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OF THE RED CROSS

SPECIAL
Dissemination: spreading knowledge
of humanitarian rules



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The *ICRC*, which gave rise to the Movement, is an independent humanitarian institution. As a neutral intermediary in the event of armed conflict or unrest it endeavours, on its own initiative or on the basis of the Geneva Conventions, to bring protection and assistance to the victims of international and non-international armed conflict and internal disturbances and tension.

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A note from the Editor

This issue of the *Review* is devoted to a topic which might appear academic at first glance but is in fact closely linked to action, namely the dissemination of the fundamental principles and basic rules of international humanitarian law among all those who have to respect the law or ensure that it is respected when conflict breaks out. Admittedly, it is hard to establish with any degree of certainty whether and in what way individual attitudes and behaviour patterns have been changed by dissemination work and to determine whether its goals have been reached. Yet surely it is even more difficult to spread knowledge of the law among those responsible for the spiral of violence in modern conflicts, and especially to do so effectively. Therein lies one of the major challenges facing us today.

At the *Review's* suggestion, several ICRC staff members have contributed their thoughts on different aspects of the dissemination effort, ranging from the teaching of the humanitarian principles to young people to instruction in the law of war for soldiers. Among the articles published in this issue, two describe dissemination activities carried out in Colombia and in Bosnia-Herzegovina, while a third considers an experiment conducted in Burundi, where the task was to explain the humanitarian principles in terms that could be understood and accepted by the various sectors of the population.

All the contributors to this issue have had extensive experience working as dissemination specialists in the field. The situations they encountered are as diverse as their personal backgrounds: some were trained as teachers, others are legal experts, and others still are former military officers or journalists.

* * *

A picture taken some years ago at an ICRC dissemination seminar shows a group of young soldiers gathered around a smiling general who

later became a notorious tyrant. The soldiers are each holding a booklet on the basic rules of international humanitarian law, its cover emblazoned with a red cross. Should we laugh or cry? Is there any point to dissemination work? — In one of the States that became independent after the collapse of the Soviet Union, two young colonels encountered in an empty office of the future Ministry of Defence told an ICRC representative one day that in their entire military careers they had never even heard of the Geneva Conventions. Yet according to official reports that regularly reached the ICRC before 1991, international humanitarian law formed part of the programme of military instruction. Can we believe the parties to the humanitarian treaties when they pledge “in time of peace as in time of war, to disseminate the text [of these instruments] as widely as possible”?

None of the articles in this issue provides a direct answer to those questions, which may be too obvious and perhaps even simplistic. Instead, these articles offer a critical analysis of the experience acquired so far and explore new methods and approaches that will give the dissemination effort a better chance of achieving its goal. For their authors, all of them seasoned ICRC delegates, have witnessed large-scale tragedy at first hand — the disaster that struck the African Great Lakes region being but the latest in a long series. In the face of the terrible suffering that people inflict on their fellow human beings — often neighbours and sometimes even friends — there is no more room for doubt. Never has there been such a need for dissemination work, and despite the scant means at our disposal we must forge ahead and never waver in our efforts to convince people that one of the things that can be done to save lives and preserve human dignity is to behave in all circumstances with at least a modicum of humanity.

To continue the story of the brief encounter with the two colonels, both promised to do their utmost to ensure that the Geneva Conventions were given their rightful place in the programmes of instruction for their new armed forces. In this connection, it should be mentioned that the ICRC's recently created Advisory Service on International Humanitarian Law¹ has already organized a seminar to advise newly appointed heads of military instruction programmes on the steps to be taken for troops to receive proper training in international humanitarian law.

¹ See Paul Berman, “The ICRC's Advisory Service on International Humanitarian Law: The challenge of national implementation”, *IRRC*, No. 312, May-June 1996, pp. 338-347.

Dissemination work must not be seen as a panacea, however, nor as a scapegoat. In itself, dissemination is not enough to avert violations of humanitarian law. Despite the considerable efforts made in this respect, crimes are still being — and will probably continue to be — committed in the future. On the other hand, this is not a valid argument for denying dissemination's *raison d'être* and simply giving up. Activities aimed at spreading knowledge of the law, or, conversely, the lack of dissemination activities, are not the only factor that determines the behaviour of regular armed forces, militias or civilians. In the final analysis, it is not up to disseminators alone to ensure respect for the rules of international humanitarian law. The ultimate responsibility lies with the political authorities, military commanders, all those who have armed men under their control, and — as a last resort — courts of law.

The Review

Teaching young people to respect human dignity

Contribution of the International Red Cross and Red Crescent Movement

by **Édith Baeriswyl**

*“Children are a taboo subject, sacred to
all regardless of nationality or religion.
Protecting children is a duty.”*

Dr Adnan Houballah¹

Young people are the focus of special interest in studies on the humanitarian, social and political situation throughout the world. As “victims”, their plight attracts particular attention on account of their vulnerability, which is recognized in all cultures everywhere — albeit with considerable variation in views as to the age of reaching adulthood. If they belong to “deviant” groups such as street children, criminals, children outside the school system or child soldiers, they are treated as victims, permanent outcasts or a threat, depending on where they are and what they do. Lastly, those who belong to a “controlled” group, in other words those enjoying a normal social and/or school life, are subject to demands which

Édith Baeriswyl is the head of the Youth Sector of the ICRC’s Division for the Promotion of International Humanitarian Law. After 20 years’ experience in teaching and educational research, she carried out several assignments as an ICRC delegate, mostly in Africa.

Original: French. Quotations from works in French are ICRC translations.

¹ See Bibliography at annex 2.

are all the greater given their elders' own disarray in face of the accelerated pace of change at the turn of the century, and the adults' desire to prepare the rising generation to cope with an uncertain future.

Like other national and international bodies, the International Red Cross and Red Crescent Movement has been keen for decades to involve young people, either as partners (youth sections of National Societies) or as a special target group for its assistance operations or its efforts to spread knowledge of international humanitarian law. The volume and range of such activities deserve to be better exploited, perhaps through permanent and active coordination designed to give the Movement's work in this area and its identity a more specific focus and create a genuine international impetus for solidarity with the young.² For despite the declarations adopted by different International Conferences of the Red Cross and Red Crescent on the need to develop operations through and for young people, the structures set up to coordinate youth activities have not really fulfilled their promise of enhancing relations among National Societies or defining a common framework so as to preserve a specific role for the Movement in that area.

Generally speaking, young people constitute a vast target audience for messages from the Movement, and the humanitarian needs of some of them — those who are victims — are especially acute in the eyes of a humanitarian organization. At a time when the world's complexity is confounding all attempts at analysis and leading many organizations to expand their work in behalf of young people, there is bound to be a danger of duplication, while some problems will be overlooked. Without advocating compartmentalization or entering into competition, it would certainly be wise to define certain priorities more clearly and refocus the basic message which the Movement is committed to promoting. What is at stake is both the dignity of young victims of violence (which is always generated by social or political dysfunction) and the credibility of the Movement itself, which cannot allow its identity to be dissipated in vague platitudes or piecemeal half-measures.

The promising development of youth sections in many National Societies, coupled with the ICRC's own decision to create a specific post for promoting knowledge of humanitarian principles among young people,

² A sort of "Red Cross for young people", as journalist Brij Khindaria recently called it in the *Tribune de Genève*, 28 June 1996.

are preliminary steps in the right direction; however, a vast amount of work remains to be done if the wealth of the Movement's experience in the area of education is to be tapped and genuinely converted to the needs of young people in today's complex world.

The purpose of this article is to explore a few lines of thought in the limited area of promotion of the law and education for young people through operations currently under way in the field.³

Some recent promotional and educational activities for young people

The National Societies were initially anxious to create and maintain a nucleus of young people capable eventually of taking over from adult volunteers: the programmes devised were thus limited because they centred chiefly on passing on knowledge about the Movement and its working principles so as to prepare the young people concerned for humanitarian activities. There were exceptions, notably in Africa and South America, where youth sections often formed part of school structures and organized various activities. Gradually, reaching out systematically to young people — essentially through the school system — became the main aim of many programmes and thus their content was broadened. Until very recently, on the other hand, very few dissemination programmes were aimed specifically at young people involved in different forms of violence (child soldiers, armed gangs), and rare indeed were those that sought to avert any such involvement among young people living in dangerous environments (street children, survivors of conflicts, child prisoners, etc.).

A recent review of a few dozen dissemination strategies introduced by National Societies and/or the ICRC for young people since the 1970s shows that they fall into two main categories, depending on the chief goal sought: either their priority is to achieve active solidarity with victims or the most vulnerable, or they give greater emphasis to reflecting on behavioural reactions to violent situations. Both aims, sometimes pursued in parallel in a single programme, are often backed by information sessions on the Movement.⁴

³ The programmes mentioned here are given by way of example, and the reader should not infer any value judgement from the fact that a programme is or is not mentioned in this article.

⁴ No mention will be made of the many programmes specifically designed by National Societies and/or the Federation for Red Cross youth volunteers, as these are internal training programmes.

Enlisting young people in a practical humanitarian solidarity movement

The existence of youth sections within National Societies allows the young to take part in activities to help the most vulnerable sectors of society, the suffering and the needy. They provide a framework conducive to consideration of the significance and the ethics of humanitarian action, with full respect for the Fundamental Principles of the Movement. Examples of the commitment of young volunteers are plentiful, but it is rarer to see programmes implemented outside the National Society context — in schools, for instance — which set out to put theory into practice. But anchoring theory in practice is basic to any educational purpose, just as it is to the spirit of the Movement; indeed, it is essential to the Movement's credibility, and more particularly to the transmission of a message. It is the link between curative emergency work and preventive action.⁵

“Everyone knows in general terms what should or should not be done (...) and refers to his own set of values. But that has little or nothing to do with his actual conduct under the pressure of circumstances.” — S. Milgram

Action without reflection is often dangerous, and theory without practice lacks credibility — at least when the idea is to reach the greatest number and not just an expert audience. Just as the Movement cannot be content with curative emergency action and must back it up with hopes of a possible preventive effect, nor can it conduct exclusively preventive activities on the pretext that curative action is a makeshift solution. The Movement has taken that dual approach ever since Henry Dunant's time, but has not always exploited it as a central educational notion: too many programmes offered to young people still comprise no reflection on the dilemmas arising from the provision of relief while respecting the recipients' dignity, and too many programmes remain theoretical with no grounding in real life.

“Attitudes and mentalities are shaped, at least in part, by experience [because] self-knowledge (...) is much more powerful than inert knowledge of others that we gain from books and lectures.” — N. Nodding

⁵ The term “preventive action” is used here in the sense of “preventing explosions of violence”, both through knowledge of and respect for international humanitarian law in times of conflict and through knowledge of humanitarian law and solidarity with the most vulnerable in non-conflict situations.

Moreover, any failure to place practical work within reach of young people might increase their reluctance to perform tasks which they may regard either as matters exclusively for adult specialists or as too complex and daunting to be broached. In this age of television zapping and surfing on the Internet, we must be careful not to encourage “humanitarian zapping” among young people who, according to an international survey conducted in 1985, place altruism far behind their desire for freedom (“to live as I see fit”), wealth and social status.⁶ Here are a few recent examples based on practice.

- In *Croatia*, ever since the war ended, the National Society has been working in cooperation with the ICRC to restore its youth sections. The aim is to mobilize young people still suffering from the prevailing feelings of disillusionment to engage in humanitarian activities geared to the psychological and material reconstruction of their environment. The programme was first launched in schools but quickly developed into a fruitful interaction between the National Society and the school system.
- In *Colombia*, a behavioural manual fostering social conviviality and mutual assistance and initially designed purely for internal use has since 1996 gradually come to be used by the National Society for activities organized for young people, whether attending school or not, and particularly for street children.
- In *Guinea*, the National Society has for several years been organizing solidarity operations for young volunteers, such as cleaning public places and hospitals or entertaining children in refugee camps. This pragmatic dimension will be retained in a Red Cross programme now being prepared for incorporation in various official school subjects.
- In *Belarus*, “Red Cross schools” being set up throughout the country are enabling young people, whether formally enrolled in the National Society or not, to carry out various activities for the most vulnerable members of society: assisting disabled youngsters, providing material aid for underprivileged children and visiting lonely old people, orphans and invalids, etc. Mutual instruction among young people is also being developed as a sort of exercise in learning how to give.

⁶ See J. Houssaye.

Making young people aware of the humanitarian mission in times of conflict and of the principles of humanitarian law

Although the involvement of young people in violence is not a new phenomenon in itself, it is seen as a particularly dangerous trend at the turn of the century, when the constants that were traditionally supposed to regulate social relationships (the family unit, religious structures, traditional role models, etc.) are being undermined. In conflict situations a vicious circle is created whereby children are not just hopeless, passive victims but may easily become pawns of unscrupulous adults who know how to exploit their malleability. As the pace of change accelerates in a world geared chiefly to profit, the number of young people being left on the sidelines is swelling throughout the world, dangerously increasing the risk of conflict and, on a more local level, of outbreaks of violence. Obviously, the Movement does not have a primary mandate in all those areas, nor can it find answers to all the problems affecting young people on its own; but it does offer a number of specific solutions and has experience and dynamics of its own which have certainly not yet been exploited to the full.

Some promising avenues have recently been explored in an attempt to counter negative influences and make young people aware of the various consequences of violence and human suffering. Depending on the region concerned, such activities seek to infuse a spirit of compassion that will preserve the notions of humanity, human dignity and civic responsibility in situations of violence, and to spread awareness of the minimum rules of behaviour that must be observed in all circumstances.

In situations of peace or relative peace, that aim is reflected in educational programmes for all young people through the school system. Some examples are given below.

- In the countries of the *former Soviet Union*, a school programme incorporated in textbooks on national literature seeks to stimulate thought on the values underlying international humanitarian law and those which guide the Movement's activities.⁷
- In the *Netherlands*, an interactive file on humanitarian law, the phenomenon of war and the regulations governing it was introduced in secondary schools in 1995.

⁷ See annex 1.

- In *France*, a teaching kit for primary school pupils is designed to encourage forms of behaviour based on Red Cross ethics (respect for human dignity, solidarity, combating all forms of suffering).
- In *Egypt*, the ICRC delegation in Cairo has been working in cooperation with the country's school authorities since 1995 to have some basic notions of humanitarian law included in various official courses (biology, history, languages, etc.) as school textbooks are updated by the Ministry of Education.

It is hard to evaluate such programmes because their aim is not merely to pass on information but to influence attitudes and perceptions. Moreover, the way they are used by teachers is largely beyond their initiators' control. And "*when what the school teaches is contrary to the lessons of experience, it cannot prevail for long*" (Lê Than Khôi).

Then again, the transmission of knowledge in the area of human behaviour is still a controversial subject. In all corners of the world, however, a consensus seems to be emerging to the effect that "*the educator's way of behaving and the transgression of the educated have more influence than words or examples*" (J. Houssaye).

In conflict situations or those with a high potential for violence, programmes set out first and foremost to reach young people who are already or are likely to become involved. This type of programme has been developed only very recently and much research on each individual context is still needed to find messages and means suitable for adolescents who, because of their inherent vulnerability, have had no choice as to whether or not to take part in violence.

- In *Somalia*, the "Look before you leap" programme based on comic strips, song and theatre is intended to prompt certain behavioural reflexes among young militiamen even in their own violent environment. The representation of the everyday conduct displayed by these armed youngsters is interspersed with lessons on the consequences of the attitudes they commonly adopt.
- In *South Africa*, many educators are trying to interrupt the cycle of violence among young people marked by years of social and political conflict and impatient to see things change. The ICRC is working on educational material likely to encourage reflection on the choices to be made in order to break with violent behaviour.
- In *Colombia*, recurrent instability has thrown many youngsters onto the streets and some have formed veritable armed gangs pursuing

various goals. The ICRC has initiated a study of the phenomenon to see whether any appropriate educational operation can be launched.

A few avenues for reflection

While there is no need to dwell on the educational virtues of specific operations, it might be useful to consider the purpose of the message to be imparted to young people.

The vast majority of the Movement's programmes, often devised by professionals of the educational world, have been carefully tailored to local habits and needs. However, on the one hand that unquestionably valuable process of adaptation raises questions as to the consistency of the message throughout the world and, on the other, it places the message delivered to adult audiences at variance with the one intended for the young. Some slippage is noted whenever the actual results of programmes are analysed: teaching international humanitarian law sometimes involves references to moral or religious values; humanitarian values are sometimes advocated in terms of prosperity and beauty for all; or again, a contribution towards a faster and more meaningful return to peace ends up as an argument for pacifism.

It is certainly not our intention to reject the ultimate ideals of a world at peace and prosperity for all. However, it is worth reflecting on the need to make a greater effort to anchor the founding message of the Movement — that is, respect for human dignity in circumstances where environmental influences tend to deny it — more securely, and to present such international legal edifices as international humanitarian law not as moral imperatives for Good but as a reference system constructed by nations to regulate human conduct in exceptional circumstances. Making young people aware of the spirit of that reference system is not so alien to their life-style as is generally supposed.

International humanitarian law in the school yard

“The definition of the individual and of the respect due to him or her forms part and parcel of those implicit social rules which go back to a pre-understanding of what we have always known, rules which in ‘normal’ situations are the subject of an unspoken and undisputed agreement. However, in a period of crisis (...) it is precisely their self-evident character that those definitions lose (...). The question then is no longer what man is or must be to be worthy of respect, but what rule we can agree upon to express the quality of what is respectable.”

— M. Hunyadi

Many humanitarian and other organizations have in recent years launched into the field of education for young people with the aim of teaching notions of peace, tolerance, human rights, democracy and conflict resolution. However praiseworthy and important it may be, such teaching may come into conflict with the ideas that the Movement and the ICRC are promoting at different levels (for example among the military and governments). In the long term, therefore, it may undermine the specific aims of the Red Cross and Red Crescent world.

Such occurrences, noted in a few of the Movement's programmes, often arise from a widely-held conviction that international humanitarian law, which in essence is formulated for a particular audience (combatants) in a particular situation (armed conflict), is "unfit for consumption" by young people.

International humanitarian law, which the nations of the entire world have undertaken to teach, respect and have respected in times of armed conflict, comprises a set of rules designed to preserve the dignity of the individual, whether combatant or non-combatant. Maintaining that dignity is the precondition for preventing a conflict from degenerating into carnage and leaving indelible scars on the collective and individual consciousness; for such scars are sure to perpetuate hatred and fear, those classic factors in the spiral of violence which constantly rocks certain regions of our planet.

Admittedly, there is some truth in the view that such matters have no direct part to play in the education of young people, but it also reveals some confusion as to what education is all about.

The element of truth lies in the fact that humanitarian law as a body of rules applicable in armed conflicts has no reality for young people, or at least for the vast majority of them. The confusion arises because, as every educational act involves a transposition, reality for a young person, wherever he or she may be, also means violence and seeking ways of regulating it; it is the quest for limits; and among adults it is an effort to channel aggressive tendencies and prevent them from degenerating into violence. Some cultures sublimate violence, for instance by introducing initiatory rites of passage or the systematic practice of martial arts, while others impose constraints by means of laws and regulations. But they all generate strategies for teaching children rules which will limit their aggressive impulses.

"Pupils very often stray from texts or reject them as being too remote from social reality (...). It is important to reverse the perception

and function spontaneously accorded to texts, particularly Declarations and Conventions, for they do not mechanically derive from human and social behaviour. Nevertheless, they do lay down references necessary for analysing, assessing and appreciating such behaviour and possibly for remedying it. — F. Audigier

Rules and violations of humanitarian law do exist in the school yard. Every educator has encountered them and has spent time imposing and discussing the former and controlling the latter: the former are called standards of behaviour, rules of the game, etc., and the latter take the form of cheating, sneers, insults, random beatings, etc.

“Playing initiates the child into family and social rules and prepares him for his future adult role (...). In collective games, the child learns his position relative to others within the framework of defined hierarchical structures.” — UNESCO

Some of the accounts given and comments made by educators in this regard are striking in their similarity.

- There was the case of Dr Korzack who, tired of trying to stamp out violence among the children in his orphanage in the Warsaw ghetto, decided to allow it as long as a single rule was observed, namely that any fight had to be notified to the adversary in writing 24 hours in advance. The thought necessary to put such an intention down in writing effected the transition from impulse to reason, and succeeded where direct appeals for non-violence had failed.
- There is also the example of a headmistress who installed a “ring” in her school as a place for settling conflicts, an institutional move that “reduced the accident rate by 80%”.⁸
- Some teachers, out of concern to restore circuits of communication, tirelessly discussed with their pupils certain rules of sociability to be introduced and respected and penalties for infringing them. This setting of limits lies at the heart of many so-called “civic”, “social” or “institutional” courses of instruction, and even of educational approaches based on the notion of a “contract”, which are aimed not only at instilling knowledge but also at contributing to social construction.

Establishing limits (rules, laws, charters, rights, etc.) serves as a common objective or a reference system on the basis of which each person

⁸ See M. Libratti.

can explain his or her actions to himself and to others. Setting aside problems such as strict observance and penalties, many ICRC delegates perceive and utilize that dimension in their work to promote humanitarian law in the field. It is surely fundamental because it promotes communication.

“Whatever the field of action, whether it involves language or not, it is the rules - and the rules alone - that lend meaning to the practices they define.” — M. Hunyadi (after Wittgenstein)

Working from or towards international humanitarian law is a means of educating young people that has not yet been fully explored. It is a tool which prepares them for reflecting on the need to regulate behaviour in a social relationship: whether such regulation be codified or customary, explicit or implicit, it nonetheless exists in every culture and every coherent human grouping, including young people. The specific nature and value of humanitarian law derive from the fact that it is based on an extreme reality, namely armed violence, in which all moral points of reference, even those firmly rooted in the culture and the family, are swept away in the name of a supposedly higher goal. Humanitarian law can also serve as a mediating tool, for every fight in a school yard or periurban slum is a special and sometimes extreme event in the life of young person.

