

Public Advocacy

Why the Red Cross and Red Crescent should look before it leaps

by Michael A. Meyer

Introduction

The role of public advocate on humanitarian issues appears to be a growing one for components of the International Red Cross and Red Crescent Movement. Before the specific matter of public advocacy can be addressed, however, it is important first to consider — or even, perhaps, reconsider — the statutory or constitutional position of the Red Cross and Red Crescent.

The International Red Cross and Red Crescent Movement has three components: the International Committee of the Red Cross (ICRC); the recognized National Red Cross and National Red Crescent Societies (numbering 170 as at November 1996), and the International Federation of Red Cross and Red Crescent Societies (Federation). Each component is a separate entity, generally performing different tasks, under distinct parameters. Although united by a common humanitarian mission and specified Fundamental Principles, and with duties to cooperate with and support each other, the ICRC, the National Societies and the Federation are independent from each other.¹ Thus, for most purposes, the Interna-

¹ Statutes of the International Red Cross and Red Crescent Movement (1986), Preamble and Article 1. *Handbook of the International Red Cross and Red Crescent Movement*, ICRC and Federation, Geneva, 1994, p. 417.

tional Red Cross and Red Crescent Movement is an ideal, rather than an operational entity.

However, this formal statutory position is not commonly understood, and it may even be changing. Recent resolutions of the International Conference of the Red Cross and Red Crescent, and of the Council of Delegates, make specific references to the International Red Cross and Red Crescent Movement in such a way that it could be seen as an operational entity.² Such references could, of course, simply be interpreted as reflecting poor drafting. It is submitted, however, that such wording may reflect a common perception — and possibly a growing feeling among some — that the Red Cross and Red Crescent does have, or should have, a cohesion which makes it more than a loose association of bodies with a common history, objects and values; that the Movement may, in certain circumstances, take action, or be perceived as doing so, and be greater than the sum of its parts.

On a more mundane level, certainly the public at large, and many in the media, make no distinction between the components of the Movement: to them, for example, Red Cross or Red Crescent workers at the scene of natural disasters, working in refugee camps or visiting detainees are all one.

It is not the purpose of this article to consider the evolving or constitutional roles of the Movement and its components. This is a philosophical and legal issue over which people of goodwill, committed to the Red Cross and Red Crescent ideal, have, or will have, strong and diametrically opposed views, or even inconsistent ones. Regardless of whether the “strict constructionist” or the “evolutionist” approach correctly defines the present positions, two facts are clear: the actions of one component may have an effect on others, and the Red Cross and Red Crescent is generally perceived as an entity, even if there are separate components.

The components of the Red Cross and Red Crescent, individually and collectively, to varying degrees and at different levels, may have some limited experience as public advocates. Indeed, it could be said that it was the public advocacy of one individual, Henry Dunant, which led to the establishment of the Movement and the original 1864 Geneva Convention

² For examples, see Resolutions 2 and 4 of the 26th International Conference of the Red Cross and Red Crescent, Geneva, 1995, in *IRRC*, No. 310, January-February 1996, pp. 60 and 69, and Resolutions 1, 2, 3 and 6 of the 1995 Council of Delegates, *ibid.*, pp. 139, 140, 142 and 147.

for the amelioration of the condition of the wounded in war. However, Red Cross and Red Crescent organizations do not have a campaigning tradition, which is an increasingly professionalized activity. Moreover, public advocacy is an activity which has significant implications for the other roles of the ICRC, National Societies and the Federation — some of which are more well-established, and unique. For such reasons, the role of public advocate by Red Cross and Red Crescent bodies seems to require greater consideration and consultation than has perhaps been given to date.

These comments, and those which follow, are personal, and are offered to stimulate debate within the Movement, including within my own National Society.

The issue

The purpose of this article is *not* to single out any one component of the Red Cross and Red Crescent, but rather, as already indicated, to encourage discussion and greater thought on the extent of the advocacy role for each component of the Movement, and for the Red Cross and Red Crescent acting collectively, bearing in mind that the actions of each component may be attributed to, or have an impact on, others. Different aspects of this issue are illustrated below.

