

# The 33rd International Conference of the Red Cross and Red Crescent (2019)

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## 1 The “Uniqueness” of the International Conference of the Red Cross and Red Crescent

Since its first edition held in 1876, the International Conference of the Red Cross and Red Crescent (IC) represents a unique event in the constantly changing humanitarian landscape. All the most relevant and urgent humanitarian challenges of the last 144 years have been addressed by its miscellaneous (but equally standing) participants, namely the states parties to the Geneva Conventions (currently numbering 196), the National Red Cross and Red Crescent Societies (currently numbering 192), the International Committee of the Red Cross (ICRC), and the International Federation of Red Cross and Red Crescent Societies (IFRC).<sup>1</sup> In modern times, the usually quadrennial event is also regularly attended by numerous observer organisations – with no right to vote – but interested in the debated topics or with working relations with the International Red Cross and Red Crescent Movement (the Movement).<sup>2</sup>

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- 1 Statutes of the International Red Cross and Red Crescent Movement, adopted by the 25<sup>th</sup> International Conference of the Red Cross at Geneva in 1986, amended in 1995 and 2006, and available at <<https://www.icrc.org/en/doc/assets/files/other/statutes-en-a5.pdf>>, last accessed (as any subsequent URL) on 10 July 2020. See in particular art 9.2, according to which ‘[e]ach of these delegations shall have equal rights expressed by a single vote’.
- 2 The Movement consists of the ICRC, the IFRC and the 192 National Societies. On the frequency of the IC see François Buisson, ‘The International Conference of the Red Cross and Red Crescent: challenges, key issues and achievements’, (2009) 91/876 *International Review of the Red Cross* (IRRC), 677, recalling that “the periods between two conferences have sometimes been longer, either because there was no desire to meet (1869–1884), or because the Conference

In general terms, the foundation, nature, and outcomes of the work undertaken in the course of the IC are determined by its hybrid composition. Indeed, bringing together “semi-private” entities and states is in accordance with the original intent of the Movement’s founders: to create a network of humanitarian entities called to engage in constant action and dialogue with governments.<sup>3</sup> The duty to respect a minimum threshold of “humanity”, first and foremost in the context of armed conflict, constituted the core of this collective endeavour. Hence, the role of international law, primarily in its humanitarian “guise”, has ever represented the main topic of the IC sessions. However, its participants have regularly (and increasingly) explored emerging challenges and trends on the protection of persons and communities, not necessarily only related to armed conflict scenarios, but also to other situations of social violence or other issues such as disasters, pandemics, environmental protection and migration.<sup>4</sup>

According to the Movement’s Statutes, the IC’s normative powers are two-fold. Decisions with binding effects on states can be taken with regard to the interpretation and revision of the Statutes themselves, the Rules of Procedure, and on related disputes between its members, with the aim to guarantee the Movement’s unity and ensure the respect of the seven Fundamental Principles.<sup>5</sup> The IC can also assign mandates to the ICRC and the IFRC, as the Statutes guarantee the independence of National Societies and States.<sup>6</sup> A purely “persuasive force” is exerted on any other debated issue, on which the IC can adopt recommendations or declarations normally via a non-binding resolution. However, especially when adopted unanimously, ‘such resolutions must be regarded as an expression of the international community’s legal convictions’, and their impact on international law ‘must be gauged on a case-by-case basis’.<sup>7</sup> As noted

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was prevented from meeting by a widespread conflict (1912–1921, 1938–1948), or by political impediments connected with the representation of certain states or certain political entities.

3 See Michael Meyer, ‘The importance of the International Conference of the Red Cross and Red Crescent to National Societies: fundamental in theory and in practice’, (2009) 91/876 IRR, 714–715. See also *ibid.*, 725: ‘The auxiliary status of National Societies helps to give them a unique position. National Societies are private organizations with certain recognized public functions – therefore, they are neither part of government nor are they non-governmental organizations. Their legal status is genuinely *sui generis*’.

4 Toni Pfanner, ‘Editorial’, (2009) 91/876 IRR, 661.

5 See Statutes (n 1) art. 10.3. On the seven Fundamental Principles (Humanity; Impartiality; Neutrality; Independence; Voluntary Service; Unity; Universality) see <<https://www.icrc.org/en/document/fundamental-principles-red-cross-and-red-crescent>>.

