Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 11608
05 May 2008

Activities of the International Committee of the Red Cross (ICRC)

Report
Committee on Migration, Refugees and Population
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Summary

The report gives an overview of the main areas of the ICRC's activities, in particular in Europe, between 2002 and 2008 and evaluates the new challenges reflected in the institutional strategy of the organisation from 2007 to 2010.

It pays special attention to the ICRC's efforts in protecting migrants, refugees, internally displaced persons and its activities in favour of missing persons.

The report encourages the ICRC to continue its participation in the institutional and operational humanitarian co-ordination with other humanitarian organisations and to promote further its co-operation with Red Cross and Red Crescent national societies.

As regards co-operation with the Council of Europe, the report calls for developed co-operation in particular in fields such as conditions of detention, humanitarian assistance for people affected by armed conflict and other situations of violence (including refugees and internally displaced persons – IDPs) and solving the issue of missing persons in Europe and the promotion, dissemination and national implementation of international humanitarian law.

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A. Draft resolution

1. The International Committee of the Red Cross (ICRC) was established in 1863 and is at the origin of the International Movement of the Red Cross and Red Crescent (the Movement).

2. It is an impartial, neutral and independent organisation with an exclusively humanitarian mandate to protect the lives and dignity of victims of war, armed conflict and internal violence and to provide them with assistance. It directs and co-ordinates international relief activities conducted by the Movement in situations of conflict. It also seeks to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles.

3. The ICRC has an international legal mandate under the Geneva Conventions of 1949 and the Additional Protocols of 1977 to visit prisoners, organise relief operations, reunite separated families and to undertake other humanitarian activities during armed conflicts. It also has a mandate under its statutes to undertake similar work in situations of internal violence where the Geneva Conventions do not apply.

4. The ICRC has a dedicated staff of over 12 000 persons worldwide, maintaining a presence in 80 countries around the world and helping millions of persons affected by armed conflict and other situations of violence. It is generously supported by European states, in particular by Belgium, Denmark, France, Germany, Italy, the Netherlands, Norway, Sweden, Spain, Switzerland and the United Kingdom.

5. International humanitarian law (IHL) remains as relevant today in international and non-international armed conflicts and it remains imperative to provide protection for all victims on all sides of armed conflict.

6. The Parliamentary Assembly welcomes the universal ratification of the 1949 Geneva Conventions and the entry into force of Protocol III additional to these Conventions on 14 January 2007. It also expresses the hope that all international humanitarian law treaties will achieve universal acceptance.

7. The Assembly further welcomes the progress made in the implementation of international humanitarian law and acknowledges the importance of taking measures at all levels to achieve its effective implementation, dissemination and enforcement. Therefore, the Assembly recommends to the Council of Europe member states to:

7.1. actively support the work of the ICRC and its Advisory Service on international humanitarian law aimed at assisting states to accede to and implement international humanitarian law treaties;

7.2. encourage partnerships and synergies in the implementation, dissemination and development of international humanitarian law with other countries, international and regional organisations, the ICRC, National Red Cross and Red Crescent Societies and their International Federation, academic institutions and non-governmental organisations;

7.3. strengthen the efforts to enforce international humanitarian law at the domestic and international levels, bearing in mind that impunity for crimes under international law is not acceptable and that victims' rights must be addressed in accordance with international law;

7.4. translate international humanitarian law in the conduct of military operations into military regulations and mechanisms;

7.5. provide ongoing in-depth training for armed and security forces personnel at all levels on the rules of international humanitarian law and their concrete application, including in the context of multinational peacekeeping operations.

8. The Assembly fully supports the ICRC's institutional objective for 2007 to 2010 aimed at adapting the ICRC's operational framework and activities in order to respond to the needs of the victims of armed conflicts and other forms of armed violence in the most timely and effective ways possible. The Assembly encourages the ICRC to:

8.1. further increase its focus on protection activities which can be best done by improving its financing;

8.2. continue its efforts to prevent enforced disappearances;

8.3. provide more support to governments to resolve the issue of persons unaccounted for as a result of armed conflict or internal violence, especially in the countries of former Yugoslavia and those in the Caucasus region;

8.4. further contribute to building and maintaining the capacity of National Red Cross Societies to promote international humanitarian law, the principles and humanitarian values of the International Red Cross and Red Crescent Movement and to consolidate the National Red Cross Societies' capacity to restore family links;

8.5. continue to participate in institutional and operational humanitarian co-ordination with other humanitarian organisations and adapt to new forms of co-ordination developed within the current UN humanitarian reform, while upholding the neutral and independent approach of the ICRC;

8.6. further promote international humanitarian law through education and, in particular, through the implementation of the project "Exploring humanitarian law" aimed at integrating international humanitarian law in the formal curricula of secondary schools around the world, as part of the basic education given to schoolchildren;

8.7. pursue work aimed at minimising the suffering of civilians due to landmines, cluster munitions and other explosive remnants of war;

8.8. continue its work on protection of migrants, refugees and internally displaced persons.

9. The Assembly recommends to member states of the Council of Europe and to the states whose parliaments enjoy observer status with the Parliamentary Assembly to:

9.1. ratify, if they have not done so, and fully implement, *inter alia*, the Additional Protocols to the Geneva Conventions of 1977 and 2005, the 2003 Protocol on Explosive Remnants of War, the 2000 Optional Protocol to the Convention on the Rights of the Child concerning the involvement of children in armed conflict, the International Convention for the Protection of All Persons from Enforced Disappearance, the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction;

9.2. create a domestic legal framework for the investigation and prosecution of crimes under international law, in particular war crimes, and for those states that have not yet done so, ratify the statute of the International Criminal Court;

9.3. support the development of legally binding rules to end the suffering of civilians caused by cluster munitions and participate in the ongoing work to achieve this in the context of the Oslo Process and the Convention on Conventional Weapons and examine possible measures at the national level to prevent the use of cluster munitions by armed forces;

9.4. support the adoption of an international humanitarian law treaty on the prohibition of cluster munitions, as advocated by the ICRC;

9.5. enact the necessary legislation implementing international humanitarian norms and allocate the necessary financial resources for their implementation;

9.6. accord to ICRC personnel unconditional access to persons deprived of their freedom in order to monitor the well-being of detainees;

9.7. solve the problem of missing persons using the good office and experience of the ICRC;

9.8. protect cultural property from the effects of armed conflicts;

9.9. provide ICRC with financial support for its onward going activities and its future monetary appeals;

9.10. integrate education on international humanitarian law in the formal curricula of secondary schools as part of the basic education of schoolchildren;

9.11. promote knowledge of the ICRC and its activities;

9.12. promote the independence and auxiliary role of the Red Cross and the Red Crescent National Societies;

9.13. adopt measures on the use and protection of the distinctive emblems and signs of the Red Cross Movement recognised under the Geneva Conventions and their protocols.

B. Draft recommendation

1. The Parliamentary Assembly refers to its Resolution... (2008) on the activities of the International Committee of the Red Cross (ICRC) and invites the Committee of Ministers to take into account the ideas and proposals contained therein.

2. The Assembly recommends that the Committee of Ministers:

2.1. support the ICRC in its work on monitoring conditions of detention;

2.2. co-operate with ICRC on promoting humanitarian assistance for persons affected by armed conflict and other situations of violence (including refugees and internally displaced persons);

2.3. contribute to solving the issue of missing persons as a result of armed conflict and other situations of violence in Europe;

2.4. promote the dissemination and national implementation of international humanitarian law.

3. The Assembly furthermore asks the Committee of Ministers to instruct the Steering Committee for Education (CDED) of the Council of Europe to examine ways to support the ICRC in their efforts to include knowledge about international humanitarian law in the school curriculum under the “Exploring Humanitarian Law” Project of the ICRC.

C. Explanatory memorandum, by Mr Hancock

1. Introduction

1. The Committee on Migration, Refugees and Population of the Parliamentary Assembly of the Council of Europe actively co-operates with the International Committee of the Red Cross in various areas of its activity. The present report was initiated by the rapporteur with the aim of attracting the attention of Assembly members, the Committee of Ministers and the Council of Europe member states to the new challenges facing the ICRC and the necessity to strengthen co-operation between the Council of Europe and the ICRC, in particular in fields such as conditions of detention, humanitarian assistance for people affected by armed conflict and other situations of violence (including IDPs and refugees) and solving the issue of missing persons in Europe.

2. In the framework of the preparation of this report, your rapporteur made a fact-finding visit to the headquarters of the ICRC where he met the President of the ICRC, Mr Kellenberger, and other responsible officials. The committee also held a number of exchanges of views with the representatives of the International Federation of the Red Cross and Red Crescent and European national societies.

3. The rapporteur expresses his gratitude to the ICRC secretariat for their assistance in the preparation of this report and their constant active involvement in the work of the Committee on Migration, Refugees and Population.

2. Fundamental principles of the ICRC: impartiality, neutrality, independence

4. The ICRC is a component of the International Red Cross and Red Crescent Movement, which also includes the national Red Cross and Red Crescent societies and the International Federation of the Red Cross and Red Crescent Societies.

5. All the components of the Movement act in accordance with the three fundamental principles of impartiality, neutrality and independence, which are the result of a century of experience and guarantee the continuity of the Movement and its humanitarian work.

i. Impartiality

6. When carrying out its activities, the ICRC makes no discrimination as to nationality, race, religious belief, class or political opinion. It endeavours only to relieve suffering, giving priority to the most urgent cases of distress.

ii. Neutrality

7. In order to continue to enjoy the confidence of all, the ICRC may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

iii. Independence

8. The Red Cross is independent. The national societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the Red Cross principles.

iv. Mandate

9. The mandate of the ICRC is based on international humanitarian law, in particular the four Geneva Conventions (1949) and their three additional protocols (1977 and 2006). The main mission of the organisation is to protect and assist the civilian and military victims of armed conflicts and internal disturbances, on a strictly neutral and impartial basis, and to promote compliance with international humanitarian law. The ICRC is also called by its mandate to prevent suffering by promoting and strengthening international humanitarian law (IHL) and universal humanitarian principles.

