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*During 1994 the focus was on preparations for two major events:*

- *the meeting of the intergovernmental group of experts for the protection of war victims, whose task is to seek practical means of promoting full respect for and compliance with international humanitarian law and to prepare a report for submission to States and to the forthcoming International Conference of the Red Cross and Red Crescent (the group of experts met in Geneva from 23 to 27 January 1995);*
- *the 26th International Conference of the Red Cross and Red Crescent, due to be held in Geneva from 4 to 7 December 1995.*

*These important meetings follow on from the International Conference for the Protection of War Victims, which took place in Geneva from 30 August to 1 September 1993. Their essential purpose is to promote full respect for humanitarian law in order to ensure more effective protection for victims of armed conflicts.*

*Yet if the law is to be faithfully observed, it must be better known. During the year under review the ICRC intensified its efforts, both in Geneva and in the field, to make humanitarian law more widely known, particularly among the armed forces and everyone bearing arms. These efforts are described in the chapters of this report relating to ICRC operations.*

*In other respects, the law needs to be clarified. In view of the spectacular expansion of peace-keeping operations conducted by the United Nations, which is with increasing frequency being assigned tasks related not only to peace-keeping but also to the delivery and distribution of humanitarian aid, the ICRC has been trying, together with UN representatives and other experts, to determine the law applicable to such operations.*

*In some cases, moreover, the adoption of new rules should be contemplated. Antipersonnel mines cause so much suffering, both during armed conflicts and for years after the fighting has ceased, that the ICRC has called for these treacherous weapons to be banned. To this end the ICRC has taken an active part, as an observer, in three meetings of the group of governmental experts responsible for preparing the Review Conference of the 1980 UN Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, to be held from 25 September to 13 October 1995.*

*Turning now to the International Red Cross and Red Crescent Movement, 1994 saw the establishment of the Policy and Planning Advisory Commission, in pursuance of Resolution 1 adopted by the Council of Delegates in Birmingham in October 1993.*

*The ICRC is doing its utmost to make a useful contribution to the work of this new Commission, which will no doubt help to enhance the Movement's efficiency and thus prepare it to meet the challenges of the 21st century.*

*The ICRC was pleased to have been able to join in the ceremonies held in Paris on 5 May 1994 to mark the 75th anniversary of the International Federation of Red Cross and Red Crescent Societies.*

# THE LAW AND LEGAL CONSIDERATIONS

## PROMOTION OF THE TREATIES OF INTERNATIONAL HUMANITARIAN LAW

Although the Geneva Conventions have attained the status of truly universal law, the two Additional Protocols have not yet achieved the degree of universality that they deserve.

### States party to the Geneva Conventions of 12 August 1949: 185

No State became party to the 1949 Geneva Conventions during the year under review.

Only one State — Lithuania — remains bound by the two Geneva Conventions of 1929.

### States party to Protocols I and II additional to the Geneva Conventions: 135 and 125 respectively

In the course of 1994, the following States became party to both Protocols: San Marino, Ethiopia, Lesotho, the Dominican Republic and Namibia. None made reservations or declarations of interpretation.

The ICRC pursued its campaign to promote adherence to the 1977 Protocols. Its staff raised the matter whenever the opportunity arose, in particular in multilateral forums and during informal contacts with representatives of States not yet bound by the instruments.

The General Assembly of the United Nations placed a debate on the Protocols on its 1994 agenda, as it has done every two years since they were adopted in 1977, and passed a resolution (49/48) calling on States which had not already done so to become party to them.

In addition, at its June meeting in Tunis the Council of Ministers of the Organization of African Unity appealed to member States to endorse the Additional Protocols, as did the Organization of American States at its 24th regular session.

### International Fact-Finding Commission

In 1994, Bulgaria, Namibia and Portugal filed the optional declaration concerning the International Fact-Finding Commission with the depositary,

the Swiss Federal Council. This brought to 42<sup>1</sup> the number of States having accepted the Commission's competence to enquire into alleged violations of the 1949 Geneva Conventions or of Protocol I of 1977, as provided for in Article 90 of the latter.

## 1980 United Nations Weapons Convention<sup>2</sup>

In 1994 Canada ratified the United Nations Convention of 10 October 1980 on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects. Canada further declared that it considered itself bound by the three annexed Protocols.

## RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

### Implementation measures at the national level

In 1994, the ICRC continued to urge States party to the Geneva Conventions to adopt national measures in peacetime to give effect to international humanitarian law. In its contacts with the States and the National Red Cross and Red Crescent Societies, the ICRC requested all relevant data on measures taken or contemplated in this respect, in order to facilitate an exchange of information.

To follow up approaches already made to encourage the adoption of national measures, the ICRC organized two regional seminars on the subject. The first was held in Harare, Zimbabwe, from 31 January to 4 February, bringing together senior government officials, military officers, and representatives of academic circles and of Red Cross/Red Crescent Societies from 18 English-speaking countries in Africa. A report on this meeting was published in the *International Review of the Red Cross* (No. 302, September-October 1994).

The second seminar was held in Minsk, Belarus, from 28 to 30 June and was attended by senior government officials, military officers, and representatives of academic circles and Red Cross Societies from the Russian Federation, Moldova, Ukraine and Belarus itself.

<sup>1</sup> On 17 January 1995, the Swiss Federal Department of Foreign Affairs gave notice that Rwanda had deposited the optional declaration provided for in Article 90 on 8 July 1993.

<sup>2</sup> See also pp. 257-259.

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These seminars offered an opportunity to assess measures taken at the national level and to propose appropriate action, in particular the setting-up of interministerial committees responsible for adapting domestic legislation to the obligations arising from treaties of international humanitarian law.

The ICRC also continued compiling and updating information on measures taken by States at the national level and the setting-up of interministerial committees. The latest information was published in the *International Review of the Red Cross* (No. 809, September-October 1994).

In the course of its day-to-day contacts, the ICRC regularly raised the subject of national implementation measures and continued to do its utmost to help States meet their obligations.

### Protection of children in armed conflicts

The ICRC pursued its efforts to secure greater compliance with the rules for the protection of children in armed conflicts.

In conjunction with the Henry Dunant Institute and the International Federation of Red Cross and Red Crescent Societies, the ICRC helped promote the study entitled "Child soldiers", which had been prepared with the Movement. The ICRC was also involved in the drawing-up of a plan of action for the Movement with a view to prohibiting recruitment of and participation in hostilities by young people under 18 years of age and taking practical steps to protect and assist child victims of armed conflict.

Within the framework of the United Nations, the ICRC closely monitored the first meeting of the intersessional working group of the Commission on Human Rights, which has the task of drawing up an optional protocol to the United Nations Convention on the Rights of the Child dealing with the situation of children in armed conflict. ICRC representatives impressed upon the group the importance of ensuring that the provisions of the optional protocol were in keeping with those of international humanitarian law.

The ICRC also addressed the UN General Assembly in support of current efforts to improve the rules protecting children in armed conflicts. It nevertheless emphasized the need for greater compliance with the existing rules.

### Applicability of international humanitarian law to United Nations peace-keeping forces

United Nations peace-keeping forces are present in more and more theatres of operation around the world and their mandates are increasingly extensive

and complex. These mandates sometimes include the provision of humanitarian relief and protection of the civilian population. Such duties are assigned to forces authorized to use their weapons in carrying out their mandates, and this actually occurred on several occasions in 1994. The ICRC therefore studied the question of the applicability of international humanitarian law to UN forces.

The ICRC recognized the need to establish a dialogue in order to promote mutual understanding between military, civilian and humanitarian entities present at the scene of these operations. To this end it organized a symposium in June under the title "Humanitarian action and peace-keeping operations". It brought together civilians and military personnel with field experience, members of the UN Secretariat (Office of Legal Affairs and Office for Peace-keeping Operations), government officials, representatives of intergovernmental and non-governmental organizations and academics specialized in the subject. The symposium focused mainly on the difficulty of distinguishing between a military mandate and a humanitarian mandate within the same operation. There was also discussion of the complex relationship between, on one side, operations conducted under a UN mandate and, on the other, those undertaken by organizations working for purely humanitarian ends and with the consent of all involved in the situation. The role and responsibility of the community of States in relation to large-scale violations of international humanitarian law and the resulting suffering, and the need for UN forces to respect that body of law, were also considered in detail.

The ICRC sent a report summarizing the symposium's work to all governments and to the United Nations departments concerned.

