

## Commentary

By N. Minogue

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In his cogent presentation on the enforcement of humanitarian law, and in particular, the repression of violations of it, Mr Fergus Thomson made what could be a significant statement. Having stated that in his view "... amongst the most vital provisions of Protocol I is that relating to dissemination — Article 83", Mr Thomson went on to encourage participants to receive what this Seminar had to say on the ideas of an international humanitarian law which is not only national but potentially global in its operation. Surely this is an end devoutly to be desired by both statesmen and international lawyers — not to mention the soldiers and the hapless civilians who form the bulk of the victims of the conflicts.

This view has formed the rationale of the Australian Red Cross Society's approach to the whole issue of dissemination of international humanitarian law. In 1977, following the end of the Diplomatic Conference, its National Council adopted a programme which endorsed:

- (a) an approach to the Australian Government for a joint committee of the Australian Red Cross Society and the Commonwealth Government to plan a programme of dissemination in Australia;
- (b) the establishment of a national committee of the Australian Red Cross Society responsible for devising and carrying out a properly co-ordinated national programme and establishing counterpart committees in each Australian State Division;
- (c) the appointment of a senior staff officer at National Headquarters and in each State to service the committee, paying special regard to a high degree of motivation in the officers concerned; and
- (d) the provision in its annual budgets for expenditure on the dissemination of international humanitarian law.

The programme is now well under way. The joint committee of Government and Red Cross called the "Geneva Conventions Dissemination Committee", which I think Australia can claim as the first such committee in the Red Cross world, has been meeting for some four years. It is now on the point of presenting its second report to the national parliament. Active committees are operating in all State Divisions.

From the outset, the Society worked on the four-point approach outlined by Mr Meurant — Why?; What?; to Whom?; How?; — realising, as he emphasised, that the two major problems to be faced were to make international humanitarian law credible, and to present its complicated content in the simplest possible form.

Clearly, to make it credible across a diverse and widely scattered community like Australia's, it was necessary to divide our potential audience into the

particular constituencies in the Australian community such as armed forces, media, members, schools, universities, medical and legal professions, and in the Red Cross itself.

The first and most important step was to find a suitable chairman who, in addition to a knowledge of the subject matter — or the ability to acquire it quickly — was held in high regard by the Australian community, and to seek that person's help in selecting a committee. It was the Society's — and we believe Australia's — good fortune that the choice fell on Professor P.L. Waller, a highly-respected public teacher of law. In consultation with him, the Society then sought representatives from the Defence Forces (Training Command), education (curriculum research and development), business, the professions, youth, a representative of the Australian Journalists' Association, and public relations.

This committee outlined possible spheres of specialisation for each of the States and suggested that the Red Cross Divisions might recruit their committees on the basis of a specialist in one of the fields of Australian life to which international humanitarian law paid special attention. New South Wales, the media capital of Australia, chose as its chairman a dynamic, recently-retired newspaper man, while the Australian Capital Territory and Tasmania chose senior teachers of international law, Queensland a legal academic, Western Australia an educator, South Australia a senior Army Reserve Medical Officer, and the Northern Territory a serving Air Force Officer. The composition of the committees has varied a little but that basic structure has remained and in consequence the States have developed their own areas of interest.

Once the nucleus of the State Committees had been formed, a national two-day seminar was arranged in which emphasis was placed on Mr Meurant's four points — why the Red Cross had been given this responsibility of dissemination, to whom dissemination should be directed, and what should each group be taught, how much was it necessary for each to know, and how should the society tackle the task.

The why issue was quickly resolved — the Australian Red Cross had been given the task by the International Red Cross Conference and by the Australian Government. The what took a little time but finally the delegates decided to link it with to whom and concentrated on the following:

### *1. Red Cross membership*

Such persons would form the most readily available apostles of dissemination. It divided them into four key groups: policy-makers, executive staff and key volunteers, Red Cross members, and personnel attached to the Australian Defence Forces in war-time.

### *2. The armed services*

While this was acknowledged as the responsibility of Government, the Society identified a task for the Red Cross in ensuring that the Department of Defence recognised this obligation. While previously instruction in the Conventions had been given to servicemen by Australian Red Cross Commissioners, the delegates considered that it would be more effective in future if given by regular Training Officers under the general supervision and control of commanders. The group

(largely of permanent and Reserve Officers) which worked on this segment, considered that the degree of knowledge of the rules by service personnel should be commensurate with their degree of responsibility and that minimum acceptable levels should be set.

#### 1. *Students and the teaching profession*

The primary focus of the education campaign was to be on secondary schools, and this should be approached both via curriculum content and through incorporation into teacher training. The purpose of material introduced into primary school curricula should be simply to ensure that children appreciate that there are rules governing warfare and that they spring to a considerable degree from the initiative of, and depend for their implementation upon, the Red Cross.

#### 4. *The general public*

Great emphasis was placed on the role of the media as the means of conveying information to the general public. The difficulties of involving the media and at the same time avoiding public debate involving controversy, were recognised and alternative methods discussed. It was decided to do two things immediately:

- (i) to prepare a popular condensation of the law as it now stands. This was written by the Chairman of the New South Wales Committee and published by the Society under the title *You and International Humanitarian Law*. Some 80,000 copies have been distributed in Australia and in other countries.
- (ii) to develop a set of outlines for speakers. A small folder of cards containing outlines of six basic talks on international humanitarian law has been made available to State Committees for the use of teams who go around speaking both to Red Cross meetings and to community groups.

The production of a basic work extending the ICRC booklets *Fundamental Rules* to include the provisions of the new Protocols — in easily readable form — was also recognised as essential for the schools and for the public information programme, and is still under discussion.

Though each of the State Committees started off with a different point of focus, experience has shown, without exception, that the natural starting place for dissemination is within the school system. This poses some organisational (and consequently financial) problems in Australia where there is no national educational system. A number of different approaches are being taken, which in the context of this seminar may be of interest. In New South Wales, the Committee commissioned two young curriculum specialists to write a complete unit for introduction into the programme for Year 11, but would be capable, in the hands of an interested teacher, of being utilised over a number of other years and provide resource material on a number of subjects. This has been piloted in twenty schools and will be in general use in 1983 in New South Wales, Tasmania and Queensland. Victoria, which does not have centrally planned curricula, is preparing guidelines in collaboration with appropriate subject teachers' associations, and Western Australia will introduce a segment into the Year 11 course on International Relations.

The greatest challenges to the National Committee in the next two years will

be to utilise to the best advantage the wealth of new resource material which this seminar has produced, to refine the schools programme, and to proceed with the production of the basic resource book. In the view of the Australian Dissemination Committee, that is the first requirement towards establishing the credibility of international humanitarian law as a set of fundamental humanitarian rules on which human beings can rely for their survival. It will also provide a potent instrument for the "mobilisation of shame" to which Mr Thomson referred as the most effective means of repressing violations of these rules.