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معاً من أجل الإنسانية



<b>30IC/07</b>
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**30<sup>th</sup> INTERNATIONAL CONFERENCE  
OF THE RED CROSS AND RED CRESCENT**

Geneva, Switzerland,  
26-30 November 2007

**REPORTS OF THE WORKSHOPS**

**prepared by**

**the workshops' organizers**

Geneva, 30 November 2007



## 30<sup>th</sup> International Conference of the Red Cross and Red Crescent

### Workshop: Benefits of Governments and National Society cooperation

Organized by:

**The Canadian Red Cross and the Government of Canada**

November 28, 2007; 1815 hrs – 2015 hrs

CCV Room A

**Chair:** Mr Paul Wharram, Interim Secretary General, Canadian Red Cross

#### **Panel discussion:**

- The Hon. David Pratt, Special Advisor, Auxiliary Role Project, Canadian Red Cross
- Dr. Dave Hutton, Centre for Emergency Preparedness and Response, Public Health Agency of Canada
- Mrs Monique Coulibaly Kodjo, President, Red Cross Society, Ivory Coast
- Dr. Pierre Duplessis, Special Envoy on Avian and Human Influenza for the International Federation of Red Cross and Red Crescent Societies
- Mr Stephane Hankins, Legal Advisor for the ICRC

**Rapporteur:** Ms. Kathryn Howard, Visiting Executive, Auxiliary Role Project Canadian Red Cross

#### **General**

Some 60 participants attended the workshop, moderated by Mr. Paul Wharram, Interim Secretary General/CEO of the Canadian Red Cross. Five panellists addressed benefits of collaboration in a variety of contexts. Presentations were followed by a lively question period. The session concluded with a presentation by Mr. John Hannaford, Head of the Government of Canada Delegation, of a draft model pledge offered for the use of participants and delegations to the conference. The draft model pledge is available at the pledge desk.

#### **Presentations**

1. The Honourable David Pratt, Special Advisor, Canadian Red Cross, outlined the process of extensive stakeholder engagement undertaken in Canada regarding the role of National Societies as auxiliaries to the public authorities in the humanitarian field. He shared stakeholder views on the benefits of collaboration, current and future auxiliary roles, as well as important considerations for both National Societies and for governments. He concluded emphasizing the value of reflecting the auxiliary relationship in national legislation.
2. Dr. Dave Hutton, Senior Advisor, Public Health Agency of Canada, spoke on the various means to involve non-governmental organizations in the policy process and to help strengthen health emergency systems. He discussed the conditions for successful partnerships and offered the auxiliary role as an important tool in support of sustainable dialogue and collective action on health emergencies.

3. Mme. Monique Coulibaly Kodjo, President, Red Cross Society, Cote d'Ivoire, addressed the fine balance required between the independence and neutrality of a National Society and the expectations of the State. A specific example was given of a request by the Cote d'Ivoire government that did not conform with the Fundamental Principles. A process of education followed, assisted by the ICRC, to support the Cote d'Ivoire Red Cross' decision to decline the request and to put in place the basis for future collaboration.
4. Dr. Pierre Duplessis, Special Envoy on Avian and Human Influenza of the International Federation of RC/RC, urged participants not to look at pandemics as a health issue but as a disaster with many social implications that require effective partnerships between governments and civil society. The auxiliary role of National Societies is a major tool to facilitate such partnerships and to support governments in their primary role to protect citizens.
5. Mr. Stephane Hankins, Legal Advisor for the ICRC, discussed the role and mandate of National Societies in support of government responsibility for international humanitarian law (IHL) as a central aspect of the auxiliary equation. He highlighted the two principal roles for National Societies to disseminate IHL and monitor and report on emblem use and misuse. Such activities are examples of National Societies supplementing government IHL responsibilities and activities.

### **Discussion Highlights**

The following summarizes key discussion points:

- the application of the auxiliary role to aboriginal and northern communities, and to various levels of government;
- the primary responsibility of States for IHL;
- National Societies, in their auxiliary roles, as advocates to governments for scale-up in support of disaster risk reduction;
- the responsibility of governments to foster volunteerism through volunteer-friendly policies;
- the need for National Societies to be pro-active and to not wait for emergency requests by governments: start now to negotiate partnership roles;
- the challenge to balance neutrality and independence with government subsidies and "direction";
- the value of government recognition of the auxiliary role in national legislation;
- the main benefit of the auxiliary role as a means to broaden the base of reach of both governments and National Societies in serving the most vulnerable; and
- the importance of ongoing dialogue, feedback and collaboration, leaving no room for adversity in the auxiliary relationship.

**Draft Model Pledge**

A draft model pledge was tabled as a practical tool to assist National Societies and States in taking action to redefine their auxiliary relationship:

*For the years 2008-2011, the Government of X and the X Red Cross/Red Crescent Society jointly pledge to renew their framework for cooperation to address better the humanitarian challenges of the 21<sup>st</sup> century by mutually examining how to maximize the National Society's role as auxiliary to the public authorities in the humanitarian field. This framework is characterized by a balanced relationship, a permanent dialogue, and respect for the Fundamental Principles, and includes as elements reinforced auxiliary roles and collaborative instruments of cooperation.*

### 30th International Conference of the Red Cross and Red Crescent

**Workshop: 10 years after the anti-personnel mine ban: Addressing the human cost of landmines, explosive remnants of war and cluster munitions.**

Organized by:  
**The Norwegian Red Cross**  
November 28, 2007; 18.15 – 20.15  
CICG, rooms 5 and 6

