

DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW

Conference of Red Cross Experts

As announced in a previous issue¹, the ICRC is organizing the second session of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, to be held from 3 May to 3 June 1972.

Last year, the first session was preceded by a meeting of Red Cross experts at The Hague in March. A similar meeting will be held in 1972, to permit National Societies to keep abreast of developments in the work in hand.

This meeting will be held in Vienna from 20 to 24 March, at the invitation of the Austrian Red Cross. Its main purpose, after the National Societies have noted the results of the first session of the Conference of Government Experts, will be to permit a wide exchange of views on the drafts which the ICRC has drawn up for submission to the second session of Government Experts. In addition, it is planned to broach questions which are of interest more particularly to National Societies, such as the role they can undertake in the dissemination and development of humanitarian law, and the assistance they can give the ICRC in that task.

A plan of action has been prepared on just this subject and was sent, on 25 February 1972, to those National Societies which are to take part in the Conference. Here is what the plan of action contained :

¹ See *International Review*, April 1971.

PLAN OF ACTION TO BE APPLIED BY NATIONAL SOCIETIES
IN SPREADING KNOWLEDGE OF AND IN DEVELOPING
INTERNATIONAL HUMANITARIAN LAW APPLICABLE
IN ARMED CONFLICTS

This plan has been prepared for National Societies, in accordance with their wishes as expressed at the meeting in The Hague in February 1971 and with Resolution I of the Council of Delegates held in Mexico City in October 1971.¹ This document lists the activities which could be undertaken by all National Societies and not just by the older and more developed of these Societies. Our plan, which is not all-encompassing, comprises two distinct parts, both of which supplement the activities of National Societies, viz.

- I. The role of National Societies in spreading knowledge of the Geneva Conventions of 12 August 1949.
- II. The role of National Societies in developing international humanitarian law.

**I. Dissemination of knowledge of the Geneva Conventions
and of Red Cross Principles**

Many resolutions adopted at international conferences lay stress on the responsibility of National Societies in this respect. The task of spreading knowledge of the Geneva Conventions is inextricably bound up with that of spreading knowledge of the general principles of the Red Cross on which they are based.

The Conventions themselves stipulate that the governments of the States parties thereto are bound to ensure that the content thereof is brought to the attention of the people but National Societies, too, have an important role to play in helping the public authorities in this task.

¹ See *International Review*, December 1971.

1. Direct action by National Societies

a) *Appealing to public opinion*

This is probably the most difficult task of all, the “popularizing” of the Conventions in as simple and accessible a way as possible. To do this, we suggest making use of current events by stressing, whenever the occasion arises, what the Conventions envisage or allow in any given situation of conflict that may occur. National Societies could also recall Red Cross principles and those of the Conventions at a more general level, quite apart from current affairs.

Methods to be used include:

- television (daily newscast)
- radio (daily newscast and debates)
- the press
- films
- lectures
- exhibitions
- literature

b) *Appealing to youth*

Here, as with the general public, National Societies are almost the only bodies able to take action. Naturally, each National Society will have to adapt its activities to its own country.

The ICRC has, for its part, produced the means, in the form of the school textbook “The Red Cross and my Country”¹ and the “Teacher’s Manual”, whereby National Societies can reach all children attending school and not just those affiliated to the Junior Red Cross. Our school textbook is meant to be used by final-year primary school pupils, and its success depends largely on the interest and understanding of the teacher. We consequently recommend most heartily that all National Societies undertake a thoroughgoing and extended campaign, with the agreement of their Ministries of Education, in order to ensure that all primary school teachers are given some basic instruction on the Red Cross and guidance in how to use the textbook (in those countries in which it has been adopted).

This activity at primary level should be followed by further explanations of the Red Cross, its work and principles, given

¹ In Arab countries, “The Red Crescent and My Country”.

at secondary level when young minds start developing a sense of criticism.

Naturally, the role of members of those National Societies with Junior Red Cross sections will be capital in spreading knowledge of Red Cross principles and of the Conventions.

2. Indirect action by National Societies

National Societies, being auxiliaries of the public authorities, are further bound to ensure that those authorities take the measures necessary to ensure that the Conventions are properly brought to the notice of those specialized circles which are responsible for teaching or applying them (universities, army, medical circles).

a) *Universities*

The ICRC has just called on National Societies, encouraging them to find out from their universities how the Geneva Conventions are—or are not—taught in the faculties most directly concerned, i.e. Law, Political Science, Medicine. While on the subject of university education, we would recall Resolution 2 of the Mexico Council of Delegates (October 1971)¹ which invited National Societies to intensify their activities in this specific sector. The ICRC responded to that resolution by sending all National Societies a plan for a model course on humanitarian law to help them in their efforts.² A detailed commentary on this plan is being prepared.