All National Societies members of the Federation, and the Federation Secretariat, are pledged to carry out the Federation's Strategic Work Plan for the Nineties.³ Task 3 of this Strategic Work Plan, as one of the means to achieve the first goal of "Enhanced respect for human dignity and humanitarian values", stipulates: "Increase advocacy on humanitarian issues." The ways listed to achieve this increased advocacy include, on the one hand, "mak[ing] better use of [the Federation's/National Societies'] experience of working with the most vulnerable to carry out public advocacy on their behalf", and "strengthen[ing] [the Federation's/National Societies'] relations with governments (. . .) in order to enhance [their] advocacy". On a close reading, these actions are not entirely clear or uncontroversial. The terms "advocacy" and "public advocacy" are not defined,⁴ and if public

³ See the relevant decisions of the Federation's General Assembly since 1989. For a general overview of the most recent decision on the subject, that of the 10th Session of the General Assembly held in 1995, see *IRRC*, No 311, March-April 1996, p. 224.

⁴ Such terms, and related ones, can be understood and used in different ways, sometimes interchangeably. The Red Cross and Red Crescent needs to consider its own definitions. To help initiate further thought, and for the purpose of this article, the following definitions are suggested: (1) "advocacy": making known to others one's support for a

advocacy goes beyond accepted activities (such as dissemination of knowledge of international humanitarian law) to traditional methods of campaigning (such as lobbying of legislators, petitions and demonstrations), it could actually work against the admonition to strengthen relations with governments. Further, such public advocacy may not always be consistent with the Fundamental Principle of Neutrality.

The ICRC has been promoting and conducting a growing number of campaigns, such as those on anti-personnel mines and blinding laser weapons, as well as seeking to raise public awareness of other issues, such as water and war. Few in the Movement doubt the importance of each of these issues. However, the objective of each campaign or “consciousness-raising” exercise has not always been entirely clear.

For example, the slogan for the anti-personnel mines campaign, and a number of statements and press releases, refer to landmines generally, without distinction. One can understand that from a publicity viewpoint, it is simpler to refer to “landmines” rather than “anti-personnel landmines”. However, such distinctions are important, and overly generalized wording can lead to misunderstandings. Use of the red cross or red crescent emblem as part of such a campaign logo, although perhaps able to be justified under the 1991 Emblem Regulations,⁵ may also cause misunderstanding about the emblems’s significance, special status and neutrality.

In drawing attention to the water and war issue, it was not always clear whether the object was simply to raise public awareness of a very significant but little noticed problem during armed conflicts, or to seek to develop new international humanitarian law, or both.

From a purely practical view, one wonders whether it is possible to pursue successfully several campaigns or similar activities at the same time and maintain the same moral authority or influence. The term “campaign” may also be too general or inexact, and even detrimental, without

particular issue; (2) “public advocacy”: advocacy to the general public; (3) “private advocacy”: advocacy to a confined audience, maybe on a confidential basis; (4) “campaign”: a planned and organized series of actions designed to achieve a specific result, using all available means and normally undertaken in public. All of these activities seek to influence, that is, to affect the views or behaviour of others. Non-confrontational methods have traditionally been successful in enabling components of the Movement to gain access to decision-makers.

⁵ “Regulations on the use of the emblem of the red cross or the red crescent by the National Societies” (1991), in *IRRC*, No. 289, July-August 1992, pp. 339 ff.

at least some qualifying adjective(s), e.g. "public awareness". These actions may be further complicated by the ICRC's strong desire to maintain its independent decision-taking capacity whilst, at the same time, seeking to persuade the rest of the Movement to support its campaigns. One also has to ask whether campaigning, which is and can be carried out by many other organizations, will start to interfere with the ability of the ICRC to continue to perform its traditional role as a neutral intermediary, and its special functions under international humanitarian law. As noted below, a similar concern applies to National Societies.

