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# INTERNATIONAL LAW, COMMUNICATION AND THE MOVEMENT

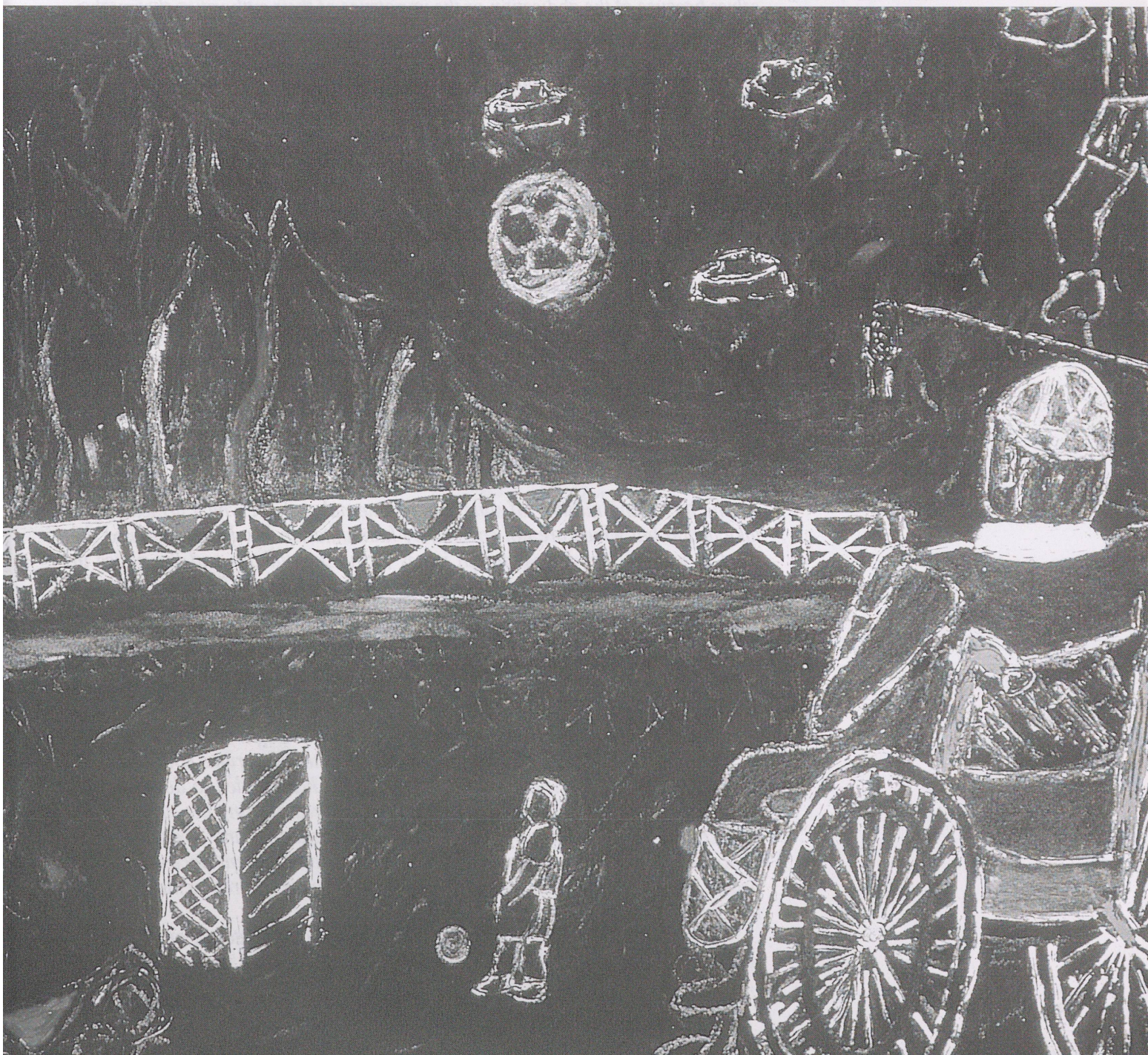
How many children go through life haunted by images like this? Combatants throughout the world flout basic rules of humanity causing unspeakable suffering among civilians. The ICRC's efforts to promote compliance with international humanitarian law include participation in high-level legal conferences, programmes for schoolchildren, face-to-face dialogue with fighters and seminars for training officers to the armed forces.





humanitarian law is highly appreciated and has yielded many positive results. It should be noted that the world has been able to control its resources in a way that has allowed for the survival of populations and to look for them.

1988 aims in the fields of international law





**1998 aims in the fields of  
international law,  
communication  
and the Movement**

**I**n 1998, as in previous years, the world was beset by conflicts as complex as they were cruel. The struggle for survival of populations left to fend for themselves because of the abdication or the impotence of their authorities, the involvement of children in hostilities, the difficulties encountered by humanitarian organizations having to deal with combatants who no longer show respect for anything – all these phenomena were on the increase.

Against this background the ICRC's primary concern was, as always, to try to reach all victims of armed conflict. However, the prevailing situation also strengthened its resolve to develop, in peacetime, its activities to enhance knowledge of and respect for the basic principles of international humanitarian law: compassion for those in distress, solidarity, and respect for human dignity.

Such an aim opens up boundless possibilities, so the ICRC put firm emphasis on the clear definition of priorities and the evaluation of results. It also carried out an internal reorganization, bringing together its information activities and those relating to the dissemination of humanitarian law so as to boost synergy between the two areas, which converge in certain respects.

The five main objectives pursued in 1998 were to strengthen contacts with armed forces and extend them to the police; to work more closely with young people; to promote national measures for the implementation of humanitarian law; to encourage reflection on humanitarian law and support international efforts in this and related areas; and to strengthen cooperation with the National Societies.

The increasing number of situations of internal strife in which armed forces take action but which are not covered by humanitarian law has highlighted the need to examine the humanitarian issues facing the military and the police in such cases. In 1998, in response to growing demand, the ICRC invested more effort in this area, producing teaching materials and holding training courses while at the same time stepping up its traditional activities to provide armed forces with instruction in humanitarian law.

While armed forces remain a priority, the ICRC constantly explores ways of making sure that the basics of humanitarian law are understood by all those involved in armed conflict, and believes it is essential to begin with young people. In view of the success of pilot programmes conducted in various countries with the agreement of the relevant ministries, the ICRC has decided to develop such programmes and to build up its expertise in this area, seeking the support and cooperation of specialized international organizations and working with national organizations, National Red Cross and Red Crescent Societies in particular, so as to ensure that the humanitarian message is tailored to the local culture and to guarantee continuity.

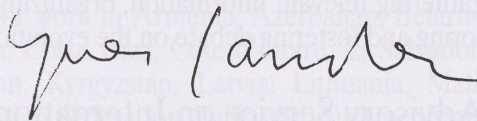
The constructive way in which the ICRC approaches States in order to support their endeavours to develop national measures for the implementation of



humanitarian law is highly appreciated and has yielded many positive results. It has also led to international cooperation, notably within the framework of a study on penal legislation.

The ICRC spared no effort in contributing to the work leading to the establishment of the International Criminal Court, which it sees as a major advance in the drive to put an end to impunity. It also made progress in its wide-ranging study on customary international humanitarian law, which should give a clearer picture of how this law is applied in practice and generate new ideas concerning its implementation and development. The fact that the study is being carried out all over the world has had the welcome effect of stimulating interest in the subject in many regions.

Together with the International Federation of Red Cross and Red Crescent Societies, the ICRC made a major effort in 1998 to provide training for the implementation of the new cooperation agreement between all the Movement's components. Since there are National Societies in all the countries in the world and those Societies support the ICRC's emergency operations by putting material and human resources at its disposal, the spirit of partnership embodied in this agreement is vital to the Movement's future. The ICRC therefore stepped up its cooperation with the Federation with a view to developing a strong and independent National Society in every country.



**Yves Sandoz**

Director for International Law  
and Communication



# IMPLEMENTATION OF AND RESPECT FOR THE LAW

Through its humanitarian work, the ICRC endeavours to provide protection and assistance to victims of armed conflict. Its role is also "to work for the faithful application of international humanitarian law" and "to prepare any development thereof".

The ICRC constantly strives to ensure that belligerents respect their humanitarian commitments. Whenever the situation warrants, the institution may also appeal to all the members of the international community to urge the warring parties to meet their obligations.

By the same token, the ICRC keeps a close watch not only on methods and means of combat in order to assess their consequences in humanitarian terms, but also on any other developments that have a bearing on international humanitarian law, so as to prepare for the adoption, whenever necessary, of new rules of that law. Its role consists, especially on the basis of its observations in the field, in gathering relevant information, organizing consultations with experts, and monitoring and fostering debate on the evolution of humanitarian issues.

## Advisory Service on International Humanitarian Law

Promoting respect for humanitarian law and ensuring its implementation at the national level continued to be an important and urgent task for the ICRC. The organization's Advisory Service on International Humanitarian Law advises governments on the implementation of humanitarian law and adherence to humanitarian law treaties. To achieve its objectives the Service works in close cooperation with governments, National Red Cross and Red Crescent Societies, international organizations and specialized institutions.

In 1998, the Advisory Service organized a series of seminars around the world. These events brought together representatives of Ministries of Foreign Affairs, Justice, Defence, Health, the Interior and so forth, members of parliament, the armed forces and civil defence corps, and representatives of academic and other interested circles. They were organized in close cooperation with the host countries' National Red Cross or Red Crescent Society and provided an opportunity to present activities carried out in other regions. National seminars took place in Mali (19-20 February), Egypt (2 and 3 March), Bangladesh (10 April), Argentina (16 April), Belarus (21-23 April), Senegal (8 May), Cameroon (12 and 13 May),

*promoting greater respect for humanitarian law*

*seminars on humanitarian law*



Côte d'Ivoire (18-20 May), Armenia (2 June), Kyrgyzstan (27-29 July), Indonesia (19 and 20 August), and Estonia (29 September). Two regional training courses on national implementation of humanitarian law were held in Moscow for civil servants of countries of the Commonwealth of Independent States on 9-13 February and 13-16 October. Similar training courses for members of national committees on humanitarian law were also held in Senegal (5-13 March), Côte d'Ivoire (25-28 May) and Benin (25-27 November).

During the year under review the Advisory Service cooperated with various organizations on the issue of national implementation. A report on the progress made by States members of the Organization of American States was submitted to the Committee on Juridical and Political Affairs of the Permanent Council on 12 March. Contacts were also pursued with the ad hoc Committee to Promote Respect for International Humanitarian Law of the Inter-Parliamentary Union, which met in Moscow on 6-12 September. In addition, representatives of the Advisory Service attended a Council of Europe meeting to plan legal cooperation and cooperation in the field of human rights, held in Strasbourg on 14-16 October.

