

JEDNÁNÍ VRCHOLNÝCH ORGÁNŮ ČERVENÉHO KŘÍŽE V ŽENEVĚ 20. – 30.11.2007

Ve dnech 20.-30.11.2007 proběhla v Ženevě jednání vrcholných orgánů Mezinárodního hnutí Červeného kříže a Červeného půlměsíce, a to:

- XVI. řádné Valné shromáždění Mezinárodní federace ČK&ČP (20.-22.11.)
- Rady delegátů ČK&ČP (23.-24.11.)
- XXX. Mezinárodní konference ČK&ČP (26.-30.11.)

Nejdůležitějším bylo jednání **Mezinárodní konference Červeného kříže a Červeného půlměsíce**, které se účastní vládní delegace. V obsáhlém dokumentu **Deklarace „Společně pro humanitu“** (jak zní oficiální slogan Hnutí ČK&ČP na další období) jsou zakotveny závazné úkoly pro všechny účastníky Konference – tedy složky Hnutí i vlády, kteří je budou společně naplňovat.



I. Valné shromáždění Mezinárodní federace ČK&ČP

Valné shromáždění (VS) je nejvyšším orgánem Federace, řádně se koná 1x za 2 roky, řeší vnitřní záležitosti národních společností. Do Federace byl přijat Červený kříž Černé Hory jako její 186. člen. Informace lze nalézt na stránkách www.ifrc.org.

II. Rada delegátů ČK&ČP

Jednání Rady se konají 1x za 2 roky a před každou Mezinárodní konferencí. Zastoupení jsou MVČK, všechny národní společnosti a Federace. Hlavním úkolem je v rámci Hnutí projednat materiály, které budou následně předloženy Mezinárodní konferenci a sjednotit stanoviska všech složek Hnutí na základní otázky Hnutí.

Zasedání zahájil a řídil prezident Mezinárodního výboru ČK Dr. Kellenberger.

Z důležitých bodů vybíráme:

- Zpráva P. Stenbäcka o plnění memoranda o porozumění mezi Izraelskou MDA a Palestinským ČP

Memorandum bylo přijato v listopadu 2005 a umožnilo přijetí III. Dodatkového protokolu k Ženevským úmluvám (znak červeného krystalu) a uznání společnosti Davidovy hvězdy (MDA) za národní společnost dle mezinárodního práva. V obsáhlém materiálu konstatuje nezávislý pozorovatel, že memorandum dosud není uspokojivě plněno. Nedostatky jsou např. v trvající neochotě Izraele registrovat palestinské sanitní vozy a certifikovat kvalifikaci zdrav. personálu ve Východním Jerusalemu. Další problémy jsou s průjezdem kontrolními body. Na obou stranách dosud nebyl přijat zákonný rámec regulující užívání znaků Ženevských úmluv.

Následně proběhla rozsáhlá diskuse. Následujícího dne (24.11.) byla přijata konsensem resoluce, která vyzývá státní orgány, aby umožnily implementaci Memoranda a stanoví, že zpráva o implementaci bude Radě delegátů předkládána i do budoucna.

▪ **Specifická povaha národních společností a jejich vztah k veřejné správě**

Dokument vyjasňuje postavení národních společností na základě mezinárodního humanitárního práva (MHP) a Statutu Mezinár. hnutí ČK&ČP, jakožto pomocných organizací veřejné správy. Dvojí povaha uznání společností – ze strany vlády a MVČK – určuje zvláštní povahu těchto organizací – nejde o typické NGOs.

▪ **Strategie Hnutí**

Stálá komise zpracovala zprávu o provádění hlavních strategických směrů přijatých na RD 2005 v Soulu. Ve stručnosti jde o tyto oblasti:

- společné plánování rozvoje kapacit nár. společností
- systematické šíření znalostí o organizaci, poslání, základních principech ČK a o MHP na všech stupních orgánů (volených i výkonných) národních společností
- důsledné dodržování základních principů ČK všemi složkami ČK&ČP
- rozvoj dialogu v rámci Hnutí zaměřeného na formulaci „správné praxe“
- monitoring trendů vně Hnutí ČK a formulace jim odpovídající politiky Hnutí
- další rozšíření schopnosti poskytovat pomoc při mimoř. situacích
- aktivní prosazování role složek Hnutí ČK jakožto „obhájce“ v humanitárních záležitostech
- analýza statusu národních společností jakožto pomocných organizací veřejné správy, vztahů složek Hnutí k ozbrojeným složkám

▪ **Studie Operační a komerční užívání Znaků (ČK, ČP, Č Krystalu)**

Obsáhlý materiál zpracovaný MVČK v konzultaci s národními společnostmi se zabývá praktickými otázkami, které při různých formách užívání znaků vznikají – ať jde o užívání při ozbrojených konfliktech, k označování předmětů, fundraising apod. Do finální verze byly zapracovány i některé připomínky ČČK.

▪ **Zbraně a MHP**

Resoluce se zabývá snahou o omezení užívání zbraní, které mohou zasahovat civilisty, zejm. po skončení válek (implementace V. protokolu k úmluvě CCW 1980 (nevybuchlá munice) a např. kazetová munice)

▪ **Statutární záležitosti Mezinárodní konference**

Rada delegátů přijala návrh na obsazení orgánů Konference (Předsednictvo, komise apod.) a program jednání Konference.

