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COUNCIL OF DELEGATES
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ACCESS TO VICTIMS AND VULNERABLE PERSONS
Consolidated report of the Commissions
(18 November 2005)

CHALLENGES REGARDING ACCESS TO VICTIMS AND VULNERABLE PEOPLE
Consolidated report of the first session of the Commissions
(16 November 2005)

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Dear Friends and Colleagues,

I am very proud to present to you today this consolidated report which is a result of more than 110 interventions during the work in yesterday's commissions.

In consolidating this report, we have realised once more that we can learn from each other's experiences and despite living in different parts of the world, we face similar challenges when talking about access to victims and vulnerable people. So I would like to thank you all for participating in the debate.

Before reporting in more details about the outcome, allow me to make some general observations:

First, the participants in all commissions stressed that access to vulnerable people is distinct in situations of disasters, armed conflict and situations of 'daily life'. Second, the ability to gain access to people in need is also conditioned by our roles as a national or international actor.

Let us keep this in mind when I discuss the outcomes of our deliberations. My report is structured according to the guiding questions. I will also present recommendations on potential topics for the International Conference in 2007.

ACCESS TO VICTIMS AND VULNERABLE PEOPLE: conditions and tools

The participants stressed the need for a well-functioning National Society, underlining integrity, accountability and transparency as pre-conditions for access to victims and vulnerable people. The importance of the National Society as a community-based organisation was also emphasized by all three commissions. National Societies with volunteers that are rooted in the communities throughout the country contribute to effective humanitarian response. National Societies should therefore develop their community work and train their volunteers on community-based approaches.

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Many speakers underlined the importance of recruiting and empowering Volunteers from all ethnic groups and all sections of society to enhance the acceptability of the National Society not only to conduct emergency response, but also all other programmes. Reflecting the diversity of the population also contributes to reducing discrimination and fighting intolerance. The credibility required for ensuring access is gained through action of active Volunteers who are the first to deliver services in their communities.

A number of participants pointed out that a participatory approach also helps to secure access to victims and vulnerable people. We should ask the people who know best: those we want to help. Vulnerable and marginalised groups may advise us in our work or become Volunteers themselves. We need to build their trust and give them an active role in our work. Involvement of beneficiaries at every stage of the operation brings us all the more closer to the people we seek to help and opens doors for a greater humanitarian impact.

A special concern was voiced concerning the need to reach out to marginalised people, in order to build their trust, to empower them, as well as to give them an active role in humanitarian programming and delivery.

Several speakers stressed the importance of a strong National Society leadership to enable access - a leadership that is able to negotiate assistance for vulnerable people at any given time, such as to internally displaced persons.

Many participants recommended to build on the auxiliary role of National Societies. The auxiliary role is a unique chance and a distinctive criterion for National Societies to fulfil their mission which distinguishes National Societies from non-governmental organisations. It was stressed that this auxiliary role provides the National Societies the legitimate right to gain access to vulnerable populations. For example, National Societies' role in National Disaster Plans can and should be defined. Some National Societies participate in the National Disaster response exercises, allowing them to concretely practice their role with the actors they will be working with when a disaster strikes. This would also require comprehensive preparedness to ensure timely and effective access to victims of disasters which was described in one commission as the 'four Ps': Predict, Prepare, Plan, and Practice for the disaster before it happens.

It was generally recognised that access to victims in situations of armed conflict is usually far more difficult than in natural disasters. To improve the ability of National Societies to operate in times of conflict, a number of speakers mentioned the safer access concept, which is an adaptation of ICRC's own conflict management model. An approach based on careful analysis, dialogue and persuasion of actors involved in the conflict that is in line with our Fundamental Principles may open doors for Red Cross/Red Crescent assistance. If this does not succeed, then mobilisation of other actors who could favourably influence the Parties to the conflict could be envisaged.