The ICRC also took part, as an observer, in the three sessions of the intergovernmental group of experts that drew up the Convention on the Safety of United Nations and Associated Personnel. The statements made by ICRC representatives were intended in particular to ensure that the text of this new treaty would be in keeping with international humanitarian law. Thus, the Convention does not apply to UN operations which are authorized by the Security Council under Chapter VII of the UN Charter as enforcement measures. In such cases, UN contingents may become involved in fighting against organized armed forces and the law of international armed conflicts is therefore applicable. The new Convention contains a saving clause to the effect that none of its provisions affects the applicability of international humanitarian law for the protection of UN operations and UN and associated personnel; nor does it affect their obligation to comply with that law.

## International Conference for the Protection of War Victims: implementation of the Final Declaration

The International Conference for the Protection of War Victims (Geneva, 30 August-1 September 1993) made a solemn appeal to all States and all parties to the myriad armed conflicts around the world to do more to respect their humanitarian obligations.<sup>3</sup> At the same time, the Conference called upon the Swiss government to convene an intergovernmental group of experts to study “practical means of promoting full respect for and compliance with that law”.<sup>4</sup>

To lay the groundwork for this meeting, the Swiss Federal Council organized a preparatory meeting in Geneva from 26 to 28 September 1994. The meeting, which was attended by representatives of 60 States, the ICRC and the Federation, made a series of recommendations to give direction to the work of the open-ended intergovernmental group of experts, scheduled to meet in Geneva from 23 to 27 January 1995. These recommendations deal with ways of achieving universal acceptance of international humanitarian law, implementation measures at the national level (dissemination and domestic legislation) to be taken by States in peacetime, including the possible establishment of a system of periodic reports on such measures, and, finally, what every State and the international community as a whole must do in response to violations of the law. The group of experts will be asked to prepare a report for States and for the 26th International Conference of the Red Cross and the Red Crescent, to be held in Geneva in December 1995.

With reference to the follow-up to the International Conference for the Protection of War Victims, the Australian government and the Australian Red Cross Society organized the Second Regional Conference on International Humanitarian Law in Canberra in December. Experts from governments, the Red Cross and Red Crescent, and academic circles in Asia and the Pacific discussed the matter of follow-up, among other topics. The ICRC took an active part in the proceedings.

## DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW

### Identification of medical transports

Pursuant to Resolution III of the 25th International Conference of the Red Cross and Red Crescent, the ICRC continued its work to improve means of

<sup>3</sup> See the ICRC's *1993 Annual Report*, pp. 236-7.

<sup>4</sup> See the Conference's *Final Declaration*.

identification of medical transports in wartime. It focused its efforts on gathering information on new and reliable technologies available in this area. In particular, it conducted tests on different materials likely to increase the visibility of the distinctive emblem when infrared observation or aiming devices are in use.

Finally, ICRC representatives attended numerous meetings of experts at specialized international agencies such as the International Civil Aviation Organization (ICAO), the International Maritime Organization (IMO) and the International Telecommunication Union (ITU).

### Revision of Annex I relating to identification of medical facilities and transports

Article 98 of Additional Protocol I of 1977 lays down a procedure for the periodic revision of Annex I to the Protocol (*Regulations concerning identification*).

In accordance with that provision, the ICRC convened a meeting of technical experts in August 1990. The experts proposed a number of amendments designed to:

- (a) incorporate into Annex I various technical provisions already adopted by the relevant international agencies (ITU, IMO and ICAO);
- (b) make certain provisions of Annex I more specific and bring them up to date.

Thereupon the Swiss Confederation, as depositary of the Geneva Conventions and their Additional Protocols, invited the States party to Protocol I to adopt the proposed amendments. With this consultation completed, the amendments entered into force on 1 March 1994 for all States party to Protocol I, with the exception of Sweden and Jordan, which had made reservations or declarations of non-acceptance.

### Review Conference of the United Nations Convention on Certain Conventional Weapons of 10 October 1980

Three meetings of the group of governmental experts responsible for preparing the Review Conference took place in February, May and August 1994. The Review Conference itself is scheduled for 25 September-13 October 1995.

The ICRC took an active part in the work of the group of governmental experts, in particular by submitting, as requested at their first meeting, detailed background documents and proposals on the regulation of landmines and blinding laser weapons.

## Mines

Following the symposium on anti-personnel mines that it had convened in Montreux in April 1993, the ICRC hosted a meeting of military experts in January 1994. The experts studied the military utility of anti-personnel mines, the viability of possible alternatives to mines and, finally, possible further restrictions on certain types of mines. Military specialists from all parts of the world and with experience relating to both international and internal conflicts took part in the meeting.

The background document on mines that the ICRC was asked to prepare for the May meeting of the group of governmental experts included not only an analysis of the various possible means of regulating the production, transfer and use of landmines, but also, as annexes, summaries of the findings of the Montreux symposium of April 1993 and of the meeting of military experts, and information, provided by the Human Rights Watch Arms Project, on the medical, social and economic effects of anti-personnel landmines. This last annex was based on the findings of the various country studies undertaken by the Human Rights Watch Arms Project.

At the meeting of governmental experts in May, the ICRC submitted formal proposals on the regulation of landmines. The first was for a ban on the use of anti-personnel landmines, on the grounds that this was the only really effective solution to the problem. The ICRC also proposed a less stringent alternative if States could not accept the total ban, namely, prohibition of the use of landmines that are not fitted with self-destruct or self-neutralizing mechanisms.

## Blinding laser weapons

The ICRC submitted to the group of governmental experts in August a formal proposal for a further protocol to the 1980 Convention which would prohibit blinding as a method of warfare and would specifically prohibit the use of laser weapons that damage eyesight. The ICRC distributed to the delegations a background document and the book<sup>5</sup> on the results of the four expert meetings that it had held on the subject of blinding laser weapons.

## Other weapons

At the request of the group of governmental experts, the ICRC decided to organize an expert meeting on new developments in weapons which could

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<sup>5</sup> *Blinding Weapons*, ICRC 1993.

cause particular humanitarian problems; this meeting was held from 30 May to 1 June. The participants examined in particular the subjects of unexploded submunitions, new naval mines, new developments in research on bullets, high-power microwave weapons and infra-sound weapons. The results of this meeting were included in a background document prepared for the August meeting of the group of governmental experts.

### Other possible amendments to the 1980 Convention

In its initial report prepared in February and submitted to the first meeting of the group of governmental experts, the ICRC underlined the importance of the Review Conference extending the applicability of the Convention to internal armed conflicts and the need to introduce implementation mechanisms into the 1980 Convention:

— **Extension of the Convention to non-international armed conflicts:** at present, the 1980 Convention applies formally only to international armed conflicts, although the majority of today's conflicts are non-international and the enormous problems caused by the indiscriminate use of mines in particular have arisen in internal armed conflicts. In its initial report to the group of governmental experts and in a background document, the ICRC pointed out the need for the applicability of the 1980 Convention to be extended to internal conflicts and suggested some of the ways in which this could be achieved.

— **Introduction of implementation mechanisms:** in its initial report, the ICRC included some implementation mechanisms that could be introduced into the 1980 Convention, principally based on the recommendations made in this respect at the Montreux symposium on anti-personnel landmines.

The ICRC decided to include in the agenda for the meeting it organized on 30 May-1 June an analysis of implementation mechanisms that exist in other branches of international law and their relative success or failure. The purpose of this study was to enable the group of governmental experts to benefit from experience in other fields in order to assess the most effective means of implementation that could be introduced into the 1980 Convention. These findings (the complete report of the meeting, including the papers prepared by the experts, and a summary) were submitted to the group of governmental experts at the August session.

### The law of war at sea

Since 1987, the ICRC has been supporting and actively contributing to a project, undertaken under the auspices of the San Remo International Institute of Humanitarian Law, to update the law of war at sea by drafting a document

reviewing the content of present customary law applicable to armed conflict at sea and including some suggestions for progressive development.

This task has now been completed and has resulted in the adoption of the *San Remo Manual on international law applicable to armed conflicts at sea: prepared by a group of international lawyers and naval experts convened by the International Institute of Humanitarian Law* and an accompanying commentary, called the *Explanation*.

