

In the Red Cross and Red Crescent World

At the invitation of the ICRC, the annual meeting of National Society legal advisers and persons responsible for dissemination was held in Geneva from 21 to 23 October 1996. At this meeting lawyers from the ICRC and representatives of National Red Cross and Red Crescent Societies informally discussed the development of international humanitarian law and how best to promote knowledge of and compliance with that body of law.

Michael A Meyer, Head of International Law at the British Red Cross Society, spoke on the role played by National Societies in the implementation of international humanitarian law. The Review publishes the text of his remarks, with subtitles and footnotes added.

The role of a National Society in the implementation of international humanitarian law — taking up the challenge!

I was very pleased to be asked to speak about the role of the British Red Cross in the implementation of international humanitarian law at national level. Not only do I believe strongly that this subject is very important for all components of our Movement and is an integral part of our humanitarian mission, but it is also a part of my work which I find very enjoyable.

As we all know, each National Society works in particular circumstances, and my experience naturally reflects the situation in the United Kingdom. However, I hope that at least some of my comments will be relevant to most people here.

Like all good lawyers, I shall define what I mean by the role of a National Society in the implementation of international humanitarian law. To me this means the actions taken by a National Society, usually in cooperation with the national authorities, to translate into practical measures the State's obligations under international humanitarian law. This role may include action to help promote and develop humanitarian law,

and to carry out the tasks assigned to the National Society itself under humanitarian law.

The Movement's Statutes provide a basis for this role in Article 3, para. 2, which states that National Societies "disseminate and assist their governments in disseminating international humanitarian law; they take initiatives in this respect. They disseminate the principles and ideals of the Movement and assist those governments which also disseminate them. They also cooperate with their governments to ensure respect for international humanitarian law and to protect the red cross and red crescent emblems."

This special role in dissemination and implementation has been reaffirmed in the Recommendations of the Intergovernmental Group of Experts for the Protection of War Victims,¹ which were endorsed by the 26th International Conference of the Red Cross and Red Crescent, in its Resolution 1.² In my view, National Societies not only have a duty to take action in this field, but it is actually one of the few aspects of our work which makes us unique; and it can enhance our position in other areas, including fund-raising and publicity.

I turn now to the work of the British Red Cross in the implementation of international humanitarian law.

Promoting ratification of international humanitarian treaties

The Society was active in securing the ratification in 1957 of the 1949 Geneva Conventions and, more recently, played an instrumental role in ensuring the adoption of legislation enabling the United Kingdom to ratify the two Additional Protocols of 1977. The British government had expressed its intention to ratify the Additional Protocols at the Movement's statutory meetings, held in Birmingham in October 1993. Before it could do so, however, legislation was required to incorporate into domestic law certain provisions of Additional Protocol I; otherwise, following ratification, the United Kingdom would not be able to meet its international obligations under the Protocol at the national level.

All of us will understand that while international humanitarian law is very important to our Movement, it is not always given the same priority

¹ *IRRC*, No. 310, January-February 1996, pp. 83-88.

² *Ibid.*, pp. 58-60.

by governments. For example, during periods of relative peace, economic matters or other legislation of day-to-day concern to the majority of the population may be seen as more urgent. And there is usually a great deal of business which needs to pass through Parliament in any session.

The British Red Cross had waited for many years for the necessary legislation to be adopted regarding the Protocols. In 1995, in advance of the 26th International Conference, the Society felt that it was now time to press for action. We asked one of our prominent supporters, a member of the House of Lords, to present a bill to enable the United Kingdom to ratify the Protocols. The bill was drafted by me in consultation with a firm of parliamentary draftsmen. This unusual procedure had the desired effect, prompting intensive negotiations with government officials which resulted in a number of amendments and thus Government support for the bill. At the same time, discussions were held with the main opposition parties to ensure their backing for the legislation. The bill passed rapidly through both houses of the British Parliament. This was a major success for the British Red Cross in promoting the implementation of humanitarian law, and was certainly one of the highlights of my Red Cross career. It clearly shows the influence that a National Society can have on the domestic legislative process.