10. The ICRC must always adapt to the realities of a given situation and to the people it is helping, whether they are persons deprived of their liberty, wounded, sick or displaced persons or resident populations. In meeting their needs, the ICRC makes sure, at all times and in all places, that its humanitarian action is impartial. Moreover, its neutral and independent approach facilitates the ICRC’s access to persons in need.

By not taking sides between parties to a conflict, the ICRC improves the chance of bringing protection and assistance to those in need. It is a real challenge to ensure that this identity is clearly perceived and respected by all concerned, especially belligerents. This identity produces tangible benefits for the victims.[1]

11. The ICRC's international legal status is recognised by the international community based on its international mandate conferred upon it by treaties of international humanitarian law. This is further supported by the fact that the ICRC enjoys observer status at the United Nations.

12. Under international law, the ICRC has been accorded a special right to refrain from providing evidence. This right is expressly referred to in the Rules of Procedure and Evidence of the International Criminal Court and was confirmed by the International Criminal Tribunal for the former Yugoslavia (ICTY) when, in its decision of 27 July 1999, in the case *Prosecutor v. Simic et al.*, the ICTY ruled that the ICRC's absolute privilege to withhold its confidential information was a matter of customary international law.[2]

13. Being independent of affiliation with any state, the ICRC is a part of the International Red Cross and Red Crescent Movement. The International Conference of the Red Cross and Red Crescent determines the ICRC's statutory authority to offer services or intervene in armed conflicts.

v. Emblem

14. The Red Cross and Red Crescent emblems are universally recognised symbols of assistance for the victims of armed conflicts and natural disasters. In use since the 19th century, these emblems unfortunately do not always enjoy the respect to which they are entitled as visible signs of the strict neutrality of humanitarian work. Moreover, certain states find it difficult to identify with one or the other.

15. To resolve these issues, the states parties to the Geneva Conventions adopted a third additional protocol to the conventions at the diplomatic conference in December 2005 establishing the red crystal.

3. ICRC operational activities

16. Today, the ICRC is working in over 80 countries. Its 800 headquarters staff members, 1 500 expatriates in the field and 11 000 national staff members help millions of people affected by armed conflict and other situations of violence.

17. In accordance with its mandate to protect and assist these affected populations, the ICRC carries out its work on the basis of needs.

18. The year 2007 was a significant one for the ICRC in operational terms. The organisation started out with an overall field budget of €530.4 million and in the course of the year issued nine individual budget extensions amounting to an additional €77 million. Throughout the year, the ICRC combined its commitment to alleviate human suffering resulting from longstanding, often neglected, crises such as those in the Central African Republic, Colombia, Haiti, the Philippines, Somalia and Yemen with responses in higher-profile conflicts such as Afghanistan, Iraq and the occupied territories/autonomous territories, Sri Lanka and Sudan.[3]

i. Main areas of activities

a. Protection

19. Protection activities lie at the heart of the ICRC's mandate and seek to ensure that the parties to a conflict meet their obligations and that the rights of individuals under international humanitarian law and other fundamental norms are respected. They cover all activities designed to ensure the protection of victims of armed conflicts and other situations of violence.

1. "Challenges faced by ICRC and international humanitarian law (IHL)", Speech delivered by Dr Jakob Kellenberger, President of the ICRC, at Georgetown University, Washington, 19 October 2006.
2. "The ICRC privilege not to testify: confidentiality in action", by Gabor Rona, 28 February 2004, ICRC.
3. "Overview of Operations 2008", introduction by the Director of Operations, pp. 6-12.

20. Protection activities comprise:

– protection of the civilian population, that is, individuals and groups not, or no longer, taking part in conflict or violence, notably persons or groups exposed to specific risks such as children, women, the elderly, the handicapped and displaced persons (this includes monitoring the compliance by all parties to the conflict with their obligations under international humanitarian law and other relevant instruments and enhancing such respect through confidential actions);

– protection of persons deprived of their liberty, particularly those detained in connection with an armed conflict or other situation of violence;

– restoring or maintaining links between members of families separated from each other and unable to establish contact by themselves, with priority given to children separated from their parents and other vulnerable groups and persons;

– clarifying the fate of people missing as a result of an armed conflict or other situation of violence.

Detention

21. Prison visits and re-establishing contact between detainees and their families is a core activity of the ICRC. In 2006, the ICRC visited or assisted close to half a million people in more than 2 500 places of detention. It enabled families to keep in touch with their loved ones through the collection or distribution of more than 630 000 Red Cross messages.[4] In the Balkan region, the ICRC has regularly facilitated family prison visits from Serbia to Croatia since 1997, as a lack of complete travel documents, as well as security and financial concerns, make it difficult for most families to visit their relatives in prison, especially abroad. In many countries, delegates continue to monitor the conditions of detention of people detained for security reasons, such as those held in connection with past conflicts in the former Yugoslavia. After conducting private interviews with the detainees, the ICRC submits confidential reports to the authorities containing, where necessary, recommendations for improving treatment and living conditions.

Missing persons

22. In late 2001, the ICRC launched the “Missing” project to heighten awareness of both the tragic fate of people who are unaccounted for as a result of armed conflict and other situations of violence and of the anguish suffered by their families. The 28th International Conference of the Red Cross and Red Crescent (2003) adopted the Agenda for Humanitarian Action, which provided concrete objectives to be achieved by the states and the Movement between 2004 and 2008 in order to prevent disappearances and to respond to the needs of the families left behind.

23. The ICRC expanded its activities in favour of missing people by offering legal advice to the governments concerned on how to legislate in favour of the families of the missing so that the legal obstacles caused by the absence of a missing person can be overcome, allowing families to get on with their lives.

24. It was actively involved in the development of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted in December 2006 by the United Nations General Assembly.[5]

25. The ICRC carried out specific activities to address the problem, particularly in the countries of the former Yugoslavia and those of the Southern Caucasus. Some activities focused directly on measures to clarify the fate of persons unaccounted for, such as technical support in the handling of human remains and the collection of ante-mortem data. Others involved the provision of support to the families of missing persons to help them cope with the situation, either directly, by enabling them to travel to exhumation sites to identify their relatives, or indirectly, by providing technical and financial assistance to family associations and advocating recognition of their legal and administrative rights.

Women

26. The ICRC made substantive progress in addressing the specific needs of women and girls and protection of their rights, with particular focus on sexual violence. For example, it supports health centres and provides counselling to victims of sexual violence.

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4. Ibid., p. 9.
5. “Protection and central tracing agency: extract from ICRC Annual Report 2006”, 1 June 2007, Annual Report, ICRC.

b. Assistance

27. The ICRC runs assistance activities aimed at preserving or restoring acceptable living conditions for people affected by armed conflicts or other situations of violence. Vital measures include convincing the authorities to end specific patterns of abuse and alleviating suffering by providing material or medical assistance.

28. Assistance activities consist of ensuring economic security, access to food, water and other vital necessities and to restoring satisfactory hygiene conditions. They also include health-related activities by providing people affected by conflict with appropriate preventive and curative health care.[6]

29. A lot of attention is paid by the ICRC to physical rehabilitation projects designed to provide physically disabled people with prosthetic/orthotic appliances.

c. Prevention

30. Preventive activities receive more and more attention inside the organisation. They seek to ensure that the ICRC's mandate and activities are accurately projected to a range of audiences throughout the world and to promote more widespread respect for international humanitarian law. Particular emphasis is placed on ensuring that key messages of humanitarian concern are communicated to those who can help or hinder ICRC action, or influence the fate of victims of armed conflicts and other situations of violence. The aim is to strengthen the ICRC's ability to gain access to and help those most in need. The ICRC engages in both public communication, in order to mobilise key stakeholders to act on pressing humanitarian issues, and operational communication in order to gain acceptance for its work and access to victims. It also carries out a range of preventive actions which aim to ensure that international humanitarian law is integrated into armed forces doctrine, education and training and into the curricula of schools and universities.

31. In addition, a range of activities are aimed at the promotion of international humanitarian law and the promotion of measures to restrict or prohibit the use of weapons that have indiscriminate effects or cause superfluous injury or unnecessary suffering.

32. The ICRC places strong emphasis on its work to promote the universal ratification of humanitarian treaties and their adoption at national level.

33. One of the key components of preventive activities is the communication strategy of the ICRC. It tries to enhance awareness and understanding of IHL by the general public. One of the best examples of this strategy is its youth education programme "Exploring humanitarian law". It also supports academic institutions in promoting IHL and international exchange of IHL experiences.

34. As stated above, the ICRC has also made substantive progress in addressing the specific needs of women and girls and protection of their rights, with particular focus on sexual violence.

Mine action and cluster munitions

35. The ICRC actively implements preventive mine action activities in countries affected by anti-personnel mines. In Europe, 11 countries could be considered as affected, among them several Balkan countries which suffer from important anti-personnel mine contamination.

36. Mine action activities are planned and implemented in close co-operation with national societies and national authorities. Great progress has been achieved by the ICRC in preventive mine actions in Europe due to mine risk education and mine clearance activities. Some countries have put in place national mine action plans. It is very important to continue to ensure the necessary human and financial resources for these actions.

6. In 2006, ICRC delegates visited some 478 000 people deprived of their freedom in 71 countries; ICRC water, sanitation and construction projects catered for the needs of around 16 million people; the ICRC supported hospitals and health care facilities serving some 2.3 million people; it also distributed relief items to about 4 million people, food aid to 2.6 million people and helped a further 3.4 million people through sustainable food-production and micro-economic programmes. Some 30% of ICRC's operational activities are carried out in co-operation with national Red Cross and Red Crescent societies.