The project was carried out by experts in international law and naval experts from many major naval powers. Not all of its results conform to the views of the ICRC, but the *Manual* may in many respects be seen as a modern equivalent of the *Oxford Manual on the Laws of Naval War Governing the Relations Between Belligerents*, adopted by the Institute of International Law in 1913. Like the *Oxford Manual*, the *San Remo Manual* is not a binding document, but will doubtless be seen as an authoritative text on contemporary law. It was regarded as necessary as developments since 1913 have not been incorporated into new treaty law regulating armed conflict at sea, with the exception of provisions for the protection of the shipwrecked, sick and wounded at sea in the Second Geneva Convention and Additional Protocol I. The *Manual's* provisions take into account recent State practice, technological developments and the effect of related areas of the law, in particular the 1982 Law of the Sea Convention, air law and environmental law.

The *San Remo Manual* contains sections on naval activities in different regions of the sea; the principle of distinction at sea and precautions in attack; methods and means of warfare at sea; measures short of attack, namely, interception, visit, search, diversion and capture; and, finally, protected persons, medical transports and medical aircraft. The *Manual's Introductory Note* states that it should be read together with the *Explanation* for a full understanding of its provisions.

## Humanitarian assistance

The difficulties encountered in reaching the victims of armed conflict, in particular to bring in consignments of supplies vital for the survival of the population, have given rise to intense discussion within the international community. The ICRC is taking an active part in this process, drawing attention at every opportunity to the applicable rules of international humanitarian law among those engaged in humanitarian action, government experts and researchers.

At the symposium on humanitarian action and peace-keeping operations the ICRC laid emphasis on a number of rules of humanitarian law, which provides that a State on the territory of which an armed conflict is taking place

has a duty to accept a relief operation when the civilian population is suffering excessive hardship, on condition that the operation is exclusively humanitarian and impartial in nature and is conducted without any adverse distinction being made.

No aspect of humanitarian assistance, therefore, should in any way contribute to the military effort of one side or the other. Distributions should be guided solely by the needs of the victims, regardless of the side to which they belong or the reasons for the conflict.

The difficulty of gaining access to conflict victims has also led to practical measures, such as armed protection for those engaged in emergency aid and the setting-up of zones and corridors under military protection. Whether such measures are compatible with the provisions of humanitarian law remains a question which the ICRC invites its partners and experts in the field of humanitarian aid to consider.

Finally, in accordance with Resolution 6 of the 1993 Council of Delegates (Birmingham), the ICRC joined the Federation in promoting the *Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations in Disaster Relief*, which is based on the Movement's Fundamental Principles. Organizations outside the Movement are invited to endorse the code if they are willing to comply with its provisions.

## Water and armed conflict

In November the ICRC organized a symposium in Montreux, Switzerland under the title "Water in armed conflicts", calling attention to the dire effects of water shortages resulting from destruction of or damage to water supply systems.<sup>6</sup> Some 50 experts — specialists from United Nations agencies and non-governmental organizations, jurists, sanitary engineers, scientists, members of National Societies, representatives of the Federation and journalists specializing in the subject — attended the meeting.

The symposium focused on the effects of armed conflict on the supply of drinking water, means of protecting this resource so vital to the survival of the civilian population (and of protecting those responsible for the repair and maintenance of water-supply installations), and the need to comply with the relevant humanitarian rules. The ICRC described the work carried out by its sanitation teams to restore water supplies to civilians. The participants discussed the effects of damage to or destruction of water-supply facilities, which can lead to outbreaks of cholera, typhoid fever, hepatitis, dysentery and

<sup>6</sup> See also p. 26.

other diseases, causing the death of thousands of civilians. One of the goals of the Montreux symposium was to draw the attention of the international community to the consequences of shortages or contamination of drinking water and to seek appropriate solutions.

In their conclusions the participants called for more effective protection of the victims of armed conflict, particularly in places where water supplies are affected by hostilities. They resolved to work towards a number of objectives, in particular:

- to ensure more effective material and legal protection of water-supply systems and the sanitary engineers who maintain them;
- to increase cooperation in this respect between the ICRC, the National Red Cross and Red Crescent Societies and their Federation, UN agencies, non-governmental organizations and the private sector;
- to improve coordination and cooperation in the exchange of information and expert knowledge;
- to seek the support of the private sector in repairing water-supply systems damaged by hostilities;
- to take the necessary measures in peacetime to prevent or at least limit the devastating effects of water shortages in wartime, and to extend the scope of emergency medical action in wartime to include public health;
- to promote information and education at all levels of society in order to spread knowledge of the international rules protecting water-treatment installations and sources of supply.

The proceedings of the symposium will be published in 1995.

## Displaced persons

The plight of people displaced within their own countries was a matter of serious concern to the ICRC throughout the year. Their numbers have increased steadily and were estimated at 25 million in the year under review. The ICRC not only undertook large-scale operations to help displaced people but also contributed to the search for solutions to this grave problem.

As victims of armed conflict, displaced persons are protected by international humanitarian law, which affords broad immunity to the entire civilian population. Indeed, Protocol II of 1977 prohibits forced movement of civilians, so compliance with the law would prevent displacement in many cases. That is why the ICRC has emphasized the importance of improving implementation of humanitarian law, beginning with wider dissemination among the armed forces. On the other hand, the ICRC has reservations about proposals to develop specific rules relating to displaced people, a step that could well weaken existing law.

People who have been forced to flee armed conflict or disturbances occupy a central place in the ICRC's mandate and are entitled to its traditional protection and assistance services.

The ICRC closely followed the work on the problem of displaced persons being carried out within the United Nations. In particular, it maintained a dialogue with the Secretary-General's representative for the matter, took part in the deliberations of the Department of Humanitarian Affairs' working group on displaced persons, and remained in close contact with various other organizations.

There was also continuous dialogue between the ICRC and the office of the UN High Commissioner for Refugees (UNHCR). For example, the ICRC took part in a meeting on displaced persons held on 18 May by the Sub-Committee of the Whole on International Protection.

The ICRC expressed its concern about displaced persons in other fora, in particular meetings of the Commission on Human Rights, the UNHCR Executive Committee and the UN General Assembly.

Activities conducted in the field to protect and assist displaced persons are described in the relevant operational chapters.

## Environment

As in the previous three years, the ICRC circulated information on its activities to protect the natural environment in times of armed conflict as widely as possible. It also received information on various aspects of environmental protection from a number of other organizations concerned with the problem, and took part in meetings devoted entirely or in part to protection of the natural environment.

In March a Conference on international legal issues arising under the United Nations Decade of International Law was held in Doha, Qatar. Organized by the State of Qatar in conjunction with the Asian-African Legal Consultative Committee and the UN Secretariat, the Conference dealt with the major topics relating to the environment. There were a number of informative statements and discussions on what could be done to protect the natural environment in wartime and the ICRC presented a report on the subject, which was taken into account in the drafting of the Conference's Final Declaration.

A meeting of experts was held in May at the UN's Geneva headquarters to discuss the report entitled *Environment and human rights* drawn up by the Special Rapporteur of the Sub-Commission of the Commission on Human Rights. The Special Rapporteur presented a draft under the title *Principles and guidelines on the right to a healthy environment*. The ICRC representative

reviewed the work being done in the field of environmental protection in wartime and it was decided that consultations would continue.

In accordance with the wish expressed in UN General Assembly resolution 48/30 of 9 December 1993 on the United Nations Decade of International Law,<sup>7</sup> the ICRC drew up a new version of its *Guidelines for military manuals and instructions on the protection of the environment in times of armed conflict*. The new text takes due account of the views expressed in the General Assembly and comments made later by certain States as requested by the resolution. In its report on the Decade submitted to the 49th session of the General Assembly, the ICRC requested that States be invited to take note of the new *Guidelines* and to incorporate the content in their national military training and manuals. The basic points of the information provided by the ICRC are reproduced in the Secretary-General's report on the Decade to the 49th session of the General Assembly, in which the new version of the *Guidelines* is included as an annex (document A/49/323 of 19 August 1994). In its resolution of 9 December 1994, entitled *United Nations Decade of International Law*, the Assembly echoed the wishes expressed by the ICRC while asking it to continue reporting on activities undertaken in the field of environmental protection in times of armed conflict either by the institution itself or by other qualified organizations. As in the past, the information provided by the ICRC will be included in the Secretary-General's report to the 50th session of the General Assembly.

## RELATIONS WITH OTHER ORGANIZATIONS IN THE REALM OF INTERNATIONAL HUMANITARIAN LAW

The ICRC continued its cooperation with the International Institute of Humanitarian Law in San Remo, Italy, in particular for the 19th Round Table, which in 1994 was on the theme "Conflict prevention — the humanitarian perspective". The ICRC also took part in the 10th international course on refugee law.