▪ **Slavnostní předání medaile H. Dunanta**

Jde o nejvyšší vyznamenání v ČK&ČP. Předávají se 4 medaile 1x za 2 roky.

- J. J. Carlton (Austrálie, za osobní příspěvek při rozvoji humanitárních aktivit a prosazování základních principů ČK)
- Ch. Hensch (býv. delegát MVČK, úč. misí v Afghánistánu, Kambodži, Chorvatsku, Srí lance, Somálsku, Rusku a Íránu, přežil s těžkými zraněními útok na nemocnici ČK ve městě Novyje Atagi [1996])
- A. D. Ika (Kongo, za obtížných situací sjednocoval rodiny a



předával rodinné zprávy. Působil jako ved. Delegatury MVČK v Bunii, při jejíž obraně riskoval život)

- J. Gabel (Francie, býv. delegátka FČK v Kongu a Čadu, zdrav. sestra - instruktorka první pomoci, organizovala první kurz první pomoci v Kwilu (býv. Belgické Kongo, 1962) a poskytovala první pomoc v nebezpečných oblastech ovládaných povstalci. V Čadu vybuodovala stanici PP a „lesní kliniku“)

III. XXX. Mezinárodní konference ČK&ČP

Konference je nejvyšším orgánem Mezinárodního hnutí ČK&ČP. Jde o mezinárodní orgán ve smyslu mezinárodního práva tvořený:

- delegacemi vlád zemí – účastníků Ženevských úmluv (všech 194 zemí světa),
- delegacemi národních společností Mezinárodního hnutí ČK&ČP
- delegací MVČK
- delegací MFČK.

Každá delegace hlasuje samostatně.



Účast České republiky na Konferenci schválila vláda ČR dne 14.11.2007.

Delegace vlády působila ve složení: Dr. J. Horák (vedoucí, vrchní ředitel právní a konzulární sekce MZV ČR), Ing. T. Husák (velvyslanec ČR při OSN a ostatních mezinár. organizacích v Ženevě), Dr. I. Červenková (ředitelka mezinárodněprávního odboru MZV ČR), Dr. V. Filec (odbor zdrav.soc. služeb MZ ČR), Dr. V. Krška (vedoucí odd. mezinár. práva MO ČR), Dr. R. Klečková (mezinár.práv.odbor MZV)

Delegace ČČK působila ve složení: Dr. M. Jukl (vedoucí, prezident ČČK) a Dr. J. Procházka (ředitel Úřadu ČČK), L. Sochorová (zahr. odd. Úřadu ČČK).

Konferenci zahájil prezentací *Základních principů ČK&ČP* Dr. Al-Hadid, předseda Stálé komise ČK&ČP.

Zmínil **hlavní témata Konference**, které jsou výzvami pro budoucnost lidstva – změny životního prostředí a podnebí, hrozba infekcí, šířící se násilí v městských oblastech, migrace, války. Na všechny tyto výzvy musí být ČK v partnerství se státy připraven a schopen reagovat.

Předsedkyní Konference byla zvolena a dále ji řídila M. Kalako-Williams (prezidentka Jihoafrického ČK).

V úvodu vystoupila M. Calmy-Rey, prezidentka Švýcarska. Apelovala na členy Konference, aby se nezabývali partikulárními zájmy, ale postupovali v souladu se sloganem Konference *Společně pro humanitu*. Ocenila to, že Hnutí se zabývá záležitostmi hluboce humanitárního významu, zejména změny podnebí, mezinárodní migrace, násilí a hrozba infekčních chorob, jakož i způsoby a prostředky vedení boje. Zmínila rovněž podporu Švýcarska úsilí MVČK o vyjasnění základních termínů MHP a podporu Mezinárodní vyšetřovací komise.

Úvodní slova pak pronesl prezident MVČK J. Kellenbeger (Hnutí je založeno na solidaritě, globální výzvy vyvolávají potřebu těsné spolupráce mezi aktéry, zaměřil se dále na rozdělené rodiny a pátrací činnost, migraci. K problematice práva uvedl, že není nedokonalé, ale musí být plně aplikováno, zaměřil se též na iniciativu omezující kruté následky některých

zbraní a dobrovolné „sebeomezující“ závazky států) MF ČK&ČP J.M. Toro (potřeba solidarity tváří v tvář humanitárním hrozbám, zdůraznil čtyři hlavní [změny podnebí a živ. prostředí, migrace, násilí a krize veřejného zdraví], připomněl specifický vztah nár. společností a států).

Pak následovaly projevy cca 100 delegací (tj. asi 25%), které trvaly i během dopoledne dne 27.11. Vedoucí delegace ČR krátce vystoupil, v obecné rovině zdůraznil význam Konference a činností ČK a konkrétně deklaroval závazek ČR poskytnout příspěvek na Libanonský soud.