6 Statutes (n 1) art. 10.6.

7 Philippe Abplanalp, ‘The International Conferences of the Red Cross as a factor for the development of international humanitarian law and the cohesion of the International Red Cross and Red Crescent Movement’, (1995) 308 IRR.

by Richard Perruchoud '[t]he votes of government representatives transform what was originally a private matter into a semiprivate legal act, of a mixed nature', the effective impact of which is to be determined at a later stage.<sup>8</sup>

## 2 The International Conference's Contribution to the Development of Disaster Law

In the course of the twentieth century, the Movement's involvement in non-conflict humanitarian emergencies, mainly disasters originating from natural hazards – including epidemics – or human-made incidents, has increased. New sectors of activities and new humanitarian roles have been developed both by National Societies and the IFRC, the latter acting in line with its mission to support and facilitate National Societies' humanitarian capacities and activities as well as to ensure international coordination and mutual support for Movement disaster preparedness and response.<sup>9</sup> Over time, also in light of the very limited success of the International Relief Union between the 1930s and 1960s and the subsequent lack of an international agreement regulating this sector,<sup>10</sup> the IFRC acknowledged the need to identify shared principles and regulations on how to efficiently engage in international disaster relief operations.

Some of the IC's outcomes have specifically focused on the work of the Red Cross and Red Crescent, but others have articulated norms of broader application. An example of the former is the set of 'Principles and Rules for Red Cross Disaster Relief' which were adopted in 1969 by the 21<sup>st</sup> IC, and this original version has been regularly revised and adapted over the course of subsequent conferences.<sup>11</sup> In some cases, advancements in this field have been

8 Richard Perruchoud, 'Les résolutions des Conférences internationales de la Croix-Rouge', Henry Dunant Institute, Geneva, (1979) 46–49 and 394–397.

9 See IFRC Constitution (lastly amended and adopted in 2017), *Preamble*, available at <[https://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2018/02/01\\_Constitution-2017-Final-EN.pdf](https://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2018/02/01_Constitution-2017-Final-EN.pdf)>.

10 See Peter Macalister-Smith, 'The International Relief Union of 1932', (1981) 5/2 *Disasters*, 147–154.

11 Resolution XXIV (Principles and Rules for Red Cross Disaster Relief), 21st International Conference, Istanbul, 1969. Revised by the XXII, XXIII, XXIV, XXV and XXVI International Conferences, Tehran (1973), Bucharest (1977), Manila (1981), Geneva (1986, 1995) when the Principles and Rules for Red Cross and Red Crescent Humanitarian Assistance replaced the Principles and rules for Red Cross and Red Crescent disaster relief, as endorsed by Decision 26 of the 1995 General Assembly, available at <<https://www.ifrc.org/Global/Documents/Secretariat/Accountability/Principles%20Rules%20for%20Red%20Cross%20Red%20Crescent%20Humanitarian%20Assistance.pdf>>.

conducted in conjunction with United Nations bodies, as happened with the ‘Measures to expedite international relief’, jointly prepared in 1977 by the UN Disaster Relief Coordinator (UNDRO) and the IFRC (at the time League of Red Cross, Red Crescent, and Red Lion and Sun Societies) and later adopted by the 23rd IC.<sup>12</sup> In 1994, a Code of Conduct for both the Movement and other non-governmental organisations – setting out principles of conduct applicable to all organisations taking part in disaster relief – was developed and “welcomed” by the IC in 1995.<sup>13</sup>

Against this background, a sustained focus on the role of law in addressing disaster issues emerged as a distinct component of the IFRC work only at the beginning of the current century. A new sector of activity was officially established in 2002 with the creation of the International Disaster Response Law Program (IDRL), later renamed Disaster Law Program (DLP), with a broader aim of examining and improving the role of laws and regulations as a foundation for building community resilience against the occurrence of disasters.<sup>14</sup> The creation and subsequent action of the DLP have always reflected the priorities identified at the IC: for example, the ‘Agenda for Humanitarian Action’ adopted via resolution at the 28<sup>th</sup> IC in 2003, set out as one of its action-oriented goals that States and the components of the International Red Cross and Red Crescent Movement should ‘[e]nhance international disaster response through support for the compilation and application of the laws, rules and principles applicable to international disaster response’ (3.2, emphasis added).<sup>15</sup> Hence, states were ‘encouraged to work in cooperation with their respective National Societies and the [IFRC] to review existing disaster management laws and operational instruments at the national, regional and international levels

12 See <<https://www.ifrc.org/Docs/idrl/I82EN.pdf>>.

13 The IFRC collaborated with the Steering Committee for Humanitarian Response (SCHR), a network of major international NGOs and the ICRC, in the development of the Code of Conduct.