As usual, the ICRC attended the training session organized by the Tunis-based Arab Institute of Human Rights on the subject of human rights and international humanitarian law, the 25th teaching session of the International Institute of Human Rights in Strasbourg, France, and seminars on international humanitarian law organized for diplomats at Geneva's Graduate Institute of International Studies and New York University.

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<sup>7</sup> See the ICRC's 1993 *Annual Report*, p. 247.

In addition, the ICRC took part in a number of courses, meetings and seminars held by organizations concerned with international humanitarian law, such as the African Society of International and Comparative Law in Kampala, Uganda, the American Society of International Law in Washington, USA, the Canadian Human Rights Foundation in Montreal, Canada, the United Nations Institute for Training and Research in The Hague, Netherlands, the *Institut für Friedenssicherungsrecht und humanitäres Völkerrecht* in Bochum, Germany, the Inter-American Institute of Human Rights in San José, Costa Rica, the International Peace Research Institute in Geneva, Switzerland, the Raoul Wallenberg Institute in Lund, Sweden, the International Institute of Higher Studies in Criminal Sciences in Syracuse, Italy, and the Pugwash Conference on Science and World Affairs.

### HEADQUARTERS AGREEMENTS

In 1994 the ICRC signed headquarters agreements with the following countries: Pakistan (21 March), Georgia (11 April), Croatia (20 April), Federal Republic of Yugoslavia (15 June), Cambodia (26 June) and Kenya (10 August). This last agreement replaced a previous one dating from 1976. At the end of the year, several other agreements were under negotiation.

The ICRC is thus party to over 50 headquarters agreements, which establish the legal status of its delegations and their staff. Generally speaking, these agreements grant the ICRC a status analogous to that of intergovernmental organizations.

Year	Country	Agreement Type
1994	Kenya	Headquarters Agreement
1994	Cambodia	Headquarters Agreement
1994	Federal Republic of Yugoslavia	Headquarters Agreement
1994	Croatia	Headquarters Agreement
1994	Georgia	Headquarters Agreement
1994	Pakistan	Headquarters Agreement
1976	Kenya	Headquarters Agreement (replaced)

# STATES PARTY TO THE GENEVA CONVENTIONS AND THEIR ADDITIONAL PROTOCOLS

The following tables show which States were party to the Geneva Conventions of 1949 and to the two Additional Protocols of 1977, as at 31 December 1994. They also indicate which States had made the optional declaration under Article 90 of 1977 Protocol I, recognizing the competence of the International Fact-Finding Commission. The names of the countries given in the tables may differ from their official names.

The dates indicated are those on which the Swiss Federal Department of Foreign Affairs received the official instrument from the State that was ratifying, acceding to or succeeding to the Conventions and Protocols or accepting the competence of the International Fact-Finding Commission. Apart from the exceptions mentioned in the footnotes at the end of the tables, for all States the entry into force of the Conventions and of the Protocols occurs six months after the date given in the present document; for States which have made a declaration of succession, entry into force takes place retroactively, on the day of their accession to independence.

## Abbreviations

**Ratification (R):** a treaty is generally open for signature for a certain time following the conference which has adopted it. However, a signature is not binding on a State unless it has been endorsed by ratification. The time limits having elapsed, the Conventions and the Protocols are no longer open for signature. The States which have not signed them may at any time accede or, where appropriate, succeed to them.

**Accession (A):** instead of signing and then ratifying a treaty, a State may become party to it by the single act called accession.

**Declaration of Succession (S):** a newly independent State may declare that it will abide by a treaty which was applicable to it prior to its independence. A State may also declare that it will provisionally abide by such treaties during the time it deems necessary to examine their texts carefully and to decide on accession or succession to some or all of them (declaration of provisional application). At present no State is bound by such a declaration.

**Reservation/Declaration (R/D):** a unilateral statement, however phrased or named, made by a State when ratifying, acceding or succeeding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State (provided that such reservations are not incompatible with the object and purpose of the treaty).

**Declaration provided for under Article 90 of Protocol I (D 90):** prior acceptance of the competence of the International Fact-Finding Commission.

### AS AT 31 DECEMBER 1994

- States party to the 1949 Geneva Conventions: 185
- States party to the 1977 Additional Protocol I: 135
- States having made the declaration under Article 90 of Protocol I: 42
- States party to the 1977 Additional Protocol II: 125

COUNTRY	GENEVA CONVENTIONS		PROTOCOL I			PROTOCOL II	
	R / A / S	R/D	R / A / S	R/D	D90	R / A / S	R/D
Afghanistan	26.09.1956	R					
Albania	27.05.1957	R X	16.07.1993	A		16.07.1993	A
Algeria	20.06.1960	A	16.08.1989	A X	16.08.1989	16.08.1989	A
Andorra	17.09.1993	A					
Angola	20.09.1984	A X	20.09.1984	A X			
Antigua and Barbuda	06.10.1986	S	06.10.1986	A		06.10.1986	A
Argentina	18.09.1956	R	26.11.1986	A X		26.11.1986	A X
Armenia	07.06.1993	A	07.06.1993	A		07.06.1993	A
Australia	14.10.1958	R X	21.06.1991	R X	23.09.1992	21.06.1991	R
Austria	27.08.1953	R	13.08.1982	R X	13.08.1982	13.08.1982	R X
Azerbaijan	01.06.1993	A					
Bahamas	11.07.1975	S	10.04.1980	A		10.04.1980	A
Bahrain	30.11.1971	A	30.10.1986	A		30.10.1986	A
Bangladesh	04.04.1972	S	08.09.1980	A		08.09.1980	A
Barbados	10.09.1968	S X	19.02.1990	A		19.02.1990	A
Belarus	03.08.1954	R X	23.10.1989	R	23.10.1989	23.10.1989	R
Belgium	03.09.1952	R	20.05.1986	R X	27.03.1987	20.05.1986	R
Belize	29.06.1984	A	29.06.1984	A		29.06.1984	A
Benin	14.12.1961	S	28.05.1986	A		28.05.1986	A
Bhutan	10.01.1991	A					
Bolivia	10.12.1976	R	08.12.1983	A	10.08.1992	08.12.1983	A
Bosnia-Herzegovina	31.12.1992	S	31.12.1992	S	31.12.1992	31.12.1992	S
Botswana	29.03.1968	A	23.05.1979	A		23.05.1979	A
Brazil	29.06.1957	R	05.05.1992	A	23.11.1993	05.05.1992	A
Brunei Darussalam	14.10.1991	A	14.10.1991	A		14.10.1991	A
Bulgaria	22.07.1954	R X	26.09.1989	R	09.05.1994	26.09.1989	R
Burkina Faso	07.11.1961	S	20.10.1987	R		20.10.1987	R
Burundi	27.12.1971	S	10.06.1993	A		10.06.1993	A
Cambodia	08.12.1958	A					
Cameroon	16.09.1963	S	16.03.1984	A		16.03.1984	A
Canada	14.05.1965	R	20.11.1990	R X	20.11.1990	20.11.1990	R X
Cape Verde	11.05.1984	A					
Central African Republic	01.08.1966	S	17.07.1984	A		17.07.1984	A
Chad	05.08.1970	A					
Chile	12.10.1950	R	24.04.1991	R	24.04.1991	24.04.1991	R
China	28.12.1956	R X	14.09.1983	A X		14.09.1983	A
Colombia	08.11.1961	R	01.09.1993	A			
Comoros	21.11.1985	A	21.11.1985	A		21.11.1985	A
Congo	04.02.1967	S	10.11.1983	A		10.11.1983	A
Costa Rica	15.10.1969	A	15.12.1983	A		15.12.1983	A
Côte d'Ivoire	28.12.1961	S	20.09.1989	R		20.09.1989	R
Croatia	11.05.1992	S	11.05.1992	S	11.05.1992	11.05.1992	S
Cuba	15.04.1954	R	25.11.1982	A			