**Chair:** Trygve G. Nordby, Secretary General of the Norwegian Red Cross.

**Panel discussion:**

The workshop was organised in the form of a panel discussion. The panellists were (in order of presentations made):

- Ms Fatima Gailani, President, Afghan Red Crescent
- Mr. Peter Herby, Head of Arms unit at the ICRC
- Dr. Markus Reiterer, Disarmament Counsellor, Permanent Mission of Austria in Geneva
- Mr. Robert Tickner, Secretary General, Australian Red Cross

**Rapporteur:** Mr Tørris Jæger, Norwegian Red Cross

**Participants:** Ca. 80 participants attended the workshop

The purpose of the workshop was to discuss the achievements and challenges in addressing the human cost of landmines, cluster munitions and explosive remnants of war (ERW), with a particular focus on the contributions the International Red Cross and Red Crescent Movement can make. The workshop took place on the background of the Council of Delegates having unanimously adopted a resolution on “International Humanitarian Law and Cluster Munitions” and is directly linked to objective 3 of the 30<sup>th</sup> International Conference: *“to reaffirm the continued applicability and relevance of international humanitarian law for preserving human life and dignity in armed conflict”*.

Landmines, cluster munitions and explosive remnants of war continue to maim and kill and threaten civilians long after hostilities have ended, and impede post-conflict reconstruction and economic development. The International Red Cross and Red Crescent Movement is not only witness to the human cost of these weapons, but is also engaged directly in victim assistance, preventive action to reduce the impact of weapon contamination on civilian populations and advocacy to promote legal norms and other measures by states that will address the causes and reduce the consequences invoked by the use of these weapons.

The presentations and participant interventions described the human suffering caused by these weapons. This highlighted the reality and relevance as well as the dimension of the challenge and the urgency for the Movement and states to take effective action. The President of the Afghanistan Red Crescent gave a powerful testimony of her personal experience in continuously dealing first with landmines and explosive remnants of war and then additionally with cluster munitions for more than 30 years. These and additional accounts of countless lives devastated, illustrated how the lethal legacy of these

weapons can persist for decades in affected countries. This provided for the legitimacy for a humanitarian organisation to address such an issue as it stressed the difficulty of respecting the principles of discrimination and proportionality, amongst the very foundations of International Humanitarian Law, resulting from the use of these weapons. Concrete examples of the impact of these weapons in other affected countries were provided by other participants, including their long term consequences for socio-economic development and the obstacle they present for the return of refugees and displaced populations. This provided the rationale of tackling this subject from a humanitarian point of view, instead of viewing it as a topic of security and defence or disarmament policy. In addition, human costs and the challenge of dealing with weapon contamination and the resources made available to deal with them were put in contrast to global military expenditure. New approaches of National Societies from non-affected countries to advocate the regulating and/ or prohibition of such weapons were explained.

Given the acute political and humanitarian relevance, parts of the presentations and the discussion focused on the need of regulating cluster munitions. Participants highlighted the need to apply the lessons learned from the successful campaign by the movement and civil society to ban anti-personnel mines. The Landmine convention represents a particular success, not least because it was the first weapons treaty to include victim assistance, a particular concern of the Movement. The role of the civil-society and the International Red Cross and Red Crescent Movement in particular was further emphasized in focusing the attention of states on the humanitarian concern and raising public awareness. Humanitarian organisations continue to put objectives before processes and that achieving relevant results may mean having to challenge established perceptions and practice. Despite the fact that a lot of damage has already been done, it remains possible to prevent larger scale proliferation and further harm to be caused by addressing the use of cluster munitions now through an internationally legally binding instrument. Innovative and alternative ways for National Societies to engage their governments, parliaments and other relevant authorities, either confidentially or publicly were explained.

Both, the panellists' presentations and all participants' interventions but one, highlighted the unacceptable humanitarian consequences caused by landmines, cluster munitions and explosive remnants of war and the importance of regulating them in legally binding instruments. The increasing attention given to these subjects, both in the public domain and in international law, signals a growing acceptance of an emerging norm. This norm says that weapons which can't stop killing and maiming for years and decades after conflicts have ended are abhorrent and unacceptable. This norm expects governments to do everything possible to avoid the use of such weapons and, if explosive remnants from their munitions remain after conflicts, they are expected to clear them or support their clearance.

One government representative presented alternative actions taken to address the human cost of landmines, cluster munitions and explosive remnants of war. He focused on how weapons technology is being upgraded and adapted, how their use is being further regulated and how assistance is being provided to address weapon contamination on the ground.

A Red Cross Youth representative highlighted the fact that children and youth are a significant group of victims of the use of such weapons, thus highlighted why this issue is

of particular relevance for Red Cross and Red Crescent Youth organisation and illustrated how Youth organisations can be active and relevant actors.

The significant progress that has been made in addressing these problems was also reported. Since the Mine Ban Convention was adopted 10 years ago, 156 states have joined the treaty, 42 million antipersonnel mines have been destroyed and mine clearance efforts are making steady progress in mine-affected countries world wide. In 2003, a protocol on Explosive Remnants of War to the convention on Certain Conventional Weapons was adopted, which provides the first comprehensive legal framework to reduce the post-conflict threat posed by all types of abandoned and unexploded munitions. There is also growing momentum to address the problem of cluster munitions. A number of states have adopted national moratoria on these weapons and more than 80 states are working to develop a treaty by the end of 2008 that will prohibit cluster munitions that cause unacceptable harm to civilians.