14 See the Council of Delegates resolution 5, available at <<https://www.ifrc.org/PageFiles/53419/idrl-cod-2001s.pdf>>. For a more in-depth analysis on the origins and developments of the Disaster Law Programme see Tommaso Natoli, ‘L’harmonisation des législations nationales selon des modèles internationaux de réglementation: le Programme du droit relatif aux catastrophes de la Fédération Internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge’, in Maurizio Arcari and Louis Balmond (eds), *Diversification des acteurs et dynamique normative en droit international* (Editoriale Scientifica 2013) 142 ff.

15 See 28<sup>th</sup> International Conference of the Red Cross and Red Crescent, Resolution 1 <[https://www.icrc.org/en/doc/assets/files/other/icrc\\_002\\_1103.pdf](https://www.icrc.org/en/doc/assets/files/other/icrc_002_1103.pdf)>.

so as to enhance harmonization with relevant laws, rules and principles' (3.2.4, emphasis added).<sup>16</sup>

In 2007, the IFRC published a desk-study on 'Law and legal issues in international disaster response', representing a first comprehensive assessment on the role of law in disaster response.<sup>17</sup> Building on this study, as well as other intensive research and widespread consultations with governmental and non-governmental stakeholders, the 'Guidelines on the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance' (IDRL Guidelines), were drafted and later adopted the same year by the 30<sup>th</sup> IC held in Geneva, which also encouraged states to make use of them.<sup>18</sup> The Guidelines, designed to assist governments to become better prepared for the common legal problems in international response operations, represented a critical output of the DLP, which is proactively involved in the dissemination and implementation of this instrument. Despite the non-binding nature, they are still considered today an essential point of reference for any attempt to address the role of law in this sector at both the national<sup>19</sup> and international levels,<sup>20</sup> as also evidenced by their consideration in the work of the Special Rapporteur of the International Law Commission on the Draft Articles on the protection of persons in the event of disasters.<sup>21</sup> From that moment on,

16 Interestingly, another recommended action was 'to consider acceding to and implementing the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations' (3.2.5).

17 David Fisher, *Law and Legal Issues in International Disaster Response: A Desk Study* (IFRC 2007), available at <<https://www.ifrc.org/PageFiles/125639/113600-idrl-deskstudy-en.pdf>>.

18 Resolution 4, available at <<https://www.ifrc.org/Global/Governance/Meetings/International-Conference/2007/final-resolutions/ic-r4.pdf>>. The IDRL Guidelines are available at <<https://www.ifrc.org/en/what-we-do/disaster-law/about-disaster-law/international-disaster-response-laws-rules-and-principles/idrl-guidelines/>>.

19 Since 2007, 37 countries have adopted new laws, policies or procedures drawing on the IDRL Guidelines, and National Red Cross and Red Crescent Societies provided their advice and support to implement the recommendations of the IDRL Guidelines in over 95 countries.

20 UNGA Resolutions 65/264 and 65/133 of 2010, 64/251 and 64/76 of 2009, and 63/141, 63/139 and 63/137 of 2008 and ECOSOC Resolutions 2010/1 of 2010, 2009/3 of 2009, and 2008/36 of 2008, equally encouraged states to strengthen their regulatory frameworks for international disaster assistance, taking the IDRL Guidelines into account. Further, the IDRL Guidelines have influenced many intergovernmental strategies and resolutions and several treaties, namely the 2015 Trans-border Agreement between Panama and Costa Rica, and the 2017 SICA Special Customs Procedures for Relief Goods.