Aspects of the Red Cross and Red Crescent's traditional advocacy role

Advocacy generally means to take someone's part, or to argue on behalf of a cause. It may be undertaken privately or publicly; cautiously or vigorously. The Movement has long been an advocate on behalf of the victims, perhaps especially those of armed conflict, but also on behalf of related humanitarian causes, such as the successive Geneva Conventions and their Additional Protocols,⁶ and primary health care.⁷ At the same time, the components of the Movement have operated within certain parameters which do not constrain the freedom of action of other advocacy groups. These include the Fundamental Principles of Neutrality, Impartiality and Unity; the global scope of the Movement and the need to consider differing viewpoints and traditions; and the recognized roles of the components of the Movement under international humanitarian law, which give the ICRC and National Societies, in particular, a privileged role and responsibility in relation to victims of armed conflicts.⁸ This special status under international humanitarian

⁶ This activity was, in effect, endorsed by the 26th International Conference of the Red Cross and Red Crescent: Resolution I, para. 4, *IRRC*, No. 310, January-February 1996, p. 58; Meeting of the Intergovernmental Group of Experts for the Protection of War Victims, Recommendation VIII (c), *ibid.*, p. 87. Also see Hans-Peter Gasser, "Universal acceptance of international humanitarian law: promotional activities of the ICRC", *IRRC*, No. 302, September-October 1994, pp. 450-463.

⁷ The Federation and its member Societies are supporting the goal of "Health for all by the year 2000", set by the World Health Organization (WHO). This goal was also endorsed by the 24th International Conference of the Red Cross, Manila, 1981, Resolution XXII, *IRRC*, No. 225, November-December 1981, p. 340.

⁸ In fact, the ICRC and the Federation — the latter in its capacity as representative of its member National Societies at the international level — were granted observer status at the United Nations General Assembly largely because of these specially recognized roles.

law,⁹ and the wider role of National Societies as auxiliaries to the public authorities of their respective countries in the humanitarian field,¹⁰ has necessarily required the maintenance of a relationship of trust with governments.

This relationship of trust does not mean that National Societies must agree with every aspect of government policy. Indeed, it is essential for National Societies, where necessary, to remind their respective governments of the humanitarian consequences of their actions, and always to maintain their own independence from the State. Trusted relations with public authorities are also affected by the competence and reliability of the National Society, and its essential integrity.

From this has evolved the traditional discreet diplomacy which has served the Red Cross and Red Crescent well, especially, perhaps, the ICRC,¹¹ over nearly 135 years. The private advocacy of the Movement, including that by National Societies, has often achieved remarkable humanitarian successes precisely because of the confidence felt by public authorities in the Red Cross and Red Crescent, based on long experience, and the fact that such representations were private, thus avoiding public embarrassment or controversy.

A significant aspect of such advocacy has been the Movement's reputation for what may be termed realistic idealism, for achieving practical results for the benefit of people in need. Henry Dunant, in *A Memory of Solferino*, advocated a practical, realistic prescription to help the wounded and sick on the battlefield. Dunant detested war as much as anyone else but he recognized that, since war exists, one must do what one can at a practical level to attenuate its horrors.

Whereas the Red Cross and Red Crescent Movement has undertaken both public and private advocacy in the course of its history, it would seem

⁹ The respective tasks of the ICRC and the National Societies under humanitarian law are explained in: Hans Haug, *Humanity for all: The International Red Cross and Red Crescent Movement*, Henry Dunant Institute/Paul Haupt Publishers, Berne/Stuttgart/Vienna, 1993, pp. 76-81 and 174-179 respectively. It should be noted that in a number of humanitarian law treaty provisions, the ICRC and National Societies are given an exclusive right or duty. This is another reason why the concept of a Movement is important, that is, to try to ensure that components act in a complementary way, rather than as competitors, and do not waste resources by duplicating operations.

¹⁰ This auxiliary role is, in fact, a condition for recognition as a National Society. Statutes (above, note 1), Article 4, para. 3; see also Article 3, paras. 1 and 2.

¹¹ See "Action of the ICRC in the event of breaches of international humanitarian law", *IRRC*, No. 221, March-April 1981, pp. 76-83.

that the public advocacy role has been carried out with circumspection, usually on matters directly relevant to the Movement's concerns and on which it has expertise, and in ways which did not have adverse effects on Red Cross and Red Crescent actions in other areas.¹²

Pressures for change

In recent decades, an increasing number of special-interest groups have been established with the sole purpose of publicizing a particular problem or cause, with a view to rousing public opinion for or against certain policies or actions. Amnesty International and Greenpeace are well-known examples in the fields of human rights and of the environment, respectively.

