

SEMINAR ON INTERNATIONAL HUMANITARIAN LAW AND METHODS FOR ITS DISSEMINATION

In a memorandum distributed during the meeting of the Council of Delegates in October 1975, the ICRC asked, in particular, National Societies whether they wished to send members to Geneva for instruction in problems relating to the dissemination of knowledge of the Geneva Conventions. Of the 52 National Societies which replied, 27 gave an affirmative answer to this question.

To follow up these replies, the ICRC decided to organize a training seminar at the Henry Dunant Institute from 4 to 15 October 1976.¹ The 27 National Societies were invited to delegate members. Ten of them did so, namely the National Societies of Canada, Denmark, German Democratic Republic, Italy, Poland, Portugal, Sudan, Sweden, Tanzania and Uganda.

Speeches were delivered at the opening. We give below the addresses by Mr. Alexandre Hay, President of the ICRC, and by Mr. Jacques Moreillon, Director, Department of Principles and Law:

Mr. Alexandre Hay :

The dissemination of knowledge of the Geneva Conventions is one of the most important and at the same time one of the most difficult duties of the National Societies and the ICRC.

It is important because all the efforts made to develop humanitarian law, to conduct negotiations for its enactment and even to ratify it will be wasted unless this law is familiar to those responsible for its application and, first and foremost, to all members of armed forces.

It is a difficult duty because it does not yield immediate results, in fact at times it may be unpopular. In time of peace, no-one likes to discuss war. Moreover, when so many different and pressing needs demand

¹ *Plate.*

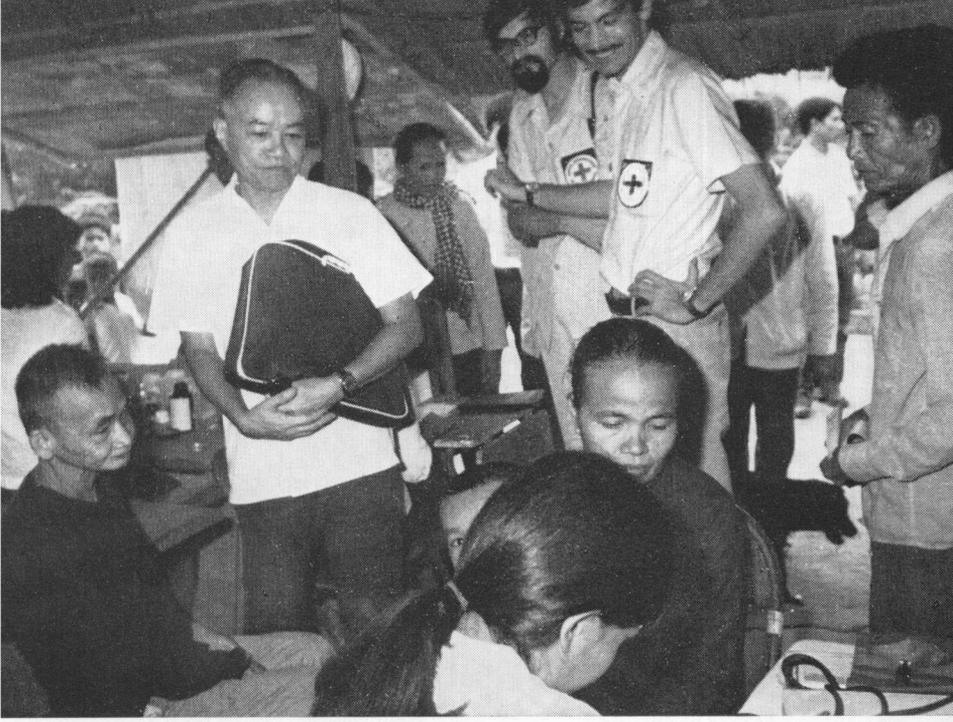
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immediate action, and when supplies of men and money are limited, there is some reluctance to devote any significant effort to a distant and hypothetical goal.

Yet if the Red Cross movement does not make the first move towards this goal, who will do so? It is true that the States are primarily responsible for disseminating knowledge of the Geneva Conventions, and anything done by others cannot affect their obligations on this score. Having said this, we may well ask: what have the States done in the matter, not since 1864, but simply since 1949? The answer, unfortunately, is easy: in the majority of cases, nothing, or very little.