21 The most recent reference can be found in the Eighth report of the Special Rapporteur, Mr. Eduardo Valencia-Ospina (68<sup>th</sup> session of the ILC (2016) <[http://legal.un.org/ilc/guide/6\\_3.shtml#srapprep](http://legal.un.org/ilc/guide/6_3.shtml#srapprep)>. See Tommaso Natoli, 'Non-State Humanitarian Actors and

in conjunction with governments, National Societies and other organisations, the DLP worked on the production of other guidance documents (including legislative models based on the IDRL Guidelines and thematic Checklists e.g. on 'law and disaster risk reduction' or 'law and disaster preparedness and response', as self-assessment tools for national authorities) sharing the same overarching purpose of enhancing capacity-building and supporting harmonised law and policymaking at the national level.<sup>22</sup> Notably, the use of these instruments have been regularly encouraged by the ICs.

At the 31st IC in 2011, a new resolution was expressly devoted to the topic of 'Strengthening normative frameworks and addressing regulatory barriers concerning disaster mitigation, response and recovery'.<sup>23</sup> Reiterating the importance of normative preparedness as a key tool to ensure that disaster risks are effectively addressed, this resolution also gave great relevance to the need to enhance – through legislation – disaster risk reduction at the community level and the issue of post-disaster shelter.<sup>24</sup> Since then, similar resolutions have been adopted at the two subsequent ICs on the topic of disaster law, focussing every time on a particular aspect, such as Resolution 6 of the 32nd IC (2015) on 'Strengthening legal frameworks for disaster response, risk reduction and first aid'. This resolution recognised, *inter alia*, the supporting role of National Societies, as auxiliaries to the public authorities, with regards to the intersecting goals, targets and priorities set out in the Sendai Framework

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human rights in disaster scenarios. Normative role, standard setting and accountability', in Flavia Zorzi Giustiniani, Emanuele Sommario, Federico Casolari and Giulio Bartolini (eds) *Routledge handbook of human rights and disasters* (Routledge 2018) 150–152.

22 A 'Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance' was developed in the period 2011–2013 in collaboration with the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the Inter-Parliamentary Union (IPU), see IC Resolution 31IC/11/R7, paras 5 and 6. Along the same lines, and responding to explicit requests from national law and policy makers in this sense, the DLP subsequently developed a 'Model Emergency Decree' specifically directed to those situations where a clear legal framework is not in place before the onset of a large-scale disaster, or where the adoption of more comprehensive legislation is not practicable. In parallel, the IFRC and the United Nations Development Programme (UNDP) embarked on a joint initiative to research and develop guidance on law relating to disaster risk reduction (DRR), resulting in a Checklist on Law and Disaster Risk Reduction (the DRR Law Checklist) released in 2015 together with a more detailed Handbook on Law and Disaster Risk Reduction. The 32nd International Conference in 2015 recognised the DRR Law Checklist as a useful, non-binding assessment tool to help States, when applicable, to review domestic legal frameworks for disaster risk reduction at the national, provincial and local level.

23 31st IC, Resolution 7, 31IC/11/R7 (2011) <[https://rcrcconference.org/app/uploads/2019/03/R7\\_Disaster\\_Laws\\_EN.pdf](https://rcrcconference.org/app/uploads/2019/03/R7_Disaster_Laws_EN.pdf)>.

24 *Ibid.*, paras. 7–10 and 11–13.

on Disaster Risk Reduction 2015–2030, the 2030 UN Agenda for Sustainable Development, and the Paris Agreement under the United Nations Framework Convention on Climate Change.<sup>25</sup>

### 3 Disaster Law at the 33rd International Conference (2019)

The 33rd International Conference of the Red Cross and Red Crescent Movement took place in Geneva from 9–12 December 2019 gathering more than 2000 delegates, including representatives from 168 States and 187 Red Cross and Red Crescent National Societies, as well as a great number of observers. The three main themes of this conference were ‘International humanitarian law: Protecting people in armed conflict’, ‘Trust in humanitarian action’ and ‘Shifting vulnerabilities’. It is within the context of this last theme that the role of Disaster Law was debated by the Conference, and this time was extensively framed with regards to the intertwined need to address the humanitarian consequences of the climate crisis.