The enactment of national legislation to punish war crimes and to prevent misuse of the red cross, red crescent and other emblems is central to ensuring full respect for humanitarian law. The Advisory Service therefore provided technical assistance and advice on the drafting, adoption and amendment of such legislation. In 1998 it carried out this type of work in Armenia, Azerbaijan, Belarus, Benin, Burkina Faso, Chile, Colombia, Costa Rica, Côte d'Ivoire, El Salvador, Estonia, Georgia, Ghana, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Mali, Mexico, Moldova, Niger, Panama, Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.

The Advisory Service also gathers and analyses information on new legislation and national case law. In 1998, for example, a law governing the use of the red cross, red crescent and other emblems was adopted in Colombia in May, and penal legislation was revised in order to ensure repression of war crimes in Peru (February), Tajikistan (May) and Yemen (July). Legislation on the use of anti-personnel landmines was enacted in Hungary (March), France (June), the United Kingdom (July) and Spain (October).

From 11 to 13 November, an international meeting of common law experts in humanitarian law and criminal law and procedure was held in Geneva by the Advisory Service on the subject of "Enforcing international humanitarian law at the national level: Criminal law and procedure". This meeting followed a similar event relating to civil law systems held in 1997, and was the beginning of a process of consultation with common law States which will involve regional meetings and other initiatives. The meeting was attended by over 30 national experts from common law countries, including judges, magistrates, prosecutors, lawyers and

*cooperation with other organizations*

*advice on national legislation*

*analysis of legislation and case law*

*national prosecution of war criminals*



### *national committees*

academics. Their conclusions, on a range of legal issues, will be published in the report on the meeting and form the basis for guidelines for the enforcement of humanitarian law in common law countries.

The establishment of national committees for the implementation of humanitarian law, comprising representatives of ministries and national bodies responsible for implementation, has been identified as an effective means of promoting compliance with the law at the national level. In 1998, such committees were set up in Canada, Georgia and Panama. There are now over 60 countries with national committees or similar bodies. Other countries are considering setting up their own committees, including Cameroon, Costa Rica, Ghana, Guatemala, Mali, Nicaragua, Nigeria, Slovenia, United Kingdom and Venezuela. On 17 and 18 February, the first regional meeting of existing national committees and bodies in the process of being created in Central America was held in Panama. The purpose of the meeting was to exchange information on the work of the committees and on implementation of humanitarian law in the region. Members of the Advisory Service also had talks with representatives of existing bodies worldwide.

### *publications*

During the year the Advisory Service published its second annual report<sup>1</sup> covering its own activities and recent developments relating to national implementation of humanitarian law. It also produced guidelines on the issue of penal repression of violations of humanitarian law in civil law countries. These are reproduced in the form of fact sheets and form a kit on this specific issue which is available to law-makers seeking practical guidance.

## **International Criminal Court**

In July 1998 there was a landmark event in the development of a more effective system for the repression of war crimes. After years of tireless effort, a Statute for an International Criminal Court (ICC) was finally adopted in Rome on 17 July after a vote in favour by 120 States (seven States voted against and 21 abstained). In taking this step States sent a clear message: the longstanding impunity enjoyed by perpetrators of international crimes has come to an end.

### *the ICRC takes a strong stance*

The ICRC was closely involved in issues directly related to its mandate in the negotiations in New York and in Rome, in its capacity as expert in and guardian of international humanitarian law. It encouraged States to establish an effective ICC, empowered to take all the measures necessary to fulfil its mandate. Accordingly, the ICRC took a strong position on three points: the definition of war crimes, the conditions for the exercise of jurisdiction of the Court, and the need for an independent prosecutor.

<sup>1</sup> *National implementation of international humanitarian law, 1997 Annual Report*, Advisory Service on International Humanitarian Law, ICRC, Geneva, 1998, 124 pp.



On the first point the ICRC considered it essential that the Court have jurisdiction over both international and non-international armed conflicts, given that the majority of conflicts today are internal in nature. In particular, the ICRC insisted on the necessity for the Court to have jurisdiction over all serious violations of humanitarian law, which include the most serious violations of the 1977 Additional Protocols. The result of the Rome Conference on this point was satisfactory insofar as the Court was given competence to hear cases of war crimes committed in internal conflicts, although the list of war crimes covered is not comprehensive. The ICRC regrets in particular the lack of specific provisions designating the use of starvation as a method of warfare, indiscriminate attacks against civilians and the use of prohibited weapons as war crimes in internal conflicts. As for coverage of war crimes committed in international conflicts, no provisions are to be found on unjustifiable delay in the repatriation of prisoners of war or the launching of indiscriminate attacks affecting the civilian population or civilian property. The provision on weapons was also kept to a minimum.

*the list of war crimes is not comprehensive*

The ICRC's most serious disappointment arises from Article 124 of the Statute, which allows a State to declare that it does not accept the jurisdiction of the Court for a period of seven years with respect to war crimes alleged to have been committed by its nationals or on its territory.

On the issue of jurisdiction, the ICRC urged that the ICC should have automatic jurisdiction over genocide, crimes against humanity and war crimes. Accordingly, if a State became party to the Statute of the ICC but was unwilling or genuinely unable to prosecute, the Court would have automatic jurisdiction. The outcome was a compromise on this difficult issue. Certain preconditions have to be met before the Court can exercise its jurisdiction: States agreed that the Court could take up a case if the State where the crime occurred or of which the accused is a national is a party to the Statute. It is regrettable that jurisdiction was not extended to the State having custody of the suspect.

*compromise on the issue of automatic jurisdiction*

As regards the third point, it is noteworthy that the Prosecutor also has the power to initiate proceedings (in addition to States Parties and the Security Council, which can refer cases to the Prosecutor).

It is clear that the ICC will not replace national courts in the prosecution of international criminals, nor has it been set up to look at crimes committed in the past. States will continue to have primary responsibility for exercising criminal jurisdiction over those responsible for international crimes. The ICRC will therefore continue to provide States with technical support in adopting legislation for the repression of war crimes at the national level. The ICRC will actively promote ratification of the ICC Statute by a large number of States and hopes to take part in the work that still remains to be done before the Court is actually set up, in particular on the definition of the elements of crimes.

*the role of the national courts*



## First periodical meeting on international humanitarian law

The States party to the Geneva Conventions held their first periodical meeting on general problems relating to the implementation of international humanitarian law in Geneva from 19 to 23 January 1998. The meeting was convened by the Swiss government in its capacity as depositary of the Conventions, pursuant to Resolution 1, para. 7, of the 26th International Conference of the Red Cross and Red Crescent (1995). It was attended by the representatives of 129 States Parties and 36 observers. Following consultations with the States Parties, two topics were selected for this initial meeting, namely respect for and security of the personnel of humanitarian organizations, and armed conflicts linked to the disintegration of State structures. The ICRC prepared a working document on each of these themes.

At the close of the meeting the Chairman drew up and presented a report on problems encountered in the implementation of humanitarian law in the areas considered, and some possible remedies. Since the meeting was informal no resolutions were adopted. During the discussions the States Parties reaffirmed the universal relevance of humanitarian law and reiterated their support for humanitarian organizations. However, they also stressed how important it was that such organizations respect the principles of impartiality, neutrality and independence and accept the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in disaster relief. It was agreed that there was a need to establish early warning systems and draw up a code of ethics covering arms exports; greater efforts were also needed to combat impunity. Lastly, the participants recommended that the work of the ICRC's Advisory Service be extended and that efforts to spread knowledge of the humanitarian principles, particularly among young people, be stepped up.

## Meeting of experts on general problems relating to the implementation of the Fourth Geneva Convention

A meeting of experts was held in Geneva on 27 to 29 October 1998 to discuss general problems raised by the implementation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (Fourth Geneva Convention). The meeting was convened by the Swiss authorities as one of a series of measures proposed by Switzerland pursuant to several UN General Assembly resolutions on the territories occupied by Israel. Representatives of 118 States Parties and 15 observer delegations attended the meeting.

At the request of the Swiss government, the ICRC prepared a working document for these talks, which were divided into three parts focusing in turn on the broad issue of protection of the civilian population in armed conflicts, protection



of the civilian population in occupied territories and measures for implementing humanitarian law. The relevance of this body of law was underlined, and it was generally agreed that the greatest problems arose not from any lack of appropriate rules but from the failure to apply existing law consistently and in good faith. At the close of the discussions the Chairman drew up a report to be sent to the UN Secretary-General, the States Parties and the observers attending the meeting of experts.

## STRENGTHENING AND DEVELOPING THE LAW

### Study on customary rules of international humanitarian law

In December 1995 the 26th International Conference of the Red Cross and Red Crescent formally invited the ICRC "to prepare, with the assistance of experts on IHL representing various geographical regions and different legal systems, and in consultation with experts from governments and international organizations, a report on customary rules of IHL applicable in international and non-international armed conflicts, and to circulate the report to States and competent international bodies".

After a Plan of Action was drawn up in 1996 by the study's Steering Committee, composed of eminent academic experts in humanitarian law, research started towards the end of that year. The six areas covered by the study were: the principle of distinction; methods of warfare; use of weapons; specific protections; standards of treatment and human rights law applicable in armed conflict; and accountability and implementation.

The Steering Committee's decision to divide the work between research into national and international sources of State practice was fully implemented. Reports on the practice of some 50 States were prepared by national research teams, together with about 40 reports on recent armed conflicts. On this basis, and on the basis of their own research into international sources, six academic research teams, each of which concentrated on one of the six areas covered by the study, prepared consolidated reports. The consolidated reports contain a compilation of State practice organized according to subject-matter. On the basis of these consolidated reports the Steering Committee made an initial assessment as to which rules appeared to be customary. This assessment was carried out in the course of three meetings held in 1998, each dealing with two subjects of the study. The results of these meetings were summarized in six updated consolidated reports and six executive summaries, together with short commentaries explaining why a given rule was thought to be customary or otherwise.

In 1999, the Steering Committee will submit its initial assessment of the customary nature of the rules covered by the study to a group of government experts for review. Thereafter, the ICRC will have the task of drafting the final

*modes of action used by  
humanitarian players*

*initial assessment of  
customary rules*



report taking into account the opinions of the experts consulted, and will report on its work to the 27th International Conference of the Red Cross and Red Crescent in November 1999.

## Protection of internally displaced persons

The ICRC's major contribution to protection and assistance of internally displaced persons lies in its daily work in the field. By urging parties to armed conflicts to abide by their obligations under humanitarian law and seeking to provide all victims of armed conflict with humanitarian assistance, in 1998 the ICRC not only came to the aid of those who had been displaced but also endeavoured to maintain conditions which would allow people to remain in their homes. The ICRC also took part in a variety of international meetings held to discuss internal displacement, and continued to support the work of the Representative of the United Nations Secretary-General on internally displaced persons. It contributed to the drafting of a set of Guiding Principles on Internal Displacement, which the Representative presented to the Commission on Human Rights in April 1998, and also worked to promote their use in the field.

