Mr Chair, since 2010 the Risk Management Department has been in charge of the national disaster prevention and relief system, supported by the Colombian Red Cross and the International Federation. The Department's remit also covers the International Disaster Response Laws, Rules and Principles Programme, which seeks to come up with specific recommendations for improving and strengthening existing legal instruments governing international humanitarian aid in the event of a disaster.

When it comes to international humanitarian action and strategies, States' capacity to respond is boosted by cross-sector coordination and by the knowledge and experience of local and national players. The aim is to identify best practices and lessons learnt by building trust and a complementary working relationship between international humanitarian players and government agencies. Such an approach leads to a better response, more resilient and better prepared communities, and a streamlined relief effort that avoids duplication.

Humanitarian assistance should be provided with the consent and, in theory, at the request of the State in question. This is why international cooperation should not only recognize the role of local and national agencies in responding to disaster and

conflict situations, but should also support efforts to strengthen local and national mechanisms for coordinating humanitarian assistance. For Colombia, the priority is to emphasize the primary role of the State in instigating, coordinating and delivering humanitarian assistance, while acknowledging the importance of the international community's involvement in national relief efforts in emergencies. We have always enjoyed the timely and generous support of many countries, organizations and international agencies. I would like to take this opportunity to once again express our gratitude and our willingness to continue joint activities to help the most vulnerable communities in our country.

Colombia stresses that State coordination mechanisms should be the preferred option rather than a last resort. It is important to establish inter-agency coordination mechanisms that harness the technical, human and financial resources of each agency in the event of a disaster. This process should be consistent and compatible with national prevention and humanitarian assistance plans, programmes, strategies and mechanisms. It must be transparent, targeted and respectful of the traditions and customs of the communities affected.

Although improving legal preparedness is very important in disaster prevention and relief, the disasters we experience on a daily basis often exceed States' response capacity. We need to explore new options that complement the legal framework. Colombia believes that discussions about this subject should therefore be wide-ranging.

Finally, we believe that emergency relief should move towards a more development-oriented approach. The focus should be on reconstruction and rehabilitation processes, on capacity-building rather than handouts.

Colombia thanks the Colombian Red Cross for its tireless work, its transparency and its unfailing commitment. Thank you, Mr Chair.

**Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law**

*(Original Spanish)*

Thank you, Madam Ambassador, for that most significant contribution to this afternoon's discussion. You have in your statement shown us how effective cooperation involving government institutions and National Societies allows us to develop truly effective tools that enable us to help the victims of disasters.

I would now like to introduce Mr Ed Schenkenberg. Mr Schenkenberg is the Executive Director of the International Council of Voluntary Agencies. This Council is a global network of over 70 national and international non-governmental organizations.

As we have heard, clear legal frameworks for international response are important for all disaster response actors. Ed Schenkenberg will address the conference to share his insights on the value of clear legal frameworks for the operations of non-governmental organizations (NGOs).

**Mr Ed Schenkenberg, Executive Director of the International Council of Voluntary Agencies**

*(Original English)*

Mr Chairman, allow me to start by thanking you for moderating this panel. Let me also express my appreciation to the organizers of this session on disaster laws. I am grateful for the opportunity to speak on behalf of the International Council of Voluntary Agencies (ICVA), and to provide the conference and the distinguished delegates here with an NGO perspective on the importance of legal preparedness for international disaster response.

ICVA is a global alliance of some 80 NGOs. Our mission is to support and promote efforts to protect and assist populations affected by humanitarian crises. Like you, Mr Chairman, I have studied international law, and I count myself among those who have recognized the importance of law in setting a legal framework in order for societies to function effectively.

Law is vital in clarifying the roles and responsibilities of governments and other actors, and in addressing the needs of disaster-affected populations and preventing their further suffering. I would like to congratulate the International Federation for its programme on international disaster response law, and its team of experts for their leading role in this respect. The report that they have drafted for this conference is an excellent testimony of their spearheading efforts in promoting the use of IDRL and the model act.

Mr Chairman, allow me to make a number of remarks on the importance of legal preparedness from the perspective of NGOs.

Earlier this week, I attended a meeting convened by the Government of Qatar, together with the

Governments of Turkey and the Dominican Republic on the use of military and civil defence assets for natural disaster response. As the meeting discussed the use of military and civil defence assets, many of the participants were from a military or civil defence background. And while the use of military and civil defence assets for disaster relief can be vital in certain circumstances, it is also well known that their premature or inappropriate deployment can do more harm than good. In particular, it can jeopardize the humanitarian and non-political character of relief operations. And in this regard, the use of legal frameworks that ensure the civilian character of relief operations, and that refer to humanitarian principles, is not a luxury but a necessity.

There is a pressing need to continue to disseminate the relevant legal rules and guidelines that govern and underpin international disaster response law, especially with military and civil defence forces as a target audience. And this responsibility falls on all of us: governments, the United Nations, the Movement, and of course, NGOs.

My second point relates to the need to better integrate international legal instruments in disaster preparedness and to make disaster preparedness more effective. Too often, disaster preparedness activities have an exclusively technical nature, and look at emergency response plans, equipment, financial resources or operational protocols. These efforts to improve our technical capabilities and capacities must be combined with putting in place better institutional and legal frameworks, as described in Provision 8 of the Guidelines.

The IDRL Guidelines, and in particular the model act, are indispensable. The model act is a very welcome additional instrument that deserves the full attention of this conference. And on behalf of ICVA, I would like to call on all the governments present here whose legal and institutional frameworks of disaster preparedness and response are not yet optimal to make use of this model act as a matter of priority.

My last point relates to the importance of legal frameworks in relation to the humanitarian efforts of NGOs in disaster response. The essence of the IDRL framework is that it reflects the role and responsibility of the government of the disaster-affected country as the regulator and facilitator of international assistance. Following the large-scale disasters of 2010, NGOs have again, rightly or wrongly, been the subject of international criticism for showing up at the disaster scene in uncoordinated ways, or with questionable intentions or motivations. The



IDRL Guidelines and model act provide a clear framework for international NGOs for their work in disaster settings. Those international NGOs who can demonstrate that they are professional in their work, deliver quality goods and services, and who are transparent and accountable, are deserving of the facilitation and support of the relevant authorities. The Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief, and the Sphere project, Humanitarian Charter and Minimum Standards in Humanitarian Response, are essential instruments in this regard, as they will help governments understand the roles and responsibilities and the activities of NGOs.

In conclusion, Mr Chairman, NGOs fully recognize the vital importance of international legal frameworks for increasing the effectiveness of our work in preparing and responding to disasters. Great progress has been made in developing and implementing these legal frameworks, and more remains to be done. ICVA and our members are fully committed to playing our role in this respect. I thank you very much for your attention.

**Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law**

*(Original Spanish)*

Thank you, Ed. It is most important that we understand what is really happening when there is a natural disaster, as governments, as humanitarian organizations, as Red Cross or Crescent: we are not the only ones there to help the victims. There are other bodies: NGOs, voluntary organizations, also have a role to play, and that role they play needs to be recognized, and their role is recognized in the handbook on disaster response, and we must ensure that they are taken into account when we think about IDRL and the legal framework.

We have one final featured speaker for this part of our plenary. I am pleased to invite Manuel Bessler to come to address the plenary. Mr Bessler is the Head of the Department of Humanitarian Aid of the Swiss Agency for Development and Cooperation. Manuel Bessler will address the conference on a new initiative launched by Switzerland this year. It was launched in partnership with the International Federation, OCHA and ICVA, the director of which we have just heard from.

**Mr Manuel Bessler, Head of Humanitarian Aid Department, Swiss Agency for Development and Cooperation, Switzerland**

*(Original English)*

Excellencies, ladies and gentlemen, let me first start by extending our heartfelt congratulations to the newly elected members of the Standing Commission. We are looking forward to working with this Commission in the years to come.

And thank you indeed for giving Switzerland the floor here to express our opinion, to present our initiative, and also to strongly support the International Federation in its initiative with IDRL. We strongly believe in the added value of IDRL, notably mentioned in the speech of our President, Mrs Calmy-Rey, on Monday.

The International Federation's role in addressing the needs and challenges with regard to natural disasters is crucial. With the drafting of the IDRL Guidelines, the International Federation provides a much needed legal framework within natural disaster response, while enhancing the ownership and the capacity building of communities and National Societies, as well as States. The alarming rise in the numbers and the scale of natural disasters places ever-increasing pressure on the States affected, on the donor community, and on humanitarian actors alike. In the face of these trends, domestic response capacities are frequently overstretched. Therefore, the international community, rooted in a sense of solidarity and humanitarian purpose, is increasingly motivated and of course, it is also requested to provide assistance to ensure that vulnerable populations are reached, and that quality and accountability standards are met and upheld.

In the last ten years in particular, initiatives of the international community have been further developed to promote quality and accountability as key conditions of international disaster assistance. Regardless of these efforts, major challenges remain unaddressed: among them, the growing number of international responders to major disasters, the parallel and/or often poorly integrated national/international coordination structures that work at cross purposes, gaps in domestic regulatory frameworks and procedures for facilitating incoming international assistance, the reality that authorities in the States affected sometimes lack the capacity to play a primary role in coordination, particularly when these authorities are themselves significantly impacted by the disaster. And then also, the reality



that some international actors provide assistance that is of poor quality, ill-suited to the needs of the population affected and inadequately attuned to building local capacities.

At the beginning of this year, as mentioned by the Chair, Switzerland decided to join together with the International Federation, ICVA and OCHA to try and overcome some of these challenges, and one in particular, which is that often the primary role of the government of the State affected is not sufficiently taken into account.

This joint initiative resulted in the convening of an international dialogue on strengthening partnership in disaster response. The first round of this response, held here in Geneva at the end of October, aimed to enable natural disaster-affected States to better facilitate incoming international assistance. The objective of this first dialogue, two days long, was to establish a constructive and open dialogue to address mainly two questions. First, how can the States affected best facilitate international assistance in non-conflict disasters, while also ensuring adequate coordination, oversight and quality guarantees? And secondly, how can the international community better support the States affected to fulfil their regulatory and facilitating responsibilities?

As a result of this first round, and I emphasize first round, of dialogue, participants put forward a number of actions to address the challenges at hand. Some might be advanced through a continuation of the dialogue, while others will need to be addressed by stakeholders individually.

Action points are, first, understand and promote knowledge sharing.

Secondly, promote the legal preparedness of international response; and there, of course, IDRL comes into the game.

Thirdly, expand cooperation in response operations, particularly among regional partners; there, an emphasis on UNDAC, the United Nations Disaster Assessment Coordination Mission, that they are promoted and deployed from neighbouring countries and from regional partners.

Fourthly, promote the independent evaluation of disaster response, including both national and international response, led by the government of the country affected. This could also include initiating peer-review mechanisms between the States affected. Encourage multi-stakeholder contingency planning

that supports national contingency planning and includes both regional and international contingency planning.

And finally, take stock of existing quality and accountability mechanisms, including those developed by States and humanitarian organizations, and including pre-qualification, certification and accreditation schemes, as well as quality standards.

Last but not least, of course, enhance the complementary coordination with and in support of national systems to complement and strengthen local and national capacities.

Participants in this first dialogue have begun to fulfil an important unmet need. They appreciated the openness of this exchange that we had in October, the end of October, while addressing crucial current challenges within natural disaster response. In committing to further this initiative, co-conveners will examine the opportunity to convene second and third international dialogues in the years to come. Our aim for the second meeting will be to expand the participation of representatives from national disaster management authorities and regional organizations, while maintaining the same open and informal dialogue and the spirit of the dialogue.

I look forward to pursuing this dialogue with you, the International Federation, OCHA, ICVA, as well as with any other interested organization and partner here in the room, and hope that many here today will meet us in trying to overcome this challenge.

Thank you very much for your attention, and I wish you a successful IDRL debate.

## **Discussion on strengthening disaster law**

### **Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law**

*(Original Spanish)*

Thank you, Manuel, for having offered us this new perspective arising from the awareness of nations on the basis of the experience and assessment of realities, and offering a practical solution in terms of building up these legal tools.

As you have heard, we have received a great deal of information from these speakers on both experience and practice. One of the major points that have been clearly identified in these speeches that we have heard

is the necessary cooperation among those responding to disasters internationally. Now very much in this spirit of cooperation, the International Federation and OCHA will sign this afternoon a Memorandum of Understanding strengthening their cooperation in the area of international disaster response law. This MoU will be signed a little bit later on during this plenary session, and each of the two organizations will, of course, have an opportunity to share with us their impressions on the joint work in this area.

But before we do that, I would like to open the floor to those who have registered beforehand. I know that you are all anxious to contribute to this discussion, and many delegations have registered in advance. The first speakers to address the conference will be the Government of Japan, the Japanese Red Cross, the Swedish Red Cross, Guyanese Red Cross, and the Government of Germany. So I will give the floor now to the Government of Japan.

## Japan

*(Original French)*

Thank you, Mr Chairman. This year, we have seen large-scale natural disasters throughout the world. Because of the earthquake of 11 March last year, apparently the most violent in 1,000 years, Japan had to deal with three simultaneous major catastrophes: the seismic shock itself, the brute force of the tsunami, and the nuclear accident. In response to the Great Earthquake of Eastern Japan, we received the inestimable aid of 126 countries, organizations and other entities, including the ICRC, the International Federation, and many National Societies. As a representative of both the Government of Japan and the people of Japan, I would like to take this opportunity once again to express my sincere gratitude.

Japan had put in place preventive measures, including legislation based on experience acquired during past major disasters. However, because of the scope and unprecedented nature of the catastrophe, the Great Earthquake of Eastern Japan left almost 20,000 dead and disappeared. This reminds us not only of the importance of preventive measures, but also of the importance of measures to reduce damage from unforeseen disasters.

Following the Hanshin-Awaji earthquake of 1995, Japan made arrangements and appropriate preparations, bearing in mind the possibility of receiving international aid. Thanks to that, rescue

teams and emergency supplies were received without any problems. However, we have learnt many important lessons on specific points.

I would like to take this opportunity to congratulate the Japanese Red Cross Society for its vital role in accepting very rapidly incoming emergency supplies and distributing them with great devotion in the areas that were hit. I would also like to point out that the Japanese Red Cross is one of the most important partners of the Japanese Government when it needs rapidly to respond to a disaster.

We would also like to pay tribute once again to the importance of international assistance provided – in conformity with the basic principles laid out in the Guidelines – according to the legislation of each country on disaster reduction. With respect to this particular point, we greatly appreciate the efforts of the Movement. Japan is determined to share the experience acquired and lessons learned from the Great Earthquake of Eastern Japan with the international community. By cooperating with the international community, we will contribute to facilitating response and international coordination so as to create a society that is better prepared to deal with various disasters.

In the framework of these efforts, Japan will be the host of an international conference on major natural disasters, which will be held in north-eastern Japan in 2012 in order to share with the international community the lessons drawn from recent natural disasters throughout the world. On the basis of the results of that event, we want to reiterate our hope to host the Third United Nations World Conference on Disaster Reduction in 2015.

## Japanese Red Cross Society

*(Original English)*

Thank you, Mr Chairman. First of all, I would like to express my heartfelt gratitude for the encouragement and the kind support offered from all parts of the world to the Japanese people affected by the earthquake and tsunami of 11 March last year.

In recent years, disasters have increased in size and frequency owing to the influence of climate change. In addition, an increasing number of complex disasters combined with local conflicts are being seen as well. As a result, how to receive, coordinate and control international assistance by the disaster-stricken has become increasingly important. Today,



accepting international assistance, which is the manifestation of the spirit of solidarity in the event of a large-scale disaster, is normal, regardless of whether the disaster-stricken country is a developed or developing one.

In the case of the massive earthquake that shook Japan in March, although Japan did not launch an international appeal, it received a lot of international assistance. Regardless of whether a country launches an international appeal or not, abiding by the rules of receiving international assistance, such as accountability to donors as there becomes a shared awareness in the global community.

Furthermore, the policy for accepting international assistance in response to the good intentions of the international community should be shared and balanced between countries and between different partners.

We welcome the International Federation's efforts to develop a model act associated with the IDRL guidelines. At the same time, we would like to draw your attention to the view that not only should receiving and coordinating international assistance not be hampered by such technical issues as customs clearance or tax exemption, but it should also be done on the basis of the principles of humanity, neutrality and impartiality as set forth in the IDRL Guidelines. From this perspective, we are hoping that this resolution will be fully debated at this International Conference and adopted as a result.

Finally, the nuclear accident in Fukushima is a disaster of global dimensions that can cause confusion among a large number of countries, including neighbouring nations. The International Federation has adopted the resolution on international cooperation in carrying out health management for local residents, checking the safety of food and drinking water, and monitoring the environment in the event of a nuclear accident. We expect that the nuclear power plant accident will be fully discussed as an international disaster in the IDRL context as well.

## Swedish Red Cross

*(Original English)*

Mr Chair, the IDRL programme was initiated ten years ago by a resolution in the Council of Delegates. The Swedish participated in the very first workshop that the International Federation arranged in 2001 on this topic, and we have continued to support the

initiative, both by engaging in a dialogue with the concerned authorities in Sweden to improve Swedish legislation, and by supporting the international dimension of the initiative.

Today, it is clear to all actors that legal preparedness for disasters can reduce the impact. The IDRL Guidelines are in use and form the basis of a number of ongoing discussions in different States, with a view to reviewing laws and procedures, but more needs to be done to safeguard the rights and needs of the populations affected.

In this respect, many countries have some way to go. In my own country, Sweden, we still do not have comprehensive legislation in place that allows us to receive assistance from our neighbours in times of natural disaster. Work is being done and will soon be finalized, but we are still not there.

On this topic, two additional comments. Firstly, the work on IDRL may sometimes be seen as a Red Cross/Red Crescent only initiative. Nothing could be more wrong. The driving force behind the work is the needs among the population affected. The aim of the initiative is to develop and disseminate tools to be used by lawmakers in order to facilitate cross-border operations by all actors, be it non-governmental organizations, government agencies or the Red Cross/Red Crescent.

Secondly, there is a concern that the implementation of the Guidelines can contribute to an increase in unsolicited goods to disaster-struck countries. Relief should always and only be provided based on proper assessment. Relief items should be sent only on request, and the Swedish Red Cross has the view that the Guidelines can actually help countries to specify what is needed and in what quantities.

While the IDRL Guidelines aim at facilitating and regulating international relief, the disaster risk reduction initiative aims at preparing communities and proposes models for national risk management programmes, programmes that will bring communities and authorities closer together, with a view to clarifying roles and responsibilities, and as a result, reduce risks in the community.

In the background material to this topic, Sweden is mentioned as a good example, the main reason for this probably being the proximity of decision-makers to local communities, as each municipality has its own local government tasked to undertake risk mapping, and all stakeholders are aware of their responsibility.

Mr Chair, this is also our recommendation for the continued work on disaster risk reduction: to start the dialogue at both local and national levels involving all the different stakeholders to identify gaps in current systems, and to initiate discussion on how to best bridge those, by the use of updated legislation, or simply by clarifying existing roles and responsibilities.

**Guyana Red Cross Society (on behalf of the Caribbean National Societies)**

*(Original English)*

Thank you, Mr Chair. I speak for the Guyana Red Cross, but with the perspective of the Caribbean, mainly the English-speaking Caribbean. The Caribbean has had a record number of natural and man-made disasters – among these, hurricanes and associated weather systems, volcanic eruptions, earthquakes and industrial incidents. This past 2011 hurricane season, which has just concluded, has thankfully, for the most part passed us by.

Efforts across the region have been made to update building codes and encourage effective and implementable land-usage plans, keeping in mind the need for areas that are set aside for low-cost housing, industrial sites for economic development, and job creation.

The Caribbean National Societies are pleased to note that several participating National Societies and government agencies are supporting various community-based disaster risk reduction programmes, and we are pleased with the progress in these programmes.

The National Societies of the Caribbean are also pleased to report on the effectiveness of the IDRL Guidelines workshop that was recently held in Barbados for the English-speaking Caribbean. However, we must also note that not all countries were represented by their governments, and as such, a great opportunity for dialogue and exchange of lessons learned was not as effective as it could have been.

We learnt that among these countries only one had the most advanced legal preparedness for IDRL, and that the Caribbean Disaster Emergency Agency (CDEMA), has also been working with governments to advance IDRL. We note, as evidenced by the earthquake in Haiti, the need for well-designed IDRL and the need for us to be well placed to have our young people trained and working with us.

We note, Mr Chair, that existing regulations and guidelines should be used to continue the Red Cross work in our local communities, and with local and national authorities. We must encourage more dialogue with governments on the auxiliary role of the National Societies in general, and in disaster response in particular, with a view to further strengthening and harmonizing the laws within each of our countries and within the region. One such segment of the dialogue should, and must, include discussions on the issue of violence prevention in shelters.

We welcome the materials provided and the guidance available for such dialogue to be enhanced, and hope that with the presence of State representatives at this conference, the dialogue can start soon and with due diligence. Such dialogue should over the next four years encourage collaboration in the review of existing disaster management laws as to their effectiveness in promoting disaster risk reduction and relief, and the initial recovery assistance in our countries, with a view to further strengthening and harmonizing the laws within the region.

We should take into account CDEMA along with the IDRL Guidelines.

**Germany**

*(Original English)*

Thank you, Chairman, distinguished delegates. Germany attaches great importance to the concept of disaster risk reduction as a whole, and of preparedness in particular. IDRL is an integral and indispensable component of both. In this spirit, the German Government has chosen preparedness as the focus of its co-presidency of the Good Humanitarian Donorship Group, and of its chairmanship of the OCHA donor support group from July 2012.

Germany is committed to further national disaster-risk-reduction capacities, and the effectiveness of the humanitarian aid system, by drawing more attention and giving more emphasis to the central aspect of preparedness. Even though a lot has already been talked or written about it, implementation so far has remained somewhat neglected and underfinanced. This is all the more regrettable given the fact that investment in preparedness has proven to be one of the most cost-effective ways of addressing and reducing humanitarian needs. In this context, IDRL plays a wider role. Facilitating aid delivery and the implementation of preparedness measures by



optimizing the legal system to this end is effective and at the same highly efficient. Therefore, Germany welcomes and supports the International Federation's initiative to render the worldwide implementation of IDRL a focus of its activities.

I am pleased to report that the German Government, in close cooperation with the German Red Cross, has reviewed the legal framework in Germany in accordance with the IDRL Guidelines adopted at the 30th International Conference in 2007. It was found that by and large, Germany's regulatory framework of policies in place is well suited for disaster management in general and the handling of incoming aid. In particular, in May 2011, we designated the focal point for IDRL within the Federal Foreign Office, as proposed in paragraph 8.2 of the IDRL Guidelines.

Although Germany has done its homework, our government continues to support the International Federation's efforts to further support IDRL and its worldwide implementation. For this reason, Germany pledges to fund a number of IDRL programme activities in Africa. These are technical assistance projects in Central and East Africa, country-level IDRL workshops, including the new State of South Sudan, and a three-day Southern African Development Community workshop with States and National Societies.

Furthermore, Germany pledges, in the context of its chairmanship of OCHA and of the OCHA Donor Support Group, to continue to promote IDRL, meaning legal preparedness as an integral element of its focus on strengthening preparedness.

In addition to that, Germany has contributed to the draft resolution on IDRL with the aim of ensuring strong language in order to further advance IDRL as an important tool of humanitarian aid.

Thank you very much.

**Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law**

*(Original Spanish)*

Thank you very much. I now recognize the German Red Cross, to be followed by the United States of America. German Red Cross.

**German Red Cross**

*(Original English)*

Mr Chair, the German Red Cross is pleased to report that we participated in the new IDRL project – one of the projects mentioned in the progress report on implementation of IDRL Guidelines – in accordance with the pledge we made at the last International Conference. After reviewing the existing legislative framework in Germany, we found that by and large, Germany was well prepared for disasters as regards a regulatory framework and existing policies.

With respect to a couple of issues, we felt that one aspect was not sufficiently covered, either by legal regulations, or by policy, and regulatory barriers could arise from this. In these instances, we gave recommendations in our national IDRL report as to how to close these respective gaps.

The case study research and desk review have facilitated the opening of the discussion on open issues and best practices in this area. The German Red Cross was able to raise awareness amongst stakeholders, and will continue its dialogue with relevant public authorities at all levels to further disseminate the IDRL Guidelines, as recommended by paragraph 3 of the draft resolution.

