

The Red Cross Experience: Promoting International Humanitarian Law

By Jennifer Nduku Kiti

Abstract

War brings out the worst of human instincts and fires up the things that we would not have believed ourselves capable of doing. Not only soldiers take to arms, but civilians too get swept along by events. Across the world the sad story is the same: faces marked by grief, pain and loss. At this point when needs are at their greatest, local health-care services are often in no state to respond. Hospitals may have been destroyed, staff are afraid to go to work, and medical supplies are extremely limited. When their lives are at stake, civilians have no choice but to abandon their homes and land and seek safety elsewhere. They must leave all their possessions behind, they are often separated from other members of their family and after facing the trauma of war, they must face an uncertain future. Crammed together in public buildings, huddled up in makeshift shelters in vast camps or by the roadside, they are utterly dependent on outside assistance. This article discusses the challenges and concerns of the Red Cross Movement with regard to such experiences.

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Promotin de la Loi Humanitaire au Niveau International: L'Expériencne de la Croix Rouge

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Résumé:

Les guerres nous révèlent le côté brutal de l'être humain. Ainsi on commet des actes normalement impensables. Les soldats se mettent à s'entre tuer. Les citoyens se trouvent dépassés par les événements. C'est le même scénario partout dans le monde: visages tristes, reflet de douleur et de perte. Or à ce moment d'urgence absolue, les services de santé se trouvent incapables de pourvoir aux besoins des victimes. La triste et dure vérité - les hôpitaux sont démolis, le personnel se sauve et l'approvisionnement des médicaments est freiné. Les citoyens se trouvent dans l'obligation de se réfugier ailleurs. Ces gens perdent souvent tous leurs biens et font face à des situations difficiles et traumatiques, qui annoncent un avenir peu prometteur, souvent loin des membres de sa famille. Ces victimes se regroupent dans des camps provisoires où elles survivent grâce à la mercie des gens bienveillants. La communication de Kiti constitue une analyse des défis que doit relever le Mouvement de la Croix Rouge, dans les régions à conflits.

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The Red Cross Movement

The International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies form the International Red Cross and Red Crescent Movement. Specifically, the ICRC, an independent humanitarian organisation, derives its mandate from the Geneva Conventions of 1949 and their Additional Protocols of 1977. As a neutral intermediary in the event of armed conflict or unrest, it endeavours, on its own initiative or on the bases of the Geneva Conventions, to bring protection and assistance to victims of international and non-international conflict.

The Geneva Convention, also known as International Humanitarian Law (IHL), protect man against the consequences of war. As a branch of public international law associated with the emergence of the Red Cross Movement and inspired by a feeling for humanity which is centred on the protection of the individual, IHL binds state signatories to these treaties to protecting victims of war. Those protected include: those who do not fight (civilians, medics, chaplains), and those who no longer fight, (*wounded and captured soldiers*).

IHL also forbids murder, assault, torture, hostage-taking, humiliating and degrading treatment. unlawful courts and summary executions. It also demands the humane treatment for wounded and sick prisoners, civilians. without distinction.

In spite of such international treaties, the world is witnessing a daily catalogue of horrors and atrocities perpetrated against the very persons these laws were designed to protect. These violations do not illustrate the inadequacy of the law, but rather that the rules are either not known to leaders and combatants or that they are quite simply disregarded.

In the endless list of challenges and concerns of the Red Cross Movement in the application of IHL, the following must be highlighted.

The Plight of Women

Women increasingly bear the brunt of conflict in which they rarely play a part. In many cases when war breaks out, women find themselves as the sole breadwinner and pillar of the family, taking care of not only their children, but also elderly parents. They risk their lives while in search of water and food or collecting firewood in areas infested with mines or under constant shelling. Pregnant and breast-feeding women are particularly vulnerable. The mortality rate among pregnant women, nursing mothers and their new-born children rises drastically in times of conflict.

Sexual violence is certainly one of the most serious violations encountered in wartime. Documented cases of rape and sexual violence in wartime only represent the tip of the iceberg. Unless there is greater recognition of the scourge of sexual violence, as well as public condemnation and stricture enforcement of existing national and international laws, the perpetrators can rest secure in the knowledge that their crime will go unpunished.

Children in War

Children are undoubtedly the most vulnerable group in any community. When people's lives are torn apart by conflict, the youngest are always among those who suffer first and most profoundly from the various effects of war. Over the last ten years an estimated 1.5 million children have been killed in armed conflict and six times as many have been made homeless. In wartime, malnutrition, measles, diarrhoea diseases and pulmonary infections can cause the death of as many as 50-95% of children under five. In addition, the psychological damage caused by war can last for the rest of their lives.