“(...) Violence in any form, however absurd it may appear, is an exchange or a desperate quest for exchange.” — P. Delaroche

At a time when some people are querying the relevance of international humanitarian law in new types of conflict, others urge a strengthening of the spirit of the rules and of the law to counter the erosion of values traditionally handed down by the family, religion or even the political sphere. Many educators hold that view, as do some politicians of all hues.

Humanitarian law, as an ultimate point of reference for judging conduct in exceptional situations, might therefore serve as a reference for mediating between the values developed in each culture and the extreme influences which annihilate them, just as — more prosaically — the rules of boxing and football serve as a brake on the obsessive will to win. Including those points of reference in education may provide a way of preparing young people *“to distance themselves from political inertia and lack of imagination in the legal sphere (and) to claim the right to law”* (O. Russbach).

Conclusion

After an initial bout of naive enthusiasm, necessary to preserve their motivation and give meaning to their work, professionals in the field of

education are increasingly inclined to regard themselves as amateurs. Experts they are; but amateurs, too, since they realize that any single educational act, however well planned, is nothing but a drop in an ocean of immense complexity, despite the abundant and constructive research that has been done in the past few decades. They know that every educational institution is only one of many places where knowledge is forged, and they find out — sometimes the hard way — that learning is a slow process which advances and recedes, and that the best intentions, like the cleverest pedagogic devices, only rarely guarantee that the instruction given will be well received by all and, more important, will be permanently implemented.

This “amateur” aspect of educational endeavour is all the more significant in that the skills to be acquired belong to the sphere of behaviour, which very largely depends on factors outside the classroom. It is even more obvious when violence is discussed: educators know that violence among the young is not a phenomenon peculiar to our times or to any particular group, but that it is often an exaggerated expression of faulty communication with the environment. Many educators are aware that no strict prohibition has ever completely succeeded in eradicating violent behaviour in exceptional situations; and a child resorting to violence is always at the heart of an exceptional situation from his own viewpoint. Paradoxically, therefore, as their knowledge increases, teachers often become modest about their own role, even if they are sometimes tempted to regard themselves as influential instruments so as to preserve intact their desire to help build a better future.

With regard to dissemination activities within the Red Cross world,⁹ the views outlined above sometimes stem from the difficulty of seeing oneself as an amateur when one hoped to have become an expert, and of believing too often that the “drop in the ocean” constituted by the action and message of the Red Cross will have an immediate effect on the dark side of humanity so tragically demonstrated in the senseless events that make up a conflict.

Our conviction and our hope for change must be tempered by modesty if we are to gain a better understanding of the mechanisms and stakes at play in the observance or rejection of rules, and thus refine our methods and improve the means of passing on our message, tirelessly and on target; for that message is more relevant than ever.

⁹ This refers to the very large number and wide range of activities designed to promote the Red Cross spirit and institutions, together with instruction on proper behaviour in the event of conflict, which the Movement has been conducting since its inception.

A dual approach should therefore be adopted to improve our performance in promoting international humanitarian law among the young:

- preventive activities designed for young people who are not victims of violence must be improved in terms of quality and placed on a systematic basis (especially by focusing attention on the role played by the rules in conflict situations and providing for practical work), for those young people will be the decision-makers of tomorrow;
- efforts must be pursued to find programmes specially tailored for young people involved in violence or immersed in an environment conducive to violence, because they are primarily victims but might also become future perpetrators;

All this is essential because society has a duty to that half of mankind which is particularly vulnerable but which represents the world's future.

If the Movement wants to help increase the chances of the humanitarian spirit (in the dual sense of "compassion/aid" and "preservation of mankind/human community") being taken into account in a world of conflict and competition which breeds violence and sends the weakest to the wall, it must prepare the young people of all nations so that, at their own level and in their own environment, they may help build peace.

These young people must be able to:

- measure current events against the yardstick of the principles of humanity, dignity and law and not just in terms of economic or political criteria;
- develop resistance to feelings of impotence and indifference and refuse to become hardened in the face of complex and negative world events, whether near to home or far away;
- develop tangible bonds of solidarity with the suffering or needy;
- develop the strength to reject acts which take account only of the end to be achieved and not of the consequences to themselves and others;
- learn that even in the heat of a fight or a conflict not everything is permitted, and that the dignity — or justice — of a cause can never be defended by acts of barbarity, any more than a worthwhile win at a game can be achieved by cheating or humiliating the opponent;
- incorporate the minimum standards of behaviour which nations have undertaken to respect in the event of conflict in the values handed down by their official educational establishments, their families and their social authorities and in the rules of their local society.

ICRC schools project in Eastern Europe and Central Asia

While conflicts were breaking out in several parts of the former Soviet Union, the authorities there often lacked the means for producing new teaching materials. The ICRC suggested the inclusion in secondary school curricula of a programme focusing on the humanitarian principles underlying international humanitarian law and those which guide and inspire the activities of the International Red Cross and Red Crescent Movement.

From the outset, local specialists recruited by the ICRC in each of the countries concerned worked in close cooperation with their Ministries of Education to define the form and content of programmes adapted to the circumstances in each context.

Used in literature courses and drafted in the national language of each country, the books produced contain texts by local and foreign writers, together with exercises designed to stimulate debate about proper behaviour in violent situations. The teachers have a methodological handbook and are given introductory seminars.

The first trials started in 1994 and led to a pilot programme which was introduced during the 1995-1996 winter semester in the Russian Federation (northern Caucasus, Moscow and elsewhere), and also in some parts of Armenia, Azerbaijan, Georgia and Tajikistan. In all, it reached 100,000 students.

For the school year 1996-1997, the programme was extended to students in the last year of all secondary schools throughout the Russian Federation, Georgia, Azerbaijan and Armenia (a total of roughly 2.5 million students). At the same time trials are being carried out in the countries of Central Asia and feasibility studies are under way in other countries of the former Soviet Union.

The ICRC's aim is to extend the benefits of such teaching to all seven years of secondary schooling in the above countries, with emphasis in the top classes on international humanitarian law as a component of national civic instruction.

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For whom do humanitarian organizations speak?

A few thoughts about dissemination

by **Jean-Luc Chopard** and **Vincent Lusser**

Countries at peace have a hard time understanding wars. That is why humanitarian organizations are so often asked to comment on and explain hostilities to the outside world. At a time when humanitarian operations are being carried out ever closer to the actual fighting, media coverage of the fighting — largely aimed at a far-away audience, at the West — is growing on television screens around the world. In order to stand out against the competition, to be visible to donors, to raise funds or to denounce atrocities, humanitarian organizations are increasingly joining the race for air time, and their survival may depend on how they place. Yet because they speak continually for and to the West and because they appear time and again on television, it is on the basis of this media image — which has the effect of underscoring their allegiance to the Western world — that the warring parties end up forming an opinion about these organizations' activities. The rejection being suffered ever more frequently by humanitarian organizations in the field is very likely strengthened, and sometimes even caused, by such jockeying for media exposure; for that exposure enhances the perception that they belong to an ideological camp whose political, economic and cultural interests are one of the issues at stake in today's major conflicts.

The adverse impact of media coverage is aggravated by poor communication at the scene of the action and inadequate effort to achieve a

Vincent Lusser and **Jean-Luc Chopard** are heads of sector at the ICRC's Division for Promotion of International Humanitarian Law. Both have carried out a number of field missions as delegates.

Original: French

dialogue with the local communities about the humanitarian operations under way. Easy as it is to speak to the West — if only because the information is being solicited — it can be very difficult indeed to speak to the victims and to the warring parties as humanitarian organizations run up against problems rooted in language and culture. It is all the harder in the rising number of conflicts where the aim is to assert group identity. To begin with, the warring parties turn inwards to protect themselves from the group branded as the enemy. Yet there is also mistrust towards outside agencies, whose very foreignness in situations viewed as “us against the world” constitutes grounds for rejection. The humanitarian organizations’ difficulty in making themselves heard is sometimes compounded by their reluctance to speak to the people they may believe responsible for disasters and by the tendency to favour forms of dialogue that treat the victim as entirely passive and ‘on the receiving end’.

Action speaks louder than words

Faced with the deficiencies of the information conveyed in the field, conscientious people argue that action itself is the best form of persuasion. While it is true that action speaks louder than words, it is wrong to believe that a just operation undertaken in accordance with humanitarian principles does not breed misunderstandings that could put relief agencies in danger. The problem is not restricted to misapprehensions that can be fairly easily put straight by means of adequate explanation. It is the very procedures according to which humanitarian operations are launched, as well as the neutrality and impartiality that lead to help for the “enemy”, which are today being challenged. This means that even operations carried out in a perfectly open manner raise opposition. Any high-profile endeavour then becomes all the more controversial, and relief workers find that in their dealings with the warring parties they must first explain and justify the “humanitarian reflex”, i.e. impartial assistance based on objective human need.

Apart from the explanations required to overcome misunderstandings nurtured by international media coverage and misgivings arising from operations that possibly appear lopsided to the adversaries of the beneficiaries, humanitarian organizations often have a message for the warring parties.

A message to promote

The International Committee of the Red Cross (ICRC) is an organization whose purpose is not only to aid the victims of armed conflicts but

to afford them protection under humanitarian law and to promote that law. ICRC delegates therefore do not simply show up at check-points to ensure the passage of relief convoys. They are there primarily to gain access to the victims and call upon all the combatants to comply with humanitarian law. For the ICRC, endeavouring to send that message in the very midst of war (or to “disseminate”, to use the organization’s own terminology¹) is the result of a twofold objective: firstly, promote acceptance of humanitarian aid and the way it is implemented; secondly, promote acceptance of the humanitarian law on which the protection of victims is based.

This is the goal to which all the ICRC’s conflict-related activities are devoted, and it is also the specific task assigned to the “dissemination delegates”. Just as often as they give talks on the law of war to high-ranking officers of regular armies, they also have to strive to reach armed individuals unbound by any form of control. Their duties currently range from instructing and informing to devising the best approach for ICRC delegates dealing with people deaf to any kind of logical argument.

For all the above reasons, it is unthinkable for the ICRC to consider launching a field operation without first looking carefully at dissemination-related issues. The ICRC today employs 49 expatriates in this endeavour and has budgeted 36 million Swiss francs for this work in 1997. Dissemination programmes are not necessarily directly linked to operations; they are conducted in times of war and peace alike. When conflict erupts, however, dissemination is shaped by the humanitarian and operational priorities in the countries where the ICRC takes action. It then goes hand in hand with the operations. Its purpose is to help attain the ICRC’s overall objective, which is to ensure that the conduct of all parties is in keeping with international humanitarian law.

Intruding into troubled situations

While humanitarian action to help the victims of conflict can in no way be considered as interference² in a country’s affairs, any

¹ At the ICRC such communication goes under the name “dissemination”, a term derived from the Geneva Conventions of 12 August 1949, the States party to which undertake to respect and ensure respect for the law but also to make it as widely known as possible. The ICRC has been given the particular mandate of helping the States promote compliance with international humanitarian law.

² We are naturally referring to humanitarian work conducted in accordance with strict principles, in particular those laid down in the “Principles of conduct for the International Red Cross and Red Crescent Movement and NGOs in disaster response programmes” (*IRRC* No. 310, Jan.-Feb. 1996, pp. 120-123).

outside humanitarian programme constitutes an intrusion into an already troubled state of affairs. The resulting encounter between the beneficiaries and Western humanitarian endeavour creates misunderstandings and tensions that can both result in a failure to recognize the victims' actual needs and put the lives of relief workers in danger. While there is nothing new in this, certain features of recent conflicts have so exacerbated the underlying culture clash that humanitarian assistance has at times become impossible. The most alarming trends are the collapse of State institutions and of the chain of military command. To this should be added the growing incidence of common crime during conflicts, the influence of drugs on the behaviour of combatants, the formation of splinter groups and their withdrawal into self-assertive factions, the proliferation of humanitarian organizations and the resulting competition between them, and the use of some relief agencies for political ends. Finally, conflicts of a genocidal nature pose a major challenge for all forms of humanitarian action.

These factors raise fundamental questions for the ICRC regarding both its operational procedures and its dissemination work. Whom should it speak to when military and political authority has become invisible or fragmented? Above all, what can it say to the people with whom it must deal, and how should it say it? Though the ICRC is going to great lengths to tailor the form of its message to different countries and cultures and to devise new approaches, the message itself sometimes lacks "local currency" and the person sending it is all too often an outsider. Whether real or advanced as a pretext, the rejection of the West and its use as a scapegoat for the misery of nations at war makes this task more onerous and complicates the search for appropriate language.

Consulting the target group and including it in the process of shaping and spreading the message is one solution to this problem in peacetime. In time of war, however, this becomes very difficult, and in conflicts with an ethnic or religious aspect the radical determination to assert group identity precludes any exchange based on the willingness to compromise and negotiate. The result is that while outsiders are unable to offer a solution to the conflict, neither are spokesmen for the warring parties in a position to act alone or provide ready-made solutions that can be applied by the ICRC unamended. Thus, the only answer can come from an entity which, though outside the conflict, enjoys a comprehensive view, and a second entity willing to serve as a local contact — as if each held a piece of the puzzle.

Turning to an agency recognized as neutral and impartial in relation to clashing cultures and tribal identities is therefore vital. It is already difficult enough to explain and gain acceptance for such a role in pure relief work, where the benefits provided by aid to one group quells to some extent their opposition to aid for the enemy. This is even more difficult when it comes to dissemination since this activity requires asking rather than giving. In conflicts involving the assertion of group identity or actual genocide, the ICRC must call for observance of principles demanding protection for victims whose elimination is the stated purpose (and not the involuntary consequence) of the combatants. Those intended to receive the humanitarian message are so caught up in their us-versus-them mentality that it becomes extremely difficult to introduce this third, humanitarian factor. In periods of crisis any appeal to curb violence and spare victims falls on deaf ears.

Finally, the mind-set that results from dealing with emergencies and almost invariably frames humanitarian action in wartime poses an additional hurdle for a task that, by definition, demands time and much patience.

Tracking wars, heeding victims

The ICRC strives to get round these difficulties by basing dissemination on a willingness to listen. It is essential to gather knowledge about the people whom the organization wishes to reach, and to do this before actually formulating its message. This first step in the process cannot be omitted even if the information thus garnered merely provides a starting point. In this respect, the contact work performed by the ICRC's 21 regional delegations, covering areas unaffected by conflicts and thus themselves not involved in emergencies, provides an indispensable network.

In all countries where ICRC dissemination delegates perform this listening task successfully, invaluable contacts are forged with the warring parties and their victims. The ICRC knows how its activities and its presence are perceived and is thus aware of rumours, criticisms, expectations, misunderstandings and suggestions, which helps it assess and adjust its operations. But if these factors go unheeded, they can result in violent backlashes.

To illustrate this point, let us imagine a programme perceived by neither the belligerents nor the victims as impartial. If misunderstandings have arisen in the minds of either group over the conditions set for the operation, those engaged in dissemination soon become aware of them and

can prompt a reassessment within the organization and launch an information campaign to limit those misunderstandings. If the operation is indeed insufficiently impartial, this will be immediately noticed by the groups involved, but this will be picked up in the course of dissemination work and will have alarm bells ringing over the deviation from the guiding principles which could, eventually, jeopardize security in the field. However modest the contribution made by dissemination programmes may seem in this respect, it should not be underestimated. A good network of contacts built up by dissemination delegates is different from, and above all complementary to, the one available to those actually directing the operations.

From listening to dialogue

While a willingness to listen forms part of the basis on which humanitarian work reposes — making it possible to establish a relationship and effect necessary adjustments to operations — it does not solve all the problems facing dissemination; it narrows the gap between humanitarian workers and their contacts in countries at war, but it does not bridge that gap altogether. Coexistence between the humanitarian “intruder”, the aid recipients and the warring parties must await a second phase, that of dialogue. In the aid sector, this is precisely what the ICRC and other humanitarian organizations have striven for. For example, wherever possible, relief based on imported finished goods is replaced by assistance that enlists the support of recipients in identifying and providing the aid they require.

The aim of such dialogue is to complete the puzzle, assembling these scattered pieces and identifying the areas in greatest need of dissemination work, selecting the form most appropriate and determining which concepts will be able to serve as a link for the ICRC itself, its message in terms of the law and the corresponding cultural principles in the countries racked by conflict.

In an unbiased exchange, everything must be open to challenge based on the validity of the principles of humanitarian law. That is because the scope for humanitarian action granted by countries at war is not necessarily the same as that sought by the ICRC. For instance, the belligerents do not always agree to spare enemy civilians. The greater the divergence between these two conceptions of the scope needed, the greater the risk of friction and mutual rejection between humanitarian organizations and the warring parties. For those engaged in dissemination, the nature and scale of this divergence help identify points that are likely to give rise to

the greatest problems and thus identify what the organization's priorities should be. Its role in such cases is to try and broaden this scope, this space for humanitarian action, i.e. to convince the warring parties of the need to spare those protected by the law.

The legitimacy of international humanitarian law

Though the validity of international humanitarian law is not negotiable with representatives of the warring parties, if this body of law is to be promoted then the issue of its legitimacy must be addressed. Pointing out that nearly every State in the world is party to the Geneva Conventions and their Additional Protocols no longer ensures universal acceptance of their legitimacy. Beneath the official consensus between the States lurk the real misgivings — specific to culture and social stratum — of those who have never joined in this consensus except through the signature of the plenipotentiaries who were supposed to be representing them and whose authority is challenged in many present-day conflicts, not least by the combatants with whom the humanitarian organizations have to deal in the field. The legitimacy crisis undermining the authority of certain States, especially those torn by internal conflict, also weakens the validity of the international commitments made by the rulers of those States.

As a result, in some situations it may prove necessary for those conducting dissemination to seek a measure of common ground in terms of respect for humanitarian norms, i.e. rules to which all the parties, whether regular combatants or not, feel themselves bound. One way to do this is to search for humanitarian principles in customary law and local practices. It has never been proved that any culture has devised a code of conduct at odds with humanitarian principles, and the research carried out by the ICRC into the cultural heritage of widely differing communities would seem to confirm that the basic principles of international humanitarian law are universal. Several examples of this approach have been documented and Édith Baeriswyl's text is of great relevance here.³

Of particular interest in this approach is the fact that the ICRC and the authorities with whom they deal in war-torn countries both contribute in an equal measure to a joint project. That is no mean feat, for it affords fresh dignity to those who find themselves in what they sometimes

³ See pp. 357-371 in this issue.

perceive as the humiliating situation of receiving paternalistic aid from humanitarian organizations without having anything to offer in return. It is especially important to reverse roles in this manner as much as possible when it comes to dissemination, for such mutual support is practically impossible when it comes to material aid.

The message — when the time has finally come to speak!

If we have highlighted the backlash resulting from certain forms of communication and if we have proposed as preventive measures a willingness to listen and engage in dialogue, this is not to refute the need for a message but to lay down a path to be followed, one that is vital to the success of operational dissemination.

Even so, while a willingness to listen and engage in dialogue is intended merely as a means of identifying the best way to promote compliance with humanitarian law, this very dialogue has enabled the ICRC to convey its message. The act of paving the way for the message has itself become the means of conveying it. Those involved in it have followed a path to participation, inclusion in the process. They have become allies rather than a target audience.

Should ICRC delegates then no longer play a direct role in dissemination? To answer this question, we must come back to the concept of a neutral agency in the realm of dissemination. The ICRC has a special position as a humanitarian organization with access to victims; its technical and financial resources must be used for their benefit, so as to give them a face and a voice, and not to promote the organization itself. For wounded soldiers, for civilians run out of their homes and off their land, and for prisoners in their cells, it is the one chance to convey their suffering in words more effective than even carefully crafted utterances by an outsider. The ICRC wants to make this voice increasingly available to the victims of conflict.

Is there still room for the epitome of conventional dissemination: an address to a group of military men or political officials? Such presentations are an option when hostilities are under way, but their primary usefulness lies in the opportunity they present to hear questions and to touch on misunderstandings or underlying problems. They are a means of establishing contact in a relaxed atmosphere between combatants and humanitarian workers who encounter one another in the field. Such talks, when held during hostilities, are unreliable when the intention is to make a point and prompt a change in conduct. In a

peaceful situation, the address can have its merits as a means of establishing a working relationship with a target group and promoting the longer-term project of systematically teaching humanitarian law at a university, for example. But when the idea is to create the greatest possible awareness regarding the basic rules of that law or to arouse concern about humanitarian issues, emphasis is placed on seeking a working relationship with those who possess the means of mass communication. Finally, the ICRC by and large strives to promote the “knock-on effect” by training others and making it easier for them to convey its message, rather than encouraging an endless succession of talks by its own delegates.

Whatever form it takes, therefore, dissemination is for the ICRC a full-fledged humanitarian activity in its own right, a form of communication conducted in the very midst of war and the resulting ICRC operations. It is meant to achieve contact with different peoples for the benefit of the victims of conflict and of humanitarian endeavour, bringing that work closer to its recipients.

When peace returns ...

While a neutral agency is necessary in situations of conflict, its presence is no longer so indispensable when hostilities come to an end and peace returns. Then the ICRC serves as a mere catalyst, with the aim of raising awareness among the greatest possible number of groups within the country and fostering reflection and debate about the plight of war victims and ways of limiting their hardship.