A need to influence behaviour and opinion in order to facilitate access was highlighted by all three commissions. A constant challenge is to generate understanding about the mission, role and way of working of the Red Cross/Red Crescent. Governments, for example, often misperceive the National Society as just another NGO, thereby potentially limiting its access. It is therefore crucial to continuously explain the meaning of the auxiliary role of National Societies, to disseminate IHL, the Fundamental Principles, and the particular mandates of each component. A few speakers pointed out the special responsibility of the ICRC in this area, requesting it to work together with National Societies in disseminating IHL to Governments and armed groups, as well as participating in regional military exercises to promote IHL.

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A number of speakers also emphasized the need for education programmes at the community level. Besides generating support and understanding of the Red Cross/Red Crescent, such initiatives could help defuse tensions and reduce discrimination. Young people play an important role in this - both in schools and in their homes.

Parallel to these initiatives, some of the participants called for increased visibility and promotion of the Movement in the media. We need to be more visible with our activities. Positive media coverage of our actions in one area in the world can favourably affect the Movement as a whole.

The legal framework was identified as a crucial factor affecting access. Local legislation such as emergency laws, for example, can restrict access. In such situations, National Societies may request help from the ICRC and the International Federation to advocate with governments. When negotiating with Governments, we should also look into using constitutional rights to ensure access. At the same time, international laws, including the Geneva Conventions, are often rather limited with regard to specific reference to access. Therefore, we need to identify customary laws which can be applied in practice to ensure access.

Regarding natural disasters, the ongoing work of the International Federation on International Disaster Response Law, Rules and Principles (IDRL) should provide a regulatory framework to facilitate the delivery of humanitarian assistance. This work is crucial to ensure access and needs to be further developed. Finally, the legal status of the Red Cross/Red Crescent emblems as well as the trust that they inspire should help to facilitate access to the victims and vulnerable. Ensuring respect for the emblems was therefore recognised by all participants as crucial.

WORKING AS A MOVEMENT

Most emphasized the need to support the Seville Agreement. It must be disseminated at all levels within the Red Cross/Red Crescent Movement – especially among the leadership and international delegates. All components should comply with the provisions of the Seville Agreement. The importance of mutual understanding, good cooperation, and the need to support each other's mandates was also underlined several times.

Narrow institutional concerns weaken our collective effort to accomplish our common mission. We have to open up the communication channels and mutually respect one another. There was an expressed desire to share experiences, good and bad practices, and to draw lessons from operations.

Effective coordination within the Movement was also identified as a factor influencing access. In each context, we should draw up agreements or Memoranda of Understandings to define who does what BEFORE a crisis strikes.

A few speakers spoke of situations such as Iraq as particularly challenging for the Movement. In conflicts such as this where even the ICRC has a sharply reduced operational capacity, the host National Society has to meet many of the needs on its own. In such extreme situations, we need to find ways to still re-enforce and strengthen the host National Society.

RESPECT/COMPROMISE FOR FUNDAMENTAL PRINCIPLES

A clear consensus emerged from the three Commissions: respect for the Fundamental Principles is not negotiable. There should be no trade offs. If we compromise our principles in

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the short-term, the long-term consequences cannot be foreseen and the trust in us as RC/RC Movement will be undermined.

By adhering to the Principles, we win the confidence of people. In war situations, respect for Fundamental Principles is a question of survival. Strict adherence to impartiality, neutrality and independence is crucial for our security.

A few speakers indicated however that in extreme situations, it may be acceptable to deliver assistance to less vulnerable populations to have access to the more vulnerable. It is never justified, however, to provide assistance to non-vulnerable populations.

RECOMMENDATIONS

Mr. Chairman, I would like to close with a few recommendations that have emerged from yesterday's discussions.

- First, the components of the Movement should insist that States Party to the Geneva Conventions respect their commitments to implement them.
- Second, States must be encouraged to systematically include the role of National Societies into their national disaster plans.
- Third, the programme on International Disaster Response Law, Rules and Principles (IDRL) is vital, must be continued and strengthened.
- Finally, the International Federation and the ICRC should consider preparing a comprehensive study on barriers to access in conflicts and natural disasters, and to recommend how to overcome them.

Thank you Mr. Chairman.