

**31st International Conference of the Red Cross and Red Crescent
28 November – 1 December 2011**

**Background document
May 25, 2011**

Please note that this background document
reflects initial stages of thinking
on ways to address the provisional agenda
of the 31st International Conference of the Red Cross and Red Crescent

1. Introduction

This document sets out the rationale and outcomes desired from the substantive issues being presented for debate and decision at the 31st International Conference of the Red Cross and Red Crescent (31st Conference). It accompanies the 31st Conference provisional agenda.

The Conference will take place on **28 November – 1 December 2011** in Geneva, following the **General Assembly of the International Federation** (23 - 25 November), and the **Council of Delegates** (26 November), which adopts the agenda of the Conference.

The Conference is a unique forum where States Party to the Geneva Conventions and the components of the International Red Cross and Red Crescent Movement¹ address the most pressing humanitarian issues of mutual concern. The Conference debates, resolutions, and pledges must contribute to the unity of the Movement and to the achievement of its humanitarian mission, which is to prevent and alleviate human suffering wherever it may be found.

The agenda builds on the achievements of the 30th International Conference Declaration 'Together for Humanity' and other resolutions adopted in 2007. Since this time, Movement components, often in partnership and consultation with States, have continued to provide humanitarian services locally, to communities and people most in need. The Conference will be called upon to explore challenges and trends in the follow-up required of States and the components of the Movement on resolutions and pledges made at the 30th International Conference which covered the following:

Resolution 1 and the Declaration "Together for humanity"

¹ The International Red Cross and Red Crescent Movement (referred to herein as the "Movement") is composed of the International Committee of the Red Cross (referred to herein as the "ICRC"), the National Red Cross and Red Crescent Societies (referred to herein as the "National Societies") and the International Federation of Red Cross and Red Crescent Societies (referred to herein as the "IFRC"). Throughout this document, the term "Movement" covers all the aforementioned components.

Resolution 2 on Specific nature of the International Red Cross and Red Crescent Movement in action and partnership and the role of National Societies as auxiliaries to the public authorities in the humanitarian field.

Resolution 3 on Reaffirmation and implementation of international humanitarian law: Preserving human life and dignity in armed conflict.

Resolution 4 on Adoption of the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance

Resolution 5 on Follow-up of the Memorandum of Understanding (MoU) of 28 November 2005 between the Palestine Red Crescent Society and the Magen David Adom in Israel

The ICRC and IFRC will submit an implementation report to the Conference, based on the "Questionnaire on the follow-up to the 30th International Conference of the Red Cross and Red Crescent" received from Conference members.

Analysis of the successes and constraints of this work led to the identification of the main areas that should be addressed to mitigate the destructive impact of armed conflicts, other situations of violence and natural disasters on people and communities and to build their resilience.

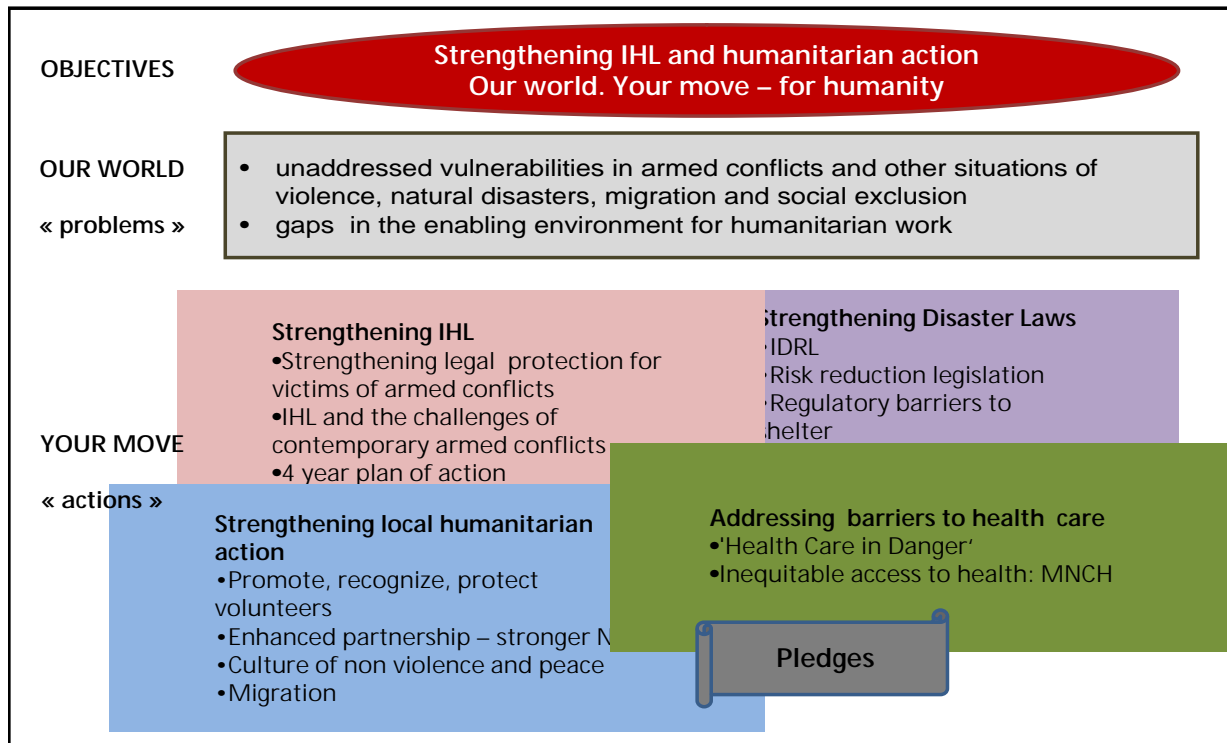
2. Concept

The overall objective of the 31st Conference is to strengthen International Humanitarian Law (IHL) and humanitarian action by focussing on four areas: strengthening legal protection for victims of armed conflicts; strengthening Disaster Law; strengthening local humanitarian action and addressing barriers to health care.