Předsedkyně Konference oznámila obdržení návrhu rezoluce (Organizace islámské konference) konstatující nenaplnění memoranda mezi Palest. ČP a MDA. Tento byl projednáván během Konference a ve čtvrtek byl konsenzuálně přijat návrh, na němž se zúčastněné strany shodly. Před hlasováním bylo oznámeno P. Stenbäckem (nezávislý pozorovatel), že izraelské úřady toho dne vydaly potřebná potvrzení pro zahájení provozu Zdravotnické záchranné služby Palestinského ČP ve Východním Jeruzalému (neúspěšně trvalo 2 roky), pak velvyslanec B. J. Van Eenennaam, zástupce předsedkyně konference, přednesl zmíněný návrh rezoluce. Rezoluce žádá, aby i nadále probíhalo sledování plnění memoranda (vztahy a spolupráce PČP a MDA) z r. 2005, povzbuzuje obě společnosti k upevnění spolupráce k naplnění memoranda a zákl. principů ČK, vyzývá všechny zúčastněné úřady k naplnění memoranda.

28.11. pracovaly výbory Konference (A-Mezinárodní humanitární právo, B-Národní společnosti jako pomocné organizace veřejné správy, C-Připravenost na katastrofy; delegace ČČK se zařadila do Výboru A). Projednaly paralelně návrhy rezolucí k těmto otázkám.

29.11. dopoledne probíhaly odborné semináře k hlavním tématům Konference. Odpoledne zasedalo třetí plénum Konference. Přijalo zmíněnou rezoluci k plnění memoranda mezi Palestinským ČP a MDA a projednalo zprávy zpravodajů Výborů konference. Dále projednalo plnění Deklarace „Agenda for Humanitarian Action“ a závazků učiněných účastníky XXVIII. Konference (2003).

Souběžně byly zahájeny volby **Stálé komise ČK&ČP** (stálý orgán mezi Konferencemi, 9 členů, z nichž 2 deleguje MVČK, 2 deleguje MF ČK&ČP a 5 volí Konference). Na 5 míst bylo 9 kandidátů. V tajných volbách byli zvoleni:

- M. Al-Hadid (Jordánsko),
- M. Barra (Itálie),
- A. Diarra (Mali),
- S. Carr (USA),
- E. Courtenay (Belize).

Na svém zasedání Stálá komise zvolila předsedou dosavadního předsedu Dr. M. Al-Hadída.

Tím byly projednány hlavní výstupy Konference, které tato konsenzem přijala dopoledne dne 30.11.2007. Jedná se o:

- **Deklarace „Společně pro humanitu“** – základní dokument pro činnost Hnutí ČK&ČP na další období. Prioritami jsou (velmi stručný výtah)
 - Zhoršení životního prostředí a jeho příspěvek ke klimatickým změnám
Složky Hnutí se připraví na pomoc zranitelným skupinám osob v souvislosti s těmito změnami
 - Mezinárodní migrace

Připravenost složek Hnutí k humanitární, psychosociální pomoci, ochraně a integraci i reintegraci

- Násilí v městských oblastech

Primární odpovědnost mají státy. ČK bude rozvíjet preventivní programy a výchovné programy (různost, akce proti diskriminaci, rasismu, etc.)

- Hrozba infekčních nemocí (nových i znovuvracejících se – TBC, HIV, malárie, chřipka)

Rozvoj národních plánů ochrany zdraví, epidemických a pandemických plánů, zapojení složek Hnutí ČK, zajištění přístupu zranitelných skupin ke zdravotní péči, zajištění zákl. hygienických standardů (voda, sanitace, etc.)

Všechny tyto úkoly se týkají **všech členů** Konference, plnění se děje ve spolupráci všech členů.

Dále byla dokumentem vzata na vědomí rezoluce Rady delegátů Strategie obnovování rodinných kontaktů, Globální zdravotní strategie MF ČK&ČP na léta 2006-10, Studie o humanitárním obyčejovém právu MV ČK, dokument MVČK „MHP v současných ozbrojených konfliktech“.

Dále byli všichni členové Konference vyzváni pokračovat v plnění Deklarace „Agenda for Humanitarian Action (2003)“

MVČK byl vyzván připravit na XXXI.Konferenci zprávu o plnění slibů učiněných na XXX. Konferenci.

- Znovupotvrzení a rozvoj MHP „Ochrana života a důstojnosti v ozbrojených konfliktech“

Členové Konference se zavázali znovupotvrdit závazky MHP:

- Respektovat a zajistit respekt k normám MHP
- Základní záruky MHP
- Humanitární a zdravotní péče a pomoc
- Úprava způsobu vedení boje
- Dosažení efektivní implementace norem MHP

- Příručka pomoci při katastrofách

Byl přijat doporučující dokument, který je souborem zásad postupu při odezvě na katastrofy. Jde o součást projektu rozvoje **mezinárodního práva reakce na katastrofy**

- Specifická povaha vztahu národních společností a států (role pomocné organizace)

Dokument vyjasňuje tento vztah založený na mezinár. právu a Statutu Hnutí. Národní společnosti mají zvláštní status lišící se od jiných organizací. Ve vztahu ke státu si zachovávají zejm. neutralitu a nezávislost, plní však úkoly dané státem v rámci svého humanitárního poslání.

Součástí agendy bylo přijetí „**čestných závazků**“ jednotlivými delegacemi. ČČK se zavázal je splňovat.

Závazky učiněné vládou ČR znějí:

1. ČR bude podporovat a rozvíjet roli Českého červeného kříže jako pomocné organizace veřejné správy na humanitárním poli a při prosazování a šíření základních humanitárních principů a mezinárodního humanitárního práva.