The ICRC still takes this role of catalyst very seriously indeed since there can be no denying that nations at peace have not provided ground fertile enough to ensure compliance with the law in wartime. Though it is not the only reason for violations, the predicament for those engaged in dissemination is that humanitarian law cannot arouse wide interest in times of peace, while when conflict breaks out — and therefore just as that law is becoming highly relevant — those who should hear the message are being deafened by the passions of war. That is why, to make humanitarian law appear closer to the immediate concerns of a society at peace, there is a tendency to misrepresent it as a bill of human rights or a statement of moral concepts such as tolerance, civility and peace. This is harmful for humanitarian law as it finds itself dragged as a result into a moral debate which is not universally accepted on the battlefield. While promoting knowledge and acceptance of humanitarian law is vital in peacetime as a means of

bringing about compliance should war break out, it must not be distorted to make it interesting. Instead, one must find an analogical application in civilian life.⁴

Conclusion

Despite all the good will that lies behind humanitarian action, such work constitutes an intrusion into a situation of trauma. It unfailingly raises questions that humanitarian agencies have to answer. For the ICRC, replies must be furnished to those questions in addition to the message that the organization is required to convey to the combatants under the mandate assigned to it by the States party to the Geneva Conventions to promote respect for humanitarian law.

However, various obstacles hinder dialogue with local people. Firstly, the information conveyed to the international media (press, radio and television) is meant to satisfy the organization's need for visibility. Far from addressing the concerns of the residents of countries at war, this requirement underscores the fact that humanitarian organizations belong to a Western system from which the afflicted countries often seek to protect themselves. Secondly, dissemination at the local level, i.e. that engaged in by ICRC field delegations, encounters two major hurdles: the culture gap — of which the inward-looking focus of certain groups is the most extreme expression — and the rejection of neutrality in a situation viewed as featuring a split between saints and villains, between good and evil.

ICRC delegations have moved dissemination up in their scale of priorities as a key activity for the establishment of a genuine dialogue with local peoples. Notwithstanding the tremendous progress achieved as a by-product of new thinking about humanitarian endeavour and modern forms of conflict, dissemination has not completed the metamorphosis that should lead to its new role as a "sounding board" for humanitarian operations of every kind, but also as an integral part of those operations. It can and must progress further in order to better serve the objectives of aiding victims and changing the conduct of those who have taken up arms as the means to assert their ideas. This must occur through the listening and dialogue stages described in this article.

⁴ See article by Édith Baeriswyl, pp. 357-371

At the same time, further efforts are required to recruit personnel capable of performing this work and to train supervisory staff, including heads of delegation. For the success of dissemination depends on a shared vision rather than on solitary work by experts, however brilliant they may be.

Reflections on a dissemination operation in Burundi

Declaration for standards of humanitarian conduct: Appeal for a minimum of humanity in a situation of internal violence

by **Édith Baeriswyl and Alain Aeschlimann**

“Everything in war runs counter to the notion of humanity, but everything in war demands that humanity be preserved. Reconciling these two extremes is the task and the raison d’être of the rules laid down in the law of war.” —

Olivier Russbach¹

This paper is dedicated to the memory of Benoît and Stanislas, Burundian friends who were working on this dissemination project.

The idea of the dissemination project described in the present article first came up at the end of 1993, when what is known as interethnic

Édith Baeriswyl is the head of the Youth Sector of the ICRC’s Division for the Promotion of International Humanitarian Law. After 20 years’ experience in teaching and educational research, she carried out several assignments as an ICRC delegate, mostly in Africa. — **Alain Aeschlimann** is the deputy head of the ICRC’s Division for the Central Tracing Agency and Protection Activities. In his previous capacity as a legal adviser on operational matters, his responsibilities focused particularly on Africa.

Original: French. Quotations from works in French are ICRC translations.

¹ See Bibliography at end of text.

violence broke out in Burundi following the attempted coup of October 1993 and the assassination of President Ndadaye together with a number of other leading figures. Given the scale of destruction and the heavy loss of life (it is now generally acknowledged that tens of thousands of people were killed during the first few weeks), and in view of the cruelty of the acts committed, ICRC delegates were at first hesitant to embark on any specific operation to promote humanitarian principles. Initially, they confined themselves to a practical demonstration of humanitarian conduct and to the use of radio broadcasts to supply information designed to facilitate operational work.

The delegates' uncertainty and their feelings of impotence in an unfamiliar context marked by extremes of violence perpetrated in complete contradiction to humanitarian international law were nothing new for the ICRC. In this situation, however, their feelings were intensified by the particularly appalling nature of the atrocities committed (what rational motive could there be for the killing or mutilation of babies?), and by the fact that the victims were often attacked at close quarters with knives or axes, so there could be no doubt as to the deliberate intent of the perpetrators.

"All these wars raging around us or looming on the horizon no longer stem from strategy or ideology but from gut feelings. They are no longer a political option but an organic necessity." — P. Delmas

The aim of the present study is simply to review an experiment, not to set up a model to be followed on future occasions. It is intended to contribute to a more general consideration of the scope and limits of those ICRC activities which are not directly operational, that is, activities which seek to promote rules of behaviour intended to mitigate certain consequences of violence and conflict which are held to be unacceptable by the community of States party to the humanitarian law treaties. So we have to move beyond the naive enthusiasm or flat rejection which normally greets this type of approach and look at some special characteristics of the project, outlining certain key elements before going on to discuss some of the options taken, and finally concluding with a more conceptual analysis.

1. Origin and basis of the project

October 1993. The sudden wave of violence that swept through Burundi came as a surprise both to the Burundian people and to the international community and the humanitarian organizations.

November-December 1993. In order to gain the necessary perspective for the planning of a large-scale dissemination operation, the ICRC delegates dispatched to the scene decided to share their concerns with the Burundian people by organizing:

- a day of discussions with a score of local intellectuals on the topic: “Burundian humanitarian traditions, the way they have changed and the means of dissemination most appropriate for the context”; and
- a meeting with about 15 army officers, most of them familiar with the ICRC and international humanitarian law.

These two meetings revealed a degree of resistance on the part of our Burundian counterparts to the idea of a dissemination campaign based solely on the rules and principles of international humanitarian law or on codes of conduct such as those proposed by Hans-Peter Gasser² or by the international group of experts meeting at Turku in 1991 (the Turku Declaration).³ The civilians’ scepticism was based on the fact that the State had been incapable of containing the massacres and violence, despite the existence of official instruments designed to prevent them, including a Constitution incorporating human rights and a “Charter of Unity” officially adopted in 1993 by more than 90% of the population. The military representatives for their part insisted that the violence had been incited and perpetrated not only by members of the political and military establishment but also by ordinary villagers. To avoid any perception that the military were being singled out for blame, they felt the campaign should be comprehensive rather than aimed at the armed forces.

January 1994. In an attempt to stem the spiral of violence and mutual recrimination, the ICRC delegates, encouraged by some more highly motivated local contacts, decided to press ahead on the basis of the information gleaned from the two meetings, particularly with regard to local traditions. This was the beginning of a research phase involving reading and discussions designed to devise appropriate messages and means for a dissemination campaign focusing on proper conduct.

² H.-P. Gasser, “A measure of humanity in internal disturbances and tensions: Proposal for a Code of Conduct”, *International Review of the Red Cross (IRRC)*, No. 262, January-February 1988, pp. 38-58.

³ H.-P. Gasser, “New draft Declaration of Minimum Humanitarian Standards”, *IRRC*, No. 282, May-June 1991, pp. 328-336.

Two conclusions emerged from this initial phase. First of all, the Burundians felt strongly that the situation in their country was a special and unique case; this led them to reject out of hand any “imported” or ready-made solution. Secondly, there was no clear dividing line between victims and attackers, both sides finding justifications and explanations in their own actions and those of the adversary. With a profound conviction that their very survival was at stake, there was little room left for compassion towards their neighbour. The situation was compounded by all the confusion and uncertainty then prevailing over the reconstruction of the political system, a process which kept minds fully occupied and often relegated purely humanitarian concerns to the sidelines. In this context, the ICRC considered that it was a priority and a fundamental duty to persuade and to help people to extricate themselves from the political and ethnic dimensions and to replace the image of a scapegoat with that of a victim.

February 1994. The attempt to involve a group of Burundians — notably through the Burundi Red Cross — to draw up a project by themselves was soon abandoned. The people approached said they were afraid to go into the breach with a resolutely apolitical and “moderate” project in the absence of some external moral legitimacy. They felt that there was little chance of getting through to the highest authorities without the support of an institution or personality with an international reputation. Their reservations prompted the ICRC to act in its own name and to seek out people prepared to devote their time to drawing up a document. Finally, 20 individuals selected for their personal commitment to non-political social or humanitarian causes were found to take up the challenge.

20 March-25 July. Once this “core” group was formed, 14 plenary sessions and a score of sub-group meetings were held, resulting in the production of a plan of action, a text and a number of vehicles for propagating its content. The events in Rwanda and the dreadful prospect of similar developments in Burundi spurred the members of the group to intensify their efforts.

25-28 July. The project was launched through a forum organized in Bujumbura, to which 13 groups comprising between 28 and 100 persons were invited. They comprised representatives of commerce and industry, politics, schools and universities, churches, the diplomatic corps, the military, government, parliament, the police, non-governmental organizations, young people and elders, and also administrative officials of the different districts of the capital and the provinces.

2. Description of the project

“For evil to take place, the acts of a few people are not sufficient; the great majority also has to remain indifferent. That is something of which we are all quite capable.” — T. Todorov

The project was designed to reach out to all sectors of society; on the one hand to rekindle hopes of rallying people to the humanitarian cause, and on the other to affirm the neutrality of the exercise. This was important in a complex environment in which so little separated victim from executioner, given the fear and hatred which could seize anyone at any time on account of real events, past or present, or of rumours which were sometimes deliberately manipulated. By making no distinction between the target audiences, it was hoped to gain greater acceptance for the ICRC and for those who would subsequently be the propagators of the project text. Starting out from the notion that “nothing favours a spirit of understanding more than the painful contemplation of our own crimes”⁴, the formulation of the text and its vehicles was guided by close observation of local realities (the mirror effect). The intention was to stimulate a sort of conditioned reflex in regard to the consequences for Burundi of forms of behaviour which denied all human dignity.

The project was implemented in four stages:

- the production of a reference document entitled “Declaration for standards of humanitarian conduct: appeal for a minimum of humanity in a situation of internal violence” (hereinafter referred to as the “Declaration”: the full text is given in the Annex);
- the official launch of the project at a forum for presentation and discussion;
- dissemination/education activities, based on a brochure, a song, a film, a play and school curricula;
- official adoption of the Declaration.

Drawing up of the “Declaration for standards of humanitarian conduct: appeal for a minimum of humanity in a situation of internal violence”

“When, in a society, neither God, nor being, nor a sense of history, nor even such and such a value applies equally to all, consensus is

⁴ T. Todorov.

the only possible mode of existence for people living together in a decentralized manner and wishing to remain free." — J. Houssaye

The core group decided that the first thing to do was to produce a text establishing a connection between, on the one hand, the special characteristics of local society and culture and the ongoing conflict (the Burundian input) and, on the other, legal rules, in particular the provisions and principles of international humanitarian law (input of the ICRC and a young jurist in the group, as well as a Burundian professor of international law consulted as an expert).

This effort to transpose humanitarian rules, mainly those contained in the humanitarian law treaties, and to find consensual humanitarian standards led to a better understanding of the underlying mechanisms which trigger certain types of violent behaviour. At the same time, it ensured that the ICRC was not perceived as the "foreigner who comes with eyes open wide but sees nothing".⁵

The project text was called a "Declaration" because the intention was for the Burundians to mobilize in support of humanitarian action and to make the document their own, a process which was to take place gradually after the launch (see below).

The text is based on a pragmatic formulation of observable conduct rather than on general behavioural theory, and avoids a moralizing tone which would take it too close to the sphere of religion.

The same pragmatic approach prompted the use of the collective first person plural (*we/us*) in the Declaration. The recommendations and prohibitions it contains are addressed to everyone, to soldiers and to members of the opposition, to husbands and fathers, to women, to old people, to students and schoolchildren, in short to every Burundian and everyone living in Burundi, including the authors of the text and its disseminators.

The Declaration consists of three parts: an introduction, conclusions and then the rules of behaviour themselves, numbered and set out in the form of injunctions.

(a) Introduction and conclusions

The aim of these two parts is to make everyone face up to the gravity of the situation and recognize the principle of individual and collective

⁵ Dida proverb, Côte d'Ivoire.

responsibility. The introduction stresses the magnitude of the ongoing human tragedy, while the conclusion places emphasis on hopes for a better future.

(b) Rules of behaviour

These are divided into four sections:

We must respect and protect individuals and their dignity

The text begins with the general principle which lies at the very basics of the Declaration and which, paradoxically, is the only truly abstract concept in it: "We must treat every individual with humanity and respect his or her dignity in all circumstances". It goes on to list seven points, prohibiting revenge, torture and other forms of ill-treatment, including gratuitous demonstrations of hatred and desecration of the dead, and stressing the duty to offer humanitarian assistance to the wounded and to people who have been attacked. Justice must take its course and replace the old habits of revenge.

We must offer special protection to certain categories of people

This special protection concerns the civilian population, defined as persons who are not directly involved in the fighting, including foreigners and refugees, vulnerable members of society (the sick, children, the elderly), medical personnel and relief workers. Bearing in mind events in Rwanda, where the ICRC delegation and hospital in Kigali kept going even during the worst events of April-July 1994, specific mention was made of the red cross emblem.

We must respect community and private property

A distinction is drawn between public property indispensable to the community (hospitals, holy places, monuments, schools) and private property (homes, crops, goods indispensable to the survival of the civilian population), their absolute immunity being affirmed in all cases.

We must use force only in moderation

This chapter of the Declaration, which corresponds to the rules of international humanitarian law relating to the conduct of hostilities or to the use of force in operations to maintain public order, posed special problems. It was thought inadvisable to take a pacifist line, as this was unrealistic and associated with a religious argument which had been

discredited in the eyes of many. At the same time, it was not possible to focus on the distinction between combatant and non-combatant or to speak of military objectives, as the text had to address everyone and not just organized armed groups. The focus was therefore placed on a gradation of notions around the idea of self-defence, including the principle of proportionality and the ban on unnecessary suffering.

The first rule in this section urges thought (“we must consult our consciences, our families, the wise men”) before resorting to violence. This injunction was intended as a counterbalance to the fourth rule, to which it naturally led on: “We must never kill any person or group of people who are defenceless or are surrendering”. This led to some debate within the group because it could be subject to perverse interpretation (“so let’s kill the others!”).

Forum for the launch of the project

Certain members of the group thought of having the Declaration officially endorsed from the outset by political and military leaders, for example at a public signing ceremony. However, this was rejected by those who feared it might all become an academic exercise, particularly in view of the instability of the State institutions set up on a provisional basis. Moreover, in this period in the history of the country, the basic idea of a text acceptable to all, whatever their place in society, could work only through a group of civilians with no political connections.

On the other hand, the “moral support” and acceptance of all political and military leaders and of the leaders of civil society appeared necessary at the start to ensure that some common ground could be gradually established. This determined the form finally given to the Forum at which the project was launched.

To supplement the text of the Declaration, two special features were created for the Forum:

- A film highlighting the stark contrast between pictures showing the consequences of the violence observed on the ground in November 1993 and words expressing the rules of behaviour to be followed in order to avoid such excesses. The film was intended to shock and to stir the emotions of the leaders of the different groups invited to the Forum for the launch.
- A song produced by local artists. This was a free adaptation of the text of the rules of conduct, set to a combination of traditional and modern music. It was aimed primarily at young people and was played

on the radio for several months, sometimes quite deliberately after news of fresh outbreaks of violence. It was also played in public places such as the market and the football stadium.

In addition, items appearing in the media — particularly reports on the launch meetings and interviews with people taking part in the Forum — all served as a first sign of openly expressed commitment on the part of leaders to the principle of maintaining a minimum of humanity. Coverage of the event by the international media was encouraged as a source of external support for an enterprise leading to positive action by the people of Burundi themselves.

Each of the Forum's 13 meetings followed the same format: explanation of the aims of the project by a member of the core group, then a showing of the film, followed by a discussion focused on an analysis of the text and the issues raised by its dissemination. Finally, an appeal was addressed to the participants to propose projects for the dissemination and promotion of the Declaration within their own spheres of influence.

On the fringes of the Forum, local and foreign NGOs were invited to display panels explaining their activities.

Dissemination/education phase

As the projects proposed by the Burundians were slow in coming to fruition, the core group — which did not want to lose the momentum created by the Forum — decided to work on two more vehicles:

- an illustration of the Declaration, using realistic drawings relevant to the context;
- a play produced at the end of 1994 by local authors in the spirit of the Declaration. Adopting the popular form of stories about everyday life, the authors sought to bring out the absurdity of behaviour caught in a vicious circle by showing its terrible human consequences. Through the different scenes, the message of humanity, voiced by children, women and a wise old man, encouraged people to think about what was happening around them. Between the end of 1994 and the middle of 1995, more than 30,000 people took part directly in performances of the play, which was also broadcast on Burundian radio and television and on a humanitarian radio station based in Zaire.

Moreover the film, although originally designed solely as a product for the launch of the Forum, was used extensively over the succeeding months since it proved to be a successful tool for promoting meaningful dialogue with other audiences.

Following official requests for the project to be extended to the classroom, between the end of 1994 and mid-1995 three groups of teachers prepared educational modules for primary schools (in the form of activities based on stories and eye-witness accounts), secondary schools (discussions and debates on the basis of the film), and the university (as part of compulsory courses in civic education, including activities connected with customary law and international humanitarian law). Finally, some groups of young people expressed interest in following up the task of dissemination, using their own skills within their own spheres of influence.

Some projects lasted for several months: the system of meetings set up for the Forum was reproduced in secondary schools, and a humanitarian newspaper was distributed in the countryside. Others were never put into practice owing to lack of follow-up and support or restrictions on movement arising from the security situation. This was particularly true of the school programmes.

Official adoption phase

Once the leaders had started to show awareness of the problems, the promotion of the Declaration was launched through the play and the film. It was not enough to disseminate the declaration in the hope of attracting voluntary adhesion to its message; what was needed now was to find means of securing its official adoption. To this end, a number of avenues were explored, in addition to the bilateral talks held with government contacts. In particular, an attempt was made to obtain support for the Declaration from the international community, and to find ways and means of implementing the Declaration on the national level.

3. Main features of the Declaration

Humanitarian stance

In drawing up the text of the Declaration, the core group made it a basic rule to identify a purely humanitarian sphere, with no reference whatsoever to the political, ethnic and social causes of the violence. This position was not easy to maintain in view of what was being said all around, especially in some sections of the media which were emphasizing explanatory factors and the social and political reasons for the conflict rather than the fate of the victims and the consequences of the violence for the future. Some discouragement and setbacks were inevitable in a campaign which did not seek to address what the indigenous people saw as the causes of the prevailing hatred, such as the impunity enjoyed by perpetrators or the

unequal distribution of power and resources. Nevertheless, an exclusively humanitarian stance was maintained within the core group.

This position had to be adopted, fostered and explained so as to ensure that the plight of the victims was placed at the centre of discussion and concern. The victims had to be given a voice and an identity. The deadly spiral had to be stemmed and there had to be a change in behaviour on the part of those who indulged in wanton violence. Contributing to this change by word and deed also made it possible to demonstrate that work to modify violent behaviour was possible and had indeed begun, despite the absence of a lasting peace and above and beyond any considerations of immediate survival. This was an important contribution to the dignity both of the victims and of the nation.

Focusing on the spirit of humanitarian law rather than on the spirit of peace

“The law is both the reflection of a society and an attempt to influence that society. It is a precondition for social change and a means of regulating the course of relations between individuals and groups.” — L. Assier-Andrieu

The spirit of humanitarian law is belief in the need to establish a shared frame of reference that lays down the behaviour and strategy to be adopted in the event of recourse to violence. At the same time, however, it is recognition that such recourse may be one of the means selected to resolve social and political differences. This modest and pragmatic postulate raised certain questions in connection with the legitimate aspiration to see an end to the conflict — and so to embark on action aimed at resolving the conflict or providing education for peace. Nevertheless, new outbreaks of violence, still frequent in 1994, and especially the sudden and devastating explosion of the conflict and genocide in Rwanda, created a certain consensus within the core group that it was the spirit of international humanitarian law that should be pursued rather than the spirit of peace. This is why the Declaration remained focused on the minimum to be demanded rather than the maximum that might be desired.

The spirit of humanitarian law also rules out the notion that behaviour in situations of violence can be modified only after the root causes of the violence have been eliminated. This implies a refusal to modify the mandatory nature of certain fundamental rules to be observed. For example, the fact that the justice system is not functioning is no reason not to advocate a ban on personal revenge.

Reference to the humanitarian traditions of the Burundian people

"Today, the principles which serve as criteria are much more universal and consensual but the realities are far more specific and fragmented." — P. Hassner

The identification of traditional ideas corresponding to the fundamental principles of humanitarian law was primarily intended to promote the view that the behaviour observed was determined by circumstances rather than by fate.