37. The ICRC attaches special importance to the issue of the tragic impact on civilian populations of cluster munitions. Cluster munitions are large weapons that open in mid-air and scatter widely in smaller submunitions, which usually number in the dozens or hundreds. Such weapons were used in Laos, Afghanistan, Iraq, Chechnya, Kosovo, Lebanon and in the Ethiopia-Eritrea conflicts. But unlike landmines, which were in the hands of all armed forces, relatively few states currently possess cluster munitions.

38. The ICRC therefore came up with an initiative for a new international treaty to prohibit this kind of weapon. Such a treaty should prohibit the use, development, production, stockpiling and transfer of inaccurate and unreliable cluster munitions. It should require the elimination of current stocks of these cluster munitions and should provide assistance for victims and minimise the impact on the civilian population.[7]

39. Before adoption of this treaty, the ICRC has called on all states to immediately end the use of such weapons and to refrain from transferring them to others. Austria, Belgium, Hungary and Norway have already supported this initiative.

ii. Activities concerning issues of internally displaced persons (IDPs), refugees and migration

a. IDPs

40. IDPs are of primary concern to the ICRC. Internal displacement is mainly due to armed conflicts and other situations of violence. Consequently, as part of the civilian population affected by such events, IDPs are entitled to the ICRC's support. Due to the severity of their needs and their often greater vulnerability, IDPs may in many contexts be the object of more attention from the ICRC. This has led the organisation to increasingly intervene in order to prevent displacement, addressing its causes, supporting and protecting the IDPs and ensuring their safe and sustainable return.

41. In 2001 the Council of Delegates of the International Red Cross and Red Crescent Movement adopted a resolution on "Movement action in favour of refugees and internally displaced persons". Since the adoption of the resolution, the ICRC has been actively involved in protection and assistance activities for IDPs and to some extend for refugees.

42. In January 2002, in co-operation with the secretariat of the International Federation of Red Cross and Red Crescent Societies, the ICRC started work on the Movement's position as regards co-operation with the Office of the United Nations High Commissioner for Refugees (UNHCR) ensuring that activities for refugees and IDPs are carried out in line with the fundamental principles and policies of the Movement.

43. As regards protection activities, the ICRC persuades the parties to the conflict, through confidential dialogue, to fulfil their obligations not to displace civilian populations or commit other violations of the law that would result in displacement. It also intervenes as a neutral intermediary between parties to the conflict in order to facilitate the conclusion of agreements aimed at resolving humanitarian issues.

44. Through its assistance activities, the ICRC tries to preserve and restore acceptable living conditions and enable IDPs to maintain adequate living conditions by providing food, water, farming tools, restoring family links and implementing mine-action programmes. These activities are carried out in close co-operation with the national Red Cross or Red Crescent societies.

45. In 2006, the ICRC distributed food to more than 2.6 million IDPs, returnees and vulnerable residents and households, and hygiene items to more than 4 million, while 3.4 million people benefited from sustainable food production programme or micro-economic initiatives.

46. One of the remarkable examples of the work of the ICRC for IDPs is its actions in Sudan among the affected population in the Darfur region. In 2006, the ICRC distributed over 19 million tonnes of food to a monthly average of 177 000 residents and IDPs in rural areas and in the Gereida IDP camp.

b. Refugees

47. Concerning refugees, the ICRC works primarily in co-operation with the UNHCR which has a specific mandate for protection of this vulnerable group. Nonetheless, its own activities in favour of refugees are considerable.

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7. "The ICRC's position on cluster munitions and the need for urgent action". Statement to Geneva diplomatic missions by Mr Jakob Kellenberger, President of the ICRC, 25 October 2007.

48. For instance, in Chadian refugee camps, the ICRC has set up offices (managed by refugee volunteers) which try to reunify families scattered in different locations across Darfur or along the Chadian border using Red Cross messages. In 2006, it forwarded 8 800 Red Cross messages. For 554 people (especially unaccompanied children) it became possible to communicate with their families and 30 families have been reunited thanks to the ICRC's efforts. The ICRC is helping 50 000 IDPs with access to water, shelter and non-food items, and with programmes supporting self-sufficiency and health care facilities.

c. Migration

49. Migration was one of the key themes of the recent 30th International Conference of the Red Cross and Red Crescent, meeting in Geneva from 26 to 30 November 2007. The outcome document, the declaration "Together for Humanity", adopted by the components of the Movement and the states parties to the Geneva Conventions, recognised the particular vulnerability and needs of migrants, irrespective of their legal status. While acknowledging that the prime responsibility of addressing migrants' humanitarian needs lies with the state, the role of the Movement based on its considerable experience was underlined.

50. The ICRC has a specific role to play in the protection of migrants. As a co-ordinator and technical adviser in the field of restoring family links, the ICRC provides technical services to national societies on matters including disappearance of migrants and the management of human remains. In addition, it has given technical support to national societies involved in providing services to detained migrants. On the basis of this work, the ICRC Protection Division is currently drafting guidelines for national society visits to detained migrants.

51. As part of its commitments in the field of migration, the ICRC actively participates as an observer in the platform for European Red Cross/Red Crescent co-operation on refugees, asylum seekers and migrants.

4. New challenges reflected in the ICRC activities: 2007-2010 institutional strategy

52. If the nature, the number and the intensity of armed conflicts may vary depending on the time and the regions considered, they still affect millions of persons worldwide. In the past years, the ICRC had to face and respond to increasingly diverse crises and consequently adapt its operations and institutional strategies to these new challenges.

53. In its institutional strategy for 2007-2010 the ICRC defined four main global challenges as regards the crisis situations and the position of the organisation on these problems.

i. Global war on terrorism

54. The ICRC strongly condemned acts of violence which spread terror among the civilian population. It has responded to a growing variety of crisis situations provoked by indiscriminate attacks, such as the emergency after the 11 September 2001 attacks in the United States of America, followed by confrontations in Afghanistan, Iraq and other regions in the Middle East, Africa and Asia.

55. These events have raised new challenges for the institution. The fight against terrorism has led to a reexamination of the balance between state security and individual protections. Specific aspects of the so-called "war on terrorism" amount to an armed conflict as defined under international humanitarian law. However, much of the ongoing violence taking place in other parts of the world that is usually described as "terrorism" does not fall under IHL.

56. Under the Geneva Conventions, the ICRC must be granted access to persons detained as a result of international armed conflicts such as in Afghanistan. This access applies both to persons detained in Afghanistan and at the United States naval base in Guantánamo Bay.

ii. Great variety of situations of internal violence

57. Situations of internal violence result in grave humanitarian consequences, in particular in "fragile states". In such contexts, poverty, increasing socio-economic disparities and important "urbanisation" trends contribute to outbreaks of armed violence and intensification of migration.

58. Present armed conflicts are very often provoked by pressure to ensure immediate access to or control over economic resources. The ICRC considers the development of a universal and professional humanitarian response to needs arising from armed conflicts as its major task. It can offer specific expertise and added-value which are based on an effective early warning system and a capacity to respond rapidly to needs and to adapt operations quickly on the basis of previous experiences.[8]

iii. Natural disasters and pandemics

59. The International Red Cross and Red Crescent Movement is involved in humanitarian assistance to the victims of natural disasters and pandemics which can provoke instability and armed conflicts.

iv. Problems in implementing activities

60. The ICRC's operational philosophy of working in the closest possible proximity to those it seeks to protect and assist requires the development and maintenance of a broad network of staff in the different contexts in which it operates and is based on the concept of highly decentralised security management. The way the ICRC is perceived and the extent to which it is accepted by all stakeholders is constantly monitored.

61. In 2007, the institution's role of neutral intermediary was reaffirmed in several contexts and it gained broad recognition of its independent and impartial approach.

62. Non-respect of IHL by parties to a conflict continues to be the main challenge for the ICRC in the implementation of its mandate to protect and assist victims of armed conflict and to promote IHL.

63. Problems of access in the field is a main challenge for the ICRC's operational activities. In many armed conflicts the fragmentation of non-state armed groups creates great problems for humanitarian workers in their access to victims of conflicts.

64. Security has a major impact on the ICRC's actions in the field and its capacity to respond to the needs of people. Lack of proper security guaranteed by the parties of the conflict can significantly reduce access to the victims of conflicts and therefore can limit the efficiency of the ICRC's activities.

5. Co-operation with national societies of the International Red Cross and Red Crescent Movement

65. The International Federation of Red Cross and Red Crescent Societies and 186 Red Cross and Red Crescent societies work very closely with the International Committee of the Red Cross and together compose the International Red Cross and Red Crescent Movement.

66. With the aim of ensuring a concerted, rational and rapid humanitarian response to the needs of the victims of armed conflict or any other situation of internal violence, the ICRC co-operates with national societies in four main areas: in operational activities during armed conflicts; in co-ordinating the Movement's components in situations of conflict or internal violence; in capacity building of national societies, by passing on the ICRC's expertise in the fields of promoting international humanitarian law and the Movement's fundamental principles, emergency aid and health care for those affected by conflict and in restoring family links and in developing and promoting the Movement's policies.

i. 30th International Conference of the Red Cross and Red Crescent: new priorities for the Movement

67. The 30th International Conference of the Red Cross and Red Crescent, which took place in Geneva from 26 to 30 November 2007 and gathered together some 1 500 representatives of the International Red Cross and Red Crescent Movement and states parties to the Geneva Conventions, focused on the humanitarian consequences of four great challenges facing the world today:

– environmental degradation and climate change;

– humanitarian concerns generated by international migration;

– violence, in particular in urban settings;

– emergent and recurrent diseases and other public health challenges.

8. "Emergency Appeals 2008", ICRC, pp. 7-10.