The 31st Conference agenda responds to the evolving humanitarian landscape, including the worldwide increase in the number and impact of natural disasters and related displacement; the rapidly changing nature of human vulnerability and the evolving human cost of contemporary armed conflicts and other situations of violence, as well as increasing global migration.

Convening under the banner of "Our World. Your Move – For Humanity", the 31st Conference recognises evolving contemporary humanitarian challenges and the responsibility of all Conference members to address these.

The Conference seeks to adopt resolutions and secure voluntary pledges to strengthen normative frameworks, both at the international and domestic levels; provide humanitarian services to people who need them and to sustain and develop a conducive environment for humanitarian work.



3. Objectives

3.1 Protection for victims of armed conflict is improved

Current and future humanitarian needs arising from armed conflicts and areas which require further clarification and strengthening of IHL are identified and acted upon, in order to improve the protection of affected people.

3.2 Impact of disasters is reduced, recovery is facilitated

Implementation of “Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance” (IDRL) is furthered. International and regional efforts to improve legal preparedness for international disaster assistance are reviewed. The role of legislation in promoting disaster risk reduction at the community level is considered. Solutions to regulatory barriers to providing emergency and transitional shelter solutions to people displaced by disasters are explored.

3.3 Major health care challenges are mitigated

Insecurity resulting from violence or threats of violence to health care in armed conflict and other situations of violence is analysed and measures to improve the security of people and installations affected are identified and supported. This includes wounded and sick people, health care providers, relatives, bystanders and health care installations.

The work of Movement components in addressing the vulnerabilities caused by unequal access to health services by the most excluded, poorest and marginalised populations is supported by Conference members and further developed.

3.4 Local Humanitarian Capacities are strengthened

Legal and socio-cultural environments affect how National Societies mobilise, motivate and retain volunteers to serve vulnerable people. States, with National Societies and other actors determine the legal and social environments which facilitate and recognise volunteers' contribution to society.

Stronger National Societies, providing humanitarian services to the most vulnerable in their communities are supported through:

- (a) consideration of the minimum elements to be included in national Red Cross or Red Crescent Laws and other means to improve their legal bases;
- (b) dialogue on increasing the resource base of National Societies and enhancing their performance, transparency and accountability, with a focus on best practices and areas where National Societies are considered reliable partners to their Governments in the humanitarian sphere, particularly within the framework of their auxiliary function.

National Societies are recognised as strong and viable partners in creating a culture of non-violence and peace; the importance of values and skills-based humanitarian education as a tool to create a more peaceful environment is acknowledged and supported.

National Societies are able to provide humanitarian assistance to vulnerable migrants, irrespective of their status, especially where increasing numbers of migrants live outside conventional health, social and legal systems and may not have access to processes which guarantee respect for their fundamental rights.¹

4. Substantive issues

4.1 Strengthening IHL

4.1.1 Strengthening Legal Protection for Victims of Armed Conflicts

Rationale

In 2010, the ICRC concluded an internal study on Strengthening Legal Protection for Victims of Armed Conflicts. The main objectives of the study were: 1) to identify and understand more precisely the humanitarian problems arising from armed conflict; and 2) to analyze treaty and customary rules of IHL with a view to determine whether the existing legal framework offers adequate answers to the humanitarian problems or whether strengthening IHL is required.

The study outcomes show that IHL offers, on the whole, an appropriate framework for regulating the behaviour of parties to armed conflicts - whether international or non international. In most cases, what is required to improve the situation of persons affected by armed conflict is greater compliance with existing rules. However, the study also showed that better protection for these persons requires addressing gaps and weaknesses in the law through further normative strengthening in four specific areas namely: (a) the protection of persons deprived of liberty; (b) the implementation of IHL and reparations for victims of violations; (c) the protection of the natural environment; (d) the protection of internally displaced persons.

Real and long term strengthening of IHL can only be achieved if States are committed to it. Over the last months, the ICRC conducted bilateral consultations with a number of them in order to discuss the conclusions contained in the study and possible follow-up to it. States that engaged in the consultations confirmed the ICRC's overall conclusion that IHL remains relevant to ensure protection to all victims of armed conflict. They also shared the ICRC's assessment that there are serious humanitarian problems in practice in the four areas

highlighted in the study and that action must be taken. However, States also made clear that it would not be realistic to work on the four areas identified in the ICRC study simultaneously and that priorities must be established based on the level of interest that has been expressed in each one of these areas.

In that respect, most States pointed out that further work is needed in two specific areas. The first one is the protection of persons deprived of liberty. States noted in particular the necessity to ensure better legal protection: 1) of persons detained for security reasons during non-international armed conflicts; 2) of persons transferred from one authority to another; and 3) of specific categories of persons in detention (such as women, children, elderly or disabled).

The second topic identified as a priority is the implementation of IHL. States recognized that most of the mechanisms provided under IHL have proved to be insufficient so far, and acknowledged that mechanisms outside the ambit of IHL also have limitations and were not developed for implementing this body of law. As a consequence, States were of the view that there is a need to amend existing IHL implementation tools and/or to find different alternative solutions including the possibility of creating a new implementation mechanism. Whatever solution is finally pursued, they concurred that discussions on improving compliance with IHL is a priority in order to give further credibility to this legal framework.

With regard to the other areas highlighted in the study - namely reparations for victims of violations of IHL, the protection of the natural environment and the protection of internally displaced persons - States indicated that further consultations and research with a view to strengthening the law is not considered a priority for the time being.

As a result of the consultations, the ICRC believes that, at this stage, further dialogue on strengthening IHL should focus on the protection for persons deprived of liberty and on the implementation of IHL. These are the topics that have attracted the most interest from States. This conclusion - resulting from the consultations with States - will form the basis for the ICRC's future action in the framework of the 31st International Conference of the Red Cross and Red Crescent.