"Very often, it is not so much the quality of the human being that determines his acts as the type of situation in which he is placed." — S. Milgram

"These tendencies, hidden and repressed, find expression in exceptional circumstances such as accidents, disasters, wars and revolutions. Yet these latent characteristics need not only be destructive or negative. Events can also release the potential for generosity and solidarity." — E. Morin

Like every other culture around the world, Burundian tradition has its own explicit or implicit rules that regulate behaviour, especially in times of conflict. The main vehicles of this tradition are proverbs and sayings which are still very much alive in the indigenous language of the country. Often, proverbs that advocate restraint on violence are counterbalanced by others that say just the opposite, particularly with regard to the reasons for revenge and the forms it may take. This feature, which is far from being peculiar to the region, most probably reflects a recognition of the existence of a duality of good and evil, though it may also reflect the principle of "accumulation of rules" in certain societies.⁶

This finding gave rise to heated discussions inside and outside the core group and, in the end, was put to good use in the final version of the Declaration. In its conclusions, a "negative" proverb is included as a counter-example, to discourage any illusions as to the absolute goodness of traditions and to underline specifically the prohibition on the deeply entrenched notion of collective guilt. The saying "a criminal in the family means a criminal family" is no longer considered acceptable.

The reference to tradition is highlighted in the section of the Declaration on moderation in the use of force, which advocates recourse to the

⁶ See, for example, D. de Béchillon.

traditional mediation of the “wise men of the hills” in the settlement of conflicts. This practice, though formally abandoned since the establishment of the constitutional State, has remained deeply rooted in the collective consciousness and is still portrayed in short plays produced for radio or television.

4. Critical analysis

Owing to lack of time and resources, and also to the sharp rise in tension from mid-1995, it was not possible to conduct any formal evaluation of the impact of the Declaration on the ground. Discussion of its relevance is therefore inevitably limited. In general, however, it can be said that the project met with the virtually unanimous interest and support of the Burundians and of representatives of the international community. On the other hand, misgivings and criticism were expressed by those who based their judgement on the fact that the conflict continued and even escalated. But while the project was looking for far more than just a favourable reception, it was not directly intended, in the short term, to put an end to outbreaks of violence, still less the hostilities.

What it did set out to do was to provide support during a transitional period, the hope being that it would be taken over by the Burundians themselves, in terms of both dissemination and official adoption. As it happened, however, the transitional period came to an end less than a year after the launch of the Declaration project, so there was not really sufficient time for it to enter into the educational phase or for any serious moves towards placing it on an official footing. In addition, a number of factors gradually exhausted the will and the potential to see the project through to the end: a shortage of specialized ICRC expatriates, restrictions on movements affecting local staff and Burundians in general, the violent resumption of hostilities in the middle of 1995 and, finally, the reduction and then the suspension of ICRC activities after the murder of its staff members. These elements call into question the potential and the limits of any dissemination campaign designed primarily to influence behaviour. The limits are related to time and to the content of international humanitarian law in contexts where the violence observed is not covered by the definition of armed conflict and involves both organized armed groups and civilians with no chain of command.

It would be inappropriate in this study to pass judgement on the project in the light of developments in the conflict, in which, overall, there was no sign of significant progress in terms of conduct, or indeed in the light of the attack on ICRC delegates in June 1996. That would establish a

spurious link between cause and effect. It would be equally wrong to conclude that, in general terms, it was mainly owing to the Declaration project that the ICRC was able, despite everything, to develop its activities in Burundi up to that tragic event.

On the other hand, a review of short-, medium- and long-term intentions may be worthwhile so as to establish a broader scope for reflection on the basis of this particular instance.

Influencing behaviour — a gradual process

A project such as the dissemination campaign in Burundi is inevitably a long-term venture, all the more so as it was not designed to be imposed from outside but to attract support from within. This meant taking into account the complexity of the local situation — elements such as the extreme fragmentation of the military, political and social hierarchy, the juxtaposition of traditional patterns of thought with Western ideas, and an explosive mix of political, social, economic and other problems. The line followed was essentially to initiate a dialogue around a minimum shared humanitarian standard, on the one hand among Burundians themselves, and on the other between Burundians and the ICRC. After the launch period, the first phase of dissemination was intended to rally adherence to this standard. This was to be followed by a more educational phase undertaken by indigenous leaders, and finally adoption on an official and more mandatory level.

(a) Establishing an all-embracing dialogue

“Even when people are at war, you have to keep on talking to them. You have to defuse collective madness by the word, the message.” —
A participant at the launch Forum

It is no easy task to initiate a dialogue in a nation plunged into horrors which, within a few days, had swept aside all the standards hitherto observed by individuals and groups - their religious and cultural values, their traditions and customs, and the recent promises of democracy. In that context, at that moment in history, it seemed vital to try and get a “national conversation” going which would not be solely concerned with politics, hatred and radical violence. What the project sought to do was to introduce an element which would “stand between human urges and their fulfilment”⁷ and be a means

⁷ D. de Béchillon.

of promoting understanding “conducive to the social consensus which decides that what is tolerable at one given moment (...) is unacceptable at another”.⁸

The dialogue was also designed to help project in as transparent a way as possible the image of the ICRC as an organization serving the humanitarian cause in Burundi. That image, however, is always difficult to maintain in contexts where neutrality and impartiality are often held to be inadmissible: taking the side of the victim alone is seen as a political act, since the victim and the enemy are inextricably intertwined. By seeking to give meaning to exclusively humanitarian principles rooted in the context, the Declaration project was in itself sharpening the image of the organization. Moreover, it was an affirmation of the concern not only to help in repairing the material effects of the destruction but also to regulate certain forms of behaviour, taking into account special local features. Thus the ideas of humanity, neutrality, impartiality and empathy with suffering were affirmed without being expressly mentioned.

Though the text itself has been criticized both for Utopian ambition and for excessive modesty, it was never accused of partiality or ideological bias. Moreover, the questions it prompts and its representation on film and on the stage often gave rise to discussions which went well beyond simple curiosity and which showed that initiating a dialogue was, if not necessary, at least meaningful.

“Law comes into being first of all by designating and describing. It is the art of language. It is, above all, words.” — L. Assier-Andrieu

(b) Working to disseminate the standard rules of behaviour laid down in humanitarian law

It is well known that talk does not change deviant behaviour and that, in certain circumstances, the most firmly established moral standards may be shaken or even rejected. The tension between human urges and the law is as old and as universal as society itself. Moreover, no formula has ever succeeded in showing which mechanisms can effectively and radically regulate this tension so that the law prevails over those urges. Yet no one would venture to leave it at that and state openly that people should do as they please. Human history is a long quest to sublimate and overcome the ambivalence of the individual and the group.

⁸ M. Hunyadi.

“Then we understand that it is precisely because of the fundamentally unpredictable nature of the course of conflicts that it becomes essential to preserve, whatever the circumstances, the chances of rational behaviour (...). This means that one can glimpse certain alternatives, which may or may not present themselves, and between which the individual concerned may choose in one way or another. At the very least, the fact of having envisaged certain options in advance could help, should the need arise, to guide him towards them in the height of the storm.” — P. Hassner

The ICRC takes part in this quest in the particularly complex area of armed conflict. It does so by various means, including the dissemination and teaching of international humanitarian law and humanitarian principles, international campaigns, innovative attempts to adapt the vehicles used to the context and involvement in “national implementation” procedures. Such activities can be considered only in that perspective. This is the only possible standpoint for anyone who rejects the fatalistic view that “man is his own worst enemy”, a view sadly reinforced whenever we look at the news.

From voluntary adherence to official adoption of mandatory rules

The text of the Declaration, which constitutes the basic minimum in terms of the duties of the individual in times of conflict or violence, is worded in a declarative manner. The approach adopted envisaged an initial period during which adherence would be encouraged on a voluntary basis (phases 1 and 2 in Figure B). Adherence would subsequently become mandatory through a process of official adoption (phase 3 in Figure B). The intention was to follow this process up by sustained promotional activities conducted by community leaders and the authorities (phase 4).

From the dissemination phase to the official education phase

The basic task of dissemination is to make the text known, to encourage a humanitarian dialogue and to make people aware of the consequences of acts which violate human dignity on the one hand, and of the individual and collective benefits of respect for humanitarian rules on the other. In a context like Burundi, no more than voluntary adherence can be hoped for in the initial phase, so the necessary arguments and levers have to be found.

This phase was initiated during the launch week and the impetus was maintained by means of the film, the play and various media events. However, it was impossible to consolidate these efforts through more

educational work as the resumption of fighting considerably delayed progress in producing the modules intended for schoolchildren and prevented local leaders from fully exploiting performances of the play for educational purpose. These events also made the Burundians ever more hesitant about taking the project over from the core group.

The effort to secure compliance by official means

Steps to give the Declaration official status by having it incorporated in official texts were somewhat neglected and were certainly abandoned too quickly. Local dignitaries occasionally referred to the Declaration in their speeches and some attempts were made to set up an interministerial “implementation” group. However, not enough was done and far more effort would have been needed in this regard.

The plan of action adopted on the occasion of the Regional Conference on assistance for refugees, returnees and displaced persons in the Great Lakes region, organized in Bujumbura by the OAU and UNHCR in February 1995, specifically recommended the “widest possible dissemination (...) of the minimum standards of humanitarian conduct established in Burundi with the assistance of the ICRC”. Various Security Council resolutions on Rwanda took up this recommendation.⁹

However, the point relating to the Declaration in the plan of action was never really followed up, and the Declaration gradually became precisely what it was not meant to be: a text for armchair discussion. Though it succeeded in taking matters well beyond the stage of mere publicity, the subsequent phases of adoption, education and official endorsement remained — and still remain — pending.

It is clear that objective limits were also imposed by the increasing polarization of the situation from the middle of 1995. The uncertainty hanging over State institutions and the weakness of the judicial system certainly did nothing to favour the official adoption of the Declaration. As we are well aware, “institutions and law do not create political legitimacy; they stem from it”.¹⁰ By this time the country was no longer in a state of post-conflict shock but in the midst of a sharp upsurge in tension, which would have required far more substantial means of intervention, more appropriate vehicles and the active support of the international community and local leaders.

⁹ Security Council resolutions S/RES/997 of 9 June 1995 (preamble) and S/RES/1029 of 12 December 1995 (preamble).

¹⁰ P. Delmas.

In the light of this experience, the question of the compartmentalization and coordination of dissemination and education activities and the issue of legal scope are not just simple matters of principle. On the contrary, they depend on a degree of coherence which is all the more vital in a situation that does not — or does not yet — meet the definition of an armed conflict and when State structures and the judicial system are falling apart. This point deserves careful consideration as it is not at all certain that, in such situations, the existence of an enforcement structure is a *sine qua non* for securing respect for legal rules. We need to look closely, for example, at cases where there is a long tradition of impunity (denounced by everyone as far as the adversary is concerned but not necessarily for oneself!). As D. de Béchillon points out, “our modern Western habit of seeing a link of logical dependence between punishment and the smooth operation of the law is by no means universal”. The same author notes that there is no proof that the threat of punishment acts as a deterrent or otherwise, because “we know very little about the real causes of our acts”.

5. Conclusion

Though we shall no doubt never be able to make an accurate assessment of its real or potential impact, the project conducted in Burundi had the merit of posing certain questions based on genuine experience. The spectacular and innovative aspect of the project obscured its deliberately modest scale and its limited nature. Above all, insufficient importance was attached to the task of transforming the voluntary adherence needed in the initial stage into compulsory adherence. This progression, which was not adequately taken into account from the outset, would have required additional research and more support from community leaders.

The notion of “minimum humanitarian standards” applying in situations of internal disturbances and tension is a perennial one which continues to be the subject of debates and seminars. As always, it brings up the question of the hard core of human rights and the place of international humanitarian law, including the measures which need to be taken if this law is to be more widely and better respected. In Burundi the ICRC continued, in parallel with the Declaration project, its work to help the official hierarchy of those bearing weapons to teach the rules of conduct laid down in humanitarian law. Developments in the conflict show, however, that violations continue, particularly against the civilian population.

Yet can these observations, by no means unique to this particular context, be the sole basis for ICRC programmes and assessments in the area of dissemination?

“Law is destined to remain partially ineffective (...). The law sets up dykes against the incoming tide. And the tide never goes out for long. It exerts pressure, it threatens, it breaks through at the first opportunity. Sometimes, it sweeps away the dyke. And there stands our law, violated and ineffective. That is its fate. Anyone who thinks that the only true law is one which is fully respected must be living in another world.” — D. de Béchillon

Despite everything, police forces around the world have not given up trying to get people to obey the highway code; the International Olympic Committee is still trying to ensure that the rules of sporting behaviour are not broken; experts everywhere are seeking to ensure that young people are no longer easy prey for drug-peddlers and paedophile networks. They all face setbacks but they still keep up their hopes. In armed conflicts and disturbances, the problems are certainly even more complex and the dyke of the law is more often and more tragically swamped than in the field of crime or sport. This observation should inspire us to work all the harder to find innovative strategies, to reject fatalism and to insist on behaviour that meets the requirements of human dignity and the public conscience. These are requirements which call for a nice mixture of idealism and modesty in all those who respect such values.

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Declaration for standards of humanitarian conduct:

**Appeal for a minimum of humanity in a situation
of internal violence**

Introduction

Burundi is in the midst of a crisis. People are dying and property is being destroyed for no reason, and all in a climate of indifference, despondency, desolation and revenge.

We have to put a stop to this situation and prepare the way for a better and safer future. Violence is never the solution to problems. It brings nothing but pointless suffering and material destruction: “IKIBI NTIKIVURA IKINDI”.¹

It is a fact that people are not perfect (“AHARI ABANTU NTIHABURA URUNTURUNTU”)² and that living together inevitably leads to friction: “NTA ZIBANA ZIDAKOMANYA AMAHEMBE”.³

But we must do everything we can to settle our differences peacefully so that disputes do not turn into disasters. We must always remember: “AHARI ABAGABO NTIHAGWA IBARA”.⁴

We must reject absolutely and in all circumstances the horrors caused by violence, for ourselves as well as for others. We know that “UHISHIRA UMUROZI AKAKUMARIRA ABANA”.⁵

To preserve the dignity of our country and our people, we, the inhabitants of Burundi, undertake at the very least to respect and to ensure respect for the following rules of humanitarian behaviour in all circumstances.

¹ You can't cure one affliction with another.

² Wherever there are people, there is friction.

³ Cows that live in the same shed are bound to lock horns.

⁴ Where there are worthy men, disaster cannot strike.

⁵ If you hide a witch, he will put a spell on your children.

**I. We must respect and protect individuals and their dignity:
“RURIYE ABANDI RUTAKWIBAGIYE”⁶**

1. We must treat every individual with humanity, and respect his or her dignity in all circumstances.

2. We must not take revenge but let justice do its work. A spiral of violence will gradually destroy the whole family, the whole clan and the whole community. “WIHORA UWAVE UGAHONYA UMURYANGO.”⁷

3. Torture and cruel, humiliating or inhumane treatment are not honourable actions in any circumstances. We must never use them on our fellow man, even if he is an enemy.

4. We must never resort to acts of brutality, such as rape, mutilation of the living or the dead, or killing people by burning them alive or throwing them into cesspits. These wanton manifestations of hatred leave deep psychological wounds.

5. Whenever we can, we must help and care for ALL wounded people, Bahutu, Batutsi, Batwa or foreigners, applying no criteria other than their suffering as human beings.

6. We must respect the dead without distinction. If possible, we must inform their families, establish their identity and notify their presence to the authorities. In every case, the dead are entitled to a decent burial.

7. We must not remain indifferent to the suffering of those who are attacked, whatever their ethnic origin or political affiliation. We must do our best to give them the humanitarian assistance their condition requires.

II. We must offer special protection to certain categories of people

1. We must remember that civilians who are not taking a direct part in the clashes, including foreigners and refugees, are not to be attacked or involved in fighting and violence.

2. Children, women, the disabled, the elderly and the sick must be given special protection. They must be removed from the scene of fighting so that they are sheltered from danger.

⁶ Death may carry others away but he has not forgotten you.

⁷ Take revenge on your relations and you destroy the whole family.

3. We must not use civilians who are not taking a direct part in the fighting as human shields, and must not resort to acts or threats intended to spread terror. Such behaviour is cowardly.

4. We must never allow children or adolescents to take part in violent incidents; we must not arm them or use them in acts which might result in violence. To do so is to put the future of the nation in peril. "UWANKA AGAKURA ABAGA UMUTAVU."⁸

5. We must not forget that a person who has been captured is defenceless, and has to be treated with humanity and dignity.

6. We must respect medical personnel and relief workers who bring assistance and protection to all victims without distinction. We must facilitate their work in all circumstances.

7. We must remember that the red cross emblem is universally recognized and respected.

III. We must respect community and private property

1. We must not destroy, loot or ransack property that is indispensable to the whole community, in particular hospitals, health centres, schools, fountains and springs, roads, bridges and the like.

2. We must respect holy places, places of worship, cemeteries and monuments. They are indispensable to the collective consciousness.

3. We must respect the homes and property of others, even in the midst of violence. People's privacy must be preserved. We must not ransack their homes or throw out their mats, pitchers, clothing or other personal belongings.

4. We gain nothing but dishonour by destroying fields, crops, cattle and other property indispensable to the survival of the population. A cow, a banana grove or a coffee plantation can never be our enemy.

⁸ Whoever does not want to see a young life grow leads the calf to slaughter.

IV. We must use force only in moderation: “TYO INKUBA IRABIJE NTUGIRE NGO MARA ABANSI, N’ABAKUNZI BARAJANA”⁹

1. Before resorting to violence or any act which might turn to violence, we must consult our consciences, our families, the wise men. “INGUMBA ITAZI IKIBI IRIGATA ISHENYO.”¹⁰

2. If, as a last resort, we have to use force, we must do so only in situations of exceptional danger when there is a direct threat to our own lives or to the lives of persons we have to protect.

3. When the use of force cannot be avoided, we must act with moderation and cause the least suffering possible. We must never act blindly and indiscriminately.

4. We must never kill any person or group of people who are defenceless or are surrendering. “NTA WUKUBITA UWUTAMUSUBIZA.”¹¹

5. We must remember that clashes in densely populated areas claim many innocent victims. We must do everything we can to evacuate people who are not taking part in the violence and to let them escape from dangerous areas.

6. We must never finish off an enemy who is captured, wounded or surrendering. We must disarm him, protect him from mob violence and hand him over to the authorities or the *bashingantahe*. “UWUTSINZWE NTIBATSINDAHO.”¹²

Conclusions

1. We must never hesitate to follow the path of humanitarian behaviour and to encourage tolerance. Those who show humanity in all circumstances are the hope of Burundi. “UMUGIZI W’INEZA IMURENZA IMPINGA.”¹³

⁹ Never call down thunderbolts on your enemies because they can just as well strike your friends.

¹⁰ A barren cow that knows no better licks the blade of the axe.

¹¹ Never strike someone who cannot strike back.

¹² A vanquished foe must not be finished off.

¹³ By doing a good deed, you will be able to travel through faraway regions.

2. We must remember that each one of us is always responsible for his own actions, even if he acts in a group or is incited to violence. “UWORUKARISHA RWOMUMWA.”¹⁴ “HARI SESA SESA, ATARI BUKUYOZE.”¹⁵

On the other hand, never condemn a group as a whole but try to find out who is individually responsible. It is no longer acceptable for us to say: “UMURYAMBWA ABA UMWE AGATUKISHA UMURYANGO.”¹⁶

3. We, the inhabitants of Burundi — Bahutu, Batutsi, Batwa or foreigners — whatever our social position or political allegiance, must respect and ensure respect for these minimum rules of humanitarian behaviour.

4. As parents or politicians, priests or laymen, we must all play our role in guaranteeing compliance with these rules.

We must all do everything we can to prevent massacres and violence, so that Burundi is no longer plunged in despair.

¹⁴ Let the blade of the knife cut whoever sharpened it.

¹⁵ There are people who will tell you “Destroy! Destroy!”, but they will never help you to rebuild.

¹⁶ A criminal in the family means a family of criminals.

Dissemination in Bosnia and Herzegovina

Lessons learned

by **Norman Farrell**

The International Committee of the Red Cross (ICRC) has been assisting the victims of the conflict in the former Yugoslavia since June 1991. Six years on, its delegates are still active in the region, addressing the lasting consequences of the conflict, but as the situation has evolved so has the nature of their work. This is particularly true of dissemination, which began as a concerted effort to promote greater understanding of international humanitarian law and the ICRC's role and mandate, but which has now been redirected towards meeting the needs of the post-conflict environment. This paper sets out to describe and analyse the development of dissemination in the present context. Though the ICRC's activities during the conflict were predominantly in Croatia and in Bosnia and Herzegovina, and there are similar dissemination initiatives in both these areas, this paper focuses on Bosnia and Herzegovina. Where relevant, reference may be made to dissemination activities in other parts of the former Yugoslavia.

The Dayton Agreement and the subsequent signing of the General Framework Agreement for Peace in Bosnia and Herzegovina on 14 December 1995 in Paris signalled the end to the fighting. It also heralded, though unforeseen at the time, new opportunities for dissemination in Bosnia and Herzegovina. During the conflict, the priority for dissemination delegates was to spread awareness of the ICRC's humanitarian mandate and to ensure the security of its staff working in the field. With

Norman Farrell, a Canadian citizen, is coordinator for ICRC dissemination activities in Bosnia and Herzegovina, based in Sarajevo.

the signing of the Agreement and the arrival of Implementation Force (IFOR) troops, the delegates' security and access to victims significantly improved. This paved the way for the ICRC to expand and adapt its dissemination activities.

