



ICRC

ICRC Bulletin

Issue No.7
Fall 2009



Head of Office, Nagamine, gave a lecture at the "Exploring Humanitarian Law" seminar held in Gotenba, Shizuoka: August 7, 2009



Dear Readers,

Six months have already passed after the inauguration of the ICRC Tokyo Office. It might be a tiny passage in comparison with this year being the 60th anniversary of the Geneva Conventions and 150th anniversary of the battle of Solferino (which marked the birth of the Conventions), but it is certainly a big step for IHL in Japan.

Since the signing of the Geneva Conventions in 1949, the nature of armed conflict has changed. Today, the majority of hostilities are non-international armed conflicts and other situations of violence. We continue to witness a growing number of civilians taking an active part in hostilities blurring the line between them and legitimate targets of armed attack.

In addition, there are now more situations in which accountability in IHL is questioned, such as when private military companies engage in armed conflict.

The ICRC, with its presence in nearly all theatres of armed conflict, hopes to contribute to the clarification and interpretation of these rules. For instance in July 2009, the ICRC and the National Institute of Defense Studies jointly organised a two-day seminar on issues related to Peace-Support Operations, Private Military Companies and Civil-Military Cooperation, attended by many government officials and experts. Presentations were also made to other audiences on the Interpretative Guidance of Direct Hostilities (a result of a six-year long debate among 50 legal experts), as well as the ICRC's experiences with prisoners of war.

In this Bulletin, we would like to seize the opportunity to recall again the fundamental principles of the Geneva Conventions of 1949 and the two Protocols of 1977 in the forms of a statement by the ICRC Vice-President and a Q&A sheet. In addition, we draw readers' attention to an article from our national partner, the Japanese Red Cross

Society, which has taken the lead in IHL dissemination to students, using a programme designed by the ICRC called Exploring Humanitarian Law (EHL).

Finally, readers might be interested to know that there is a growing number of JRCs medical staff working in Iraq, Pakistan and Afghanistan. In the same vein, we would like to highlight the possibility of Japanese nationals to become ICRC delegates to undertake prison visits, work for family links, organise relief assistance or teach IHL to armed forces.

As the saying goes, "a journey of a thousand miles begins with a single step". We invite you to join us in taking the first steps together in fulfilling the ICRC's mandate in the field.

Yours sincerely,

Yoshinobu Nagamine

Head of Tokyo Office
International Committee of the Red Cross

The Geneva Conventions of 12 August 1949

Background

The Geneva Conventions and their Additional Protocols protect people who are not taking part in hostilities (civilians, health workers and aid workers) and those who no longer directly participate in the conflict (wounded, sick and shipwrecked military personnel and prisoners of war). Sixty years ago, the then-existing three Geneva Conventions were revised and expanded and a fourth Convention was added specifically to protect civilians.

The Second World War saw civilians and military personnel being killed in equal numbers, compared to a ratio of 1 to 10 in the First World War. In 1945, the ICRC continued its pre-war push to extend the protection of the Geneva Conventions to civilians. In 1949, the international community responded with 64 nations revising and expanding the three existing Geneva Conventions and adding a fourth **Geneva Convention relative to the protection of civilian persons in times of war**. The four Geneva Conventions can be summarised as follows:

The first Geneva Convention protects wounded and sick military personnel in war on land

The second Geneva Convention protects wounded, sick and

shipwrecked military personnel in war at sea

The third Geneva Convention protects prisoners of war

The fourth Geneva Convention protects civilians, including in occupied territory

Article 3 common to the four Geneva Conventions marked a breakthrough, covering for the first time situations of non-international armed conflict.

Today, the Geneva Conventions apply universally: 194 States are party to them. The Conventions are at the core of international humanitarian law (IHL), the body of international law that regulates the conduct of armed conflict and seeks to limit its effects.

The ICRC and the Geneva Conventions
Christine Beerli,
ICRC Vice President



The Geneva Conventions, which make the protection of civilians and prisoners of war mandatory, celebrate their 60th anniversary on 12 August 2009 and they are as relevant today as they were 60 years ago. Meanwhile the nature of war has changed and the number of non-international armed conflicts and asymmetric wars between states and non-state actors has increased.

In 2008, non-international armed conflicts were seen in Afghanistan, Sudan and the Democratic Republic of the Congo. Both regular forces and non-state actors need to respect IHL even in asymmetric warfare. However, a militarily weak party facing a more powerful opponent tends to violate the Conventions because of its weak position. The violation of the one is likely to be reciprocated by the other, leading to a string of violations. If we accept the fact that war can never be eliminated, we have at least the obligation to try to limit its impact upon persons who are not, or no longer participating in the hostilities. This is what IHL calls for.