Process

This Conference will present a unique opportunity for States parties to the 1949 Geneva Conventions and for the components of the Movement to exchange views on the need to strengthen the legal framework protecting victims of armed conflicts. For this purpose, the ICRC will submit a report summarizing the main conclusions of its study. This report will reiterate the ICRC's position that IHL should be strengthened in the four initial areas identified in the study (and clarify that this position does not commit other participants in the Conference). It will also present the results of the consultations as described above.

This report will serve as a basis for discussions amongst the participants to the International Conference. The debate will be an occasion for all those interested - including those who did not participate in the initial consultations - to express their views. It will provide them with an opportunity to indicate whether, and to what extent, they share the analysis presented in the ICRC's report. The participants will also be invited to submit concrete proposals on which aspects future substantive discussions should focus on, and on constructive ways to pursue the dialogue in the future.

Expected Outcome

The ICRC will submit a draft resolution to be adopted by the International Conference. This draft resolution will refer to the ICRC's study and the related State consultation. It will stress that this consultation confirmed the relevance of IHL in contemporary armed conflict and insist on the need to work for better implementation of and compliance with this legal

framework. It will also propose that further work be undertaken on the protection for persons deprived of liberty and the implementation of IHL.

The proposed resolution will not identify a particular outcome of the work to be undertaken in order to strengthen the law. Indeed, some States expressed reservations to the idea that new treaty rules should be developed. Consequently, the draft resolution will encourage the ICRC to pursue substantive discussions as well as further research and consultation in close cooperation with States in order to identify the most appropriate form in which humanitarian problems in the two proposed areas should be addressed. The ICRC considers that all options for strengthening international law must be carefully studied - including the elaboration of soft law instruments, the identification of best practices and the facilitation of expert processes aimed at clarifying existing rules.

In the coming weeks, the ICRC will circulate a draft resolution and begin discussions to determine the extent to which consensus on this document may be reached. The first round of consultations showed that States are clearly interested in participating in future dialogue on new avenues to strengthen IHL. The ICRC is ready to contribute to this endeavour, in accordance with its mandate as received from the international community.

4.1.2 IHL and the Challenges of Contemporary Armed Conflicts

Rationale

The ICRC will present to the 31st International Conference a third report on "IHL and the Challenges of Contemporary Armed Conflicts" (hereafter "Challenges Report"). Reports under the same title were prepared and presented to the International Conferences held in 2003 and 2007. The Challenges Report is a stand-alone ICRC text presenting: 1) an overview of some of the main current challenges to IHL; 2) the ICRC's legal reading (as well as that of other main stake holders) on some of these issues; and 3) current or future ICRC activities aimed at clarifying or improving the implementation of IHL. Like the two previous editions, the third Challenges Report will not be submitted to the International Conference for amendment or approval as such.

It should be noted that the 2011 Challenges Report is distinct from the ICRC's Report on Strengthening Legal Protection for Victims of Armed Conflicts which was outlined in the preceding section of this background document. The latter includes proposals for possible action by the International Conference in four specific areas which require a strengthening of the law according to the ICRC and describes the outcome of consultations that have taken place with States on the matter; this is not the case of the Challenges Report. In order not to conflate the nature of the respective Reports, the Challenges Report does not cover issues dealt with in the ICRC's Report on Strengthening Legal Protection for Victims of Armed Conflicts.

The following is a non-exhaustive outline of topics that will be included in the Challenges Report.

The Challenges Report will provide a brief overview of the current conflict environment. It will describe the main features of contemporary armed conflicts and the challenges they raise for IHL. The emphasis will be placed on non international armed conflicts which have proliferated around the world.

The prevalence of various types of non-international armed conflicts has among others posed the question of the interplay of IHL and human rights law. While recognizing that human rights law continues to apply in situations of armed conflict, the Challenges Report will focus specifically on the interplay of IHL and human rights law rules governing the use of lethal force and non-criminal detention for security reasons, key areas in which the

respective rules are of necessity different. The Challenges Report will also briefly discuss the various legal views surrounding the geographical scope of IHL, i.e. the issue of what legal regime applies to the extraterritorial use of force or capture of persons carried out by one State in the territory of another that is not involved in an armed conflict with the intervening State.

The Challenges Report will identify some areas in which proper implementation of IHL is lacking, and as a result of which serious humanitarian consequences may follow.

Among them are the practical problems and legal weaknesses associated with humanitarian access/assistance.

In addition, in its activities, the ICRC has been repeatedly confronted with numerous questions related to the applicability and application of IHL to multinational operations, whether conducted under UN auspices, UN command and control or by regional organizations. Problems related to different treaty obligations that are binding on different States have also been raised. The issue of the applicability/application of IHL to multinational forces will thus be examined in the Challenges Report.

A further topic will be the law of occupation. Claims have been made to the effect that this area of IHL is ill-suited to contemporary occupations because they differ considerably from the classical concept of belligerent occupation. In light of the importance of the challenges to IHL raised, the ICRC has undertaken an expert process aimed at gathering views on some of the most pertinent practical and legal questions posed by occupation and other forms of administration of foreign territory. The Challenges Report will outline the results of that process, which will conclude with the publication, in 2011, of a comprehensive report that will reflect the discussions held over three expert meetings organized between 2008 and 2010 and summarize the ICRC's positions on some of the challenges identified.

In recent years an array of new technologies has entered the modern battlefield. The interest raised by the development of new technologies of warfare, as well as the potentially significant humanitarian impact of their use in military operations, was manifest during the Conference entitled "60 Years of the Geneva Conventions and the Decades Ahead" organized on 9-10 November 2009 by Switzerland and the ICRC. The topic will thus be examined in the Challenges Report.

The Challenges Report will also describe progress made in the elaboration of the Arms Trade Treaty and will address the implications for IHL of this global instrument setting out common international standards for the transfer of conventional arms.

Finally, as in 2003 and 2007, a section of the Challenges Report will be devoted to IHL and terrorism. The focus will be on the legal differences between war and terrorism, i.e. on the consequences of blurring IHL and the legal regime governing terrorism.