### **Conclusion**

Different views were expressed on how the human cost caused by landmines, cluster munitions and explosive remnants of war should be addressed. Yet, the need to address the human cost was evident. These problems are not only predictable; they are to a large degree also preventable. The relevance and legitimacy of the International Red Cross and Red Crescent Movement in addressing the human cost, through assistance, protection, prevention and advocacy, was highlighted. The emergence of a norm, that weapons that can't stop killing are unacceptable was supported while underlining the importance of civil-society action to complement States' efforts to address this issue from a humanitarian perspective.



## 30<sup>th</sup> International Conference of the Red Cross and Red Crescent

<b>Workshop: Restoring Family Links – a partnership between States and National Societies</b>
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Organized by:  
**The Australian Red Cross**  
November 29, 2007; 09.00 – 10.45  
CICG, rooms 5 and 6

**Chair:** Mr John Pinney, Vice President, Australian Red Cross

**Panel discussion:**

- Mr Alain Aeschlimann, Head, Central Tracing Agency and Protection Division, ICRC
- Mr Maksim Stanisic, Representative, Ministry for Human Rights and Refugees, Bosnia and Herzegovina
- Mr Michael Nataka, Deputy Secretary General, The Uganda Red Cross Society

**Rapporteur:** Mr Nick Young, Secretary General, British Red Cross

**1. Estimated number of participants**

- Approximately 110 participants

**2. Atmosphere of the Workshop**

- Overall, it was energetic and interactive. The official signing of the RFL pledge by the Presidents of the ICRC and the International Federation of Red Cross and Red Crescent Societies sent a strong message to States and the Movement of the importance of RFL activities and the need to act now

**3. Main findings**

- The entitlement to family life and family unity is a basic principal in the Geneva Conventions and Additional Protocols and also the Universal Declaration of Human Rights and International Covenant for Civil and Political Rights
- Knowing the fate of loved ones is a right and States have an important and vital role in ensuring that families of missing persons are supported in whatever way possible to find answers
- The need for States and the components of the Movement to work together has not changed since activities were started in the 1870s. However unless we work together, the Family Links Network will be weakened and so too will be our capacity to respond to this humanitarian need
- RFL is a core humanitarian activity of the Movement and an essential humanitarian service requiring the support of States, National Societies, the ICRC and International Federation
- The anguish of not having news of loved ones, is hidden and long lasting.
- In 2003, as part of its commitments to the Agenda for Humanitarian Action of the 28<sup>th</sup> International Conference the ICRC, having the Lead Role in the Movement in RFL recognised the urgent need to strengthen the global network. The Bengal Bay tsunami in 2005 reinforced the need for action by all components of the

Movement to work together to respond. These events dramatically illustrated the reality of what it means to have a globally functioning network to restore family links and reinforced the ICRC's commitment to supporting National Societies. As a result, the Global RFL Strategy project was launched and was recently adopted at the Council of Delegates.

- The benefit of the Movement is our capacity to reach vulnerable persons wherever they may be in the world. We have the added-value of community based programmes and operations that other organisations do not have
- The ICRC global Capacity Assessment of National Societies Tracing Services showed that the Movement has less than 50% capacity to respond to needs and therefore, requires urgent action from all components

#### **4. Recommendations**

- States and National Societies should make joint pledges to support and strengthen RFL activities
- There should be cooperation between various institutions and organisations including the public authorities, National Societies and the ICRC in addressing RFL needs
- States should establish a legislative framework for RFL activities in response to emergencies, disasters and other situations requiring humanitarian response
- National Societies should ensure that there is the capacity for RFL in situations of disasters and emergencies
- National Societies should establish sub-regional and regional cooperation to support and strengthen the RFL network
- States and National Societies must respect the confidentiality of personal and sensitive data in its RFL activities
- States should establish appropriate mechanisms for cooperation with National Societies in RFL activities
- Recognising that access to technology varies greatly across the world, the use of technology for RFL activities should always be flexible and relevant to each context
- It is vital that we promote the services more effectively, so that those in need can access it easily, and funders can be encouraged to give money.

#### **5. Conclusion**

- The strictly humanitarian aspect of RFL creates a clear and unequivocal space for both States and National Societies to assist families separated by conflict, disasters and other humanitarian emergencies
- The humanitarian situations in which RFL is delivered have become more diverse and more complex. Whether it is a conflict situation or large natural disaster or international migration, the need to act is urgent.
- The relatively weak condition of a global network means that we have to make urgent and concerted efforts as a Movement, with our governments, to strengthen and improve it.

## 30<sup>th</sup> International Conference of the Red Cross and Red Crescent

<b>Workshop: Addressing armed violence reduction as an humanitarian and Development issue</b>
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Organized by:  
**The Governments of Switzerland, Canada, Brazil on Behalf of the Geneva Declaration on Armed Violence and Development**

November 29, 2007; 09.00 – 10.45

CICG, room18

**Chair:** Ronald Dreyer, Coordinator follow-up “Geneva Declaration on Armed Violence and Development”, Permanent Mission of Switzerland to the UN, Geneva.

**Panel discussion:**

- Mr. Thomas Greminger, Ambassador: Head Division Human Security, Federal Department of Foreign Affairs, Switzerland
- Mr. Pedro Vieira Abramovay, Permanent Secretary of Legal Affairs, Ministry of Justice, Brazil
- Mr. Maciek Hawrylak, Programme Officer, Ministry of Foreign Affairs and International Trade, Canada
- Ms. Judi Fairholm, National Technical Director, Canadian Red Cross

**Rapporteur:** Ronald Dreyer, Coordinator follow-up “Geneva Declaration on Armed Violence and Development”, Permanent Mission of Switzerland to the UN, Geneva.

Approximately 70 persons participated in the workshop.