68. The Movement has a long record as a provider of first response to humanitarian emergencies, be they the result of natural disasters or of conflict. But it also prioritises the preparedness for disaster by seeking to improve individual and collective capacity to respond to humanitarian challenges induced by environmental degradation and climate change. As national societies are always first hand witnesses to the effects of environmental degradation they have a crucial role to play in raising awareness of the humanitarian dimension of the issue and the need for national and international policies to address the humanitarian consequences of climate change.

69. As regards humanitarian concerns generated by international migration, the conference stressed the important role of national societies in providing humanitarian assistance to vulnerable migrants, irrespective of their legal status.

70. In countries of origin, transit and destination, efforts have been recently initiated aimed at addressing the plight of people made vulnerable by migration, and human trafficking and exploitation in particular, whatever their legal status. The commitment includes not only material help, but also advocacy to combat discrimination against migrants and promote respect for human dignity.

71. Organised under the theme “Together for Humanity”, the five-day meeting also adopted several resolutions including on the specific nature of the relationship between national societies and their governments and on reaffirmation and implementation of IHL.

72. The conference also adopted a resolution concerning “Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance”. The guidelines allow the governments to solve legal problems before disaster strikes, instead of addressing them in the chaos following a crisis to ensure aid reaches victims more quickly and effectively.

ii. Dialogue with national societies

73. Within their own countries, national societies are autonomous organisations working with professional staff and trained volunteers. They carry out their humanitarian activities according to local needs, in line with their own statutes and subject to national law.

74. In situations of armed conflict, the ICRC, in close cooperation with the host national society, co-ordinates the response by the Red Cross and Red Crescent national societies and their international federation.

75. The ICRC contributes to building and maintaining the capacity of the national Red Cross/Red Crescent societies to promote international humanitarian law and the Fundamental Principles of the International Red Cross and Red Crescent Movement.

76. The ICRC’s Central Tracing Agency, based in Geneva, also consolidates the national Red Cross/Red Crescent societies’ capacity to restore family links as part of the worldwide Red Cross and Red Crescent tracing network. Furthermore, the ICRC assists the national Red Cross/Red Crescent societies in coping with other humanitarian activities, such as problems posed by the ever present risk of mines and explosive remnants of war.

6. The ICRC’s strategy for Europe

i. Relationship with the European Union (EU)

77. Since 1999, the ICRC has had a presence in Brussels in charge of the institution’s relationship with the European Union’s institutions and NATO.

ii. European Union guidelines on promoting compliance with international humanitarian law

78. During the 29th international conference, the member states of the European Union committed themselves to promoting international co-operation among all political, military and humanitarian actors with the objective of ensuring respect for international humanitarian law. As a follow-up to this commitment in 2005, the “Guidelines on promoting compliance with international humanitarian law (IHL)” were adopted by the General Affairs and External Relations Council of the EU.

79. The main purpose of this document is to set out the operational means of action for the European Union to promote compliance with international law.[9] Such actions include: monitoring by the EU bodies of situations within their areas of responsibility where IHL may be applicable and recommending actions to promote compliance with IHL; an assessment of the IHL situation in the reports by EU Heads of Mission, Commanders of EU Military Operations and EU Special Representatives about the given state or conflict; analysis of the applicability of IHL in background papers for the EU, where appropriate; the issue of compliance with IHL in dialogues with third states; emphasising the need to ensure compliance with IHL in general public statements; making démarches and issuing public statements when violation of IHL is reported; using sanctions against states and non-states involved in conflicts which violate IHL; co-operation with the United Nations and relevant regional organisations for the promotion of compliance with IHL; including the importance of preventing and suppressing violations of IHL by the third parties in the mandates of EU crisismanagement operations; encouragement of third states to enact national penal legislation to punish violations of IHL; and providing training and education in IHL in EU countries and in third countries.[10]

80. The European Union guidelines build on a wide range of prior commitments made by the EU and its member states in support of IHL.

iii. Operations in Europe

81. In the European region the ICRC remains actively involved in the quest to determine the fate of missing persons and deals with issues relating to people detained or gone missing in connection with previous conflicts. Another important task is to help to strengthen the national societies in the region and to promote greater knowledge of IHL among different actors. It continues to work with governments towards the ratification of IHL instruments and incorporation of their provisions into domestic legislation.

82. The Budapest regional delegation which covers 11 countries of central Europe concentrates its activities on the national implementation of IHL.

83. Through its delegation in Brussels, the ICRC implements its humanitarian diplomacy in relation to the European Union and NATO.

iv. Eastern Europe

a. Russia (Chechnya, Dagestan and Ingushetia)

84. As it stands, the ICRC in the Russian Federation is its seventh largest action worldwide in budgetary terms, after Sudan, Israel and the Occupied and Autonomous Territories, Iraq, Afghanistan, the Democratic Republic of the Congo (DRC) and Colombia.

85. The ICRC's regional delegation in Moscow covers the activities to assist and protect people affected by the conflict in Chechnya.

86. The ICRC maintains permanent offices in seven locations in the Northern Caucasus, including Grozny, Khasavyurt, Nalchik and Nazran, in addition to its regional delegation in Moscow.

87. An extended expatriate presence, especially in Chechnya, including in the southern part of the republic, has put the ICRC in a better position to monitor the situation of the civilian population. As the local authorities in Chechnya have begun to devote more attention to the problem of missing persons, the ICRC has developed contacts with official structures and organisations addressing the issue.

88. Families continue to approach the ICRC to report alleged arrests and disappearances in Chechnya, Dagestan and Ingushetia. The ICRC urges the authorities to investigate these reports and to inform the relatives accordingly. Contacts have been forged with the newly established Chechen parliamentary commission on missing persons and with organisations involved in addressing the issue of missing persons. Relatives separated by conflict continue to use the ICRC's Red Cross messages network to keep in touch, and refugees and asylum seekers are provided, on request, with documents to facilitate their resettlement in host countries.

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9. 7th European Regional Conference of the International Federation of Red Cross and Red Crescent Societies, 20 May 2007, Official Statement by Jakob Kellenberger, President of the ICRC.

10. "Guidelines on promoting compliance with international humanitarian law (IHL)", Brussels, 5 December 2005, Council of the European Union, Reference COJUR 6CONUN 33PESC 1097.

89. The organisation is developing a steady dialogue on the issue of missing persons with the authorities in the Russian Federation at all levels, and has made strong representations to national authorities and international organisations dealing with the issue in other contexts across the region.

90. The ICRC is also pursuing its dialogue and cooperation with the Commonwealth of Independent States (CIS) Interparliamentary Assembly on the drafting of a model law on the protection of the rights of missing persons and their families. A draft of the law was adopted at its first reading by the Assembly's Standing Commission on Social Policy and Human Rights.

91. Regular contact is maintained with the authorities and other humanitarian actors in order to ensure that the increasing numbers of Chechen IDPs returning to Chechnya do so on a voluntary basis and that conditions in places of return are adequate. In Dagestan and Ingushetia, over 22 000 IDPs continue to receive essential household items to cover their basic needs, including oil and sugar for food preservation. The number of beneficiaries in both Dagestan and Ingushetia has decreased over the years.

92. Rehabilitation of IDP centres has been carried out in co-operation with the Ingush branch of the Russian Red Cross.

93. Through micro-economic projects, households in Chechnya, Dagestan and Ingushetia receive in-kind grants from the ICRC enabling them to generate regular additional income and thus reduce their dependence on outside assistance. In all three republics, the number of planned projects has been revised downwards in order to ensure higher quality of those implemented. In all, 2 234 people (379 households) in Chechnya, 293 IDPs (67 households) in Dagestan and 1 144 IDPs (189 households) in Ingushetia have benefited from such projects.

94. The ICRC was unable to resume its visits to detainees in the Russian Federation in 2006. After suspending the programme in September 2004, it entered into negotiations with the Russian authorities in November 2004. Although the Russian authorities accepted the principle of ICRC visits to people arrested in relation to the conflict in Chechnya, no agreement was reached with respect to the ICRC's standard procedures. Nevertheless, between October and December 2007, the ICRC sponsored 110 family visits to detainees in the Russian Federation.

95. The Russian Red Cross, with the support of the ICRC and the international federation, provides emergency assistance, psycho-social counselling, legal advice and medical services to IDPs from Chechnya accommodated in regions outside the Northern Caucasus.

b. Ukraine (regional office for Belarus, Moldova, Ukraine)

96. The ICRC continues co-operation with the region's national societies focusing on restoring family links and disseminating information on IHL.

97. The tracing programme for detained migrants initiated in 2004 with the Ukrainian Red Cross Society has been extended from western Ukraine to three new provinces.

98. The ICRC maintains regular contacts with other agencies involved in issues pertaining to detained migrants. A joint evaluation has been made of the psychological needs of children affected by explosions in old Soviet ammunition depots in the south and plans have been made to set up a rapid response trauma unit in 2007.

99. In addition, 21 first-aid points run by the Crimean branch of the Ukrainian Red Cross Society, benefiting over 27 000 vulnerable Tatar returnees and isolated elderly people, have received medical supplies and emergency kits from the ICRC.