COUNTRY	GENEVA CONVENTIONS		PROTOCOL I			PROTOCOL II	
	R / A / S	R/D	R / A / S	R/D	D90	R / A / S	R/D
Cyprus	23.05.1962	A	01.06.1979	R			
Czech Republic	05.02.1993	S X	05.02.1993	S		05.02.1993	S
Denmark	27.06.1951	R	17.06.1982	R X	17.06.1982	17.06.1982	R
Djibouti	06.03.1978 <sup>1</sup>	S	08.04.1991	A		08.04.1991	A
Dominica	28.09.1981	S					
Dominican Republic	22.01.1958	A	26.05.1994	A		26.05.1994	A
Ecuador	11.08.1954	R	10.04.1979	R		10.04.1979	R
Egypt	10.11.1952	R	09.10.1992	R X		09.10.1992	R X
El Salvador	17.06.1953	R	23.11.1978	R		23.11.1978	R
Equatorial Guinea	24.07.1986	A	24.07.1986	A		24.07.1986	A
Estonia	18.01.1993	A	18.01.1993	A		18.01.1993	A
Ethiopia	02.10.1969	R	08.04.1994	A		08.04.1994	A
Fiji	09.08.1971	S					
Finland	22.02.1955	R	07.08.1980	R X	07.08.1980	07.08.1980	R
France	28.06.1951	R				24.02.1984 <sup>2</sup>	A X
Gabon	26.02.1965	S	08.04.1980	A		08.04.1980	A
Gambia	20.10.1966	S	12.01.1989	A		12.01.1989	A
Georgia	14.09.1993	A	14.09.1993	A		14.09.1993	A
Germany	03.09.1954	A X	14.02.1991	R X	14.02.1991	14.02.1991	R X
Ghana	02.08.1958	A	28.02.1978 <sup>3</sup>	R		28.02.1978 <sup>4</sup>	R
Greece	05.06.1956	R	31.03.1989	R		15.02.1993	A
Grenada	13.04.1981	S					
Guatemala	14.05.1952	R	19.10.1987	R		19.10.1987	R
Guinea	11.07.1984	A	11.07.1984	A	20.12.1993	11.07.1984	A
Guinea-Bissau	21.02.1974	A X	21.10.1986	A		21.10.1986	A
Guyana	22.07.1968	S	18.01.1988	A		18.01.1988	A
Haiti	11.04.1957	A					
Holy See	22.02.1951	R	21.11.1985	R X		21.11.1985	R X
Honduras	31.12.1965	A					
Hungary	03.08.1954	R X	12.04.1989	R	23.09.1991	12.04.1989	R
Iceland	10.08.1965	A	10.04.1987	R X	10.04.1987	10.04.1987	R
India	09.11.1950	R					
Indonesia	30.09.1958	A					
Iran (Islamic Rep.of)	20.02.1957	R X					
Iraq	14.02.1956	A					
Ireland	27.09.1962	R					
Israel	06.07.1951	R X					
Italy	17.12.1951	R	27.02.1986	R X	27.02.1986	27.02.1986	R
Jamaica	20.07.1964	S	29.07.1986	A		29.07.1986	A
Japan	21.04.1953	A					
Jordan	29.05.1951	A	01.05.1979	R		01.05.1979	R
Kazakhstan	05.05.1992	S	05.05.1992	S		05.05.1992	S
Kenya	20.09.1966	A					

COUNTRY	GENEVA CONVENTIONS		PROTOCOL I			PROTOCOL II	
	R / A / S	R/D	R / A / S	R/D	D90	R / A / S	R/D
Kiribati	05.01.1989	S					
Korea (Dem.People's Rep.of)	27.08.1957	A X	09.03.1988	A			
Korea (Republic of)	16.08.1966 <sup>5</sup>	A X	15.01.1982	R X		15.01.1982	R
Kuwait	02.09.1967	A X	17.01.1985	A		17.01.1985	A
Kyrgyzstan	18.09.1992	S	18.09.1992	S		18.09.1992	S
Lao People's Dem.Rep.	29.10.1956	A	18.11.1980	R		18.11.1980	R
Latvia	24.12.1991	A	24.12.1991	A		24.12.1991	A
Lebanon	10.04.1951	R					
Lesotho	20.05.1968	S	20.05.1994	A		20.05.1994	A
Liberia	29.03.1954	A	30.06.1988	A		30.06.1988	A
Libyan Arab Jamahiriya	22.05.1956	A	07.06.1978	A		07.06.1978	A
Liechtenstein	21.09.1950	R	10.08.1989	R X	10.08.1989	10.08.1989	R X
Luxembourg	01.07.1953	R	29.08.1989	R	12.05.1993	29.08.1989	R
Madagascar	18.07.1963	S	08.05.1992	R	27.07.1993	08.05.1992	R
Malawi	05.01.1968	A	07.10.1991	A		07.10.1991	A
Malaysia	24.08.1962	A					
Maldives	18.06.1991	A	03.09.1991	A		03.09.1991	A
Mali	24.05.1965	A	08.02.1989	A		08.02.1989	A
Malta	22.08.1968	S	17.04.1989	A X	17.04.1989	17.04.1989	A X
Mauritania	30.10.1962	S	14.03.1980	A		14.03.1980	A
Mauritius	18.08.1970	S	22.03.1982	A		22.03.1982	A
Mexico	29.10.1952	R	10.03.1983	A			
Moldova (Republic of)	24.05.1993	A	24.05.1993	A		24.05.1993	A
Monaco	05.07.1950	R					
Mongolia	20.12.1958	A					
Morocco	26.07.1956	A					
Mozambique	14.03.1983	A	14.03.1983	A			
Myanmar	25.08.1992	A					
Namibia	22.08.1991 <sup>6</sup>	S	17.06.1994	A	21.07.1994	17.06.1994	A
Nepal	07.02.1964	A					
Netherlands	03.08.1954	R	26.06.1987	R X	26.06.1987	26.06.1987	R
New Zealand	02.05.1959	R X	08.02.1988	R X	08.02.1988	08.02.1988	R
Nicaragua	17.12.1953	R					
Niger	21.04.1964	S	08.06.1979	R		08.06.1979	R
Nigeria	20.06.1961	S	10.10.1988	A		10.10.1988	A
Norway	03.08.1951	R	14.12.1981	R	14.12.1981	14.12.1981	R
Oman	31.01.1974	A	29.03.1984	A X		29.03.1984	A X
Pakistan	12.06.1951	R X					
Panama	10.02.1956	A					
Papua New Guinea	26.05.1976	S					
Paraguay	23.10.1961	R	30.11.1990	A		30.11.1990	A
Peru	15.02.1956	R	14.07.1989	R		14.07.1989	R
Philippines	06.10.1952 <sup>7</sup>	R				11.12.1986	A

COUNTRY	GENEVA CONVENTIONS		PROTOCOL I			PROTOCOL II	
	R / A / S	R/D	R / A / S	R/D	D90	R / A / S	R/D
Poland	26.11.1954	R X	23.10.1991	R	02.10.1992	23.10.1991	R
Portugal	14.03.1961	R X	27.05.1992	R	01.07.1994	27.05.1992	R
Qatar	15.10.1975	A	05.04.1988	A X	24.09.1991		
Romania	01.06.1954	R X	21.06.1990	R		21.06.1990	R
Russian Federation	10.05.1954	R X	29.09.1989	R X	29.09.1989	29.09.1989	R X
Rwanda	05.05.1964	S	19.11.1984	A	08.07.1993	19.11.1984	A
Saint Kitts and Nevis	14.02.1986	S	14.02.1986	A		14.02.1986	A
Saint Lucia	18.09.1981	S	07.10.1982	A		07.10.1982	A
Saint Vincent & Grenadines	01.04.1981	A	08.04.1983	A		08.04.1983	A
Samoa	23.08.1984	S	23.08.1984	A		23.08.1984	A
San Marino	29.08.1953	A	05.04.1994	R		05.04.1994	R
Sao Tome and Principe	21.05.1976	A					
Saudi Arabia	18.05.1963	A	21.08.1987	A X			
Senegal	18.05.1963	S	07.05.1985	R		07.05.1985	R
Seychelles	08.11.1984	A	08.11.1984	A	22.05.1992	08.11.1984	A
Sierra Leone	10.06.1965	S	21.10.1986	A		21.10.1986	A
Singapore	27.04.1973	A					
Slovakia	02.04.1993	S X	02.04.1993	S		02.04.1993	S
Slovenia	26.03.1992	S	26.03.1992	S	26.03.1992	26.03.1992	S
Solomon Islands	06.07.1981	S	19.09.1988	A		19.09.1988	A
Somalia	12.07.1962	A					
South Africa	31.03.1952	A					
Spain	04.08.1952	R	21.04.1989	R X	21.04.1989	21.04.1989	R
Sri Lanka	28.02.1959 <sup>8</sup>	R					
Sudan	23.09.1957	A					
Suriname	13.10.1976	S X	16.12.1985	A		16.12.1985	A
Swaziland	28.06.1973	A					
Sweden	28.12.1953	R	31.08.1979	R X	31.08.1979	31.08.1979	R
Switzerland	31.03.1950 <sup>9</sup>	R	17.02.1982	R X	17.02.1982	17.02.1982	R
Syrian Arab Republic	02.11.1953	R	14.11.1983	A X			
Tajikistan	13.01.1993	S	13.01.1993	S		13.01.1993	S
Tanzania (United Rep.of)	12.12.1962	S	15.02.1983	A		15.02.1983	A
Thailand	29.12.1954	A					
The Former Y.R. Macedonia	01.09.1993	S	01.09.1993	S	01.09.1993	01.09.1993	S
Togo	06.01.1962	S	21.06.1984	R	21.11.1991	21.06.1984	R
Tonga	13.04.1978	S					
Trinidad and Tobago	24.09.1963 <sup>10</sup>	A					
Tunisia	04.05.1957	A	09.08.1979	R		09.08.1979	R
Turkey	10.02.1954	R					
Turkmenistan	10.04.1992	S	10.04.1992	S		10.04.1992	S
Tuvalu	19.02.1981	S					
Uganda	18.05.1964	A	13.03.1991	A		13.03.1991	A
Ukraine	03.08.1954	R X	25.01.1990	R	25.01.1990	25.01.1990	R