## Protection of children in armed conflicts

The plight of children in situations of armed conflict continued to be a cause of major concern for the ICRC. In addition to its traditional operational activities, it helped to raise awareness of the issue and participated in broader initiatives to alleviate their situation. Within the Movement, it contributed to efforts to implement the 1995 Plan of Action, which is designed to foster activities to protect and assist child victims of armed conflict and to promote the principle of non-recruitment and non-participation of children below the age of 18 years in hostilities.

Within the framework of the UN, the ICRC took part in the deliberations of the working group set up to examine the question of a draft optional protocol to the Convention on the Rights of the Child concerning the involvement of children in armed conflict. It also prepared an analytical summary of the main points to which it attaches special importance, in particular that the protocol should prohibit recruitment and participation in hostilities of children below the age of 18, that the prohibition should cover both direct and indirect participation in hostilities, that both compulsory recruitment and voluntary enlistment should be prohibited, and that every party to a conflict should be bound by the optional protocol.



## Protection of women

The problems experienced by women in situations of armed conflict have received increased attention over the last several years, and the ICRC took part in several meetings throughout 1998 to discuss the issue and to see how the situation of women could be improved. The ICRC also started to collect, on a systematic basis, information from its field delegations regarding activities conducted in support of women victims of armed conflict. Initial steps were taken to identify and analyse their specific needs, with a view to examining whether the response to those needs was adequate, in both normative and operational terms. The process may result in the development of guidelines aimed at enhancing the role and protection of women during armed conflict, and should also serve to prepare for discussion of the topic at the 27th International Conference of the Red Cross and Red Crescent.

## The right to humanitarian assistance

Aware that the fundamental right to receive assistance has all too frequently been violated, the ICRC continued to remind those bearing arms of the basic rules protecting the civilian population in situations of armed conflict. Its representations focused in particular on the right of victims to receive humanitarian assistance, the duty of States either to provide assistance for the populations under their authority or to allow humanitarian organizations to do so, and the ban on using starvation as a method of warfare.

The ICRC also drew attention to the apolitical and impartial nature of humanitarian aid and insisted that it must not be made subject to political or military considerations. Accordingly, it advocated humanitarian exceptions to economic sanctions imposed on a State by the international community, because these could have disastrous effects for civilians. The ICRC has always considered that its protection work to ensure respect for human life and the physical integrity of the individual is an indispensable dimension of humanitarian assistance.

Recent years have seen a spectacular rise in the number of humanitarian agencies, each with its own priorities and, consequently, its own operational approach. In view of such diversity, the adoption of guidelines and mechanisms for assigning certain tasks to specific humanitarian organizations and ensuring appropriate coordination was necessary. Having examined the issue of complementarity between different humanitarian players at some length, in 1998 the ICRC published its conclusions.<sup>2</sup> This study proposes an approach based on the

*modes of action used by humanitarian players*

<sup>2</sup> *Modes of action used by humanitarian players, criteria for operational complementarity*, P. Bonard, ICRC, 1999.



three universal modes of action: "persuasion", "denunciation" and "substitution". Such an approach should be conducive to increased complementarity and solidarity among humanitarian players, which will be of benefit to victims.

## Human rights

The year under review was marked by the 50th anniversary of the Universal Declaration of Human Rights. The ICRC took an active part in discussions on how fundamental rights and freedoms could be better protected, through both law and action.

In connection with the drafting of new international instruments, the ICRC stressed the need to safeguard the existing hard law provisions of both humanitarian law and human rights law. Indeed, the complementary nature of the two bodies of law and their respective degrees of precision stem to a large extent from their specific features. This ensures more comprehensive legal protection of fundamental rights; confusion between these separate bodies of law could weaken existing safeguards and prove counterproductive.

A constructive dialogue was initiated with the Office of the UN High Commissioner for Human Rights. Discussion touched upon working methods and principles in certain countries, and possible ways of optimizing the use of advisory services and technical assistance, training, and measures to promote compliance with the law.

## Fundamental standards of humanity

The UN Commission on Human Rights requested the Secretary-General, in coordination with the ICRC, to continue to study and consult on matters raised in the analytical report submitted to the Commission's 54th session. These matters included the ICRC's study on customary rules of humanitarian law and the newly adopted Statute for an International Criminal Court. As it had done the previous year, the ICRC helped with the preparation of the Secretary-General's report to the Commission.

## Terrorism

In New York the ICRC took part as an observer in the sessions of a working group set up by the UN General Assembly to draft a convention on the suppression of acts of nuclear terrorism. The ICRC insisted on the inclusion of saving clauses for humanitarian law and an article stating that it may visit detainees held in connection with such acts. It also insisted that the future convention should in no way be interpreted as legalizing new means of warfare.



## Protection of cultural property in the event of armed conflict

The ICRC is actively involved in the review process of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. In 1998 two meetings were organized in preparation for the Diplomatic Conference to be held in The Hague in March 1999, at which a second additional protocol to the Convention may be adopted. In advance of this Conference the ICRC submitted a comprehensive set of proposals designed to bring the 1954 Hague Convention into line with modern humanitarian law, as reflected in the 1977 Protocols additional to the Geneva Conventions and customary international law. The new protocol would also seek to enhance respect for cultural property by establishing individual criminal responsibility for serious violations of the relevant provisions of humanitarian law.

## Identification of medical transports

In 1998 the ICRC continued its efforts to improve the identification of medical transports in times of armed conflict. As part of work to develop new technology allowing shipping to be identified from a greater distance, the ITU\* and the IMO\* drew up a technical recommendation for a new universal system of automatic identification between ships and from ships to coastal stations. The proposed system assigns numerical symbols to different types of shipping. Initially, one such symbol was assigned to maritime medical transports and another to vessels and aircraft belonging to States which are not party to a conflict.

The third meeting of the IMO's Sub-Committee on Radio Communications and Search and Rescue adopted the International Aeronautical and Maritime Search and Rescue Manual. At the suggestion of the ICRC, States included a section referring to the provisions of the Second Geneva Convention and Additional Protocol I on the protection of maritime search and rescue craft, personnel and installations in times of armed conflict.

## REGULATIONS ON WEAPONS

### Anti-personnel mines

The signing of the Ottawa treaty by 123 countries in December 1997 was a tremendous step forward in the effort to achieve a worldwide ban on anti-personnel mines. The success of the working partnership among governments,

\* ITU: International Telecommunication Union

\* IMO: International Maritime Organization



*Ottawa treaty becomes  
binding*

UN agencies, the ICRC, non-governmental organizations and private individuals in bringing a ban treaty to fruition was an unprecedented event in the development of humanitarian law, and work to promote universal adherence to the treaty continued throughout 1998.

On 16 September 1998, Burkina Faso became the 40th State to deposit its instrument of ratification of the Ottawa treaty with the UN Secretary-General in New York. This means that the treaty will enter into force on 1 March 1999, becoming binding international law for almost a third of the 131 States which had signed it by November 1998. The treaty's ratification by 40 States less than a year after it was opened for signature was a unique achievement.

Nevertheless, the ICRC continued its efforts to promote adherence to the Ottawa treaty and ratification and implementation thereof. In addition to producing materials and advertisements for its landmines campaign,<sup>3</sup> the ICRC hosted or backed seminars emphasizing the need for a ban treaty and for assistance to mine victims. Particularly important were an ICRC meeting held in Budapest on 26-28 March for government representatives of Central and Eastern European countries, and one held in Phnom Penh on 2-6 February for National Red Cross and Red Crescent Societies. ICRC representatives also took part in meetings held in Moscow for countries of the Commonwealth of Independent States (27 and 28 May, organized by International Physicians for the Prevention of Nuclear War and the International Campaign to Ban Landmines), in Vienna for European military officers (7-10 July, hosted by the Austrian and Italian governments), and in Dhaka for active and retired military officers and officials from South Asia (8 and 9 December, organized by the Centre for Defence Studies, Kings College, London). In addition, ICRC President Cornelio Sommaruga was an opening speaker at the First Middle East Conference on Landmine Injury and Rehabilitation held in Amman on 11 and 12 July. This event was hosted by the Landmine Survivors Network under the patronage of Her Majesty Queen Noor of Jordan.<sup>4</sup>

*58 countries have ratified  
the treaty*

By the end of 1998 the number of signatories to the Ottawa treaty had increased to 131 and 58 countries had formally ratified its provisions. The treaty enters into force on 1 March 1999, less than 16 months after being opened for signature – the shortest time ever for the entry into force of a multilateral arms-related treaty. Thus far, 11 States Parties had announced the total destruction of their mine stockpiles and 11 had passed national laws prohibiting anti-personnel landmines.

<sup>3</sup> See p. 341.

<sup>4</sup> See p. 274.



Confirming the worldwide recognition that anti-personnel mines are weapons which must be eliminated, a growing number of countries which have not signed or ratified the Ottawa treaty are nonetheless taking measures to limit their use. Many such countries have adopted moratoria prohibiting the export of certain types of mines, ended production, begun to destroy their stocks or declared their intention to ratify the treaty once alternatives to mines have been developed.

## 1980 UN Convention on Certain Conventional Weapons

Seventy-two States are now party to the UN Convention on Certain Conventional Weapons (CCW), Lithuania being the only country to ratify the Convention during 1998. As for its three original Protocols, 72 States Parties have adhered to Protocol I (on undetectable fragments), 67 to Protocol II (mines, booby-traps and other devices) and 68 to Protocol III (incendiary weapons). The two Protocols subsequently adopted at the 1996 Review Conference, Protocol IV (Blinding laser weapons) and amended Protocol II (mines, booby-traps and other devices) have achieved 31 and 27 ratifications respectively.

The ICRC continued to promote ratification of amended Protocol II, which remains a significant element in the response to the worldwide landmine problem. This instrument is important as it regulates the use of anti-tank and anti-vehicle mines, devices which are not covered by the Ottawa treaty but which nonetheless have a serious impact on civilian populations. It also prohibits the use and transfer of anti-personnel mines which are not detectable and of any mine which will explode upon contact with a mine-detection device. Of the 27 ratifications so far, 15 were filed during 1998. The amended Protocol entered into force on 3 December 1998 and the first meeting of States Parties will be held in September 1999.