The German Red Cross shares the view that disaster preparedness and risk reduction are of paramount importance, as pointed out by the corresponding report on disaster risk reduction. Therefore, the German Red Cross not only conducts a wide range of practical exercises at the national as well as at the local level, but also holds various seminars to raise awareness amongst the local population, relief personnel and representatives of relevant ministries. In addition, the German Red Cross is willing to support further projects on IDRL by sister National Societies through consultations or advice regarding lessons learned and best practices.

The IDRL Guidelines form a solid and adequate basis for humanitarian assistance in non-conflict disasters. Where and when implemented, they protect, amongst others, sovereign rights from outside interference or interventions through the legal system. Therefore, we support the draft resolution, which aims at further promoting the Guidelines. We sincerely hope that members of the International Conference will endorse the draft resolution.

**Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law**

*(Original Spanish)*

Thank you. I have learnt that the United States does not wish to take the floor, so I would now like to give the floor to Indonesia.

**Indonesia**

*(Original English)*

Thank you, Mr Chairman. Mr Chairman, we in Indonesia have ample experience, since we are a country that has almost all the natural disasters known to mankind: not a nice thing to boast about. Permit me to highlight steps that have been undertaken by Indonesia thus far in addition to what has been alluded to by the Secretary-General of the Indonesian Red Cross.

The 2004 tsunami taught us an invaluable lesson. In the immediate aftermath of the disaster, we strengthened the legislative framework, including the adoption of Law Number 24 of 2007 on disaster management, which addresses disaster management-related activities comprehensively: from prevention and mitigation to preparedness and emergency response, and finally to recovery.

Furthermore, in its effort to convert the international grouping for disaster risk reduction, the Hyogo Framework for Action 2005/2015, into a national plan, Indonesia adopted two national action plans for disaster risk reduction covering the periods 2006-2009 and 2010-2012.

At the institutional level, the National Agency for Disaster Management was established with mandates to reduce the country's vulnerability to disasters. To date, all 33 provinces in Indonesia now have their own independent disaster management agencies, and nearly 65% of the districts and cities have followed suit. We are talking about almost 500 districts in a country with 17,000 islands.

In the regional context, we have continuously championed efforts to promote collaboration in disaster management within the context of ASEAN and the ASEAN Regional Forum (ARF). ASEAN has the legal framework, namely the ASEAN Agreement on Disaster Management and Emergency Response, and recently in the 19th ASEAN summit in Bali, ASEAN leaders established the ASEAN

Coordinating Centre for Humanitarian Assistance on Disaster Management, or the AHA Centre.

In the ARF context, 4,000 participants from 25 countries of ARF participated in a civil and military exercise scenario to respond to disaster in Manado, Indonesia. We believe in the need to cooperate in a regional context, as seen in the successful efforts of ASEAN during Cyclone Nargis in Myanmar.

Mr Chairman, Indonesia is of the view that since virtually no country in the world can handle disasters entirely on its own, the involvement of the international community, especially in the emergency response phase, is essential. However, at the end of the day, the bulk of the disaster management effort, at each stage lies primarily with the respective governments and the stakeholders. Therefore, while international cooperation is essential, the countries concerned should be independently capable of handling disaster events.

Mr Chairman, the recent recognition of President Susilo Bambang Yudhoyono of Indonesia as the first global champion of disaster risk reduction by the UN Secretary-General is a testimony to Indonesia's exemplary commitment to align disaster management with other development priorities in order to strengthen the resolve of communities and individuals.

This event has not only boosted our commitment and self-confidence to deal with disaster risk reduction at the local and national level, but also at the regional and international levels in the spirit of partnership and empathy. We look forward to our continued commitment and at the end of the day, what it is about is the victims of disasters.

**Australia**

*(Original English)*

Thank you, Mr Chairman. You have asked us to focus our comments on issues and achievements regarding legal preparedness, disaster risk reduction at the community level, and regulatory issues within the broader context of international disaster response laws. Australia is a strong supporter of international disaster response laws in the Asia Pacific region and globally. Our support is for the principle of coherent, systemic and timely humanitarian assistance, and for the practical dividends that a clear, flexible and comprehensive approach will offer.



Australia offers the progress to date on the development and implementation of international disaster response laws and guidelines. We were a strong advocate for their consideration and ultimately, their unanimous adoption at the 30th International Conference. We thank the International Federation for their extensive research on domestic legal preparedness, and the development of normative frameworks.

We also note that many countries have to date made progress in implementing such domestic laws and regulations. In this regard I would like to acknowledge the impressive progress made by Indonesia, a near neighbour and friend of Australia, in establishing far-reaching domestic legislation, and for putting practical national and sub-national measures around their laws.

Within the Pacific, Samoa and Tonga have also made strong progress in developing nationally led frameworks that are appropriate for these countries. Australia will continue to work with Asian Pacific partners to assist them to self-manage disasters, including developing appropriate disaster response laws.

Mr Chairman, Australia welcomes the work of the International Federation on developing a model act. This process captures previous practice and successes for consideration by States as one option for strengthening their disaster laws. The participatory approach adopted by the International Federation has drawn broad support from States, and we thank the International Federation for seeking our own views on the model act.

Australia acknowledges that it is important for States and National Societies to develop their own frameworks to best meet their disaster management responsibilities. We commend consideration of the model act, or an appropriate adaptation of it, to support governments to deliver their disaster management priorities. We urge only that these measures be adopted quickly. Lives are at stake, and economic progress too often is being lost. We see value in consideration of the model act, as it will drive reflection on the response activities and procedures necessary to have these occur in a timely manner and outside of a crisis. It is our own hard-won experience, informed by decades of responding to disasters within Australia, that if you are seeking to make systemic or regulatory changes at the time of the crisis, you will find little joy. The consideration of options, often requiring hard choices, is much better undertaken at non-crisis times when all stakeholders can be consulted and a comprehensive solution can be reached.

Mr Chairman, in closing, I note that the International Federation has undertaken a large body of work to compile lessons from its role as convener of the Global Shelter Cluster. The lessons identified, both positive and those less so, provide a basis for more effective practice. It will be important that the United Nations, National Societies and governments learn from these experiences, and that we adapt our approaches. Australia will continue to work with the International Federation to strengthen international disaster response laws, to reduce regulatory barriers, to speed up life-saving assistance, and to support national disaster management priorities.

### **Australian Red Cross**

*(Original English)*

Thank you, Chairman. The Australian Red Cross would like to warmly congratulate our colleagues in the International Federation for the advances made in the area of strengthening disaster law. As a National Society, Australia has always been a major supporter of this area of law and policy. I acknowledge the support AusAID, the Australian Agency for International Development, has given to the development of the IDRL Guidelines. The need to ensure that adequate humanitarian assistance can reach vulnerable communities in their time of great need – after floods, fires, earthquakes or other natural disasters – is critical, and the work to advance this concept is an important element for the aims of the Movement.

Understanding the broader role that legal and regulatory frameworks play in the provision of assistance is necessary and this is reflected in all areas related to this draft pledge. We have also found that beyond the situation of international assistance, IDRL Guidelines can play a significant part in our discussions with emergency authorities in the domestic sphere. Continuing to educate and inform those in government who are responsible for the planning and implementation of disaster response of our unique auxiliary status is important.

The IDRL Guidelines provide us with a focus for this specific role we can play, and the expertise and advice we can provide, be it during the Victorian bushfires of a few years ago or the more recent floods in Queensland. Coming from a nation vulnerable to the extremes of the elements and situated in a region prone to natural disasters, the Australian Red Cross urges the International Federation and all National Societies to continue to work progressively



and enthusiastically on all issues as they relate to disaster laws.

## Malaysia

*(Original English)*

Mr Chair, Malaysia supports actions taken to strengthen disaster laws in order to provide a better integrated disaster management system. The National Security Council of the Prime Minister's Department (NSC) is the principal policy-making and coordinating body at national level that manages disasters through its main administrative framework outlined by Directive 20, Policy and Mechanism on National Disaster and Relief Management. This framework is complemented by other sectoral legislative tools, such as the Land Conservation Act, the Environmental Quality Act, and the Town and Country Planning Act.

Currently, the NSC is looking into the possibility of establishing a disaster law for the management of disasters in the country to further strengthen the current framework, as outlined in Directive 20.

In addition, Malaysia takes cognizance of the International Federation's initiatives in organizing the meeting on the draft model act on international disaster assistance, held in Malaysia from 28 to 29 September 2011.

Malaysia has also taken various steps to strengthen its preparedness in disaster risk reduction. Amongst initiatives taken at national level are 1) the setting up of the National Institute of Crisis and Disaster Management, 2) the setting up of the National Seismic and Tsunami Research Centre, and 3) the cooperation amongst related agencies – such as the Department of Social Welfare, the Ministry of Health, the Meteorological Department, and the Department of Irrigation and Drainage – in implementing capacity building disaster management programmes at community level.

On the regional and international levels, Malaysia is actively involved in the following: 1) ASEAN Agreement on Disaster Management and Emergency Response, 2) Asia Disaster Reduction Centre, 3) ASEAN Committee on Disaster Management, and 4) implementation of the priority areas of the Hyogo Framework for Action.

Mr Chairman, Malaysia funded the construction of the UN Humanitarian Response Depot (UNHRD) in

Kuala Lumpur at a total cost of 5.3 million US dollars. The UNHRD is to serve as the first line of response to emergencies by having an official mechanism that provides flexible coverage, sustainable funding, and scalable size of facilities as a basis for timely as well as cost-effective delivery of items and assistance to humanitarian organizations in the South-East Asian region.

Malaysia, therefore, would like to take the opportunity to encourage other countries to utilize the UNHRD in Subang Military Base as a hub to provide storage and logistic support, as a resource for UN humanitarian agencies, international humanitarian organizations, and governmental and non-governmental organizations, thus reinforcing capacity for humanitarian emergency response.

### **Signature of the Memorandum of Understanding between the International Federation of Red Cross and Red Crescent Societies and the United Nations Office on the Coordination of Humanitarian Affairs (OCHA)**

**Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law**

*(Original Spanish)*

Thank you, and thanks to all those who have taken the floor on this matter. We have had some very valuable input on the experiences of different countries. We are now going to have a break in this debate, because we do have to keep to our agenda. We have now to turn to a very important part of the proceedings of this conference.

As we have heard from our guest speakers and those who have taken the floor this afternoon, cooperation between the International Federation and National Societies is key. The International Federation and National Societies are indeed key partners to governments in building legal preparedness for disaster response alongside other partners, including organizations such as OCHA. They too are key partners.

We understand – indeed, we know – that the International Federation and OCHA have been working together in the area of IDRL since the very beginning of the programme. That is to say, they have been working together for more than ten years now. That is why I would like to take this opportunity to welcome John Ging, the Director of

Operations of OCHA, and Matthias Schmale, who is the International Federation's Under-Secretary-General. I would invite these gentlemen to come up to the podium to sign the MoU between the International Federation and OCHA.

Today, those of us here present at the conference have the opportunity to witness the signature of a memorandum that will strengthen cooperation between these two organizations in the development of international disaster response laws. Copies of the MoU, which is now being signed, are available in the room for all those interested.

Following the signature of the MoU, I will invite the two who are signing it, John and Matthias, to say a few words about their impressions and what they would like to share with us about their work together in the area of IDRL.

**Mr John Ging, Director of Operations of the United Nations Office for the Coordination of Humanitarian Affairs**

*(Original English)*

Thank you very much, Mr Chairman, ladies and gentlemen. It is an honour and a privilege for me to be here this afternoon, and I congratulate the organizers for this conference. We have just signed a very important Memorandum of Understanding, and it goes to the heart of international assistance. And as you know, international assistance plays a key part in saving lives and safeguarding dignity and spurring recovery following major disasters. What every relief team needs, though, is to ensure that there are no delays in bringing the assistance to bear, delays such as visas, and aid being caught up in ports and delayed at airstrips. All of this jeopardizes the aid effort. And of course, it is very frustrating for the organizations involved, but more importantly, it is impeding the aid getting to the people who need it, when they need it, and ultimately may cost lives.

Indeed, what we would like to see going forward is delay-free systems in place, model laws, that ensure that the aid, when it is available, enjoys free and easy passage to the people who are in need.

Chairman, for a long time, OCHA has supported IDRL and the project, because it will ensure adequate levels of preparedness. Emergency preparedness is a key element of OCHA's humanitarian role, and its active engagement to assist States to improve their preparedness for international disaster assistance and

emergency response will continue very strongly as a priority under the leadership of Under-Secretary-General Valerie Amos, and I can assure you that we will continue to consider this element of our work as a top priority.

We are very encouraged that here today we have just signed the first Memorandum of Understanding between the International Federation and OCHA. Indeed, this is the first important step in formalizing our work in this particular area, and we want to ensure that we continue to build on this as we move forward. We consider that today is the first step in a long journey – in a journey that has been successful to date in enhancing our cooperation around this very important issue, and we look forward to the road ahead and sharing our experiences to ensure that we always have an ever-improving and more effective humanitarian response in terms of time and impact for those who are in need.

So thank you once again, Chairman, for the opportunity to be here today, and thank you to all who have been involved in bringing us to the position of signing this important Memorandum of Understanding, and be sure that we will move forward together in the interests of the people who depend on an effective humanitarian response.

**Mr Matthias Schmale, Under-Secretary-General for Programme Services, International Federation of Red Cross and Red Crescent Societies**

*(Original English)*

Mr Chairman, thank you for giving us this moment to commemorate the International Federation's excellent cooperation with our friends and colleagues in OCHA. Our cooperation has long roots, in fact, extending back to when we in the International Federation were called the League of Red Cross Societies, and I think OCHA was a department. We greatly appreciate the work of OCHA, it has to be said. You have, John, one of the most difficult and most important tasks on the international stage, which is to promote, amongst other things, effective coordination in the response to disasters.

I can guarantee you that you will not find anyone involved in humanitarian assistance, including in this audience, I am sure, who will deny the crucial role of coordination. However, there are probably as many opinions on how it should be done as there are actors in the field. Meanwhile, managing international

operations, as we all know, is becoming ever more complex as time goes on, as more and more actors become involved.

Now, we acknowledge that OCHA has really played a leadership role in strengthening our shared systems of coordination and information sharing, particularly in the process of humanitarian reform.

Now, as I mentioned at the beginning of our plenary, I talked about our work in IDRL. OCHA was in fact a natural partner for us in bringing these issues to international attention, and you had in OCHA a key voice in the discussions that led to the creation of the societies we adopted in 2007, and we know that you have been very active in encouraging States and humanitarian partners to use them actively. And in recent years, we have been working together on these issues more and more, and have organized dozens of regional and global conferences and training sessions on IDRL. This MoU we have just signed will serve as a firm basis for strengthening and furthering our cooperation on IDRL, both at the field and at the headquarters level. It will also help us to avoid the possibility of future duplication, or uncoordinated approaches to States in this important area of disaster preparedness. We are looking forward to its implementation.

And in closing, I would like to express my thanks to John for travelling all the way from New York to take this important step with us.

## **PART II – ENHANCING DISASTER RISK REDUCTION THROUGH LEGISLATION**

### **Keynote speakers' statements**

#### **Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law**

*(Original Spanish)*

Thank you very much, John and Matthias. We now will turn to the second sub-topic under the disaster laws theme. We are going to be looking at enhancing disaster risk reduction through legislation. We will hear from two featured speakers on this sub-topic.

First of all, I am pleased to introduce Jackie Rikhotso, who is the Head of the Provincial Disaster Risk Management Centre of the North West Province of South Africa. He is also a member of the legislative committee currently reviewing South Africa's Disaster Management Act. He will address the

conference to share South Africa's experiences in this area, particularly with insights from his work on municipal-level disaster management committees.

Jackie, you have the floor. Mr Rikhotso is now joining us and will shortly be at the podium to give his presentation.

#### **Mr Jackie Rikhotso, Head of the Provincial Disaster Risk Management Centre of the North West Province of South Africa and member of the legislative committee currently reviewing South Africa's Disaster Management Act**

*(Original English)*

Thank you, Mr Chairman, distinguished guests, ladies and gentlemen. Thank you for giving us an opportunity as South Africa to come and present to this important congregation. Let me start by giving you an overview of our national strategy for the implementation of disaster management legislation.

We have four key performance areas that we forecast on. Key performance area number one is concentrated on the creation of an integrated institutional capacity for disaster management. Key performance area number two is risk assessment, by national, provincial and local governments. The third one focuses on disaster risk reduction, which is the subject I am going to talk about later on. The fourth key performance area relates to disaster response and recovery.

In order to have effective disaster management structures in the country, we looked at the key enablers that will ensure that we will succeed in whatever we try to do, which is communication and information management, education, training and awareness, and of course, funding for all those key performance areas.

Mr Chairman, disaster risk reduction is considered important in South Africa, particularly at the level of communities, seeing as they are often the first to be affected by a disaster. For this reason, our Disaster Management Act contains specific provisions to empower communities to take part in and take ownership of disaster risk reduction activities within their areas of responsibility.

The constitution of the Republic of South Africa provides that government is responsible for taking the lead in establishing and maintaining effective and efficient disaster risk reduction management systems and structures at national, provincial and

local levels. The Disaster Management Act of 2002 calls on government, the private sector, communities and individuals to form partnerships with special emphasis on disaster risk reduction.

Again, Mr Chairman, the legal framework requires that municipal integrated development planning must reflect applicable disaster risk reduction plans. As development is aimed at addressing the needs of the local community, so is disaster risk reduction.

In practice, we have seen some good results of the legal empowerment. At the level of disaster risk assessment, Mr Chairman, we have informal settlements in the country, and in those areas, the provincial disaster management centres and the national centres, together with the South African Red Cross Society, have introduced training for the local communities in first aid, home-based care, basic fire prevention and fire fighting. And then in the Dr Kenneth Kaunda District, which is in the North West where I come from, over 250 community members have been trained in disaster risk reduction, and they have been deployed back to their local communities to ensure that they inculcate the culture of risk reduction in each and every household.

Mr Chairman, I must say we are faced with some challenges, mostly to do with capacity at municipal level, as well as funding for disaster risk reduction activities. The result of this is that the law is not always leading to a desired effect at community level. For example, in the Greater Taung Region, which is also in the North West, communities build their houses in flood-prone areas, and because they hold the title to this land, they are reluctant to relocate to safer sites. I must indicate that the provincial government is looking into the problem.

And the other challenge that we are faced with in disaster risk management, Mr Chairman, is changing people's mind-set from disaster response to disaster risk reduction, and of course acknowledging the importance of local and indigenous knowledge on disaster risk reduction.

In terms of finding a way forward, Mr Chairman, South Africa is currently revising its Disaster Management Act so as to address the challenges I alluded to earlier on, and we are also looking at the legal tools that will strengthen the capacity of municipalities and provide legal basis for the funding for disaster risk reduction activities.

Mr Chairman, if we want to build safer and resilient communities, it is important that when we carry

out our responsibilities, we include the local communities.

Mr Chairman, we plan to establish, support and maintain community-based disaster risk reduction throughout our high-priority areas in South Africa. We plan to implement disaster management programmes through good communication, cooperation and coordination, both vertical and horizontal, as well as between government, non-governmental organizations, the private sector, community-based organizations, communities and individuals.

Mr Chairman, disasters know no boundaries. When we were crafting our new legislation, we had the opportunity of having IDRL Africa delegate, Miss Sanne Boswijk. She helped us a lot in terms of crafting the new Disaster Management Act, thanks to her. And, Mr Chairman, I am confident that South Africa's experience in revising the current disaster management legislation will not only benefit South Africa, but Africa and the world.

In conclusion, Mr Chairman, the South African experience shows that carefully crafted laws can really help in getting communities involved in disaster risk activities. In South Africa, the effort to use law as a tool to reach the desired effect in local communities is ongoing, as we are still perfecting our legal instruments. Collectively, Mr Chairman, we can prevent, mitigate and prepare for the worst and save lives.

**Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law**

*(Original Spanish)*

Thank you very much, Jackie, for that very interesting look at the need to bear in mind small, local communities, and bear in mind their culture, their realities, their behaviour, their ancestral realities and the need to involve these communities in assessing risk and funding disaster reduction actions.

I now have the pleasure of introducing Mr Edmon Azaryan, who is the Head of Disaster Management and Population Movement of the Armenian Red Cross. Edmon will share with the conference how his National Society is working with the Armenian Government to improve risk reduction and strengthen the process in cooperation with and through involvement in various technical bodies, advocacy and awareness-raising programmes.

**Mr Edmon Azaryan, Head of Disaster Management and Population Movement, Armenian Red Cross**

*(Original English)*

Chairman, ladies and gentlemen, thank you very much for the invitation and for the opportunity to share our experience in community-level disaster risk reduction and especially in advocacy for legislation.

As you may know, Armenia is a very disaster-prone country suffering from different small and medium-scale disasters, and declaring significant losses annually. It is located in a seismically active region where earthquakes occur frequently, and have especially during the last few decades, causing serious losses.

The Armenian Red Cross started its disaster preparedness and response activities in the '90s, and is a traditional partner of the government in this sphere. In the '90s, a Memorandum of Understanding was signed between the Armenian Red Cross and the government, which defines our responsibilities and supports effective cooperation and adequate coordination between the two actors.

It is worth mentioning that at present there are around 50 countries in the world that, as implementation of the Hyogo Framework for Action, have established national platforms for disaster risk reduction, and Armenia is one of these countries. The Armenian Red Cross has been involved in the process of development and establishment of the platform since the beginning, and at present, it is the only non-State organization that is a member of the board of trustees of the platform.

We are also deeply involved in development of natural-disaster risk reduction strategy. It is worth mentioning that we use our networking and possibilities at the national level for information sharing to implement activities at community and regional levels. For this, we also established, within the Peace, Action and Coexistence (PACO) project, a regional coordination platform in one of Armenia's regions, and at present we use this approach to bridge the local, regional and national levels; the main goal is to ensure that local problems and challenges are heard at the national level, and can influence decision-making processes.

More good evidence of close cooperation between the Armenian Red Cross and the government in disaster risk reduction is the pledge for 2012 and 2015, where we agreed to work closely to reduce risks for local communities from disasters and increase

their protection against disasters by promoting improvement of disaster risk reduction legislation and integration of disaster risk reduction issues in existing strategies and plans.

One of the other approaches the Armenian Red Cross uses is public awareness and education. We organize different local and regional-level round tables and seminars; a specific example is the round table on the disaster management legislative framework of the country, where we discuss with regional and local authorities what are weak points and gaps in the legislation, and then we try to pass the outcomes of these meetings to the Ministry of Emergency Situations to draw their attention to these issues.

A good example of the Armenian Red Cross's work in this regard is advocacy on the community level, advocacy for community budgets. In Armenia, there are two sources for funding, State sources. These are the Government's budget and the community budget, and neither of these budgets has a special line for disaster risk reduction. There is a line that is entitled "Other Expenses," and whenever something happens, the money for disaster risk reduction or for response is allocated from this line.

We know that to change legislation, to make amendments in the legislation, it requires time, resources, and expertise; and that is why we prefer to start this process from the grassroots level and to work with communities and to bring examples to the national level of how budgets ... community budgets ... how they use their money for disaster risk reduction, and what is the benefit from it. And in this regard, we organized permanent meetings and discussions with the community authorities, with the community people. We support communities. For example, in nine communities, we support local authorities in establishment of community voluntary teams. We train people and it is obvious when people have more knowledge, more understanding, that they will have more demands and they will protect themselves in a more effective way.

Before, the heads of communities, they usually said that we have very limited budgets, and we do not have any money for disaster risk reduction. The main reason was that it was not prioritized by them, but after two years of work with them, now it is certainly a priority for them. Now they realize that this is a milestone for their sustainable development, for their communities' protection, and as a result, now we have communities where we work that say to us, and to our donors as well, that they are ready to co-fund any prevention projects in their communities. Even if



they do not have this money under a special line, they will find any niche in their budget to support these activities. So it means that the attitude and approach of people has changed, and now they prioritize disaster risk reduction.