I express my appreciation to Japan concerning the adoption of legislation in 2004 with regard to the domestic implementation of the Geneva Conventions. I hope that the ICRC's close relationship with Japan sets an example to other states for the respect of IHL.



Delegates of the states signing the four Geneva Conventions in Geneva, Switzerland: August 12, 1949

Beneficiaries of the Geneva Conventions & ICRC



1952, Japan
A woman reads the first letter received from her husband who remained imprisoned in the Soviet Union.

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2009, North Darfur, Sudan
ICRC registers and interviews released detainees before handing them over to the concerned authorities.

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Q&A on the Geneva Conventions at 60

Some critics have suggested that the Conventions are approaching the 'age of retirement' and are no longer suited for the kind of contemporary wars that pit regular armies against armed groups, and in an era when most wars are fought within States, not between them.

Knut Dörmann, Head of the ICRC's Legal Division, weighs in on the organisation's ongoing efforts to ensure that the Conventions continue to stand the test of time:

Q: What are the Geneva Conventions and what purpose do they serve?

The Conventions are the most important component of international humanitarian law, or IHL, as it is commonly known. Their purpose is not to stop war but rather to limit the barbarity of armed conflict.

The Geneva Conventions only apply to international armed conflicts, with the exception of Article 3 common to all four Conventions, which also covers non-international armed conflicts. The adoption of this article in 1949 was a breakthrough since previous IHL treaties had only covered situations of wars between States. As most of today's wars are non-international armed conflicts, Article 3 remains vitally important because it sets a baseline for the protection of people who are not or no longer fighting, to which all sides - State and non-State parties to conflict - must abide.

Q: What is the ICRC's link to the Conventions?

Henry Dunant, whose vision led to the establishment of the ICRC, also had the idea for the First Geneva Convention, "for the amelioration of the condition of the wounded in armies in the field," which was adopted in 1864.

From the very beginning, we have been part of a dynamic process which ensures that IHL is adapted to ongoing changes in warfare.

For example, in the years leading up to the Second World War, the ICRC drafted and sought approval for an International Convention on the condition and protection of civilians of enemy nationality who were on a territory belonging to or occupied by a belligerent. The international community agreed in 1949 to adopt the Fourth Geneva Convention for the protection of civilians. This was really a watershed moment in terms of ensuring that civilian populations and property are spared during times of armed conflict.

Today, the ICRC derives its humanitarian mandate - its job description, in a sense - from the Conventions, which task the ICRC with visiting prisoners, organising relief operations, re-uniting separated families and similar humanitarian activities during armed conflicts.

Q: In what ways has IHL developed over the past six decades?

IHL has expanded considerably as the character and impact of war have evolved over the years. Notably, in 1977, two Additional Protocols were adopted. Additional Protocol I strengthened the protection of victims of international armed conflicts, while Additional Protocol II did the same for non-international armed conflicts, including civil wars.

The 1980s and '90s saw other international treaties come into force, banning certain conventional weapons, such as antipersonnel landmines, as well as chemical weapons. Just last year, more than 100 States signed up to an historic treaty against the use of cluster munitions.

Finally, there has been significant progress in terms of investigating and punishing war crimes, thanks to the work of the international tribunals for the former Yugoslavia and Rwanda, and the establishment of the International Criminal Court.

To me, these are all signs that international humanitarian law is fully capable of keeping up with the times.

Q: What are the current challenges you observe with respect to the law and the realities on the ground?

There is still room to strengthen and clarify the existing legal framework. For example, the ICRC recently published an interpretive guidance on the concept of "direct participation in hostilities". Neither the Geneva Conventions nor the Additional Protocols spell out what this actually means. If there is no shared understanding of what this means, there is a risk that civilians will fall victim to erroneous or arbitrary attacks.

Let me give you an example. Imagine a civilian truck driver is delivering ammunition to a shooting position on a front line. This would almost certainly be regarded as taking a direct part in hostilities. But what if that same driver transports ammunition from a factory to a port far away from the conflict zone? In our view, while he is still supporting the war effort, this driver is not directly participating in the fighting and is

therefore protected against attack.

These questions are all the more pertinent when you consider that traditional military functions are increasingly being outsourced to private contractors, and that civilians regularly support non-State armed groups through a range of activities, from military and logistical support to feeding and sheltering fighters.

Q: Do the people the ICRC seeks to help believe that the Geneva Conventions are effective?

The ICRC recently commissioned an opinion poll in eight conflict- and violence-affected nations, which asked people about their views on the conduct of hostilities and other related issues.

The vast majority of people support the core principles of IHL and the idea that even wars should have limits, but the research also shows that, in reality, far fewer are aware that the rules exist. Meanwhile, some doubt that the law has a real impact on the ground.