*rules to govern the transfer  
of arms and ammunition*

*anti-tank and  
anti-vehicle mines*

## Blinding laser weapons

The ICRC was extremely pleased that Protocol IV to the CCW prohibiting the use and transfer of blinding laser weapons came into force on 30 July 1998. During the year 15 countries ratified the Protocol, bringing the total number of ratifications to 31. This was the first time that a weapon had been banned before it had been used on the battlefield. Throughout the year the ICRC encouraged all governments to ratify the Protocol and to take national measures to ensure that such weapons were not developed or produced. These issues are not explicitly addressed in the text of the Protocol but are likely to be dealt with at the next CCW review conference scheduled to take place in 2001. The ICRC also considers it important that when ratifying the Protocol States Parties make a dec-



laration that the instrument applies "in all circumstances". This reflects the understanding among the negotiating countries that such weapons have no place in their arsenals and no legitimate utility in any situation. By the end of 1998 Australia, Austria, Canada, Germany, Greece, Ireland, Liechtenstein, South Africa and Switzerland had made such declarations.

## Chemical and biological weapons

The Chemical Weapons Convention (CWC) and the Biological Weapons Convention (BWC) have now been ratified by 121 and 141 countries respectively and significantly extend the prohibition on gas and biological warfare established by the 1925 Geneva Protocol. Yet developments in the fields of microbiology, genetic engineering and biotechnology highlight the need for transparency and for monitoring mechanisms to ensure that developments which could be of benefit to humanity are not used to its detriment. While the CWC established an international body to oversee the destruction of existing chemical weapons and to monitor compliance, there is as yet no parallel entity for the BWC. In statements before the UN General Assembly and other international fora, the ICRC urged the conclusion of negotiations to create a BWC monitoring regime.

## Other weapons

The ICRC remained active in monitoring technological advances in existing weaponry and weapons under development in the light of the existing rules of humanitarian law. Of particular concern were bullets which explode on impact with the human body and some types of directed-energy weapons. The effects on health of so-called "non-lethal weapons" was followed closely.

During 1998 the ICRC continued its work to establish objective criteria for the evaluation of weapons on the basis of their effects on health. This initiative, known as the SIrUS Project, seeks to devise criteria which can be used to help determine the legality of certain weapons under humanitarian law. It is based upon the idea that the foreseeable effects of weapon design have an important role to play in identifying weapons which may cause "superfluous injury or unnecessary suffering". The SIrUs criteria were developed in consultation with medical experts familiar with patterns of injury encountered in armed conflict. The project was favourably received in October at the annual meeting of the World Medical Association, which called on all national medical associations to endorse the criteria. By the end of the year eight national medical associations had done so, together with 13 professional medical institutions.

### *SIrUS Project*



## Arms transfers

There is growing recognition among the international community of the consequences in humanitarian terms of unrestrained arms transfers. The availability of small arms and light weapons contributes to the plight of civilian populations during and after armed conflict and threatens to undermine the international legal norms intended to protect them. In many conflicts, civilian casualties outnumber those of combatants; disease, starvation and abuse increase as humanitarian agencies, including the ICRC, become the target of attack and are forced to suspend operations or to withdraw. Furthermore, efforts to build a sustainable peace can be hampered by a "culture of violence" fostered by the easy availability of arms. As is the case for anti-personnel landmine contamination, the widespread presence of weapons hampers attempts to rebuild war-torn societies. During 1998 the ICRC stressed its deep concern about the price civilian populations were paying for the ready availability of arms and ammunition.

The ICRC encouraged all governments to urgently consider the drafting of rules governing the transfer of arms and ammunition, reminding them that although States have a right to retain weapons necessary for their security, they also have an obligation under the Geneva Conventions to ensure respect for humanitarian law. The ICRC believes that the issue of arms transfers must be examined from this angle and that in the development of rules due account must be taken of the criteria laid down by humanitarian law. In 1998 work continued on an ICRC study, commissioned by the 26th International Conference of the Red Cross and Red Crescent, on the relationship between arms availability and violations of humanitarian law. The results will be presented at the 27th Conference in November 1999.

During the year the ICRC worked with National Red Cross and Red Crescent Societies to present and consolidate its position on this issue. In May, the ICRC and the Norwegian Red Cross co-sponsored an expert meeting on the subject of arms availability and violations of humanitarian law. The 26 experts, coming from 14 countries, proposed a number of national, regional and international measures which could be taken to address the problem. In September, the arms issue and the ICRC's position in that regard was discussed at the annual meeting of National Society legal advisers. The ICRC also outlined its views at a number of international conferences organized by governments, the UN and NGOs.

*rules to govern the transfer  
of arms and ammunition*



## LEGAL STATUS AND HEADQUARTERS AGREEMENTS

The special status of the ICRC as "guardian" of humanitarian law has been widely recognized at the international level. Its role and international legal personality were formally acknowledged in 1990, when the UN General Assembly granted the organization observer status. In addition, the ICRC has concluded explicit agreements with more than 60 host governments on its status and that of its staff. These take the form of Headquarters Agreements, although in some cases they have been adopted unilaterally. Such agreements are usually considered as part of international law.

As a rule, the privileges and immunities granted to the ICRC are similar to those accorded to intergovernmental organizations. The reason for requesting such preferential treatment is directly linked to the ICRC's mandate: to discharge its duties it must be able to work in satisfactory conditions of security and independence.

In 1998 Headquarters Agreements were negotiated with several States, and successfully concluded with Bosnia-Herzegovina, the Central African Republic and Turkmenistan.

## UNIVERSAL ACCEPTANCE OF THE GENEVA CONVENTIONS AND THEIR ADDITIONAL PROTOCOLS

In 1998 a total of 188 States were party to the 1949 Geneva Conventions. During the year four States acceded to the two 1977 Protocols additional to the Conventions: Cambodia (14 January), United Kingdom (28 January), Venezuela (23 July) and Grenada (23 September). This brought the number of States party to Additional Protocol I and Additional Protocol II to 152 and 144 respectively.

Article 90 of Additional Protocol I provides for the establishment of an International Fact-Finding Commission to enquire into allegations of serious violations of humanitarian law. In 1998 Paraguay (30 January), the Lao People's Democratic Republic (30 January), Greece (4 February) and Venezuela (23 July) filed declarations recognizing the competence of the Commission, bringing the number of States which had done so to 53.

The UN General Assembly placed a debate on the status of the Additional Protocols on its 1998 agenda, as it had done every two years since the instruments were adopted in 1977, and adopted a resolution (A/RES/53/96) by consensus inviting States which had not yet done so to become party to them. The resol-

*States party to the Geneva  
Conventions and to their  
Additional Protocols*

*International Fact-Finding  
Commission*

*UN General Assembly  
resolution*



ution also affirmed the need to make the implementation of humanitarian law more effective, and requested the Secretary-General to report on the status of the Additional Protocols and on measures taken to strengthen the existing body of humanitarian law.









# STATES PARTY TO THE GENEVA CONVENTIONS AND THEIR ADDITIONAL PROTOCOLS

## Map

This map shows which States were party to the 1949 Geneva Conventions and to their 1977 Additional Protocols, as at 31 December 1998. It also indicates which States had made the optional declaration under Article 90 of the 1977 Additional Protocol I, recognizing the competence of the International Fact-Finding Commission.

N.B. The names of the countries given on this map may differ from their official names.

	States party to the 1949 Geneva Conventions:	188
	States party to the 1949 Geneva Conventions and to the 1977 Additional Protocol I:	152
	States party to the 1949 Geneva Conventions and to the 1977 Additional Protocol II:	144
	States party to the 1949 Geneva Conventions and to both Additional Protocols:	142
	States having made the declaration under Article 90 of the 1977 Additional Protocol I:	53
	States non party to the Geneva Conventions and Protocols	





Netherlands\*  
Luxembourg\*  
Switzerland\*  
Liechtenstein\*  
Slovenia\*  
Croatia\*  
Bosnia-Herzegovina\*  
Yugoslavia  
FYR of Macedonia\*





## Tables

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 1998. 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 enter into force six months after the date given in the present document; for States making 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, in the appropriate circumstances, 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 the said treaties (declaration of provisional application of the treaties). At present no State is bound by such a declaration.

**Reservation/Declaration (R/D):** 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 (D90):** prior acceptance of the competence of the International Fact-Finding Commission.



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;						
	03.07.1962	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	11.10.1996	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	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	14.01.1998	A		14.01.1998	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	16.03.1995	A	16.03.1995	16.03.1995	A
Central African Republic	01.08.1966	S	17.07.1984	A		17.07.1984	A
Chad	05.08.1970	A	17.01.1997	A		17.01.1997	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	17.04.1996	14.08.1995	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
Congo (Dem. Rep.)	24.02.1961	S	03.06.1982	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



COUNTRY	GENEVA CONVENTIONS		PROTOCOL I			PROTOCOL II	
	R / A / S	R/D	R / A / S	R/D	D90	R / A / S	R/D
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			
Cyprus	23.05.1962	A	01.06.1979	R		18.03.1996	A
Czech Republic	05.02.1993	S X	05.02.1993	S	02.05.1995	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	25.04.1996	A		25.04.1996	A
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	04.02.1998	15.02.1993	A
Grenada	13.04.1981	S	23.09.1998	A		23.09.1998	A
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	16.02.1995	R		16.02.1995	R
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



	GENEVA CONVENTIONS			PROTOCOL I			PROTOCOL II		
COUNTRY	R / A / S	R/D		R / A / S	R/D		D90	R / A / S	R/D
Kazakhstan	05.05.1992	S		05.05.1992	S			05.05.1992	S
Kenya	20.09.1966	A							
Kiribati	05.01.1989	S							
Korea (Dem. People's Rep.)	27.08.1957	A	X	09.03.1988	A				
Korea (Republic of)	16.08.1966	A	X	15.01.1982 <sup>(5)</sup>	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		30.01.1998	18.11.1980	R
Latvia	24.12.1991	A		24.12.1991	A			24.12.1991	A
Lebanon	10.04.1951	R		23.07.1997	A			23.07.1997	A
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
Lithuania	03.10.1996	A							
Luxembourg	01.07.1953	R		29.08.1989	R		12.05.1993	29.08.1989	R
Macedonia	01.09.1993	S	X	01.09.1993	S	X	01.09.1993	01.09.1993	S
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				
Micronesia	19.09.1995	A		19.09.1995	A			19.09.1995	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		06.12.1995	R	X	06.12.1995	06.12.1995	R
Morocco	26.07.1956	A							
Mozambique	14.03.1983	A		14.03.1983	A				
Myanmar	25.08.1992	A							
Namibia	22.08.1991	S		17.06.1994 <sup>(6)</sup>	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						