Thus, next to the obligations of governments the Red Cross is faced with a state of affairs that compels it to take definite measures to disseminate knowledge of the Geneva Conventions. The approach may be direct — to the armed forces, universities, schools, even the general public — or indirect, the National Societies or the ICRC supplying the stimulus to the authorities to discharge their responsibilities and helping them to do so. Each National Society is left to choose for itself the methods best suited to its own structure and to conditions in the country — this, incidentally, will be one of the subjects discussed during this seminar. What is essential is the determination to take action and to provide the means for one's policy.

The question of means brings up the question of the relationship between the ICRC and the National Societies concerning dissemination of the Geneva Conventions. The International Committee is resolved to implement the numerous International Conferences resolutions urging it to act in this field, either in direct contact with the States or through the National Red Cross Societies. Indeed, the Committee is pledged to do so under the Statutes of the International Red Cross: Article 6, para. 7, states that "It works for the continual improvement and diffusion of the Geneva Conventions". But the ICRC's resources are limited and its tasks are many. It is not feasible for it to give help to *all* National Societies in this endeavour. Since it is forced to be selective, it will concentrate on those Societies that show real interest in the work of dissemination. The group now assembled here is an illustration of this approach by the International Committee. Out of about 130 National Societies which received our questionnaire of October 1975 on dissemination of the Conventions, about sixty replied. Of the sixty, about thirty replied in the affirmative to the question of whether they wished to send one of their members to Geneva to be trained in dissemination. The Societies represented at this gathering are taking part as the result of this selection process, which gives them the common denominator of being *willing*



In Cu Chi province, ICRC delegates distributing International Red Cross relief supplies together with members of the Red Cross of Viet Nam (above left, the National Society's secretary general).





Sahara: In the region of Tindouf, ICRC delegates inquiring about refugees' situation.

Photo: A. Beaud/ICRC

In Geneva: Seminar on international humanitarian law and methods of its dissemination, organized by the ICRC.

Photo G. Leblanc/ICRC



and able to disseminate knowledge of the Geneva Conventions in their own countries.

We could, of course, have fixed a different common denominator, especially a regional one. This is, in fact, an approach we are working on and which does not exclude the one we have used for the present seminar. For example, in March 1977, all the National Societies of Europe and North America will be able to take part in a seminar in Warsaw to be organized jointly by the Polish Red Cross and the ICRC. I would like to take this opportunity to say a special word of welcome to the representative of the Polish Red Cross and to thank his Society for the excellent idea of organizing that seminar.

We are also trying to raise special funds to finance similar regional meetings, in Africa, for example, or in the Arab world. But these are matters which you will discuss in more detail during the second week of this seminar.

What is important, it seems to me, is that the Societies you represent are showing, by your presence here, that they share with the ICRC the wish to play their part in spreading knowledge of the Conventions. This wish, far more than the mere number of participants, is in my opinion the promise and pledge of success. My best wishes for a fruitful discussion.

Mr. J. Moreillon :

The President of the ICRC, when describing the process of selection which led us to constitute this group, already mentioned one aspect of the ICRC's policy for dissemination of the Geneva Conventions.

Before I broach other aspects of that policy, I shall briefly revert to the one which Mr. Hay mentioned: it has been said that dissemination should aim at quality rather than quantity. This does not in my opinion correspond exactly to reality, even though it is not so far removed from it. It might be better to say that if the ICRC should and could seek to promote universal interest in humanitarian law, it would not have the means for carrying through programmes of dissemination and assistance in this field to all National Societies.

This is, of course, regrettable, for there are many National Societies which sincerely desire to disseminate and promote dissemination of the Geneva Conventions in their own countries, but lack the resources to do so. Some of them would have liked to be with us today but could not afford to send a representative. We are sorry about this, but as the ICRC itself does not have sufficient means, we have no choice but to concen-

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trate, as President Hay said, on those National Societies which are “willing *and* able” to carry out dissemination.

However paradoxical it might seem, the subjective “willingness” is, I think, more important than the objective “ability” in the matter of dissemination; for what is dissemination if not, to use another terminology, the “propagation of faith?” But to propagate faith, one must have faith; without it, it is better not to pretend, otherwise it is scepticism which is propagated. I would therefore say that the first principle in any dissemination policy — not only in that of the ICRC — is that men and women must be found who believe in the value of the Geneva Conventions and in the need to make them known in order to make them effective. When such men and women have been found we shall be halfway to success. But let us not waste time in pretending that we can disseminate anything through sceptics, even if they are disguised as people of the Red Cross.