COUNTRY	GENEVA CONVENTIONS		PROTOCOL I			PROTOCOL II		
	R / A / S	R/D	R / A / S	R/D	D90	R / A / S	R/D	
United Arab Emirates	10.05.1972	A	09.03.1983	A X	06.03.1992	09.03.1983	A X	
United Kingdom	23.09.1957	R X						
United States of America	02.08.1955	R X						
Uruguay	05.03.1969	R X	13.12.1985	A	17.07.1990	13.12.1985	A	
Uzbekistan	08.10.1993	A	08.10.1993	A		08.10.1993	A	
Vanuatu	27.10.1982	A	28.02.1985	A		28.02.1985	A	
Venezuela	13.02.1956	R						
Viet Nam	28.06.1957	A X	19.10.1981	R				
Yemen	16.07.1970	A X	17.04.1990	R		17.04.1990	R	
Yugoslavia	21.04.1950	R X	11.06.1979	R X		11.06.1979	R	
Zaire	24.02.1961	S	03.06.1982	A				
Zambia	19.10.1966	A						
Zimbabwe	07.03.1983	A	19.10.1992	A		19.10.1992	A	

#### Lithuania

Party to the 1929 Geneva Conventions (sick and wounded, prisoners of war).

#### Palestine

On 21 June 1989, the Swiss Federal Department of Foreign Affairs received a letter from the Permanent Observer of Palestine to the United Nations Office at Geneva informing the Swiss Federal Council "that the Executive Committee of the Palestine Liberation

Organization, entrusted with the functions of the Government of the State of Palestine by decision of the Palestine National Council, decided, on 4 May 1989, to adhere to the Four Geneva Conventions of 12 August 1949 and the two Protocols additional thereto".

On 13 September 1989, the Swiss Federal Council informed the States that it was not in a position to decide whether the letter constituted an instrument of accession, "due to the uncertainty within the international community as to the existence or non-existence of a State of Palestine".

<sup>1</sup> Djibouti's declaration of succession in respect of the First Convention was dated 26 January 1978.

<sup>2</sup> On accession to Protocol II, France made a communication concerning Protocol I.

<sup>3</sup> Entry into force on 7 December 1978.

<sup>4</sup> Entry into force on 7 December 1978.

<sup>5</sup> Entry into force on 23 September 1966, the Republic of Korea having invoked Art. 62/61/141/157 common to the First, Second, Third and Fourth Conventions respectively (immediate effect).

<sup>6</sup> An instrument of accession to the Geneva Conventions and their additional Protocols was deposited by the United Nations Council for Namibia on 18 October 1983. In an instrument deposited on 22 August 1991, Namibia declared its succession to the Geneva Conventions, which were previously applicable pursuant to South Africa's accession on 31 March 1952.

<sup>7</sup> The First Geneva Convention was ratified on 7 March 1951.

<sup>8</sup> Accession to the Fourth Geneva Convention on 23 February 1959 (Ceylon had signed only the First, Second, and Third Conventions).

<sup>9</sup> Entry into force on 21 October 1950.

<sup>10</sup> Accession to the First Geneva Convention on 17 May 1963.

## DISSEMINATION OF INTERNATIONAL HUMANITARIAN LAW

The year under review was a key period both for devising strategies and for dissemination work in the field, and was marked by new initiatives and developments and an overall increase in dissemination activities. The progress made in 1994 has thus prepared the ground for 1995 and should make it possible to improve and extend programmes at a time when conflicts are becoming ever more diverse and complex.

In 1993 the ICRC had about 20 specialized dissemination delegates in permanent posts in the field. That figure more than doubled in 1994. In their efforts to spread knowledge of the principles of international humanitarian law among various target groups, the delegates used a wide range of methods and materials, including publications, radio and TV spots, talks, and theatre productions. The growing need for such specialized staff in the field prompted the ICRC to hold another course in dissemination methods for some 15 participants, a third of whom were from National Societies.

To make it easier for the target groups to identify with the message conveyed by humanitarian law the ICRC relied more systematically on the intercultural approach. This involves relating the essential rules of humanitarian law to the humanitarian values inherent in the culture and traditions of every people. The target population thus recognizes familiar values, which are illustrated by local proverbs, historical and literary references, folk songs and so on.

In conflict situations the desire to prevent and contain violations of humanitarian law, and thus to limit the number of victims and the suffering they have to endure, is coupled with concern about gaining access to those victims and ensuring the safety of Red Cross and Red Crescent staff. To deal with the complexity of today's conflicts, and especially with new types of conflict, the ICRC — with the help of a manual — has introduced the principle of planning dissemination campaigns or operations. This is done on the basis of observation and analysis of the needs and problems relating to actual or potential victims, with due consideration of the security aspect. Such planning will subsequently facilitate assessment of the impact of dissemination activities, and thus enhance efficiency.

In peacetime situations, which are the ideal context for preventive work, the ICRC has developed a systematic approach to dissemination needs taking account of various priorities and parameters such as the degree of risk of an outbreak of violence or conflict. The primary targets in this case are the regular

armed forces and any groups bearing weapons, the National Society, schoolchildren and young people, and academic circles. This is a long-term venture, a real challenge which it is important to share with other organizations. Each of the priority groups mentioned has a vital role to play in society and is well placed to act as a relay for the humanitarian message. Pilot projects have already been launched in schools and universities in the Commonwealth of Independent States.

Following a seminar held in Denmark in June 1994 to stress the importance of dissemination activities and attended by representatives of all the National Societies of Eastern and Western Europe, the ICRC embarked on a series of regional meetings designed to help draw up or improve the Societies' national dissemination programmes. The first of these meetings, bringing together the National Societies of Bulgaria, Albania, the Former Yugoslav Republic of Macedonia, Greece and Romania, took place in Bulgaria in October 1994. It offered some useful pointers for further meetings, whose programmes will have to undergo certain adjustments to take account of the wide diversity of experiences and situations.

# COOPERATION WITHIN THE MOVEMENT

## WORK OF THE STATUTORY BODIES

### Standing Commission

The Standing Commission is made up of National Society members elected by the International Conference of the Red Cross and Red Crescent and representatives of the ICRC and the Federation. Its principal functions are to make arrangements for the International Conference and for the Council of Delegates<sup>1</sup>. Under the chairmanship of the President of the German Red Cross, the Commission met three times in 1994, on 21 and 22 February, 6 May and 31 October. It concentrated mainly on preparatory work for the Council of Delegates and for the 26th International Conference of the Red Cross and Red Crescent, which are due to take place in Geneva on 1 and 2 December and 4 to 7 December 1995 respectively. In a letter sent on 28 February 1994 to all the National Societies and the governments of States party to the Geneva Conventions, the Standing Commission stated that the Conference should deal with three areas: respect for international humanitarian law; matters of common interest to States and National Societies, such as the role of the Movement in helping refugees and displaced persons; and statutory questions. The letter also invited comments, with a view to drawing up the provisional agenda for the Conference.

The Standing Commission enlisted the support of a group of representatives of permanent missions in Geneva in making preparations for the Conference, and asked the ICRC and the Federation to organize the event. The Swiss Confederation assured the Standing Commission of its support, pledging a contribution of 800,000 Swiss francs and making an ambassador available to help with the preparatory phase.