In the autumn of 1995 there was one dissemination delegate in Bosnia and Herzegovina. By January 1996, there were two dissemination delegates, one of them based in the Republika Srpska. Within three months of the signing of the Paris Accord, the ICRC delegations in Bosnia and Herzegovina were engaged in a country-wide landmine awareness campaign, contacts had been made with the commanders of the three former warring parties, and ICRC delegates had conducted four courses on the law of war for the armed and security forces. An advisor for the landmine awareness campaign took up post in Sarajevo. By the end of April, new dissemination delegates had arrived to develop a programme with the local Red Cross promoting human values.

But was all this the result of design or circumstance? What obstacles had to be recognized, if not overcome, in order to pursue these programmes? Was it significant that these programmes were being developed in a post-conflict environment?

The emergence of new dissemination possibilities

Dissemination in Bosnia and Herzegovina in the post-conflict phase reflected the general shift away from an emergency response to a longer-term approach. There was less need to focus on the security of delegates and access to victims; instead the ICRC had to address other important concerns: dissemination to the armed forces in case the conflict broke out again; increasing knowledge among the general public of the ICRC's role, especially with regard to emerging activities, such as establishing the fate of missing persons; and programmes to assist the population and the local Red Cross, such as landmine awareness and promoting human values.

This required a whole new dissemination strategy. The landmine awareness campaign and dissemination to the armed forces were proactive attempts to prevent landmine injuries and future violations of international humanitarian law respectively. Both were an extension of the ICRC's experience and expertise gained from its work worldwide. In other respects, dissemination still had to be reactive or responsive to the needs of ongoing ICRC activities, such as the search for the missing.

It also called for a different approach with the local Red Cross. During the conflict, the local Red Cross was in many ways a conduit for ICRC

activities, such as relief distributions and handling Red Cross messages. These were not specific activities of local Red Cross organizations before the war, but gave them some prominence in their community. As these activities wound down, the local Red Cross began to turn its attention to new needs in the community, as did the ICRC. In some cases, the needs could be addressed through dissemination, and for this the local Red Cross was an obvious partner for the ICRC. Similarly, the ICRC's local staff had a vital role to play.

The development of a network of local colleagues

In the year that followed the end of hostilities, a key element of the dissemination strategy was to establish decentralized teams of qualified local field officers who could respond to dissemination needs in each of the ICRC's sub-delegations. The commitment and length of service of the field officers were clear assets, as there were many occasions when they were better placed as disseminators than the ICRC's delegates. Dissemination staff were hired and trained in each sub-delegation and then brought together to work as a team. In addition, an in-house graphic designer was hired to create materials as needed and to deal with outside graphic artists and printers. Whether it was devising the initial concept of the landmine awareness campaign or presenting a dissemination programme at youth summer camps, the work was done as a team.

Initially, this way of working was developed in the Republika Srpska, and became the model for dissemination throughout Bosnia and Herzegovina. Local dissemination staff, including those taking part in the mine awareness campaign, created radio and television spots, theatre shows and magazine advertisements. With the involvement of expatriate delegates when necessary, the local dissemination teams also carried out programmes for ICRC staff, as well as for youth, teachers, municipal authorities, the International Police Task Force (IPTF) and the local police in the Republika Srpska.

As ICRC operations followed the same lines as the territorial and political division between the two entities, i.e. the Federation of Bosnia and Herzegovina and the Republika Srpska, so initially were the dissemination teams. In some respects this was valuable, for example, in gaining awareness of local sensitivities, responding to criticism of past actions, the use of correct expressions and language, and developing a common bond among the staff. In other respects it reinforced a sense of separation from those in the other entity and in the other delegation. Dissemination programmes perceived as being developed "on our side" or done differ-

ently “on the other side”, detracted from the ability to develop a common approach.

To rectify this, an effort was made to ensure that the objectives remained uniform and the field officers from the Federation of Bosnia and Herzegovina and from the Republika Srpska were brought together to discuss the programmes as a country-wide effort. A joint dissemination meeting at the end of July 1996 was the first time local staff from each delegation or sub-delegation throughout the country had come face to face since the beginning of the war. Despite some initial suspicions and doubts, it was the first step in developing a common approach and forging links between colleagues on both sides. At the end of the first workshop, one participant said that he was “glad to see that the local staff on the other side” abided by and disseminated the Red Cross principles in the same way as they did.

Landmine awareness campaign

The most immediate dissemination response at the end of the hostilities was the landmine awareness campaign. In many ways the campaign represented a collective effort by the ICRC throughout the former Yugoslavia. It was initially proposed and started in Bosnia and Herzegovina at the beginning of March 1996, with the distribution of posters, brochures and the broadcasting of radio and television spots. In Croatia the first phase was implemented in April 1996. As of 1997, landmine awareness was also being undertaken in specific locations in the Federal Republic of Yugoslavia, namely along its border with Croatia.

The campaign in Bosnia and Herzegovina has grown into a comprehensive country-wide effort with a mass media component, community-based activities, data gathering and a schools programme. At present it is the only one of its kind and the only one which systematically gathers statistics regarding mine incidents throughout the country. The programme is run by one mine-awareness advisor, 11 mine-awareness field officers trained by the mine-awareness advisor, and over one hundred trained local Red Cross mine-awareness instructors. An external mine-awareness advisor to train local staff and Red Cross volunteers was hired both in Bosnia and Herzegovina and in Croatia. As the region affected by mines is considerably smaller in the Federal Republic of Yugoslavia, one of the mine-awareness officers from Republika Srpska has assisted in the programme’s development there.

Landmine awareness is a valuable example of a community-based dissemination programme. It has also helped to identify certain issues that

are at stake when developing such a programme. The first of these was to recognize the need to seek out and integrate outside expertise. Though the emergency information campaign was successfully undertaken by the dissemination delegates, the development of a professional, comprehensive programme required expertise and experience they did not have.

The second issue was to draw the distinction between an awareness campaign and an information campaign. Dissemination often takes the form of information, that is, the passing of a given message through the media, presentations or written materials. But since the intention of dissemination is ultimately to influence behaviour, methods beyond the simple presentation of information needed to be employed where possible. In this sense, creating awareness should be understood as more than informing people of the existence of mines in the country.

In Bosnia and Herzegovina most of the people who remained throughout the conflict know about landmines. An information campaign, though useful in reminding people, especially returnees, of the dangers they face, may not be enough to influence behaviour. Mine awareness is about responding to the needs of a mine-afflicted community. It is about assessing the behaviour of individuals, determining why risks are being taken and adapting the message accordingly. Who are the mine casualties and what were the activities they were engaged in at the time of the incident are questions which will influence the approach and message. If, for example, children are injured because they are carelessly playing in mined areas, the message and approach would be different from that relayed to children injured because, out of necessity, they enter a mined area to gather wood. Again, the approach varies if the casualties are middle-aged men attempting to farm.

In order to build up a picture of the landmine problem and its impact on individual communities, a data-gathering programme was initiated. The programme consists of two components: general research on the human, social and economic impact of mines, and mine incident statistics. Through analysis of the data gathered, the mine-awareness programme can be developed and adapted to meet the real needs of the community. The data also assist in indicating those areas where people are most at risk. This helps organizations planning humanitarian mine-clearance operations to identify which are the communities most affected. At present, the ICRC's is the only systematic data-gathering programme in Bosnia and Herzegovina. The statistics collected are widely distributed and are used and relied upon by the United Nations Mine Action Center.

A third issue to be addressed was the need to reconcile the ICRC's emergency approach with the development approach of the landmine awareness campaign. Unlike many dissemination projects the campaign has a long-term objective, as mines will continue to wreak havoc for years to come. It aims to develop local capacity to respond to the problem. Every region in the country has a mine-awareness officer and locally based Red Cross instructors. It may be partly because of this development approach or because this is the first time the ICRC has been so extensively involved in mine awareness, that the campaign met with initial hesitation within the institution. In addition, the ICRC's structure and emergency response approach were less conducive to a programme that took months to become fully operational.

Despite the initial reluctance, the landmine awareness campaign must be seen as a logical extension of the ICRC's work in times of conflict and of its position regarding a global ban on anti-personnel landmines. For years the ICRC has assisted mine victims after the fact, first through its surgical teams and then through limb-fitting centres. The ICRC's expertise and knowledge in the field have given it the credibility to move from a purely medical response to advocacy. It is not a big step from making political decision-makers and the public aware of the horrendous effects of landmines as part of an advocacy campaign, to making people aware of how to protect themselves from landmines. Both are preventive acts. The dissemination response, like the medical response, is an effort to alleviate the suffering of the victims of armed conflict. They are an integral part of the broader effort to deal with the devastating impact of conflict, both during and immediately after hostilities.

A fourth issue, not dissimilar to the obstacle encountered by the ICRC in its detention-related and tracing activities in Bosnia and Herzegovina, was the attempt by the parties to politicize the issue of landmines. This was especially true immediately after the cessation of hostilities when, according to the Dayton Agreement, territory under the control of one party was to be transferred to the other. As a result large numbers of people crossed the former confrontation lines and could go into previously inaccessible areas. Those engaged in the campaign had to be careful that warning civilians of the danger of landmines did not become an acknowledgement of the intention of one of the parties to kill civilians by leaving landmines and booby traps behind them. The ICRC had to preserve the perception of its impartiality and neutrality, while at the same time being visible and vocal about the danger of landmines. Furthermore, the campaign was challenged, as it has been at the international level, by

those who see it as being critical of a party defending itself through the use of landmines.

Another aspect of the politicization of the campaign was the constant demand that materials be produced in the “correct” language or alphabet. This affected all written materials and media spots, not just those concerned with mine awareness or dissemination. Since the conflict in Bosnia and Herzegovina was, in many ways, a war of ethnic identity, whether individuals wanted it or not, their name, religion or cultural heritage identified them with one of the warring parties. Cultural differences, real or imagined, played an important role in the assertion of identity. Certain words, the manner of pronunciation and the use of a particular alphabet immediately created an association with a particular group.

The politicization of language became so central to creating a distinct identity that at times dissemination materials were rendered unusable; not because the message was invalid or because it could not be understood, but because a single word was unacceptable to one of the parties. Objectively, the production of different versions of a publication would appear unnecessary since the language used prior to the conflict was essentially uniform and most people could read both the Cyrillic and Latin alphabets. But from a dissemination point of view, a flexible approach was required. In order to be acceptable to the authorities, all materials, especially those designed for the school curriculum, had to be published in each language version. As an extra safety measure, it was decided that all dissemination publications, scripts, images and voice-overs would be field-tested with the local Red Cross and authorities in each region before they were finalized and distributed.

The landmine awareness campaign was designed with the potential to create local capacity and to be handed over to the local Red Cross as a viable, long-term programme. The establishment and training of local Red Cross volunteers and instructors and the production of school materials creates responsibility in local structures to continue with the programme. The ICRC does not act as a substitute for non-existent structures; instead, it operates in partnership with existing ones such as the local Red Cross, which can then carry on the programme after the ICRC has departed.

Dissemination to the armed forces

Dissemination to the armed forces is one of the traditional activities of the ICRC and is carried out both in times of conflict and peace. It can take many forms, from handing out a booklet on the basic rules for combatants at a checkpoint to conducting courses on the law of war. The

objective in each case is the same: to encourage respect for international humanitarian law during conflict.

In the case of the former Yugoslavia, extensive efforts were made during the conflict to promote international humanitarian law to the warring parties throughout the region. Despite the difficulties, delegates were able to conduct dissemination sessions on the spot for officers, unit commanders and non-commissioned officers of the Yugoslav Army, the Croatian Army, the Macedonian Army, the Army of Bosnia and Herzegovina, the Bosnian Croat Army, the Bosnian Serb Army, and also for Serb military forces in the United Nations Protected Areas.

The ICRC's programme of dissemination to the former warring parties in Bosnia and Herzegovina has benefited significantly from the introduction, since March 1996, of a specialized delegate to the armed and security forces (FAS). Through its FAS delegates, the ICRC offers its experience and knowledge to assist military authorities in setting up programmes with the aim of making instruction in international humanitarian law an integral part of military training. To be most effective, promoting knowledge of the basic rules of war requires a comprehensive approach integrated into the different levels and functions in the military chain of command. To assist in this development, the FAS delegates working in Bosnia and Herzegovina have given courses to military commanders and have offered training for instructors in the law of war.

The courses include a practical component as well. In addition to instruction on basic rules of international humanitarian law, battalion exercises and examples of military operations are used as teaching tools. This is important when giving instruction to participants with real war experience, as opposed to armies who have only engaged in peacetime training.

Since January 1996, there have been twelve courses on the law of war for officers of the three former warring parties. Each basic law of war course is three days in length and includes instruction on topics such as principles of the law of war, command responsibility, precautions in attack and defence, protected persons and objects, and the role of the ICRC in conflict. In addition, there have been trainers' workshops conducted with the Bosnian Croat Army and the Army of Bosnia and Herzegovina. As a trainers' workshop is scheduled with the Bosnian Serb Army in July 1997, by that time all three former warring parties should have officers trained by the ICRC to conduct courses on the law of war for their own soldiers. A total of over 300 officers of the three former warring parties

have received law of war instruction and 35 officers have been trained as instructors in the law of war.

The increased acceptance of the ICRC is partly attributable to the background of the FAS delegates as professional military officers. In a context where there is a certain scepticism regarding the application of international humanitarian law, the presentation by an experienced former military officer lends credibility to law of war training. This is evident not only from the courses themselves, but from the evaluations and comments made by the officers who participated.

An added benefit of having a specialized FAS delegate on staff is that ICRC delegates can gain a greater understanding of military culture and concerns, and the delegation can see how it is viewed from the perspective of a military officer.

Courses for members of the armed forces have helped to redress misconceptions of the ICRC's role during conflict. By stressing that its action is not incompatible with a party's pursuit of lawful military objectives and that a military commander can in fact gain practical benefits from cooperating with and using the institution's services, the ICRC is seen in a different light. Of the various presentations given for military commanders, it appears that the most useful, in this context, are those that explain why the ICRC follows particular procedures or abides by certain principles. The type of issues thus addressed are those relating to ICRC procedure at checkpoints, radio contacts, non-use of cameras or binoculars, the application of the principle of confidentiality, declining to accept armed escorts, and the policy of no weapons or military personnel in ICRC vehicles.

Though it is difficult to assess the impact of such a programme, the simple fact that the ICRC has been granted access to the commanders and headquarters of all three former warring parties in Bosnia and Herzegovina is an encouraging sign. Relations developed as a result of this programme have enhanced the image of the ICRC. As in other conflicts, such courses also provide the opportunity for officers who have benefited from ICRC assistance, such as through visits to detainees or the facilitating and monitoring of prisoner releases, to share their positive experiences.

Promotion of human values

In Bosnia and Herzegovina, the programme to disseminate the principles and values of the Red Cross and Red Crescent Movement was introduced in April 1996. The general objectives of the programme were

to increase awareness in Red Cross branches of these principles and human values and encourage compliance with them in their work. A further objective was to promote human values among the general population, especially young people, fostering tolerance and mutual respect. The intention was to encourage and assist the Red Cross in becoming the focal point for acts of humanity within their community based on the fundamental principles of the Movement.

At first, the concept, though promising, suffered from the aftermath of the conflict and the lack of a central Red Cross structure throughout the country. Delegates and local staff initially encountered resistance to a programme advocating tolerance and humanity just after the conflict had ended, but found that by adapting it, it could be implemented. Since community events and activities for young people were non-existent after the conflict, the idea emerged of disseminating Red Cross principles and human values among young people through after-school activities. A proposal to conduct workshops for teachers who would then become volunteers to conduct Red Cross activities after school was accepted by the local branches. Introductory sessions and planning took place with the local Red Cross, and teachers were chosen with the authorization of the Ministry of Education. Workshops were conducted in all regions of the Republika Srpska, and over two hundred teachers were trained. In the Federation of Bosnia and Herzegovina, over one hundred teachers attended the two-day workshops, while the training of teachers in the rest of the Federation was scheduled for later in the year. Meetings were organized to follow up on the teachers' Red Cross activities, and the training of local Red Cross volunteers who would also become involved in the programme was planned.

As the concept for the Red Cross principles and human values programme and the initiative behind its implementation were developed out of context, it required a lengthy gestation period before it could be adapted to meet the realities in the field. The programme did not originate with the local Red Cross and, as they were the ICRC's main partners, it took time to get them involved. The working relationship between the local Red Cross and the ICRC delegates and local field staff was central to the programme's development. Encouraging the input of the local Red Cross and teachers not only ensured its acceptance, but highlighted the importance of learning from local people about their own values. One of the achievements of this programme is that, in many areas of the country, local Red Cross organizations now refer to the programme as their own.

Despite the proliferation of international organizations, the Red Cross remains the only local humanitarian network operating in communities

throughout Bosnia and Herzegovina. The human values programme attempted not only to work through this structure, but to develop a programme that was sustainable after the ICRC was no longer involved. To create the best conditions for this, the ICRC and the International Federation of Red Cross and Red Crescent Societies worked in coordination so that the dissemination programme fitted within the structure the International Federation is developing with the local Red Cross.

Conclusion

There are a number of lessons that can be learned from the experience gained in Bosnia and Herzegovina. Certain programmes, such as landmine awareness, have demonstrated the ICRC's ability to engage in longer-term dissemination in the transition period following an emergency operation. They also highlighted the need to incorporate external expertise into an ICRC delegation to develop the appropriate response to needs, such as mine awareness ordissemination to the armed forces. Now that a comprehensive landmine awareness campaign has been developed in the former Yugoslavia, uniformity can be achieved with similar campaigns in other contexts. Though requiring a certain amount of sensitivity, advocacy in relation to banning anti-personnel landmines can go hand in hand with the landmine awareness campaign. The delegation has also shown that it can absorb and adapt programmes introduced externally, such as the Red Cross principles and human values programme.

One final point which must be stressed is the role of dissemination in a post-conflict environment. After the conflict erupted in Bosnia and Herzegovina, dissemination's first priority was to respond to the immediate needs of the delegation, so that the ICRC could fulfil its mandate to protect and assist the victims of the conflict. Television and radio spots pointed out basic humanitarian rules and the principles of the ICRC, as a response to the ever-present security concerns and continuous violations of international humanitarian law. The focus was on identifiable target groups and the method was that of direct dissemination by the ICRC. Though the message was clear, it was difficult to transmit.

Once the conflict was over, though the message was now easier to pass, it was not as clear what it should be. This uncertainty related partially to the change in the ICRC's role after the conflict had ended. The ICRC's identity in a post-conflict environment and what it is trying to achieve affect the dissemination message. Often the ICRC's identity is associated with its most visible or prominent activities, or with those activities in which it is the only organization involved, such as visiting detainees,

determining the fate of missing persons and exchanging Red Cross messages. These activities, specific to the ICRC, distinguish it from the United Nations and other organizations in the field. Dissemination reflects, in that it supports, the accomplishment of this mandate.

The ICRC's identity, from a dissemination point of view, becomes less well defined when there is less need for its traditional activities. And does the perception of the ICRC's impartiality and independence diminish in consequence? Does it become harder to disseminate the principles when the main activities carried out after a conflict is over, other than tracing, may be different from those demonstrating the principles during the conflict?

Whatever the ICRC's activities in Bosnia and Herzegovina, either during or after the conflict, including dissemination, they still reflect those of an organization responding to the needs of the most vulnerable arising out of the conflict, and the response is always based on the fundamental principles. Though certain activities diminish in the post-conflict environment and new ones are introduced, the manner in which they are performed sets them apart from those of many other organizations. Support for specific programmes, such as training of the armed forces or the landmine awareness campaign, is not tied to political objectives and is not dependent on the fulfilment of specific conditions prior to implementation. The challenge for dissemination is to continue to define the ICRC's activities in terms of the post-conflict environment while ensuring that the institution's identity remains firmly linked to the concept of the fundamental principles in action.

Disseminating international humanitarian law in Colombia

Dissemination is everyone's job — a firsthand report
by an ICRC delegate

by **Roland Bigler**

In lieu of an historical outline

At an ICRC seminar on training and information techniques a few years ago an instructor described the position of a dissemination delegate within an ICRC delegation, and hence of dissemination work in general, as follows:

“Within an ICRC delegation, the delegate responsible for disseminating international humanitarian law generally has his office at the end of a long corridor, right at the back between the office supplies cupboard and the toilets. But most of the time you won't find him there, as he (or she) is constantly out giving courses or suchlike, either at military installations or universities or among the National Red Cross Society's volunteers. And when you do find him for a short while in his office, he's fiddling around with scissors, paper and glue trying to put together a leaflet or a poster, or perhaps even a small brochure. His colleagues, the delegates dealing with the distribution of relief supplies, the tracing service or prison visits, smile indulgently when they see the dissemination delegate busy with work like that. They speak well of him because he regularly reads the

Roland Bigler is an ICRC delegate. His last mission was in Bogota, Colombia, where he worked as ICRC delegation coordinator for dissemination and communication.

Original: German

International Review of the Red Cross and knows the ins and outs of international humanitarian law and ICRC policy; he is a good talker, so he always has to step in where armed protagonists in local conflict fail to observe the rules protecting the civilian population. He must often beware of being torn to pieces and is expected to be everywhere at once, because what he does, he alone can do. Many ICRC delegates admire the dissemination delegate; sometimes he gets called “the professor”, “the clown” or “the artist”. His work is a one-man show, and yet those delegates who distribute rice, visit prisoners or try to trace missing persons could not and would not want to do his job themselves.”

A “one-man show” — in other words, going it alone. Living a fringe existence within the ICRC delegation, having knowledge at one’s fingertips and spreading it oneself: that was how many of the dissemination delegates in the ICRC thought of themselves, and to some extent this image did match reality. And yet...