In this regard, I would like to say that we are sure that even in Armenia, we have very strong, dynamic and sustainable development of disaster risk reduction at national level. I have already mentioned the establishment of the platform, national strategy, etc. It does not ensure proper prioritization and implementation of disaster risk reduction at community level, as that requires time, expertise, resources and a mechanism to transfer from national level to local level. Therefore, more of the National Societies' performance and intervention in community-level disaster risk reduction, which is very effective, is required. Communities need our support to become less vulnerable and be more resilient. Thank you very much.

### **Discussion on strengthening disaster law (continued)**

#### **Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law**

*(Original Spanish)*

Thank you, Edmon, for that very timely information you have shared with us on the need for increasing the cooperative process between National Societies and governments in addition to technical knowledge and knowledge of zones affected, etc.

Now, once again, I am going to open the floor and I will start with those who pre-registered on our list. I now recognize the Swiss Red Cross.

#### **Swiss Red Cross**

*(Original French)*

Thank you, Chairman. The topic of IDRL is also of major importance in the mind of the Swiss Red Cross. We support the work and the commitment of the International Federation and the Swiss Government. This is a vital approach if in future we want to optimize quality implementation and efficiency in management of disasters at national and international levels. The Movement is one of the most important actors in disaster management, and as such, it has a decisive role to play in close cooperation with States.

Disaster risk reduction, particularly at community level, is also one of the major responsibilities of the Movement, since it is of benefit to the most vulnerable, enabling them to improve their resilience.

With regard to IDRL and disaster risk reduction, the Swiss Red Cross is active both in Switzerland and abroad in terms of international cooperation.

The Swiss Red Cross wishes to develop its risk reduction activities in cooperation with National Societies, and with the International Federation. After having completed various pilot projects, we want to base ourselves on the positive experience we have had and the lessons we have learnt to intensify our efforts to benefit vulnerable communities, the objective being to offer them greater aid in terms of preparing for possible catastrophes, disasters, and to give them the means to act for themselves and thus develop their resilience.

In this context, the Swiss Red Cross wishes to continue disseminating and promoting the IDRL Guidelines adopted during the 30th International Conference, which is a vital reference document for the activities of the Movement and National Societies as well as States.

In Switzerland, the Swiss Red Cross plays an important auxiliary role in the field of disaster management on the basis of a commitment dating back to 2007. It is now fully redefining its role in disaster management within Switzerland. This is a crucial process that should lead us to clarify our position and broaden our skills in a targeted way.

Still, at national level, we are also called upon to play an important role in terms of disaster risk reduction and prevention. Specific projects are now being developed.

#### **Sierra Leone Red Cross Society**

*(Original English)*

Thank you, Mr Chairman. Mr Chairman, the Sierra Leone delegation wishes to register its appreciation for the International Federation for the disaster response laws project. I am particularly proud to share that my National Society in February 2009 was the first in Africa, with the support and active cooperation of the IDRL team, to initiate the project with the aim of assisting the Government of Sierra Leone to evaluate its legal preparedness for international disaster response.

This work, Mr Chairman, was concluded, and the report is now available. It was a valuable piece of work that did not only endear us to our government, but achieved the project goal by clearly identifying defined gaps in existing laws, rules and principles as they relate to international disaster response.

Now, Mr Chairman, we have to take this excellent work to its logical conclusion. We will need more technical support from the International Federation in advising the Government of Sierra Leone on how best to strengthen its legal preparedness for international disaster response by implementing an IDRL policy. I therefore want to conclude by registering our unflinching support for this project.

**Cook Islands Red Cross Society (on behalf of the National Societies from the Pacific Islands)**

*(Original English)*

*Kia orana*, and thank you, Mr Chair. I have the honour to deliver this statement on behalf of the National Societies from island States across the Pacific. The Pacific is a vast ocean. Countries such as New Zealand and Australia face disaster management issues familiar to many of you. However, for those of us living on the thousands of small islands and atolls that make up the States and micro-States of the region, disaster brings unique challenges. We are small, we are scattered, we are isolated. As we have already seen this year, cyclones, floods, volcanic eruptions, earthquakes, tsunamis and droughts contribute significantly to the vulnerability of Pacific countries. Climate change will only increase the frequency of disaster events.

We smaller States in the Pacific are proud of our independence. Our cultural cohesion means that strong interpersonal and kinship relationships make for strong effective communal response to shared threats.

In many parts of the Pacific, we have established practical coping mechanisms that reflect our close roots to the land and the sea. Unfortunately, both our human and material resources are limited, so we are often vulnerable in the aftermath of natural disaster. International assistance has been critical in addressing gaps in our capacity to respond.

Our geographical isolation often means international assistance takes time to arrive. Typically, that means our first response reflects the strength of our

interpersonal and community relationships, and it leads to individuals taking on many tasks in a way that surprises many from larger communities. This often works well. We are famously self-reliant. However, it means that often the best laid plans are put aside in favour of an ad hoc approach to the circumstances of the particular disaster.

In an ideal situation, our practical ad hoc approach reflects the drive, commitment, intelligence and understanding of our homegrown human resources. However, when the international assistance arrives, it can often find that the plan that they are prepared for, and the reality on the ground, are two very different things, frustrating for everyone.

Each of our National Societies has been working with its government to ensure that there are more formalized disaster management frameworks put in place. The challenge is to make these frameworks strong and simple, anticipating and speaking to our natural talent for improvisation in a way that complements international response. If we can achieve this, it will not only ensure a more streamlined and better understood disaster response, but will also help outside actors engage with us more effectively.

Pacific National Societies support the work the International Federation has done in coming up with practical solutions on how to better prepare for disasters and help iron out regulatory barriers that may prevent assistance reaching those who need it. The National Societies then have an important role in lobbying governments to be better prepared legislatively in order to facilitate and regulate international disaster response.

With the support of the International Federation, some of the Pacific National Societies are already doing this. National Societies in both Manawatu and in the Cook Islands have already created a close partnership with their governments in this area.

Linked to this, a number of Pacific National Societies have participated in consultation processes on their governments' national action plan for disaster risk management and other related government-led initiatives. Through the initiative of the Australian Red Cross and the International Federation, we have a Pacific disaster management programme to strengthen our disaster programme through coordination, cooperation and sharing good practices.

We, the National Societies of the Pacific region, join together today and pledge that we will collaborate over the next four years to support and encourage



our respective governments to review national laws, procedures, and institutional frameworks for international disaster response. We will be guided by the IDRL Guidelines and the model act in determining whether any elements can be strengthened.

We commend the work of the International Federation in developing the IDRL and the model act. We look forward to continuing a close, warm relationship with each other, confident that by working together, sharing experiences and supporting each other, we can strengthen disaster law for a more resilient Pacific. *Kia manuia.*

## Greece

*(Original English)*

Thank you very much, Mr Chairman. My country is thankful to the International Federation for its continuing efforts on the issue of international disaster response law. We believe that it is a contribution of the highest importance in addressing the consequences of disasters, and we think that this effort should be continued.

Concerning the follow-up given to the Guidelines on international disaster response law in my country, it should be noted that the Greek Red Cross took an active part in the elaboration of these Guidelines, and after their adoption, translated the text into Greek and disseminated it to all the competent ministries participating in the National Commission on the Implementation and Dissemination of International Humanitarian Law.

Of particular importance is the fact that the General Secretariat of Civil Protection has further forwarded the Guidelines for information and possible use to competent authorities, such as the Fire Service, the Greek Centre for Immediate Help, and the Greek Committee on Atomic Energy. Apart from that, the ways and means of further promoting the Guidelines is a matter for discussion in the framework of the National Committee on the Implementation and Dissemination of International Humanitarian Law. In this respect, we take note of the model act for the facilitation and regulation of international disaster relief and initial recovery assistance.

Furthermore, Greece supports continuing cooperation within the framework of the European Union concerning disaster management, and believes that the IDRL Guidelines could be an important relevant source of inspiration. Moreover, Mr Chairman, we realize

that the issue of disaster management cooperation attracts the attention of many international actors, which attempt to regulate it. An indicative example is the relevant text adopted within the framework of the Black Sea Economic Cooperation Organization, as well as NATO, that are referred to in the ICRC report. My country, a member State of both organizations, believes that the multiplication of relevant regulatory texts, and the possible disorientation that could stem therefrom, should be averted by enhanced international coordination in this matter, in which the ICRC could have an important role.

In concluding, Mr Chairman, let me just state that ensuring better disaster management cooperation is not a theoretical academic question, but a matter of life and death for people in need. Therefore, the continuation of our efforts in this respect is more necessary than ever.

## Republic of Korea

*(Original English)*

Thank you, Chair. First of all, I would like to give my gratitude to the International Federation for organizing this meaningful discussion related to strengthening disaster law. I would like to also express my sincere appreciation for the important role that the IDRL Guidelines have played over the past four years in preparing common standards and procedures for facilitating effectiveness and efficiency.

With respect to international disaster relief activities, the IDRL Guidelines have contributed to the ability of States and organizations to respond efficiently and effectively to civil disasters that have been brought on and/or exacerbated by recent climate change.

These common criteria applying to nations, regions and the UN agencies, are as timely as they are necessary. Within the context of frequently occurring natural disasters and the increasingly complex network of actors in the field of disaster relief, the Korean Government supports the IDRL Guidelines and the model act.

We also emphasize the importance of regional and international cooperation, as well as strong partnerships, including with the private sector, for the purpose of strengthening the application of such Guidelines and the related legal frameworks.

Considering that the probability of disasters is growing faster than our ability to respond to them,



our collective efforts and total actions at local, national and international levels are key to building resilience.

It is indeed necessary to adequately reflect the concept of disaster risk reduction in the context of sustainable development. Along these lines, this conference should highlight the fact that increasing resilience to natural disasters contributes to sustainable development.

Because of its expertise and its global partnerships, the International Federation is best suited for this role of enhancing awareness and developing capacity at all levels: for individuals, companies, local communities, national governments, and regional and international organizations. It would be a useful contribution for the Rio+20 Conference to develop best practices and guidelines for each level, and share this with the international community.

The Korean Government has had experience providing emergency relief assistance during disasters in East Asia. Along these lines, the Korean Government, in close cooperation with the Korean Red Cross, has been sharing policy information on domestic disaster management and customary ways of improving domestic regulations and procedures. Building on this, the government will expand its efforts at the international level, and share this approach with the international community, including local communities, through the educational and training institute that was recently established in August 2011 in Korea.

### **Nepal Red Cross Society**

*(Original English)*

Thank you, Mr Chair. On behalf of the Nepal Red Cross Society, I would like to express our appreciation for all the efforts of the International Federation, governments, National Societies and other partners in taking part in this important agenda of strengthening disaster laws.

Nepal is one of the 20 most disaster-prone countries in the world, particularly vulnerable to widespread flooding and a potential major earthquake, which may require international assistance; so, having an effective legal system in place to manage this type of large-scale emergency is essential.

I am pleased to report that the Nepal Red Cross Society is one of the key players in disaster management and an official member of the Government Relief

Committee. It is involved in providing input in the development process of acts and strategies and has been collaborating closely with the Government of Nepal and the International Federation to strengthen disaster laws and policies in our country.

Some significant progress has been made, and I would like to share some of the initiatives we have taken so far.

The Nepalese Red Cross has established a separate legal unit to focus exclusively on IHL, disaster laws, and other legal issues. In 2004, we conducted a study, together with the International Federation to assess high-level legal provisions and instruments for international disaster response in Nepal.

In 2010, in cooperation with the International Federation and the government, we completed a follow-up legal study and recommendations on preparedness for international disaster response based on the IDRL Guidelines, the findings of which will be very useful for ongoing advocacy, and to improve disaster laws in Nepal.

This history also involved national laws posted by the Ministry of Home Affairs together with the Nepalese Red Cross and the International Federation, and involving various government ministries and humanitarian organizations.

Mr Chair, most recently, our government has been in the process of adopting a new comprehensive Disaster Management Act. As a result of our research and advocacy efforts, the draft Act also includes provisions for the development of appropriate laws and regulations on international assistance. Considering the potential for a large-scale earthquake to take place in Nepal at any time, we are anxious to ensure that measures are put in place as quickly as possible.

So, together with the Government of Nepal and the International Federation, we are exploring options to develop a set of guidelines for the management of international assistance based on the IDRL Guidelines. This could be used to facilitate international assistance while further legislative measures are pending.

We are also exploring options for a pre-disaster agreement with Movement partners to ensure that Red Cross/Red Crescent support can be facilitated as quickly as possible after a major emergency.

Finally, I would like to note that disaster risk reduction is a high priority in Nepal. The government



has adopted a new disaster risk management strategy, and the draft Disaster Management Act also includes provisions related to disaster risk reduction.

Once again, on behalf of the Nepal Red Cross Society, I express our sincere thanks and appreciation for the International Federation in all of these efforts, and look forward to the further development of new resources, methods and tools in this area.

## Mexico

*(Original Spanish)*

Thank you, Mr Chair. The adverse impact of climate change is forcing us to face up to the consequences of our habits of consumption and production. We must take short, medium and long-term measures to halt global warming and to adapt to this phenomenon. Adapting to climate change and reducing the risk of disasters are increasingly interlinked – one more reason to adopt an approach based on developing and implementing rules that build resilience for and in our communities.

The five priorities of the Hyogo Framework for Action have really guided the actions of States and other key players in this area. The most relevant components of each of these priorities should at the very least be enshrined in domestic legal provisions. Recent events have gainsaid the deeply rooted belief that disasters affected only poor communities and that preparations should be restricted to those who bore the brunt of them. The facts show that we must all be prepared to receive, facilitate and provide international assistance. This is why, under the decisive leadership of the International Federation, through the International Disaster Response Laws, Rules and Principles Programme, we too have undertaken to join in the regional exercise of strengthening our national legal preparedness to deliver and receive international assistance. Using the IDRL Guidelines, we have started updating our civil defence legislation to incorporate a plan for cooperation with the international community. We have also drawn up foreign relations guidelines for the recently established Mexican Agency for International Cooperation Development. In the face of disasters, we must strive to ensure that the rule of law fosters better social coexistence by organizing and preparing society to cope with risks and dangers.

Mexico is and will continue to be an ally in this endeavour. Thank you, Mr Chair.

## Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law

*(Original Spanish)*

Thank you very much. I now give the floor to Poland. As I said earlier, Poland will be speaking on behalf of the members of the European Union. Poland, therefore, has five minutes for the statement. Thank you.

## Poland, on behalf of the members of the European Union

*(Original English)*

Mr Chairperson, Excellences, distinguished delegates, it is my privilege to take the floor at this 31st International Conference of the Red Cross and Red Crescent on behalf of the European Union and its member States.

The EU and its member States welcome with appreciation the efforts made in drafting the resolution on strengthening normative frameworks and addressing the regulatory barriers concerning disaster mitigation, response and recovery, and regard it as crucial follow-up to the IDRL guidelines adopted in Resolution 4 of the 30th International Conference of the Red Cross and Red Crescent in 2007.

We appreciate the call for States to use the IDRL Guidelines in order to strengthen the legal and institutional frameworks for disaster risk reduction. We would like to commend the International Federation for its continuous work on raising awareness regarding disaster law, and we look forward to practical implementation of the disaster risk reduction legislation.

We are also grateful to the International Federation for its synthesis report on IDRL implementation in the European Union launched in December last year. It indicates that the EU and its member States have introduced practical legal regulations regarding the crossing of borders in case of disaster assistance.

Mr Chairperson, with regard to people's increasing vulnerability to disasters owing to climate change, and sustainable development, land exploitation and urban expansion, we acknowledge the importance of limiting the impact of disasters by preparing the population at the local, regional and national levels. Bearing this in mind, the EU and its member States

have developed a comprehensive approach to disaster risk reduction. Since 2009, two communication strategies have been prepared by the European Commission in this regard.

The first one, entitled *A Community Approach on the Prevention of Natural and Man-Made Disasters*, aims at identifying measures for disaster risk reduction at the local level. The second one, *EU Strategy for Supporting Disaster Risk Reduction in Developing Countries*, offers a way forward to help the most vulnerable to avoid natural hazards. Both comply with the Hyogo Framework for Action 2005-2015.

The EU and its member States are deeply engaged in disaster management, and have been particularly since 1996, when the European Commission launched a special programme, DIPECHO, on disaster preparedness. Since 2001, the Community Mechanism for Civil Protection adopted by Council decision has been the main instrument to facilitate cooperation in civil protection and assistance interventions in the event of major emergencies. Nevertheless, our main objective today is to strengthen legal frameworks concerning response and recovery in the aftermath of natural disasters.

Mr Chairperson, disaster risk reduction strategies need to be adopted at all levels, global, regional, national and local. At the same time, it is crucial to ensure the integration of international disaster law into very specialized laws. Disaster law must provide the basis for ensuring access to vulnerable populations, as well as safety and security for humanitarian staff. In this context, it has to be acknowledged that the primary responsibility for protecting populations confronting disasters remains with international authorities.

However, we are concerned about the fact that much more remains to be done at the local level. In this context, we believe that it is of extreme importance to pay more attention to increasing local community, civil society and Red Cross and Red Crescent Society capacity to address urgent situations of vulnerability. We fully support the call to consider reviewing existing legislative frameworks, with a view to establishing disaster risk reduction in order to focus on the local level.

Mr Chairman, full engagement in disaster risk reduction is possible only when all stakeholders cooperate in order to create synergies between their respective strategies and programmes. We welcome the close cooperation between the International

Federation, OCHA, and the Inter-Parliamentary Union, aimed at preparing a draft model act for the facilitation and regulation of international disaster relief and initial recovery assistance. This will serve as an important reference tool for policy makers that might provide useful guidance for enforcing IDRL.

We underline the vital role of the United Nations Office for Disaster Risk Reduction in the coordination of disaster reduction and the ensuring of synergies among the disaster risk reduction activities of the United Nations system and regional organizations, and activities in socio-economic and humanitarian fields.

Mr Chairperson, the provision of shelters remains an important part of IDRL. We support the commitment to ensure equitable shelter assistance, regardless of sex, age, or whether someone owns property or land. We call on States and humanitarian organizations to make every effort to ensure that equitable shelter assistance is provided to all those in need, without discrimination.

In this context, we underline ...

**Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law**

*(Original Spanish)*

We would invite the representative of Poland to bear in mind that she is over time.

**Poland, on behalf of the European Union (continued)**

*(Original English)*

With regard to reviewing existing frameworks related to post-disaster shelter provision, and ways to address legal regulatory barriers in this area, we declare our full support for the improvement of the shelter-related legal frameworks, and we welcome the call for it expressed in the discussed resolution.

Finally, the European Union and its member States would like to assure the whole humanitarian community of our commitment and readiness to promote the further dissemination and use of international laws. We look forward to cooperating with all important stakeholders in order to facilitate the worldwide promotion of IDRL.



**Pakistan Red Crescent Society***(Original English)*

Mr Chairman, Excellencies and fellow delegates, today, the number and the impact of natural disasters is on the increase worldwide, especially in Pakistan, which has seen disaster after disaster every year in the recent past. Pakistan has witnessed three major crises affecting up to 18 million people. The nature and the scale of these crises were different. These included natural disasters like the 2005 earthquake affecting 3.5 million people, and the 2010 floods, which affected more than 20 million people.

The 2008 to 2010 internally-displaced-people crisis was triggered by an internal conflict and displaced 4.2 million people from Khyber Pakhtunkhwa and the Federally Administered Tribal Areas. Even right now, Pakistan Red Crescent Society staff and volunteers are busy managing the 2011 floods in southern Pakistan.

Facing these different and significant crises in such a short period of time has made it necessary for Pakistan to further strengthen its disaster laws. We would like to thank the countries and the National Societies that have supported us in the management of these disasters.

These disasters have made it necessary for us to further strengthen disaster laws and develop a regulatory framework for international assistance, often resulting in delays in relief goods reaching the most vulnerable. Therefore, the Pakistan Red Crescent Society is working on a project, with International Federation support, to introduce IDRL Guidelines in Pakistan, and develop an effective legal framework to ensure speedy and effective relief, and which will also ensure the quality of goods and personnel deployed in disaster-affected areas. Furthermore, we have also incorporated a disaster risk reduction component in all our planning activities.

The discussion on the IDRL Guidelines with different government and non-governmental stakeholders in the international humanitarian community has been very positive. Furthermore, we received the official blessing of the National Disaster Management Authority in Pakistan to commence legal research to identify the gaps in the existing rules, particularly with respect to international assistance during natural disasters, in accordance with the IDRL Guidelines.

In this regard, the Pakistan Red Crescent Society and National Disaster Management Authority experts also participated in the meetings in Malaysia and

the Maldives to further strengthen the disaster legal framework. These efforts underline the collective interest and enthusiasm for legal preparedness for disasters.

We would like to place on record our sincere thanks and appreciation to the International Federation for the support it has extended to us in this regard. However, this process is tedious and indeed challenging, but we are pleased to state that we are on course and the work is currently under way. The Pakistan Red Crescent Society is mindful that we have to work in close collaboration with all stakeholders in Pakistan to further strengthen disaster laws, develop more clarity of function by removing duplication, and getting the IDRL Guidelines domesticated in Pakistan. This will no doubt help millions of vulnerable people, who will ultimately benefit from timely and quality relief based on their actual need.

**Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law***(Original Spanish)*

Thank you. Now given how important the next two statements are to the whole matter before us this afternoon, I am particularly pleased to give the floor to the next two speakers. First of all, the World Bank will address us, and secondly, the United Nations International Strategy for Disaster Risk Reduction. (UNISDR). I am pleased to give them the floor. First of all, the representative of the World Bank.

**World Bank***(Original English)*

Thank you, Mr Chair. Distinguished guests, ladies and gentlemen, I thank you for the opportunity to speak at this plenary session. On behalf of the World Bank, I would like to draw attention to what we have been doing in light of today's discussion.

Firstly, I would like to emphasize that legal preparedness is needed for coordinated and effective international support – not only for domestic relief, but also for recovery and reconstruction – that pays attention to long-term reduction of disaster and climate risks.

You may recall that the third session of the Global Platform for Disaster Risk Reduction, and the World Reconstruction Conference committed to developing

an effective recovery and reconstruction framework to build back better. This commitment included the necessity to better define roles and responsibilities within clear institutional arrangements. This means that without proper enabling domestic legislation and regulations such an international recovery framework cannot be implemented. The World Bank therefore encourages States to implement the regulations set out in the IDRL Guidelines, keeping recovery and reconstruction in mind.

Secondly, being committed to the Hyogo Framework for Action, the World Bank is actively supporting processes that assist local authorities and communities to decentralize disaster risk reduction, decision-making and resourcing. Importantly, informed decision-making requires data availability and access at all levels. The World Bank is, therefore, providing innovative technology-driven platforms to facilitate the exchange of disaster-related information.

As an example, consider the World Bank Open Data for Resilience Initiative, which is in line with our broader institutional open data policy. Another example is increasing civil society engagement by the World Bank's Global Facility for Disaster Reduction and Recovery. Consultations are currently ongoing to develop a civil society engagement strategy that aims to capacitate and resource community-level actors to close the gap between local initiatives and national policies and strategies. Overall, we support and encourage our client countries to follow a similar course of action.

Third, the World Bank refers to its handbook for reconstruction after natural disasters, *Safer Homes, Stronger Communities*. This guidance document highlights, among others, the following principles that I would like to draw to your attention.

Firstly, that reconstruction begins on the day of the disaster. In addition, the reconstruction phase is an important time to plan for the future by integrating ambitious long-term risk reduction targets. Moreover, that decisions regarding eligibility criteria and housing assistance must be objectively applied and transparently disclosed. And finally, the handbook stresses the importance of relocation, which should be minimized as it disrupts lives.

During its own post-disaster shelter operations, the World Bank adheres to its environmental and social safeguard policies. Overall, the World Bank acknowledges that to contribute to long-term development, reconstruction must be sustainable, and we encourage States to develop similar legislative

and regulatory policies to ensure needs-based and timely provision of emergency and transitional shelter in a way that takes into account long-term disaster risk reduction and climate change adaptation priorities.

### **United Nations International Strategy for Disaster Risk Reduction (UNISDR)**

*(Original English)*

Thank you, Mr Chair. Many speakers have already touched on many important issues, and I have heard many speakers refer to the Hyogo Framework for Action, building the resilience of nations and communities to disasters. This is very encouraging for us, and an excellent basis for coherent application of risk reduction principles, such as those also outlined in IDRL, so I want to limit myself now to only highlighting two key points that we believe are very important in the discussions that you have been holding this couple of days.