The International Conference for the Protection of War Victims, which was convened in Geneva from 30 August to 1 September 1993 by the Swiss government, decided that an intergovernmental group of experts should study practical means of promoting full respect for and compliance with international humanitarian law. The group's report will be a prominent item on the agenda of the 26th International Conference.

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<sup>1</sup> The Council of Delegates is composed of representatives of the entire International Red Cross and Red Crescent Movement (ICRC, Federation and National Societies).

## Action taken on resolutions of the 1993 Council of Delegates

At its meeting in Birmingham in October 1993 the Council of Delegates embarked on a thorough review of the Movement's management structures and of the way in which it functions. To this end the Council decided to set up a Policy and Planning Advisory Commission to identify challenges that the Movement will have to take up in the future, so as to ensure that it is better prepared. The Council of Delegates also approved a Code of Conduct for organizations taking part in disaster relief operations.

During the year both the ICRC and the Federation devoted part of their efforts to implementing the resolutions of the Council of Delegates.

### Policy and Planning Advisory Commission

The Advisory Commission was established by Resolution 1 of the Council of Delegates. It is made up of 12 members appointed *ad personam* (six from National Societies, three from the ICRC and three from the Federation). It first met in early May 1994 and held three sessions during the year, on 26-27 May, 4-5 July and 19-20 September. The Commission, which is funded by the National Societies (half its budget), the ICRC (one quarter) and the Federation (one quarter), has an independent secretariat at the Henry Dunant Institute in Geneva.

The Commission met with the members of the Federation's Executive Council and the ICRC's governing board on 28 and 29 October to determine the direction of its future work. It will submit a report to the next Council of Delegates, focusing on the tasks explicitly assigned to it by Resolution 1 of the previous Council (to study the functions of the Standing Commission, to identify the modalities of establishing the Council of Delegates as the supreme deliberative body for internal matters of the Movement, and to improve functional cooperation between the components of the Movement). The report will also deal with matters of principle concerning all the components of the Movement, with a view to strengthening it (in particular the emblem, the development and integrity of National Societies, and the new social, political and economic environment in which the humanitarian agencies work).

### Code of Conduct for organizations taking part in disaster relief operations

In 1994 the ICRC and the Federation promoted acceptance of the *Code of Conduct for the International Red Cross and Red Crescent Movement and for non-governmental organizations taking part in disaster relief operations* which

had been approved by the 1993 Council of Delegates (Resolution 6). Approaches were made to numerous non-governmental organizations and several governments with a view to having them endorse the Code and to encourage compliance with its provisions in the field.

The aim of the Code of Conduct is to maintain, on the part of organizations having endorsed it, a standard of behaviour that guarantees the independence and effectiveness of the humanitarian response to disaster situations.

### Armed protection of humanitarian assistance

Pursuant to Resolution 5 of the Council of Delegates, the ICRC and the Federation prepared to draw up guidelines for the Movement in relation to the armed protection of humanitarian aid.

A joint working group was set up and met on 30 September, 17 October and 20 November. It studied means of ensuring better protection for personnel and equipment during humanitarian operations, which are conducted in increasingly violent and dangerous contexts.

The working group sent a questionnaire and submitted proposals to certain National Societies with experience of working in hazardous situations, inviting their opinions and suggestions with a view to formulating recommendations in this respect for the Movement as a whole.

### Commission on the Red Cross, Red Crescent and Peace

The Commission on the Red Cross, Red Crescent and Peace is composed of representatives of the Federation, the ICRC, the Henry Dunant Institute and 16 National Societies (Australia, Brazil, Colombia, the Democratic People's Republic of Korea, Egypt, Ethiopia, France, Greece, Hungary, Malaysia, Nigeria, Paraguay, the Republic of Korea, Sudan, Sweden and Tunisia).

The Commission met twice in 1994. A preparatory session was held on 6 May in Paris and another meeting on 31 October in Geneva.

The Commission considered what the Movement could do to promote respect for children's rights. It felt that the National Societies could play an active part in that respect, not only in preventive terms (education, spreading knowledge of the Movement's ideals and principles) but also by providing direct aid (food and medical assistance, teaching), or by contributing to the process of rehabilitation. A programme of work for 1994-95 was drawn up taking these factors into account.

The members of the Commission were also invited to submit proposals on the basis of programmes carried out by their own National Societies. These

could be presented as recommendations to the next Council of Delegates and could include:

- combating illiteracy;
- education for peace;
- combating drug abuse;
- promotion by the Movement of respect for the rights of the child;
- continuation of projects undertaken in connection with the study on the role of National Societies in the prevention of conflicts involving minorities.

## RELATIONS WITH THE COMPONENTS OF THE MOVEMENT

### National Societies

#### Recognition of new National Societies

In 1994, the ICRC's governing board officially recognized two National Societies:

- the Andorra Red Cross, on 24 March;
- the Red Cross of Equatorial Guinea, on 28 September.

This brought the number of recognized National Societies to 163 by the end of the year.

#### Dialogue and contacts

Wishing to forge closer links with the other components of the Movement and to become better acquainted with the National Societies, the ICRC arranged for members of the Committee to carry out missions to numerous Societies in order to discuss all matters relating to the future of the Movement. During the year under review members of the Committee went on such missions to Chile, the Czech Republic, Kenya, Malaysia, Malta, Mexico, Mongolia, Norway, Russia, El Salvador, Singapore, Slovakia, Zambia and Zimbabwe.

#### Visits to ICRC headquarters by National Society representatives

In 1994 the ICRC organized 78 visits for 166 people, including presidents, vice-presidents, secretaries-general, directors, staff members and volunteer workers, from National Societies in Africa, Latin America, Asia, the Middle East, Europe and North America.

The visits enabled some National Society representatives to gain a more comprehensive view of the structure, mandate and functioning of the ICRC. They also provided the visitors with an opportunity to meet people from various ICRC departments and, by means of working meetings, to establish closer cooperation between the ICRC and the National Societies concerned.

## International Federation of Red Cross and Red Crescent Societies

### Joint ICRC/Federation Commission for National Society Statutes

In 1994, the Joint ICRC/Federation Commission for National Society Statutes met in Geneva on seven occasions: on 8 February, 15 March, 21 April, 15 June, 9 August, 21 September and 5 December. In accordance with Resolution VI of the 22nd International Conference (Tehran, 1973) and Resolution XX of the 24th International Conference (Manila, 1981), the Commission examines amendments that National Societies propose making to their statutes. Such amendments have to be submitted to the Commission before being adopted by the competent body of the National Society. The Commission must be allowed enough time to make the appropriate recommendations, especially if the amendments concern the conditions for recognition or the Fundamental Principles. The other essential aspect of the Commission's work is helping emerging Societies to prepare for recognition by the ICRC and, subsequently, admission to the Federation.

On the basis of the Joint Commission's recommendations, the ICRC recognized the Andorra Red Cross and the Red Cross of Equatorial Guinea.

### Joint ICRC/Federation meetings

The 1989 ICRC/Federation Agreement provides for joint meetings at least three times a year, in addition to the almost daily and usually informal working relations between staff of the two institutions at all levels. The main purpose of the meetings is to assist the statutory bodies of the Movement in procedural and substantive matters. In practice such meetings are held more frequently than required under the Agreement as they provide an opportunity to take decisions and to keep both sides informed of matters of common interest.

In 1994, ICRC and Federation leaders met on seven occasions. Among the subjects dealt with were the following:

- the follow-up to the International Conference for the Protection of War Victims, held in Geneva in 1993;

- the preparation of the programme and the agenda for the Council of Delegates and the 26th International Conference, due to be held in Geneva in 1995;
- consultation between the Movement's international institutions before and after meetings of their statutory bodies, in particular the Standing Commission;
- adoption of a common approach in certain areas concerning both institutions.

In addition, the ICRC and the Federation set up a joint working group to devise ways of improving operational cooperation between the two institutions, both in Geneva and in the field, so as to make optimum use of resources and cut costs. Progress has already been made in this regard in areas such as the purchase of office automation equipment, telecommunications and staff training.

### The Federation's 75th anniversary

The ICRC was pleased to take part in ceremonies held in Paris on 5 May to mark the 75th anniversary of the International Federation of Red Cross and Red Crescent Societies.

The ICRC President, accompanied by several members of the Committee, gave an address in front of the Hotel Regina, where the League of Red Cross Societies, as the Federation was then called, was founded in 1919 by the American, British, French, Italian and Japanese Red Cross Societies. He congratulated the Federation on its achievements over the years and wished it every success in its future activities.