After a general overview by Ambassador Greminger on the *Geneva Declaration on Armed Violence and development*, the presentations focused on concrete measures under way and to be undertaken to address armed violence with a particular focus on urban violence and an emphasis on children. This focus on the “real world situation”, including abuses of children by humanitarian workers, was much appreciated by the audience and was reflected in the questions asked to the panellists.

**Issues discussed:**

- The *Geneva Declaration on Armed Violence and Development* aims at advancing the agenda of mainstreaming armed violence as a development concern and as part of the broader process of linking security and development issues.
- A core group of 13 states coordinated by Switzerland and working in close cooperation with UNDP, OECD and the Small Arms Survey of the University of Geneva promote the implementation of the Geneva Declaration along three pillars: (1) Advocacy and dissemination, (2) Mapping and measurability of armed violence, (3) mainstreaming armed violence reduction into development frameworks,
- The Geneva Declaration can also be reflected in the design of humanitarian strategies.

- In response to a loss of 5 billion US Dollars in 2004 alone as a result of armed violence in Brazil, *the National Programme for Security with Citizenship* launched in August 2007 proposes a series of practical measures combining armed violence prevention and reduction and development in mainly urban areas affected by armed violence in Brazil.
- The strengthening of the police force through salary increase and training in conflict resolution techniques, the integration of young men leaving the army into communal structures aiming at managing and resolving conflicts and the combining of economic and social policies, such as education, sport and culture, and security policy as a coordinated approach are examples of Brazil's National programme for public security.
- Faced with the rapidly growing urban population representing 50% of the world population in 2005 and the growth of slum areas (1 urban inhabitant out of 6), communal conflicts and crime produce levels of violence comparable to civil war. As a result, security forces often lack the capacity to protect civilians at risk or choose to avoid entering dangerous areas. Paramilitaries, vigilante groups and private security firms often fuel armed violence.
- Children represent a particularly vulnerable group exposed to violence. Suffering from abuse, poverty, human trafficking and sex trade, they are often recruited into armed gangs and in some conflict zones forced to become child soldiers.
- In addition to child abuse, cyber violence is a particularly insidious manifestation of armed violence affecting children.
- Humanitarian workers and peace-keepers are at times perpetrators of violence against children. Preventing this kind of abuse is an issue humanitarian agencies and the International Red Cross and Red Crescent Movement are currently working on.

### **Recommendations**

- Systematically address armed violence reduction and prevention as integral part of humanitarian and development strategies.
- Humanitarian agencies should engage more with the issue of small arms availability. With a clear interest in the protection of civilians, they should focus on tools and patterns of armed violence.
- As the first actors in the field, humanitarian agencies can often gather valuable information that could help development actors prevent further violence.
- Design integrated approaches to violence management by combining socio economic development programmes with security efforts when attempting to secure violent mostly urban spaces.
- Conduct policy relevant research on the dynamics of urban violence, particularly affecting children.
- Involve National Red Cross or Red Crescent Societies in the design and implementation of programmes aimed at preventing and reducing violence against children.

## 30<sup>th</sup> International Conference of the Red Cross and Red Crescent

### Workshop: The Notion of "Direct Participation in Hostilities" under IHL

Organized by:  
**International Committee of the Red Cross**  
November 29, 2007; 09.00 – 10.45  
CICG, room 2

**Chairman:** Mr Jean-Philippe Lavoyer, Head of Legal Division, ICRC

**Panel discussion:**

**Panelist 1:** Dr Nils Melzer, Legal Adviser, Legal Division, ICRC

**Panelist 2:** MajGen Tony Rogers, Lauterpacht Center, Cambridge

**Panelist 3:** Professor Marco Sassoli, University of Geneva

**Participants:** Approx. 150

**Documents:** Distribution of Fact-Sheet entitled: The Notion of "Direct Participation in Hostilities" under IHL

In introducing the workshop, the Chairman emphasized that the issue of direct participation in hostilities is of great practical importance in contemporary situations of armed conflict. This is due in particular to the increasing intermingling of civilians and armed actors and the further shift of military operations away from distinct battlefields into civilian population centres. This trend has complicated the implementation of the principle of distinction between combatants and the civilian population, but also between "peaceful" civilians and civilians "directly participating in the hostilities". Therefore, the ICRC, in cooperation with the TMC Asser Institute, has in 2003 initiated a multi-annual expert process aiming to clarify the notion of "direct participation in hostilities" under IHL. This process is expected to come to a conclusion with the publication of an "Interpretive Guidance" document in the course of 2008.

Dr. Melzer outlined the preliminary results of four expert meetings held from 2003 to 2006, in which the experts addressed: (1) the concept of 'civilian' under IHL, (2) the basic concept of 'direct participation in hostilities' and (3) the precise 'modalities of suspension of protection'. Major General Rogers and Professor Sassoli - who participated as experts in the clarification process - then provided their respective views on these complex legal issues. Although it was recognized that these questions required comprehensive and in-depth legal analysis, it was also emphasized that the legal criteria resulting from the expert process should be subsequently translated into simplified guidelines for broad dissemination to operational forces.

The presentations generated several questions from the audience, which led to a lively discussion. The first group of questions related to the perceived risk that efforts at developing standards for the interpretation of the notion of "direct participation in hostilities" could inadvertently contribute to a trend of decreasing the protection of the civilian population in contemporary armed conflict. The panellists acknowledged that extreme care was required in proposing general criteria for the loss of civilian protection,

but assured that the purpose of the process was precisely to increase the protection of peaceful civilians and civilians only indirectly contributing to military operations by better distinguishing them from those who directly participate in hostilities. The second group of questions focused on the concrete application of the proposed standards to specific categories of civilians, such political and religious leaders, journalists, instigators, child soldiers, private military / security contractors and so-called "human shields". The panellists responded to these questions, each from their personal perspective.

