

JOURNAL OF PEACE RESEARCH
Special issue on humanitarian law of armed conflict

It might seem paradoxical for a journal devoted to peace research to have a special issue* on humanitarian law (also known as the law of armed conflict or the law of war). At the same time those who fear over-involvement of the Red Cross and Red Crescent Movement in the issue of Peace might react warily to such a publication. Happily sceptics on all sides can relax: this valuable work not only shows the relevance of International Humanitarian Law (IHL) to peace and other major issues of contemporary international relations, it also explains the possibilities for and limits on Red Cross and Red Crescent action.

However this special journal is also much more: not only does it provide a good introduction to IHL and the work of the International Committee of the Red Cross (ICRC), but it also contains articles which will be of interest to individuals already familiar with these subjects. In achieving all this, the editors and contributing authors are to be congratulated.

The journal is divided into two main sections, one dealing with IHL, the other with humanitarian action. The majority of the authors are Red Cross officials, primarily from the ICRC. This gives these essays a certain credence since the authors are actual practitioners rather than mere theorists. The topics addressed are diverse, and generally the quality of the essays is high.

Each article has a headnote which summarizes its central points. All the articles are concise, yet cover the essential material. Footnotes are not too extensive and useful references follow each piece.

This is not to say that the essays are without controversy and how boring it would be if they were! For example, in a pithy piece on contemporary challenges to humanitarian law, *Jacques Moreillon* implies that those who criticise the absolute prohibition of reprisals against the civilian population, in Additional Protocol I 1977 (Article 51(6)), place greater importance on political or strategic interests than humanitarian necessities. Perhaps. Yet given the existing international legal system, with its lack of a central law enforcement agency, those who question this absolute prohibition of reprisals could be forgiven for also querying whether as Mr. Moreillon observes, humanitarian law is based on realism as well as humanity.

Jacques Meurant's comprehensive discourse on the nature and evolution of IHL concludes by asking whether humanitarian law is not simply common sense. In certain respects, Dr. Meurant is certainly correct. However a note of caution might be needed here since some armed forces have used the argument that they do not need to have regular instruction on the law of armed conflict because after all, it is simply common sense.

Ove Bring, legal adviser to the Swedish Ministry of Foreign Affairs, demonstrates the close connection between certain parts of humanitarian law and

* Journal of Peace Research—Special issue on Humanitarian Law of Armed Conflict (Guest editors: Jan Egeland, Henry Dunant Institute; Yves Sandoz and Louise Doswald-Beck, ICRC), Vol. 24, No. 3, September 1987, Norwegian University Press.

arms control and suggests that their relationship should be explored, remarking that humanitarian regulations can serve as a “confidence building starting point” for disarmament measures. On the other hand, in their article on the frontiers of IHL, *Professor Allan Rosas* and *Pär Stenbäck* recommend that the direct links between humanitarian law and disarmament should not be strengthened further and that a human rights perspective on humanitarian law should be adopted. Messrs. Rosas and Stenbäck also suggest that the International Red Cross and Red Crescent Movement must define more clearly its own position on humanitarian law, human rights, peace and disarmament. Whereas there is a great deal of merit in these views, one might also reflect that the International Red Cross and Red Crescent Movement must be careful not to let its own agenda be set by others, such as the UN General Assembly, and that the Movement should remain primarily concerned with its special role and interest in humanitarian law, which itself must not become too enmeshed in areas where norms are more nebulous and open to politicization.

David Weissbrodt, in his article on the role of non-governmental organizations (NGOs), quite rightly shows that concern for respect for humanitarian standards in armed conflicts is not the exclusive preserve of the ICRC and suggests how NGOs could improve their use of IHL. One could observe that it might also be useful for the NGOs concerned to help promote, where necessary, ratification of the 1977 Additional Protocols—there being something in it for them and for all concerned with enhancing the protection of human beings.

Louise Doswald-Beck and *Olivier Dür* expertly address two of the most important topics in the theory and practice of IHL: respectively, the protection of civilians and the fundamental question of the applicability of IHL. *Yves Sandoz*'s excellent appraisal of the realities and limits of the Red Cross's contribution to peace will add to anyone's understanding of the Movement and its unique qualities. Similarly *Jean-Luc Blondel* gives an admirably succinct overview of the role of the ICRC in conflict situations, the constraints on its activities and some of the difficult questions it must face. *Laurent Nicole* explains deftly the work of the ICRC in trying to prevent the use of torture. The journal ends with short reviews by various experts of the most important recent publications in the field of IHL.

Those inside and outside the International Red Cross and Red Crescent Movement will find this Journal to be good value. Several of the articles emphasise the importance of disseminating knowledge of IHL, and the Journal itself is a successful tool towards this end. Indeed it may become a model for special issues of other publications, thus helping to introduce IHL and the Red Cross and Red Crescent to different specialized audiences in various parts of the world.

Michael A. Meyer