### Funds and medals

#### Joint Commission for the Empress Shôken Fund

This Fund was created in 1912 by a gift from the Empress of Japan for the purpose of promoting the development of National Societies. Its capital has been increased several times by gifts from the Japanese Imperial Family, the government, the Japanese Red Cross, various associations and the Japanese public.

The Joint Commission for the Fund, which includes members and staff of the ICRC and representatives of the Federation Secretariat, met on 8 April in the presence of Japan's permanent representative in Geneva.

After examining 42 requests for grants submitted by 30 National Societies, and one for a regional training programme in the Asia/Pacific zone, the Commission distributed a total amount of 423,000 Swiss francs. Grants went

to 12 National Societies (Albania, Botswana, Honduras, Libya, Malta, Mauritius, Mongolia, Myanmar, Nigeria, Panama, Vanuatu and Zimbabwe), and to the Asia/Pacific regional programme, which covers some 30 National Societies.

Each recipient Society is required to send the Joint Commission, within 12 months of receiving its grant, a report on the results achieved with the equipment it acquired or on the activities conducted with the amount allocated.

### Maurice de Madre French Fund

Count Maurice de Madre, who died in 1970, bequeathed part of his property to the ICRC, stipulating the use to be made of it. The purpose of the Fund is to assist staff of National Societies, the Federation or the ICRC who suffer injury or illness in the service of the Movement or, in the event of their death, to assist their families.

The Board of the Fund met once during the year, on 6 June. The major part of its work was done by correspondence and consultation amongst its members, outside formal meetings. Most of the files examined are submitted by delegates from the Federation and the ICRC; fewer applications come from National Societies. Since staff of the Movement's international institutions and of National Societies in the more developed countries have adequate insurance coverage, grants from the Fund are generally allocated to staff from Third World National Societies, where they may be the only assistance available for the persons concerned or their families.

In 1994, the Board of the Fund considered applications relating to staff of the Movement in the following countries: Afghanistan, Bangladesh, Bolivia, Colombia, Equatorial Guinea, Guinea, Kenya, Lebanon, Mexico, Mozambique, Namibia, the Philippines, South Africa, Sri Lanka, Tanzania and Zambia.

A total of 54,000 Swiss francs was allocated. Several files were still pending at the end of the year.

### Florence Nightingale Medal

In 1912 the 10th International Conference of the Red Cross, held in Washington, decided to set up the Florence Nightingale Fund and to award medals to qualified nurses who showed exceptional courage or dedication in time of war. This was intended as a tribute to the exceptional services rendered by Florence Nightingale in improving health care for the wounded and sick during the Crimean War (1854-1856).

Under the Fund's Regulations, the latest version of which was adopted by the Council of Delegates in Budapest in 1991, the Florence Nightingale Medal

may be awarded to qualified male or female nurses and also to male or female voluntary nursing aides who are active members or regular helpers of a National Red Cross or Red Crescent Society or of an affiliated medical or nursing institution.

The Medal may be awarded to persons in these categories who have distinguished themselves in time of peace or war by their exceptional courage and devotion to the wounded, sick or disabled and to civilian victims of a conflict or disaster; or by exemplary services or a creative and pioneering spirit in the areas of public health or nursing education. The Medal may be awarded posthumously if the prospective recipient has fallen on active service.

On 1 September 1994 a circular was sent to all the central committees of the National Red Cross and Red Crescent Societies inviting them to submit, by 1 March 1995 at the latest, one or more candidates for the 35th award of the Florence Nightingale Medal, which is scheduled for May 1995. No more than 50 medals may be issued at any one of the distributions, which take place every two years.

## Henry Dunant Institute

The Henry Dunant Institute was set up in 1965 by the ICRC, the Federation and the Swiss Red Cross, with the object of providing the Movement with an instrument for carrying out research and training aimed at strengthening its unity and promoting its development. To this end, the Institute opens its doors to researchers whose fields of study are of interest to the Movement as a whole.

The Institute seeks to establish closer ties with the National Societies, which follow its work attentively and would like to increase their financial assistance for its work. It has therefore created the status of Associate Member for these Societies.

Each of the founding bodies provides the Institute with a Chairman for a two-year term. In 1994 its General Assembly elected the President of the Federation as Chairman for 1995-96. He will replace the ICRC Vice-President in this position.

During the year under review the Henry Dunant Institute completed some 15 projects in a wide range of fields, often in cooperation with National Societies. One of these projects involved supervising a study on the problem of child soldiers, its subsequent translation and its publication in several languages. Early in the year the Institute published a paper on the role of National Societies in preventing conflicts involving minorities. Another study was undertaken to seek new methods of teaching the Red Cross and Red

Crescent principles in schools in Europe. In cooperation with the Hungarian Red Cross, the ICRC and the Federation, the Institute also held a symposium on family reunification. Lastly, it organized the 19th introductory course on the international activities of the Red Cross and Red Crescent, an annual event in which ICRC staff regularly take part as instructors.

# THE INTERNATIONAL TRACING SERVICE

More than 50 years after its creation, the International Tracing Service (ITS) in Arolsen, Federal Republic of Germany, continues to respond to requests from victims of persecution under the National Socialist régime. In 1994, as a result of changes on the geopolitical map (the emergence of new States), the International Tracing Service received enquiries from 55 countries all over the world. This figure is a good illustration of one of the consequences of the Second World War, showing as it does the many corners of the earth to which former "displaced persons" emigrated; it also highlights the value of the work done in Arolsen. Indeed, the certificates that the ITS issues are recognized by every State, without any need for notarization.

The four mandates of the ITS — to gather, classify, preserve and retrieve information — define its activities to this day. Although the events to which these cases relate are receding in time, the number of requests received by the ITS again rose in 1994. This trend had an effect on the priority and urgency assigned to the Service's tasks: during the year the retrieval of information took precedence over classification and preservation activities.

Because of the substantial rise in the number of replies provided, working conditions in general remained difficult, owing in particular to the lack of opportunity to streamline working methods. Sustained efforts were nevertheless made to keep ahead in this race against time.

In 1994, the ITS received 212,512 enquiries, or 22% more than in 1993. It provided 238,222 replies as compared with 213,178 the previous year. This volume of work was a real challenge for the ITS; indeed, already in the spring, the flood of requests obliged the Service to provide for the future by asking for additional posts. The Federal Ministry of the Interior which, on behalf of the German government, finances the ITS announced that it had allowed for 20 new posts in the 1995 budget. This will bring the number of staff to nearly 400.

The heavy workload during the year made it difficult to train new staff members. Thus, with the agreement of the International Commission for the ITS at its annual meeting in Jerusalem in May 1994, a system of "streamlined processing" of requests was introduced. By diverging slightly from its basic mandate, the ITS was able significantly to increase the number of replies it sent out in the second half of the year. This is a very positive development. Nevertheless, at the end of 1994 there were still 277,000 requests pending, or 4.7% more than in 1993. This small increase could not be avoided, despite the best of efforts.

In addition, the ITS acquired 401 linear metres of documents relating to individuals (civilian victims of persecution during the Second World War). This record result was due to a number of factors, in particular the acquisition of extensive archives from Munich and Dresden and approaches made to the Russian Red Cross in Moscow. The new records will enable many individuals whose cases are being handled by the ITS to document their entitlements to pensions or other benefits.

Since certain tasks were given priority, there was a backlog in other sectors of ITS activity. For example, work on classifying and preserving documents was held up. Of the entire set of recorded archives, less than 1% were microfilmed for safekeeping in 1994 (bringing to 18.6% the proportion on microfilm to date). The decision to postpone certain administrative tasks was justified by the need to speed up replies to the victims of persecution, most of whom are now very elderly. This decision was endorsed by the ICRC and the International Commission for the ITS.

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Because of the substantial rise in the number of replies provided, working conditions in Geneva remained difficult, owing in particular to the lack of opportunity to streamline working methods. Sustained efforts were nevertheless made to keep ahead in this race against time.

In 1994 the ITS received 212,212 enquiries, or 25% more than in 1993. It provided 238,222 replies as compared with 213,178 the previous year. This volume of work was a real challenge for the ITS, indeed, already in the spring, the flood of requests obliged the Service to provide for the future by asking for additional posts. The Federal Ministry of the Interior which, on behalf of the German government, finances the ITS announced that it had allowed for 20 new posts in the 1995 budget. This will bring the number of staff to nearly 400.

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