Process

The format and the length of the International Conference will not permit a discussion of all the topics addressed in the Challenges Report. However, a few may be considered for inclusion in the International Conference's IHL agenda because of their humanitarian impact and particular interest to the participants. The Challenges Report (and related guiding questions) will serve as background material to inform discussions between the participants on the topics identified.

Expected Outcome

The objective will be limited to exchanging views among participants and generating debate on the humanitarian and legal implications of a limited number of IHL challenges identified for

discussion. In other words, the outcome of the working sessions on these issues will be an exchange of views and it is not intended to deal with these topics in a conclusive way.

4.1.3 Four year action plan

A four year action plan for IHL for the period 2011-2015 will be submitted to the International Conference. This action plan will be structured around different topics with the overall aim to improve respect for IHL. It would propose general objectives that the participants to the International Conference will be committed to support during the four years to come. Participants could also choose to commit to more specific objectives in the form of pledges.

Topics to be included in the plan of action are yet to be defined. They should be limited to subjects of general interest to the participants and generating consensus. A first draft of the plan of action is currently being prepared and consultations will be conducted on this draft in the following weeks with members of the International Conference.

4.2 Suggested topics to be addressed for strengthening disaster laws

Rationale

4.2.1 Implementing the IDRL Guidelines

In 2007, the 30th International Conference adopted the “Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance” (also known as the “IDRL Guidelines”). The IDRL Guidelines were formulated on the basis of case studies and six years of consultations with states, humanitarian agencies and other stakeholders about the most common regulatory problems in international disaster response. This research showed that many States lacked comprehensive laws and procedures for facilitating and regulating international disaster assistance, and that existing international and normative frameworks were piecemeal and underperforming. At the same time, the numbers and impacts of disasters and the numbers and variety of international responders, had increased substantially. As a result, international aid was often slower, more expensive, less effective, and less complementary to the efforts of domestic responders than it otherwise would have been. Moreover, affected States’ own capacities to fully oversee and coordinate international efforts were significantly hampered. Since then, major disasters such as the 2010 Haiti earthquake, which inspired a response from literally hundreds of foreign organizations and the 2011 earthquake, tsunami and nuclear crisis in Japan, which inspired more than 120 offers of assistance from government sources alone, have confirmed the ongoing necessity of legal preparedness for international cooperation.

In the years following the adoption of the IDRL Guidelines, we have seen some encouraging examples of their implementation, including through some new domestic regulations and integration in regional frameworks for disaster cooperation. Moreover, National Societies and the IFRC have been supporting governments in over 20 countries to undertake intensive reviews of domestic legislation and procedures in light of the Guidelines and a number of regional and international organizations are starting to mainstream elements of the Guidelines into their activities. A number of regional and inter-governmental fora have also advanced their work on promoting better facilitation and regulation of international relief.

Nevertheless, there remains a great deal of work to be done to ensure that all States – and in particular those most prone to disasters – are fully prepared for the most common regulatory issues in international disaster operations. Likewise, the links and complementarity between the multiple regional and global normative regimes developing in this area can be strengthened through greater dissemination of information and dialogue.

4.2.2 Strengthening domestic legislation for disaster risk reduction at the community level

In 2003, Final Goal 3.1 of the 28th International Conference called on states to “review their existing legislation and policies to fully integrate disaster risk reduction strategies,” and made specific reference to issues including natural resource and land management, urban planning and building codes as well as measures to support National Societies in disaster risk reduction (DRR). In 2005, the Hyogo Framework for Action likewise identified as its first priority to “ensure that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation,” notably through “policy, legislative and institutional frameworks for disaster risk reduction.”

However, while a great deal of study has been done on risk reduction policy, there is remarkably little specific international guidance about best practice in legislation. Participants at the Second Global Platform for Disaster Risk Reduction in 2009 asserted that “there is a pressing need to build institutions, including legal frameworks, to sustain disaster risk reduction action as an ongoing concern,” noting that “several countries stressed the need for technical assistance, to help grow their capacities.” Similar views were expressed in May 2011 at the Third Global Platform for Disaster Risk Reduction, which put special emphasis on the action at the local level. In a related development, the recently completed Mid-Term Review of the Hyogo Framework and a major study by the Global Network of Civil Society Organizations for Disaster Risk Reduction have identified a lack of community-level implementation of disaster risk reduction activities as a key gap in many countries.

While legislation is certainly not a single solution, it plays an important role in the overall governance of disaster risk reduction and can make an important difference in moving from a mere rhetorical support to sustained action. Legislation can also be a critical instrument to establish or solidify an appropriate role for communities in reducing disaster risk. Important issues here include whether and how communities and civil society organizations are empowered to take an active role in decision-making about DRR at the community level, whether they have the means to hold their authorities accountable for DRR responsibilities; and whether key incentives for individual behaviour – such as land management rules and building codes – are effectively implemented at the community level without further burdening the poor and marginalized.

As a network of community-based organizations with a special role as auxiliaries to the public authorities, National Societies and their International Federation are uniquely placed to provide advice and support to States in this very specific and crucial area. The International Conference, as a unique forum bringing together States and the components of the Movement to address key humanitarian challenges, provides an opportunity to address specifically the legislative aspects and community impact of disaster risk reduction that have not been addressed in detail in other fora.

4.2.3 Addressing regulatory barriers related to meeting the emergency and transitional shelter needs of people affected by disasters

In many recent disasters regulatory issues related to land and property as well as planning and building processes have posed significant challenges to the provision of rapid and equitable shelter solutions for families whose homes have been destroyed or damaged. How can the temporary use of land be quickly obtained to provide settlement for displaced households? How can delays in implementing shelter solutions due to ownership clarification or compliance with construction or planning approval procedures be reduced? How can we ensure equitable shelter assistance efforts, including as between recognized property owners and non-owners (e.g. renters and squatters) and between men and women? What support should be provided to persons who lack formal documentation or recognized

title to homes that have been destroyed? The lack of ready answers to these questions have often led to sustained suffering for disaster affected families, and quandaries for governments and humanitarian actors alike.