A growing number of aid and development agencies, including United Nations agencies, have also publicly taken up issues, often seeking a change in government policy. In many countries with a legal system based on common law, traditionally organizations with charitable status have been unable to become involved in politics. Although such restrictions have started to become more flexible in the United Kingdom, in a few instances campaigns by such organizations have been deemed to fall outside their charitable remit and led to public censure.

Campaigning activity also seems to be an accepted mode of political expression in many countries with a democratic tradition, and National Societies in some of these countries have found it difficult to compete for public support against other voluntary or relief organizations by adhering to the Movement's established mores of discreet diplomacy and of maintaining an independent identity. In a few such countries, with a mainly homogeneous population, campaigning may not affect the ability of the Red Cross to continue to enjoy the confidence of all and indeed, conceivably, lack of such activity might reflect negatively on the National Society.

An apparent growing disrespect for international humanitarian law, and perhaps memories of the ICRC's silence in the face of the Holocaust, may have led to increasing public condemnations by the ICRC of violations of the Geneva Conventions and their Additional Protocols.¹³ This

¹² As an illustration, the 1990/91 World Campaign for the Protection of War Victims was based on Resolution VIII, para. 3, of the 25th International Conference of the Red Cross, Geneva, 1986, *IRRC*, No. 255, November-December 1986, p. 352. Subsequent decisions on implementation were made by the Movement's Council of Delegates.

¹³ See the ICRC's established policy in such matters, referred to in note 11.

increasing vocalization as the conscience of the international community may well be laudable. However, the practical value of such condemnations in recent conflicts, when they have often gone unheeded, may be worth consideration, and an article on its own.

In the light of increasing humanitarian problems worldwide, there has been a feeling that components of the Movement should use their reputation, individually and collectively, built up over almost 135 years, to address these issues publicly, using the growing power of the media.

And in view of the growing number of aid agencies and of competition for decreasing financial resources, the ICRC and the Federation seem to have felt a need to raise their respective profiles as a way to reaffirm, and perhaps enlarge, their respective shares of public attention and support.

It may also be argued by some that the components of the Movement must move away from their traditional roles or practices to remain relevant in a rapidly changing world, where the support of public opinion may have more of an effect on authorities' behaviour than the adoption of new humanitarian law.

Such pressures appear to have contributed to demands for the Red Cross and Red Crescent Movement to assume a public advocacy role.

Potential difficulties

The Red Cross and Red Crescent does have a special standing among other humanitarian organizations for a variety of reasons, but most of these stem from the recognition given to its components under international humanitarian law and the Statutes of the Movement. As already noted, this special position requires the maintenance of a relationship of trust with States, and the Fundamental Principles have evolved, in part, to serve as guidance for components in the conduct of their relations with governments.

As previously indicated, National Societies, because of their role as neutral auxiliaries to their governments in the humanitarian field, have often been able to promote humanitarian standards and activity through quiet diplomacy, working behind the scenes, and this is likely to have been even more true for the ICRC. There are many other organizations whose acknowledged role is to speak out in public, frequently seeking to arouse and mould public opinion, with a view to changing government policy. Such groups — Amnesty International, Human Rights Watch — serve an admirable purpose. But they do not normally perform the practical humanitarian services undertaken by the Red Cross and Red Crescent,

particularly in armed conflicts and other emergencies when the security of the State, and of its most vulnerable groups, may be most threatened. Can components of the Movement become known public advocacy groups and, at the same time, retain the confidence of governments? Has not the accepted quiet approach of the Red Cross and Red Crescent generally served the victims well over the years, enabling components to achieve tangible humanitarian benefits that would not have resulted from the pressure of public advocacy? Is it not because the Red Cross and Red Crescent has been sparing in its public statements, and has a reputation for strict neutrality, that when it does speak out, its pronouncements are given respect? If components have taken a public stand on an issue, is their expert advice then seen as less than objective?