Firstly, it is important to keep in mind that reducing disaster risk requires cooperation among sectors, among people, among disciplines, and therefore, legislation and legislative measures are key to ensuring such an integrated approach, when it comes to policies, practices, and programmes. So we believe this is a key point that we can move forward together in ensuring. You are talking about many sectors, natural resources, environmental protection, climate change, social protection, etc.

The second point is about empowering communities. This is a key issue, and you have spoken a lot about this already. Empowering communities we believe strongly starts with empowering local governments and local authorities as well. Legislation needs to provide adequate power, capacities and resources to local governments and communities for them to also ensure integrated planning and allocation of resources. In the end, this is the first institutional front line with communities. We believe that this has to be strengthened.

And last year, UNISDR, with many partners, including the International Federation, launched a global campaign that will continue for at least the next five years. It is making cities resilient. My city is getting ready. And we have been overwhelmed by the interest of local governments in really working on this. So we invite the cooperation of the International Federation and National Societies in working with local governments and national governments to

provide for the legislative frameworks that enable more action to reduce risk in urban areas. Some 50% of the world's population now live in urban areas. And we look forward to this cooperation in the future with the International Federation and the rest of the Movement.

## Canada

*(Original English)*

Thank you, Mr Chairman. Mr Chairman, the Government of Canada appreciates the work undertaken by the International Federation and the International Conference on the legal aspects of international natural disaster response.

The issue of legal preparedness is of central importance. Canada supports efforts by the International Federation and others to strengthen the promotion and implementation of the IDRL Guidelines, which are an important tool in ensuring the timely and appropriate delivery of international disaster assistance. The resolution on strengthening normative frameworks and addressing regulatory barriers concerning disaster mitigation, response and recovery will provide a valuable tool in promoting further action.

Mr Chairman, with regard to strengthening domestic legislation and addressing regulatory barriers, the Government of Canada sets priorities and develops legislation and strategic policies that guide emergency management. We continue to work towards effective policy and programme coordination and delivery across all components of emergency management: mitigation, preparedness, response and recovery.

Canada's National Disaster Mitigation Strategy, launched in 2008, and National Platform for Disaster Risk Reduction, launched in 2010, are central to domestic efforts towards disaster risk reduction. In addition, the Emergency Management Committee provides a framework to enable collaborative work and ensure more coherent complementary actions among the different federal, provincial and territorial governmental initiatives, particularly as they relate to emergency response.

It is also important to highlight the Government of Canada's close working relationship with the Canadian Red Cross, particularly in the areas of disaster risk reduction, mitigation and management. In this regard, the Government of Canada and

the Canadian Red Cross have jointly pledged to continue to support and invest in further disaster risk reduction efforts through continued promotion and engagement of beneficiaries, communities, and civil society organizations.

In addition, through the ongoing efforts of Canada's National Platform for Disaster Risk Reduction, the Government of Canada will work with the Canadian Red Cross to further raise awareness, provide strategic advice to policy makers, and enhance stakeholder collaboration on domestic and international disaster risk reduction activities.

We look forward to ongoing cooperation with the Movement to address gaps and challenges in the Canadian regulatory framework for disaster relief and recovery assistance.

## Pakistan

*(Original English)*

Thank you, Mr Chairman. At the outset, we would like to extend felicitations to the International Federation for bringing up an important resolution on disaster laws. We also express our gratitude to the Drafting Committee Chair and participating States for their valuable support and guidance in its conclusion.

Mr Chairman, as a disaster-prone country, Pakistan truly values the role disaster laws can play in mitigating the risks associated with the phenomena of natural disasters and climate change. After suffering the terrible earthquake in 2005, Pakistan has recognized that only an effective disaster management system can help forestall future threats of natural disasters and save precious resources by building a strong preparedness and response capacity.

As early as 2006, we had promulgated the National Disaster Management Ordinance, which was subsequently converted into an Act of Parliament in 2010. This law has helped us to establish disaster management authorities at all levels of federating units of the country, and focuses on action at the local level using local means and potential.

Using this structure, we have successfully managed disasters like the floods in 2010, and now in 2011. We highly appreciate the help and assistance provided by the international community in responding to these challenges. As a result of these experiences, the National Disaster Management

Authority has earned worldwide credibility in guiding international action in Pakistan in the event of a natural disaster.

Currently, we are working upon improving this system further in accordance with the guidance provided by the International Federation, the Pakistan Red Crescent Society, and UNISDR.

Pakistan is also participating actively in disaster risk reduction activities, both at the regional and the global level. It is a part of disaster risk reduction initiatives in the South Asian Association for Regional Cooperation and the Economic Cooperation Organization as well. We have profound presence in school safety initiatives. It would also be pertinent to highlight that we have actively contributed in the development and adoption of international disaster response laws, rules and principles.

We are also actively participating in a dialogue process that aims at developing a model act for facilitating international disaster assistance. We fully agree that real action for disaster mitigation lies at the local level. We are happy to see that the resolution recognizes the primary role of the State affected in initiation, identification and implementation of disaster-related action.

We also very much appreciate the emphasis on mitigation efforts by focusing on livelihoods. We think these are key aspects that will go a long way in successful implementation of disaster laws.

However, we would also like to highlight the technological gaps, financial constraints and dependence of local institutions that impede our success towards a more improved system. Despite having a good system of early warnings for high meteorological hazards, we still lack an integrated multi-hazard early-warning system.

We would also like to emphasize the central role of the government to prioritize, manage and coordinate, as well as the need to rebuild livelihoods in the recovery stage (skills training, microcredits, etc.).

## Turkey

*(Original English)*

Mr Chairman, in today's world, the destructiveness of natural disasters has become almost equal to the human and economic cost of armed conflicts. In complex emergencies, the situation worsens for

vulnerable societies. Thus, responding effectively to natural disasters is the challenge of our century.

Seizing this opportunity, I would like to express once again our gratitude for the assistance provided by the international community in the aftermath of the earthquake on 23 October in eastern Turkey. During the initial search-and-rescue phase, we conducted the operations relying on our national resources. In this phase, our teams managed to rescue 231 people from the ruins. Later, for the reconstruction phase, we made an international appeal for winterized tents, prefabricated houses and containers. We are profoundly grateful to the international community for despatching more than 20,000 winterized tents and other items of humanitarian aid.

May I also renew our thanks for the efficient coordination of the International Federation, as a result of which many National Societies sent their humanitarian aid to the earthquake-hit areas. Turkish people will always remember your assistance.

Mr Chairman, early and effective preparation is the only way to enhance capacities to respond to natural disasters, and thus to decrease their negative impact on our societies as much as possible. Experience has proven that no country is immune from or capable of being fully prepared for natural disasters. It appears that in disaster-stricken countries or regions, several initiatives, sometimes ad hoc and sometimes on a regional basis, commence after a disaster. In this framework, I would like to stress that the international disaster response law programme is one of the most efficient tools to better address the operational challenges in international relief operations by minimizing legal and administrative obstacles. In this view, promoting the IDRL would encourage the elimination of such barriers to assistance to people in need.

We need to lay the ground at the level of national legislation, to improve the speed and effectiveness of disaster response operations. However, national legislation adopted in light of international standards, as well as the unique conditions of each country, should be coupled with the political will to implement it.

Before concluding, I would like to remind you of the initiative by Turkey, jointly with Qatar and the Dominican Republic, to launch the Hopefor project with a view to ensuring effective cooperation between civilian and military assets to more efficiently respond to disasters.

**Peruvian Red Cross***(Original Spanish)*

Mr Chairman, please do not cut short my speech. What I am going to present is the product of the work of Peruvian Red Cross volunteers, which I received at 7 o'clock this morning.

I would highlight that this law has already been adopted and that the project was conducted in 2009 and 2010 with the support of the International Federation. So I would ask the assembly to be understanding.

Yesterday we received this document from Peru, containing the questionnaire that most of you have already answered, I believe.

As regards International Disaster Response Laws, Rules and Principles in Peru, between July 2010 and February 2011, a project was carried out jointly by the Peruvian Red Cross, the International Federation and the National Institute of Civil Defence. A multidisciplinary group of experts and representatives of all the government ministries, the National Institute of Civil Defence, humanitarian organizations and non-governmental organizations was set up to agree on, carry out and develop the project.

The multifaceted project took into account a range of elements, including:

1. Disaster and infectious disease scenarios in Peru
2. An overview of relevant international and regional laws and policies that apply to Peru
3. An overview of the legal framework and policies on managing disasters and infectious disease-related emergencies
4. Inter-agency agreements on coordinating aid and exchanging information
5. The role of civil society organizations
6. Early warning and monitoring mechanisms for disasters and outbreaks of cross-border infectious diseases.
7. Requests for outside assistance
8. The legal status of foreign relief agencies
9. Customs agreement on the transit and exit of disaster relief goods
10. Customs agreement applicable during an infectious disease outbreak
11. Management of foreign personnel during a disaster
12. Management of international personnel and travellers during an infectious disease outbreak
13. Transport during a disaster

14. Transport during an infectious disease outbreak

15. Taxes, duties and exchange rates

16. Mobility, access and safety

17. Additional facilities and measures

18. Accountability and transparency.

**Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law***(Original Spanish)*

Very respectfully, could I ask you to conclude your statement, which you are reading out without having given it to the interpreters? I do not think it is possible to continue. We will move to the next speaker.

**Peruvian Red Cross***(Original Spanish)*

I have mentioned the provisions that should be observed and I urge the assembly to keep abiding by the International Disaster Response Laws, Rules and Principles.

**British Red Cross***(Original English)*

Thank you, Mr Chairman. From down the end of this room, we are completely unable to see the clock, so I sincerely hope that I shall be less than the three minutes allocated.

The British Red Cross supports the attention given by this conference to the theme of strengthening disaster laws. The three sub-topics for this theme are of importance in ensuring better and more appropriate assistance for those affected in disasters.

With the support of our public authorities, the British Red Cross conducted a comprehensive study on the UK's domestic disaster assistance framework in the light of the IDRL Guidelines. Consequently, we are aware of the value of such an exercise, both as a means of seeking to improve domestic mechanisms where appropriate, and of strengthening the National Society's auxiliary role with its government.

However, we do need to be mindful that such legislation and other reviews may require considerable resources and commitment from both the State and



the National Society concerned. Our own view is that such reviews should take place once the Movement's approach to a given issue has been thoroughly developed, and our concerns are clearly understood and generally agreed by all Movement partners.

In relation to the two sub-topics of community participation in disaster risk reduction measures and emergency shelter, a further sharing of best practices and engagement with States and external partners would seem a sensible first step prior to requesting the carrying out of more concrete, practical measures, such as a review of legislation.

The British Red Cross supports the efforts of the International Federation and other Movement partners in raising awareness of issues around emergency and transitional shelter with States. However, given the various and often complex situations and sensitivities of this topic, as well as the need for us in the Movement to increase our own knowledge and expertise in this area and to understand better our appropriate role, it is important that a measured approach to this matter be adopted.

**Costa Rica**

*(Original Spanish)*

Thank you, Mr Chair. Allow me to express our gratitude for the reports submitted and for the capacity building tools and opportunities for States and National Societies. It is particularly worth highlighting the model act for the Facilitation and Regulation of International Disaster Assistance, the regional workshops, and the section on innovative solutions and best practices for transitional shelter.

Costa Rica's legislation has been continually evolving since 1969, when the emergency law was adopted. More recently, there has been a change of direction; the focus is no longer on relief but rather on prevention and risk reduction. The latest example of this is the national plan now in force, the substance of which corresponds to the Hyogo Framework for Action and the guidelines issued by the Centre for the Prevention of Natural Disasters in Central America.

Procedural manuals for minimizing the impact of obstacles to the entry of international assistance in the event of a disaster have also been produced.

In spite of the efforts and progress made, there are still challenges to face and work to do. As the report on disasters in Latin America indicates, natural

disasters – especially climate-related ones – are a growing threat to the population. Laws and policies must be drawn up or adjusted in order to meet this challenge. We stress the importance of sufficient and suitable international technical assistance and cooperation in order to enhance legal preparedness for disasters and other related events.

We cannot talk about strengthening disaster laws without mentioning disaster risk reduction. As the saying goes: prevention is better than cure. While it is true that we have to perfect the systems, procedures, legislation and guidelines that we will implement in the aftermath of a disaster, we should also take advantage of every precious minute and second before disaster strikes to assess and reduce risk, educate and inform, and prepare communities and individuals. In this way, we minimize their vulnerability and prepare them for the day that will inevitably come, whether we like it or not.

Costa Rica recognizes the importance of the disaster prevention and risk reduction network and works very closely with the United Nations Office for Disaster Risk Reduction. We also know how important it is to be prepared when a disaster occurs, hence our involvement in search-and-rescue activities. We thank those countries that enabled us to chair the International Search and Rescue Advisory Group.

Thank you for your attention. We fully support the resolution put forward on this item.

**Sweden**

*(Original English)*

Mr Chairman, we believe in the urgency of investing in disaster risk reduction. We all need to contribute to the building of resilience. Recent mega-crises have also shown that we urgently need to focus on preparedness and prevention. There are also the disasters that do not make it to the headlines: the recurring floods and droughts that severely hinder economic development.

Those hardest hit by climate change and environmental degradation are the poor. Where resources such as water, arable land and assets become more scarce, we know that the weakest will lose out and become further impoverished and vulnerable.

Mr Chairman, we are halfway through the implementation of the Hyogo Framework for Action. The midterm review has clearly indicated what has



been achieved: greater political momentum for disaster risk reduction at global and national levels, improved legislation for a risk-sensitive society, and the establishment of a number of national focal points coordinating disaster risk reduction efforts at national and local levels. But the review has also indicated that much work is still required in order to achieve reduced vulnerability for people and communities at risk.

Work to strengthen global, regional and national risk reduction measures needs to be complemented by vastly increased investment in local action. Close cooperation between national governments, which hold the primary responsibility, and international efforts is a key condition for successful implementation of the Hyogo Framework for Action at country level. In the same vein, a close partnership between public authorities and community actors at the local level is essential.

It is encouraging to see the good work already being done in many places. In West Africa, three National Societies, together with the International Federation, the Swedish Red Cross and the Swedish Civil Contingencies Agency have worked together to improve disaster management. The first strategic objective of that cooperation is to build a stronger relationship between National Societies and the relevant public authorities.

It is clear that disaster risk reduction measures need to be further expanded, and that the Movement, being present all over the world at all levels, is an important part of this landscape. The Movement plays an important role in further development of IDRL. In this context, we would like to note the important work done by the United Nations International Law Commission on the protection of persons in the event of disasters, and we know that the Commission is following the work of IDRL closely.

Sweden wholeheartedly supports this work and the emphasis on appropriate regulatory frameworks to enable community involvement in disaster risk reduction. The draft resolution in front of us is an important ...

**Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law**

*(Original Spanish)*

Might I ask Sweden to respect the time? You have already gone well over. Thank you very much. I now recognize the government delegate of New Zealand.

**New Zealand**

*(Original English)*

Mr Chairman, New Zealand recognizes the importance of legal preparedness to effectively address the challenges that disasters bring, and to ensure that populations affected benefit from timely humanitarian assistance. Since the adoption of the International Disaster Response Guidelines at the 30th International Conference of the Red Cross and Red Crescent, we have been working closely with the New Zealand Red Cross to ensure that these guidelines are integrated into our disaster management frameworks and national plans.

In 2009, New Zealand developed standard operating procedures to regulate and coordinate international offers of assistance for New Zealand in case of a large-scale disaster in the country. This involved input from all relevant government agencies, the New Zealand Red Cross, and disaster response NGOs. This was largely a theoretical exercise until the devastating earthquake struck our second biggest city, Christchurch, earlier this year. Having these prearranged plans and guidelines already in place meant that when the earthquake struck and a national state of emergency was declared, all the agencies involved knew what to do, whom to call, and whom to coordinate with inside and outside government, and let us get down to the more important work – getting assistance to those who needed help. These clear, practical guidelines translated to effective assistance and coordination on the ground between New Zealand and international actors.

We expect that once we have finalized the national evaluation of our response, there will be further lessons learned that will undoubtedly inform our ongoing work and strengthen our disaster management system, including our legal framework. Located in one of the most disaster-prone regions in the world, we are committed to continuing to work closely with our Pacific neighbours to strengthen disaster preparedness and risk reduction measures. We have made a pledge at this conference to continue to strengthen national disaster management offices and tsunami risk management in a number of countries throughout the Pacific region, and we are grateful for the experience and advice the Movement can provide to improve and strengthen legal and policy frameworks.

We are grateful for the ongoing work of the International Federation and the New Zealand Red Cross in this important area, and we will continue to play our part in helping to advance and promote this.

## Italy

*(Original English)*

Thank you, Mr Chairman. Italy welcomed the presentation of the draft resolution strengthening normative frameworks for addressing regulatory barriers concerning disaster mitigation response and recovery as an important follow-up to the IDRL Guidelines adopted by the 30th International Conference in 2007. The degree of destruction caused by disasters has significantly increased over the last few decades, bringing the issue of disaster risk reduction to the top of the international agenda. In this context, we appreciate the call addressed to States to use the IDRL Guidelines in order to strengthen national, legal and institutional frameworks for disaster risk reduction.

An Italian platform for risk reduction was set up in 2008 under the coordination of the National Civil Protection Department. As far as the legal framework is concerned, we are focusing mainly on seismic risk: earthquakes have had devastating effects in Italy over the last few decades. Following the earthquake in L'Aquila in 2009, new legislation was introduced to finance prevention measures over the entire national territory, namely on up-to-date criteria for new buildings, and on structural reinforcement of all buildings. This is an important further step, in a process still ongoing, towards the implementation of a more effective prevention policy at national level.

I would like to conclude by saying that Italy is well aware that natural disasters are a major impediment to the achievement of sustainable development in accordance with the Millennium Development Goals. In this regard, Italy is fully committed to supporting third-country disaster preparedness on the basis of experience acquired and in collaboration with international organizations such as UNESCO and national and international non-governmental organizations. We also strongly support the international initiative for a global risk model.

## Cambodian Red Cross Society

*(Original English)*

Ladies and gentlemen, on behalf of the Cambodian Red Cross Society, I would like to share with you some of the initiatives we have taken in the area of disaster law. Strengthening disaster law is a very pertinent issue, particularly for the main disaster-affected States in the Asia Pacific region. The IDRL

Guidelines continue to be an important tool that States and National Societies can use to improve their legal preparedness for disasters.

The Cambodian Red Cross has been guided by the IDRL Guidelines and Strategy 2020 in developing our own disaster management regime and other relevant policies to meet the needs of the changing humanitarian landscape. As auxiliary to the public authorities, the Cambodian Red Cross is a member of the National Committee for Disaster Management of the Royal Government of Cambodia, and works side by side with the government in all aspects of disaster management.

Like many National Societies in the region, we have developed a disaster management policy to steer the implementation of disaster preparedness and risk reduction initiatives. We have also developed a disaster response code of conduct based on the IDRL Guidelines to improve the efficiency and quality of disaster relief operations.

The Cambodian Red Cross has been working continuously with the government to increase Cambodia's legal preparedness for disaster response. In 2009, the Cambodian Red Cross and its government counterparts collaborated with the International Federation to undertake a study of Cambodia's regulatory resources for developing a new national disaster management law; the Cambodian Red Cross and the International Federation have continued to provide support and advice to the National Council of Disaster Management in the drafting of this law.

A final consultation with 24 provincial committees for disaster management took place in May this year, and the final draft is now waiting to be approved by the National Assembly. In addition to these developments, the Cambodian Red Cross Strategy places a particular emphasis on promoting the participation of communities in disaster risk reduction and preparedness activities. We see community involvement as essential to building disaster resilience in Cambodia, and recognize the significance of having a legal and policy framework that supports safer communities through disaster risk reduction activities.

We aim to ensure community involvement in early-warning activities and community awareness of important disaster risk reduction and preparedness information. We look forward to working closely with our government in this area and in implementing our disaster management strategy.

## Thailand

*(Original English)*

Mr Chairman, for the past three months, Thailand has been facing the worst floods in our nation's history. Although the major cause was the unprecedented amount of rainfall during the monsoon season, the Thai Government is fully committed to preventing such a calamity from ever occurring again.

Thailand believes that in this era of climate change, States need to be proactive and ready on all fronts to handle extreme-weather events. This means that there must be an emphasis on prevention and preparedness, as well as response.

We agree with previous speakers that disaster laws are one of the key fundamentals for disaster management. For Thailand, the Disaster Prevention and Mitigation Act of 2007 provides the government with the main tool in this regard. The Act provides for a special command centre whenever disaster strikes, and allows for a comprehensive command-and-control structure from the local to the national level.

The recent massive floods have taught us that in times of national crisis, effective implementation of disaster laws through close coordination amongst various agencies is as crucial as the availability of legal tools in themselves. One of the Thai Government's pledges to this conference is to intensify efforts in disaster areas through systematic integration of coordination amongst relevant public authorities, as well as to strengthen the partnership between the government and the Movement. Apart from this, the roles of the National Societies, private sectors and volunteers have proven to be crucial for the alleviation process.

International assistance is another important factor in helping us address the flood situation in Thailand. We would, therefore, like to take this opportunity on behalf of the people to extend our heartfelt gratitude to the Movement, and all countries and international organizations, for the kind assistance and donations that have been provided to those affected. The Movement's role in complementing the Thai Government's humanitarian efforts to assist the population affected was greatly appreciated. At the same time, the effective and systematic management of the massive flow of assistance from foreign countries and international organizations did indeed pose a challenge. We therefore see the need to address the necessity of legal preparedness for international cooperation, based on the IDRL Guidelines, to ensure

that assistance can reach the people affected in an effective and timely manner.

Mr Chairman, on a final note, while Thailand is striving towards a comprehensive overhaul of our water management system for flood prevention purposes, there is also an urgent need to put in place practical arrangements for humanitarian assistance and disaster relief at the regional level. We are, therefore, very pleased that at the recent ASEAN summit in Bali, ASEAN leaders adopted the statement on cooperation on flood prevention, mitigation, relief and recovery, as initiated by Thailand. The statement demonstrated ASEAN's commitment to engaging concretely in cooperation in the area of natural disaster management in all its dimensions.

## Norwegian Red Cross

*(Original English)*

Thank you, Mr Chairman. Natural disasters have, as we sadly know all too well, a huge impact on people's lives, livelihoods and well-being. As recent disasters have shown, without the appropriate legal instruments, our efforts to deliver the right help at the right time can be hindered. Such delays are unacceptable. We have to do our utmost to get rid of the obstacles to reach those affected in due time.

Mr Chairman, I am proud to be a member of the Movement when I see how we are able to respond in disasters. Therefore, I am certain that it is possible to work with governments to get rid of their obstacles, and to facilitate even faster delivery when disasters strike.

In this regard, I am very satisfied with the fruitful cooperation between the Norwegian Government and the Norwegian Red Cross. Since the conference in 2007, important changes have been made in Norwegian legislation and policies that will facilitate a rapid international response if a major disaster happens in Norway.

New international norms and tools have been developed in recent years to support equity and greater efficiency in providing shelter solutions. It is clear, however, that more attention is needed to synthesize and analyse the experiences we have had and apply these lessons in today's disasters.

One of the main objectives of this resolution is for National Societies to assist States in ensuring that

regulatory provisions are enabling and not disabling assistance in disasters. Support to States by the Movement and efficient partnerships with other humanitarian actors are key elements in meeting these challenges. We must use this resolution to strengthen our national disaster laws and to enhance the focus on how we can use the law to reduce human suffering during national disasters. We owe it to all those in need of rapid and efficient assistance.

### Philippine National Red Cross

*(Original English)*

Thank you, Mr Chairman. We totally support – the Philippine Red Cross totally supports – the resolution on strengthening disaster laws, and just to inform the body, the Philippines is among the most disaster-prone countries in the world, experiencing 300 natural disasters per year. We have suffered greatly in the past from seasonal typhoons and flooding, most notably with Typhoon Ketsana in 2009, and more recently, with Typhoons Nalgae and Nesat in October this year. These disasters have served as a catalyst for an increased level of national disaster preparedness and reiterated the urgency of undertaking legal preparedness and disaster risk reduction activities.