100. The second of four regional Restoring Family Links (RFL) conferences took place in Kyiv, Ukraine from 15 to 17 November 2006. Dr Ivan Usichenko, President of the Ukrainian Red Cross Society at this conference lamented the continued disruption of contacts between family members and the losses of the next of kin during wars and other emergencies. As a result, the Ukrainian Red Cross has chosen to intensify its network with other national societies such as the German Red Cross and the ICRC Central Tracing Agency.

v. Southern Caucasus (Armenia, Azerbaijan, Georgia)

a. Armenia

101. In 2006, ICRC President Jakob Kellenberger visited the Southern Caucasus and met the highest authorities in Armenia, Azerbaijan and Georgia. In Armenia, the main focus of the talks was on the fate of persons missing as a result of the Nagorno-Karabakh conflict. The impact of ongoing tensions between Armenia and Azerbaijan on the population living along the international border continues to elicit the ICRC's attention. Regular field missions enhance the organisation's already well-developed presence established through programmes conducted in partnership with the Armenian Red Cross Society. The ICRC continues to monitor the conditions of detention and treatment of people deprived of their liberty, in particular certain categories of detainees more vulnerable than others. It maintains its support to the Ministry of Justice in strengthening its medical services in prisons, especially the tuberculosis (TB) control programme, in relation to which the ICRC concentrates on building the capacity of the authorities in preparation for phasing out its involvement in 2008.

102. The ICRC continues to support the Armenian Red Cross Society in strengthening its capacity, particularly in IHL dissemination and tracing activities. It has also laid the groundwork for an operational partnership in the collection of ante-mortem data from the families of persons missing in connection with the Nagorno-Karabakh conflict.

103. The consolidation of the ICRC's list of persons missing in relation to the Nagorno-Karabakh conflict with that of the authorities continues through direct contacts with families. By the end of 2007, the ICRC's list of missing persons from Armenia, Azerbaijan and NagornoKarabakh totalled 4 176 names.

104. The Ministry of Justice, together with the ICRC, organised a first-of-its-kind workshop aimed at fostering dialogue between various ministries and nongovernmental organisations (NGOs) on issues related to health care and social and psychological support in places of detention. The ICRC continues to monitor the treatment of detainees, the preservation of contacts with their families and respect for basic judicial guarantees. Cooperation has been strengthened with international organisations such as the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe, as well as with civil society groups active in this domain and organisations providing legal counselling.

b. Azerbaijan

105. The Azerbaijani and Armenian State Commissions on Missing Persons pursue dialogue with the ICRC on the implementation of proposals outlined by the ICRC in its January 2005 memorandum.

106. Co-operation with the Red Crescent Society of Azerbaijan has been strengthened through operational partnerships in the "Safe play areas" programme and the preparation of ante-mortem data collection from the families of persons missing in connection with the NagornoKarabakh conflict.

107. The ICRC has reopened an office in Barda and has carried out regular field missions close to the front line in order to better understand the situation faced by populations affected by conflict. In general, communities welcome the ICRC's return, especially in respect of its efforts on behalf of the families of missing persons and the tangible support provided through the "Safe play areas" programme.

108. The number of refugees/asylum seekers in Azerbaijan requesting travel documents to resettle in third countries has fallen sharply in 2006, with only 18 people requiring this service. Indeed, many Afghan refugees, who made up around half of the beneficiaries in 2004 and 2005, have now left Azerbaijan. Additionally, stricter rules are being applied in countries of resettlement, especially regarding Chechen asylum seekers.

c. Georgia

109. The ICRC continues to provide assistance and protection to the population in the conflict zones of Abkhazia and South Ossetia through a permanent presence in Sukhumi, Gali, Zugdidi and Tskhinvali. In light of its observations of the effects of the conflict on the civilian population, the organisation reminds the authorities of their obligations under IHL. With the improved security in 2006, the ICRC has been able to reach all the communities in Gali for the first time in over five years and extend its presence in South Ossetia.

110. More than twelve years on, some 2 000 people remain unaccounted for in relation to the conflict in Abkhazia and about 120 in relation to the conflict in South Ossetia. The ICRC submitted a position paper to the Georgian and de facto Abkhaz presidents highlighting six priority areas to be worked on to resolve cases

of missing persons. The authorities from both sides have expressed a renewed interest in finding solutions. Scant progress in ascertaining the fate of the missing has, however, been offset by the reappointment of a Commission on Missing Persons in Georgia, the drafting of new statutes for the commission in Abkhazia and working sessions with both commissions. The ICRC has facilitated two missions to Georgia, including one to Abkhazia, of the special rapporteur of the Parliamentary Assembly of the Council of Europe on missing persons in Armenia, Azerbaijan and Georgia.

111. In 2007, the ICRC pursued its visits to detainees in Georgia, including to Abkhazia and South Ossetia, individually monitoring people arrested for security reasons. Most arrests were linked to the tensions between Georgia and the Russian Federation, as well as to the elections that took place in South Ossetia and Georgia. In 14 places of detention, 15 983 detainees were screened for active tuberculosis. The ICRC implemented renovation projects in various detention facilities, in order to improve the delivery of health care and detention conditions.[11]

vi. Balkans

112. Throughout the territory of the former Yugoslavia there remain close to 19 000 missing persons, most of them in Bosnia and Herzegovina, whose fate remains unknown to their families. In Serbia, 1 440 persons are still unaccounted for, following the conflicts in Bosnia and Herzegovina, Croatia and Kosovo. The ICRC continues to address the authorities throughout the region, urging them to fulfil their responsibilities in providing answers to families and speeding up the search for the mortal remains of their loved ones.

113. In Bosnia and Herzegovina, the ICRC continues to try and help determine the fate of nearly 15 000 people still registered missing from the war and to provide moral and practical support for their families. Working independently, but in close co-ordination with the authorities and international organisations, the ICRC's aim is for the families of the missing to receive the answers to which they are entitled under international humanitarian law.

114. The ICRC also works closely with the national Red Cross society, supporting its efforts to strengthen its structures and activities. One of the main operational programmes supported by the ICRC helps high-risk communities to take measures to prevent casualties caused by mines and other unexploded devices.

115. In 2006, the ICRC provided the authorities of Bosnia and Herzegovina with technical and legal assistance in drafting the bylaws required to implement the Law on Missing Persons and with training in running the Missing Persons Institute.

116. In Croatia, the ICRC continues its activities in examining the fate of missing persons in connection with the conflicts in Croatia between 1991 and 1995. In 2006, a total of 154 ante-mortem data forms that had been collected in Bosnia and Herzegovina, Montenegro and Serbia by national societies in other countries were transmitted by the ICRC to the Croatian Department for Detained and Missing Persons. Coming mostly from Montenegro or Serbia, families attended two identification sessions organised in Zagreb with the ICRC's support concerning people who went missing or were killed in Croatia between 1991 and 1995. As a result, 36 bodies were identified. Five families that could not identify their missing relatives by traditional methods requested DNA analyses. Seven families received assistance to bury their relatives in their native villages in Croatia. Taking into account the current situation and the capabilities of the Croatian Red Cross, the ICRC transferred responsibility for files on missing persons to the national society, effective as of 2007.

117. The ICRC mission in "the former Yugoslav Republic of Macedonia" continues to visit people detained in relation to the conflict and for security reasons. The ICRC supports the Macedonian Red Cross in its work to trace missing persons, promote knowledge of international humanitarian law and raise awareness among the civilian population of the danger of mines and other explosive remnants of war.

118. The ICRC closed its office in Tirana in 2004 but, through its mission in Skopje, it continues to support the Albanian Red Cross in various activities; these include efforts to raise awareness among the civilian population of the danger of mines and other explosive remnants of war.

119. In Serbia, following a year-long stalemate, the ICRC, acting as a neutral intermediary, chaired the second meeting of the working group on missing persons between Kosovo and Serbian authorities in March 2005. Nearly 3 000 persons remain unaccounted for following the events in Kosovo between January 1998 and December 2000.[12]

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11. . "ICRC activities in Georgia: January to November 2007", 14 December 2007, Operational update, ICRC.
12. 1. See www.reliefweb.int/rw/rwb.nsf/db900SID/VBOL-6BDF8E.

120. To draw attention to the problems of the families of the missing, the ICRC in Belgrade has published a legal study suggesting changes in local legislation and legal practice. It also advises authorities on how better to inform the families of their rights under the law. The ICRC has also been publishing regular updates of *The Book of the Missing* used by concerned organisations and authorities.

121. In late 2004, the ICRC organised workshops in Serbia and Montenegro to help about 250 families with relatives missing due to the conflicts in the region. In addition to receiving moral and psychological support, the families learned how to deal with the social, administrative and legal problems they face. The management of these workshops has now been handed over to associations regrouping the families. The ICRC continues to chair the working group on missing persons in Kosovo and the sub-working group on forensic issues and to promote the legal and administrative rights of families of missing persons in Serbia and in Montenegro.

122. In 2006, the ICRC organised the 2006 Jean Pictet moot court competition and a national IHL moot court competition in Serbia and welcomed the decision taken by Serbia to integrate the "Exploring humanitarian law" programme into the school curricula.

123. In February 2006, the state commissions on missing persons of Serbia and Montenegro and Croatia met for the first time in two years, exchanging lists of missing persons and agreeing on a schedule for exhumation work.

124. In Kosovo, the ICRC funds the work of psychosocial support groups for families with missing relatives. In 2004, the ICRC sponsored 10 small-scale support group projects, benefiting about 150 families.

125. At the end of 2004, five years after the conflict in Kosovo, the ICRC phased out direct assistance programmes to IDPs in Serbia.

126. In Kosovo, throughout 2004, the ICRC repeatedly drew the attention of local and international authorities concerned to problems faced by minority communities in terms of their security, access to health care and living conditions in displacement. Some 2 500 IDPs, who left their homes following riots in March 2004, were assisted with food and/or essential household items during the year.

127. In December 2004, the ICRC ended its involvement in a three-year pilot project, undertaken with the Health Ministry, to meet the primary health care needs of Kraljevo municipality, which has the country's highest concentration of IDPs, refugees and social hardship cases. The project aimed to develop a sustainable primary health care system with an emphasis on the needs of IDPs and vulnerable groups.[13]

128. In 2006, actual or perceived insecurity remained a major concern of minority communities in Kosovo, whether residents, IDPs or returnees. Access to basic public services was difficult because of limited freedom of movement. Some 1 074 people (199 families) among the most vulnerable members of resident minority communities, IDPs and returnees received food and non-food items.