Today more children bear arms than ever before. According to Save the Children Fund, some 200,000 children have been recruited as soldiers and have taken active part in a war. Child

soldiers often end up in captivity like their adult counterparts. They and other children may be detained because they commit a crime, they may be caught up in events, or they may simply follow their parents into prison.

Protection of Civilians from Famine

Since the World Food Conference in Rome in 1994, war-induced famine has claimed the lives of hundreds of thousands of people in more than 15 countries. Famine is rarely the result of climatic conditions, but rather a man-made disaster, either alone or combined with natural catastrophes. It occurs when the traditional crisis-coping mechanisms of a group are put out of action by a conflict. Starvation and death are often the end of the road, particularly if weakened individuals are unable to fight off disease and other aggressions.

Protection of Water Sources

Recent experience has shown that damage to water installations and sources during hostilities has tragic consequences for civilians. Contaminated water and lack of water can be more deadly than a whole array of weapons. The destruction of water sources also causes the displacement of civilians, threatens crops and livestock and greatly increases the risk of epidemic and illness. Refugees and displaced persons are especially prone to waterborne diseases as they are then dependent on unhygienic or unreliable water sources.

The Horror of Landmines

Throughout the world, 110 million land mines are lying in wait for someone whether a soldier or civilian, friend or foe, adult or child - to step their way. Mines are "perfect soldiers": they are at

their post, never sleep and never miss, even when hostilities have long ended. Half of their victims die on site within minutes of the blast; only a fraction reach a medical facility. Those who survive see their potential for work, marriage, and children cut short, and their acceptance in community life jeopardised.

Local and national economies bear the heavy burden as roads remain impassable and thousands of acres of arable land lie untended for years because farmers cannot venture into their fields. Anti-personnel mines may cause the collapse of entire economies and plunge already poor countries even deeper into the morass of dependency and poverty.

Application of IHL

The rule of law is a tenet of civilisation. On the eve of a new millennium, we should bear in mind the relatively tardy development of certain international codes of law. For it was not until the late nineteenth century that humanitarian code of law began, with the help of the Red Cross Movement, to be given world-wide attention. The codification of rules for conduct of hostilities represents a kindling of hope for a more humane future for ourselves our offspring and our world.

In recent years, the world has been shocked by the massacre in a few short weeks of hundreds of thousands of Rwanda men, women and children. Its conscience has been shaken by reports of systematic rape and "ethnic cleansing" used as a premeditated and generalised tactic in the small African nation and in the former Yugoslavia to name just two well-publicized examples. While these horrors are not necessarily new in the annals of human cruelty, they are brought to us daily on our television screens. They concern us. They reflect the barbarity of our times, and we bear a collective responsibility for their occurrence.

These horrific deeds - far from serving as an indictment of

humanitarian law-actually vindicate it. By and large, the law's provisions would be sufficient to stop such acts. It is painfully obvious that what is missing is awareness of the law and the means to enforce it. International Humanitarian Law is binding on states. To make it more effective, enabling legislation must be adopted in each individual country.

The international community is having to resolve to establishing international tribunals for war crimes is a sign that this universal set of rules is as topical and necessary as ever. It can only be hoped that such tribunals will in the near future be the rule and not the exception and that the law's enforcement will be as systematic as the rules themselves are intended to be universal.

From Law to Action

From the point of view of the Red Cross, International Humanitarian Law must be put into practical use. This can not be done without facilitating the accession of states to the instruments of IHL. States which have not yet done so, must be pressed to accede to the Geneva Conventions and their Additional Protocols.

Because IHL is based on original customary law, ways must be found to study and understand which customary rules can be applied to non-international conflicts.

Governments must be pressed to incorporate IHL into their national legislation and military training manuals and to disseminate its rules to the population at large.

For the Red Cross Movement the challenge of promoting the above approaches to IHL is coupled with demystifying the law to most importantly, various spheres of the government, branches of the public and private sectors including communication professional and experts who have access to persons this law protects.

Communication for Human Dignity

Communication professionals, especially in the media, hold the power to fuel disagreement and difference of opinion. In today's global village where information can be instantly transferred around the globe, all disasters and all conflicts are in the private homes of everyone within 24 hours.

Communication professionals also have the power of prioritisation. They establish what is newsworthy - what should be printed, talked about and what the public should hear about.

As communication experts, especially those exposed to the horrors of conflict, communication must focus on the promotion of positive shared values and understanding. It starts with our everyday lives. Our lives as individuals, parents, friends and neighbours and as professionals make us responsible for our individual conflicts and at large, community and national conflicts. Neither should we take peace and stability for granted for they are hard earned, struggled for and can be elusive.

It is on this premise of individual responsibility that I put forward the idea that laws that protect innocent victims of conflict must be demystified and communicated and understood by those protected by them and those who do not respect them, only then can we move **towards a culture of rights in Africa.**