As the IFRC and its members have scaled up their capacity and activities in emergency and transitional shelter since 2005, these issues have become increasingly apparent as major obstacles to both response and recovery. Moreover, as convenor of the Global Emergency Shelter Cluster in disaster situations, the IFRC is aware from its dialogue with both humanitarian shelter actors and governing authorities that there is common interest in addressing these questions.

Housing, land and property rights issues and the associated regulatory processes are complex in every country, both from the point of view of the law and of socio-economic relations. The aftermath of a disaster is a particularly challenging moment to address the barriers that legal and regulatory issues can pose, and as a result the meeting of shelter and settlement needs can be significantly delayed. Yet, a great deal of learning and best practice already exists on interim or temporary procedures to address such issues, developed at national or community level, in particular with respect to emergency and transitional housing.

More attention, however, is needed to synthesize and apply these lessons in today's disasters.

Process

Participants of the Conference will be invited to debate these three topics at a plenary session, in particular:

The International Conference will be an opportunity to review participants' progress and experience with the Guidelines, share information about successes and barriers in implementing them, and discuss ways to accelerate cooperative action in the future. In this connection, the IFRC will present a progress report on the use of the Guidelines, new tools for making use of the Guidelines, including model domestic legislation that the IFRC is developing together with UN OCHA and the Inter-Parliamentary Union. Participants will also be invited to review current regional and global developments relevant to the regulation and facilitation of international disaster relief, with a view to assessing their impact and coherence.

The IFRC will present a report highlighting some best practices in developing effective laws on disaster risk reduction, with a particular focus on the role of communities and impact at the community level. It is expected that International Conference participants will share their own experiences and develop strategies for collaboration in this area.

With regard to shelter, drawing upon extensive consultation with practitioners and regulatory specialists, and case study analysis of a wide variety of disasters, the IFRC will present a report on issues and emerging best practices in addressing the regulatory barriers to meeting emergency and transitional shelter needs. Participants will be invited to discuss their own experiences, and the extent to which the emerging practices can become an expanding, common resource to be utilised in future emergency response contexts. Conference participants will also be engaged in a dialogue about how they can cooperate in the future to find creative solutions to these problems.

Expected outcome

Members of the Conference will be invited to adopt a single resolution addressing the three topics above. All Conference participants will be encouraged to make individual or collective pledges in relation to these topics.

4.3 Barriers to health care

Rationale

Two barriers to health that are highlighted by the Movement for immediate action are: insecurity of healthcare in armed conflict and other situations of violence; inequities in maternal, newborn and child health.

These two areas significantly limit individuals and populations' abilities to lead healthy lives, be protected from disease, and receive lifesaving medical care. At the 31st International Conference, evidence on how insecurity and other situations of violence, as well as inequities in maternal, newborn and child health (MNCH), prevent people from attaining health will be examined.

4.3.1 Respecting and Protecting Health Care in armed conflict and other situations of violence.

Rationale

Insecurity resulting from violence, attacks and illegal obstruction of health care represents one of the biggest and most under-recognised humanitarian issues in today's armed conflicts and other situations of violence.

The ICRC has analyzed 655 violent events in 16 countries over the past 30 months showing that health professionals, humanitarian actors providing health care as well as wounded and sick people increasingly suffer from direct attacks, denial of access, kidnapping and other serious violations of international and national law. Each violent incident registered has had a negative impact on a much larger number of wounded and sick people in need of life-saving care.

Based on this assessment and following up on the 2009 Council of Delegates resolution 8, the Movement proposes to launch a global initiative. It will mobilize its network of field delegations and 186 National Societies, and invite States signatories to the Geneva Conventions, the Health Community and other actors to come up with practical solutions to improve the safety of health care in armed conflict and other situation of violence.

Process

The Conference presents an opportunity for States and components of the Movement to debate the main insecurity issues affecting health care delivery in armed conflict and other situations of violence. Particular attention will be given to how direct and indirect forms of insecurity affect health installations, health transport and health personnel. The report submitted will serve as background material to inform the members of the Conference on the main issues identified.

Expected Outcome

The ICRC will submit a draft resolution to be adopted by the International Conference. The draft resolution is expected to highlight the main insecurity issues referred to in the ICRC report and stress the importance of finding practical solutions to improve security and delivery of health care and strengthen the safe access to health care for wounded and sick in armed conflict and other situations of violence. Furthermore, the International Conference is expected to serve as a milestone for the launch of a 4-year process towards the development of practical solutions to the problem.

The participants of the Conference will be encouraged to support this initiative by submitting collective and individual pledges on concrete measures with the view of better protecting

health care in these situations. For thousands of people on the ground, it is a matter of life and death.

4.3.2 Inequitable access to health: Example of Maternal, newborn and child health (MNCH)

Rationale

Inequity compounds vulnerability, and is a major determinant of poor health and mortality. The international community has pledged considerable resources to address this issue and specifically MNCH. Insecurity and violent situations increase inequity, and make it more difficult for women and child to receive healthcare. Sexual violence also increases in insecure situations, and poses a particular threat to women's health. Community-based MNCH interventions are cost-effective and of high impact. An equity-based approach – focused on the most excluded, poorest, and most marginalized populations – has been recognized as the most practical and cost-effective way to avert maternal and child deaths and to reduce the burden of disease (*UNICEF, 2010. Progress for Children. Achieving the MDGs with Equity*) There is a need to accelerate progress towards the Millennium Development Goals (MDG) 4 and 5. The IFRC is developing an MNCH Framework, with an emphasis on improving equity, to guide its work in this area. Strategy 2020 supports the work to decrease inequities and improve environments so that all women and children can be healthy. MNCH activities are linked to MDGs and adapted the WHO/UNICEF continuum-of-care concept as a core concept for the MNCH approach.