Overall, the workshop was well attended and took place in a positive and interested atmosphere. The presentations and subsequent discussions showed that there are no easy solutions in the often complex and confusing area of civilian involvement in hostilities. Indeed, the interpretation of the notion of "direct participation in hostilities" will always be influenced by the circumstances prevailing in each concrete situation. Nevertheless, it was recognized that the preliminary criteria developed in the expert process provided a useful general framework of guidelines for the determination of civilian loss of protection in situations of armed conflict.

### 30th International Conference of the Red Cross and Red Crescent

**Workshop title: Neutral Independent Humanitarian Action; Contemporary challenges and thoughts on efficient humanitarian action in the context of modern armed conflicts**

Organized by:

**The Finnish Red Cross, Swedish Red Cross, Norwegian Red Cross, Icelandic Red Cross and Danish Red Cross**

November 29, 2007; 09.00 – 10.45

CCV, room A

**Chair:** Mr Kalevi Kivistö, President, Finnish Red Cross

**Panel discussion:**

- Mrs Fatima Gailani, President, Afghan Red Crescent
- Mr Pierre Krähenbühl, Director of the Operations, ICRC
- Mr Mikael Lindvall, Deputy Director, Swedish Ministry for Foreign Affairs

The moderator **Mr. Kivistö** introduced the topic of the workshop "Neutral and Independent Humanitarian Action" (NIHA). The intention of the workshop was to discuss some of the current challenges to humanitarian action in modern conflicts and how to best ensure protection of and assistance to victims of armed conflict in accordance with international humanitarian law. The intention also was to use the opportunity of the International Conference to engage in a dialogue with different stakeholders on possible ways to ensure effective humanitarian action.

Mr Kivistö argued that the interest of political and military actors to engage in the humanitarian field is posing new challenges to all actors in conflict areas. In the work of the Red Cross and Red Crescent Movement, particularly in conflict areas, neutrality is essential to have access to all vulnerable people. Independence, and the perception thereof, must be maintained to convince all parties that the ICRC and Movement have no ulterior motives for their actions, and that they make their own decisions based on humanitarian considerations.

Mr Kivistö mentioned that the five Nordic National Societies together with the ICRC have carried out a survey among Nordic parliamentarians on their views and level of knowledge of NIHA and the Red Cross and Red Crescent mandate. The primary results of the survey show that decision makers need more information on the principles of NIHA. The image of the Red Cross is positive, but the arguments behind NIHA are not known.

**Mrs. Gailani**, pointed out that the Afghan Red Crescent is essential for the well being of the people in Afghanistan. It serves e.g. as the only welfare-system in the country and is the only organization all persons can turn to. Neutrality and independence are the crucial tools for the Afghan Red Crescents to carry out its mandate; the principles protect the volunteers and fight mistrust among warring parties. The presence of the Provisional Reconstruction Teams has created confusion among the Afghan people of the distinction between the military operations and humanitarian action. Mrs Gailani urged

National Societies in 'troop producing states' to discuss issues related to NIHA with the troops before they are deployed.

**Mr. Krähenbühl** argued that today there is a strong reaffirmation of the role the ICRC as a neutral-intermediary and recognition of ICRC's specific added-value. He pointed out that the ICRC is closely observed by all actors in a conflict and the ICRC needs to be neutral and perceived as such. This needs nurturing and a constant dialogue with stakeholders. Neutrality is an action enabling principle.

Mr **Krähenbühl** pointed out there are two key challenges in responding to today's armed conflicts: one is to have a clear understanding of diversity of armed conflicts and other situations of violence and the specificity of each. The other is to address in a meaningful way the multitude of needs of affected populations.

In a highly challenging world-wide context, the question of whether neutrality and independence still offer an added-value has arisen. In response to the current conflict environment the ICRC has taken three decisions. 1. to preserve its proximity-based operational approach; 2. to maintain its decentralized security management; and 3. to strengthen its networking efforts throughout the Muslim world, reaffirming its commitment to talk to all relevant actors.

Integrated operations are reality today and in some situations there is no contradiction for military to engage in humanitarian action. However, carrying out a humanitarian mission is never a military actor's primary motive.

**Mr. Lindvall** pointed out that the value of neutral and independent humanitarian action has been increasingly recognised by governments. The Swedish Government supports the strongest possible cooperation between political, military, development and humanitarian actors, provided that such cooperation does not undermine the perceived neutrality and independence of humanitarian action. In this sense, the perception of armed actors on the ground is key. The mandates of recent UN missions have often included the protection of civilians. Governments must understand that it is in their interests to ensure that there is adequate humanitarian space. If NIHA is not understood and respected by the military, it will not only be problematic for humanitarian actors but also jeopardize the military mission. A basic task of the military is to provide security. An ongoing discussion of NIHA is necessary in order to increase understanding.

The moderator Kalevi Kivistö informed the participants of the common Nordic pledge on NIHA and urged the participants to join it. During the discussion it was underlined that all actors need to be at ease with the different mandates. It was pointed out that humanitarian action of governments can never be neutral. There is acceptance for NIHA at a higher level in government but usually not at the operational level. National Societies particularly in 'troop producing countries' need tools to effectively engage in a dialogue with the military in their respective countries. The relationship between the Movement and other humanitarian organizations was discussed. It is important for the Movement to be predictable and to focus on ensuring that other humanitarian actors understand its approach, rather than trying to bring them around to its definitions.

It is a constant challenge for the ICRC and National Societies to ensure that their approach is understood. The importance of public discourse and raising-awareness was strongly emphasized by all panelists.