There is also the difficulty concerning the type of issue chosen for the Movement's advocacy role. Its components work with the most vulnerable in many different ways. Which issue should be chosen as the focus of public advocacy; who chooses, and how is this done? One specific example: the ICRC in particular is becoming increasingly proactive on arms control issues, albeit with some encouragement from States.¹⁴ The ICRC was active in helping to achieve a ban on chemical weapons after the First World War, and its more recent actions on weapons issues may be said to fall within its accepted remit for the law of The Hague, under international humanitarian law. However, it may also be argued that the ICRC does not have the capacity to address these issues comprehensively, without drawing upon external assistance.

Moreover, these are issues which present a direct challenge to State security considerations, thus leading almost inevitably to friction with governments, which, in this field, have greater experience and expertise. On the other hand, international humanitarian law is intended to be a realistic balance between security and humanitarian considerations, and it may be said to be the role of the ICRC, if not of all the components of the Movement, to seek to ensure that due account is taken of individual human beings in such calculations. Clearly, this is a very sensitive area, where the possibility for public advocacy by individual components of the Movement may differ significantly, and may well have an impact on

¹⁴ 26th International Conference of the Red Cross and Red Crescent, Geneva, 1995, Resolution 1, para. 4, *IRRC*, No. 310, January-February 1996, p. 58; Meeting of the Intergovernmental Group of Experts for the Protection of War Victims, Recommendation VIII (c), *ibid.*, p. 87; 26th International Conference, Resolution 2, chapter H, para. (j), *ibid.*, p. 60.

other components, especially if the ICRC seeks support for its endeavours.¹⁵

The reasonableness of the position adopted by the Movement is also important. Do we follow our previous tradition of realistic idealism, of pursuing what is realistically attainable in the circumstances, even if our long-term goal is greater? Or do we adopt the moralist, "all-or-nothing" approach favoured by so many other public advocacy organizations? It might help the Movement's image among some groups, and its own self-perception, to adopt a high-minded position, but if the Movement's *raison d'être* is to help the victims and the most vulnerable, might not they be helped more through a pragmatic approach, with short-term benefits, which still leaves open the potential for further advancement?

The tactics used are also of significance, in both the long and the short term. Following the ICRC's public support for a total ban on anti-personnel mines, the report it later commissioned on the military utility of such weapons¹⁶ was automatically viewed with initial scepticism in some quarters, regardless of its merit, since it confirmed the institution's pre-existing policy. The fact that National Societies were asked to seek the support of *servicing* members of the armed forces, as well as retired ones, for the results of the report, when these findings might have been contrary to their country's policy and the official views of their armed forces, is also open to question, and for at least some Societies put at risk the necessary relationship of trust with the public authorities, so central to the special role of a National Society.

The preceding analysis does not claim to provide an exhaustive examination of the role of the Red Cross and Red Crescent in public advocacy. Rather, its purpose is to identify some of the areas of potential difficulty.

Planning for advocacy: possible points for consideration

For the reasons given above, public advocacy is not an easy or automatic role for components of the Movement. A distinction can also be

¹⁵ The stance adopted by the ICRC with regard to anti-personnel mines resulted in one National Society being refused as a co-sponsor for a seminar on the subject, to be attended by academics, government and military lawyers. This was the first time that such a refusal had ever occurred, the problem being that, as a result of the ICRC's position, the Red Cross and Red Crescent was perceived as not being neutral on this issue.

¹⁶ *Anti-personnel landmines: Friend or foe?* ICRC, Geneva, 1996.

made between different types of public advocacy: a public information programme which seeks to raise public awareness of the humanitarian aspects of an issue is different in nature and in conduct from a campaign which actively seeks to change government policy. In addition, campaigns usually create enemies, or at least controversy, which makes them difficult to reconcile with the Movement's principles and established roles. To seek to resolve this conflict, components of the Movement, individually and acting collectively in the Council of Delegates,¹⁷ might consider that as a general principle it should engage in public advocacy in favour of people, not policies. For example, the Movement can speak out on behalf of suffering victims in a conflict and the duty of governments to respond. However, it would be difficult for the Red Cross and Red Crescent to advocate a specific policy to meet the victims' needs since such a policy is likely to help one group, but hurt another.