The Philippine Red Cross, which continues to be at the forefront of humanitarian responses in the country, also has a long history of implementing community-based disaster risk reduction programmes. We have seen at first hand the importance of investing in disaster risk reduction at all levels, especially the local community, and so welcome increased attention to legislation that supports community empowerment.

Over the past three years, the Philippines, through the Philippine Red Cross, has enacted several pieces of legislation that help improve disaster risk reduction in the country: the first of which was Republic Act 172, or the Philippine Red Cross Act, approved by the government in 2009, and spearheaded by our chairman, who was then a senator, Richard J. Gordon. In Section 4 of that law, it provides that in times of peace and in times of armed conflict, and to act in such matters between similar National Societies of other countries and the governments and people and the armed forces of the Republic of the Philippines, these are one of the powers that has been granted to the Philippines Red Cross in terms of disasters.

Also to facilitate disaster response, the Philippine Red Cross has been empowered to enter into agreements with public authorities and accept provisions for the

cost of any service or activity that may be entrusted to it within the scope of its object and functions pursuant to such agreements.

But most significantly of all, we were granted exemption from the payment of all taxes, direct and indirect, including on all donations and income from our operations, and from VAT duties and fees and other charges on imports and purchases for our exclusive use, so that we can apply this to our disaster response activities.

Then, we also passed in 2010 a national law on disaster risk reduction, which is Republic Act 10121, and this was also at the instance of our chairman, Richard Gordon, who was again then senator. And here, in the Declaration of Policy, it is stated that we “[a]dhere to and adopt the universal norms, principles and standards of humanitarian assistance and the global effort on risk reduction as concrete expression of the country’s commitment to overcome human sufferings due to recurring disasters.” So here you can see that the Philippines now accepts international and universal standards of humanitarian assistance, particularly with respect to disaster risk management.

### China

*(Original English)*

Thank you, Mr Chairman. The ICRC and the International Federation have long been involved in natural disaster relief by sending volunteers and appealing for donations, which is very much appreciated by China.

With regard to strengthening disaster law, I would like to make three points. First, governments should attach great importance to disaster relief and reduction, strengthening effective mechanisms in line with national circumstances, improving legislation, and raising public awareness. Financial and technical assistance should be given to developing countries to improve their capacity in disaster prevention, preparedness and reduction.

Thirdly, on coherence and coordination, governments should facilitate and support the work of UNISDR, OCHA, the ICRC, the International Federation and National Societies, allowing them to make full use of their advantages.

Mr Chairman, China is a disaster-prone country. In recent years, China has suffered the Wenchuan



earthquake, freezing rain and snowstorms, a huge earthquake and mud slides.

I would like to take this opportunity to thank the governments and the international organizations, including the ICRC and the International Federation, for support and help. In recent years, we have formulated over 30 laws and regulations on disaster relief and reduction: an emergency response law, the law on protecting against and mitigating earthquake disasters, etc.

We attached great importance to capacity building for disaster reduction at community level, set up model communities, and built relevant systems for providing emergency shelters in urban and rural areas.

China has participated in international disaster relief and provided humanitarian support in Haiti, Pakistan, Japan, etc. China provided emergency food and assistance in cash worth a total of 443.2 million Chinese renminbi for people suffering in the Horn of Africa. The Red Cross Society of China has offered its counterparts in Kenya and Ethiopia RMB 2 million each, and an additional RMB 4 million to the International Federation for assistance in other countries affected.

China stands ready to work with the international community to share experiences on disaster reduction and relief, reinforce cooperation on disaster reduction, and contribute to the development of a human society.

### **Kazakh Red Crescent Society**

*(Original Russian)*

Mr Chairman, thank you for giving me the floor. Our government participates in disaster relief at home and abroad. Preparation is vital and we need a legal framework in order to have better international relief operations, which means that people's lives and property can be saved. This helps to remedy the situation, and such a framework also keeps costs down.

We feel that we need to do what we can to ensure that the principles underpinning effective international aid are strengthened, and this has already happened. We have set up a working group in order to ensure that we improve our laws on relief operations. And we have also paid some attention to the international side of things, this through a draft law on protection

for civilians. This is a matter currently under consideration.

We have made recommendations based on an analysis of the implementation of international law that has been transposed into our legislation. All this has been done in keeping with the recommendations made on this legislation by the International Federation, and was subject to a decision of the 30th International Conference.

Our Society has taken the International Federation's recommendations on board. We have developed a new instrument to enable us to bring aid to governments, a model law on aid to be provided in emergencies.

We have also developed a web page on this question on the International Federation's website, which means that we will be able to make some progress in the event of emergencies in Russian-speaking countries.

We are also working with our government to review current legislation in order to enhance and broaden the scope of our activities, this in the interest of disaster mitigation for all societies. We will also do what we can to see what the legal obstacles might be when it comes to providing aid when disaster strikes.

We hope that the resolution to be adopted will help us improve our legislative frameworks. It will also mean that we will all be able to work together to ensure that international coordination is successful.

In conclusion, on behalf of the Russian-speaking delegations, we would like to say how grateful we are for having Russian-speaking interpreters, and for the assistance provided for this by the Japanese Red Cross Fund, as well as the British Red Cross Fund. Thank you to our funders.

### **United Kingdom**

*(Original English)*

Thank you very much, Mr Chairman. The United Kingdom welcomes the broad thrust of the draft resolution on strengthening normative frameworks concerning disaster mitigation response and recovery, with its focus both on the primary duty of States to protect their citizens from the effects of disasters, and on the commitment of National Societies to supporting them as humanitarian auxiliaries.

We further appreciate the important work that has enabled the International Federation to prepare the IDRL Guidelines and also to formulate a possible model act. Subject to consultation with national authorities and other stakeholders, the draft model act might become a useful reference tool in this field. We are grateful that the draft resolution invites further consultation on this.

We also believe, however, that legislative instruments are neither the only nor inevitably the best means of achieving improved management of disasters. Indeed, it is important to minimize the risk that an emphasis on instruments that are too prescriptive may discourage States from adopting the kinds of measure expressed in the resolution, which are intended to facilitate disaster mitigation response and recovery.

In this context, we are grateful for the close working relationship with the British Red Cross on a case study of the UK's framework for cross-border disaster relief. This has indicated both the extent to which the IDRL Guidelines are already given effect, and also that the practical management of the existing legal framework is as important as having an appropriate legal framework in place.

### **Bulgarian Red Cross**

*(Original English)*

Respected Chairperson, ladies and gentlemen, since the adoption of the IDRL Guidelines, we at the Bulgarian Red Cross have been working to ensure that the guidelines are well understood, well disseminated, and well used by relevant stakeholders in our country. For us, it is equally important to create understanding and involvement within the National Society and to build strategic partnerships, including participation in platforms.

Being concerned about the growing impact of disasters on people's lives all around the world, we would like to clearly express our willingness to increase our advocacy profile on these issues, in line with our auxiliary role and the International Federation's policy on humanitarian diplomacy. Being convinced that a well-crafted legal framework is an essential precondition for the protection of vulnerable populations, we further commit ourselves to cooperating with other stakeholders to review the effectiveness of existing legislation in promoting disaster risk reduction activities. We also endeavour to continue working for the development of effective

legal and policy frameworks relevant to disaster management, which would thus contribute to strengthening community resilience.

In this regard, we would also like to underline the usefulness of initiatives like the EU IDRL study project, implemented in cooperation with the Bulgarian Government, as a mapping exercise for identifying legal gaps and as a useful tool for enhancing the legislative framework. As a result of this successful and much appreciated project, our role in providing support to our government on disaster law has been repeatedly affirmed in consistency with our long experience and expertise, and our role as auxiliaries to the public authorities in the humanitarian field.

On behalf of the Bulgarian Red Cross, we would like to express our satisfaction with the proposed documents relevant to disaster laws introduced to the International Conference, and our belief that they will contribute to the achievement of the goals of Strategy 2020.

We would like to acknowledge what has been achieved by the dedicated IDRL team of the International Federation, particularly in terms of introduction of guidelines and applicable advocacy tools.

### **Austrian Red Cross**

*(Original English)*

Mr Chairman, as we all know, there are not only physical barriers to disaster relief; among the biggest obstacles that we are facing when trying to provide relief to suffering disaster victims, are regulatory barriers, among them complicated laws and administrative regulations as well as protracted administrative procedures that often cause substantial delays to urgent relief measures, and thus directly cause unnecessary suffering, health damage, and even the loss of lives.

This deplorable fact is the reason why the International Federation launched the international disaster response law project, several years ago. The aim of this very important and valuable project is to find out how States' legal systems, with regard to international disaster relief operations, should be fashioned to facilitate incoming aid rather than slowing it down.

The results of this project, the IDRL Guidelines, were presented at the 30th International Conference,



and we all welcomed them. What still remains is the challenge of implementing these guidelines by, as far as possible, harmonizing our national legal frameworks.

Mr Chairman, the overall harmonization surely is an ambitious aim, but it is nevertheless vital for millions of suffering disaster victims whose lives depend on the speedy and effective delivery of humanitarian relief. I firmly believe that these lives are well worth the effort.

The Austrian Red Cross has been actively supporting the IDRL project since its beginnings, and will definitely continue to support it. Together with the Austrian Government, we have pledged to continue to work towards implementing the IDRL Guidelines on the national level. I would like to encourage all of you to do the same.

Finally, let me once again thank the International Federation and its IDRL project team for their extremely relevant and valuable work, which truly has the potential to save a great number of lives all over the world.

### **Lebanese Red Cross**

*(Original Arabic)*

Thank you, Mr Chairman. With respect to strengthening legal frameworks in the interests of disaster prevention, we feel that this is an important agenda item. The resolutions to be adopted reflect how significant this issue is, and in this connection we would like to stress the following.

Donor countries must ensure that aid recipients do not find themselves in the rather awkward position of accepting aid that they do not need. That is why we suggest that superfluous aid be covered by some language in the resolution.

Assessment is key. This enables us to draw appropriate conclusions and encourage countries to amend their legislation. Genuine partnership between governments and National Societies requires an appropriate framework, and this is more important than any other partnerships. We have got to work on this issue.

With respect to temporary shelter, we would suggest that the legal framework be reviewed. We should also encourage governments to take measures so they are in a position to provide temporary shelter quickly

after disaster has struck, this in coordination with National Societies.

We would also suggest that an international system be set up. There should be international best practice guidelines governing shelters that are provided after disasters have occurred. This would mean that the government and civil society would be in a position to adopt plans that would help them with their disaster preparedness. Such measures would also allow National Societies to have available databases on possible problems and solutions to be adopted by governments and National Societies. This would be of genuine assistance to National Societies when they need such support.

We would stress the importance of this resolution. Thank you.

### **Austria**

*(Original English)*

Mr Chairman, protection for civilians in situations of natural or technical disaster is of significant concern for Austria. Disaster victims all over the world are clearly among the most vulnerable persons, and thus deserve our attention, protection, and support – all the more so as natural disasters have become more frequent and violent in recent years.

In this context, I would like to thank the International Federation and its IDRL project team for its important work on developing guidelines and model laws designed to facilitate and expedite disaster relief coming from outside the disaster-affected countries.

Thanks to the International Federation's IDRL project, we are all now aware of how our disaster relief instruments could and should be shaped to give disaster victims the best possible chances of survival.

The next big challenge in this field is the harmonization of the provisions related to the unimpeded access of helpers to disaster victims. Austria is committed to supporting these efforts, and has pledged to work together with the Austrian Red Cross to identify suitable ways of implementing the IDRL Guidelines, and of adapting its legal system, mainly the disaster relief laws of our nine federal provinces in this field.

One of the main issues in this context will be how to address the reception of foreign assistance in these laws. I understand that the relevant talk will start very soon.



## Luxembourg

*(Original French)*

Thank you, Mr Chairman. Luxembourg fully supports the statements made by Poland on behalf of the European Union and its member States. My country welcomes the choice of themes for this conference and shares the concerns of the Red Cross and Red Crescent in this respect.

Luxembourg is keeping a close watch on the disturbing rise in the number of ecological crises. There is no longer any need to prove that strong action by the international community is urgently required. It is a fact that climate change has a more severe impact on fragile countries and that we have an ongoing duty to respond, both in the sphere of prevention and by assisting vulnerable people who are affected by these disasters. For many years Luxembourg has supported humanitarian programmes carried out by its national and international partners, especially by the members of the Movement.

My delegation is fully aware of the need to enhance the population's disaster preparedness and to curb the devastating repercussions of unequal land use, natural disasters and uncontrolled urban development, to mention but a few examples. Luxembourg strongly supports the resolution before us, which proposes a strengthening of measures to mitigate the destructive effects that armed conflicts, other situations of violence and natural disasters have on individuals and communities. The protection for these individuals and communities must be improved. Luxembourg supports the resolutions proposed by the Council of Delegates. We are convinced that it is vital to strengthen the legal framework at the international and the national level in order to provide vulnerable persons with humanitarian services suited to their needs.

In 2006, Luxembourg adopted a new strategy on humanitarian aid. This strategy, which was revised in 2009, seeks to improve the quality of our emergency aid in a number of ways and to help us to adhere better to the principle of good humanitarian donorship. In pursuance of this strategy and in order to increase the flexibility and dependability of our support, we are going to sign a new funding agreement with the ICRC, which covers several years starting in 2012. We also plan to earmark 5% of our humanitarian budget for disaster prevention, risk reduction and consequence management.

Luxembourg commends the efforts to strengthen the use of guidelines stemming from international

risk-reduction and disaster-relief rules, laws and principles. We stand ready, in a spirit of responsibility, to unite with all the members of the conference in taking action to contend with current humanitarian challenges. Thank you.

## Kazakhstan

*(Original English)*

The Government of Kazakhstan supports the work of this International Conference enhancing the role of IHL and emergency situations rules, as well as addressing current health protection issues. The Government of Kazakhstan highly appreciates the active role of the ICRC in the areas of armed conflict and emergencies. We fully support the efforts of this influential organization aimed at disseminating and promoting IHL.

In February of this year, our government and the ICRC signed an agreement that formalizes the activities of the ICRC in Kazakhstan. This document will allow further development of bilateral cooperation and mutual dialogue, particularly in the area of regional humanitarian issues.

The agreement provides the ICRC with a number of advantages, and ensures protection, which is needed for the organization to perform in accordance with its mandate and standard operational procedures. Moreover, in the framework of the agreement, the regional office of the ICRC in Central Asia is planning to establish its branch in our capital.

As part of its work in Kazakhstan, the ICRC cooperates with all organizations of the Movement, including the Kazakh Red Crescent Society. The Kazakh Red Crescent is the only one of the non-governmental organizations in the country that cooperates on the elimination of consequences of emergencies, provision of medical and social assistance to the most vulnerable groups, including immigrants and refugees, as well as on expansion of IHL and family tracing and reunification.

I would also like to dedicate a few words to the activities of the International Federation, which in August of this year, along with UNDP and UNOCHA, organized in Astana a second regional conference in order to discuss the existing laws, rules and principles for international aid provision in emergency situations, the gaps that exist, and the steps necessary to improve the legal framework. This conference was a continuation of the first regional

meeting on regional and national legal preparedness, which was held in 2009 in Almaty. It can be said that the Astana conference was a platform for discussing the progress that has been made over the intervening years, at country and regional levels, in changing and amending legislation and regional agreements.

In conclusion, I would like to emphasize our confidence in the fact that the outcomes of this International Conference will expand the framework of our future cooperation. We will contribute to improving the legislation in the field of emergency response, including international aid management, promoting effective disaster risk reduction at the community level and overcoming regulatory barriers to ensuring emergency and intermediate shelter for people affected by disasters.

## Ethiopia

*(Original English)*

Thank you, Mr Chairperson. I would like to start by paying tribute to the support and assistance provided by the International Federation, the ICRC, and other components of the Movement in different times of disaster and emergency.

We welcome the International Federation's report on the strengthening of disaster laws. We agree with the assessment in the relevant report that failures of oversight could hamper coordination and complementarity between international and domestic relief efforts, and could allow for the entry of unsolicited or poor-quality aid. It is important for the International Federation to continue its support to States and National Societies to develop their own procedures for international assistance at the national level, drawing on the IDRL Guidelines, other instruments and best practices from different countries.

Efforts to improve disaster laws by the Movement should focus on building the capacity of National Societies to provide timely assistance in disaster situations. The Movement should also consult governments on procedures related to their roles in disaster management.

Under the Growth and Transformation Plan, Ethiopia is determined to find a durable solution for maintaining its current equitable and high level of economic growth and attaining the Millennium Development Goals by 2015. This plan also gives emphasis to capacity building, early-warning

mechanisms, preparedness, and timely response to disasters. Under this plan, the aim is to deliver on full security, with significant investment in enhancing agricultural productivity and the resilience of pastoralist areas.

Ethiopia has established disaster risk management and a full security sector responsible for overall coordination and leadership in implementation of disaster risk management, with the objective of monitoring disasters in cooperation with national and international partners.

The Government of Ethiopia has recently issued a policy document aimed at achieving a carbon-neutral and climate-resilient green economy by 2025. Ethiopia's climate-resilient, green-economy vision sets out in broad terms the challenges and implications of climate change, the programme for adaptation to climate change, and the need for a coordinated and sustained effort by all parts of Ethiopian society.

The objectives of the programme of adaptation to climate change include:

- Establishing building and construction codes that ensure structures will withstand extreme-weather events
- Ensuring transportation access to disaster-prone areas
- Developing an insurance scheme for compensation for damage caused by bad weather
- Organizing and training local communities for quick response to extreme-weather events
- Resettling people from disaster-prone areas before disasters materialize.

Finally, the Ethiopian delegation supports the recommendations for National Societies and States to cooperate in the development, and in the promotion of better implementation, of regulations applicable in times of disaster.

**PART III – REGULATORY BARRIERS TO PROVIDING EMERGENCY AND TRANSITIONAL SHELTER IN A RAPID AND EQUITABLE MANNER AFTER NATURAL DISASTERS**

**Keynote speakers’ statements**

**Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law**

*(Original Spanish)*

Thank you very much. Thank you to all of those who have spoken so far for your contributions, which have enriched the debate on this very important topic. We will now break into the statements by governments and National Societies and hear the last group of keynote speakers.

The last speakers you have will be dealing with the third and last topic under disaster laws, and they will refer to regulatory issues impacting proper provision of emergency and transitional shelter after natural disasters.

I would like to introduce Mr Idrees Masud, the Director of Pakistan’s National Disaster Management Authority. He will address the conference to share Pakistan’s experience in addressing the shelter needs of tens of thousands of people displaced by natural disasters over the past few years. He will share with us his perspectives on the impact of a regulatory framework on shelter assistance, as well as the lessons learned from that process.

**Mr Idrees Masud, Director, National Disaster Management Authority of Pakistan**

*(Original English)*

Thank you, Mr Chairman, for giving me this opportunity to share Pakistan’s experience with emergency and transitional shelters in a succession of disasters that we have had to face, and how we tried to overcome the hurdles in the way of efficient delivery of shelters in post-disaster settings in Pakistan.

Ladies and gentlemen, the past two years have proved to be most devastating years for Pakistan, as we had to manage five major disasters, including a landslide, a complex-emergency cyclone, and the worst-ever floods in known history, affecting over 20 million people and resulting in damages and losses worth 10 billion US dollars.

We were still recovering from these floods when in August/September this year, we again experienced unprecedented monsoon rains inundating and flooding most parts of the southern province of Sindh, and affecting over 8.9 million people.

Provision of shelter has always been emphasized as a priority activity to humanitarian partners and donors, besides provision of food, help, water and sanitation, for saving lives during emergency as well as early recovery phases in post-disaster settings in Pakistan.

Disaster managers in most countries of the world face challenges related to regulatory barriers, but at times, the non-existence of regulations in certain cases, and issues related to implementation of such regulations, hinders provision of shelters to the people affected, and Pakistan is no exception.

During our experience of managing macro-disasters through the legal mechanism provided by the National Disaster Management Act, we addressed such hurdles and barriers through policy tools. Owing to the peculiar situation of Pakistan being a very large country, it will remain a challenge, as it is quite difficult to put in place a regulatory mechanism comprehensive enough to cater to different areas, different people, having their different cultural norms and traditions, different disaster settings, with different scale and magnitude, all of which would give rise to altogether different issues. However, I am sure most of the countries in the world, including my country, will overcome such challenges.

In the aftermath of the earthquake of 2005, the Earthquake Reconstruction and Rehabilitation Authority devised policies for compensating the landless for destroyed houses, and also for dealing with issues related to tenant/landowner rights. On the issue of compensation for landowner or tenant, it devised a system of no-objection certificates, which would entitle the deserving to compensation. Landowners challenged this mechanism in the High Court in Pakistan, which gave a decision in favour of the mechanism devised by the legal system.

During the super floods in Pakistan in 2010, we were faced with a situation where over 1.6 million houses were damaged. Now, provision of shelter on such a large scale was beyond the capacity of the State alone. Even with the generous assistance of the international and humanitarian communities, it was not possible to reach all the people affected in time. Therefore, the National Disaster Management Authority (NDMA) devised a shelter strategy



whereby only completely destroyed houses were targeted. Support in the form of 20-square-metre-large, one-room shelters was provided. This model of transitional shelter would be in accordance with the principles of disaster risk reduction. Shelters were to be made cost-effective by applying well-known construction methods and using local materials to promote ownership and lower costs. Beneficiaries were encouraged to participate.

Extremely vulnerable households were targeted. Even the vulnerable were defined in the strategy: those whose houses had been completely destroyed, had salvaged no materials or had no means to provide construction materials or labour, who may not be able to return to their places of origin and faced extended displacement for at least six months, whose lives were endangered by weather conditions, the heads of whose households were female, children, elderly, disabled or suffering from a chronic disease – all these people were targeted.

However, this year we are encouraging the humanitarian community to provide preferably two rooms or one large room with the possibility of making a partition, one toilet and a kitchen as a shelter package. We are happy to note that the International Federation and the Pakistan Red Crescent are also providing such shelters.

Moreover, at the direction of the president of Pakistan, and in view of empowering women, all shelters provided shall be owned by the woman or the lady of the house.

Ladies and gentlemen, it is not always because of barriers created by existing regulations and laws, rather it is more because of the absence of certain important regulations, or the non-implementation of existing regulations. For example, in Pakistan, the NDMA is now trying to muster support and resources to introduce and undertake land-use planning and regulations. By doing so, we will be able to reduce construction in the flood plains, choking seasonal waterways, and not allow construction in areas prone to landslides, avalanches and other hazards, properly marking areas for commercial, residential and industrial utilization, particularly hazardous material industries.

Although the NDMA has been successful in updating building codes for the entire country, its effective implementation is a challenge, particularly for buildings constructed before the building codes. The NDMA, through the Planning Commission of Pakistan, has also achieved a milestone in integrating

and mainstreaming disaster risk reduction into development policy, process and programmes, by developing guidelines as well as a checklist for the social, infrastructure and production sectors, which are to be complied with by all agencies while developing project proposals.

We share the vision and slogan of the International Federation to “build back better” during reconstruction after the devastating earthquake of 2005, but with the lessons learned and with the super floods of 2010, we are now adopting the slogan of “build back better and safer,” which includes an added dimension of mainstreaming disaster risk reduction to early recovery and reconstruction efforts.

The NDMA is also looking at ensuring preparedness measures like allocating suitable and safe land for temporary camping and emergency transitional shelters around disaster-prone areas for utilization in the wake of disasters. Such land should be government-owned and have provision for necessary amenities and utilities. This would reduce the negative effects of providing shelters on land owned by government agencies or private owners.

Moreover, all public buildings, particularly schools and sports facilities, should be declared by law or regulations to serve as temporary settlements for internally displaced people in the wake of disasters. Such buildings should be disaster-resilient.

Provincial governments are being urged to provide dedicated resources for disaster management, including financial allocations in their annual budgets. The same is being advocated for compliance at the district level. As we move on, we would like it to be mandatory under the relevant laws and regulations.

The NDMA is now working on devising a mechanism for introducing insurance for communities, particularly those living in disaster-prone areas, which would include insurance for their housing besides their means of livelihood, including business, agricultural lands, and livestock. This would reduce the dependence of the people affected on humanitarian assistance, and also reduce the burden on the government. Insurance could be ultimately made binding under laws and regulations.