### 30<sup>th</sup> International Conference of the Red Cross and Red Crescent

<b>Workshop: Promote respect of IHL by private military and security companies in conflict situations: challenges and prospects</b>
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Organized by:

**The Government of Switzerland and the International Committee of Red Cross**

November 29, 2007; 11.15 – 13.00

CCV, Room A

**Chair:** Ambassador Mackay, Permanent Representative of New Zealand to the United Nations

**Panel discussion:**

- Ambassador Amirbayov, Permanent Representative of the Republic of Azerbaijan to the United Nations
- Ambassador Paul Seger, Director of the Legal Director, Swiss Department of Foreign Affairs
- Dr. Philip Spoerri, Director for International Law and the Cooperation with the Movement, ICRC

**Rapporteur:** Mrs Cordula Droege, ICRC

**Number of participants:** About 120

**Atmosphere**

- Very knowledgeable, well-informed discussion
- Some support but also some concern about the Swiss Initiative (see discussion)

**Main findings/subjects:**

- The phenomenon of private military and security companies (PMSCs) is not new, but their **number** and the **nature of their activities** has changed: they are **closer to the heart of military operations**.
- It is a phenomenon that is likely to increase.
- Main **humanitarian concern**: lack of comprehensive oversight through States and lack of accountability.
- This does not mean that there is no international law that regulates the behaviour of companies and the obligations of States: **IHL and human rights law contain a lot of pertinent rules**:
  - Any employee has an obligation to respect the rule of IHL.
  - IHL imposes an obligation on States to respect and to ensure respect for IHL by PMSCs.
  - In particular, States must ensure criminal accountability of serious violations committed by personnel.
  - Also, States may not circumvent their obligation not to use force against other States through the use of such companies.
- **Are PMSCs "modern mercenaries"?**

- Not really: definition of mercenaries is very narrow - the phenomenon of PMSCs is much larger than could be captured through the mercenarism perspective;
- also there is no universal prohibition of mercenarism.

**Presentation of the "Swiss Initiative on PMSCs in cooperation with the ICRC" (started in 2006):**

- Aim is to bring together governments to **recall and reaffirm applicable international law, especially IHL and human rights law**;
- It is also meant to give States **Good Practices** and lessons learnt on how to better implement their existing obligations;
- It is **not** meant as a legitimisation in any form of such companies, but to deal from a humanitarian point of view with an existing reality.

**Discussion**

- There remains a problem of legitimisation – some States are concerned that the Swiss Initiative could unwittingly play into the hands of the PMSC industry and give it legitimacy.
- There is a need for translation as to what this means for companies: We need some practical rules that they can apply.
- Question: Do we need to listen to them to know what their problems in respecting the rules are?
- There is a clear lack of accountability and States must address this problem.

**Conclusions**

- The phenomenon exists and there is a huge amount of interest in it (see the number of people attending this workshop).
- There remains a certain amount of unease – especially around a concern that there is a new phenomenon of mercenarism.
- Switzerland and the ICRC are very conscious of this concern.
- It is not an area where there are no rules, but an area where the rules require clarification and where the application of the rules needs further work.

### 30th International Conference of the Red Cross and Red Crescent

#### Workshop: Humanitarian and Public Health Consequences of Substance Abuse

Organized by:

**The Italian Red Cross and the International Federation of the Red Cross and the Red Crescent**

November 29, 2007; 11.15 – 13.00

CICG, rooms 5 and 6

**Chair:** Dr Massimo Barra, President of the Italian Red Cross

**Panel discussion:**

- Mr Raymond Kendall, former Secretary General of Interpol
- Dr Emmanuel Reinert, Director of the Senlis Council
- Mr Giancarlo Rodoquino, Civil Society representative, Italy (Villa Maraini/Italian Red Cross)
- Lady Jocelyn Keith, Health Commission of the International Federation of Red Cross and Red Crescent Societies and representative of the New Zealand Red Cross

The workshop was attended by nearly 100 delegates from 43 NS and governments.

- Dr Massimo Barra, President of the Italian RC, welcomed the participants. He then introduced the objectives of the event and the humanitarian vision of the International Red Cross and Red Crescent Movement in relation to the suffering of the 200 million or so people who use drugs, the discrimination, stigmatization and isolation that they experience as a result, and the far-reaching consequences for their families and the communities in which they live.
- Mr Raymond Kendall, keynote speaker and former Secretary General of Interpol, presented data on the current state of substance abuse in the world. On the basis of his long years of experience, he was able to affirm that the subject had almost always been discussed with an approach based on prosecution and punishment that had proved ineffective in many places. Accordingly, initiatives like that of the Rome Consensus demonstrated how important it was for respected organizations such as the National Red Cross and Red Crescent Societies to speak on behalf of those who could not speak for themselves.
- Dr Emmanuel Reinert, Director of the Senlis Council, stressed the importance of mitigating the social, educational, health and economic consequences of drug use which were often compounded by prosecution- and punishment-based approaches that caused still more damage to individuals and their families and communities. He also reported on the work done with the Council of Europe on the awareness-raising campaign launched by Dr Massimo Barra in 2005 and which had led to the approval by the Council of Europe Parliamentary Assembly of a report proposing a Convention on Promoting Public Health Policy in Drug Control on 3 October 2007. The initiative had been promoted by the 27 European NS who were members of the Rome Consensus for a humanitarian drugs policy, who had directly contacted the members of the Parliamentary Assembly in their respective countries to encourage them to support the proposal.
- Mr Giancarlo Rodoquino, a volunteer with the Italian Red Cross at the therapeutic community of Villa Maraini in Rome, gave a moving first-hand account of what it means to live in the world of drugs and the process that enabled him to achieve successful

rehabilitation and move on to helping other people tormented by the consequences of substance abuse.