Transcending the human element which, in my opinion, should be the central point of any dissemination policy, there are several guidelines which the ICRC has adopted. I would like to submit them to you and I should be pleased if, at some time or other during this seminar, or even at the end of the present talk, you would comment on them, criticize them, and put forward suggestions.

However, before I submit them to you, I would like to re-read with you resolution XXII of the twenty-second International Conference of the Red Cross which took place at Teheran in November 1973. That resolution might be considered as an ICRC charter on dissemination. I think it will be worthwhile to read that resolution from beginning to end at least once in the course of this seminar which, in fact, is a direct outcome of that resolution.

In our opinion this resolution, which was unanimously approved, truly reflects the concern of the ICRC, governments and National Societies as felt in Teheran. So far as National Societies are concerned, it seems to us that one must know how to read into the wording of the resolution the three major concerns of National Societies which they expressed in one way or another before, during and after the Teheran Conference, namely:

- (a) *the need for methods and language appropriate to the various people whom the dissemination effort is designed to reach;*
- (b) *the importance of personal contact and the person-to-person communication of ideas, and not only through printed material;*

- (c) *the necessity to give importance in a comprehensive dissemination programme to the Red Cross contribution to peace and to a spirit of peace.*

I would like briefly to review these three concerns one by one.

New and appropriate approaches

The ICRC must beware of approaches which some people say, rightly or wrongly, reflect its "western and bourgeois ethnocentrism". It must, therefore, in parallel with its traditional approaches, find new ones without, however, in any way sacrificing either the philosophy behind the words or the basic principles adopted at Vienna. For example, "neutrality" is a word sometimes difficult to "digest", and "impartiality", even if more readily admitted, may in some contexts be replaced by "without discrimination".

The new approaches must be sought by the ICRC mainly among those it wishes to reach; it must look for them in their own cultures and reasoning. National Societies and governments will be all the more sensible of the universality of those principles if they discover for themselves, in their own natural environment, expressions which correspond to that universality but which are appropriate to that environment.

It was with that in view, for example, that we commissioned an African jurist, Miss Yolande Diallo, to undertake an enquiry in Africa to seek in African tradition the elements which correspond to those of modern humanitarian law. Although research was inevitably superficial, for lack of time, it confirmed that humanitarian traditions in Africa existed long before Henry Dunant, and that recent efforts to codify that law were in line with that tradition. Incidentally, you will hear more from Miss Diallo herself, and I mention her work just as an example of an ICRC answer to the concern expressed by some National Societies for the adaptation of dissemination to suit those to whom it is desired to convey knowledge of the Geneva Conventions.

Person-to-person approach

We must recognize that dissemination through the written word, however suited to the reader, will always be didactic and hence of limited effect. Consequently, within the framework of this search for new methods, personal contacts must be more numerous, both when National Societies representatives come to Geneva or, especially, when there are missions in the countries concerned and Red Cross seminars are held outside Geneva.

We must also realize that, even at times of budget difficulties, money appropriated to dissemination, and particularly to dissemination through seminars, is an indispensable long-term investment for a task which is a priority even if less urgent than some operational imperatives. These direct contacts are a natural supplement to written material without which the effort would lose much of its effect and part of the investment would be lost because it would not be used to the full.

The present seminar is, of course, an illustration of this policy and will, I am convinced, demonstrate its value, if that be necessary. The ICRC has organized other similar seminars in Geneva for members of the armed forces of various Third World countries. In addition, there have been others in a number of countries, organized by and for a single National Society or organized for a few Societies of countries near to one another.

As for our delegates in the field, and particularly for our regional delegates—those “one-man bands” of the ICRC—one of their important functions is to disseminate and especially to induce others to disseminate humanitarian law, in particular by encouraging National Societies, and also the armed forces, the universities and the schools, to do so. Moreover, in so doing they often receive as much as they give. Repeated and lasting contacts give them the opportunity to learn thoroughly the local traditions and to perceive in them aspects which are genuinely universal in humanitarian thought.