129. The ICRC conducted an assessment of the Kosovo Bosnian minority community in western Kosovo to identify their main concerns and find appropriate ways to address them.

130. In co-ordination with the Movement, international organisations and NGOs, the ICRC addresses the immediate basic needs of the most vulnerable social cases among minority communities.

131. The ICRC representatives visit forced returnees from western countries to assess their basic needs and main concerns, with specific cases referred to the relevant authorities.

7. Relations between the ICRC and the Council of Europe

i. Co-operation with the Assembly

132. The ICRC actively participates in the work of the Parliamentary Assembly of the Council of Europe, in particular through close co-operation with the Committee on Migration, Refugees and Population.

133. The ICRC representatives regularly attend the committee's meetings as observers and keep its members up to date on the ICRC's activities. At the same time the committee has the benefit of the ICRC's experience and information both in preparing reports and at hearings and conferences.

13. From www.reliefweb.int/rw/rwb.nsf/db900SID/VBOL-6BDF8E.

134. In July 2004, the Parliamentary Assembly adopted Resolution 1414 (2004) and Recommendation 1685 (2004) on persons unaccounted for as a result of armed conflicts or internal violence in the Balkans, which was the result of a very effective co-operation with the ICRC in researching the situation of missing persons in the Balkans.

135. The president of the ICRC was invited to have an exchange of views with the Committee on Migration, Refugees and Population on the occasion of the Parliamentary Assembly Seminar on the Establishment of the Centre for European Nations' Remembrance under the auspices of the Council of Europe (Geneva, November 2004).

136. The Assembly also adopted Resolution 1553 (2007) and Recommendation 1797 (2007) on missing persons in Armenia, Azerbaijan and Georgia from the conflicts over the Nagorno-Karabakh, Abkhazia and South Ossetia regions, in which it recognised the key role played by the ICRC in working with the parties to the conflict in the region, assisting them in solving the issue of missing persons.

137. In its latest Resolution 1570 (2007) on the humanitarian crisis in Darfur, the Assembly reiterated its support for the ICRC in its efforts to save the lives of thousands of people in the Darfur region.

ii. Co-operation with other Council of Europe bodies

138. The representatives of the ICRC participate in the high-level tripartite meetings between the Council of Europe, United Nations Office in Geneva and the OSCE, in order to exchange information and to promote co-ordination of activities of common concern.

139. In October 2003, the Committee of Ministers of the Council of Europe granted the ICRC observer status to the Committee of Experts on Terrorism (CODEXTER) and to the Committee of Legal Advisers on Public International Law (CAHDI).

140. On the occasion of the 28th meeting of the CAHDI (13-14 September 2004) the President of the ICRC, Mr Kellenberger, was invited as a special guest.

141. The ICRC also participated in the Council of Europe's Steering Group on Prison Reform in Georgia in September 2004.

142. Lastly, it is worth noting that an institutional working relationship has been established with other Council of Europe organs, including the Office of the Commissioner for Human Rights, the Committee of Ministers and the European Court of Human Rights.

8. Evolution of the ICRC budget

143. The ICRC is funded by contributions from the states parties to the Geneva Conventions (governments); national Red Cross and Red Crescent societies; supranational organisations (such as the European Commission); and public and private sources. All funding is voluntary.

144. The ICRC does not wait to receive funds before it responds to urgent needs in the field and counts on the goodwill of its contributors to provide the funds as quickly as possible. The six main donors of the organisation are the United States of America, the United Kingdom, the European Commission, Switzerland, the Netherlands and Sweden.

145. At the end of each year the ICRC launches two budget appeals, for headquarters and the field, to cover the coming year.

146. The year 2003 was a significant one for the ICRC in operational terms. The organisation started out with an overall field budget of CHF 959.8 million and in the course of the year it received an additional CHF 149.9 million.

147. Last year, in 2007, the organisation's overall field budget was CHF 843.3 million and in the course of the year it issued nine individual budget appeals amounting to an additional CHF 122.4 million.

148. In 2008, the ICRC budget has a record figure of CHF 932.6 million for field operations and CHF 161.5 million for support provided by the organisation's headquarters in Geneva. The top six donors of the organisation have not changed. The European Commission has, however, become the second most important donor after the United States of America. The contribution of the European Commission has significantly increased since 2002, when it contributed CHF 40.46 million compared to CHF 104.10 million in 2007.

149. Iraq will be the ICRC's largest humanitarian operation in 2008 at an extended cost of more than CHF 107 million to respond to the medical needs of people in the country and to aid a large number of displaced Iraqis. Other major expenditures will be for operations in Sudan, Afghanistan, Israel and the Occupied and Autonomous Territories, DRC and Colombia.

150. The overall budget of activities in Europe and the American region has decreased by 6% in comparison to the 2007 initial budget. This includes a significant reduction of 33% for the regional delegation in Moscow, a 32% reduction for the activities in Georgia and a 12% reduction for expenditure in the western Balkans. The decrease in the budget for the European region can be explained by the stabilisation of the situations in the region.

151. The increase in the overall field budget reflects a special focus of the organisation on protection and assistance to internally displaced persons.[14]

9. The ICRC's position on humanitarian co-ordination

152. The increased complexity of humanitarian crises, the diversification of the actors in conflicts and the major changes in the nature of conflicts demand more effective co-ordination between humanitarian organisations.

153. The ICRC strives continuously to tie its activities to the specific needs of the affected populations but cannot – and does not claim to – meet all these needs. Humanitarian co-ordination is thus a tool through which the ICRC systematically pools efforts with other humanitarian organisations. The kind of co-ordination in which the ICRC intends to take part must, on the one hand, aim to meet all the needs of those affected by conflict by promoting complementary roles among the various humanitarian organisations (avoiding duplication or gaps) and, on the other hand, maximise the impact of the ICRC's response.

154. In recent humanitarian crises, the capacity of the "humanitarian system" to respond to the needs of affected populations in an adequate and timely manner has been put into question. At the same time, discussions are taking place concerning UN reforms, including those relating to aspects of the humanitarian system. In 2005, a new concept of "clusters" was launched by the UN in order to improve the effectiveness of UN humanitarian responses to the needs of people affected by a crisis.

155. Supporting efforts to strengthen the UN humanitarian response, the ICRC has stated its commitment to participate in this process in a constructive manner. However, as cluster leads are accountable to the UN system through the UN Emergency Relief Co-ordinator (ERC) and the Humanitarian Co-ordinator (HC), the ICRC has made it clear from the outset that it cannot be either a cluster lead or a cluster member. In clarifying this role, the ICRC has participated at a global level in the discussions and attended all the meetings relating to this new approach.

156. The cluster approach has also been created in order to strengthen the collaborative approach to IDP crises. Among the nine clusters, three are led by the UNHCR (namely protection, camp co-ordination and management and emergency shelter) and relate only to conflict-generated IDPs. In view of the fact that, as civilians in situations of armed conflict, IDPs have always been traditional beneficiaries of ICRC activities and, moreover, that in such situations international humanitarian law is an important source of protection, the ICRC has carefully followed efforts to put together this new approach.

157. At the field level, the ICRC considers it a priority to establish contact with the humanitarian co-ordinator – and even more so where the humanitarian co-ordinator will be co-ordinating different sectors via the cluster leads.

158. The ICRC is keen to work with other humanitarian organisations both at the headquarters level and in the field. It takes part in both institutional and operational humanitarian co-ordination with the declared aim of improving directly or indirectly the fate of persons affected by armed conflict and other situations of violence. It also adapts to new forms of co-ordination developed within the current UN humanitarian reform process. Where there is no formal mechanism for humanitarian coordination, the ICRC endeavours to work with other organisations and to forge links and exchange information with them.

14. "The ICRC appeals for record amount for humanitarian work in 2008", 6 December 2007, News release 07/129, ICRC.

159. Through a reality-based and action-oriented humanitarian co-ordination, the ICRC seeks to maximise the impact of its work while making sure that all the needs of the affected populations are met. To complement the full spectrum of humanitarian actors, the ICRC upholds its neutral and independent approach and endeavours to be a benchmark for impartial, relevant, timely and effective humanitarian action.

10. Conclusions and recommendations

160. The ICRC's institutional objective for 2007 to 2010 will be to adapt its operational framework and activities in order to respond to the needs of the victims of armed conflicts and other forms of armed violence in the most timely and effective way possible. The strategic objectives, as outlined in a note from the ICRC regarding the programme of the directorate for 2007-10, are:

– strengthening the ICRC's capacity to design and manage its multidisciplinary operations;

– enhancing accountability;

– increasing the effectiveness of ICRC operations.

161. The ICRC could further increase its focus on protection activities by increasing its financing and including a protection dimension in its assistance activities.

162. The member states of the Council of Europe should allow ICRC personnel access to persons deprived of their liberty to allow them to visit and monitor the well-being of detainees.

163. The solution of the problem of missing persons is a crucial issue in the reconciliation process in post-conflict societies. It is very important that all countries concerned implement the recommendations for the development of domestic law contained in Chapter V of the ICRC report entitled "The missing and their families".

164. European states should sign and ratify as soon as possible the International Convention for the Protection of All Persons from Enforced Disappearance, adopted in December 2006 by the UN General Assembly.

165. Most European states have signed the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. The Assembly should call on Armenia, Azerbaijan, Finland, Georgia and the Russian Federation to join this important convention and on all member states of the Council of Europe that have not ratified this convention to do so as soon as possible.[15]

166. The Council of Europe member states should be called upon to commit themselves to the objective of adopting an international treaty of humanitarian law on the prohibition of cluster munitions, initiated by the ICRC.

167. The governments of the Council of Europe member states should be encouraged to promote the independence of Red Cross/Red Crescent national societies.