The actions most widely viewed as unacceptable are "the killing of civilians/children/the innocent", "specific types of violence/oppression, such as kidnapping, torture and stealing", "attacks on buildings/specific areas, including looting and attacks on civilian areas" - and "sexual violence," which is mentioned by 43% of respondents in the DRC. In addition, the single most widely rejected practice of all relates to attacking religious and historical monuments. Almost everyone (96%) objects to this, with similar levels of opposition across all the countries.

This, coupled with the fact that civilians keep on being killed, separated from their loved ones and forced to flee their homes in conflicts across the globe, indicates that what we really need is better compliance with the law.

To learn more about the survey:
<http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/research-report-240609>

International RC/RC Movement

Teaching young people about international humanitarian law

Exploring Humanitarian Law (EHL) is an educational programme aimed at disseminating to young people about international humanitarian law (IHL) and related issues. Since the Japanese version of EHL was published in 2005, the Red Cross Youth (RCY) has been a strong advocate of the programme in the country, often using elements of it as a tool to educate youth on IHL at an annual training for the RCY teacher sponsors. Recently, the RCY organized a four-day "EHL course", which covered the complete programme translated into Japanese.

This EHL course was held in conjunction with another training course on RCY which together comprised a training for RCY teacher sponsors held between the 5th and 8th of August at YMCA TOZANSO, Gotenba, Shizuoka. As I have been fortunate enough to have attended a regional training seminar on EHL organized by the ICRC in Kuala Lumpur, Malaysia in March 2009, I was involved in the course as one of trainers. Mr. Nagamine, Head of the ICRC Tokyo Office, also gave a lecture.

The EHL training in Gotenba

In the beginning, the RCY teacher sponsors looked bewildered upon hearing about IHL, as it was not something they had heard about in their daily lives. As they learned more, however, they started to realize that "treating a person humanely during the conflict" is connected to the concepts of "protection of one's life and respect for a person" and "humanity" in peace and war that are the

pillars of the Red Cross Youth. Recognizing these ideas allowed participants to think of IHL as "a useful tool for students to learn about one's life, connection with people, and compassion."

The response to the Japanese version of EHL videos for students made by the ICRC was particularly significant. Some of the participants were seen to be crying while watching the video; meanwhile the other RCY teacher sponsors who were not taking part in the EHL course came up with ideas of showing the video in classrooms or teaching on child soldiers and landmines.

During the training in Kuala Lumpur I had in March, I learned two major things. One was about a technique called "exploration" (which encourages students to take initiatives in class based on their opinions, interests, and concerns). Additionally, I learned that those taking part in the course, whether teachers or students, should think about basic and key concepts for EHL such as "human dignity", "bystander", "humanitarian action", and "dilemma" in advance, before embarking on further "explorations". What I learned at the training has been a great help to me in dealing with the participants' responses during this EHL course in Japan. For example, some of the questions asked by the participants included: "Do you think it's possible to get opinions on IHL from students in Japan where they are not as used to discussing as compared to the students in Western countries?"; "The contents of EHL are so interesting, and I



would like to use EHL materials in my class, yet I think it needs to be made simpler for the elementary student". These opinions were very useful for me to think about the future development of EHL in Japan.

I would like to have more opportunities for the RCY teacher sponsors to learn EHL as a means to teach young people on the ideals of the Red Cross Movement - IHL and its basic concept of humanity, as well as the protection of one's life and dignity. At the same time, I would like to introduce the EHL materials and present the outcomes from the course to the Ministry of Education, Culture, Sports, Science and Technology, in order for the government to consider integrating the EHL programme into the curricula for Japanese schools. For that purpose, I am currently planning to look at how to adapt the EHL programme to the Japanese school system.



Reported by **Rika Ueno**
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Mrs. Saita worked as a nurse for 47 years, donning the formal uniform of a Red Cross Nurse in 1943 to help to relieve the suffering the sick and the wounded in a Shanghai hospital during WWII. After the war, she returned to Japan where she was a pioneer in the area of nursing education.

Dedicated nurse receives the 42nd Florence Nightingale Medal Award

On August 12, in conjunction with the 60th Anniversary of the signing of the Geneva Conventions, H.M. the Empress awarded the ICRC's Florence Nightingale Medal to Mrs. Tokiko Saita, 84. The Vice President of the ICRC, Ms. Christine Beerli, also attended the ceremony which took place in Tokyo.

This Medal - the highest international distinction that can be awarded to a nurse - honours exceptional courage and devotion shown in caring for the victims of armed conflict and/or disasters, or for exemplary services and a creative and pioneering spirit in the areas of public health or nursing education.



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