Red Cross and Peace

I believe that nowadays we can no longer be content to spread knowledge of basic Red Cross principles and of humanitarian law without at the same time making an equally strenuous effort to promote the Red Cross contribution to peace and a spirit of peace throughout the world. This is a matter of principle and effectiveness. Of principle, because, at most and idealistically, the ICRC must wish for a world in which it is no longer needed. Of effectiveness, because in a field which is particularly threatened by a biased approach the ICRC contribution is a guarantee of freedom from political considerations.

This very important question will no doubt be given the prominence it deserves at the Warsaw seminar, for more than any country in the course of history Poland has been a martyr to the horrors of war.

Diversification of dissemination methods

A final comment on general policy. The principles of the Geneva Conventions are universal, but methods to disseminate knowledge of

them must be diversified in a manner appropriate to the target. Just as the same methods cannot be used in Africa and in Europe, so must they differ to reach children, students or soldiers. Concern for this justifies most of the second week of this seminar, when we shall consider the methods most appropriate to disseminate knowledge to various sections of the community.

In conclusion, I express the hope that at this seminar we shall do pioneering work on the subject before us so that each of us on returning home may apply the knowledge acquired during the exchange of views to come.

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The seminar programme was as follows:

First week. — Study of theory of the main questions relating to international humanitarian law, including: general ICRC dissemination policy — history and nature of international humanitarian law — humanitarian law and African customs — humanitarian law and Islam — humanitarian law and Human Rights — the law of The Hague — Central Tracing Agency — reaffirmation and development of the 1949 Geneva Conventions — Diplomatic Conference — legal procedures for the application of international humanitarian law — non-judicial factors of application — the United Nations and the application of humanitarian law — ICRC action for the benefit of political prisoners.

Second week. — Study of practical means for the dissemination of knowledge of humanitarian law, i.e. the role of National Societies in such dissemination — critical examination of dissemination material produced by the ICRC — dissemination among the armed forces — dissemination in schools — dissemination in universities.

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On the whole, the fifteen participants were keenly interested in the subjects. Towards the end of the seminar they discussed and adopted the following text summarizing their conclusions:

MAIN CONCLUSIONS TO THE SEMINAR

1. Generalities

1.1 Although dissemination of knowledge of international humanitarian law is a responsibility of governments, it should be a direct concern of the Red Cross in general and particularly of each National Society in its own country.

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- 1.2 *The dissemination of the Red Cross ideals must not be limited to the Geneva Conventions but should cover Red Cross principles and be included within the broad concept of man's responsibilities to man.*
 - 1.3 *Dissemination cannot be dissociated from the propagation of a spirit of Peace by all members of the Red Cross family. Dissemination should never make war appear "acceptable".*
 - 1.4 *Dissemination, being the propagation of an ideal, must be done by strongly motivated individuals who believe in that ideal.*
 - 1.5 *Dissemination must be adapted to the categories of people for whom it is intended (military, medical personnel, students, children, public administration, members of National Societies of the Red Cross, the general public, etc.)*
 - 1.6 *Methods of dissemination must be diversified according to the various parts of the world in which they are used.*
2. Some concrete suggestions
- 2.1 *Dissemination needs money: all National Societies which can afford it should have a "dissemination programme" on their regular budget and should envisage financing a similar programme for less fortunate Societies, with ICRC technical assistance.*
 - 2.2 *Each development programme of the League should include a budget for dissemination; the programme budget should be established jointly by the participating National Society, and the ICRC, in consultation with the League Secretariat and the operating society.*
 - 2.3 *The ICRC should be ready to assume more fully its responsibilities as inspirator and co-ordinator of the dissemination efforts directed at the Red Cross family and at governments. Among other projects, the ICRC should work on the following documentation to be made available to National Societies;*
 - 2.3.1—*a Red Cross manual on the methods of dissemination. It should include, among other elements*
 - numerous concrete examples of applications of the Geneva Conventions,*
 - a list of questions that can be expected from various audiences and possible answers to them.*

- 2.3.2—*the publication, jointly with the League, of a secondary-school teacher's book on the Red Cross. The draft should be presented to National Societies for ensuring its adaptability to any part of the world.*
- 2.3.3—*the production, in conjunction with UNESCO, of a university text-book on the Geneva Conventions.*
- 2.3.4—*guidelines on the methods of teaching the Geneva Conventions to the armed forces.*
- 2.4 *The ICRC should—in conjunction with certain National Societies — organize regional seminars on dissemination for National Societies of the same area.*
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