Colombia is different

While I was getting ready in Geneva in spring 1995 for my assignment as dissemination delegate in Colombia, several colleagues advised me to prepare myself as well as I possibly could. Firstly, they said, ICRC activities did not correspond to the traditional blueprint of assistance and protection campaigns that had been carried out throughout the world for decades. Secondly, Colombia was a country in which violence claimed an annual toll of between thirty and forty thousand victims and was thus an everyday occurrence. Thirdly, they went on, public and academic discussion of international humanitarian law was conducted at such a level that even seasoned ICRC lawyers were amazed; no matter where, even in the most remote valleys of the Andes and in the hot and humid Amazon forests everyone spoke of Protocol II additional to the Geneva Conventions, international humanitarian law and universal human rights.

Colombia took me more than a little by surprise. I found a country with an internal armed conflict that had been going on for more than thirty years, and whose government had decided to approve Protocol II. A Ministry of Defence that had subsequently decided to set up a human rights bureau in each military unit. Universities at which postgraduate courses in human rights were offered just as English courses were elsewhere — and just as popular. Countless non-governmental organizations that dealt exclusively with human rights and partly also with international humanitarian law. Armed guerrilla movements following codes of behaviour based at least in part on the Geneva Conventions. A National

Red Cross Society that had its own team of nine dissemination experts. And an ICRC delegation in which every field delegate, every programme coordinator and the delegation leader himself believed that the dissemination of international humanitarian law was an integral part of the job of each and every person working under the Red Cross banner.

Colombia is a big country

What should be done in a country with an area of more than 1.1 million square kilometres and a population of 35 million people, many universities, hundreds of local and regional radio stations and dozens of TV news programmes and national, regional and local newspapers?

It would be utterly unrealistic to imagine that a single dissemination delegate, even with the support of highly gifted and well-trained assistants and a National Red Cross team, could meet this challenge alone. Moreover, the expectations placed in the International Committee of the Red Cross and the Colombian Red Cross as regards international humanitarian law are immense. Everyone, institutions and individuals alike, wants to work with the Red Cross and gain by its institutional experience.

First and foremost: a plan of action

First of all, a simple strategic plan of action had to be drawn up. The objectives were:

- to identify the most urgent humanitarian problems;
- to make a strict selection of the target groups;
- to design programmes adapted to these target groups and based on clear criteria;
- to define the partner organizations;
- to draw up timetables as comprehensively as possible for each programme and target group, and to recruit competent specialized staff;
- to ensure that dissemination activities were supported by the whole ICRC delegation.

Let us now take a closer look at the individual points in this list. Which target groups are of interest to us?

Bearers of weapons

Members of the national armed forces and the police force (which in Colombia is under the authority of the Ministry of Defence), members of the guerrilla groups and of the so-called paramilitary or self-defence groups: *all* bearers of weapons are of interest to us. For they cause harm that is of humanitarian concern. They injure, arrest, displace and kill their adversaries and civilians not taking part in the hostilities.

Every bearer of weapons who belongs to an organized group with a command structure is under the obligation to observe the rules of international humanitarian law when using violence. The purpose of dissemination activities is first and foremost to help instil in such people a full awareness of their responsibilities. By “full awareness” I mean making it clear to those bearing arms, and above all their superiors, that international humanitarian law — which the military like to call the law of war — is not incompatible with a military assignment, but that the humanitarian rules of behaviour are on the contrary an integral part thereof, just as is physical fitness, a knowledge of arms, tactical intelligence and the ability to think strategically.

The ICRC and the Colombian Red Cross Society put forward four proposals to the Ministry of Defence:

1. *One-day workshops with brigade and division staff officers* — Case studies drawn up in cooperation with officers of the various sections of the armed forces are discussed behind closed doors. At the beginning of the year we were still using case studies put together by Colombian Red Cross personnel and ICRC delegates. However, we soon realized that the personal experience described by the participating officers during coffee breaks was far more instructive than case studies conceived in the minds of Red Cross staff. The reason is obvious. Our examples all took the legal text as their starting point: one case study for a specific paragraph of Article 3 common to all four Geneva Conventions, one case study for an article of the Second Additional Protocol, and so on. The military on the other hand took reality as their basis, i.e. what they had actually experienced themselves.

This latter approach — in devising case studies and examples — must be seen as an absolute necessity for the other target groups as well, otherwise our teaching activities will have a lot to do with our academic knowledge, but little in common with the real needs of those taking part.

2. A training programme was drawn up for the newly formed *Army Units' Human Rights Bureaux* to teach the officers in charge the most

important principles of international humanitarian law and advise them how to pass on the knowledge they had thus acquired. This section of our work plan could not be completed, partly because of frequent changes in the army leadership. It also became evident, however, that joint planning of schedules can never start early enough, especially when dealing with such a complex organization as the armed forces.

In taking this initiative our main purpose once again was to *institutionalize* the training given in international humanitarian law, i.e. training people to act as trainers instead of just providing the training ourselves.

3. A *training programme for future lecturers at military academies* was submitted to the Ministry and the armed forces' command at the end of 1995 and met with a favourable response, but could not be fully implemented by the end of 1996 because more time was needed to recruit the future training staff.

4. Instead of a specially designed course for *military judges and prosecutors*, which likewise had to be deferred for schedule reasons, delegates from the ICRC and the Colombian Red Cross Society were invited as guest lecturers for three diploma courses in human rights and international humanitarian law at the Military University.

The State administration

Government officials with influence and decision-making powers in the military sphere, and in particular in the dissemination of international humanitarian law, are the second important target group. In Colombia, the relevant authorities are as follows:

- the Defence Minister's Office for Human Rights, International Humanitarian Law and Political Affairs;
- the Presidential Council for Human Rights;
- the *defensoría del pueblo*, a State institution, albeit not government-dependent: a sort of nationwide ombudsman;
- the national supervisory and control authority that supervises the functioning of all State bodies and their officials (*Procuraduría de la Nación*);
- the national investigation and prosecution bureau (*Fiscalía de la Nación*).

The first three were mainly partners in planning and holding training courses and other events to spread information and increase awareness.

For the latter two bodies the ICRC delegation and the Colombian Red Cross Society organized training courses destined for their legal affairs staff.

Universities, NGOs and the Church

Colombia is one of the countries with the highest proportion of lawyers in the world (250:10,000). This is also reflected in the impressive variety of laws, decrees, directives and ordinances. Colombian lawyers speak of an impenetrable jungle of legal instruments. It comes as no surprise, therefore, that academic and especially legal discussion is carried out at a high level. Even in general public discussion, every topic is dealt with from the legal angle. Moreover, specialists inside and outside the State administration have for quite some time been developing national legislation on the implementation of international humanitarian law, and more specifically its provisions with regard to penal sanctions.

It was therefore clear from the start that particular relations had to be established with this target group. *Regular courses in international humanitarian law had to be instituted* at university level. A Colombian lawyer specially employed by the delegation for this purpose and a staff member of the Colombian Red Cross Society drafted a project that can be summarized as follows:

1. Selection of 12 to 15 universities that already offer a postgraduate diploma in human rights and are interested in introducing international humanitarian law. Priority should be given to universities outside the capital city, above all in conflict zones;

2. Personal discussions with rectors, deans and professors at the universities chosen, the main purpose being to make it clear to those in charge that the Red Cross experts did not just want to give a couple of lectures, but wished to have the active cooperation of the university authorities at both the administrative and the academic level. The following proposals were made to them:

- a Chair for Humanitarian Studies (*Cátedra Humanitaria*) should be set up to familiarize professors, students and local public officials with international humanitarian law. Six two-hour lectures should be given, in the form of panel discussions. The course should take account of topical Colombian subjects, such as “local humanitarian agreements”, “the rights of persons detained in connection with the armed conflict”, or “the situation of civilians displaced by armed conflicts”. So that the *Cátedra Humanitaria* lectures can be attended by as many people as

possible, they are held every second Friday evening and Saturday morning.

- *Diploma courses.* A 90-hour course was developed by a lawyer with expert knowledge of the subject matter who was called in by the ICRC. Here, too, importance was attached to participation both by students and by professors in these courses, which are conducted by a team of lecturers consisting of Red Cross personnel and staff from other organizations. The first such course was held by a university in Bogota. Owing to the availability of teaching staff, a formula similar to the *Cátedra Humanitaria* was developed for interested universities in the interior of the country. Lectures are held on Friday evenings and Saturday mornings, and independent study of the subject is steadily increasing. Officers from the armed forces and the national police force, with training duties whenever possible, and administrative officials have also been invited — with success.
- *Traditional introductory course* in international humanitarian law. This course is reserved for universities without specialized teaching staff of their own that did not previously offer courses in human rights and international humanitarian law.

Non-governmental organizations (NGOs)

Over the last few years NGOs have gained such significance throughout the world that it would be an inexcusable mistake to ignore them. These groups, which are mostly devoted to one particular sphere of activity, are funded by a wide variety of sources such as the population, political parties, the Church and increasingly, despite their name, by governments at home and abroad. Their influence upon public debate about human rights and — to an ever greater extent — about international humanitarian law is enormous.

Given the large number of such groups in Colombia, it was essential to define clear criteria for cooperation. The following criteria were observed:

- an NGO must have a certain amount of human rights knowledge and credibility;
- it must carry out its activities in areas of conflict;
- it must be truly committed to working for the application of international humanitarian law;

- joint appearances with the ICRC are possible only if the reputation, neutrality and independence of our institution are not compromised;
- as with universities, cooperation with NGOs should encourage the partner organizations to engage in independent activities in the sphere of international humanitarian law;
- joint dissemination activities should not aim *upwards* (university level) but *downwards*, at those carrying arms (correct behaviour) and the civilian population affected (ability to demand respect and protection from bearers of weapons).

In practice, these organizations then held their own lectures or courses. The ICRC and the Colombian Red Cross were often invited at the last minute. In many cases our main task was to explain the similarities and differences between universal human rights and international humanitarian law.

The Church and the clergy

In rural areas, i.e. the very places where the civilian population is exposed directly and without witnesses to the belligerents, the clergy are often the only ones to have access to all parties to the conflict. In Colombia the Church has long taken part in the public debate on human rights, and for the past few years it has spoken about international humanitarian law as well. A few courses were therefore also held for priests. With the help of the Department for Social Affairs of the Colombian Bishops' Conference, systematic coverage should be extended this year to all regions particularly exposed to violence.

Journalists — mass media

A dual strategy had to be developed for the mass media. On the one hand, relations with journalists had to be reinforced in order to familiarize them with international humanitarian law, Red Cross work, our working methods and the Fundamental Principles. It would be an illusion, however, to expect that all journalists dealing with the armed conflict in one way or another can be transformed into experts in international humanitarian law. As they mostly have too little time to attend a seminar several days long, we decided to organize a series of short meetings with journalists lasting not more than two or three hours each. An agreement signed last year by the Colombian Red Cross Society and the National Union of Communication Science Faculties provides the institutional framework

for courses in such faculties. Students of journalism and professional media representatives are invited to these short courses.

On the other hand, it was necessary to position the ICRC and international humanitarian law in the media and by so doing reach the population's newspaper readers, TV viewers and — in Colombia as in every other developing country — especially the radio audience. Why do we use the word *population* and not the customary term *civilian population*? As everyone has access to the mass media, it cannot be taken for granted that only the civilian population will be listening to the radio just when a spot is broadcast, or that only the armed forces are doing so when an announcement intended specifically for them goes on the air. It must therefore always be assumed that messages broadcast through the media always reach *all* target groups at the same time. For this reason, such transmissions must have the widest possible validity. At the same time the information conveyed through the mass media (slogans, spots, appeals) must be disseminated selectively, as an armed conflict is not experienced to the same extent by all the inhabitants of a country.

Civilian population

The target group most affected by the violence, the civilian population, must be aware of its rights. Only then can it make its neutral position in the armed conflict clear to the armed forces and insist on respect for it.

The main task in any dissemination work must be to translate the abstract content of the Conventions, which is expressed in academic language, into straightforward understandable statements. For this we use graphics and simple dialogues (for radio spots). In our opinion it is important to present the two topics *international humanitarian law* and *Red Cross activities* separately.

Printed and audiovisual materials

All too often, legal texts suitable primarily for experts have been and continue to be used in dissemination work. However, disseminating ideas, putting across knowledge, carrying out public-awareness campaigns and promoting international humanitarian law in general have more to do with communication — as a provocation we could say with advertising and sales — than with jurisprudence. While familiarity with the content of international humanitarian law is certainly prerequisite for successful communication, a precise knowledge both of the various target groups,

their problems and needs and of the appropriate communication techniques and educational materials and methods is equally important.

Three examples of straightforward printed materials adapted to the situation are given below:

1. The *seven Fundamental Principles*, in the form of a plastic-covered card roughly the size of a postcard. The title is simple and to the point:

You must know the rules of international humanitarian law.

The following seven topics are covered:

Civilians' rights

Combatants and civilians deprived of their freedom

Combatants and their adversaries killed in battle

The wounded and sick and the red cross emblem

Legal guarantees

Military objectives

The use of weapons (the principle of proportionality)

Each topic is illustrated by a simple drawing. In the text the so-called "you approach" was adopted. Hence the title is not "The seven fundamental principles of international humanitarian law", but "*You must know the rules of international humanitarian law*". The explanatory sections are written in the same style. For example, the text about the rights of the civilian population goes like this: "If *you* are not taking part in the fighting, *you* have the right to be protected. *You* have the right to respect for *your* life, *your* physical integrity and *your* ideas." Another rule for bearers of weapons reads: "If *you* are a combatant, *you* do not have the right to kill or injure an adversary who surrenders or who is out of action because of injury, illness or captivity."

The seven Fundamental Principles, supplemented by concrete examples and questions from the public, are the subject of the standard lecture given by all delegates to people without previous knowledge of international humanitarian law. The principles are available printed on cloth as a teaching aid for use by every delegate. The same seven principles and the related illustrations have also been incorporated in a handy pocket calendar.

2. *Brochure for the protection of the civilian population* — This 20-page brochure explains in simple question-and-answer form who is pro-

tected by international humanitarian law. The answers are supplied in balloon captions by two figures shown in silhouette. One has a weapon (combatant) and the other is unarmed (civilian). The problem of knowing who is asking the questions (a civilian/a Red Cross worker/a member of the army/a guerrilla fighter?) has been cleverly solved by using a fictional character called Humanito and consisting of a personified hand (*humano + mano*) that anxiously introduces the topic of anti-personnel landmines, cheerfully visits a prisoner, or asks questions such as: "Who is protected by international humanitarian law?". A whole range of subjects — children in conflict, protection from anti-personnel landmines, the Fundamental Principles of the Red Cross, a summary of the four Geneva Conventions and their two Additional Protocols and a presentation of the Colombian Red Cross Society and the ICRC (with the address) — are covered in this publication, which is intended for all target groups.

2. *A leaflet on the ICRC in Colombia* gives concise information about the Fundamental Principles and the activities of the delegation. Together with examples and questions from the general public, this text is also the basis for a standard presentation by delegates.

Specialized legal literature

Texts of a specialized legal nature and on ICRC principles and policy are distributed in Colombia only to a select audience, firstly so as to use the available resources in a cost-conscious way, and secondly it is of questionable utility to put a theoretical text in the hands of the uninitiated. At the end of 1996, however, the delegation signed a contract with a commercial publishing house to distribute three law books; others may follow. They can thus be obtained at approximately 150 book shops all over the country by people living in the provinces who are unable to visit the ICRC delegation in the capital.

Future prospects

"To ensure that the dissemination activities of the whole ICRC delegation are supported", says the strategic work plan for such activities by the ICRC delegation in Colombia. Every member of the ICRC delegation in Colombia, from the delegation head and his deputy to each individual delegate, whether out in the field or conducting prison visits, takes part in spreading a basic knowledge of international humanitarian law. This active commitment presupposes ongoing training for all concerned.

These diverse activities obviously cannot be carried out by the ICRC alone. Except for the courses held for guerrilla groups and the paramilitary

associations, all the activities described here are planned and implemented together with the Colombian Red Cross Society. The fact that it has an efficient dissemination department with well trained staff makes such cooperation possible. And these competent staff are ready to play their part because the National Society has for years set great store by basic and further training.

The image of the dissemination delegate who toured the country with his one-man show as a guru of international humanitarian law, smiled at by some because of his belief that human conduct can be changed, feared by others because of his knowledge of the texts, belongs — at least in Colombia — to the past.

Training the armed forces to respect international humanitarian law

The perspective of the ICRC Delegate to the Armed and Security Forces of South Asia

by **David Lloyd Roberts**

This paper will briefly examine the legal obligation placed on States to respect international humanitarian law and to train their armed forces in the subject. The practical problems this can create and how they might be overcome will also be addressed. The approach taken by the International Committee of the Red Cross (ICRC) to training in general and the particular approach being used in South Asia will be discussed.

Background

Cicero is reputed to have declared: “Laws are silent amidst the clash of arms”. This is a rather off-putting point of view for a legal adviser to the armed forces or an ICRC delegate charged with spreading knowledge of the law. Apart from pure ignorance of the law, which can easily be remedied, this sort of scepticism and cynicism, as apparent in Cicero’s time as it is today, is one of the main hurdles that have to be overcome in convincing the armed forces of the need to respect the law.¹

Lt Colonel **David Lloyd Roberts**, MBE, is a retired officer of the United Kingdom’s armed forces. He is currently ICRC Delegate to the Armed and Security Forces in South Asia, and is based at the ICRC regional delegation in New Delhi.

Original: English

The present article is an edited version of a talk that the author often gives to target audiences in South Asia.

¹ See Françoise J. Hampson, “Fighting by the rules”, *IRRC*, No. 269, March-April 1989, p. 118, or George H. Aldrich, “Compliance with the law: Problems and prospects”, in Hazel Fox and Michael A. Meyer (eds), *Effecting compliance*, British Institute of International and Comparative Law, London, 1993, pp. 3-13.

As far back as 1907, Hague Convention IV stated: "The contracting Powers shall issue instructions to their armed land forces which shall be in conformity with the Regulations respecting the Laws and Customs of War on Land, annexed to the present Convention". The Geneva Conventions of 12 August 1949 go slightly further. Each of the four Conventions stipulates that the States Parties have an obligation to "undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may be known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains" (Articles 47, 48, 127 and 144 respectively). A similar provision is to be found in the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (Article 25). The requirement to disseminate the law is reinforced in 1977 Protocol I additional to the Geneva Conventions (Articles 82 and 83).

There is therefore little doubt as to the responsibility of States and their respective Commanders-in-Chief to train their armed forces in international humanitarian law.

Problems of training armed forces in the law

Although the obligation to teach and train is perfectly clear, in reality the task is not quite that simple and the practice of States in general is far from encouraging. Some States are known to provide regular courses of instruction, and considerable efforts are or were made in such places as Yugoslavia, India and Poland.² But what on earth happened in Yugoslavia? Evidently the laws did indeed become "silent" amidst the intercommunal strife as the former Yugoslavia tore itself apart in recent years, a period which has seen some of the worst violations of international humanitarian law since the Second World War. No doubt the fragmentation of this State, the breakup of its armed forces and the subsequent lack of proper leadership, command and control had much to do with these violations. This is a very sobering and up-to-date example of a failure to implement the law — despite apparent good training — and a warning to us all not to be complacent and to try and do better in the future.

² G.I.A.D. Draper, "The place of laws of war in military instruction", lecture, *RUSI Journal*, Vol. 111, London, August 1966, p. 193 (note 10).

Even in the very best of armed forces there will always be constraints on the time available for training. At a military academy or staff college a commandant will be pulled in numerous directions to include more of this or that in the syllabus. It is a brave commandant who insists on maintaining a module on the “Law of Armed Conflict”. Yet it is at these very institutions that a nation’s future high command must be instructed in the provisions of the law which are one day likely to influence them and their decisions as commanders. In the light of a nation’s obligation to provide this instruction, ignorance of the law is inexcusable. It is in peacetime that we have the time to consider the law. Once the “balloon goes up”, it is too late. Just as we might teach drills and principles for attack and defence, so as a matter of routine we should also include elements of the law so that they become second nature and will not be dismissed in the fog and confusion of battle.³

A further problem as far as professionals in the armed forces are concerned is that study of the law, albeit of great interest to lawyers, might leave most operational officers and certainly almost every soldier absolutely cold. The very word is likely to conjure up thoughts of dusty old books, of boredom, of remoteness and, quite bluntly, of irrelevance. This apprehension can and of course must be overcome by good, well thought out and well presented training, by trainers who are experienced in operations and are therefore credible and, above all, who believe in their subject.

Commanders must demonstrate, by their interest in and emphasis on training in peacetime and of course by their behaviour in war, that they respect the law. A soldier is very quick to pick up a remark or an action from a superior. Commanders have a clear responsibility to uphold the law and to make their orders absolutely clear and unambiguous. Good training and the setting of high standards and sound examples in peacetime will be followed through in battle. There is an old military saying which runs “train hard, fight easy”; perhaps “train hard, fight easy and legally” would be more to the point! The example of command is of paramount importance in upholding the law. Setting a bad example and loose or ambiguous command have certainly been the cause of grave breaches of the law in the past, perhaps the most poignant instance in recent history being the My Lai massacre. It now seems likely that the International

³ See also Yves Sandoz, *Implementing international humanitarian law*, Henry Dunant Institute, Geneva, 1995, p. 5.

Criminal Tribunal for the Former Yugoslavia will provide equally harrowing examples.