168. The ICRC should continue its active participation in the Inter-Agency Standing Committee (IASC) and should co-ordinate its activities with the clusters, humanitarian co-ordinators and with the Office for the Coordination of Humanitarian Affairs (OCHA).

169. The Council of Europe member states should contribute generously to the ICRC budget and should increase their donor contributions to future additional appeals. Countries such as France, Germany and Austria should be encouraged to join the list of the most generous donors to the ICRC.

170. 170. The Council of Europe and its relevant services should be actively involved in spreading knowledge about IHL and co-operating with the ICRC on the "Exploring humanitarian law" project.

15. www.icbl.org/treaty/text/english.

Appendix 1 – Principal legal instruments on international humanitarian law

1907: Hague Convention IV Respecting the Laws and Customs of War on Land.

Annex to the 1907 Hague Convention: Regulations Respecting the Laws and Customs of War on Land.

1925: Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare.

1949: Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

1949: Geneva Convention II for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.

1949: Geneva Convention III relative to the Treatment of Prisoners of War.

1949: Geneva Convention IV relative to the Protection of Civilian Persons in Time of War.

1977: Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I).

1977: Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

1954: Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

Regulations for the Execution of the Convention for the Protection of Cultural Property in the Event of Armed Conflict.

1954: First Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

1999: Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

1972: Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction.

1980: UN Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects.

1980: Protocol I on Non-Detectable Fragments.

1980: Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices.

1996: Amended Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices.

1980: Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons.

1995: Protocol IV on Blinding Laser Weapons. 2003: Protocol V on Explosive Remnants of War.

1993: Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction.

1997: Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.

1993: Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International

Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

1994: Statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994.

1998: Rome Statute of the International Criminal Court.

2000: Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

Appendix 2 – ICRC appeals for 2008

Emergency appeals 2008 – breakdown by programme

It is to be noted that the amount budgeted for assistance programmes accounts for more than half the overall budget.

Programme	Total appealed for in 2008 in millionCHF	% of overall 2008 budget	Total appealed for in 2007 in million CHF (initial budget)	% of overall 2007 budget
Protection	180.5	20 %	174.8	22 %
Assistance	489.3	55 %	416.5	52 %
Prevention	133.3	15 %	131.2	16 %
Co-operation	84.7	10 %	80.5	10 %
General	0.4	0 %	0.2	0 %
Sub-total initial appeals	888.1	100 %	803.1	100 %
Contingency	44.4		40.2	
Total initial appeals	932.6		843.3	

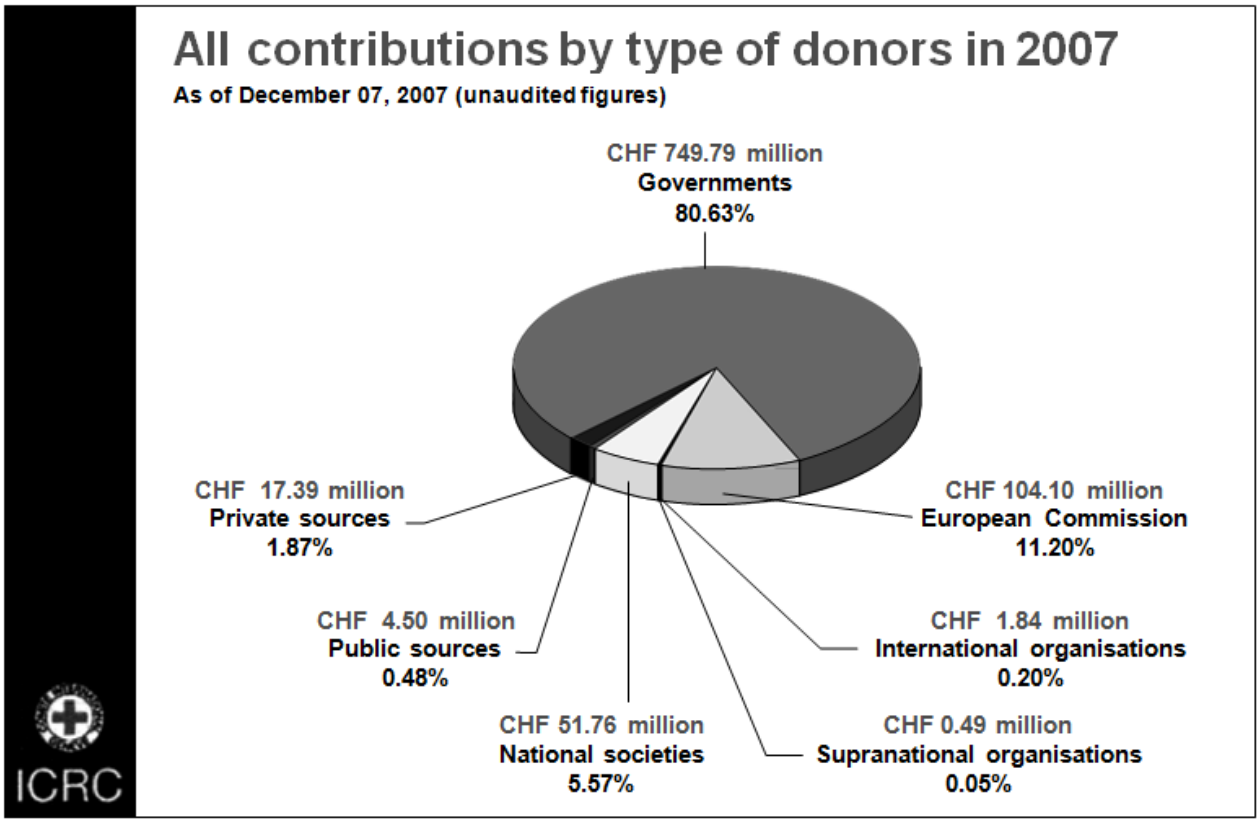
Emergency appeals 2008 – top 10 operations (in million CHF)

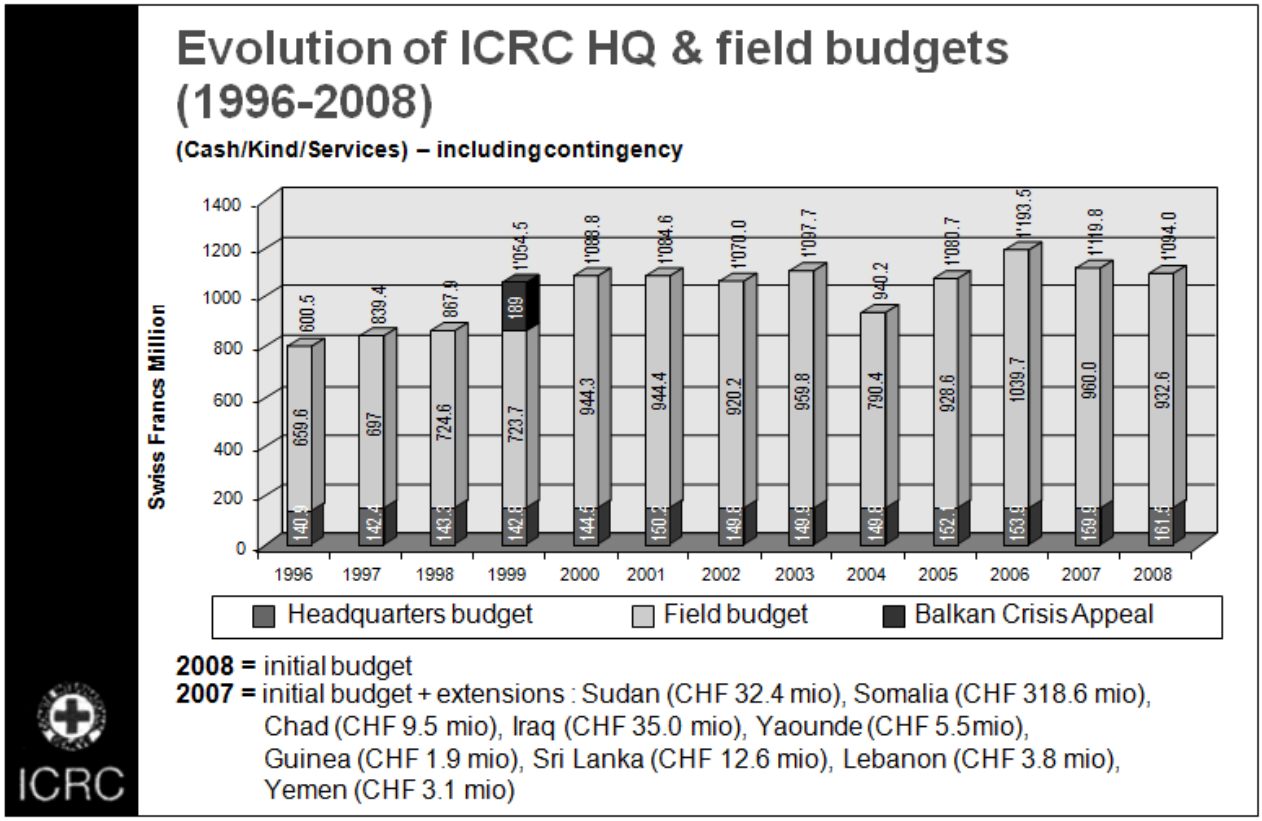
Rank	Top 10 in 2008	Initial 2008 budget
1	Iraq	107.3
2	Sudan	106.4
3	Israel, the Occupied and Autonomous Territories	68.2
4	Afghanistan	60.3
5	Congo, Democratic Republic of the	37.1
6	Colombia	34.2
7	Somalia	30.2
8	Chad	27.9
9	Sri Lanka	26.7
10	Uganda	23.2
	Total Top 10	521.5
	Total appeals (contingency included)	932.6
	Top 10 as proportion of total	56%