The World Health Report 2005 describes the 'continuum-of-care' aspect as a core principle of MNCH programs and a key factor that determines their potential to improve health and to save lives. The continuum of care concept implies that care should be provided seamlessly: both throughout the lifecycle - from pre-pregnancy (including adolescence) through pregnancy, childbirth, and the early days and years of a child's life; and spatially - across the home, the community, the health center, and the hospital. The continuum-of-care concept encourages the efficient use of scarce human and financial resources and helps to avert deaths by ensuring that appropriate care is available whenever it is needed and that it is effectively linked to other levels of care. Strategies must centre on a *continuum of care approach* that spans the pre-natal, peri-natal and post-natal period. There is now evidence proving that a large proportion of newborn death and disease can be reduced by implementing simple, low-cost interventions during delivery and in the vulnerable days and week post-partum, both in the facility and at home (UNICEF, Maternal and Newborn Health http://www.unicef.org/health/index_maternalhealth.html)

Recognizing all these international efforts the IFRC is concerned that progress in achieving the MDG might be unequally distributed throughout the countries and might leave out marginalised and underprivileged groups. Inequities are found across populations, and can be caused by poverty, gender-based discrimination, ethnic and cultural discrimination, geographic inaccessibility, or other factors. Mothers and children are disproportionately affected by inequities; they also pose the greatest opportunity to rapidly improve health.

Unequal and inequitable access to health, in its broadest sense (health promotion, disease prevention, access to formal and informal health services), is a major barrier in reaching the MDGs and the health-related goals of the Movement.

The Red Cross/Red Crescent evidence shows that there are significant barriers for access to MNCH services, in particular: lack of prioritization of the health of women and children in a meaningful way, which would increase resources to this important area and deliver *comprehensive* MNCH programmes ; lack of health facilities and trained health personnel to address the largest contributor of maternal mortality (complicated birth); lack of knowledge at the community level of simple and effective interventions which can reduce maternal,

newborn and child mortality and improve quality of life; poor access to the most remote areas and most vulnerable/marginalized populations which are disproportionately affected by poor MNCH.

The Movement is well placed to reach excluded populations, and reduce inequities through its far-reaching volunteer network. The Movement should target its programmes to these groups, and amongst the poorest populations. It is the Movement imperative to serve these groups – the most vulnerable – and ensure that simple community-based MNCH interventions reach the poorest women and children.

The Movement is committed to raising its voice on these key issues and areas of 'neglected' MNCH. It is determined to increase its visibility in MNCH, increase its role in global partnerships (PMNCH, IHP+), and at the respective country level with Public Health authorities. We are working on employing the Community Based Health and First Aid (CBHFA) approach to improve our MNCH work at the community level, scaling up volunteer actions in areas where they would be the most effective at reducing maternal, newborn and child mortality, and improving quality of life. Simple actions such as promoting birth spacing, promoting antenatal check ups for pregnant women, promoting newborn & child health through the basic healthcare package, etc. are also taken. We are playing an increasingly active role in linking communities to the Public Health system, through our auxiliary role to public authorities (including Ministries of Health). We are growing a capacity to provide MNCH services both in development and emergency contexts.

Process

The 31st International Conference is seen as an opportunity to profile the role of the Movement in decreasing inequities in maternal, newborn and child health (MNCH) and linking informal and formal health systems to improve health outcomes. Participants will be invited to make commitments to take this forward in contribution to the MDGs and supporting the Movement's mandate. They may wish to apply the MNCH equity-based approach to address other health inequities.

Building upon a series of humanitarian diplomacy activities during the year 2011 which profile inequities in health and include high level advocacy activities at the UN, the production of communications materials and participation at key events, the 31st International Conference will include the launch of an advocacy report on inequities in health and profiling MNCH, vulnerable, migrants and stigmatized populations.

A Plenary Commission and a thematic side event will address a range of equity and health issues.

Expected outcome

Members will be invited to adopt a resolution recalling the essential role of volunteers in MNCH and recommitting the Movement and States to reducing inequities in MNCH. States, Movement components and other participants will be encouraged to make a commitment to work closer together in addressing MNCH. In particular, States will be encouraged to increase partnerships with their National Societies and support plans which, based upon the national and sub-national data on MNCH, lay out priority areas over the next 3-5 years.

10 model pledges are expected to be made by National Societies, IFRC, ICRC, and States in relation to the MNCH.

4.4 Strengthening Local Humanitarian Action

4.4.1 Improving the conditions of National Societies' and their volunteers' operational environment

Rationale

The Movement components, in particular the National Societies, were widely recognized as valued partners to the States during the 30th International Conference in responding to the major contemporary humanitarian challenges identified in the Declaration "Together for Humanity". National Societies' local community presence through their volunteers, national law-based mandate and global network give them unparalleled comparative advantage as humanitarian players.

However, closer attention should be given to creating or securing the conditions necessary for the National Societies and their volunteers to follow-up on their commitments made at the previous Conference.

The 31st Conference coincides with the tenth anniversary of the first "International Year of Volunteers." Volunteering is at the heart of the Movement's history and remains just as important in responding to today's humanitarian challenges, ranging from climate change, migration and the constant threat of disasters and conflicts to emerging public health threats.

Red Cross/Red Crescent volunteers are on the front lines, providing help in times of need—often at personal risk. Because of the nature of humanitarian work, the circumstances in which volunteers operate are challenging. However, political and legal environments can be created that can reduce the risk to volunteers' life and health, as well as maximise the impact of their efforts on the situation of the vulnerable. States are therefore called upon to address the conditions for volunteering in their countries.

Process

This issue will be addressed at the plenary session or commission where participants will address the conditions for volunteering. Evidence will be presented in relation to the Red Cross/Red Crescent volunteer contributions towards achieving the MDGs and in supporting the response of public authorities to humanitarian and social challenges.

Expected outcome

A resolution affirming commitment to support National Societies with resources and look at how States and National Societies can work together for the better protection, promotion and recognition of volunteers on the basis of various studies, highlighting amongst other things the economic and social value of volunteers, the experience of volunteering in crisis situations and best practice in volunteer legislation. It is proposed that the resolution reflect that "National Societies and States agree to work together to protect, promote and recognise the benefits of volunteering through creating an enabling cultural, social and legal national environments within which volunteers can serve vulnerable people".