Before further campaigns are launched, it is suggested that points such as those which follow be considered.

- (i) Is the subject matter central to Red Cross and Red Crescent concerns? Is there an existing Movement policy and if so, and if it is desired to change it, how can this be done with the greatest possible consultation?
- (ii) What are the implications of a campaign on other activities and objectives, and on the Red Cross and Red Crescent's overall reputation, both in the short and the long term? Is the proposed campaign a priority task? Does the component, individually or collectively with others within the Movement, have the necessary resources to carry out a successful campaign?
- (iii) What campaign activities are envisaged, and are these compatible with the Fundamental Principles and other statutory texts, as well as with the Movement's/component's integrity? Can other methods of advocacy be used to try to achieve the same result?
- (iv) Will the Red Cross and Red Crescent be able to maintain its distinctive identity during such a campaign separate from other organizations which may be supporting the same cause?

¹⁷ The Council of Delegates is a statutory body of the International Red Cross and Red Crescent Movement, consisting of representatives of its components, which meets to discuss matters which concern the Movement as a whole. Statutes (above, note 1), Article 12.

- (v) Will the campaign seek to influence thinking by using the experience of Red Cross and Red Crescent field work or other recognized expertise?
- (vi) Participation by components must be voluntary: the campaign must not be forced on National Societies which are unable to participate or which feel that it would be counter-productive to campaign in their current national circumstances.

Some readers will no doubt consider this approach too restrictive. The essential point is that components of the Movement need to develop a common understanding of public advocacy which is well-defined.

Today, the ICRC and other components of the Movement are invited by authorities to undertake specially recognized roles, in the field and at government meetings, to which other humanitarian organizations are not invited and can only aspire.¹⁸ Representatives of States still meet with representatives of components of the Movement at International Conferences of the Red Cross and Red Crescent because of the special relationship which exists between governments and the Movement, and the historic role of components of the Movement in the implementation and development of humanitarian law. It is submitted that rather than engaging, like many other organizations, in the usual methods of campaigning, the Movement should concentrate on its services for the most vulnerable (which may include a certain type of advocacy), and on promoting more effectively its unique status and function.

The special role of National Societies and other components of the Red Cross and Red Crescent in relation to international humanitarian law matters was reaffirmed by the 26th International Conference, through its endorsement of the Recommendations drawn up by the Intergovernmental Group of Experts for the Protection of War Victims.¹⁹ These recommendations offer Societies a unique opportunity to expand their role as a partner with their governments in the dissemination and implementation of international humanitarian law. This naturally requires a relationship of mutual trust, and it is difficult to see how public campaigning against

¹⁸ The ICRC's important roles under Article IX of the Dayton Agreement, on the exchange of prisoners of war (for the text see *IRRC*, No. 311, March-April 1996, p. 243), and as Special Rapporteur at the International Conference for the Protection of War Victims and subsequent expert meetings (*IRRC*, No. 296, September-October 1993, pp. 359 ff.), are only two recent examples.

¹⁹ Resolution 1, para. 4, see above, note 6.

government policy is conducive to this necessary confidence. It would seem important for components of the Movement to make concerted efforts to enable more National Societies to take on their special role in the humanitarian law field.

The International Red Cross and Red Crescent Movement has a reputation for neutral and impartial humanitarianism, earned through its long record of distinguished service and strict adherence to its principles. Regardless of the formal legal position, components of the Movement are often only able to act because of the confidence they inspire. Public advocacy, unless carefully considered and executed, will put this in jeopardy and ultimately will lead to the Red Cross and Red Crescent, including the ICRC, being treated as just another non-governmental organization.

The Red Cross and Red Crescent has rallied in recent years against the politicization of humanitarian action. Components of the Movement must be careful not to exacerbate this unwelcome trend through their own behaviour.²⁰

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²⁰ See, e.g., 26th International Conference of the Red Cross and Red Crescent, Resolution 4, chapter G, paras. 1 and 2 (a), *IRRC*, No. 310, January-February 1996, p. 69.