2. ČR bude posilovat národní mechanismy k realizaci závazků z mezinárodního humanitárního práva, včetně institucionalizace národní komise pro implementaci mezinárodního humanitárního práva.
3. ČR bude podporovat ratifikaci smluv v oblasti mezinárodního humanitárního práva a mezinárodního práva lidských práv (např. Úmluvy na ochranu osob před nuceným zmizením).
4. ČR bude posilovat šíření znalostí mezinárodního humanitárního práva mezi obyvatelstvem, zejména mezi mladými lidmi, a příslušnými profesními skupinami.

Další závazky byly předloženy EU a národními ČK EU, k nimž se vláda ČR i ČČK připojili. Všechny závazky jsou zaregistrovány a zveřejněny na internetu na stránkách www.cicr.org.

Přílohou tohoto materiálu je

- text přijaté deklarace „Společně pro humanitu“
- text přijaté resoluce o specifické povaze spolupráce a partnerství mezi státy a složkami hnutí ČK&ČP
- text přijaté resoluce o znovupotvrzení a prosazování mezinár. humanitárního práva

Další rezoluce (včetně příručky ve věci postupu v případě katastrof (oblast práva reakce na katastrofy)) můžete nalézt na stránkách MVČK www.cicr.org.



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30th INTERNATIONAL CONFERENCE
OF THE RED CROSS AND RED CRESCENT

Geneva, Switzerland,
26-30 November 2007

DECLARATION

TOGETHER FOR HUMANITY

DECLARATION

TOGETHER FOR HUMANITY

Gathered in Geneva for the 30th International Conference of the Red Cross and Red Crescent we, members of this Conference, have focused on the humanitarian consequences of four great challenges facing the world today which affect the individual and specifically the most vulnerable:

- environmental degradation and climate change;
- humanitarian concerns generated by international migration;
- violence, in particular in urban settings;
- emergent and recurrent diseases and other public health challenges, such as access to health care.

The global scale of each of these challenges requires a collective response as it exceeds the coping capacity of individual States or humanitarian organizations. In addressing the humanitarian consequences of those challenges, and in the spirit of the slogan of this Conference, "Together for Humanity", we need to intensify operational interaction and partnerships among ourselves, and with other institutions – e.g., intergovernmental, supranational, non-governmental, academic – as well as media and the private sector. For the components of the International Red Cross and Red Crescent Movement (Movement) this must be in accordance with the Fundamental Principles and policies of the Movement.

Humanitarian consequences of environmental degradation and climate change

We are deeply concerned that people everywhere, especially the poorest of the poor, face an increased burden due to the rise in disasters and the scarcity of resources induced by multiple factors such as environmental degradation and climate change, contributing to poverty, migration, health risks and aggravated risk of violence and conflict.

We are resolved to work with partners to raise awareness about these serious humanitarian concerns, including their causes, and to provide humanitarian assistance to the most vulnerable people, in particular in affected developing countries.

We will capitalize on the community base of National Societies to decrease the vulnerability of communities where environmental hazards and degradation are severe and adaptive capacity is low.

We reaffirm that preparedness for disaster is a key element in the management of response, and will seek to improve individual and collective capacity to respond swiftly to humanitarian challenges induced by environmental degradation and climate change.

We are resolved to ensure that environmental degradation and adaptation to climate change are integrated, where relevant, in disaster risk reduction and disaster management policies and plans. We will seek to mobilise the necessary human and financial resources to implement them, giving priority to actions for the most vulnerable people.

We acknowledge the commitment of States to the United Nations Framework Convention on Climate Change (UNFCCC) as the core mechanism for addressing climate change at the global level, and we affirm that aspects of the Movement's work support and complement elements of the UNFCCC.

Humanitarian concerns generated by international migration

We, while acknowledging the many benefits of international migration as well as its complex and multifaceted nature, recognize that migration may generate issues of humanitarian concern in all regions of the world. We are particularly concerned that migrants, irrespective of their status, may live outside conventional health, social and legal systems and for a variety of reasons may not have access to processes which guarantee respect for their fundamental rights.

We reaffirm the importance of examining ways and means to reinforce international cooperation at all levels to address the humanitarian concerns generated by international migration.

We acknowledge 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. We are deeply concerned by all forms of human trafficking and exploitation, in particular, involving children and women and we acknowledge the role of governments to prevent such practices, to provide protection and assistance to all victims of such practices and to ensure respect for the national and international instruments prohibiting them. We also acknowledge the role of the International Red Cross and Red Crescent Movement in this respect.

When addressing the humanitarian needs of persons negatively affected by migration, particularly migrants and members of their families in countries of origin, transit and destination, we take into account, where relevant, the considerable experience of the Red Cross and Red Crescent with respect to:

- (a) Humanitarian assistance: e.g., providing food, shelter, clothing, health care, first aid, psycho-social support, etc.
- (b) Protection: e.g., restoring family links, legal and administrative advice, acting against exploitation and deception, providing information on the risks of irregular migration, visiting migrants in detention with a view to helping improve their detention conditions and their treatment when necessary.
- (c) Advocacy: providing the humanitarian perspective to policy decisions, combating racism, xenophobia and discrimination, promoting international norms in that respect.
- (d) Integration and reintegration: e.g., reception services, fostering social participation and solidarity (e.g., as Red Cross and Red Crescent volunteers).
- (e) Human dignity: promoting respect for human dignity.

Taking into account the negative consequences of large scale influxes as a result of humanitarian crises, international actors should consider the needs of host country communities.