COUNTRY	GENEVA CONVENTIONS			PROTOCOL I			PROTOCOL II	
	R / A / S	R/D		R / A / S	R/D	D90	R / A / S	R/D
Palau	25.06.1996	A		25.06.1996	A		25.06.1996	A
Panama	10.02.1956	A		18.09.1995	R		18.09.1995	R
Papua New Guinea	26.05.1976	S						
Paraguay	23.10.1961	R		30.11.1990	A	30.01.1998	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
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	31.05.1995	21.06.1990	R
Russian Federation	10.05.1954	R	X	29.09.1989	R	X	29.09.1989	R
Rwanda	05.05.1964	S		19.11.1984	A		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		05.07.1996	A		05.07.1996	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	13.03.1995	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		21.11.1995	A		21.11.1995	A
Spain	04.08.1952	R		21.04.1989	R	X	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		02.11.1995	A		02.11.1995	A
Sweden	28.12.1953	R		31.08.1979	R	X	31.08.1979	R
Switzerland	31.03.1950 <sup>(9)</sup>	R		17.02.1982	R	X	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	10.09.1997	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						
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



COUNTRY	GENEVA CONVENTIONS		PROTOCOL I			PROTOCOL II	
	R / A / S	R/D	R / A / S	R/D	D90	R / A / S	R/D
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
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	28.01.1998	R X		28.01.1998	R
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	23.07.1998	A		23.07.1998	A
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
Zambia	19.10.1966	A	04.05.1995	A		04.05.1995	A
Zimbabwe	07.03.1983	A	19.10.1992	A		19.10.1992	A

### 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".

- 1 Djibouti's declaration of succession in respect of the First Convention was dated 26 January 1978.
- 2 On accession to Protocol II, France made a communication concerning Protocol I.
- 3 Entry into force on 7 December 1978.
- 4 Entry into force on 7 December 1978.
- 5 Entered into force on 23 September 1966, the Republic of Korea having invoked Art. 62/61/141/157 common respectively to the First, Second, Third and Fourth Conventions (immediate effect).
- 6 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.
- 7 The First Geneva Convention was ratified on 7 March 1951.
- 8 Accession to the Fourth Geneva Convention on 23 February 1959 (Ceylon had signed only the First Second and Third Conventions).
- 9 Entry into force on 21 October 1950.
- 10 Accession to the First Geneva Convention on 17 May 1963.



# DISSEMINATION OF INTERNATIONAL HUMANITARIAN LAW AND COMMUNICATION

People must know about humanitarian law if they are to respect it, and they must understand Red Cross and Red Crescent activities if they are to accept and support them. Civilians are frequently unaware of their rights and obligations under humanitarian law. When they benefit from the protection and assistance of the Movement, they should be better informed as to the mandate, role and ethical considerations which govern the work of the Red Cross and Red Crescent. Today's combatants are all too often ignorant of the rules of international humanitarian law. By the same token, journalists and the public tend to become aware of humanitarian law and its applications only in the wake of tragedy.

By becoming party to the 1949 Geneva Conventions and to their 1977 Additional Protocols, the States have undertaken to respect and to ensure respect for humanitarian law and to spread knowledge of its provisions. Accordingly, they bear the primary responsibility for raising awareness of its rules, particularly among their armed forces and all those who may be called upon to implement them. The ICRC's dissemination activities are based on the responsibility in this regard conferred upon the institution by the Statutes of the International Red Cross and Red Crescent Movement.

Assisted in this task by the National Red Cross and Red Crescent Societies and by their Federation, the ICRC focuses on training disseminators in the different countries. In particular, it helps train national instructors within the armed forces and dissemination officers within the National Societies.

## Four main objectives

In 1998 the ICRC's programmes for the dissemination of international humanitarian law and communication pursued four main aims:

- ◆ to place the teaching of humanitarian law to the armed and security forces and in schools and universities on an institutional footing, with a long-term preventive objective;
- ◆ to promote, in the short term, respect for humanitarian law and the work of the ICRC, so as to enhance respect for civilians, the protection of conflict victims and the security of ICRC personnel in war zones; and to carry out



preventive programmes drawing attention to the danger of landmines in countries affected by this scourge;

- ♦ to provide greater support for National Red Cross and Red Crescent Societies in their activities to disseminate humanitarian law and to promote the Fundamental Principles and the action of the Movement;
- ♦ to disseminate information and to organize media campaigns and thus mobilize civil society, with a view to gaining support for current humanitarian causes, whether in connection with "forgotten" conflicts or with the international campaign against anti-personnel mines.

These programmes, budgeted at 69 million Swiss francs overall, were carried out from the ICRC's 56 field delegations and its Geneva headquarters and involved 350 specialist staff.<sup>1</sup>

At headquarters, the year ended with a thoroughgoing reorganization of the units responsible for the promotion of international humanitarian law and communication.

## PLACING THE TEACHING OF INTERNATIONAL HUMANITARIAN LAW ON AN INSTITUTIONAL BASIS

During the year programmes of preventive action designed for established structures, such as the armed and security forces, universities and schools, were consolidated.

### Humanitarian law and military instruction

The ICRC pursued its endeavour to foster cooperation with the armed forces in the area of military instruction and to have humanitarian law incorporated in operational planning. These efforts yielded results, with the training of instructors for this purpose in the armed forces and the production of teaching materials suited to different types of combatants. Nine headquarters staff and 14 delegates in the field worked on these programmes during the year.

One of the ICRC's main priorities in this domain was maintaining its contacts with internationally reputed or regionally important military academies, such as the Inter-American Defense College, the NATO Defence College in Rome, the *Führungsakademie der Bundeswehr* in Hamburg and the *Collège Interarmées de Défense* in Paris.

<sup>1</sup> Numerous examples of these activities are given in the boxes in the chapter *Operational activities* (pp. 12-305).



DISSEMINATION OF INTERNATIONAL HUMANITARIAN LAW AND THE MOVEMENT OF THE RED CROSS AND RED CRESCENT

police and security forces

As in previous years, the ICRC sought to capitalize on the synergy between different countries in the same region and continued its efforts to place the teaching of the law of armed conflict on a regional basis, especially in Africa and Central Europe. Along the same lines, the ICRC took part in NATO exercises involving several countries in order to strengthen the humanitarian law component in this type of training.

From its close monitoring of conflicts around the world, the ICRC has observed that the police and security forces are increasingly becoming involved in situations of internal strife and conflict, where operations to maintain order can quickly escalate into military action. This has prompted the ICRC to focus more specifically on the police and security forces and to develop a type of instruction that takes into account both the rules of humanitarian law and the human rights rules which apply to various situations entailing recourse to force. To this end, a manual was published in 1998 under the title *To Serve and to Protect: Human Rights and Humanitarian Law for Police and Security Forces*.

projects

For the first time, the ICRC sent into the field a delegate with professional experience as a police officer. This was in connection with a pilot project under which instructors were trained to teach the fundamentals of human rights and humanitarian law to all the police forces in the federated states of Brazil.<sup>2</sup> The approach adopted combined theory and practice. In view of the positive results achieved, the ICRC will be sending out more specialists in 1999 to establish relations with police forces on other continents.

Two other projects were launched in Geneva in 1998. In cooperation with the Geneva Centre for Security Policy, the ICRC developed INTACT (Interactive Crisis Management Training), a course intended for middle management personnel in the military, diplomatic and humanitarian spheres who have to cooperate in the field, mainly in peace-keeping or peace-making operations.

The ICRC also began drafting a standard manual of the law of armed conflict, which is to be presented to the 27th International Conference of the Red Cross and Red Crescent at the end of 1999.

## Humanitarian law and the academic world

Speaking to an audience of some 240 university rectors in Berlin at the 11th General Assembly of the Association of European Universities, the President of the ICRC outlined the organization's objectives with regard to the dissemination of humanitarian law in the academic world, namely to raise awareness of the

<sup>2</sup> See pp. 148-149.



importance of this body of law among the future economic, political, media and military elite and to train experts who will have the task of contributing to development of the law. Whereas in the past the ICRC generally addressed its message to law faculties, it is now targeting additional disciplines, including international relations and journalism.

In 1998 the ICRC increased the number of its programmes, deploying around 15 delegates specializing in this type of instruction in Geneva and in the field. The main objectives are as follows.

- ♦ To promote the systematic teaching of humanitarian law in the universities of certain countries, such as the republics of the former Soviet Union and Colombia.
- ♦ To organize ad hoc courses designed for advanced students of law. To this end, the ICRC provided support for the traditional summer courses for students from Europe and North America. The English-language course, organized jointly with the Polish Red Cross in Warsaw, was attended by 29 students from 19 countries. The French-language course, organized by the French Red Cross, was held in Lyon and was attended by 35 participants from 15 countries.
- ♦ To provide training in humanitarian law for university lecturers specializing in public international law or human rights law. With the support of the Hauser Foundation,<sup>3</sup> the ICRC brought together a group of around 30 academics from all over the world for an initial course held in Geneva in August 1998. Similar courses, organized at national or regional level, were also held in the Russian Federation, Uzbekistan, Pakistan and Kenya.
- ♦ To stimulate the interest of students in the study of humanitarian law and research on the subject. To this end, the ICRC organized the second De Martens moot court competition in St Petersburg and was associated with the organization of the 10th Jean Pictet international humanitarian law competition in Malta. These two events attracted 13 and 23 teams respectively, representing universities in the CIS, Europe and the Americas.
- ♦ to raise awareness of humanitarian law among representatives of non-governmental organizations and the specialized United Nations agencies, and to train them in the subject. The main event of the year was the first seminar organized jointly by the Harvard Human Rights Program of Harvard Law School and the ICRC, which was attended by around 25 high-level participants. In addition, the ICRC cooperated with the Paris-based International Law 90 research centre to set up a Website forum on humanitarian law.

<sup>3</sup> An American foundation which encourages the teaching of international humanitarian law in particular.

\* CIS: Commonwealth of Independent States



- ◆ To produce and distribute teaching materials specially designed for universities. The composition of the standard series of humanitarian law documents distributed by the ICRC was completely revised, model courses were drawn up for delegations and interested universities, and work continued on the publication of a collection of practical cases relating to humanitarian law. Finally, the *International Review of the Red Cross* continued to play an important role in dissemination of the law in academic circles.
- ◆ To strengthen the existing links between the ICRC and Swiss universities through an in-depth exchange of views with university rectors and further work on the project to establish a teaching and research centre for international humanitarian law in Geneva.

## Programmes for young people

The general purpose of ICRC programmes for young people is to provide them with basic standards of reference that enable them to form an opinion on humanitarian and social problems, taking into account the principle of human dignity. They should be able to apply this principle not only in their everyday lives now but also later when they have become responsible adults.

For a number of years, the ICRC has been developing educational activities based on its practical observation of human behaviour in the face of different forms of violence. The programmes set up locally by ICRC delegations, often in cooperation with National Societies, continued in 1998, notably in the former Yugoslavia, Jordan and Guinea.