The problems arising in training and disseminating international humanitarian law range from scepticism and cynicism to severe constraints on training time in academies, colleges and units. Then there is the apparent remoteness and irrelevance of the subject. However, for any truly professional armed force, problems are there to be overcome. Let us now turn to this more positive, challenging and important aspect of the whole topic.

The overall approach to training

The time available for training armed forces will be subject to many demands — internal security operations, ceremonial parades, other training priorities such as basic fitness and battle-craft, and even pure and simple guards and duties. This section of the paper will suggest ways and means of achieving our aim within these very real constraints.

Credibility and relevance

A soldier can understand why he has to learn the basic principles of camouflage and concealment or how to use his weapon correctly. The law, difficult as it might at first appear, must be presented in an equally meaningful, credible and digestible way.

The expression “international humanitarian law” is well understood by lawyers and military instructors, but the term “law of war” will mean much more to students in the classroom or on a training exercise. The credibility of the law of war is much enhanced when the instructor points out that it was born on the battlefield. It is very much soldiers’ law moulded by our forefathers in the midst of battle. The law is rich in military tradition and rooted in age-old custom (ruses of war *vs* perfidy, the truly customary white flag of truce, etc.). Its rules are straightforward. As one of the principles of war is “simplicity of action”, the law of war has also to be simple and straightforward. Furthermore, although the law certainly places limitations on the waging of war, in no way are these intended to tie one of a soldier’s hands behind his back in battle. The law fully accepts the concept of military necessity, and in no area does it ever conflict with the principles of war. All that it does is remind a soldier and his commander that there are certain minimum standards of behaviour in war which, if sensibly applied, can and will alleviate the suffering of victims affected by the fighting. There is nobility in fighting and possibly dying

for your country. There is just as much nobility and honour in showing humanity and compassion to your defeated foe or to the civilians caught up in the battle. The law of war shows how this can and should be achieved.

Choice of instructors

It is important not only that the content is presented in a credible way but also that the instructor is credible. There is no substitute, when teaching soldiers or officers, for first-hand experience of conflict. The rapport and understanding in both directions will be immediate and will make any teaching more relevant and acceptable. Having an instructor or indeed a lawyer with operational experience is of great benefit in teaching the law of war. The ICRC's approach runs very much along these lines. Retired officers from various countries (some with a legal background but most without) are trained in the law and then deployed throughout the world to offer training and advice to the armed forces.

The dynamic nature of the law

An important aspect of the overall approach to training is to emphasize that the law is not archaic but strives to keep up to date. Certainly an explanation should be given of the meaning of the two main strands of the law: the law of Geneva and the law of The Hague. We should then draw attention to the newer law, such as the 1977 Additional Protocols and the 1980 Convention on Certain Conventional Weapons. Developments as recent as those that occurred in 1996, when new protocols dealing with laser weapons and mines were added to the 1980 Convention, are also important in showing how the law of war keeps up to date and alive to the realities of the modern battlefield.

Acceptance of the difficulties involved in applying the law

In the overall approach to training in the law of war it must be accepted that the soldier in battle will sometimes encounter severe difficulties and pressures which might mitigate his training or incline him away from the rules he is supposed to obey. Despite his belief in and his enjoyment of the profession of arms, a soldier knows at the back of his mind that it can be a tough life. After all, there are not too many professions that require you as a matter of duty to be prepared to lay down your life for your country, regiment or unit. There may be fear, fatigue, frustration, anger, hunger and stress, which in turn may prompt a desire for revenge or retribution. We must accept these as part and parcel of the military life,

but we can certainly try to control them as best we can. It is this vital element of control that must be emphasized over and over again in the teaching of the law of war. Personal discipline and excellent leadership are vital. Both are made easier when one knows what exactly is allowed and what is not.

Let us now turn to the ICRC's approach to teaching the law of war and to the methods adopted to suit the particular requirements in South Asia.

Teaching the law of war: The ICRC's approach

In terms of dissemination of the law of war to the armed forces the ICRC really has a supporting role: to assist the military wherever possible in carrying out their responsibilities in this regard. How is this done?

The staff of the division responsible for this activity at ICRC headquarters in Geneva comprises five officers, with a Major General as a consultant. In addition, throughout the world, at various ICRC regional delegations, there are several "delegates to the armed and security forces". Most of them are retired officers and all have seen some form of operational service with the armed forces of their own countries or with the United Nations. Their task is to make contact with the armed forces of the region where they are working and to explain how and to what extent they can offer assistance. It is neither their mandate nor their intention to take on full responsibility for the training of the armed forces in the law of war.

The ICRC delegates to the armed forces can offer their expertise in a number of areas.

- They can share their wide-ranging practical experience gained during armed conflict.
- They can provide access to good teaching material produced by the ICRC, specifically tailored to the needs of the armed forces, and translated into relevant languages. Delegates can also pass on up-to-date information on humanitarian issues such as anti-personnel landmines, the proposed guidelines for United Nations forces, and laser weapons.
- ICRC delegates always have to be impartial and neutral in their teaching. It is for the students and staff of colleges and academies to relate the law to their own particular circumstances.

- Because they have been soldiers and have sat through lectures at their own military academies or staff colleges, they know how easy it is for lecturers to send students to sleep!⁴ They try therefore to inject realism and interest into their talks and to motivate their audience by a mix of programming and up-to-date training aids.
- Aware of the problems of time and programming, instructors are prepared to be flexible enough to meet any particular requirement. For example, a course need not necessarily take place for two or three full days. It could be spread over a week, with morning or afternoon sessions allowing other activities to take place in between.
- In addition to lectures and courses, the instructors can also offer assistance with seminars and training programmes and can provide training booklets.

Of course, courses can be tailored to the specific needs of the navy and the air force as well as those of the army and paramilitary forces.

Teaching the law of war in South Asia

The post of a permanent ICRC delegate to the armed and security forces in South Asia was established in June 1995. The delegate is based at the regional delegation in New Delhi and covers India, Pakistan, Sri Lanka and Afghanistan.

The role of a delegate to the armed and security forces

The delegate's first task is to make or re-establish contact with the armed forces throughout his region. It is only when one looks at the vast extent of the region that this relatively simple task appears as a rather daunting but nevertheless fascinating challenge. The region stretches from Afghanistan in the north through Pakistan, Nepal and Bhutan, across to Bangladesh and then southwards to India and Sri Lanka. It includes countries at war and at peace, some of the largest democracies in the world and also some of the largest armed forces, paramilitary and police forces worldwide.

⁴ At the Royal Military Academy Sandhurst there is the well-known fable of the instructor who angrily exclaimed: "Jones, wake up Smith next to you". Jones is reputed to have replied: "Sir, with the greatest respect, as you put him to sleep, perhaps it would be best if you woke him up"! History does not relate how officer cadet Jones's career progressed thereafter.

To make contact and build up credibility and trust entails a great deal of travel and much patience. The key is to establish links at the highest possible level, normally at Chief or Vice Chief of Staff level. Here the task is to encapsulate in the shortest possible time, because such men are extremely busy, our mandate and what we can offer. This is the most crucial step in the entire process. Many of the forces already include instruction in the law of war in their military training programmes. Our task then is to focus on particular areas where we can be of assistance. It is important to strike the right chord. Having secured agreement in principle at this high level, the key is normally turned and the gates are opened. (The worst-case scenario would be: "Well thank you very much for your visit, but we are already fully aware of the Geneva Conventions. However, some of the books you mention would be very useful to us: could you possibly provide us with 10,000 of them"! Not quite what we are aiming at.)

Having established contact at Chief of Staff level, we are usually requested to hold a further meeting with the directors of training establishments. Here the briefing has to go into much more detail. We have to carefully define our capabilities and indeed our limitations, not least of which are the staff we have available and time and programming constraints. Our aim is not only to give the best possible instruction but also to give it at the right level. In this way we start on a high note and rapidly gain credibility and win confidence in our work. Having explained our offer of assistance in detail, we then hope for firm requests for courses and workshops and so our programme develops for the year.

Within this rather straightforward approach, there are still several hurdles to be overcome. Our eagerness to assist must be sensibly balanced against the ability of the armed force in question to reorientate its curriculum or simply to find time for us in its already full programme. Progress from the initial meetings to actually giving a course can take months. In the case of one armed force in the region it has taken some 12 years to gain limited acceptance. In other cases we have been asked to start "next week"!

How the system operates

Comprehensive approach. As mentioned above, the post of delegate to the armed and security forces in the South Asia region is relatively new. At the outset it was important to decide how, with the limited staff and time available, we could best plan our programmes, at least for the first few years. We decided on a two-strand approach.

- We would offer courses for *military academies* and *staff colleges*. It is vitally important that the foundations of knowledge of the law of war be laid at the beginning of an officer's career, at the military academy, while that knowledge can be reinforced later on, at the staff college. The ICRC's aim is to give instruction in the law to every officer in the region entering the armed forces. Why this high-level approach? In the first place it suits the capabilities and particular characteristics of our instructors. Most have been instructors at staff colleges, so they blend in well with their surroundings, they know their audience, language is not a problem and they are easily accepted. The other point is the *multiplying effect* of this instruction. If one considers that a young officer will immediately command 30 men and soon a company of 100, and that a staff college graduate will command a battalion of some 600 men or an important staff branch, then it is obvious that this training can reach and influence people far beyond the individual officer concerned.
- In line with our scarce resources and in order to enhance this multiplying effect, we also concentrate on *courses for instructors*. Last year the ICRC trained over 100 instructors during 5 to 8-day workshops in the region. Participants are provided with teaching files containing lesson plans and visual aids. The courses give prominence to methods of instruction and production of training programmes. Of necessity, the number of participants is kept to about 20-25 junior and warrant officers. Their task thereafter, through their units or formations, is to give instruction at the lower levels, such as battalion or company level. It is too early at this stage to quantify the impact of these courses. However, the eagerness of the instructors who pass through our hands and the backing we receive from the parent formations augurs well for the multiplying effect of these activities.

The retired officer concept. The concept of a "pool" of officers trained in Geneva and available to assist in their own or indeed other countries has been established for some time. In the region, a course was held last year for 16 mostly retired officers from India, Sri Lanka, Bangladesh and Nepal. Retired officers have the time to teach and are not going to be distracted by considerations of postings or promotion. All the volunteers are requested and appointed through their own countries' Directors of Training. This is a guarantee of their credibility and acceptance within their own armed forces. Their activities and teaching needs are coordinated by the delegate in New Delhi. During courses they are accompanied by the latter or by another representative of the ICRC delegation in the country concerned.

What we offer

Training is given at three main levels, and is now being extended to cover the three services — army, navy and air force — and the paramilitary.

Junior ranks. Here for the time being instruction is being relayed through our instructors' courses. During these courses we stress the fact that for soldiers classroom instruction should be kept to the bare minimum. One or two 45-minute lectures might be appropriate to set the scene. The best training at this level will be given as part of normal field instruction or on exercises. Ambush drills, section attacks, fighting in built-up areas (FIBUA) exercises and so on can all incorporate a small element of law of war training. Capture drills, evacuation and treatment of the dead and wounded, treatment of the adversary's medical staff, respect for protected property, drills for dealing with the white flag of truce and even for dealing with humanitarian aid vehicles can all be built into normal field exercises with little or no additional work. At the end of each training period the tactical and law of war lessons can be brought out as part of normal debriefing. Tactics and issues relating to the law are seen to be part and parcel of the same subject; they become routine, a matter of normal behaviour in action. This training of soldiers can always be enhanced. Soldiers love watching videos and a training video is probably one of the best methods available of imparting information on the law. Small booklets on the law of war which also include a section on first aid are available from the ICRC. In the past year the regional delegation has produced such booklets for the Indian Army, the Border Security Force of India and the Royal Nepalese Army. Each contains a foreword by the respective Commander-in-Chief.

Young officers. If we can do nothing else we should at least ensure that young officers, many of whom will be future commanders, have the opportunity to learn and reflect on the subject from the beginning of their careers. Three to four periods at the beginning of the cadets' study, and then the same time again during their last term to look at broader issues, is really all that is required in terms of formal instruction. During their training, field exercises and model room exercises should always include at least one problem relating to the law of war. As the course progresses, case studies and military history can be used to illustrate lessons on the law. Officers should also know what elements of the law to pass on to their soldiers and how this should be done.

Senior officers and staff officers. The staff college or senior commanders' courses offer ideal opportunities to reinforce notions of the law of

war learnt as a cadet. The officers attending these courses will all be filling important posts in the future, and some will be destined for high command. Broader issues of the law should now be studied, such as command responsibility and implications for logistics and planning. There would be absolutely no harm in rehearsing once more the rules of the law of war applicable to the conduct of military operations. Case studies based on recent wars and operations can be used to highlight concerns relating to the law of war. There are many lessons to be drawn from, for example, the Gulf War or the experience of United Nations forces in the former Yugoslavia. Legal issues arising from UN operations should be addressed at this level. What law is applicable to peacekeeping operations, or to peace enforcement? What are the guidelines for UN forces as regards respect for international humanitarian law? What do we need to teach troops in terms of the law before they depart on a UN operation?

Some further remarks

Information on the ICRC, its role and its place within the Red Cross and Red Crescent Movement. All our courses include information on the International Red Cross and Red Crescent Movement. The role of the ICRC in conflict zones is emphasized, in particular its detention and protection activities. Wherever possible the National Red Cross or Red Crescent Society of the country concerned is encouraged to give a talk on its tasks. This is particularly useful in South Asia, where there is a need for close cooperation between the armed forces and the National Societies during relief operations in the event of cyclones, floods or earthquakes.

Production of training syllabi. In addition to teaching, the delegate to the armed and security forces helps if requested with the production of training syllabi for the various levels of instruction. With increasing frequency we are being asked to draw up proposals for programmes, to advise on training aids and to produce summaries in the local language to assist the instructors we have trained.

Production of training films. This is very much in the conceptual stage. South Asia has some of the best film-makers in the world, but no country in the region has a training film focusing on the law of armed conflict. Such a film is an excellent training aid and we will actively encourage the idea of making one. Our role here would be to produce a draft script, to advise and to assist in the production as best we can.

The law and UN operations. Many of the armies and indeed the paramilitary forces of the region are actively involved in UN operations. Here we can assist in two ways. Units can request our assistance prior

to their departure on a UN mission. Because the ICRC will be present in the same country, we are able to portray the prevailing problems from the humanitarian angle and explain our working methods. This can help overcome difficulties once the units are deployed. There is great eagerness to learn not only how humanitarian organizations are operating in a particular country but also about the extent to which they can interact and cooperate with UN forces. We also take the opportunity to explain the law applicable in such operations. Such sessions have been held in Nepal and in India.

Human rights law. Quite clearly, our mandate is to give instruction in the law applicable to international and non-international armed conflict. Of course the forces are interested not only in this law but also in the law applicable to low-intensity conflict (internal security operations, etc.) Here domestic law and international human rights law apply. In order not to complicate our message or confuse the audience we invite local specialists in human rights law to cover this topic. In India, for example, we have a consultant who served for 30 years as a police officer commanding the Central Reserve Police Force and the National Police Academy. He is able to lecture on the law applicable to such situations with credibility and the benefit of vast experience.

Training police forces. The ICRC has been requested to hold courses for the police in the region. Our approach is to agree only if we are the only ones available to assist or sponsor such events, and our role is very much that of a facilitator. While we take the opportunity to give an overview of international humanitarian law and the role of the ICRC, the bulk of the course is conducted by a police consultant from our pool in Geneva or one of our local consultants. In the past year the ICRC has organized two such courses, one for the Sri Lankan police and one for the Indian North Eastern Police Academy in Assam.

Operational dissemination. The regional delegation in India visits places of detention in Jammu and Kashmir, on the basis of a Memorandum of Understanding with the Government of India. In conjunction with this task we have conducted five courses for the paramilitary forces in the area to date. The courses combine general information on the role of the ICRC and its working methods with the basic rules of international humanitarian law. In this way we hope to promote better understanding of the ICRC while putting across the basic humanitarian rules.

Reaction to our training and results achieved

The reaction to ICRC's training courses in the region has been favourable. A head of delegation attending a recent course pointed out that

none of the participants had questioned the law of war in terms of its implementation or operational applicability. He had obviously expected the audience of senior and experienced officers to have at least some doubts or arguments. This may have something to do with their good manners, but I believe it has more to do with the straightforward nature of the law and the realization that there is absolutely nothing in its provisions that any reasonable sailor, soldier or airman or their commanders could not apply in a conflict situation.

In terms of prior knowledge of what we teach, the situation is quite interesting. Before the start of a course many profess good knowledge of the law. As the course develops, most are quite prepared to admit they knew far less than 50% of the subject-matter. In some particular aspects of the law there is complete lack of knowledge. Almost to a man, for example, participants regard the white flag as a sign of surrender and not, as intended in the law, as a sign that a party to the conflict might simply wish to negotiate. A senior officer on one of our courses remarked that after many years he now understood why, when he was a young officer approaching a party who showed a white flag and insisting on their surrender, his comrade was shot and killed and he was wounded.

Results are very difficult to quantify. One can boast of the number of students who have passed through our hands or enumerate the courses held (in our region, 1,500 students and some 25 courses since June 1995). The true results will be seen only on the ground, in some far-flung corner of the region. If only 10% of what we teach is remembered, if a soldier as a reflex action or a senior officer as a function of his rank and command thinks, no matter how briefly, of the law and applies it, then our work will have been worthwhile.

In more practical terms, results can perhaps be gauged by certain developments in the region. Some examples: the fact that we are invited back to an academy or staff college; requests to extend our activities by training instructors who will teach at all levels in the armed forces; requests for delegates to attend high-level and normally restricted service seminars, and even to lecture at them; invitations to run joint seminars with the armed forces; the setting-up this year of a Directorate of International Humanitarian Law in the Sri Lankan Army; individual requests for literature and advice on the law of war; the broadening of our dissemination activities to include the air forces and navies of the region; the knowledge of the ICRC and the Movement that comes with our courses and the consequent better understanding and cooperation, particularly in the field. These are all positive and encouraging results.

Conclusion

Let us end where we began, with Cicero. Humanity has made great strides since his comment on the silence of the law amidst the clash of arms. No doubt the cynical will, like the great orator, quickly point out that many of these advances have not been in mankind's best interests. The horrors of war remain with us. Weapons of war have been developed to incredible levels of sophistication.

As weapons have developed, so too has mankind tried to control or limit their use. While cynicism will persist and further advances will be made in weaponry, let us never forget that one of the *very best weapons* the military has in its arsenal to limit the excesses to which these two problems can give rise is *training in the law of war*. Our role in South Asia is to assist the armed and security forces as best we can in this sphere.

Promoting international humanitarian law in higher education and universities in the countries of the Commonwealth of Independent States

Any attempt to spread knowledge of international humanitarian law (the law of armed conflict) and its corresponding obligations among the military and political authorities of a country must be matched by an effort to introduce the subject into academic programmes, where the subject will be taught and studied in greater depth.

Today, international humanitarian law is a minor component of the academic curriculum at universities in the countries of the Commonwealth of Independent States (CIS), constituting only a small part of the public international law course offered at leading law faculties. Until very recently, although the relevant treaties and instruments of international humanitarian law existed in the Russian language, they were not readily available in libraries and were very seldom the subject of academic study and research.

At a time when economic difficulties and a lack of public funds are inducing a growing number of students and teaching staff to shun academic disciplines without immediate market value, support is needed to establish humanitarian law among regularly studied subjects - particularly if it is ever to gain any prominence in the training of a future political elite and decision-makers.

The ICRC regional delegation in Moscow is therefore currently running a programme for the dissemination of humanitarian law destined for academic circles in the CIS countries. Its primary aims may be described as follows:

Promoting the inclusion of humanitarian law in the official standard programmes and curricula of target academic departments, with priority given to faculties of law, international relations and journalism.

Following extensive contacts with the State Committee for Higher Education and the Legal Department of the Presidential Administration

of the Russian Federation, humanitarian law was introduced in 1996 into the Federal Standards for Higher Education for Jurisprudence at post-graduate level (degree for the training of *Specialists*).

In May 1997 the ICRC, together with the UNESCO Chair for Human Rights and Democracy at the Moscow State Institute of International Relations (MGIMO), organized a two-day conference at the University of Kazan on the subject "Dissemination and Promotion of International Humanitarian Law", which was attended by some 30 different law faculties in the Russian Federation and other CIS countries.

In its programme, the ICRC aims to work not only with law departments and faculties, but also with other social science departments. It has in particular initiated cooperation with the Journalism Faculty of Moscow State University, where a new one-semester pilot course on journalists and armed conflict (18 academic hours) was started during the spring semester of 1997 for all the faculty's second-year students. In May 1997, the ICRC financed the participation by a lecturer from the faculty in a three-day conference on the role of the media in reporting armed conflicts, held at Boston University (USA).

Plans are also currently being discussed to set up an interdisciplinary working group of Russian academics to discuss the inclusion of humanitarian law problems in the curricula of other courses of study (e.g. conflictology, sociology of international relations, history).

Developing didactic and documentary tools to support the teaching of international humanitarian law at universities in CIS countries

Several years ago the ICRC launched a large-scale programme for the translation and publication of specialized ICRC literature. Some 45 titles have meanwhile been issued on almost all aspects of the law, and are being widely distributed free of charge within academic circles.

Plans for the development of textbooks and model humanitarian law curricula for faculties of law and international relations are currently being considered in the various countries. The holding of an open competition for that purpose in Russian academic circles is for instance being discussed with the Department for Humanitarian Education at the Russian Federation's Ministry of Education.