- Lady Jocelyn Keith, member of the Health Commission of the International Federation of Red Cross and Red Crescent Societies and representative of the New Zealand Red Cross, presented the report approved by the Health Commission in April 2007 and the survey the Secretariat had recently sent out to the NS concerning damage mitigation. During the discussion, many participants expressed opinions on this humanitarian problem that affects over 200 million people throughout the world. Reference was made to the fact that the Red Cross and Red Crescent Movement had passed the first resolution on the problem of drug use 85 years ago in Bangkok during the first Asian Red Cross Conference in 1922.

### **Conclusions and recommendations**

1. There is a need to step up information and awareness-raising activities addressed to national authorities and regional bodies, using the influence and image of the Red Cross and Red Crescent Movement, in keeping with the role of National Societies as auxiliaries to their governments for the purposes of humanitarian aid, with the aim of actively promoting the formulation and implementation of a humanitarian policy on drugs that will save lives and alleviate suffering.
2. It is recommended that specific educational and preventive work be carried out with communities and, in particular, with young people through peer-to-peer activities and use of new technologies.
3. There is a need for facilitated access to public-health services for drug users and holistic damage-mitigation programmes that include substitution therapies and humanitarian approaches, in order to alleviate suffering and reach the most vulnerable people. It should be recognized that the involvement of peers and others in similar situations, such as drug users and people affected by HIV/AIDS, is vital for this process.
4. The Rome Consensus, to which over 81 NS throughout the world belong, and the joint campaign with the Council of Europe in support of a new Convention on Promoting Public Health Policy in Drug Control, are excellent examples of mobilization by NS to raise awareness among authorities and communities on the need for new initiatives to alleviate the suffering of drug users.
5. The conclusions and recommendations approved by the Federation's Health Commission in April 2007 should be circulated and followed up on.
6. It is essential to step up cooperation and alliances with non-governmental foundations and international organizations in order to promote a humanitarian approach to drugs policy.

Finally, the participants thanked the speakers for their valuable presentations and, in particular, Mr Giancarlo Rodoquino for his first-hand account of his experience as a former drug addict.

### 30th International Conference of the Red Cross and Red Crescent

#### Workshop: Promoting Respect for Diversity and Non-Discrimination

Organized by:  
**The Netherlands Red Cross**  
November 29, 2007; 11.15 – 13.00  
CICG, room 2

**Chair:** Prof. Jean-François Mattei, President of the French Red Cross

**Panel discussion:**

- Ms. Kyung-wha Kang, UN Deputy High Commissioner for Human Rights
- Ms. Ana Maria Guacho, Representative of the indigenous community and volunteer of the Ecuadorian Red Cross
- Ms Fatima Gailani, President of the Afghanistan Red Crescent
- H.E. Ambassador B. Mokgothu, Permanent Representative of the Republic of Botswana to the UN
- Mr. Chris Hedges, UK Border and Immigration Agency
- Dr. Naglaa Rashwan, Youth Representative of the Egyptian Red Crescent Society

**Rapporteur:** Mr. Romain Laré, Togolese Red Cross

**Professor Jean-François Mattei**, President of the French Red Cross, welcomed more than 130 participants to the workshop and introduced the topic, recalling previous commitments of governments and the Red Cross Red Crescent Movement on promoting respect for diversity and non-discrimination.

The keynote speaker, **Ms. Kyung-wha Kang**, UN Deputy High Commissioner for Human Rights, stated that six decades after the adoption of the Universal declaration of Human Rights and half a decade after the UN World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban 2001, intolerance and discrimination on various grounds persist and are even growing in many parts of the world. The Durban Declaration and Programme of Action challenge the historical, socio-economic and political structures that enable racial discrimination to persist and offers a roadmap of practical measures to eradicate discrimination. The UN Deputy High Commissioner encouraged National Societies, the Federation of Red Cross and Red Crescent Societies and the ICRC to get involved in the preparation process towards the Durban Review Conference in 2009, and to share good practices. We should look at the existing International Human Rights mechanisms and seek ways to work in partnership.

**Ms. Ana Maria Guacho**, Representative of the indigenous community and volunteer of the Ecuadorian Red Cross, brought forward the perspective of indigenous communities. She shared her experiences on how she personally faces discrimination. She highlighted discrimination against women and the need to ensure gender equality and she stressed the need to recognise and respect diversity. To achieve this we need to include indigenous community representatives at all levels. Ms. Guacho referred to one of the Millennium Development Goals, aimed at eradicating poverty and stated that the goal does not specify how to achieve this objective. She called on the participants of the

workshop to not only focus on disaster response, but to work hand in hand with indigenous communities to foster their development, while respecting their cultures.

**Ms. Fatima Gailani**, President of the Afghanistan Red Crescent, stated that when she took her position in the National Society almost three years ago, the staff at the headquarters did not reflect the diversity of the population. Since then they have been recruiting young girls in schools and have provided them with training on the job, allowing them to participate in the National Society. This has created an opening for other women to come and join. The Afghanistan Red Crescent also organises Youth Camps where the youth themselves identify the issues and ways to tackle discrimination. She pointed out that discrimination often comes from ignorance and stressed the need for awareness raising. In the political arena, the new Constitution and newly established independent Human Rights Commission of Afghanistan, paved the way for change on an organisational level.