We acknowledge the role of National Societies, based on the principles of humanity and impartiality, and in consultation with public authorities, to provide humanitarian assistance to vulnerable migrants, irrespective of their legal status.

Violence, in particular in urban settings

We recognize that violence is a leading cause of preventable death, injury and human suffering worldwide. Violence in urban areas poses a particular challenge, where problems are often aggravated by rapidly growing populations, poverty and economic inequalities, unemployment, social exclusion and marginalization, insufficient public security and services, and the easy availability of drugs and weapons.

We acknowledge that States are responsible for providing safety and ensuring adequate care and support for the victims of violence, to the extent feasible, and for the creation of policies and legal frameworks which aim at prevention and mitigation of violence. Such policies and frameworks may also need to address cases of urban armed violence between organized groups.

We are resolved to work together to develop at all levels comprehensive violence prevention and reduction programmes in order to build safer communities through practical measures that take into account social and economic development objectives, and to facilitate the rehabilitation of youth affected by violence in order to reduce their alienation and radicalisation and reduce their vulnerability to drugs and crime. We will intensify efforts to mobilise community respect for diversity and action against racism, discrimination, xenophobia, marginalization and other forms of exclusion, faced by all vulnerable groups, also empowering volunteers and youth in humanitarian activities to prevent, defuse or mitigate violence, particularly in urban settings, basing ourselves on the considerable experience of National Societies.

Emergent and recurrent diseases and other public health challenges

We recognize that HIV, pandemic influenza, tuberculosis and malaria and other communicable diseases as well as other public health threats endanger individuals and communities everywhere in the world, and particularly women and children. We also note the disproportionate impact of HIV, tuberculosis and malaria on communities in Sub-Saharan Africa. The decline in capacity of the public health infrastructure in many countries and its ability to cope, as well as demographic change, water and sanitation shortcomings, food insecurity and poor nutrition and their consequences for increased morbidity and mortality have also exacerbated these threats, with a particular impact on the poorest of the poor.

We stress the need to strengthen health systems and develop national health plans with the involvement of National Societies, and to include the empowerment of volunteers and affected groups to ensure that programming and its implementation reaches all affected and vulnerable populations - such as people living with HIV, drug users, communities exposed to the threat of emergent and recurrent diseases, victims of sexual exploitation and human trafficking and other forms of violence, prisoners and former prisoners and orphaned children.

We acknowledge the need for these vulnerable people to have access, without discrimination, to prevention, health promotion and curative care as well as to essential medicines, vaccines and other healthcare products. Access to safe blood through voluntary non remunerated blood donation is and will remain an essential public health objective.

We also stress the importance for medical services to have access to any individual in need based on accepted domestic and international norms, regardless of his/her legal status, and that such services enjoy the necessary protection.

We are resolved to include public health as an integral part of effective disaster management (comprising public health, water and sanitation, epidemic control and public health emergencies).

We recognise that a comprehensive public health approach must address the issue of tuberculosis, HIV and other health threats in prisons, including the necessary follow-up of former prisoners.

In responding to all of these challenges, we will:

- take into consideration the varying capacities of States and National Societies;
- strengthen our operational capacity and resources accordingly;
- optimise the role of the National Society as auxiliary to the public authorities at all levels in the humanitarian field;
- capitalize on the community and volunteer base (particularly the youth) of National Societies to influence positively and act upon vulnerable communities from within, particularly in situations beyond the reach of the public authorities;
- take into account considerations of diversity;
- ensure that gender considerations are mainstreamed into all programmes and activities;
- learn from the experiences and best practices worldwide of the various components of the Movement;
- promote knowledge of and respect for the relevant provisions of international law such as international humanitarian law, international human rights law and refugee law;
- build on the unique ability of the components of the Movement, in acting at all times in accordance with the Fundamental Principles, to gain the confidence of all in order to have access to those in need;
- intensify and coordinate operational interaction and partnerships among ourselves, the members of this Conference, and with other institutions, whenever there is a clear benefit for the victims and most vulnerable.

Our work together needs to be measurable, with transparency accompanying action at the national level and through sharing best practices and experiences. The International Federation and the ICRC agree to support National Societies in their work, including through representation of their interests and concerns at the international level, and will provide the necessary knowledge-sharing mechanisms to facilitate these tasks.



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**30th INTERNATIONAL CONFERENCE
OF THE RED CROSS AND RED CRESCENT**

Geneva, Switzerland,
26-30 November 2007

RESOLUTION 2

**THE SPECIFIC NATURE OF THE 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**

RESOLUTION 2

THE SPECIFIC NATURE OF THE 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

The International Conference,

Acknowledging that strong partnerships between States, the components of the Red Cross and Red Crescent Movement (the Movement) and other humanitarian actors, such as international organisations, non-governmental organisations and civil society are essential to address effectively the needs of vulnerable people worldwide in the spirit of the slogan of the Conference “Together for humanity”,

Acknowledging the different mandates of the various components of the Movement,

Recalling the Movement’s fundamental principle of independence as well as Articles 2.3, 3 and 4.3 of the Statutes of the Movement whereby Red Cross and Red Crescent Societies (National Societies) are recognized by all governments as auxiliaries to the public authorities in the humanitarian field,

Recalling Articles 24, 26 and 27 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949, Articles 24 and 25 of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949, as well as Article 63 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