This shift in focus mirrored the IFRC’s more general momentum towards climate change-related issues, which in the last few years has partially reoriented its scope of activity, in line with its overall priority to address the world’s most pressing humanitarian issues. To tackle the humanitarian “price” of climate change – the IFRC has estimated that 200 million people per year will potentially require humanitarian aid by 2050<sup>26</sup> – and identify the most urgent action for avoiding it, has become one of the most impelling goals of the entire Movement. It is not by coincidence that the interlinkages and synergies between the need to reduce the risk of disasters and to adapt to the effects of worsening climate trends and patterns (i.e. climate change adaptation – CCA), were put at the centre of many spotlight sessions, side-events and high-level debates at the 33rd IC.<sup>27</sup>

25 See 32nd IC, Resolution 6, 32IC/15/R6 (2015) paras 6–7 <[https://rcrcconference.org/app/uploads/2015/04/32IC-Res6-legal-frameworks-for-disaster\\_EN.pdf](https://rcrcconference.org/app/uploads/2015/04/32IC-Res6-legal-frameworks-for-disaster_EN.pdf)>. On the intersecting commitments of the main global instruments adopted in 2015 see Tommaso Natoli, *Compendium on the Post-2015 Global Agenda on Climate-Risk Governance*, CCJHR Research Projects – UCC (2020) available at <<https://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2020/05/CCJHR-Post-2015-Global-Agenda-Tommaso-Natoli-May-2020.pdf>>.

26 IFRC, *The Cost of Doing Nothing* (2019) 3–5, available at <<https://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2019/09/2019-IFRC-CODN-EN.pdf>>.

27 Of note, a ‘High-Level Climate Humanitarian Dialogue: scaling-up collaborative action toward climate resilience and addressing the humanitarian impacts of climate’ was organised and held in conjunction (and digital connection) with the UNFCCC CoP25 taking place in Madrid at the same time.

### 3.1 *Resolution 7 on 'Disaster Laws and Policies that Leave No One Behind'*

In continuity with prior IC resolutions on the topic, the most relevant advancements in terms of Disaster Law were consolidated into a resolution adopted by the final plenary session with the title 'Disaster laws and policies that leave no one behind'.<sup>28</sup> In particular, this resolution elaborated on the need for effective disaster laws, policies, strategies and plans that address the impact of climate change and, at the same time, ensure that no one is left behind in disaster risk management or climate change adaptation activities. It doing so, participating states and the Movement's members acknowledged the interlinked nature of the most relevant documents defining the post-2015 global agenda on climate-risk governance, such as the Intergovernmental Panel on Climate Change (IPCC) Special Report on the impacts of global warming of 1.5°C of 2018; the UN 2030 Agenda for Sustainable Development; the Sendai Framework for Disaster Risk Reduction 2015–2030; the UN Framework Convention on Climate Change and the Paris Agreement (2015). Of note, the resolution also 'recognised' the importance of a new non-binding assessment tool produced by the DLP, the 'Checklist on law and disaster preparedness and response', inviting States to use it for evaluating and improving the content and implementation of their normative frameworks.<sup>29</sup>

The text initially submitted to the Drafting Committee (the IC body in charge of debating the content of the resolution to adopt) included a series of formulations which in some cases did not survive in its final version. The original "zero draft" built upon a 'Background document' which, among other issues, stressed the need to favour the adoption of "climate-smart" disaster laws and policies (i.e. normative instruments 'that have adequate flexibility and clarity to address the rising threats and volatility due to climate change and that are well-integrated with climate adaptation mechanisms'). Despite being a distinctive feature of the original version of the resolution,<sup>30</sup> no explicit reference to the phrase "climate smart" (which allegedly appeared as a novelty for the diplomatic jargon in this field) was eventually included in the adopted text, though the substance of the recommendations still remained. Moreover, while the need to ensure an integrated approach to disaster risk management and adaptation to climate change, as well as to promote gender-responsive approaches and community-engagement in risk analysis, planning and decision-making were kept as core messages of the resolution, other

28 33rd IC, Resolution 7, 33IC/19/R7 (2019) <[https://rcrcconference.org/app/uploads/2019/12/33IC\\_R7-Disaster-Law-resolution-adopted-EN-1.pdf](https://rcrcconference.org/app/uploads/2019/12/33IC_R7-Disaster-Law-resolution-adopted-EN-1.pdf)>.

29 *Ibid.*, paras 3–5.