4.4.2 Enhanced Partnership - Stronger National Societies

Rationale

National Societies have certain specificities deriving from the 1949 Geneva Conventions and Statutes of the Red Cross and Red Crescent Movement. They are auxiliaries to their public authorities in the humanitarian field. The 30th International Conference in November 2007 and specifically Resolution 2 entitled "specific nature of the International Red Cross and Red Crescent Movement in action and partnership and the role of National Societies as auxiliaries to their public authorities in the humanitarian field" defined this specific nature and role of National Societies. In particular, the Conference members emphasized that "National

Societies as auxiliaries to the public authorities in the humanitarian field have a duty to consider seriously any request by their public authorities to carry out humanitarian activities within their mandate,” whereas “States must refrain from requesting National Societies to perform activities which are in conflict with the Fundamental Principles or the Statutes of the Movement or its mission, that National Societies have the duty to decline any such request and underlines the need for the public authorities to respect such decisions by the National Societies.”

This privileged access enjoyed by National Societies as auxiliaries to the public authorities in the humanitarian field as well as the independence of the Movement, the breadth of its humanitarian activities across the globe, its community base with tens of millions of volunteers and the observer status at the United Nations General Assembly enjoyed by the IFRC and the ICRC enable us to persuade decision makers and opinion leaders to act, at all times, in the interests of vulnerable people, and with full respect for fundamental humanitarian principles (driven by this commitment, the National Societies carry out these activities at country level by making use of the Humanitarian Diplomacy Policy).

The specific status enjoyed by National Societies creates legitimate expectation, on the part of States, that National Societies perform their function efficiently. This, in turn, has implications on National Societies and their International Federation to work on tools to enhance their performance, transparency and accountability. Some of these tools will be presented to the International Conference but focus will be placed mainly on examples of best practices where National Societies are considered to be a reliable partner to their government in the humanitarian sphere.

Process

In working with National Societies States agreed² to take into consideration the varying capacities of States and National Societies and strengthen their operational capacity and resources accordingly; they also agreed to optimize the role of National Societies as auxiliaries to the public authorities at all levels in the humanitarian field; to capitalize on the community and volunteer base (particularly the youth) of National Societies to influence positively and act upon vulnerable communities from within, particularly in situations beyond the reach of the public authorities; to build on the unique ability of the components of the Movement, in acting at all times in accordance with the Fundamental Principles, to gain the confidence of all in order to have access to those in need; to intensify and coordinate operational interaction and partnerships among the members of this Conference, and with other institutions, whenever there is a clear benefit for the victims and the most vulnerable people.

States are encouraged to continue their dialogue with their National Societies to better define this relationship. In particular, they may wish to use the platform and format of the the 31st International Conference to clarify and consolidate the areas in which National Societies as auxiliaries cooperate at all levels with the public authorities. Such dialogue may contribute and lead to strengthening the capacities of National Societies especially on enhancing performance, transparency and accountability and enforce their legal base. This could be done by providing National Societies with an up to date Red Cross/Red Crescent law or tax exemptions or better resources for National Societies. Governments will be presented with minimum elements to be included in a Red Cross/Red Crescent law. Humanitarian diplomacy should also be considered when discussing this privileged relationship.

² Declaration: Together for humanity (30th International Conference of the Red Cross and Red Crescent, Geneva, 26-30 November 2007)

Expected outcome

As part of the resolution on this item of the agenda the National Societies, as auxiliaries to the public authorities in the humanitarian field, will reiterate their availability to supplement States in the fulfilment of their responsibility to provide humanitarian assistance to vulnerable persons on their respective territories. States will be invited to broaden National Societies' humanitarian space by creating the conditions for more favourable access to people in need, which is a primary challenge when it comes to organizing a sustainable response. States will also be encouraged to ensure a predictable and regular flow of resources adapted to the operational needs of their National Societies. States will be urged to find ways to ensure that humanitarian assistance budgets are not cut, but increased to tackle growing problems of vulnerability in time of financial crisis. The IFRC and ICRC will be called upon to promote and enhance partnerships with States on behalf of National Societies, comprising public authorities at all levels, as well as other humanitarian actors and civil society.

4.4.3 Promoting a culture of non violence and peace**Rationale**

Often caused by ignorance and fear of the other, violence, discrimination and exclusion are still major humanitarian challenges that cause suffering for millions of people across the world today. Culture shocks imposed by rapid changes, the polarization of wealth despite its fast growth both between people and nations, growing extremism based on religion, and a breakdown of solidarity and communication within communities threaten to divide the world of the future. Seeking to alleviate human suffering of all kinds, the Movement has a moral obligation to raise awareness of those humanitarian challenges and persuade Governments to address their underlying root causes and social determinants.

In 2009, the youth of the Movement united on the battlefields of Solferino, 150 years after Henry Dunant, and expressed a strong commitment to furthering a culture of non-violence and peace. Red Cross/Red Crescent youth committed to living the fundamental principles of the Movement through the development of skills allowing for transformation of our mindsets and our actions, and to playing a leadership role in the building of a more humane, equal and non-violent world.

Red Cross/Red Crescent volunteers are all around the globe, have grass roots presence and are committed to applying the humanitarian values which underpin the fundamental principles of the Movement. Through these they are often able to constitute the glue in their communities, and further respect for and appreciation of diversity. As such, the Movement, through its community based volunteers, can empower individuals at the grass roots level to be agents of change.

Our Fundamental Principles of humanity, impartiality, universality, neutrality, independence and unity put us in a privileged position to bring diverging groups around the table. We can offer a platform for dialogue where our common humanity is recognised and where, through openness and mutual understanding, respect for differences and appreciation of diversity can be enhanced and constructive and creative solutions to tensions and problems can be facilitated.