Noting the resolution of the General Assembly of the United Nations (A/RES/49/2 of 27 October 1994) which recalled that National Societies are recognized by their respective Governments as auxiliaries to the public authorities in the humanitarian field on the basis of the Geneva Conventions of 12 August 1949,

Recalling the Agenda for Humanitarian Action adopted at the 28th International Conference, whereby States, recognizing the importance of the independent and auxiliary role of National Societies agreed, inter alia, to negotiate clearly defined roles and responsibilities with their respective National Societies in risk reduction and disaster management activities, as well as in public health, development and social activities,

Recalling Resolution 1 of the 28th International Conference which welcomed the study carried out by the International Federation on “National Red Cross and Red Crescent Societies as auxiliaries to the Public Authorities in the Humanitarian Field” containing the concept of the “Characteristics of a balanced relationship” and noting the work done by the International Federation in consultation with the ICRC pursuant to the resolution,

Recognizing that the cooperation and dialogue of National Societies with their respective governments includes the key role and responsibilities of National Societies in the fields of promotion, dissemination and implementation of international humanitarian law,

Recognizing that National Societies represent a reliable partner to national and local public authorities that provides service through its diverse volunteer base and its unique capacity to mobilise human and material resources at the community-level,

Noting with appreciation that the Council of Delegates, in its resolution 3 of 2007, has endorsed the concept of a toolbox for use by National Societies when concluding partnership arrangements, including those relevant to auxiliary relationships,

Reaffirming the obligation of all the components of the Movement to act at all times in conformity with the Fundamental Principles, the Statutes of the Movement and the rules governing the use of the emblems and to take full account of the relevant Movement policies,

Acknowledging that the autonomy of National Societies and their commitment to neutrality and impartial assistance, provides the best available means to gain the confidence of all in order to have access to those in need,

Recalling Article 2 paragraph 4 of the Statutes and Rules of procedure of the International Red Cross and Red Crescent Movement adopted by the 25th International Conference of the Red Cross at Geneva in 1986 as amended in 1995 and 2006, which stipulates that “The States shall at all times respect the adherence by all the components of the Movement to the Fundamental Principles”,

1. *Reaffirms* that it is the primary responsibility of States and their respective public authorities to provide humanitarian assistance to vulnerable persons on their respective territories and that the primary purpose of National Societies as auxiliaries to the public authorities in the humanitarian field is to supplement them in the fulfilment of this responsibility;
2. *Calls upon* National Societies and respective public authorities to consolidate a balanced relationship with clear and reciprocal responsibilities, maintaining and enhancing a permanent dialogue at all levels within the agreed framework for humanitarian action;
3. *Recognises* that public authorities and National Societies as auxiliaries enjoy a specific and distinctive partnership, entailing mutual responsibilities and benefits, based on international and national laws, in which the national public authorities and the National Society agree on the areas in which the National Society supplements or substitutes public humanitarian services; the National Society must be able to deliver its humanitarian services at all times in conformity with the Fundamental Principles, in particular that of neutrality and independence, and with its other obligations under the Statutes of the International Red Cross and Red Crescent Movement as agreed by States in the International Conference of the Red Cross and Red Crescent;
4. *Emphasises* that
 - (a) National Societies as auxiliaries to the public authorities in the humanitarian field have a duty to consider seriously any request of their public authorities to carry out humanitarian activities within their mandate,
 - (b) States must refrain from requesting National Societies to perform activities which are in conflict with the Fundamental Principles or the Statutes of the Red Cross and Red Crescent Movement or its mission, that National Societies have

the duty to decline any such request and underlines the need for the public authorities to respect such decisions of the National Societies;

5. *Invites* National Societies and Governments to clarify and consolidate the areas in which National Societies as auxiliaries cooperate at all levels with the public authorities;
6. *Stresses* that the National Society, whilst acknowledging that its personnel and assets are provided to the medical services of the State's armed forces in accordance with Article 26 of the First 1949 Geneva Convention and thus subject to military laws and regulations, must respect the Fundamental Principles, including that of neutrality, and at all times maintain its autonomy and ensure that it is clearly distinguishable from military and other governmental bodies;
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, public authorities and other interested bodies, including guidelines, legal advice and best practices, in support of partnerships between National Societies and the public authorities in the humanitarian field.



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**30th INTERNATIONAL CONFERENCE
OF THE RED CROSS AND RED CRESCENT**

Geneva, Switzerland
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RESOLUTION 3

**REAFFIRMATION AND IMPLEMENTATION OF
INTERNATIONAL HUMANITARIAN LAW**

"Preserving Human Life and Dignity in Armed Conflict"

RESOLUTION 3

REAFFIRMATION AND IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW

"Preserving Human Life and Dignity in Armed Conflict"

The 30th International Conference of the Red Cross and Red Crescent ("the Conference"),

Recalling the Declaration and the Agenda for Humanitarian Action adopted by the 28th International Conference of the Red Cross and Red Crescent, *stressing* that these documents remain as pertinent today as they were in 2003, and *encouraging* all members of the Conference to continue to work towards their full implementation,

Convinced 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,

Underlining, in this regard, that the protection offered by human rights law does not cease in case of armed conflict, save through the effect of provisions for derogation, *recalling* that while some rights may be exclusively matters of international humanitarian law, others may be exclusively matters of human rights law, yet others may be matters of both these branches of international law, and *emphasizing* that human rights law, international humanitarian law and refugee law, provide protection to victims of armed conflict, within their respective spheres of application,