We in Pakistan welcome and are open to proposals and suggestions, and are willing to be part of multilateral as well as bilateral cooperative mechanisms in this vital area of disaster management for the common benefit of humanity. I thank you all.

**Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law**

*(Original Spanish)*

Thank you very much, Idrees, for having enriched this forum with your statement. It will certainly help us understand how legal barriers preventing proper administration of humanitarian assistance must be overcome and must be replaced with an adequate framework.

Now before giving the floor to our last speaker, I must warn you that because of the delay in starting our meeting – we were supposed to end our meeting today at 6 p.m. but will need a bit more time – I expect we will be ending our session at 7 p.m., or 7.15 p.m. So I would ask for a bit of patience from participants, particularly those who are on our speaking list.

I would like now to ask George Deikun, Director of UN-HABITAT’s Geneva Liaison and Humanitarian Affairs Office to come forward. He will be telling us of his agency’s perspectives on regulatory barriers to emergency and transitional shelter assistance, and the importance of partnership in addressing these issues.

**Mr George Deikun, Director, UN-HABITAT Geneva Liaison and Humanitarian Affairs Office**

*(Original English)*

Thank you very much, Chairman. I am very pleased to share with this important assembly UN-HABITAT’s views on reducing regulatory barriers to providing emergency and transitional shelter in post-natural disaster settings. UN-HABITAT brings over 20 years of experience in addressing emergency shelter needs in post-disaster contexts. Much of our recent experience has been gained through a productive partnership with the Movement in jointly managing emergency and shelter reconstruction operations in nearly a dozen disaster-stricken countries. UN-HABITAT greatly values these partnerships with the International Federation and with all of you representatives of National Societies.

I would like to raise three points that we believe are critical to effectively addressing regulatory barriers to shelter and housing recovery. The first point is based on UN-HABITAT’s experience. Regulations must facilitate fast-track solutions to immediate shelter provision and longer-term housing reconstruction by building on existing community practices. An indigenous legal framework for a disaster response is,

of course, essential to legitimize shelter interventions. However, it is also imperative that a legal regime not add regulatory barriers through overly rigorous codes or procedures.

On the other hand, when a disaster strikes, we can also find ourselves without the necessary regulatory mechanisms in place, or where the administrative systems are too weak to address vital needs, such as the lack of building space in densely populated areas, as we have seen in Haiti, multiple land and property tenure regimes in many countries, and inadequate building codes.

As humanitarians, in these situations we are forced to address the legality of our interventions while at the same time responding to the emergency. This can slow down relief operations inordinately, to the detriment of the populations affected. These situations behave our national partners and us to be more flexible in our solutions. We need to develop fast-track approaches prior to or as early as possible in a disaster.

Based on UN-HABITAT’s experience with the International Federation, some important fast track innovations should include new tools such as expedited land management and planning to guide the orderly growth of restored communities with reduced risk and some level of security of tenure.

A second innovation is the fast-track shelter and housing solutions that offer an incremental approach to housing development, but which are still legal. Even an investment in emergency shelter, we believe, should contribute to a permanent housing unit eventually.

In addition, we believe that it is important to forge partnerships with communities and local governments that promote their active participation in building community resilience, both through their participation and planning and in design, in order to build ownership and sustainability of solutions.

A second point I would like to mention is that based on our experience, an urban focus is essential to expediting a more responsive recovery of shelter after disaster strikes. Rapid urbanization continues to increase the absolute numbers of people and the density of population in our cities. Over 50% of the world’s seven billion people now live in cities, and nearly one-third of them reside in informal settlements and slums.

Because of climate change, cities and their populations are increasingly places of high vulnerability to natural



disasters and weather-related events. However, cities are not just part of the problem; they are also an important part of the solution and response to a disaster. Cities are complex, but they also have a high level of human and financial resources, both public and private. Regulations need to channel local actors in the planning, organization, delivery and financing of shelter relief and reconstruction.

This can be achieved through a focus on cities within an overall disaster management plan. The regulations need to work with the complexity of diverse, overlapping and concurrent customary, informal and statutory mechanisms, especially in cities of the global South.

The third and last point is also based on UN-HABITAT's experience. A city-focused programme or strategy for shelter recovery is best implemented through an urban settlement approach. Shelter provision and housing reconstruction are usually only one aspect of a more comprehensive relief effort, which can include health services, education, food, clean water, sanitation and protection of vulnerable groups.

Most humanitarian assistance efforts are often planned through vertical, 'stove-pipe' sectoral programmes. Because of 'stove-piping', humanitarian interventions are not always adequately coordinated at the local level. Therefore, their potential benefits to the community affected are not optimized.

UN-HABITAT is finding that a settlement approach that operates on the assumption that a city is a complex of inter-dependent neighbourhoods provides a good way to better coordinate investments on the ground and to increase resilience and the quality of life of disaster-affected communities. Thank you very much, Chairman and audience.

### **Discussion on strengthening disaster law (continued)**

#### **Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law**

*(Original Spanish)*

Thank you very much, George, for your contribution to the discussion, which highlights in particular the fact that the legal framework for provision of temporary housing and rebuilding of housing should not include obstacles that would prevent or make more difficult such humanitarian assistance. I think it

was also important to hear you say that the emerging risk is particularly acute in the cities and there may be an increasing need for provision of dwellings.

So we will open the debate and give the floor to the remaining speakers on the list. We have 12 requests for the floor. I will give the floor now to the National Society of Rwanda, who will be followed by the Government of Kiribati, Government of Argentina, Canadian Red Cross, and the Government of Philippines. So I will give the floor first to the Red Cross of Rwanda.

It would seem that the representative of the Rwandan Red Cross is not in the hall. In that case, I give the floor to the representative of the Government of Kiribati. You have the floor.

#### **Kiribati**

*(Original English)*

Thank you, Mr Chairman. Mr Chairman, the Government of Kiribati acknowledges the efforts of the International Federation in undertaking research and development of IDRL, and appreciates the reports presented this afternoon, as well as the efforts of those who have prepared the resolution on strengthening disaster mitigation response and recovery.

Kiribati does not have instant and immediate disasters such as cyclones and earthquakes. We did have a number of tsunami alert warnings, but we were never struck by any. However, we cannot rule out the threat of tsunamis. Our main disaster that can create a state of emergency is the severe impact of climate change on our islands or environment and our basic livelihoods.

During the Durban Climate Change COP17, which is in progress as I speak, our interim president, His Excellency Anote Tong, stated, and I quote, "We are at the end of the spectrum, which means that we are facing the problem today, and our communities are being threatened."

Our comparative studies (conducted by local experts and assistants from regional organizations, such as the Secretariat of the Pacific Community) over the past five or six years show that the consequences of climate change – such as higher temperatures, sea-level rise, some level of inundation of some parts of the capital island and the outer islands, king tides and storm surges, unpredictable droughts, and extreme-weather pattern changes – affect our soil fertility, increase water pH and salinity, and heighten

variations of temperature and ocean acidification, affecting both aquatic and terrestrial environments.

In response, we have developed our Natural Disaster Risk Management Plan in draft form, and we are at the stage of reviewing its feasibility by redefining disasters in our context and prioritizing the challenges, and assessing the plan through intensive mutual consultations with all stakeholders who have roles and responsibilities in its implementation. We wish to highlight at this conference that the Kiribati Red Cross has a major role in this plan. This current plan is aligned with the Hyogo Framework; the IDRL framework is very new to us.

Furthermore, and more importantly, Kiribati has started engaging with potential partners from regional organizations in the Pacific, and those with expertise in developing a joint implementation strategy for climate change adaptation and disaster risk reduction.

In conclusion, and in line with the sub-topics of enhancing disaster risk reduction at the community level, and improving international disaster laws, Kiribati wishes to raise the following two proposals for consideration by this conference. First, the inclusion of exploration and development of climate change adaptation programmes for National Societies from smaller island States like Kiribati in the draft resolutions. This may enable us to address climate change impacts through a whole-of-sector approach.

Secondly, the implementation of awareness raising and training in IDRL for all relevant ministries and the Kiribati Red Cross, so that we will be able to integrate and align our Climate Change Adaptation and Disaster Risk Reduction Joint Implementation Strategy with the scope of the IDRL.

## Argentina

*(Original Spanish)*

Thank you, Mr Chair. Our delegation wishes to reaffirm its commitment to enhanced disaster risk reduction and response. We endorse the decision to review progress on reaching a consensus on this topic at the 32nd International Conference.

Among the successes achieved, we would like to highlight the recognition of the role of the local population. Our country's risk reduction policy has been largely shaped by efforts to transform communities affected from victims into active participants in the

preparations and response. Experience has shown us that this process should not be overlooked.

We are also grateful for the work carried out by the International Federation, together with OCHA and other partners, to produce the model act, which will undoubtedly be a valuable reference tool for legislators.

As regards progress on implementing the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance, regional meetings have been held since 2008 on international humanitarian assistance mechanisms in Latin America and the Caribbean. One of the outcomes of these workshops will be a document summarizing regional legislation governing international humanitarian assistance in emergencies.

With a view to drawing up our national profile for this summary, the Argentine Government will sign a cooperation agreement with the coordinators of the Disaster Law Programme for Latin America and with the Argentine Red Cross.

At the Organization of American States, Argentina has, since 2010, been chairing the working group tasked with drawing up draft protocols for improving the coordination of regional humanitarian assistance. These proposals will be submitted to the General Assembly in 2012 for approval. At the sub-regional level, in addition to the special Mercosur meeting on socio-natural disaster risk reduction, we have seen the recent adoption of the Mercosur customs code, which contains specific provisions aimed at facilitating the entry and exit of humanitarian supplies in emergencies.

In closing, I must stress the importance of keeping in mind the social component of disasters and the role played by poverty and vulnerability in their impact. Thank you.

## Canadian Red Cross Society

*(Original English)*

Thank you, Mr Chairman. The Canadian Red Cross supports this resolution. Since the International Federation first put this issue on the agenda at the International Conference in 2003, we have made considerable progress. We are encouraged by the many positive remarks made by governments and National Societies in this plenary and during the consideration of these issues in the Drafting

Committee. The Canadian Red Cross would like to note with appreciation the support of the Canadian Government for IDRL, and our joint pledge on disaster risk reduction.

At its heart, the IDRL initiative is not about laws and procedures. It is about getting urgently needed assistance to vulnerable people when they need it most. When disaster strikes, we need to focus on timely and qualitative disaster response. We cannot allow unresolved procedural or regulatory barriers to delay humanitarian action, and we cannot afford to divert precious time and resources to untangling legal constraints in the middle of a response operation. We must anticipate the challenges and take concrete steps to resolve them proactively.

The Canadian Red Cross welcomes the progress made to date on strengthening legal preparedness for international disaster response, including greater implementation of the IDRL Guidelines. We also encourage the efforts of the International Federation to work with other partners to develop a model act that can be used as a reference tool for States interested in strengthening their legal frameworks.

The Canadian Red Cross is very engaged in the provision of emergency and transitional shelter after disasters. We encourage National Societies to work together and with government agencies and the International Federation on best practices and solutions.

We need to identify potential regulatory barriers and remove them in order to provide rapid and equitable emergency aid and, particularly, transitional shelters after disasters.

Recent catastrophic events in high-income countries have demonstrated that we all need to examine such issues and take early action to minimize barriers to effective aid.

Mr Chairman, the issues can be complicated, but the principle is not. Every effort must be made to assure appropriate shelter to all persons in need, with particular attention to groups with special needs.

## **Philippines**

*(Original English)*

Thank you, Mr Chairman. The Philippine Government's delegation to the International Conference welcomes this opportunity to discuss

the strengthening of disaster laws. The IDRL initiative spearheaded by the Red Cross and Red Crescent is an important initiative to consolidate, coordinate and advance our disaster preparedness through necessary legislation and regulation. The IDRL framework synergizes global, regional and national regulatory mechanisms, such as the Hyogo Framework for Action on Disaster Risk Reduction, the Inter-Agency Standing Committee's humanitarian cluster approach, the ASEAN agreement on disaster management and response, and our own National Disaster Risk Reduction and Management Law.

The Philippines has had the honour of actively participating in the first international dialogue on strengthening partnership in disaster response, held in Geneva last month and co-sponsored by the International Federation, OCHA, the International Council of Voluntary Agencies, and the Swiss Government. This dialogue brought together international stakeholders for disaster response and provided an opportunity for recipient and emerging donor countries like the Philippines to engage the stakeholder community and to further advocate an improved IDRL Framework.

Up until fairly recently, such dialogues had tended to be limited to international agencies and to traditional donor countries. It is hoped that this dialogue will be a regular event and be replicated regionally and nationally. We recognize that there is much activity globally and nationally for the advancement of IDRL. We therefore wish to recommend that there be deeper dialogue and greater cooperation, including capacity building and training, between the various actors concerned and that they work together to facilitate emergency humanitarian assistance laws.

This should involve the Movement, governments, international organizations, civil society, local governments and communities.

## **Bangladesh**

*(Original English)*

Excellencies, ladies and gentlemen, we appreciate the ICRC and the International Federation for the adoption of the IDRL Guidelines during the 30th International Conference in 2007. The guidelines have been very useful for governments in strengthening their own national disaster laws and policies. Bangladesh considers the IDRL Guidelines an important tool for domestic facilitation and regulation of international support and early recovery assistance.



Mr Chairman, Bangladesh is one of the most vulnerable countries with regard to climate change and natural disasters. We understand that the primary responsibility for addressing humanitarian needs caused by natural disasters within a State lies principally with the State itself. Therefore, States are required to develop appropriate legal frameworks and strengthen existing disaster laws that could provide necessary guidance for all disaster management policy and strategy formulation at the national level.

In this regard, the Government of Bangladesh designed a complete codebook named *Standing Order on Disasters* in 1997, which outlines the roles and responsibilities of all agencies concerned in handling emergency situations. The government has also developed a National Plan for Disaster Management 2005-2015, in line with its commitments under the Hyogo Framework for Action. We are at the final stage of enacting the National Disaster Management Act, which incorporates 11 components of IDRL.

Excellencies, in the event of national disasters, it is very important to ensure that the communities affected receive the right kind of support at the right time. Delay in disaster response may cause more loss of life and destruction of property. In order to ensure quick international disaster assistance, adequate legislative steps need to be taken to remove systemic and other barriers, while respecting the sovereign rights of the disaster-affected country.

The decentralization of the disaster management system can ensure people's participation in planning and management of disaster preparedness and post-disaster exigencies. States may take appropriate legislative measures for delegation of authority to local government institutions.

Ladies and gentlemen, the Government of Bangladesh has facilitated an inclusive community-based disaster management programme that allows people to develop indigenous coping mechanisms and resilience against immediate disaster situations, and prepared legislative measures for introduction of such programmes to ensure reduced loss in disaster.

Bangladesh's success in community-based disaster management programmes has been acclaimed by the international community. In Bangladesh, the introduction of the cyclone preparedness programme along disaster-prone coastal areas has proved to be very effective in disaster risk reduction.

Along with the government, the Bangladesh Red Crescent Society has played a very significant role

in this programme. In emergency situations, 60,000 volunteers can be mobilized within one hour. There are around 2,500 cyclone shelters along the coastal zone to receive evacuees in emergency situations. This concept can be emulated in other disaster-prone zones and adapted to specific requirements, depending on the nature of the disaster.

Finally, I would like to emphasize that we have a shared objective of providing humanitarian services to people in need. I hope that the discourse in this plenary will educate us – through the sharing of thoughts and experiences regarding the strengthening of disaster laws – which will ultimately help us in achieving our shared goals.

## Israel

*(Original English)*

Thank you, Mr Chairman. As in many other countries, there is a growing awareness in Israel of the need to strengthen its legal and physical preparations for disasters. For Israel, many of these steps in emergency preparation came in response to national security challenges and threats to Israel's civilian population.

With the founding of Israel, a community civil defence organization, HAGA, was formed to help care for civilian casualties wounded in bombings of Israel's cities. Similarly, following the Gulf War of the early 1990s, the Israel Defense Forces established a home front command.

More recently, the government formed a national emergency management authority called RACHEL. This civilian authority, a branch of Israel's Ministry of Defense, is responsible for preparing Israel's home front for different emergencies. It directs and coordinates between emergency organizations, government offices, local authorities and other relevant institutions. Obviously, it is meant to offer solutions to threats from natural disasters and to security concerns of the civilian population.

At the same time, there is a growing discussion about the need to update Israel's legislative framework on these issues. The basic framework remains from the State's early days, despite the changes and developments on the ground both on the military and the civilian side. Among its various responsibilities, the National Emergency Management Authority promotes relevant legislation of emergency management in the parliament and government.



Recent events, such as the 2010 forest fires in Israel, or the tragic earthquakes in Turkey in October, emphatically show that for small States such as Israel, a regional assistance approach is vital. A noteworthy recent event in such cooperation was a joint earthquake-response simulation between Israel's National Society, the Magen David Adom, and the Jordanian Red Crescent, which took place in 2011.

Mr Chairman, as Israel's domestic preparation for emergency response grew from its need to protect its population from attacks in a complicated region, so too did its capacity and expertise for saving lives in natural disasters. Israeli expertise and technologies in search-and-rescue, emergency medicine and disaster victim identification have been applied to situations around the world, including earthquakes, tsunamis, and other natural threats, to help save lives.

Israeli experts have played a key role in international planning efforts, including membership in the United Nations Disaster Assessment and Coordination. Israel's Government, Magen David Adom, and a variety of Israeli non-governmental organizations have played an important role internationally in disaster assistance, sharing Israel's unique and sophisticated disaster management capacity. These notable efforts include quickly establishing a high-level field hospital in Haiti and offering rapid assistance following recent disasters in Japan and the Philippines. Israel remains ready to protect its own population and be an important partner around the world to save lives.

**Uganda (on behalf of the Government of Uganda and the Uganda Red Cross Society)**

*(Original English)*

Thank you very much, Mr Chairman. On behalf of the Ugandan National Society, and indeed the Government of Uganda, I would like to congratulate those who were nominated to the Commission.

Uganda feels that embracing and implementing the IDRL Guidelines is not an option, but it is the way to go, unless of course the State has already addressed regulatory barriers to the rapid and equitable provision of international emergency relief after disasters. We all recall that Resolution 4 of the 30th International Conference of 2007 adopted the Guidelines and encouraged States to make use of them. The Ugandan Red Cross would like to commend the significant progress that has been reported on the implementation of the Guidelines in some States.

In 2009, Uganda embarked on the process of implementing the IDRL Guidelines. The process, which started with a review of the State's legal policy and institutional framework enabled Uganda to examine the barriers to fast-tracking efficient provision of international emergency relief, the process of issuing visas and work permits for foreign relief workers, the acceptability of foreign professionals, the customs procedure, and the general coordination of the international relief effort. Although Uganda still has some way to go, today, it is in a better position to prepare for such an eventuality based on the study it concluded using the IDRL Guidelines.

We would like to thank the International Federation, which provided technical support to the Ugandan Government. We note that full implementation of the Guidelines will require overhauling some State laws, and in some cases, enacting new ones. We look forward to continued support from the International Federation in this respect.

We are also grateful to the International Federation, OCHA and the Inter-Parliamentary Union for the development of a model act for international disaster response, which is going to be a very useful reference tool for States incorporating the recommendations of the Guidelines in their legal framework. Uganda would like to call upon on all States who have not taken this up to do so.

Uganda is near Kenya. Mr Chairman, we are appealing for Kenya and Tanzania to embrace the implementation of IDRL Guidelines because, in the legal policy framework, this will help Uganda rely on our neighbours for the passage of vital international relief.

**Colombian Red Cross**

*(Original Spanish)*

Thank you, Mr Chair. The Colombian Red Cross supports the endeavour of the Movement, and in particular of the International Federation, to foster a collective effort to update and improve risk reduction worldwide, with the involvement of governments, communities, the media, academics, the private sector and our global Red Cross and Red Crescent network.

Our own experience in an environment prone to multiple disasters and threats has taught us to work with the authorities. The Colombian Government strongly supports us while respecting our

independence and neutrality. We can summarize our experience in three key aspects, which are closely linked to the International Federation's Disaster Law Programme and with devising a systematic approach across our worldwide network.

The first lesson learnt is that we must help ourselves by performing our auxiliary role, adapting and modernizing laws, recognizing that systems should span communities and the public and private sectors, and, of course, making sure that risk reduction, response and recovery efforts are made collectively. We should promote laws and provisions that protect volunteers responding to disasters and facilitate the work of the Red Cross.

The second aspect is helping others without inflicting damage while respecting, empowering and boosting them. The Disaster Law Programme is key to this. At the national level, the Disaster Law Programme helps create modern, adequate laws that ensure a joint, comprehensive relief effort, making the response more consistent. In short, the programme and a systematic approach are needed by our Movement and all governments.

The implementation of all this should touch upon donations, search-and-rescue, community health, transitional shelter, logistics, etc.

The third aspect that we wish to highlight is the need to develop together, to create learning networks, to have a thorough grasp of the risks, to build capacity, instruments and networks, and above all to streamline the overall response and rectify its weaknesses. Our challenge, Mr Chair, is to build a system based on local and national capacity while also strengthening worldwide networks, in order to work together to achieve the ultimate goal. It is about turning people from victims into fully fledged citizens exercising their rights. Thank you, Mr Chair.

## South Sudan

*(Original English)*

Mr Chair, Excellencies, all the participants, on behalf of the Government of the Republic of South Sudan, I would like to extend our appreciation to the ICRC and the International Federation for the invitation and warm welcome to the 31st International Conference as observer.

I would also like to express to all of you the gratitude of the Government and the people of the Republic

of South Sudan for the support during our struggle, and now, in the formation of our new nation. The recognition of South Sudan in the United Nations is a result of the joint efforts of States, organizations, societies and individuals. To all, we are thankful.

The fundamental question that falls to us in South Sudan is: What next after becoming a nation? This question encompasses a lot of considerations. However, as a four-month old country, the Government of the Republic of South Sudan set priorities, among which accession to international treaties and conventions stand high. This includes accession to the Geneva Conventions of 1949 and all the related Protocols. Furthermore, the recognition of humanitarian bodies has a special consideration in our priorities.

In line with the recognition of humanitarian bodies, the bill recognizing the Red Cross as a National Society auxiliary to the government in the delivery of services in the humanitarian field is now being processed by the Ministry of Justice and waiting to be presented to the South Sudan National Assembly for ratification and enactment in South Sudan.

Therefore, the Government of the Republic of South Sudan is keen to support humanitarian activities in the areas of health, aiding victims of armed conflict, and disaster management. In this connection, a Ministry of Humanitarian Affairs and Disaster Management has been established in the government to address any situation that may arise. In this forum, therefore, we would like to assure the conference that South Sudan will never work in parallel, but will cooperate and support the international community in empowering the societies to deliver services effectively.

So, it is a hope of the Government of the Republic of South Sudan that the next conference will be attended by the South Sudan National Red Cross Society and the Government as fully fledged members and not just observers.

## Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law

*(Original Spanish)*

Thank you very much. The American Red Cross was to have taken the floor now, but they have told us that they will not be taking the floor. They have instead handed in a paper with their concerns and comments, and it will be made available with the record of the meeting. It will be available to all.

## American Red Cross

*(Original English)*

On the topic of this year's International Conference, we know that the issue of shelter comes up again and again in the wake of natural disasters, everywhere around the globe, as we have heard many times today. As we develop our humanitarian diplomacy tools in the Red Cross and Red Crescent Movement, we believe we should all help lobby high-risk disaster countries for shelter solutions to be identified and planned for in advance of disasters.

The Red Cross and Red Crescent should be part of the national dialogue with local and national authorities, and all national stakeholders to identify in advance how citizens temporarily displaced by natural disasters should be accommodated.

The American Red Cross is pleased to reaffirm our abiding commitment to disaster preparedness and risk reduction activities today. As indicated in our pledge on this subject, the American Red Cross places great emphasis on the importance of disaster preparedness. As a measure of that commitment, we are redirecting at least 15% of our financial resources from non-episodic international response to disaster preparedness. We all recognize that funds invested in disaster preparedness reap significant dividends by decreasing the loss of life, human suffering and recovery costs after a disaster strikes.

