

The efforts made by the German Red Cross in the Federal Republic of Germany to have the Additional Protocols ratified

by **Andreas von Block-Schlesier**

The German Red Cross in the Federal Republic of Germany (FRG) has attached great importance to the further development of international humanitarian law since the Second World War. The outcome of the Diplomatic Conference, which in 1949 led to the four Geneva Conventions, was understandably of special interest because of the situation in an occupied postwar Germany with millions of its countrymen missing or held prisoner of war. This interest was pursued after the German Red Cross in the Federal Republic and the German Red Cross of the German Democratic Republic were newly formed in 1950 and 1959. International law experts from the National Society in the FRG, in particular Walter Bargatzgy, its former President, and Dr. Anton Schlögel, the former Secretary General, not only played a key part in promoting its development at the International Conferences of the Red Cross which preceded the 1974-77 Diplomatic Conference on the reaffirmation and the development of international humanitarian law applicable in armed conflicts but also closely followed the proceedings of that Conference and advised the Federal Republic's delegation to it. During the Diplomatic Conference, a working group composed of high-ranking officials from research and academic circles and government was formed by the National Society and still exists today. Specialists from the ICRC have regularly addressed the group.

Immediately after the 1977 Additional Protocols were signed, Walter Bargatzgy, then President of the German Red Cross in the Federal Republic of Germany, called on the Federal Government to proceed with ratification of the Protocols at the earliest possible date. The National Society was aware that, as with the Geneva Conventions, ratifying the Additional Protocols would take some time as there were naturally political dimensions to the decision.

Towards the end of his term of office in 1982, the appeals of the National Society's President became more and more forceful and, when he was awarded the Henry Dunant Medal at the Council of Delegates of the International Red Cross in 1983 in Geneva, he made a fervent speech to the assembled delegates calling on States to ratify the Additional Protocols and, further, to outlaw weapons of mass destruction.

Botho Prince of Sayn-Wittgenstein, his successor as President, intensified the National Society's campaign for ratification by taking practical steps which were unprecedented in the history of the German Red Cross and probably the entire Movement. On 26 May 1983 he sent a summary of the Protocols' provisions to all members of the Bundestag (the Federal German lower house of parliament), all senior party and government leaders as well as other organizations such as churches and trade unions which have political influence in the Federal Republic. In an accompanying letter, he stressed the importance of these agreements for the protection of the civilian population—especially in a region such as central Europe—the advantages resulting for the National Society from their provisions and the necessity of further developing and consolidating the basic humanitarian principles.

Reaction to this initiative was widely favourable but no ratification followed. On 14 March 1985 he wrote once again to the same people emphasizing that the National Society's commitment to ratification of the Protocols could never constitute a violation of the Fundamental Principles of the Red Cross, even if the Protocols' provisions aroused political controversy. The German Red Cross in the Federal Republic of Germany feels duty-bound to speak up for more humanity, even if it causes discomfort for politicians by doing so.

In addition, in March 1985, the National Society organized an information meeting for Bundestag members at which Professor Ipsen explained the effect in international law of the declaration which the Federal Republic intends to make upon ratifying Additional Protocol I.

The President took advantage of yet another opportunity to call for ratification when he addressed the parliamentary group of the "Sozialdemokratische Partei Deutschlands" (Social Democratic Party) in September 1985.

The Society has been a source of discomfort, as mentioned above, beyond its national borders as well by demonstratively displaying and distributing posters calling for ratification, especially posters issued by its youth section. This was done, for example, at the international "Red Cross, Youth and Peace" seminar in Moscow and the Second World Red Cross and Red Crescent Conference on Peace held in Aaland/Stockholm in September 1984.

The National Society's President is continuing intensive discussions with his own government on ratification of the Additional Protocols, reminding each government that putting off problems does not make them go away. The Society's list of requests to the new Federal Government once again includes a call for immediate ratification of the Additional Protocols.

Ten years have passed since the signing of the Protocols, and the impatience of the members and friends of the German Red Cross in the Federal Republic of Germany is growing day by day. More and more of the Federal Republic's allies and other States with close political affinities to it have meanwhile ratified the Protocols, and it has thus virtually become an island of disparity in the development of international humanitarian law. At the same time, the United States has declared that it will not ratify Additional Protocol I. The German Red Cross in the Federal Republic of Germany would consider it a serious setback for the development of international humanitarian law if the major powers in East and West were not to accept the Protocols. Its President has therefore seized every opportunity to urge his opposite numbers in West and East to bring their influence to bear upon their own governments towards this end. In doing so, he has met with broad agreement, not least from the Presidents of National Societies in the socialist countries.

The President of the Federal German National Society intends to remain a thorn in the side of his own government for however long it takes to ratify the Additional Protocols. There is the encouraging fact that declarations of intent to ratify the Protocols have been made by the highest political representatives of the Federal Republic of Germany. On an international level, it is also encouraging that the Seventy-sixth Inter-Parliamentary Conference, held in Buenos Aires in October 1986, as well as the Forty-first Session of the General Assembly of the United Nations, in November 1986, reached a broad consensus in favour of ratification and that the Twenty-fifth International Conference of the Red Cross was also able to adopt a common stand on the issue.

Andreas von Block-Schlesier
*Director of the Office
of the President of the German
Red Cross in the Federal
Republic of Germany*