The United Kingdom has yet to ratify the Additional Protocols. It is our understanding that the Government intends to do so, and our Society continues to raise the issue at regular intervals.

I am also in frequent contact with government officials on other humanitarian law matters. This has included urging the authorities to ratify the amended Protocol on anti-personnel mines and the new Protocol on blinding laser weapons, both additional to the 1980 Weapons Convention. For this purpose, the model instruments of ratification prepared by the ICRC have been very useful.

Working for dissemination

Another aspect of promoting international humanitarian law is, of course, dissemination. Members of the armed forces and officials from relevant government departments attend our dissemination seminars as both speakers and participants. This is particularly important given the responsibility of the armed forces and other authorities for implementing this body of law, and their experience and expertise lend credibility to our message.

Protecting the emblem and the name

A very important part of our implementation work consists in protecting the red cross and red crescent emblems and the Movement's name. With the help of our volunteers, the British Red Cross monitors unauthorized use or misuse of the emblems and of the words "Red Cross" or "Red Crescent", throughout the United Kingdom. We have a long-standing procedure for dealing with such matters, agreed to by the relevant government departments and the police. The British Red Cross itself has an agreed procedure for regulating its own use of the emblems and names. I have been named by the government departments concerned and the Council of the British Red Cross as the controlling authority for the use by the British Red Cross of the Red Cross name and emblem. In addition, I am often consulted by government officials on the emblem and related matters.

Contributing to the development of international humanitarian law

Concerning the development of international humanitarian law, the British Red Cross supported the ICRC's efforts to achieve a prohibition on blinding laser weapons. The government was not greatly sympathetic at first, but ultimately took part in the adoption of a new Protocol covering such weapons. I do not pretend that the British Red Cross had an overriding effect on government policy, but because of our good contacts with government officials, we were able to lend credible support to the ICRC's efforts.

It should be made clear that the British Red Cross and the British government do not always share the same view. Our Society is wholly independent, in both legal and practical terms, and we are very willing to disagree as and when necessary. We also adhere strictly to the Movement's Fundamental Principles, and as such we take seriously our role as an auxiliary to the government in matters of international humanitarian law and other humanitarian concerns. We seek to be a realistic interlocutor with our government, rather than simply an adversary. We have developed a relationship of mutual trust and respect, and have found that this is the most effective means of promoting our humanitarian objectives.

The British Red Cross holds regular meetings with government officials to discuss international humanitarian law, most recently regarding the follow-up to the 26th International Conference of the Red Cross and Red Crescent. This is an opportunity rarely given to other organizations outside government. The British Red Cross does not always achieve its aims, but we are always taken seriously and listened to.

Contacts with other National Societies and the ICRC

The British Red Cross has always attached special value to its links with the ICRC. I have regular contact with the ICRC, in particular with the Legal Division and the new Advisory Service on International Humanitarian Law. The advice and assistance of our colleagues in Geneva are invaluable, and enhance our standing with our government. We value the open and frank exchange of views with the ICRC (such dialogue is crucial to the health and development of the Movement) and we seek to cooperate whenever we are able, with due regard to what is appropriate in the domestic context.

We also remain in close contact with colleagues from other National Societies. I believe that it is essential for all components of the Movement to work together in the area of implementing international humanitarian law, so fundamental to the Red Cross and Red Crescent, in order to achieve the maximum result for the victims. This includes providing support, where necessary, to operating National Societies in developing their own implementation and dissemination programmes.

In conclusion, I urge that we all seize the opportunity afforded by the 26th International Conference of the Red Cross and Red Crescent and its endorsement of the Recommendations of the Intergovernmental Group of Experts for the Protection of War Victims, in order to reaffirm the special role of the National Societies in the implementation and dissemination of international humanitarian law. By taking up this challenge, we will strengthen ourselves, individually and collectively, and by working together do much to enhance our credibility and effectiveness.

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