Renewing the unequivocal commitment of all members of the Conference to respect and ensure respect for international humanitarian law in all circumstances,

Stressing, however, that international humanitarian law governs only situations of armed conflict, and should not be extended to other situations,

Welcoming ongoing discussions on international humanitarian law in view of its reaffirmation and implementation in facing the challenges posed by contemporary armed conflict,

Deeply concerned that civilian populations and individual civilians continue to bear the brunt of armed conflicts and remain the main victims of violations of international humanitarian law committed by parties to an armed conflict, and *strongly condemns*, in this regard, attacks on civilians not taking a direct part in hostilities and civilian objects, including humanitarian relief personnel, journalists, other media professionals and associated personnel, as well as the use of human shields,

Recalling the need to take into account the specific requirements in terms of protection, health and assistance of women, children, persons who are elderly, disabled, or infirm, displaced persons, refugees, persons deprived of their liberty and other persons with specific needs,

Welcoming the universal ratification of the 1949 Geneva Conventions, *expressing* the hope that other international humanitarian law treaties will also achieve universal acceptance and *calling upon* all States to consider adhering to international humanitarian law treaties to which they are not yet party,

Noting the entry into force of Protocol III additional to the 1949 Geneva Conventions on 14 January 2007,

Noting that the principles and provisions of international humanitarian law derive not only from international treaties, but also from customary international law,

Recalling that the obligation to respect international humanitarian law binds all parties to an armed conflict, and *emphasizing* that this obligation is not based on reciprocity,

Welcoming the progress made in the implementation of international humanitarian law and *acknowledging* the importance of taking measures at all levels to achieve effective implementation, dissemination and enforcement of international humanitarian law,

Noting with appreciation the increasing number of partnerships and synergies in the fields of implementation, dissemination and development of international humanitarian law between States, international and regional organizations, the ICRC, National Red Cross and Red Crescent Societies and their International Federation, academic institutions, non-governmental organizations and civil society,

Recalling, in particular, the special responsibilities of National Societies as auxiliaries to the public authorities of their respective States in the humanitarian field, to co-operate with and assist their governments in the dissemination and implementation of international humanitarian law, including the protection of the emblems,

Acknowledging that, while progress has been made, efforts to enforce international humanitarian law at the domestic and international levels still fall far short of the requirements of justice, and *recognizing* that impunity for crimes under international law is not acceptable and that victims' rights can no longer be disregarded,

Resolves as follows:

Respect and Ensure Respect

1. *Reaffirms* the obligation of all States and parties to an armed conflict to respect and ensure respect for international humanitarian law in all circumstances;
2. *Stresses*, in this regard, the obligation of all States to refrain from encouraging violations of international humanitarian law by any party to an armed conflict and to exert their influence, to the degree possible, to prevent and end violations, either individually or through multilateral mechanisms, in accordance with international law;

Fundamental Guarantees

3. *Reaffirms* that all persons in the power of a party to an armed conflict, including persons deprived of their liberty for reasons related to the armed conflict, are entitled to the fundamental guarantees established by international humanitarian law in both international and non-international armed conflict and that, as a result, no one can be outside the law;
4. *Stresses* that these fundamental guarantees apply without any adverse distinction based upon race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria;
5. *Reaffirms*, in this regard, the continued importance of full compliance with Article 3 common to the 1949 Geneva Conventions, expressing certain fundamental guarantees, as supplemented by applicable treaty law and customary international law;
6. *Reaffirms* the obligation of humane treatment for all persons in the power of a party to an armed conflict, including persons deprived of their liberty for reasons related to the armed conflict, and the obligation to respect their personal convictions and religious practices, and

reaffirms, in this regard, the prohibition of murder, torture, whether physical or mental, cruel or inhuman treatment, outrages upon personal dignity, in particular humiliating and degrading treatment, corporal punishment, mutilations, medical or scientific experiments, rape and other forms of sexual violence, the taking of hostages, enforced disappearance and collective punishments;

7. *Stresses* the vital importance of providing all persons deprived of their liberty for reasons related to an armed conflict, whether detained or interned, with procedural safeguards aimed at ensuring that such detention or internment is lawful and does not amount to arbitrary deprivation of liberty, including a review of the basis and continued legality of the detention or internment by an independent and impartial body, without prejudice to the legal regime applicable to prisoners of war;

8. *Reaffirms* that all persons subject to arrest on a criminal charge and those on trial are entitled to a fair trial affording all essential judicial guarantees, including the presumption of innocence, trial by an independent, impartial and regularly constituted court, and necessary rights and means of defence;

9. *Recognizes* that additional, specific protections are provided under international humanitarian law to prisoners of war and other protected persons, such as civilian internees;

Humanitarian and Medical Assistance

10. *Reaffirms* the obligation of parties to an armed conflict, as well as third States, to grant humanitarian relief and relief workers rapid and unimpeded access to civilian populations in need, subject to and in accordance with international humanitarian law, including sovereign consent, and further *reaffirms*, in this regard, the obligation to respect and to protect humanitarian relief personnel;

11. *Recalls* 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, and *recognizes* the importance of medical personnel having access to any place where their medical services are required;