The American Red Cross is also committed to researching, collecting and sharing best practices and lessons learned in all areas of disaster risk reduction, but particularly in disaster preparedness. We are drawing on the decades of experience of the American Red Cross in encouraging individual, family, community and national preparedness across the United States. To that end, we are working with National Societies, the International Federation, and the ICRC to assess the development of a global disaster preparedness centre.

We are eager to continue our robust consultations with Movement partners on the shape that this centre will take.

## Cuba

*(Original Spanish)*

Thank you, Mr Chair. Disasters and emergencies are on the rise around the world. The greatest risk with disasters currently is irresponsible human action

against humankind and against nature. Phenomena with catastrophic consequences for humanity, such as climate change, armed conflict and especially the possibility of nuclear war, are a direct result of this irresponsible action.

Cuba – a small country with limited economic clout – has made significant headway on the priorities set out in the Hyogo Framework for Action. Lessons learnt have enabled us to enhance our legal frameworks and institutions for disaster response and to strengthen the civil defence system. In Cuba, the concept of disaster risk reduction was introduced into domestic legislation in 1997. A great deal of work has been done to improve legislation in this area.

Cuba reaffirms its willingness to share its modest experience, in the hope that it will be of use to other countries and in the belief that, together, we can work on reducing our vulnerability and limiting the consequences of these phenomena.

Cuba is determined to pursue its work with the ICRC and the International Federation, and to fully uphold the Fundamental Principles. Thank you.

## Netherlands Red Cross

*(Original English)*

Mr Chairman, disaster risk reduction is identified by the Netherlands Red Cross as a strategic priority. It is an important part of strategy 2020 to save lives, protect livelihoods, and strengthen recovery from disasters and crises. Disaster risk reduction can be worked out in different kinds of projects and activities that contribute to prevent suffering, and strengthen community resilience. To create opportunities with regard to disaster risk reduction for these communities, funding is badly needed. National Societies have to be creative to generate resources since many donors are still not aware that investment in prevention is far more cost-effective than financing disaster response. We are very glad that the Netherlands Government supports the Red Cross in the partnership for resilience programme.

My National Society has taken up this challenge and created a separate fund for disaster risk reduction. I do hope that other sister Societies are willing to consider the same.

Law facilitating disaster risk reduction is essential. It is complementary to action, be it on national, regional or local level.

It is in this perspective that we have taken note of the background report on law and disaster risk reduction at the community level. It is a comprehensive report, addressing an issue, discussion of which is long overdue, covering all important issues related to the complex relationship between disaster risk reduction legislation and the actual strengthening of disaster resilience at the community level. One comment on the report is that climate change is hardly discussed. We regret this. Climate change gives risk reduction a sense of urgency.

Allow me a few reflections on disaster law. Often the most vulnerable communities live in situations where legislation has little effect. We therefore also need to address situations where official legislation does not apply or is not followed. Adequate preparedness plans and systematic training on the spot is indispensable in this respect, alongside rules and regulations. Legislation is effective only in a system where governments at all levels can be held accountable. The question remains: Who will monitor the actual implementation of disaster risk reduction legislation and its impact at community level? Monitoring is crucial for a successful disaster law framework and our disaster risk reduction activities in general.

Finally, as rightly mentioned, it is important to stress that an effective risk reduction approach will work only if all relevant sectoral laws (water and coastal management, forestry, agriculture, infrastructure, etc.) take disaster risk into account. We encourage States to review their existing legal frameworks also from the disaster risk reduction perspective. Thank you.

**International Committee of the Red Cross**

*(Original English)*

Mr Chairman, thank you. Excellencies, delegates, today, it is widely accepted that in the near future, populations around the world will continue to face major, large-scale disasters, causing tremendous devastation. The dramatic images of the earthquakes in Haiti and Japan are still present in our minds.

Unfortunately, the list of countries affected by natural disasters is long and is likely to grow: floods in Pakistan, Colombia, and Thailand, earthquakes in Chile and Turkey, fires in Russia, to name just a few.

Among these sad pictures of death and destruction, there are, however, some reasons for hope. Worldwide mobilization to provide material, human and financial

resources to bring assistance to the persons affected by such disasters has generally been immediate and substantial.

Technology, combined with human solidarity, has dramatically improved the timeliness of humanitarian response. Nevertheless, the need for legal preparedness to address the challenges faced by the States affected – in order to ensure when required, swift and effective aid to the population in need – is as high as ever.

All too often, States face major disasters without having the necessary organizational structures, institutions and legal framework in place. Establishing systems and capacities for disaster response before a disaster actually occurs will lead to more effective coordination, and allow timely humanitarian assistance to be provided to victims, thus saving lives.

The ICRC supports the draft resolution aiming at strengthening normative frameworks and addressing regulatory barriers concerning disaster mitigation, response and recovery.

**Mr Fernando José Cardenas, Chairman of the Plenary Session on Strengthening Disaster Law**

*(Original Spanish)*

Thank you very much. We have gone through our lists of speakers for this panel, and in conclusion, I would like to share a few thoughts. I promise I will not go on at length, bearing in mind how tired we all are. Very probably, we would be much better off with a good cup of Colombian coffee.

In terms of legal preparation for disaster readiness, we have heard many examples of governments that support the National Societies; they are examining their legislation on the basis of the IDRL Guidelines.

These guidelines do highlight major challenges – both to National Societies and governments – such as the disasters in Japan and in Haiti. In the face of the ever-growing number of international actors providing humanitarian assistance following disasters, there is a need for a strong legal framework to prevent bottlenecks of all types, particularly practical or bureaucratic bottlenecks that prevent the timely and rapid entry of assistance in order to provide due attention to the victims.

We have heard many appeals to governments to give priority to the use of the guidelines when developing



and adopting legislation at the international level related to reducing the effects of disasters. We have also heard from our members, including non-governmental organizations, who are highly convinced. We have heard as well from the United Nations – OCHA – reaffirming their convictions in this area. We have also heard about the importance of the role of regional organizations, and finally here, we heard that major progress has been made. The guidelines are constantly being taken into account, but there is still a great deal to be done. We must have the commitment to do this great deal.

In terms of legislation for risk reduction within the community, we have heard voices such as that of Mr Adiputro, who reminded us that it is the responsibility of all to deal with disasters, including governments, including civil society, communities, the private sector and humanitarian bodies, because these disasters affect us all. And this is where we need strong and effective legal frameworks that enable everyone to become properly involved in dealing with disaster victims.

Moreover, stress was laid on the importance of guaranteeing proper and sufficient financial support for these actions and on the need for and importance of involving and empowering communities and local authorities in this process, not just of setting up the legal framework, but also practically implementing the laws when dealing with the aftermath of disaster. It is clear that the adoption of laws and implementation of laws dealing with risk reduction continues to be a major challenge in many countries.

Finally, when looking at legal obstacles to the timely provision of temporary humanitarian housing, we heard about the problem that we humanitarian organizations face, and that is the existence of obstacles

in the legislation of countries for the provision of such dwellings. Pakistan pointed out, for example, that there were major shortcomings in the regulatory framework for providing temporary housing, and major problems in adopting new legislation to cover those shortcomings; and this involves both matters of ownership of land and of getting permits.

There is also a need not only to reconstruct well but to reconstruct safely. Various speakers have underscored the need for governments to provide a strong and timely legal framework, including procedures for rapid provision of decent housing to victims.

And finally, we did hear of the existence of current commitments, undertakings between governments and National Societies, to redouble their efforts in terms of providing effective legal frameworks that enable, first of all, States and governments to fulfil their obligations to protect their citizens from becoming victims, or should they become victims, to ensure that governments and States can reverse such situations and have them stop being victims because of strong laws and provisions so that communities can return to normal life in dignity and with hope for the future.

And I think we can now conclude our plenary session. My particular thanks to those who have organized the meeting. Thanks to those who have spoken as keynote speakers or as delegates. Thank you to all of you who have participated for your major contributions. Thank you to the support teams and the volunteers who have helped us throughout the day. Thank you to the interpreters for their help.

And having said that, I now declare this session closed. I do hope the rest of the conference will be pleasant for you.

## 4.9 FOURTH PLENARY MEETING

### 4.9.1 Additional remarks on the election of the members of the Standing Commission

**Ms Niki Rattle, Chairwoman of the Conference**

*(Original English)*

Ladies and gentlemen, good morning. It is a beautiful day and I thank you very, very much for your wonderful hard work in the last three days. This being the last day, I am sure we are going to give it the best that we have, the last bit of strength we have, to have a wonderful completion of our three days of hard work.

As you know, yesterday the new Standing Commission was elected. The Commission met last night and we now have a chair and a vice-chair. I would like to share some information with you before we invite the new Chairman of the Standing Commission to the podium. Please bear with me as I read this bit of information to you this morning.

Rule 3 of the Rules of Procedure of the Standing Commission states the following:

“Immediately after the election of the members of the Commission the Chairperson of the Conference shall convene the members of the new Commission who are present. These members shall elect in accordance with Article 19.5 of the statute and at this first meeting a chairperson and a vice-chairperson who traditionally are from the Commission’s elected members.”

I wanted to share this information with you and now it is my great pleasure to invite the new Chairman of the Standing Commission, Mr Greg Vickery, to please come and address the conference. Thank you, Greg.

**Mr Greg Vickery,  
Chairman of the Standing Commission**

*(Original English)*

Madam Chair, and can I say, Niki, what a wonderful job you have done as the Chair of this Conference. You are a legend of the Pacific, now a legend in the wider world. Your Royal Highnesses, your Excellencies, distinguished delegations from governments and National Societies and friends and supporters of the Movement, on behalf of the Standing Commission, which you elected yesterday, I wish to warmly thank you for the trust you have placed in all of us as trustees of this distinguished conference.

My thanks to the two retiring members of the Standing Commission, Eamon Courtenay and Adama Diarra, whom we thanked last night for their efforts over the last four years. I also commiserate with the two unsuccessful candidates for the Standing Commission and I saw both of them yesterday afternoon, both Delia and Adama, and commiserated with them. We had a very strong field, as I mentioned the other day, and unfortunately we could only have five members.

I am deeply honoured and somewhat surprised in a way to be the Chair of the Standing Commission and to follow such wonderful, such Movement luminaries as Princess Margriet of The Netherlands, Mohammed Al-Hadid and Massimo Bara, who has just completed his term as chairman. And I will be looking to those three particularly for guidance and advice, as well as members of the new Standing Commission in the next four years.

As Chair of this new Commission, the 16th, I will do my best to serve the interests of the Movement and to ensure that we carry out the tasks and functions

given to us in the Movement's Statutes. I also wish to congratulate all of you on the job done in this conference. We are about to adopt some important resolutions as to the outcomes and guideposts for the next four years, which will clearly state our moves for humanity in this troubled world. In the end, we are here to ensure protection and assistance and access to the vulnerable people we serve, honouring and respecting our Fundamental Principles.

One of the functions of the Standing Commission is to encourage and further the implementation of the resolutions of the International Conference and I am sure that the new Standing Commission will work assiduously on this and of course we will hear those resolutions shortly from those at the head table.

The Council of Delegates also gave us some clear tasks, which included securing a better follow-up of implementation of outcomes of our Movement-level meetings, such as this conference, together with the ICRC and the International Federation as a whole. It is important for the Commission to keep good implementation and dialogue with all parties on its radar screen, along with following the trends and developments in the wider world that definitely will have impact on the work and performance of the Movement.

I also find it important for us to keep the channels of communication open, not only to National Societies but also to the many States represented here. We had a record number this time and of course they are all part of the election process, as you know, and we are accountable to all of you as our entire electorate.

When we leave this conference centre let us continue to work on the issues we debated and agreed on. People do not *act*; people *do*. And finally, I have to say this: I look forward to seeing all the National Societies at least in Sydney for the Council of Delegates in 2013, which will prepare us for the next International Conference here in 2015. Thank you very much. I am humbly and deeply honoured.

#### **Ms Niki Rattle, Chairwoman of the Conference**

*(Original English)*

Thank you, Mr Vickery. I would also like to announce that Mr Steve Carr was elected to be the Vice-Chair for the Standing Commission, if you can join me in applauding him, please. Thank you. We wish the new Standing Commission a successful term in looking after the business of the International Conference

for the next four years. We will now continue with the last plenary of this International Conference. It is my pleasure now to ask Ambassador Getahun to please give us the report as the rapporteur of this International Conference. Thank you.

## **4.9.2 Report on the Conference**

### **4.9.2.1 Workshops and Commissions**

**H.E. Mr Minelik Alemu Getahun,  
Conference rapporteur**

*(Original English)*

Thank you. Madam Chairwoman, Commissioner, fellow delegates, ladies and gentlemen, friends of the Red Cross and Red Crescent, it gives me great pleasure to present this report to the plenary on the discussions during the commission session that took place on Tuesday and the workshops that were run in parallel to the plenary and the commissions.

It is difficult to do justice to such a wide variety of topics and points of view in a brief statement. Nevertheless, I will try to give the salient points of the discussions. As a result of these time constraints I cannot enter into the substance of the workshop discussions but I recommend that you consult the full written reports, both on the work of the commissions and the workshops, which will be made available at the end of the conference, and use them as a basis for future discussions and follow-up.

Two workshops on the protection for victims of armed conflicts and other situations of violence, one on migrant needs, vulnerabilities and barriers to access, one on child protection, one on new technologies in health care and conflict and other situations of violence, one on climate change and one on partnerships were held throughout the week to complement the discussions in commissions and plenaries.

In order to summarize the work of the commissions, I have divided the conference work into four areas of discussion, three of which are pertinent to this report: the first is agenda item 5.2, on strengthening local humanitarian action; the second is item 5.3, on addressing barriers to health care; and the third is item 5.4, concerning strengthening of IHL.

Each commission met twice, the debate of the second session often carrying on from the first, and so my



remarks include comments from both sessions under one heading. In general, the commissions and workshops were well attended and the guiding questions provoked a lively debate on the central themes, a debate that I hope mirrored the one taking place in the Drafting Committee.

All the sessions of the commissions affirmed that in order to make progress on the issues, we should adopt the draft resolutions as formulated by the Drafting Committee. One other point was made by all commissions, which I would like to raise before entering into the substance of each commission.

As the topics under discussion often covered transnational and long-term phenomena, they cannot be addressed in isolation. There is a real need for members of this conference to work in partnership, both amongst ourselves and with other actors, to resolve issues of humanitarian concern.

Let me now move on to the discussion on strengthening local humanitarian action in the areas of migration, volunteering and partnership development. Commission A continued the discussion on migration that took place during the 30th International Conference. It echoed a number of points made at the workshop on Monday evening and focused on the key issue of access to migrants.

The Chair, Dr Jalloh, introduced the keynote speakers and outlined the issues. A few of the main points raised by panellists and during the debate were: the usefulness of establishing dedicated migration-support programmes in National Societies; the need to persuade decision makers to ensure that the legal environment allows National Societies to access vulnerable migrants and that migrants are able to access that assistance free from fear; the important role played by National Societies in raising awareness of the many benefits of migration in order to reduce stigmatization and discrimination and encourage a culture of social inclusion, non-violence and peace; and the role of youths and volunteers in supporting programmes and changing legacies of negative perceptions about migration.

The main conclusions were: all discussions should be rooted in facts and evidence to avoid problems that are associated with a negative view of migration; migrants need to be further involved at all levels, including as volunteers and the services provided to meet their needs and programmes, such as the International Federation's Youth as Agents of Behavioural Change, can complement activities in other areas.

It should also be noted that the resolutions of this conference can serve to address needs in terms of access, dignity, social inclusion and partnership.

In Commission B the debate centred on volunteering and the auxiliary role of National Societies to public authorities. Professor Dragan Radovanovic, supported by keynote speakers, chaired a discussion where some 120 National Societies and government representatives took active part. As in Commission A, the point was made that this was a continuation of the discussion that took place during the 2007 International Conference and complemented Resolution 2 of that conference. National Society and government representatives raised the following key points.

A sound legal basis for each National Society is essential for partnerships at all levels of public administration. It should include a reference to the National Society's auxiliary role and clarify mutual responsibilities and needs to be reviewed regularly and updated as required. All National Societies need to be recognized by their governments as auxiliary to the public authorities in the humanitarian field.

Government recognition of the National Society's skills and competences as complementary to their own capacities to meet the needs of vulnerable people, respect for National Society independence through respect for the Fundamental Principles while developing partnerships with governments, as well as building mutual trust and respect through formal and informal dialogue at all levels, are key to a healthy partnership.

In relation to volunteering, the following main issues were emphasized: the development and implementation of legislation in a policy related to volunteering at all levels; identification and removal of legislative and policy barriers to volunteering; the need for government recognition of the potential of volunteers to meet humanitarian needs; opportunities for governments and National Societies to work together with other civil society actors to develop and implement context-specific and appropriate legislation and policy around volunteering; and finally, encouraging vulnerable people to become volunteers.

In addition to this, the ICRC and the International Federation can help support States and National Societies in further strengthening their auxiliary relationship by developing tools and providing technical support while continuing to lobby for progress in this area.

Finally, the commission recommended that: firstly, it is important for legislation on both the auxiliary role and volunteering to be strengthened, followed and implemented; secondly, National Societies and governments wishing to further the auxiliary role may benefit from the experience of other governments and National Societies and such exchanges could be facilitated by the secretariat of the International Federation; and thirdly, legislation and policy relating to volunteering must be based on the specific national context and culture.

Moving on to the commission's agenda item 5.3, two aspects of access to health care were covered, health care in danger in Commission C and health inequities with a focus on women and children in Commission D.

The Chair of Commission C, Professor Mamdouh Gabr, led the debate, during which numerous statements from the participants of the commission highlighted today's terrible reality where Red Cross and Red Crescent and other health personnel and facilities are regularly targeted and attacked during times of armed conflict and during other situations of violence.

National Societies participating in the commission provided concrete examples of their own health staff and volunteers who had been injured or had lost their lives, of ambulances being denied access or delayed at checkpoints and of health-care facilities being attacked. Participants in the commission reiterated that the adoption of the resolution would be just one step in a long-term and wider process to ensure respect and protection for health care in armed conflicts and other situations of violence and highlighted the need for the implementation of the four-year Health Care in Danger project by the ICRC and the engagement of a wide range of stakeholders, particularly National Societies, States, and the International Federation, but also the health community, non-governmental organizations, UN agencies and academic circles.

Key to improved respect and protection for health-care workers and institutions is ensuring the neutrality, impartiality and independence of National Societies' actions and well-structured relationships and clear roles and responsibilities between National Societies and their governments as part of their auxiliary role.

The Chair of Commission D, Miss Fatima Gailani, highlighted the importance of the work of that commission to complement the resolutions that will be adopted by this conference. Health inequities, sometimes referred to as health inequalities, are

unfair and avoidable differences in health status. The health inequities are systemic; they usually affect particular groups of people and they all cut across a social gradient. The most vulnerable people have the least access, not only to health services but also to the resources that contribute to good health.

The commission focused on women and children, not because they are vulnerable *per se*, but because they usually have less power than adult men and less access to resources and because they are exposed to specific health risks. The International Federation's report on eliminating health inequities, *Every Woman and Every Child Counts*, was referred to as clearly stating that eliminating health inequities is a health imperative.

Health inequities exist everywhere. In every country, discrepancies in health can be observed between the rich and the poor, between the residents of wealthy neighbourhoods and slum dwellers, between well-established citizens and undocumented migrants, between the educated and the illiterate.

The commission issued several recommendations, three of which I include here. First, Red Cross and Red Crescent volunteers, as part of their communities, are the best placed to identify needs for the community and will help design the most appropriate programmes to address the inequities. Secondly, the auxiliary to the public authorities, National Societies, have a responsibility to remind governments to work on these health inequities, adopt positive policies, promote human rights and eliminate discrimination against women, children, people with disabilities and the elderly. And finally, the commission stressed that the Millennium Development Goals can be met only if inequities are addressed.

Finally, the work of Commission E on access and assistance comes under agenda 5.4 on strengthening IHL. The commission was chaired by Mr Juan Manuel Gomez Robledo, Deputy Minister for Foreign Affairs of Mexico. Humanitarian access and assistance is one of the most important humanitarian concerns in contemporary armed conflict.

In such situations, civilian populations are often deprived of essential services and supplies, including food, water and shelter, and are unable to access health care and other basic services. Rapid access and provision of assistance to these populations is therefore a priority in a number of armed conflicts, whether international or non-international. Constraints to humanitarian access and assistance varied from one context to the other. They may include administrative barriers, security problems, the existence of hostilities,

and the presence of landmines and unexploded munitions of war.

The proliferation of humanitarian actors and the increasing number of attacks against humanitarian workers constitute additional challenges. Compliance with IHL, as well as reliance on the Fundamental Principles of the Movement, constitute necessary tools to ensure access to the populations affected and to conduct effective humanitarian operations. However, some aspects of the relevant rules of IHL are not always sufficiently clear and may raise diverging interpretations.

Another problem is the lack of knowledge of these rules, including by practitioners and belligerent parties. There is therefore a need to strengthen the dissemination of the relevant rules of IHL and ensure their proper implementation at the domestic level. Cooperation among States, the different components of the Movement and other humanitarian actors is also essential to provide effective humanitarian assistance for civilian populations in need.

I would like to finish by thanking the National Societies of Afghanistan, Argentina, Austria, Australia, Bangladesh, Belarus, Botswana, Canada, China, Colombia, Ecuador, Egypt, Gambia, Indonesia, Lebanon, Mexico, Morocco, Mozambique, Nepal, Norway, the Philippines, Russia, Serbia, Sierra Leone, Sweden, Switzerland and Uganda, and the Governments of Belarus, the Dominican Republic, Ethiopia, Norway, Sweden and Switzerland for the tremendous amount of work that they put into organizing and structuring the commissions and workshops, and all the panellists whose knowledge and expertise stimulated the debate.

I would also like to thank the rapporteurs from each workshop and commission for their comprehensive written reports. And finally, I would like to pay a particular personal tribute, to the International Federation and ICRC teams, one of whom supported me in compiling this report. I trust that you found these sessions as informative, as engaging, as I did. I thank you, Madam, and it was a great pleasure to serve under your leadership. Thank you very much.

#### **Ms Niki Rattle, Chairwoman of the Conference**

*(Original English)*

We thank Ambassador Getahun for that very comprehensive report. And I would like to give the floor to Frank, please, on a technical issue on the documents. Please, Frank.

#### **Mr Frank Mohrhauer, Assistant Secretary-General of the Conference**

*(Original English)*

Thank you very much, Madam Chair, and it's unfortunately always somewhere a little detail that is a problem, but I think we have fixed the problem already. And the documents you have in front of you, the draft decisions, I would just like to draw your attention to the fact that in one resolution in the Spanish version, one page is missing: I am talking about the four-year action plan, the Spanish version, 31IC/11/5.1.3DR. This is currently being reprinted and will be distributed.

The Spanish version will be distributed in about ten minutes' time. So I apologize for this but it was a last-minute production because the Drafting Committee was working very late last night. Thank you very much, Madam Chair.

#### **4.9.2.2 Pledges**

#### **Mr Christian Ndinga, Rapporteur on Pledges**

*(Original French)*

Thank you, Madam Chair. Madam Chair, in recent years pledges have become an important input and result of the International Conferences. They allow the components of the Movement, governments and observers, to show their will to deal with the humanitarian issues that have been broached in the International Conference.

Forms of vulnerability are multifaceted and they are becoming more and more complex. Each country has to rise to different challenges, and therefore, pledges are all the more crucial because they offer the possibility of making resolutions become specific actions adapted to each specific context. When they are made jointly, especially by a government and a National Society of the same country, these pledges help establish a sound partnership that enables us to deal efficiently with humanitarian problems. I note with satisfaction that the stand for pledges has received a very large number of visitors, who recorded their pledges during the conference.

In the spirit of the theme of the conference, namely Our World. Your Move, 78 Governments, 131 National Societies, the International Federation, the ICRC and eight observers have presented a total of 377 different and separate pledges for 2012, 2015

and even beyond. These pledges attest to the real involvement and will of participants to respond to the identified humanitarian challenges.

Together with the resolutions of the conference, they define and determine our humanitarian action programme and our priorities for the next four years. A complete report will, on the implementation of these pledges, be submitted to the 32nd International Conference in 2015. It will enable us to understand the progress that has been made in the attainment of our humanitarian goals.