The ICRC is at present also engaged in discussions with the Institute of State and Law of the Russian Academy of Sciences to support the publication and distribution across Russia of a new student textbook on humanitarian law by the academician Professor V.V. Poustagarov.

Training young Russian university scholars and lecturers to teach humanitarian law, by organizing advanced courses for them

In August 1996 the ICRC organized a 10-day seminar in Sergiyev Posad which brought together 38 young lecturers from different law and international relations faculties in Russia and other countries of the CIS region. Only a few months later, in the spring semester, several of the region's law faculties set up new specialized courses in humanitarian law (in Saint Petersburg, Cheboksary, Kazan, Baku and Yerevan).

Similar training seminars are planned in Russia in 1997 and 1998 for lecturers of faculties of law and journalism.

Education and awareness-building among students through lectures and other events

Exposés and series of lectures on international humanitarian law are given by ICRC representatives in various academic fora, and a student moot-court competition between law faculties in the region, the De Martens Competition, was held as a pilot project in Moscow from 23 to 27 April 1997. Ten teams from different law faculties in the Russian Federation, the Ukraine and Belarus, each made up of three students and one accompanying faculty member, took part in the competition. For a period of five days, participants were asked to work on diverse international humanitarian law problems in relation to an imaginary conflict situation. The competition proved a great success and ended with a grand finale held at Moscow State University. The University of Saint Petersburg was proclaimed the winner of the 1997 event.

Promoting cooperation and exchanges in the field of humanitarian law between Russian and specialized Western universities

The promotion of ties and cooperation between universities in the CIS region and Western counterparts specialized in the teaching of humanitarian law is one of the key aims of the programme. For example, Western experts were invited to participate in and contribute to the seminar in Sergiyev Posad and the De Martens Competition.

One ICRC delegate with a legal background, who is based in Moscow, is currently responsible for coordination of the programme in the CIS

region, backed up by the seven ICRC dissemination delegates based in the northern Caucasus (Russian Federation), Armenia, Azerbaijan, Georgia, Tajikistan, Ukraine and Uzbekistan.

Stéphane Hankins
Dissemination Delegate
ICRC Moscow

The International Institute of Humanitarian Law (San Remo) and its international military courses on the law of armed conflict

There are few institutions in the world which are able to assemble officers from all the countries of the globe, who wear their own uniforms and live and work together for two weeks. One of these is the International Institute of Humanitarian Law in San Remo, Italy.

This non-governmental organization was set up in 1970 for the purpose of promoting the dissemination and development of international humanitarian law. The choice of the Italian seaside resort of San Remo was not accidental. It was there that Alfred Nobel spent the last years of his life, and he left all his property to the humanitarian cause. The villa he occupied until his death became the headquarters of the International Institute of Humanitarian Law.

At the beginning the Institute was mainly interested in following the proceedings of the 1974-1977 Diplomatic Conference which drew up the Protocols additional to the Geneva Conventions. During that period, with the support of the International Committee of the Red Cross (ICRC), the Institute decided to set up a programme of instruction for officers in humanitarian law. The teaching of the law of armed conflict — at the time still called the law of war — is of course included in one of the articles common to the Conventions which obliges States “to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military (...) instruction”. The programme of the San Remo Institute started in 1976 with a French-language course.

More than 20 years have passed since then and many things have changed in the organization of the military courses at the Institute, but the principle remains the same: to give participating officers the opportunity to learn in an international context how to behave in operational situations, taking into account the humanitarian rules of armed conflict. In this way

the Institute fulfils the task of assisting governments with the implementation at the national level of obligations relating to humanitarian law.

These two decades of international military courses are full of facts and figures, important events, interesting situations, and continuous efforts to improve teaching methods and increase the level of participation. There is no doubt that the international respect enjoyed by the Institute and the high esteem in which its courses are held throughout the world are proof of seriousness, competence and rigour. The Institute is naturally proud of this success, which has been achieved at great sacrifice, but it must be said that the support and help of the ICRC have been of decisive importance.

Over the period of 18 years, 44 courses were given under the direction of a high-ranking Swiss officer, put at the Institute's disposal by the ICRC. He devoted his time to the courses, helped by a number of qualified officers, all acting on a voluntary basis as instructors or class leaders. The number of courses organized each year went up, as did the number of languages used. The courses, initially given only in French, started being offered in French, English, Spanish and Italian (though the last was soon dropped). International attendance became more and more significant. In 1980 the duration of the courses was extended from one week to two. The teaching programme was changed from a series of lectures and a few exercises to a veritable military education programme offering the relevant information, many staffing exercises and some lectures on the main conceptual aspects of the subject.

After the retirement of the first director a Directorate of Military Studies was set up to organize the courses and to study developments in teaching methods. In parallel, the Institute formalized its ties with the ICRC and a cooperation agreement on the organization of military courses was signed. The number of courses was increased to seven a year. Course directors, appointed from amongst the best officers on the teaching staff, change every time. The subjects covered in the programme are selected according to the prevailing international situation. For instance, in the last few years some new themes have been introduced, namely humanitarian law applicable in peace support operations and the repression of war crimes, while other items have been abandoned.

Over the years, 63 courses have been held, despite many difficulties. There have been more than 2,000 participants — officers, government officials and academics — from 140 countries. The fact that countries from the five continents send participants, from captains to major generals, to the San Remo Institute's courses on the law of armed conflict shows at the very least that these courses are deemed highly necessary. Many countries have requested scholarships and the Institute is able to grant some

to certain countries. Other scholarships are provided by the ICRC, and some financial support comes from the European Union. The government of The Netherlands has appointed an active duty officer to the Institute. Some countries are sponsoring the participation of other countries. A programme proposed by the Norwegian government to provide scholarships to officers from Botswana and Zimbabwe is already being implemented. Other countries are on the way to finalizing similar programmes.

This international attendance is useful for all the participants, as it gives them a unique opportunity to increase their knowledge and broaden their horizons by comparing different mentalities, backgrounds and perceptions on an issue as sensitive as the law of armed conflict. The officers are reassured to find that their counterparts in other countries face similar problems, that they have an identical moral code and the same need for clear rules and unambiguous instructions.

The two-week course (10 working days) covers the following subjects:

Preparatory exercises: basic notions, strategic situations, responsibilities resulting from the law of armed conflict

Command and staff exercises: planning of operations, conduct of operations, behaviour in action, rear areas, peace support operations, operations to restore public order, ICRC, repression of war crimes, law of armed conflict, final exercise

After the introduction of each item by the course director in plenary session, the participants meet in classes, under the guidance of their class leader. They work as if they were part of an integrated staff, learning from their instructors and solving common problems together. The aim is to find operational solutions while taking due account of the law of armed conflict. The conclusions of the day are presented in the final plenary session. Classes number ten people on average, and their composition is carefully balanced between operational military personnel and lawyers; the former group comprises an appropriate mixture of army, navy and air force officers.

The key to the success of the courses is the teaching staff. Instructors are generally officers on active duty and at the same time experts in the law of armed conflict. They devote part of their time to the Institute's military courses, on a voluntary basis. The 35 officers on the Institute's teaching staff come from many different countries, and this highlights the universal nature of the San Remo courses. The instructors are usually selected from amongst the participants of previous courses. If they are officers on active duty, they join the teaching staff with the authorization of their command authorities. It is obvious that conducting a course and

organizing a workshop for a class of students from different countries and with different ranks, experiences and level of knowledge of the subject requires instructors who are able to offer competent teaching, firm guidance and tactful advice.

At the end of the course the participants are asked to fill out a questionnaire and give their comments on the course. The comments are generally positive, as most of the participants have discovered a fascinating subject which is very often neglected in their military experience. Many participants keep in touch with the Institute after the course, asking for suggestions or comments on specific national problems or sending material from their own countries. Some of them express the wish to return as class leaders.

At present the courses are given in three languages — English, French and Spanish. However, if there are enough participants speaking another language to form a class and if an instructor speaking the same language is available, then a class using that language can be set up. This has been the case with a Portuguese class (as part of a Spanish course), and in the future classes in Arabic and in Russian will be offered, at the ICRC's proposal and with its support.

Another initiative, taking up a task formerly carried out by the ICRC, will be introduced at the end of this year: the organization of a course for officers who will be put in charge of training programmes in the law of armed conflict in their own countries. This course will last five days, and will be tailored to the participants' requirements. It will provide them with all the necessary "tools" to set up and execute basic programmes in the law of armed conflict for the military.

To conclude this short presentation, I would like to add that these international military courses can only be organized and run because of the Institute's commitment to the promotion of international humanitarian law, its teaching methods, and the enthusiasm of the teaching staff. At the end of the course the participants should not only have acquired interesting and valuable new experiences, but also be firmly convinced about the importance of the subject. Back home they should become prophets advocating the dissemination of the law of armed conflict in their armed forces. If we succeed in convincing these officers to act accordingly, our efforts will have not been in vain.

Giorgio Blais

Giorgio Blais, Major-General in the Italian Army, is the Director of Military Studies of the International Institute of Humanitarian Law, San Remo, Italy.

**Death of Hans Bachmann, honorary member
of the ICRC**

Hans Bachmann, an honorary member of the ICRC, died on 7 July 1997, a few days after his 85th birthday.

Mr Bachmann had a long career in the service of the ICRC. A lawyer by profession, he joined the institution in early 1942, in the middle of the Second World War. He immediately occupied senior posts under Carl Burckhardt and in relief operations, playing a key role in the Joint Relief Commission and especially in the Foundation for the organization of Red Cross transport, which he was instrumental in setting up. The Foundation conducted activities on an unprecedented scale, supplying countries affected by the conflict and its aftermath. At the beginning of 1946 Mr Bachmann left the ICRC but returned 12 years later, in 1958, as a member of the Committee, on which he remained until 1976. In this capacity he served on the Presidential Council from 1963 to 1971 and as Vice-President of the ICRC from 1964 to 1965 and from 1968 to 1971. When he decided to leave the Committee in 1976, he was appointed an honorary member and was awarded the ICRC silver medal by the then President Éric Martin, in recognition of his long years of service.

Mr Bachmann was one of the leading figures in ICRC operations over the past fifty years.

The ICRC Advisory Service on International Humanitarian Law

Fact sheets

Becoming party to the 1949 Geneva Conventions, their Additional Protocols of 1977 and other treaties of international humanitarian law is but a State's first step in complying with that law. It must be followed by action at the national level to ensure implementation of the different provisions. That action can take various forms ranging from the adoption of national laws and regulations to the location and appropriate marking of buildings and other objects protected by the humanitarian law.

As part of its assistance to States seeking to incorporate into their legislation the obligations arising from that law, the ICRC Advisory Service has prepared a series of fact sheets. These deal with a number of subjects relating to humanitarian law and are intended for any interested person, whether a lawyer or not. The sheets are not meant to furnish a scholarly discourse on the topics considered but rather to facilitate understanding by all concerned of the provisions of humanitarian law that require national measures in peacetime. They also discuss various means — such as national committees — by which implementation can be promoted and the role to be played by the National Societies.

The following fact sheets are now available:

- What is international humanitarian law?
- Implementing international humanitarian law — from law to action
- Protocols additional to the Geneva Conventions of 1949 for the protection of war victims
- Summary of provisions of the 1980 UN Convention on Certain Conventional Weapons
- Penal repression — punishing war crimes

- The protection of the red cross / red crescent emblems
- The International Fact-Finding Commission
- National Committees for the implementation of international humanitarian law
- Red Cross and Red Crescent Societies and the implementation of international humanitarian law — guidelines for action

There is also a fact sheet containing a bibliography of publications on the implementation of humanitarian law treaties.

The fact sheets are available in Arabic, English, French, Portuguese, Russian and Spanish.

To obtain them, write to:

Advisory Service on International Humanitarian Law
International Committee of the Red Cross
19, avenue de la Paix
1202 Geneva
Switzerland
Tel. ++41 22 734 60 01
Fax ++41 22 733 20 57
E-mail dd_jur.gva@icrc.org

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New publication

Committees or other national bodies for international humanitarian law, Report of the meeting of experts, Geneva, 23-25 October 1996, Cristina Pellandini ed., ICRC, Geneva, 1997.

This publication contains the proceedings of a meeting of experts on committees or other bodies for the national implementation of international humanitarian law, organized by the ICRC Advisory Service on International Humanitarian Law.

ICRC Advisory Service on
International Humanitarian Law

In the Red Cross and Red Crescent world

By letter of 30 June 1997, the ICRC and the International Federation of Red Cross and Red Crescent Societies sent an announcement to all National Societies whereby the Red Cross Society of China informed that the Hong Kong Red Cross will transfer its affiliation from the British Red Cross to the Red Cross Society of China. The accepted short title will be the "Hong Kong Red Cross (Branch of the Red Cross Society of China)".

Announcement by the Red Cross Society of China

The Hong Kong Red Cross will become a special local branch with high autonomy of the Red Cross Society of China from 1 July 1997.

At the fourth session of the Sixth National Board of the Red Cross Society of China (RCSC), which was held in Xiamen, Fujian Province from 1st to 4th April 1997, the RCSC National Board considered the application by the Hong Kong Red Cross (HKRC) to become a branch of the RCSC from 1 July 1997.

As the Government of the People's Republic of China shall resume the exercise of sovereignty over Hong Kong from 1 July 1997 with the establishment of the Hong Kong Special Administrative Region, and that the British Red Cross Society (BRCS) had accepted HKRC's notification to terminate its affiliation with the BRCS with effect from 1 July 1997, the RCSC National Board passed a resolution at the above-mentioned session to accept the HKRC to be a branch of the RCSC with a high degree of autonomy. The affiliation will come into effect on 1 July 1997.

The legal basis regulating the future relationship between the RCSC and HKRC shall be the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, the Statutes of the International Red Cross and Red Crescent Movement and the Constitution of the International Federation of Red Cross and Red Crescent Societies. As from 1 July 1997, the full official name of the Hong Kong Red Cross shall be "The Red Cross of the Hong Kong Special Administrative Region

of the People's Republic of China". The accepted short title shall be the "Hong Kong Red Cross (Branch of the Red Cross Society of China)": The HKRC shall use the emblem of the RCSC. The National Headquarters in Beijing shall continue to represent the RCSC in international organizations or meetings where statutory participation is confined to National Societies. However, whenever appropriate, HKRC representatives would be invited to serve as members of the RCSC delegations.

As a RCSC branch with a high degree of autonomy, the HKRC will have full autonomy, subject to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and other laws enacted by the legislature of the Hong Kong Special Administrative Region, to formulate or revise its regulations and rules, and to make its own decisions on matters concerning its internal management, which include organizational structure, policies and administrative decision making, working procedures, personnel, financial management, nature and forms of service operations. The Red Cross Law of the People's Republic of China and the RCSC Constitution shall not apply to Hong Kong or to the HKRC. The Hong Kong Red Cross (Branch of the Red Cross Society of China) shall be able to maintain and develop direct contact and operational programmes with other members of the International Red Cross and Red Crescent Movement, provided such contact and programmes do not contravene the Movement's Fundamental Principle of "Unity" and that the RCSC National Headquarters be duly informed.

Beijing, 15 April 1997

Books and Reviews

Rachel Brett and Margaret McCallin, *Children: The invisible soldiers*, Rädna Barnen (Swedish Save the Children), Stockholm, 1996, 257 pages

Over the past few years an international movement to prohibit the recruitment and participation in hostilities of children under 18, in line with the general age of majority stipulated in Article 1 of the 1989 UN Convention on the Rights of the Child, has gained momentum. It must be noted that under Article 38 of that same Convention, which was inspired by the 1977 Additional Protocols to the 1949 Geneva Conventions, the minimum age set for child soldiers is 15 years.

The original research for *Children: The invisible soldiers* was commissioned as part of the United Nations Study on the Impact of Armed Conflict on Children (also known as the Machel Study), which was presented at the fifty-first session of the UN General Assembly in November 1996.¹ The present book is an expanded and updated edition of the Machel Study.

The authors, of the Quaker UN Office in Geneva and the International Catholic Child Bureau respectively, state that the purpose of the book is to develop a better understanding of the causes and consequences of children's participation in armed conflicts, rather than to expose or stigmatize the policies or practices of particular governments or armed opposition groups.

The research methods used and the practical difficulties encountered are clearly outlined at the beginning of the book, which is based on 26 case studies of particular situations where children are or have been active participants in armed conflicts or have been recruited into armed forces. It was of course an immense and difficult task to conduct these studies

¹ UN document A/51/306.

and the authors acknowledge the challenge of giving a global picture, especially because of the difficulty of collecting data in conflict zones. The research is made even more difficult by the fact that children are “invisible” soldiers, in that those who employ them deny their existence and no record is kept of their numbers and ages, or the ages are falsified. Nevertheless, the authors estimate that there may be a quarter of a million children under the age of 18 serving in government armed forces or armed opposition groups. The arguments put forward in the book are illustrated by vivid examples and accounts taken from country case studies as well as many tables and statistics.

As adequately described in *The invisible soldiers*, existing provisions contained both in international humanitarian law instruments and in the Convention on the Rights of the Child are too often disregarded in practice. Nonetheless, the report may give too pessimistic an impression of the relevance and efficiency of humanitarian law. This is due in part to factual errors. In the chapter on “Legal standards”, for instance, the authors write that 1977 Additional Protocol II, on non-international armed conflicts, has been officially applied only twice (in El Salvador and the Philippines), whereas such was recently the case in Bosnia, Colombia, Georgia, the Russian Federation, Rwanda and Tajikistan. Indeed, the book is focused somewhat narrowly on the UN Convention on the Rights of the Child. Similarly, the recommendations contained at the end are addressed almost exclusively to UNHCR, UNICEF and NGOs. Little attention is paid to the role and activities of the International Red Cross and Red Crescent Movement.

The book does, however, make appropriate reference to the Movement’s Council of Delegates, which endorsed a Plan of Action in 1995 aimed at promoting the principle of non-recruitment and non-participation of children under the age of 18 in armed conflicts and calling for practical measures to protect and assist child victims of conflict.² Reference is likewise made to the 26th International Conference of the Red Cross and Red Crescent, held in Geneva in December 1995, which recommended that parties to conflict refrain from arming children below the age of 18 years and take every feasible step to ensure that children under 18 do not participate in hostilities.³

² “Children in armed conflicts”, *IRRC*, No. 310, January-February 1996, pp. 146-147.

³ Resolution 2: “Protection of the civilian population in periods of armed conflict: C. With regard to children”, *ibid.*, pp. 63-64.

Children: The invisible soldiers is a book well worth reading for its very thorough explanation of the mechanisms of recruitment and its clear and convincing arguments in favour of prohibiting the recruitment and participation of children in hostilities. It also makes practical recommendations aimed at curbing the phenomenon. However, for a full understanding of the legal issues involved, specialized works on international humanitarian law should also be consulted.

Stéphane Jeannot
ICRC Legal Division

Recent publications

International Committee of the Red Cross, *Annual Report 1996*, ICRC, Geneva, 1997, 352 pp.

International Federation of Red Cross and Red Crescent Societies, *Annual Report 1996*, Geneva, 1997, 56 pp.

International Federation of Red Cross and Red Crescent Societies, *World Disaster Report 1997*, Geneva, 1997, 173 pp.

Besides giving information, the present report proposes strategies and options for all those dealing with disasters.

Olivier Corten and Pierre Klein, *Droit d'ingérence ou obligation de réaction ?*, 2nd edition, Collection de droit international, Éditions Bruylant/Éditions de l'Université de Bruxelles, Brussels, 1996, 310 pp.

The first edition of this book was reviewed by Denise Plattner in *IRRC*, No. 298, January-February 1994, p. 83. In the foreword to the second edition the authors write: "Le caractère inutile d'un "droit d'ingérence" apparaît encore plus clairement aujourd'hui" (The uselessness of the concept of a "droit d'ingérence" [right to intervene/right to interfere] is even more clear today" — ICRC translation).

Richard J. Grunawalt, John King and Ronald S. McClain (eds), *Protection of the environment during armed conflict*, Vol. 69, International Law Studies, Naval War College, Newport R.I. (USA), 1996, 720 pp.

This is a compilation of the reports presented at the symposium on the protection of the environment during armed conflict and other military operations, held at the Naval War College (United States) in 1994.

René Provost, “Problems of indeterminacy and characterization in the application of humanitarian law”, in Mortimer Sellers (ed), *The new world order. Sovereignty, human rights and self-determination of peoples*, BERG, Oxford/Washington D.C., 1996, pp. 177-236.

The author explores the characterization of facts, its nature and the difficulties caused by it insofar as it affects the applicability of international humanitarian law in situations of armed conflict.

Zhu Wen-Qi, *Outline of international humanitarian law*, Peter Chan Publishers, Ltd., Hong Kong/Shanghai, 1997, 182 pp. — in Chinese (with a summary in English).

This is the first introduction to international humanitarian law in Chinese, written by a Chinese author, a former senior legal officer at the Department of Treaty and Law at the Ministry of Foreign Affairs of the People’s Republic of China, and published at the invitation of the ICRC Regional Delegation for East Asia. The book also includes a general introduction to the Red Cross Society of China and a short presentation of the International Red Cross and Red Crescent Movement.

Jenny Kuper, *International law concerning child civilians in armed conflict*, Clarendon Press, Oxford, 1997, 283 pp.

This book claims to be the first major international legal text to focus exclusively on children in armed conflict, insofar as they are members of the civilian population. The problems related to child soldiers are not discussed in this context. The author examines the existing law and tests its effectiveness, on the basis of several case studies.

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EDITOR: Hans-Peter Gasser, Doctor of Laws, editor-in-chief

ADDRESS: International Review of the Red Cross

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