### *schools programmes in the CIS*

In the republics which emerged from the former Soviet Union, the programmes conducted in secondary schools since 1994 were diversified in 1998.

- ◆ In Russia, Azerbaijan and Armenia, a second literature textbook with a humanitarian content was tried out on a sample of pupils in the 12-13 age group.
- ◆ In Georgia, pupils' awareness of humanitarian law was raised not only through literature but also through geography, history and foreign language lessons.
- ◆ In Tajikistan and Uzbekistan textbooks on civics were published, dealing largely with problems connected with respect for humanitarian law in situations of violence. In addition, various extra-curricular activities were organized to enable schoolchildren to put into practice what they learned in class (for example, work with a branch of the Red Crescent Society of Uzbekistan).



In response to the growing demand for educational material for the young, the ICRC, in partnership with outside experts, launched a project to produce multimedia teaching modules and to circulate them on the international level. Based on situations of conflict, these modules prepare adolescents to incorporate what they have learned about humanitarian law in their own behaviour and in their analysis of current events. The initial versions will be finished by the end of the year 2000, when they will be distributed to formal and informal educational networks through the National Societies and the ICRC.

*adaptable teaching modules project*

UNICEF and the ICRC jointly produced a module entitled *The violence of exploitation, the exploitation of violence*. Focusing on the violence and exploitation to which children fall victim, this teaching module follows a sequence whose starting point is the plight of child soldiers and child workers. On this basis adolescents are invited to discuss various issues, such as the importance of the law and the mechanisms which give rise to violence and exploitation, drawing a parallel with the situation in industrialized countries. The module is to be tried out in interested French-speaking countries through the Red Cross/Red Crescent network and the national committees of UNICEF. If the test proves successful, the module will be distributed more widely and in other languages.

*joint ICRC-UNICEF project*

## DISSEMINATION OF HUMANITARIAN LAW AND COMMUNICATION IN CONFLICTS

In the midst of the conflicts and the tense and complex situations which marked 1998, the dissemination officers based in operational delegations continued their public relations and dissemination activities so as to facilitate the ICRC's work, improve the security of its staff, enhance respect for civilians and conflict victims, and provide the public – whether beneficiaries of aid, the local authorities or the media – with information.

In 1998 there was ample confirmation of the growing use of modern means of communication in war. Parties to conflict sent messages to the ICRC by e-mail, while groups of combatants set up Websites to put out information and propaganda and operated FM radio stations.

Furthermore, the ICRC is working increasingly in contexts where other humanitarian organizations, whether governmental or otherwise, are present. As a result it is having to develop procedures for cooperating with these organizations, while at the same time reaffirming the principles which govern the conduct of its operations, in order to maintain consistency and to ensure that its activities are respected by the combatants.



The three main challenges in this regard were to find ways:

- ◆ of establishing contact with combatants operating in a clandestine or irregular manner, so as to gain access to them and understand their ethos;
- ◆ of presenting humanitarian law to a lay audience without distorting or diluting its message;
- ◆ of adapting audiovisual aids and other material to local circumstances without extolling the past or national or clan characteristics.

During the year special attention was paid to the training of local ICRC staff, who played a crucial role in the selection of strategies to meet these challenges.

To carry out dissemination activities the usual means were used, such as publications, films, relations with the media, public presentations and training seminars, not to mention the daily efforts of all ICRC staff in their contacts with the protagonists and the victims of war. At the same time pilot projects continued to be launched and unconventional approaches devised in order to deal with unusual situations.

- ◆ "*Juegue limpio*" (Play fair) is the slogan of a national campaign launched in Colombia in 1998. By means of posters, radio spots, television programmes, calendars and so on, it seeks to promote respect for at least the minimum rules in war by drawing a parallel with the rules of football, the country's most popular sport. While the campaign is aimed primarily at those responsible for armed violence, especially clandestine groups, it has also attracted keen interest from other audiences.
- ◆ In Albania the easy availability of weapons following the looting of arsenals and deteriorating social conditions have created a highly volatile situation. To alert young people to the dangers of handling weapons, and to encourage them to engage in constructive activity for the benefit of the community through the youth section of the Albanian Red Cross, a series of six television programmes was produced.
- ◆ In Afghanistan, where representations of the human form are forbidden, short stories with a humanitarian message were broadcast by the Voice of Shariat radio station.
- ◆ The "So Why?" campaign, launched by the ICRC in 1997 with the participation of six leading African musicians and intended to make young people aware of the effects of violence in war, was given large-scale coverage on local radio and TV networks. The campaign's original song was performed in the local language in Liberia, Cameroon, Kenya, Uganda, Djibouti, Gabon and Namibia by such well-known artistes as Jimi Mbaye, guitarist Youssou N'Dour



and Coumba Gawlo, who have dedicated their talent to a noble cause: respect for the individual and especially children in war.

- ♦ In the former Soviet Union, where the bitter experiences of the Second World War are still vividly remembered, an exhibition of photos showing the consequences of war and the role of the Red Cross over the last 130 years proved to be an outstanding success. During 1998, the exhibition went on show in the Russian Federation, Belarus, Ukraine, Azerbaijan, Georgia and Armenia, with the cooperation of the National Red Cross and Red Crescent Societies.

## Mine-awareness programmes

Landmine incidents in post-conflict situations mainly involve civilians. The ICRC's activities to raise awareness of the danger of mines, and thus keep such incidents to a minimum in communities at risk, started in the Balkans in 1996. In 1998, the ICRC increased its commitment to mine-awareness programmes, which have proved to be one of the most effective means of preventing deaths and injuries caused by landmines.

In April, a mine-awareness specialist was recruited at ICRC headquarters to coordinate this ongoing effort. The programmes in Bosnia-Herzegovina and Croatia were extended and further steps were taken towards integrating them fully in the activities of the National Societies of the host countries. In Azerbaijan, too, the programme was increasingly taken over by various other agencies.

Surveys were carried out with a view to setting up similar programmes in Sudan, Uganda and Afghanistan, as well as in Georgia/Abkhazia, with the decision to launch a campaign in Abkhazia. Thus the year was marked by a renewed effort on the part of the ICRC to protect the civilian population through a community-based approach to education.

On 18 March the ICRC launched a Special Landmines Appeal for 20 million Swiss francs in support of its work in the areas of assistance to mine victims, mine awareness and the promotion of a ban on anti-personnel mines. A large number of National Societies engaged in fundraising activities for this appeal and for their own mine action projects.

The ICRC published brochures and studies on the impact of anti-personnel mines and inaugurated a travelling exhibition promoting the Ottawa treaty.<sup>4</sup> A new video featuring music and lyrics was also produced to maintain awareness of the human tragedy caused by these pernicious weapons.

*special landmines appeal*

<sup>4</sup> See pp. 319-321.



## RELATIONS WITH NATIONAL SOCIETIES

Wherever possible the ICRC endeavours to involve the National Societies in its programmes for the dissemination of humanitarian law in their countries. More specifically, it does what it can to support the National Societies' own dissemination and internal training programmes. Here are a few examples of such activities in 1998:

- ◆ In Bangkok, the regional delegation concluded an agreement with the Red Cross Society of China to carry out a three-year programme entitled "Dissemination China 2001". A regional working group, on which the National Society and the Hong Kong and Macao Red Cross branches were represented, drew up a dissemination handbook for use by local branches of the Chinese Red Cross. A preliminary version of the handbook was examined at an initial seminar held in Central China and attended by representatives from all over the country.
- ◆ In Kenya, the National Society and the ICRC joined forces to play their humanitarian role in the context of the political and tribal strife ravaging the country. Traditional dissemination activities aimed at the armed forces were supplemented by a media campaign intended to stimulate debate in civil society on the humanitarian rules to be respected in violent confrontations. A seminar held in June recommended the introduction of humanitarian law into the university curriculum and the establishment of Red Cross clubs to encourage discussion of this body of law.
- ◆ During the first half of 1998, a delegate from the Japanese Red Cross Society worked as a trainee at the Division for the Promotion of International Humanitarian Law in Geneva. The British and Irish National Societies met for two days with the ICRC to work on a joint dissemination project for Northern Ireland and the Irish Republic.
- ◆ In the Russian Federation, the ICRC helped the Russian Red Cross to modernize its magazine and turn it into an instrument for maintaining contact between the hundreds of branches throughout the country and for providing them with information and training.



## COMMUNICATION

### Relations with the media

Media interest in humanitarian operations was undiminished in 1998. Accordingly, the ICRC increased the size of its public relations team, deploying around 30 information officers in the main delegations in addition to the press officers at headquarters.

These moves were made to meet a growing need – on the part of both the ICRC and the media – for dialogue and information on humanitarian matters. They were also intended to reconcile the public's demand for information with the necessity to respect the dignity of the victims, while maintaining, where appropriate, the confidentiality of exchanges between the ICRC and its operational contacts. Various means were developed to illustrate situations giving rise to humanitarian concern and the assistance and protection measures the ICRC takes in such circumstances. In this connection, the ICRC's audiovisual productions are increasingly taken up by the major distribution agencies which supply the bulk of international news stories to national television stations.

At the same time, the ICRC did its utmost to provide the National Red Cross and Red Crescent Societies, which themselves often take part in ICRC operations in the field, with a maximum of information.

### Fiftieth anniversary of the 1949 Geneva Conventions

In advance of the 50th anniversary of the signing of the 1949 Geneva Conventions, the ICRC embarked upon a large-scale survey of populations affected by war. The first stages of this consultation exercise took place in Colombia and Bosnia-Herzegovina. A similar project is planned for countries at peace.

Through this project, entitled "People on War", the ICRC and the Movement as a whole are conducting a campaign to raise public awareness and to stimulate discussion on the theme "Even wars have limits". Launched on 10 November 1998 at the Imperial War Museum in London, the campaign will continue up to the 27th International Conference of the Red Cross and Red Crescent, due to take place in Geneva in November 1999.



## Information for the general public

### ICRC Website

User activity on the ICRC's Website increased further during 1998, maintaining the upward trend observed since the site opened in 1995. Information continued to be updated daily to keep cybernauts abreast of developments and issues related to conflict victims and humanitarian action in war zones. A Spanish version of the site was opened in July to complement the existing English and French versions and broaden the presence of the ICRC on the Web.

Three new sections appeared on the site during the year. A section on the history of the ICRC was introduced during the first quarter and will be completed in 1999. A feature on the campaign to promote the 50th anniversary of the Geneva Conventions was added in November, coinciding with the campaign launch. Finally, an interactive fundraising section called "Help the ICRC" was opened in early December to offer the public the opportunity to donate funds directly by credit card.