Now, allow me to quickly run through the pledges made by the members concerning the four subjects of the conference.

First of all, I will take up the strengthening of IHL. A large number of participants recognized the need to clarify and bolster IHL, with a view to improving protection for persons affected by armed conflict and, in order to better respond to present and future needs stemming from this, have taken and lodged different pledges. They were mainly concerned with the adoption of concrete measures aimed at improving the implementation of IHL. Specific commitments have been made in order to attain other objectives of the four-year action plan for the implementation of IHL, such as access to civilian populations and humanitarian assistance during a period of armed conflict where the strengthening of protection for different categories of person, such as women and children, are necessary. And also, several States have undertaken to adopt an effective treaty on trade in weapons.

With regard to countries, governments and National Societies have expressed the wish to work together with a view to strengthening legislation on disasters and creating a legal framework that will enable rapid and effective response in times of disaster, while recognizing that national law should facilitate organization of the response in such cases.

Several participants have expressed their pledge and commitment to take measures at the international and regional levels to improve legal preparedness for international assistance in case of disasters. Other pledges were made concerning the adoption of strategies to reduce risks by building in climate change adaptation measures.

With regard to the subject of strengthening local humanitarian action, many pledges that were made stress the importance of and the need for facilitating and supporting the work of volunteers.

Several National Societies and States undertook to create an environment that would ensure dignity and respect for diversity, specifically that of vulnerable populations. Humanitarian education based on values and competences was identified as being a useful tool to create a more peaceful environment. Certain pledges also focused on the need to ensure access to technologies and information for all National Societies.

Concerning barriers to health care, and more, particularly the problem of lack of security arising out of violence or threats of violence against health-care personnel, facilities and vehicles, many States and National Societies undertook to support the Health Care in Danger initiative by undertaking to ensure safer access to services and health staff. Various pledges were made to reduce inequalities in health care for women, children and migrants, and also to support these strata of the population, especially to prevent diseases such as HIV/AIDS and TB.

For delegations that have not as yet signed pledges, it is still possible to do this after the conference and up to the end of 2011. These pledges will be also recorded in the database, which you can access through the website of the conference. My very good friends, if I may express a personal opinion, I would like to suggest that we begin to implement our pledges from today. These pledges are the expression of our will to act specifically. It is our responsibility to move our world along towards more humanity. It is Our World, Your Move – For Humanity.

To conclude, I really would like to thank you for having given me the honour of being designated as rapporteur for this important issue. I would like to thank also Emilie Goller of the International Federation and Corinne Nunes of the ICRC, who have also worked on the preparation of this report. Thank you.

#### **Ms Niki Rattle, Chairwoman of the Conference**

*(Original English)*

We thank you, Mr Ndinga, for your report and I definitely agree with you that we should begin to implement our pledges. I definitely support that. It is now my pleasure to call on Ambassador Azevêdo to give us the report on the Drafting Committee. The floor is yours.

### 4.9.2.3 Report of the Drafting Committee

**H.E. Ms Maria Farani Azevêdo,  
Chair of the Drafting Committee**

*(Original English)*

Thank you, Madam Chairwoman. Let me first of all commend you on your fantastic work and most of all congratulate you on the flowers in your hair. I think they brighten up the room. Congratulations.

Well, it is my pleasure to report to the plenary of the 31st International Conference on the work of the Drafting Committee. The work undertaken by the Drafting Committee was a collective exercise. I am thankful for the cooperation of all delegations and I owe a special thanks to those who agreed to facilitate the negotiations on outstanding issues. And I'm not citing any names; it is dangerous to cite names and then forget some people, but we all know who they are, we all know the contribution that they made. Thank you to all of you.

It is my understanding that all delegations addressed the committee in an atmosphere of constructiveness and mutual respect. I must say that today we have gone a long way towards adopting the resolutions of this 31st conference.

Since this conference was first brought to our attention, intense consultations took place among States and all components of the Movement, on its agenda and draft resolutions. The ICRC and the International Federation launched open-ended consultations on the elements of each resolution and on different drafts of the resolutions. The openness and transparency of the process led by the ICRC and the International Federation made our lives much easier in the Drafting Committee.

And, Madam Chairwoman, I must confess that at least I feel like I have run a marathon, a humanitarian marathon, but the good news is that we all arrived at the finish line and I believe alive and together. I would like also to say that I can testify that National Societies, along with governments, made excellent contributions and enriched the contents of our resolutions.

Madam Chairwoman, the Drafting Committee was tasked to reach consensus on the eight resolutions we have before us today, namely furthering the auxiliary role of National Societies, health inequities, disaster laws, ensuring access to migrants, strengthening legal protection for victims of armed conflict, health care

in danger, four-year action plan for implementing IHL, and Our World, Your Move – For Humanity.

I have the pleasure to report that last evening the Drafting Committee adopted all texts by consensus and decided to convey them to this conference. This is the result of collective work, the collective efforts of all delegations to compromise on consensual formulations. I appreciate the flexibility of all delegations to achieve consensus. I am confident that this outcome will have a positive effect on the valuable humanitarian work carried out in the field by very noble people. The resolutions we have before us will certainly strengthen humanitarian action.

Madam Chairwoman, may I take this opportunity for some acknowledgements. My first words of thank you was to you, but I would also like to thank Ambassador Jean-Francois Paroz, Secretary-General of the Conference, for the support and the preparatory work undertaken in the last few weeks.

My thanks also to the efficient secretarial work support, efficient support, that was provided by Miss Yulia Gusynina from the International Federation and by Miss Cordula Droegge – I saw Cordula before but I cannot see her now. Anyway, thank you very much, Cordula, from the ICRC.

Finally, my thanks for the valuable work undertaken by the interpreters, the staff responsible for translation and document distribution. I must also extend my thanks to all the representatives of the ICRC and the International Federation for sitting here, for their support and their knowledge and their very hard work.

Madam Chairperson, I believe the resolutions are ready for adoption by the 31st International Conference. Thank you.

### 4.9.3 Adoption of the resolutions of the Conference

**Ms Niki Rattle, Chairwoman of the Conference**

*(Original English)*

Thank you. I thank our rapporteur from the pledges, our rapporteur from the work of the conference and our rapporteur from our Drafting Committee. I cannot see any other way but for you to consider, and if you agree that we shall adopt the eight resolutions

in front of you, please applaud and give us your acclamation. Thank you.

*[Applause]*

#### **4.9.4 Closing of the Conference**

Wonderful work, well done. Well, ladies and gentlemen, sadly we have come to the end of the conference, but no doubt a very good day for many people who have done a lot of work. So we have now come to the conclusion of our conference and I would like to present a speech that I have prepared that would recap when we started off on Monday. So if you bear with me, please, in addressing you.

Your Royal Highnesses, Excellencies, leaders of National Societies, ladies and gentlemen, please allow me to refer back to my opening statement of Monday, such a long time ago; you might not remember, so I will remind you.

I appealed to you to give your undivided attention to ensuring the best outcome for the most vulnerable people who are our core business. It is therefore with the utmost respect and joy that I congratulate each and every one of you for your excellent work in bringing us to this positive closing of the 31st International Conference with the adoption of the resolutions. That was wonderful.

This is my view. This is the easy part of the work that we have done in these last few days. The serious work for me is when we begin the implementation of the resolutions where it really matters, in our home countries where we, the National Societies in our auxiliary positions, and the authorities work in close partnership to meet the needs of the people we serve.

There are too many individuals to be named, without whose tireless work and effort this conference would not have taken place. My heartfelt thank you to everyone: none mentioned, none forgotten.

I wish, however, to single out one particular group that you have seen in places all over this conference centre. And so, it is now my pleasure if you with me would welcome our 246 volunteers who have given over 1000 hours of work.

*[Applause]*

Thank you very much, ladies and gentlemen; they definitely deserved that applause. So, on behalf of the conference and all its members I also wish to express our appreciation to the Swiss Government and to the authorities of the Canton and City of Geneva for their invaluable support, ranging from seconding Commissioner, Ambassador Paroz – I do not know what I would have done without his support and the rest of my team – in organizing to provide us with these meeting facilities and the substantive financial support towards this conference. I thank you very much.

Last but not least, I would like to thank my own support team who prepared me for my work and assisted me throughout to accomplish the desired outcome of this highest deliberating body of the Movement, with our most important partners, the States party to the Geneva Conventions.

The members of the Bureau, including all the vice-chairs and officers, have been instrumental in achieving consensus for the important outcomes that will guide our work for the next four years. They have worked as true volunteers in preparing and leading the debate and deliberations in the business of the conference for the next four years.

Allow me also to wish the newly elected Standing Commission a successful tenure as trustee of the business of the conference for the next four years. I thank you again for giving me the honour to serve you in my role as the chair; I am totally re-energized, ready to go, inspired and committed to continuing to give my unconditional service passionately, as always, to our wonderful Movement.

Ladies and gentlemen, the 31st International Conference of the Red Cross and Red Crescent is coming to an end, but I invite you on behalf of my Pacific National Society to remain and join us in a truly Pacific farewell this afternoon.

Before I close, I would also like to acknowledge the wonderful work of our former Chairman of the Standing Commission, Mr Barra, for your wonderful work. I now officially close the 31st International Conference and it is dance time. I would like to invite my Pacific friends, please, to come forward. Thank you.

We will have the songs on the screen. You will be able to sing and move with us. Please, thank you.

## 4.10 LIST OF PLEDGES

The pledges can be consulted on the online pledge database (<http://www.icrc.org/pledges>). For further information, please refer to the overview of pledges presented by Mr Christian Ndinga, rapporteur on pledges (Section 4.9.2.2).

### **Governments that made pledges at the 31st International Conference**

Afghanistan	Grenada
Angola	Guatemala
Argentina	Guinea
Armenia	Holy See (the)
Australia	Honduras
Austria	Hungary
Belgium	Iceland
Botswana	Indonesia
Brazil	Ireland
Bulgaria	Italy
Burkina Faso	Japan
Cambodia	Lao People's Democratic Republic (the)
Canada	Latvia
Chile	Liechtenstein
China	Lithuania
Colombia	Luxembourg
Cook Islands	Madagascar
Costa Rica	Malaysia
Côte d'Ivoire	Mali
Croatia	Malta
Cyprus	Mexico
Czech Republic (the)	Monaco
Denmark	Morocco
Djibouti	Namibia
Egypt	Netherlands (the)
Estonia	New Zealand
Finland	Norway
France	Peru
Georgia	Philippines (the)
Germany	Poland
Ghana	Portugal
Greece	Republic of Korea (the)
	Romania
	Rwanda
	Serbia

Sierra Leone  
 Singapore  
 Slovakia  
 Slovenia  
 South Africa  
 Spain  
 Sweden  
 Switzerland  
 Tajikistan  
 Thailand  
 Tonga  
 The former Yugoslav Republic of Macedonia  
 Turkmenistan  
 United Kingdom of Great Britain and Northern  
 Ireland (the)  
 United States of America (the)  
 Uruguay  
 Zambia

**National Societies that made pledges  
 at the 31st International Conference**

Afghanistan – Red Crescent  
 Algeria – Red Crescent  
 Angola – Red Cross  
 Antigua and Barbuda – Red Cross  
 Area under Palestinian Authority – Red Crescent  
 Argentina – Red Cross  
 Armenia – Red Cross  
 Australia – Red Cross  
 Austria – Red Cross  
 Azerbaijan – Red Crescent  
 Bahamas (the) – Red Cross  
 Belgium – Red Cross  
 Botswana – Red Cross  
 Belize – Red Cross  
 Benin – Red Cross  
 Bolivia – Red Cross  
 Bosnia and Herzegovina – Red Cross  
 Brunei Darussalam – Red Crescent  
 Bulgaria – Red Cross  
 Burkina Faso – Red Cross  
 Cambodia – Red Cross  
 Cameroon – Red Cross  
 Canada – Red Cross  
 Cape Verde – Red Cross  
 Chad – Red Cross  
 Chile – Red Cross  
 China – Red Cross  
 Colombia – Red Cross  
 Comoros (the) – Red Crescent  
 Congo (the) – Red Cross  
 Cook Islands – Red Cross  
 Costa Rica – Red Cross  
 Côte d’Ivoire – Red Cross

Croatia – Red Cross  
 Czech Republic (the) – Red Cross  
 Democratic People’s Republic of Korea – Red Cross  
 Denmark – Red Cross  
 Dominica – Red Cross  
 Dominican Republic (the) – Red Cross  
 Ecuador – Red Cross  
 Equatorial Guinea – Red Cross  
 Estonia – Red Cross  
 Fiji – Red Cross  
 Finland – Red Cross  
 France – Red Cross  
 Gambia (the) – Red Cross  
 Georgia – Red Cross  
 Germany – Red Cross  
 Ghana – Red Cross  
 Greece – Red Cross  
 Guatemala – Red Cross  
 Guinea – Red Cross  
 Guinea-Bissau – Red Cross  
 Guyana – Red Cross  
 Haiti – Red Cross  
 Honduras – Red Cross  
 Hungary – Red Cross  
 Iceland – Red Cross  
 India – Red Cross  
 Indonesia – Red Cross  
 Iran – Red Crescent  
 Iraq – Red Crescent  
 Ireland – Red Cross  
 Italy – Red Cross  
 Jamaica – Red Cross  
 Japan – Red Cross  
 Jordan – Red Crescent  
 Kazakhstan – Red Crescent  
 Kenya – Red Cross  
 Kiribati – Red Cross  
 Lao People’s Democratic Republic (the) – Red Cross  
 Latvia – Red Cross  
 Lebanon – Red Cross  
 Lesotho – Red Cross  
 Libya – Red Crescent  
 Madagascar – Red Cross  
 Malaysia – Red Crescent  
 Malta – Red Cross  
 Mauritius – Red Cross  
 Mexico – Red Cross  
 Micronesia (Federated States of) – Red Cross  
 Monaco – Red Cross  
 Mongolia – Red Cross  
 Montenegro – Red Cross  
 Morocco – Red Crescent  
 Mozambique – Red Cross  
 Myanmar – Red Cross  
 Namibia – Red Cross  
 Nepal – Red Cross



Netherlands (the) – Red Cross  
 New Zealand – Red Cross  
 Nicaragua – Red Cross  
 Niger – Red Cross  
 Nigeria – Red Cross  
 Norway – Red Cross  
 Pakistan – Red Crescent  
 Palau – Red Cross  
 Panama – Red Cross  
 Papua New Guinea – Red Cross  
 Paraguay – Red Cross  
 Peru – Red Cross  
 Philippines (the) – Red Cross  
 Poland – Red Cross  
 Portugal – Red Cross  
 Republic of Korea (the) – Red Cross  
 Romania – Red Cross  
 Russian Federation (the) – Red Cross  
 Rwanda – Red Cross  
 Saint Lucia – Red Cross  
 Samoa – Red Cross  
 San Marino – Red Cross  
 Sao Tome and Principe – Red Cross  
 Saudi Arabia – Red Crescent  
 Senegal – Red Cross  
 Serbia – Red Cross  
 Sierra Leone – Red Cross  
 Singapore – Red Cross  
 Slovakia – Red Cross  
 Slovenia – Red Cross  
 Somalia – Red Crescent  
 South Africa – Red Cross  
 Spain – Red Cross  
 Suriname – Red Cross  
 Sweden – Red Cross  
 Switzerland – Red Cross  
 Syrian Arab Republic (the) – Red Crescent  
 The former Yugoslav Republic of Macedonia –  
 Red Cross  
 Thailand – Red Cross

Timor-Leste – Red Cross  
 Tonga – Red Cross  
 Trinidad and Tobago – Red Cross  
 Tunisia – Red Crescent  
 Turkmenistan – Red Crescent  
 Uganda – Red Cross  
 Ukraine – Red Cross  
 United Kingdom of Great Britain and Northern  
 Ireland (the) – Red Cross  
 United States of America (the) – Red Cross  
 Uruguay – Red Cross  
 Vanuatu – Red Cross  
 Venezuela – Red Cross  
 Viet Nam – Red Cross  
 Zambia – Red Cross

### **International components that made pledges at the 31st International Conference**

International Committee of the Red Cross  
 International Federation of Red Cross and Red  
 Crescent Societies

### **Observers that made pledges at the 31st International Conference**

Area under Palestinian Authority  
 South Sudan Red Cross Society  
 British Council  
 Council of the Inter-Parliamentary Assembly  
 of the Commonwealth of Independent States  
 European Union  
 Global Campaign for Peace Education  
 International Olympic Committee  
 The Culture of Peace Organization  
 Pan-Pacific & South-East Asian Women's  
 Association



## 4.11

# LIST OF DOCUMENTS SUBMITTED TO THE CONFERENCE

- 4.11 Provisional agenda and programme of the 31st International Conference (CD/11/10.1 and 31IC/11/1.1)
  - Concept notes and guiding questions for the second plenary, the fourth plenary and commissions
  - List and outlines of workshops and side events
  - Conference guide
  - Initial background document
  - Special note on pledges at the 31st International Red Cross and Red Crescent Conference
  - Information note for the members, observers and guests of the 31st International Conference
- Draft resolutions and background reports**
- Strengthening legal protection for victims of armed conflicts – draft resolution and report (31IC/11/5.1.1)
  - Report on IHL and the challenges of contemporary armed conflicts (31IC/11/5.1.2)
  - 4-year action plan for the implementation of international humanitarian law – draft resolution (31IC/11/5.1.3DR)
  - Migration: Ensuring access, dignity, respect for diversity and social inclusion – draft resolution and background report (31IC/11/5.2.1)
  - Furthering the auxiliary role: Partnership for stronger National Societies and volunteering development – draft resolution and background report (31IC/11/5.2.2)
  - Health care in danger: Respecting and protecting health care in armed conflict and other situations of violence – draft resolution and background document (31IC/11/5.3.1)
  - Health inequities: Reducing the burden on women and children – draft resolution and background report (31IC/11/5.3.2)
  - Progress in the implementation of the guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance – background report (31IC/11/5.5.1)
  - Law and disaster risk reduction at the community level – background report (31IC/11/5.5.2)
  - Addressing regulatory barriers to providing emergency and transitional shelter in a rapid and equitable manner after natural disasters – background report (31IC/11/5.5.3)
  - Strengthening normative frameworks and addressing regulatory barriers concerning disaster mitigation, response and recovery – draft resolution (31IC/11/5.5DR)
  - Implementation of the Memorandum of Understanding and Agreement on Operational Arrangements, dated 28 November 2005, between the Palestine Red Crescent Society and the Magen David Adom in Israel – draft resolution (31IC/11/7.5)

**Follow-up to the 30th International Conference of the Red Cross and Red Crescent**

- Introduction to the follow-up reports to the 30th International Conference of the Red Cross and Red Crescent (31IC/11/7.1)
- Follow-up report to Resolution 1: “Together for Humanity” (31IC/11/7.2)
- Follow-up report to the implementation of Resolution 2: Specific nature of the International Red Cross and Red Crescent Movement in action and partnership and the role of National Societies as auxiliaries to the public authorities in the humanitarian field (31IC/11/7.3)
- Report on implementation of Resolution 3 on reaffirming and implementing international humanitarian law (31IC/11/7.4)

# SIXTEENTH SESSION OF THE STANDING COMMISSION OF THE RED CROSS AND RED CRESCENT

**30 NOVEMBER 2011**

## **Present**

### **Chair of the 31st International Conference**

Ms Niki Rattle

### **Members**

Dr Mohammed Al-Hadid

Mr Massimo Barra

Mr Steve Carr

Mr Bekele Geleta

Mr Jakob Kellenberger

Mr Tadateru Konoé

Dr Philip Spoerri

Mr Pär Stenbäck

Mr Greg Vickery

### **Secretariat**

Ms Helena Korhonen

Ms Erica Tong Junod, Assistant

## **1. Opening**

The Chair of the 31st International Conference, Ms Niki Rattle, opened the meeting and congratulated the new and re-elected members.

To be clear about her role at the meeting, she quoted Rule 29 of the Rules of Procedure of the Statutes of the International Red Cross and Red Crescent Movement and Rule 3 of the Rules of Procedure of the Standing Commission, which states:

“Immediately after the election of the members of the Commission, the Chairperson of the Conference shall convene the members of the new Commission who are present. These members shall elect, in accordance with article 19.5 of the Statutes and at this first meeting, a Chairperson and a Vice-Chairperson who traditionally are from among the Commission’s elected members.”

Accordingly, she proceeded to agenda item 2, election of the Chair.

## **2. Election of the Chair of the Standing Commission**

Ms Rattle referred to the Guiding Principles for the Election of the Standing Commission, which were adopted in September 2011 by the previous Commission and which included a chapter on the Chairmanship of the Commission and the procedure for electing the Chair. She stated that she would follow the procedure set out in those guiding principles.

Ms Rattle also informed the Commission that at her request, Ms Helena Korhonen had asked all elected members about their interest and willingness to serve as Chair.

As a result, Ms Rattle noted two candidates for chairmanship, Mr Massimo Barra and Mr Greg

Vickery, which meant election by secret ballot, as established in the adopted procedure.

Dr Mohammed Al-Hadid asked for the floor and informed the colleagues that he does not wish to be a candidate for the Chair or the Vice Chair as he served in both positions and it would be better to have a change. However, he would support both the elected Chair and Vice Chair fully in their work.

Before the secret ballot, Mr Barra renounced his vote.

Mr Greg Vickery was elected Chair of the XVI session of the Standing Commission with eight votes and one abstention.

Ms Rattle congratulated the new Chair and wished him success in his demanding role, after which she proceeded to agenda item 3.

### **3. Election of the Vice-Chair of the Standing Commission**

According to the Guiding Principles, the same process shall be used for the election of Vice-Chair as for the Chair.

Steve Carr announced his willingness to serve as Vice-Chair.

Mr Konoé proposed Mr Massimo Barra as second candidate in respect of the number of votes he had received. According to Mr Konoé there were many delegates who believed that the person who got the highest number of votes would become the Chair. Although not legally correct, Mr. Konoé was concerned about their voices, and therefore he proposed Mr Barra as Vice-Chair, if Mr Barra agreed.

Mr Barra declared that he accepted the candidacy but would abstain from voting.

Mr Pär Stenbäck noted that the adopted election procedure by the earlier Standing Commission was a positive thing because the Standing Commission now had a free choice, also considering that all elected members were very close in the election results.

Mr Steve Carr reminded that there was no previous rule for the election of Chair.

Ms Rattle noted that with two candidates, there would be a vote by secret ballot according to the adopted guidelines.

The result was that Mr Steve Carr was elected Vice-Chair with seven votes against one vote for Mr Barra. There was one abstention.

Mr Barra considered the procedure offensive to the International Conference and the election results.

Mr Kellenberger found Mr Barra's statement offensive to the Standing Commission, which followed the rules it had set in September.

Dr Al-Hadid considered it a good sign that previous Chairs and Vice-Chairs, including him, stepped back and gave way for new leaders.

Ms Rattle congratulated the new Vice-Chair and moved to the next agenda item.

### **4. Working language of the Standing Commission**

As introduction, Ms Rattle clarified that the Movement has four working languages. As needed, members are entitled to interpretation and translation of documents into one of these languages.

The Commission agreed to work in English only.

### **5. Confirmation of the next meeting**

It was decided to have the next meeting in Haiti, in connection with the Inter-American Conference in March 2012. The Commission will meet for two days prior to the Conference, 11-12 March, and discuss the two-year plan of action and budget.

### **6. AOB**

Helena Korhonen informed the Commission of her decision to leave her position as Head of the Standing Commission Secretariat on 1 May 2012.

Mr Konoé requested Ms Rattle to explain about the guiding principle for the election of Chair and Vice-Chair when she announced the outcome of the election so as to avoid any misunderstanding and eventual distrust of the Standing Commission.

## 7. Closing

Ms Rattle thanked Mr Barra for his service as Chair of the previous Commission.

Mr Vickery expressed his thanks to all for their important work and role. He looked forward to cooperation with all members. Mr Carr added his thanks to the outgoing members, Mr Eamon Courtenay and Mr Adama Diarra.

Ms Rattle closed the meeting, wishing the new Commission success in its demanding work before the Council of Delegates in Australia in 2013.