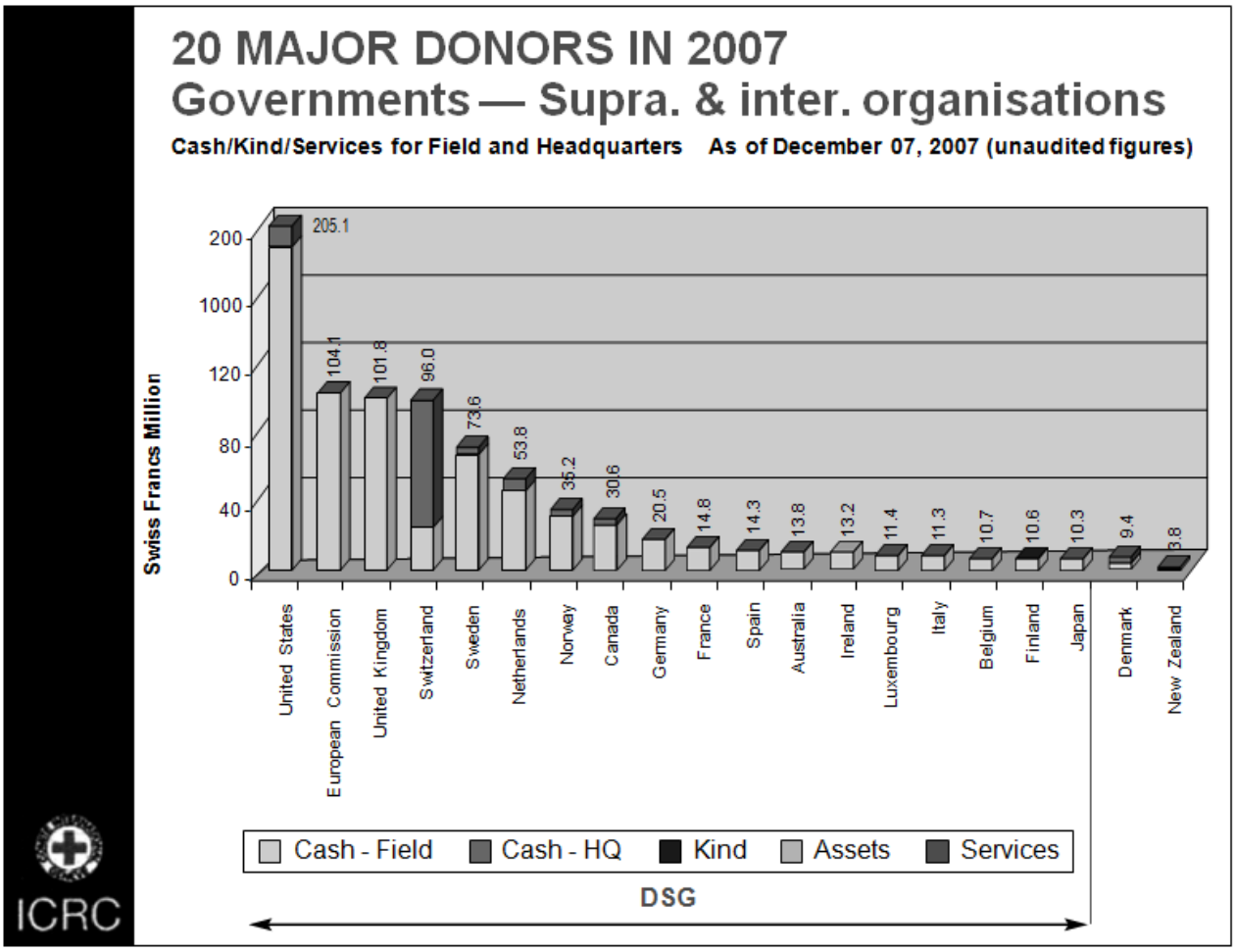
Top 10 in 2007	Current 2008 budget
Sudan	105.4
Iraq	91.3
Israel, the Occupied and Autonomous Territories	71.0
Afghanistan	48.2
Somalia	46.3
Sri Lanka	38.7
Congo, Democratic Republic of the	33.5
Colombia	28.5
Moscow (regional)	28.0
Ethiopia	27.5
Total Top 10	518.4
Total appeals (contingency included)	960.0
Top 10 as proportion of total	54%

Top 10 in 2007	Initial 2007 budget
Sudan	73.1
Israel, the Occupied and Autonomous Territories	71.0
Iraq	56.3
Afghanistan	48.2
Congo, Democratic Republic of the	33.5
Colombia	28.5
Moscow (regional)	28.0
Somalia	27.7
Ethiopia	27.5
Sri Lanka	26.1
Total Top 10	419.7
Total appeals (contingency included)	843.3
Top 10 as proportion of total	50%

Appendix 3


All contributions by type of donors in 2007
As of December 07, 2007 (unaudited figures)
CHF 749.79 million
Governments
80.63%
CHF 17.39 million
Private sources
1.87%
CHF 104.10 million
European Commission
11.20%
CHF 4.50 million
Public sources
0.48%
CHF 1.84 million
International organisations
0.20%
CHF 51.76 million
National societies
5.57%
CHF 0.49 million
Supranational organisations
0.05%
ICRC


Evolution of ICRC HQ & field budgets (1996-2008)
(Cash/Kind/Services) – including contingency
Swiss Francs Million
1400
1200
1000
800
600
400
200
0
600.5
659.6
839.4
697
867.9
724.6
1'054.5
189
723.7
1'088.8
944.3
1'084.6
944.4
1'070.0
920.2
1'097.7
959.8
940.2
790.4
1'080.7
928.6
1'193.5
1039.7
1'119.8
960.0
1'094.0
932.6
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
Headquarters budget
Field budget
Balkan Crisis Appeal
2008 = initial budget
2007 = initial budget + extensions : Sudan (CHF 32.4 mio), Somalia (CHF 318.6 mio), Chad (CHF 9.5 mio), Iraq (CHF 35.0 mio), Yaounde (CHF 5.5mio), Guinea (CHF 1.9 mio), Sri Lanka (CHF 12.6 mio), Lebanon (CHF 3.8 mio), Yemen (CHF 3.1 mio)
ICRC



Reporting committee: Committee on Migration, Refugees and Population.

Reference to committee: Doc. 11169 and Reference No. 3327 of 16 April 2007.

Draft resolution and draft recommendation unanimously adopted by the committee on 15 April 2008.

Members of the committee: Mrs Corien W.A. **Jonker** (Chairperson), Mr Doug Henderson (1st Vice-Chairperson), Mr Pedro **Agramunt** (2nd Vice-Chairperson), Mr Alessandro **Rossi** (3rd Vice-Chairperson), Mrs Tina **Acketoft**, Mr Ioannis Banias, Ms Donka Banović, Mr Italo Bocchino, Mr Jean-Guy **Branger**, Mr Márton Braun, Mr André **Bugnon**, Lord Burlison (alternate: Mr Michael **Hancock**), Mr Mevlüt **Çavu□oğlu**, Mr Sergej Chelemendik, Mr Christopher **Chope**, Mr Boriss **Cilevičs**, Mrs Minodora Cliveti, Mr Telmo Correia, Mr Ivica Dačić, Mr Joseph Debono Grech, Mr Taulant Dedja, Mr Nikolaos Dendias, Mr Mitko Dimitrov, Mr Karl **Donabauer**, Mr Tuur Elzinga, Mr Valeriy Fedorov, Mr Oleksandr Feldman, Mrs Doris **Fiala**, Mr Paul Giacobbi, Mrs Gunn Karin **Gjul**, Mrs Angelika Graf, Mr John **Greenway**, Mr Tony Gregory, Mr Andrzej Grzyb, Mr Michael **Hagberg**, Mrs Gultakin **Hajiyeva**, Mr Davit Harutyunyan, Mr Jürgen Herrmann, Mr Bernd Heynemann, Mr Jean Huss, Mr Ilie **Ila□cu**, Mr Tadeusz **Iwiński**, Mr Mustafa Jemiliev, Mr Tomáš **Jirsa**, Mr Reijo Kallio, Mr Hakki **Keskin**, Mr Egidijus **Klumbys**, Mr Ruslan Kondratov (alternate: Mr Ivan **Savvidi**), Mr Dimitrij Kovačič, Mr Andros **Kyprianou**, Mr Geert **Lambert**, Mr Massimo Livi Bacci, Mr Younal Loutfi, Mr Andrija Mandić, Mr Jean-Pierre Masseret, Mr Slavko Matić, Mr Giorgio Mele, Mrs Ana Catarina Mendonça, Mr Gebhard **Negele**, Mr Hryhoriy **Omelchenko**, Mr Morten Østergaard, Mr Alexey Ostrovsky, Mr Grigore **Petrenco**, Mr Cezar Florin Preda, Mr Gabino Puche, Mr Milorad Pupovac (alternate: Mr Mario **Zubović**), Mrs Mailis **Reps**, Mrs Michaela **Sburny**, Mr André Schneider (alternate: Mr Denis **Jacquat**), Mr Samad Seyidov, Mr Steingrímur J. Sigfússon, Mrs Miet Smet, Mr Giacomo Stucchi, Mr Vilmos Szabó, Mrs Elene Tevdoradze, Mr Tuğrul **Türke□**, Mrs Özlem **Türköne**, Mrs Rosario Velasco García, Mr Michał Wojtczak (alternate: Mr Tomasz **Dudziński**), Mr Andrej Zernovski, Mr Yury Zelenskiy, Mr Jiří **Zlatuška**.

NB: The names of the members present at the meeting are printed in bold.

See 26th Sitting, 26 June 2008 (adoption of the draft resolution, as amended, and draft recommendation); and Resolution 1623 and Recommendation 1842.