Today's increasingly interdependent world is changing concepts of competition and self-interest, showing that collaboration needs to be privileged as the driving force of humanity. In the area of the promotion of a culture of non-violence and peace, effective partnerships will be key to ensuring maximum impact. Our humanitarian diplomacy work on a culture of non-violence and peace should facilitate our engagement in constructive, collaborative partnerships. National Societies, through their auxiliary status, can lobby governments to

create enabling and supportive (including legal) environments in which values-based partnerships can be operational.

As strong, locally recognised and accepted humanitarian actors auxiliary to their public authorities in humanitarian field, National Societies should play an essential humanitarian (informal) educational role in society and complement public education.

Process

The debate at the 31st International Conference will aim at developing/strengthening concerted strategies or partnerships to building a culture of non-violence and peace and highlight the role of National Societies as local humanitarian actors playing a key role, including educational, in the promotion of a culture of non-violence and peace at the community level. Government recognition and support of the important role, contribution and value of the Movement to shaping a more humane, equal and non-violent society, will be sought. The role of the Movement as a neutral facilitator providing a safe space for dialogue will be highlighted. The National Society will showcase Youth as Agents of Behavioral Change (YABC) as an International Federation flagship initiative for societal transformation towards a culture of non-violence and peace.

Expected outcome

The Conference will be invited to adopt a resolution containing general commitment of its members to further engage in the promotion of a culture of non-violence and peace in which all groups of the community, including marginalised or disenfranchised groups are involved; work with the Movement to promote a culture of non-violence and peace by tackling the underlying root causes and social determinants of violence and supporting individuals and communities to build on their resilience and strengths (see 4.2.); establish concrete, open and sustainable mechanisms for meaningful participation of youth in the life of their local community, emphasise the key role of youth peer education and the importance of institutionalising values and skills-based humanitarian education; create an enabling and supportive environment in which civil society partnerships can foster bottom up, participatory and equality-driven community-based processes where dialogue is encouraged, in a spirit of respect, mutual understanding and cooperation with a view to transforming tensions in a non-violent manner; create and strengthen anti-discrimination legislation.

4.4.4 Migration

Rationale

At the 30th International Conference in its declaration 'Together for Humanity' (2007) States and the Movement expressed concern that migrants may live outside conventional health, social and legal systems and may not have access to processes which guarantee respect for their fundamental rights.ⁱⁱ That 30th International Conference acknowledged the role of National Societies, based on the principles of humanity and impartiality, and in consultation with public authorities, in providing humanitarian assistance to vulnerable migrants, irrespective of their legal status.

Subsequently a comprehensive International Federation Policy on Migration was adopted by the General Assembly and welcomed by the Council of Delegates in November 2009. These forums thereby strengthened our mandate and clarified principles and guidance for the Movement.

Working with vulnerable migrants is a long-standing tradition of the Movement. It is rooted in our mission, fundamental principles and universal character as well as in our global volunteer and community base. However, a number of National Societies are still facing major problems in obtaining access to provide humanitarian assistance to vulnerable migrants and

they have evidence that administrative and legislative measures have continued to diminish migrants' access to 'conventional health, social and legal systems' in a number of countries.

Process

Recalling the commitment made by States in 2007 in acknowledging the role of National Societies in providing humanitarian assistance to vulnerable migrants, irrespective of their legal status, a background paper will be prepared which identifies constraints and challenges, takes stock of progress to date from regional perspectives and generates awareness and dialogue for filling remaining gaps.

Reviewing the Declaration 'Together for Humanity' and the IFRC Policy on Migration, the International Conference background paper on Migration will draw on National Society global experience with regard to their access to vulnerable migrants as specified in Resolution¹ⁱⁱⁱ of the Declaration (in particular, access to provide humanitarian assistance, integration and reintegration services, addressing stigmatization and xenophobia concerns and promotion of respect for human dignity).

Furthermore, the plight of vulnerable migrants facing interdiction at sea and at borders, and in particular the conditions under which they are turned away individually or as a group will be brought to the attention of the Conference (e.g. the cases when this is happening without due process for status determination and with inadequate guarantees of food, shelter and safety for their return voyage).

Finally, a report on the implementation of the Policy on Migration and current humanitarian challenges for vulnerable migrants will be submitted to the Conference.

Expected outcome

Members of the Conference will be invited to adopt a resolution, which, inter alia, encourages States to take all remaining legal and procedural steps necessary to ensure that their National Societies have the necessary access to provide humanitarian assistance to migrants in their countries, regardless of their legal status; affirms States' and National Societies' commitment to upholding the fundamental rights of asylum-seekers and to ensuring that border procedures (which result in denial of entry, deportation or interdiction of migrants) include adequate guarantees to safeguard their safety, well-being and dignity and if necessary their protection; calls upon States and Components of the Movement to develop partnerships which strengthen the humanitarian services and protection for vulnerable migrants and incorporate in such partnerships relevant national and international organisations. Members of the conference will be invited to explore opportunities to address unfounded xenophobia and stigmatization of migrants in public opinion and to alleviate and prevent human suffering of vulnerable migrants.

5. Conference outcomes

In addition to the Resolutions outlined in the previous item as expected outcomes of the Conference, its Members will also be invited to submit voluntary pledges to undertake specific actions, individually or in partnership, which complement the resolutions. A well established tradition, the pledges should relate to the objectives and issues addressed by the Conference and promote partnerships that involve joint action and shared goals. To facilitate this, model pledges will be provided related to the issues addressed by the Conference. The organisers of workshops will also be encouraged to discuss and submit pledges in the area of their subject matter.

6. Proposed structure

The Conference will take place from 28 November to 1 December (approximately 3 ½ days). Working sessions will consist of plenary debates, work in Commissions and workshops.

The Drafting Committee will take place parallel to the commissions and the plenary sessions. Election of the Standing Commission will be organised on the third day. Workshops and various side events will run parallel to the official programme.

Geneva, 25 May 2011

ⁱ 30th International Conference Resolution 1 Declaration Together for Humanity

ⁱⁱ 30th International Conference Resolution 1 Declaration Together for Humanity

ⁱⁱⁱ Humanitarian concerns generated by international migration