**H.E. Ambassador B. Mokgothu**, Permanent Representative of the Republic of Botswana to the UN, outlined that Botswana has taken a multi-sectoral and inclusive approach in the fight against stigmatization of people living with HIV. He stressed the necessity to involve everyone in the community in this endeavour; starting with a strong commitment from the government and the involvement of civil society through, for example schools, churches and media. In addition workplace policies have been created to ensure a supportive environment, complementing the national health policies of comprehensive HIV care. Indeed the government of Botswana does not view HIV as a health issue but rather as a developmental issue; this means that no single sector of the economy, health care system or any other sector has the sole responsibility of raising HIV awareness and combating stigma. In Botswana HIV is a community affair.

**Mr. Chris Hedges**, UK Border and Immigration Agency, mentioned that the phenomenon of migration has greatly changed throughout the centuries and is today about searching for a better life. It is estimated that more than 40 million migrants are on the move throughout the world today. In order to enable their integration the United Kingdom stresses the importance of language. By giving migrants the possibility to learn English they can learn about their new country and have the chance to participate in society. Citizenship and language tests are not aimed at exclusion but at integration and promoting dialogue. Nevertheless this needs to be complemented by active involvement in society. Targeting migrants is only one aspect, because we also need to actively reach out to the “not-migrants” and raise their awareness on respect for diversity and non-discrimination. The Red Cross Red Crescent can support this process by promoting voluntary service among migrants and by raising awareness among the rest of the population.

**Dr. Naglaa Rashwan**, Youth Representative of the Egyptian Red Crescent Society, explored the root causes of discrimination from a psychological point of view. She said discrimination is often based on insecurity and fear of differences. She stated that diversity has to be seen as an enrichment, not as a problem. When we open up, we can gain from the wealth that diversity brings. To achieve this, it is important that National Societies incorporate diversity in all their training programmes and existing projects, e.g. by using role models, role-plays and peer education methodologies. These approaches provide a good basis for the involvement of youth and people from diverse backgrounds.

After the different presentations, a discussion with the audience followed. The interventions complemented the presentations, bringing forward personal testimonies, good practices from National Societies and Governments and suggested further actions to promote respect for diversity and non-discrimination. Thanks to a rich discussion, the following conclusions have been identified:

- § On an individual level, we need to work on our own behaviour and stop thinking in dichotomies. While respecting differences we need to look for similarities that bring us together;
- § The Red Cross and Red Crescent Movement needs to ensure diversity among volunteers, governance and staff, and to develop programmes for respect for diversity and non discrimination;
- § Governments have to fulfil their commitments under international law, to ensure that national anti-discrimination policies and laws are put in place and are implemented in order to pave the way for change in behaviour and consequently a change in attitude;
- § We can only have impact if we work together with different stakeholders and across borders. We have a shared responsibility to promote respect for diversity and non-discrimination.

## 30th International Conference of the Red Cross and Red Crescent

### Workshop: Addressing the humanitarian consequences of climate change

Organized by:

**The Red Cross and Red Crescent Climate Center on climate change and disaster preparedness and the International Federation of the Red Cross and Red Crescent societies**

November 29, 2007; 11.15 – 13.00  
CICG, room 18

**Chair:** Ms Madeleen Helmer, Red Cross/Red Crescent Climate Centre

A distinguished panel included Mr Salvano Briceño, Executive Director of UNISDR, Mr. Meinrad Studer, Director Global Humanitarian Forum, and Mr. Johan Schaar, head of the Secretariat of a new high-level international Commission on Climate Change Adaptation and Development initiated by the Swedish Government.

**Rapporteur:** Mr Maarten van Aalst, Red Cross/Red Crescent Climate Centre presented the science of climate change and its humanitarian consequences.

100 participants engaged in a very lively discussion

#### **Key message #1: climate change is a humanitarian issue**

- Climate change is already happening, not just in terms of global temperature rise, but also in changing weather extremes, all over the world. It is bound to continue over the coming years and decades.
- We are already witnessing the humanitarian consequences. The most vulnerable people, including the poorest of the poor, are most affected.
- Hence, climate change is now a humanitarian issue.

#### **Key message #2: early action is happening**

- In many places, governments and national Red Cross/Red Crescent societies are starting to address these challenges.
- The best approach is to integrate climate risk management into humanitarian work and development planning. This includes disaster risk reduction.

#### **Key message #3: several obstacles hamper better climate risk management**

- The humanitarian sector is overwhelmed by the rising number of disasters, and therefore often lacks the capacity for longer-term planning and linkages to development.
- Incentives, including financial ones, often favor disaster relief over risk reduction.
- Many governments and donor agencies treat climate change, disaster relief, and general development planning as isolated issues.

#### **Key message #4: partnerships are key**



- In order to address these obstacles, partnerships are key: between government departments, science agencies, civil society, the private sector, including the financial sector, and vulnerable communities.
- National Red Cross and Red Crescent Societies can foster such dialogues.

**Key message #5: resource allocation for climate risk reduction needs to prioritize the most vulnerable people**

- OECD countries are now spending billions a year on adaptation to climate change, dwarfing the limited funding available to reduce the risks facing the most vulnerably people in the poorest countries, who have contributed the least to the root causes of climate change.
- Flexible, focused and transparent international funding mechanisms are needed to address this inequity. Besides the adaptation funds discussed at the UNFCCC COP starting next week in Bali, this could also include a Global Fund similar to the Global Fund to fight AIDS, Tuberculosis, and Malaria.

**Key message #6: we need to start addressing climate risks as of today**

- Addressing the humanitarian consequences of climate change is not rocket science - we know how to start, as reflected in the Red Cross/Red Crescent Climate Guide.
- All that is needed now is true cooperation and willingness to stand up to the global humanitarian challenge of climate change.