12. *Stresses* the obligation of all parties to an armed conflict to recognize and uphold the protective value of the distinctive emblems recognized by the Geneva Conventions and, where applicable, their Additional Protocols;

13. *Deplores* the misuse of medical establishments and other medical facilities and of the distinctive emblems to carry out military operations that place civilians, the wounded and sick, and medical personnel in danger;

Conduct of Hostilities

14. *Reaffirms* the principle of distinction between civilians and combatants and between civilian objects and military objectives as a cardinal principle of international humanitarian law strictly to be observed by all parties to armed conflict at all times, regardless of the motives underlying the armed conflict;

15. *Reaffirms* the prohibition of attacks directed at civilians or civilian objects, the prohibition of indiscriminate attacks, the principle of proportionality in attack, the obligation to take all feasible precautions in attack, as well as against the effects of attack, to protect and spare the civilian population, and the prohibition on using human shields;

16. *Reaffirms* the prohibition of acts or threats of violence, the primary purpose of which is to spread terror among the civilian population;

17. *Reaffirms* that the right of the parties to an armed conflict to choose methods and means

of warfare is not unlimited and that it is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering;

18. *Calls* on all States to increase their efforts to strengthen the protection of civilians against the indiscriminate use and effects of weapons and munitions and *recognizes*, in this regard, the need to urgently address the humanitarian impact of explosive remnants of war and cluster munitions, including through rigorous application of existing rules of international humanitarian law and additional national and international actions that will minimize the harmful effects of these munitions on civilians, including assistance to victims;

19. *Recalls* the obligation as expressed in Additional Protocol I (Art. 36) to review the legality of new weapons, means and methods of warfare and *urges* all States to consider establishing specific review mechanisms to this effect;

20. *Stresses* that, in light of the obligation of States to respect and ensure respect for international humanitarian law, adequate measures to control the availability of arms and ammunition are required so that they do not end up in the hands of those who may be expected to use them to violate international humanitarian law;

Achieving Effective Implementation

a. National Implementation

21. *Recalls* that the obligation to respect international humanitarian law cannot be fulfilled without domestic implementation of international obligations and therefore *reiterates* the need for States to adopt all the legislative, regulatory and practical measures that are necessary to incorporate international humanitarian law into domestic law and practice;

22. *Emphasises*, in this regard, the need to adopt such measures for the use and protection of the distinctive emblems, the repression of serious violations of international humanitarian law, the protection of cultural property, the regulation of means and methods of warfare and the protection of the rights of missing persons and their families, among others;

23. *Acknowledges* with satisfaction the effective role and increasing number of national committees and other bodies involved in advising and assisting national authorities in implementing, developing and spreading knowledge of international humanitarian law, and *encourages* States which have not yet established such a national committee or similar body to consider doing so;

b. Doctrine, Training and Education

24. *Recalls* that, in order to ensure respect for international humanitarian law in the conduct of military operations, it is essential that the law be translated into measures and mechanisms, at both the level of doctrine and procedures. It is equally important that armed forces personnel at all levels be properly trained in the application of international humanitarian law;

25. *Stresses*, in this regard, the responsibility of military commanders for the training of their personnel and for the orders they give to their subordinates, and *recalls* that it is essential therefore that commanders receive training commensurate with their responsibility;

26. *Recalls* the importance, to this end, of the availability within armed forces of legal advisers to advise commanders, at the appropriate level, on the application of international humanitarian law;

27. *Reaffirms* that it is equally important that the civilian population be educated about international humanitarian law and, in this regard, *encourages* States to intensify their efforts

and, in particular, to adopt educational programmes for young people, such as the education modules Exploring Humanitarian Law, and *encourages* National Societies to increase their efforts to spread knowledge of international humanitarian law in all sectors of society;

c. Ending Impunity

28. *Recognizes* that while implementation, training and education are prerequisites for States to comply with their obligation to respect international humanitarian law, enforcement, in particular through the rigorous application of the system of individual responsibility for serious violations of international humanitarian law, is required to put an end to impunity and to encourage future respect;

29. *Stresses*, in this regard, that it is indispensable that all States create a domestic legal framework for the investigation of crimes under international law, in particular war crimes, and for the prosecution or extradition of persons suspected of having committed such crimes;

30. *Underlines* the importance of visible, predictable and effective sanctions, whether penal or disciplinary, in order to ensure respect for international humanitarian law and to deter future violations;

31. *Urges* States to make further progress in promoting accountability for the commission of crimes under international law by making domestic criminal justice more effective through, *inter alia*, assistance to States in developing the capacities of their domestic courts, by improving international judicial cooperation among States, as well as between States and international and "mixed" criminal courts and tribunals, by considering becoming party to the Statute of the International Criminal Court and by providing for jurisdiction over such crimes consistent with international law;

32. *Encourages* the use of fact-finding mechanisms, such as the International Fact-Finding Commission established under Article 90 of Additional Protocol I, in restoring respect for international humanitarian law;

33. *Invites* the ICRC, in furtherance of its previously reported efforts, to continue its reflection and work on improving compliance with international humanitarian law, and to include, where appropriate, an update in its reporting to the next International Conference on this issue;

34. *Reminds* States of the need to address victims' rights in accordance with international law;

35. *Calls upon* all Members of the Conference to take effective measures to implement this resolution.