National Societies should concentrate on the following points:

- they must ensure that in ordinary courses on *public international law* sufficient attention is paid to the teaching of the Conventions and that, during examinations, questions are systematically set on that subject (Law and Political Science);
- ensure that courses on medical ethics for future doctors include their rights and duties under the Conventions;
- they must, where the syllabus allows, arrange for a *special course on international humanitarian law* to be introduced;
- they must encourage students preparing their doctorate thesis to choose subjects from the sphere of international

¹ See *International Review*, December 1971.

² See *International Review*, February 1972.

humanitarian law. (The Henry Dunant Institute and the ICRC can provide a list of subjects for these);

- they must ensure that faculties of Law and Medicine have sufficient literature (bibliography) on the Conventions and humanitarian law.

b) *Armed forces, security forces, civil defence, police*

National Societies must ensure that:

- army officers have received sufficient systematic instruction on the Conventions that they may one day be called on to apply;
- the troops, too, are given some general guidance on the Conventions;
- the preceding recommendations are likewise applied to the police and the civil defence.

If National Societies are to be able to effectively help their authorities in this way, they must make available staff which is capable of teaching the basic principles of the Conventions. These Societies would therefore be well advised to train staff for that purpose, and the ICRC is prepared, if they so wish, to help in that task.

c) *Medical and nursing circles*

Until such time as doctors and nurses receive systematic and official instruction in the Conventions as part of their studies, National Societies must ensure that:

- medical associations, and
- nursing schools

give all members of their staff clear instructions with regard to the Conventions so that, should armed conflict or other trouble arise, they, too, can be called on either to respect or claim the protection of the provisions of the Conventions. Particular attention must be paid to the problem of displaying the red cross emblem.

To assist National Societies in this task, the ICRC has issued various documents which we recommend. We know, of course, that some national authorities and Societies have produced their own informative material.

INTERNATIONAL COMMITTEE

The ICRC is also preparing some audio-visual aids (slides and films) which it will offer to National Societies some time this year. It hopes that these aids will be widely used.

The ICRC would like to hear from those National Societies which have already launched, or which intend to launch, intensified campaigns to spread knowledge of the Conventions, how they have approached the different sectors that we have listed above and what means they have used.

II. The role of National Societies in Developing International Humanitarian Law

Many National Societies wish to support the efforts being made by the ICRC to develop humanitarian law, as their presence in The Hague bore witness.

We should consider the two very distinct phases of National Society action in this respect.

1. Phase 1: *Until the current experts' consultations draw to a close*

Until such time as the work of the Government Experts draws to a close and the ICRC has prepared the final draft, it would be premature to widely advertise the work being done or the proposals being examined. In the present state of affairs we see the role of National Societies as follows.

They should:

- keep fully informed of ICRC proposals;
- appoint one or more legal experts from each National Society able to completely assimilate the legal subject currently under examination. With this in mind, the ICRC is prepared to help National Societies to train their experts by accepting trainees in Geneva, by sending—in so far as its resources permit—a legal expert to any country so requesting, or else by covering these problems in regional seminars for the training of National Society officials;
- give their members limited information on the legal work currently in hand;
- support ICRC efforts by:
 - a) inducing their Governments to participate in the second session of the Conference to be held in Geneva in May 1972;

- b) convincing their Governments to support ICRC projects as broadly as possible.

With this in mind, it would be desirable if each National Society could have an *Inter-Ministerial Committee* convened, in which it would be represented by its legal experts whose job would be to

- a) study the proposals to be discussed in Geneva,
- b) deal permanently with all matters relating to the application and dissemination of humanitarian law.

Such committees already exist in some countries and they make for harmonious integration of Red Cross and Government activities. These Committees should involve, in particular, the participation of the Ministries of Foreign Affairs, Defence, Justice and Domestic Affairs.

2. Phase 2: *After the work of the government experts has drawn to a close*

As soon as it is published, the ICRC's report on the second session of the Conference of Government Experts will be sent to National Societies.

Then once the ICRC has prepared its final drafts for submission to the next International Conference of the Red Cross, and then to a diplomatic conference, National Societies will have to do all they can to inform the general public because governments will have to be made to feel that public opinion sets great store by the adoption of the new protocols and is solidly behind the efforts being made by the Red Cross.

This must, however, be accompanied by the above-mentioned contacts with the government departments directly concerned.

When the time is ripe, the ICRC will make further suggestions as to how National Societies can spread knowledge of the Draft Additional Protocols to the Conventions.