### publications

Regular publications such as the *International Review of the Red Cross*, the *Annual Report* and *Red Cross, Red Crescent* magazine (published jointly with the Federation) continued to appear in 1998. In addition, a new edition of *Panorama* entitled "Fires still burning" was produced to heighten awareness of the proliferation of conflicts throughout the world and to counter the popular notion that war is no longer as widespread as previously.

The end of the year saw the launch of a new publication entitled *Forum*, a yearly series designed to encourage debate on a specific subject. The first issue addressed "War and water", a topic chosen for its supreme importance in humanitarian terms, and featured articles commissioned from journalists and experts in this field from both within and outside the ICRC.

Published in 1998 under the auspices of the ICRC, *Hard Choices: Moral Dilemmas in Humanitarian Intervention* is a collection of contributions from 16 internationally renowned authors on humanitarian action and the moral dilemmas to which it can give rise. The work seeks to stimulate thought on this complex subject and to foster a sense of responsibility among the chief players on the humanitarian scene.

### audiovisual productions

The ICRC continued to distribute, via agency networks, rough-cut video material on its operational activities for TV channels to edit and broadcast.

In 1998, these included stories on Liberia (*Respect the Rules*) and Sri Lanka (*Mercy Boat*), co-produced for distribution via the Associated Press Television News and European Broadcasting Union news networks and for CNN *World Report* and APTN *Roving Report*. Special edits were also produced from this material for National Societies.



In addition, the following projects were carried out:

- ◆ a five-minute clip entitled *Shattered Lives*, illustrating the indiscriminate use of landmines; the clip is made up of a series of photos accompanied by music and lyrics by the Australian songwriter Bernard Carney;
- ◆ a briefing video for medical and legal experts, explaining the SIrUS<sup>5</sup> medical project, which seeks to establish objective criteria for assessing the effects of weapons;
- ◆ several training videos on prosthetic/orthotic techniques, the fitting of artificial limbs, safe driving for ICRC staff in conflict zones, etc.;
- ◆ video material to support the preparatory stages and the launch of the "People on War" campaign marking the 50th anniversary of the Geneva Conventions;
- ◆ co-productions on community fishing, water treatment and distribution in Somalia and livestock immunization in northern Mali with the UNDP\* *Azimuths* programme, which is seen on about 60 TV channels around the world;
- ◆ a partnership was started with the Television Trust for the Environment and the *Hands On* programme it produces for BBC World, with a series of short documentaries illustrating rehabilitation projects and focusing on the development of technical skills in areas such as fishing;
- ◆ a series of three 50-minute documentaries examining ICRC action past and present, which is the result of two years of collaboration with Fulcrum Productions Ltd. The series, entitled *Crossing the Lines*, was first broadcast on BBC 2 in the spring of 1998.

*other highlights of 1998*

## Historical research

Ever since its inception, the ICRC has analysed its past operations in order to learn lessons for the future. Following the Second World War this led to a process of systematic and in-depth historical research. The resulting studies are published, notably in the form of articles in the *International Review of the Red Cross*.

<sup>5</sup> See p. 32 and p. 322.

\* UNDP: United Nations Development Programme



At the beginning of 1998 texts on the history of the ICRC from its founding to the outbreak of the First World War (1863-1914) and on its action during the Second World War were produced for the historical section of its Website.

As in previous years, the Working Group on the Second World War, which brings together staff from the main departments concerned (operations, international law and communication, archives), met to deal with various cases concerning the action of the ICRC during the war.

Contacts were also maintained with former ICRC delegates.

## PLANNING FOR THE FUTURE

In 1998 the Communication Division was given fresh impetus and a new outlook in terms of its mission, orientations, responsibilities and organization, with a view to ensuring that the ICRC's communication policy and action could rise to the new challenges in the humanitarian environment. The aim of the new Communication Division is to provide the ICRC with the leadership, expertise and means, for both external and internal communication, needed to influence the attitude and behaviour of those who determine the fate of war victims and who can hamper or facilitate ICRC action, to create a strong corporate identity and to project a clear corporate image.

In 1999, the Communication Division will be reorganized around seven centres of expertise (Operational Support, Education and Behaviour, Production, Public Information, Relations with the Armed and Security Forces, Campaigns and Marketing, Research and Development), and will forge closer links with the operational zones.



## ICRC COOPERATION WITHIN THE MOVEMENT

Cooperation within the Movement in 1998 centred on the follow-up to the major decisions taken by the Council of Delegates meeting in Seville in November 1997, especially in the following two areas:

- ♦ implementation of the Seville Agreement on the Organization of the International Activities of the Components of the International Red Cross and Red Crescent Movement;
- ♦ preparations for the 27th International Conference of the Red Cross and Red Crescent, due to take place in Geneva from 31 October to 6 November 1999. The Standing Commission held several meetings in 1998 (see below). The group of ambassadors set up to advise the Conference organizers met on three occasions at the ICRC and at the International Federation of Red Cross and Red Crescent Societies. These meetings proved constructive and enabled the organizers to take the observations and suggestions made by the representatives of 30 permanent missions in Geneva into account in preparing the plan of action and the agenda for the Conference.

Cooperation between the various components of the Movement was given fresh impetus by the Council of Delegates in Seville, with provision for more exchanges and consultation, notably in the operational sphere. It was in the "spirit of Seville" that the ICRC received at its headquarters the National Societies members of the Executive Council of the Federation, together with the Federation's Vice-Presidents, on 24 and 25 April for open discussions on two matters of common interest. The first was naturally the implementation of the Seville Agreement by all components of the Movement, and the second concerned various aspects of humanitarian mobilization campaigns, with particular reference to the lessons learned from the Movement's campaign for a ban on anti-personnel landmines. Both topics were the subject of joint reports by the ICRC and the Federation, which the Standing Commission sent at year's end to all National Societies.



## THE WORK OF THE STATUTORY BODIES

### Standing Commission

The Standing Commission is the body within the Movement whose primary function is to oversee preparations for the forthcoming International Conference and Council of Delegates.

The Commission comprises nine members: five representatives of National Societies, who are elected by each International Conference to serve in their personal capacity, two representatives of the ICRC, and two of the Federation. It met twice in 1998: on 20 and 21 April, and on 19 and 20 October.

One sad event during 1998 was the loss of Dr Guillermo Rueda Montaña of the Colombian Red Cross, a particularly highly esteemed member of the Commission. Because of his commitment and dedication to upholding the principles and ideals of the Movement, Dr Rueda Montaña's views and personal qualities inspired universal respect.

During the period under review, the Commission met both in plenary session and in ad hoc working groups to monitor implementation of the recommendations of the Council of Delegates. The three ad hoc groups, each of which was chaired by an elected member of the Commission, discussed (a) preparations for the 27th International Conference, (b) preparations for and follow-up to the Council of Delegates, and (c) questions relating to the emblem. ICRC staff played an active part in these discussions.

In connection with preparations for the 27th Conference and the Council of Delegates, consultation meetings between the groups were held in October with an enlarged membership, including leading figures in the Movement.

### Work of the ad hoc groups

This group met on several occasions between April and October 1998. The main focus of its discussions was the content of the plan of action and the structure of the Conference. The plan of action will be a simple, practical document defining the measures and activities to be undertaken in priority areas. A new structure was proposed for the Conference whereby a single commission will deal with a different section of the plan of action on each of three consecutive days.

The primary task of this working group was to determine which themes and concerns of the Movement should be included on the agenda of the next Council of Delegates in 1999. It also made preparations for the discussions at the 1999 session and for its organization, so as to enable the Council to fulfil its role as the supreme deliberative body for matters internal to the Movement.

*ad hoc group on the 27th  
International Conference*

*ad hoc group on preparations  
for and follow-up to the  
Council of Delegates*



At its meeting in Seville in November 1997 the Council of Delegates adopted a resolution (Resolution 2) recommending that the Standing Commission continue its consultations with National Societies and government experts in an effort to resolve specific problems relating to the emblem. The resolution emphasized the longstanding value of the existing emblems, but recognized the need to find a comprehensive solution for situations where the current emblems were not respected, or where there was a danger that they might not be respected. The Standing Commission mandated two of its members to pursue informal consultations with National Societies, government experts and representatives of States with a view to reaching broad consensus among National Societies and establishing a basis for dialogue aimed at finding a widely acceptable solution.

*ad hoc group on the emblem*

## FUNCTIONAL COOPERATION BETWEEN THE ICRC AND THE INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES

### Consultation and coordination mechanisms in Geneva

Following adoption of the Seville Agreement, the mandates of the three main mechanisms for consultation and coordination between the Federation and the ICRC were reviewed and modified so as to bring them into line with the division of labour stipulated by the Agreement. These mechanisms are as follows:

Senior management meetings, usually held every six or seven weeks, which bring together the Secretary General and Under Secretaries General of the Federation and the ICRC Directors. The purpose of these meetings is to:

- ♦ identify and manage new opportunities for cooperation within the Movement, in accordance with the general aims of the Seville Agreement;
- ♦ exchange information during the initial stage of major operational and organizational activities so as to take advantage of opportunities for complementary action and resolve any difficulties without delay;
- ♦ improve understanding of the key concerns and priorities of each organization, thereby fostering mutual respect.

The Joint ICRC/Federation Commission, which oversees cooperation between the two organizations in general, not including operational activities. It usually meets three times a year. Discussions are held and agreement is reached in the following main areas:

- ♦ preparations for the Movement's statutory meetings;

*joint ICRC/Federation  
Commission*



- ♦ communication, upholding and disseminating the Fundamental Principles, promoting international humanitarian law and protecting the integrity of National Societies.

The Joint ICRC/Federation Commission for National Society Statutes, whose mandate – laid down by Resolution VI of the 22nd International Conference of the Red Cross (Teheran, 1973) and Resolution XX of the 24th International Conference (Manila, 1981) – remains unchanged. The Commission submits recommendations on the recognition and admission of new National Societies and on amendments to the statutes of recognized Societies to the relevant bodies of the ICRC and the Federation.

Cooperation between the ICRC and the Federation is not limited to the above mechanisms. Units such as operations, communication, training and logistics maintain regular and direct contacts with their counterparts in the other organization. Recent months have seen an increase in discussions and activities undertaken jointly in the field.

## Implementation of the Seville Agreement

The Agreement on the Organization of the International Activities of the Components of the International Red Cross and Red Crescent Movement, which the Council of Delegates adopted by consensus on 26 November 1997 in Seville, emphasizes the spirit which should prevail over cooperation between the components of the Movement and at the same time clearly defines the components' respective roles. This approach is now the guiding principle behind the Movement's theory and practice in the field of cooperation.

The Agreement states that "each component - the Federation, the ICRC, and National Societies – is individually responsible for the implementation of the provisions of this Agreement, and shall instruct its volunteers and staff accordingly".