30 The title initially proposed was 'Climate-smart disaster laws and policies that leave no one behind'.



components of the ‘draft zero’ version were left aside. This is the case, for instance, of the precise identification of the most vulnerable categories the needs of which should have been addressed by disaster laws, policies, strategies and plans and climate change adaptation plans, policies and contributions.<sup>31</sup>

#### 4 Final Remarks

Since 2011, the IC acknowledges itself as a key international forum for continued dialogue on the strengthening of disaster laws and on recovery action, in synergy with actions conducted by States and international organisations.<sup>32</sup> Undoubtedly, its “uniqueness” makes it a well-structured and well-positioned context where to positively influence the evolution of disaster law, favouring its coherent development through the consolidation of shared tenets bearing upon the whole international community. The direct and effective interaction between nearly all states and respective Red Cross Red Crescent entities (which have a recognised status in all countries of the world<sup>33</sup>), the ICRC and the IFRC, represent a universal and privileged source of “normative cohesion”, distinct from – although in some cases connected to – parallel developments ongoing within the UN system. This allows not only to address the regulation of the multiple aspects of disaster management but also to explore cross-fertilisation and interlinkages among different sectors, including climate adaptation.

Such features gained particular momentum in the course of the 2019 Conference and will presumably continue during following ones, as stressed by the resolution on Disaster Law and policies, which recognised the IC ‘contribution to dialogue on domestic legal and policy frameworks for adaption to climate change’.<sup>34</sup> These advancements, and the importance of open dialogue, should not be underestimated, especially in light of the IC “driving force”, namely its persuasive capacity to set out the humanitarian agenda and influence national and international practice, at times potentially ‘more productive than hard law’.<sup>35</sup> This is particularly relevant for both disaster lawyers and

31 The original text mentioned explicitly ‘the rights and specific needs of persons with disabilities, older persons, persons living in informal and unmapped settlements, irregular migrants, refugees and stateless persons, and others who may be overlooked.’

32 31IC/11/R7 (n 23) para. 18; 32IC/15/R6 (n 24) para 19.

33 See Statutes (n 1) art. 4.3.

34 33IC/19/R7 (n 28) para. 14.

35 Interview with Masood Khan (Pakistani high-level official) conducted on 27 January 2010 by Toni Pfanner, Editor-in-Chief of the International Review of the Red Cross, (2009) 91/876 IRR, 666.

practitioners, who are still committed to tracing out the underlying dynamics and normative boundaries of this discipline, with special regards to contiguous ones (e.g. Climate Change Law, International Humanitarian Law, Human Rights Law, and Refugee Law).

In effect, states were required to line-up on particularly delicate issues of the current global governance agenda, which in some cases pushed them to express their (actual or potential) *opinio juris* on how the regulatory aspects of disaster and climate risks management – as well as other issues such as data protection – should be handled. The risk of political instrumentalizations of such debates, which have not been uncommon in the past,<sup>36</sup> also needs to be taken into account, and the 33rd conference succeeded in overcoming it through the adoption of a text which formalised important advancements on how the management of climate and disaster risk is expected to be addressed.<sup>37</sup>

Lastly, careful consideration of previous practice at the IC acquires further relevance in light of the upcoming discussion at the UN General Assembly on the future of the ILC Draft Articles expected in December 2020. It will be up to the most sceptical countries to open the eyes on the importance of strengthening law at all levels to cope with the hazards that humanity will have to face. In case of failure at the UNGA, and looking at the near future with a glimpse of optimism, it is not to exclude that a preliminary endorsement of a draft universal treaty by the next IC in 2023, could be conducive to a dedicated diplomatic conference formally qualified to adopt it, along the lines of what happened in the past for important humanitarian law treaties as the two Additional Protocols to the 1949 Geneva Conventions.<sup>38</sup>

36 For a summary of some main political problems that the IC had to face in the past see Abplanalp (n 7) 8.

37 According to Manuel Bessler, who co-chaired the Swiss government delegation, 'Immediately, discussions become highly political, which makes it so difficult to get anywhere', see Heba Aly, Negotiations at Red Cross conference shrouded in global politics, *The New Humanitarian* (13 Decemebr 2019), at <<https://www.thenewhumanitarian.org/news/2019/12/13/Red-Cross-IHL-conference-global-politics>>.

38 See Statutes (n 1) art. 10.2, '[t]he International Conference contributes to the respect for and development of international humanitarian law and other international conventions of particular interest to the Movement'. So far, the IC has not made an explicit call for the adoption of such convention.