The Secretariat of the Federation and the ICRC organized several joint training courses for their Geneva-based and field staff. In addition, a common training module was put together, comprising a reference document and a case study. The task of developing a standard and user-friendly training module was a challenge in itself and led to a constructive sharing of ideas.

Certain National Societies took part in this training project. These were the Societies that attended the first meeting on functional cooperation, held on 2 and 3 July, and the participating National Societies present at the consultation meeting organized by the Federation and the ICRC on 28 September.

In accordance with Resolution 7 of the Council of Delegates, the senior management of the ICRC and of the Federation set up a joint six-member working group with the task of following up the recommendation that new initiatives be developed to promote functional cooperation. In order to maximize the group's

*training and promotion*

*working group on functional  
cooperation*



effectiveness, it was asked to examine three different cases: an international relief operation (Afghanistan), a regional delegation (Harare in southern Africa) and a general activity (follow-up to the campaign to ban anti-personnel landmines).

The working group organized a number of internal consultations as well as a meeting on 2 and 3 July with five National Societies which were actively involved in these three different types of situation. These were the British Red Cross, the Swedish Red Cross and the Canadian, Mozambique and Zimbabwe Red Cross Societies. The Afghan Red Crescent Society will take part in future meetings.

## ICRC CONTRIBUTION TO THE DEVELOPMENT OF NATIONAL SOCIETIES

It is essential that all members of the Movement be capable of providing assistance in an effective and efficient manner. Recognizing the importance of maintaining a functional National Society in every country with the capacity to respond rapidly to armed conflicts and other disasters, the ICRC helps strengthen and support the National Societies through cooperation in various fields of activity.

In 1998 the ICRC focused its cooperation on areas in which it had specific expertise to put at the disposal of other components of the Movement. The main emphasis was placed on development of the National Societies' capacity in spheres related to the ICRC's specific mandate, i.e., dissemination, conflict preparedness and tracing.

In accordance with the provisions of the 1997 Seville Agreement, the ICRC consistently endeavoured to involve the National Societies in its response to the needs of victims of conflict and internal strife, and sought their participation in operations carried out by the ICRC in accordance with its mandate. When mounting joint operations, the ICRC tried to include elements of capacity-building, mainly in the fields of operational management and the development of human resources.

During the conflict in Guinea-Bissau, for instance, ICRC delegates helped the National Society to evacuate the wounded and distribute food to residents who had chosen to remain in Bissau. A tracing network was set up in cooperation with regional branches to restore family links. During the third quarter of the year alone, some 600 messages for addressees abroad were collected by Red Cross volunteers.

In Sri Lanka, the ICRC and the Sri Lanka Red Cross Society continued to work together in key development and operational areas within the mandates of both the National Society and the ICRC. This cooperation included ICRC

*Regional seminars organized by or held in cooperation with National Societies*

*participation in General Assemblies of National Societies*

*National Society representatives received information and training*

*ICRC support to National Society activities*



*requests from National  
Societies*

support for the National Society in carrying out an assessment of tracing and family services and of dissemination needs and target groups in each of its branches.

In Colombia, a series of 11 cooperation projects receiving ICRC support were successfully implemented. These included training for National Society staff and volunteers, dissemination for the armed forces, courses on security during field operations, communication, fundraising and strengthening of the National Society's administrative structure.

The ICRC also responded, in consultation with other components of the Movement, to requests from National Societies for support in other priority areas. In the Dominican Republic, for instance, the ICRC and the Federation assisted the National Society in preparing new statutes and comprehensive internal regulations, including electoral rules and procedures governing volunteer activities, aimed at ensuring the National Society's independence.

In terms of internal management and follow-up of cooperation activities in the field, a new project management system was introduced in ICRC field delegations, allowing both headquarters and field personnel to monitor more closely the implementation of activities planned in cooperation with National Societies.

## MEETINGS WITH NATIONAL SOCIETIES

The ICRC, which attaches a great deal of importance to National Society meetings, was represented by its President and other members at a number of key events, including those listed below.

*regional conferences  
and meetings*

- ◆ seventh meeting of the National Societies of the Visegrad Group, Budapest, Hungary, 28 and 29 May;
- ◆ meeting of Presidents and Secretaries General of the National Societies of the Nordic countries, Reykjavik, Iceland, 27 and 28 August;
- ◆ 28th Regional Conference of Arab Red Crescent and Red Cross Societies, Amman, Jordan, 22-24 September;
- ◆ fifth Asia and Pacific Regional Conference of Red Cross and Red Crescent Societies, Hanoi, Viet Nam, 16-19 November.



- ◆ Central Asian Cooperation Meeting organized by the Federation and the Norwegian Red Cross, Oslo, Norway, 11-13 February;
- ◆ eighth meeting of the Presidents of the South American National Societies (sub-region II), Santa Cruz de la Sierra, Bolivia, 25-29 May;
- ◆ Coordination Meeting of the Central African National Societies, Yaoundé, Cameroon, 25-27 May;
- ◆ eighth Programme Meeting of Pacific Red Cross Societies, Fiji, 1-5 June;
- ◆ regional meeting of 15 National Societies, organized by the Federation in Nairobi, Kenya, 6-12 June;
- ◆ European Seminar on Volunteerism, organized by the Federation in Modane, France, 30 August - 5 September;
- ◆ third workshop of the "Groupe de Praia", Nouakchott, Mauritania, 11-18 October.

*Regional seminars organized by or held in cooperation with National Societies*

The ICRC took part in events marking important anniversaries of several National Societies. The ICRC President went to Slovenia in August for the 50th anniversary of the recognition of the Slovenian Red Cross, to Jordan in September for the 50th anniversary of the Jordan National Red Crescent Society, and to Bulgaria in October for the 120th anniversary of the Bulgarian Red Cross. The ICRC was also represented at the 50th anniversary celebrations of the Pakistan Red Crescent Society.

*participation in General Assemblies of National Societies*

At the request of National Societies or having itself issued invitations, in 1998 the ICRC organized 60 visits for 170 leaders, senior officials, staff and members of National Societies. These visits, whose purpose is to enhance knowledge of the ICRC, the way it functions and its activities, also offer an opportunity for discussions on matters of common interest and tend to strengthen the unity of the Movement.

*National Society representatives received at headquarters*



## FUNDS AND MEDALS

### *Florence Nightingale Medal*

A circular was sent on 1 September to the Central Committees of the National Red Cross and Red Crescent Societies inviting them to nominate one or more candidates for the 37th award of the Medal, due to take place on 12 May 1999.

### *Empress Shôken Fund*

The capital of the Empress Shôken Fund, established in 1912 thanks to a donation from the Empress of Japan to encourage relief work in times of peace, has been increased on several occasions by new gifts from the Japanese Imperial Family, the Japanese government, the Japanese Red Cross Society and the *Meiji Jingu Shrine Sukei-Kai* association. The income from the Fund is used to finance, in full or in part, specific National Society projects in the areas of development, equipment and transport.

In 1998 the Joint Commission for the Empress Shôken Fund, which is responsible for distributing its income, considered requests submitted by 41 National Societies and awarded grants totalling 300,000 Swiss francs to the National Societies of the following countries: Chile, El Salvador, Gambia, Honduras, Liberia, Nepal, Nicaragua, Saint Vincent and the Grenadines, Sri Lanka, Swaziland, Uzbekistan and Yemen.

### *Maurice de Madre French Fund*

The purpose of the Maurice de Madre French Fund is to assist National Society, Federation and ICRC staff who suffer injury or illness in the service of the Movement or, in the event of their death, to provide aid to their families. The Fund paid out some 215,000 Swiss francs during the year.

## HENRY DUNANT INSTITUTE

In 1998 the Henry Dunant Institute underwent its most extensive transformation since it was founded in 1965.

In the past few years there have been major changes in the scope, structure and dynamics of the humanitarian world, which is still evolving rapidly with the constant increase in the number of organizations and players on the humanitarian scene. The nature of needs and the demand for humanitarian action have radically altered since the disappearance of the bipolar division of the world which prevailed until 1989.

For this reason, and in the view of the process of globalization which has marked the end of this century, the General Assembly of the Henry Dunant Institute decided to adapt to the new order. Having dissolved the association which linked the ICRC, the Federation and the Swiss Red Cross, it set up a new institution in the form of a foundation with the name "Henry Dunant Centre for Humanitarian Dialogue".



The foundation, which comprises 25 to 40 members, now caters for a broader public interested in humanitarian affairs. It is open not only to international or non-governmental organizations and governments but also to the private sector, experts, and any organization or association representing conflict or disaster victims. Its aim is to establish a multidisciplinary and multilateral dialogue on specific and general issues of humanitarian concern.



# THE INTERNATIONAL TRACING SERVICE

The year under review was another very busy one for the International Tracing Service (ITS) in Arolsen, which is supervised and administered by the ICRC.

The primary task of the ITS is to provide civilian victims of the National Socialist regime – or their descendants or other eligible parties – with certificates attesting to their persecution. In 1998 the ITS received almost 269,000 requests from more than 60 countries, an increase of over 20,000 as compared with 1997, and sent out more than 274,000 replies. Recognizing the need to deliver certificates as quickly as possible to those who suffered persecution, most of whom are now very elderly, the ITS continued to digitize its documents, starting with the central card index. It also pursued its efforts to contact organizations in the countries where most of the requests originate so as to secure their cooperation and thus speed up the processing of cases.

To be in a position to issue as many positive replies as it can, the ITS must ensure that its archives are as comprehensive as possible and has continued the search for new documents. In 1998 it added 360 linear metres to its collection, bringing the total to more than 23,000 metres. As a result it had to extend its premises, taking due precautions for the security of the documents stored.

The 50th anniversary of the end of the Second World War prompted renewed interest in exploring all the little-known aspects of that conflict. The ITS therefore examined how it could best serve persons wishing to conduct historical research without infringing the rules protecting personal data or slowing down the processing of requests from former victims of persecution. The International Commission for the ITS, the Service's supervisory body, has now agreed to the principle of opening ITS files to researchers, and the two major memorial centres for the Holocaust, the Yad Vashem World Center for Teaching the Holocaust in Jerusalem and the United States Holocaust Memorial Museum in Washington, have been contacted so as to coordinate action in this area. Computerization should soon make it possible to meet the needs of researchers without risk to the original documents.

Since most requests come from Belarus, Poland, the Russian Federation and Ukraine, it would seem logical for these countries to be represented in the International Commission for the ITS. The Commission, which currently comprises 10 members, has agreed to this in principle and has invited the four countries to take part in its annual meeting as observers. Poland has already applied for membership in the Commission and the admission procedure is under way.



