



Newsletter of the ICRC
Pretoria Regional
Delegation

LOOK OUT FOR...

The International Review of the Red Cross Sélection française 2006. A collection of articles taken out of the four yearly issues of the International Review of the Red Cross in 2006, dealing with the following themes: international criminal tribunals; truth and reconciliation commissions; private military companies and methods of warfare.

The Sélection française is available on the ICRC website at www.icrc.org.

MISSION Statement

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance. It directs and coordinates the international relief activities conducted by the Movement in situations of conflict. It also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the International Red Cross and Red Crescent Movement.

Cluster munitions: the need for urgent action

In October, the President of the International Committee of the Red Cross (ICRC), Dr Jakob Kellenberger gave a statement to Diplomatic Missions based in Geneva on cluster munitions. This is an extract of that statement. Full statement available at www.icrc.org

The International Committee of the Red Cross (ICRC) has invited you here today to urge the States you represent to support the adoption of a new international humanitarian law treaty which will address the tragic impacts of cluster munition use on civilians and their communities. The ICRC has, since the 1970s, expressed its deep concern about these weapons which have had a severe and disproportionate impact on civilian populations in nearly all of the conflicts in which they have been used on a large scale. We take this opportunity shortly before meetings of States Parties to the Convention on Certain Conventional Weapons and of States which have adhered to the Oslo Declaration to stress the importance the ICRC attaches to this issue and to present the views of the ICRC on the type of instrument which is needed to effectively address this problem.

In recent years, it has become clear that cluster

munitions have a widespread impact on civilians. The Lebanon conflict bore witness to this; the one-month conflict left a land area estimated at 37 million square metres contaminated with close to one million unexploded sub munitions. These have caused 206 civilian casualties and 42 casualties among clearance personnel since the fighting stopped. The conflict once again demonstrated how easy it is to use these weapons in massive numbers and how even wars of a short duration can leave a tragic humanitarian legacy. As we know, Lebanon is but the latest example of conflicts in which cluster munitions have had severe long-term effects. Others contexts include Laos, Afghanistan, Iraq, Chechnya, Kosovo and the Ethiopia-Eritrea conflict.

The Lebanon conflict also vindicated concerns about the proliferation of cluster munitions. It confirmed that non-State armed groups have begun to obtain and use these weapons. Billions of sub munitions are currently in the stockpiles of States. Many models are aged, inaccurate and unreliable. Without concerted action the human toll of cluster munitions could become far worse than that of anti-personnel landmines, which are now banned by three-quarters of the world's States. But unlike landmines, which were in the hands

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South Lebanon. Cluster sub-munitions hanging in an orange tree. ICRC/MEISSNER Ursula, 2006.

With all the countries in the region being at peace, the question is often asked as to the role and mandate of the International Committee of the Red Cross (ICRC) in countries where there is no armed conflict. Indeed, it could be argued that, as International Humanitarian law (IHL), also known as the law of armed conflict, is a body of law that for the most part finds application only in times of armed conflict, IHL as well as the ICRC, are of little significance in times of peace.

However, Article 1 of each of the four Geneva Conventions of 1949 provides that States party to the Conventions have the obligation to respect as well as to ensure the respect of IHL. In other words, States are not to wait until the outbreak of hostilities before disseminating and applying fundamental humanitarian principles contained in IHL instruments. Rather, they are expected to take a multiplicity of actions in peaceful times to ensure that, if, and when, conflicts erupt these fundamental humanitarian principles are widely known, applied and respected. It is predominantly by spreading the understanding of IHL through, for instance, the training of military personnel and public dissemination, and by adopting key national laws to give effect to IHL instruments during peaceful periods, that warring parties are more likely to respect IHL during the conflict.

Through the Geneva Conventions and their Protocols, and the Statutes of the International Red Cross and Red Crescent Movement, States have mandated the ICRC, as custodian of IHL, to further the understanding and dissemination of IHL and to ensure its faithful application. In this vein, the Pretoria Regional Delegation has continued in 2007 to work closely with Governments, the military, schools, universities, National Red Cross Societies, doctors, to name but a few, to strengthen this region's knowledge and continued respect of IHL. Many of the activities which the Delegation has undertaken over the past year are presented in this edition of Temba.

As can be seen from the variety of events, the level of participation and the excellent cooperation the Delegation has received from the respective Governments, the Armed Forces and Civil Society, IHL and the acceptance of the ICRC, have certainly found a strong foothold in this region. In particular, the support shown by States in the region for the various events held by the ICRC to mark the 30th anniversary of the adoption of the 1977 Additional Protocols to the Geneva Conventions, reaffirmed this region's commitment to IHL and to upholding fundamental humanitarian principles.

Finally, closer to home, in 2007 the Delegation saw a number of personnel changes, and welcomed on board Pierre Brocher (Administrator), and Andrew Carswell (Armed Forces Delegate). In addition, we celebrated 20 years service of Mavis Moabi (Clerk), Susan Ngoben (Domestic Staff), Freddy Ndundhuma (Purchaser), Elias Rihlampfu (Head of Fleet), Margaret Kekana (Domestic Staff), William Rampora (Gardener) and Susan Newall (Assistant to the Head of Delegation).

From all of the Delegation, our very best wishes for the New Year.

Jamie Williamson

(continued from page 1)

of virtually all armed forces, relatively few States currently possess cluster munitions. Tremendous human suffering can be prevented through concerted international action now.

In an effort to advance work on this issue, the ICRC hosted an international expert meeting in April 2007 to examine the humanitarian, military, technical and legal challenges of cluster munitions. The Montreux Expert Meeting permitted governments, UN agencies, weapon designers, clearance organisations, expert NGOs and the ICRC to gain important insights into central features of the cluster munitions problem and potential solutions. The ICRC took away a number of important observations from the meeting.

Today, the ICRC is more certain than ever that a new international treaty is essential to prohibit those cluster munitions which have such high costs for civilian populations and to prevent

their continued proliferation. The ICRC calls upon all States to conclude urgently a new treaty of international humanitarian law which will: prohibit the use, development, production, stockpiling and transfer of inaccurate and unreliable cluster munitions; require the elimination of current stocks of inaccurate and unreliable cluster munitions; provide for victim assistance, the clearance of cluster munitions and activities to minimise the impact of these weapons on civilian populations.

Until such a treaty is adopted, the ICRC repeats its call to States, to immediately end the use of such weapons on a national basis, not to transfer them to anyone and to destroy existing stocks. We welcome the fact that such actions have already been undertaken by Austria, Belgium, Hungary and Norway and that many other States have undertaken not to use and to destroy some types of cluster munitions.

HELP COURSE 2007

2007 marked the tenth year that the Pretoria Regional Delegation, in collaboration with the School of Health Systems and Public Health (SHSPH) of the University of Pretoria, hosted the Health Emergencies in Large Populations (HELP) Course. The course took place from 5 to 23 November at the University's CSIR campus, in Pretoria. The course was attended by 23 participants coming from various countries including Seychelles, South Africa, Rwanda, Lesotho, Nigeria, Swaziland, Sudan, USA, Japan, Kenya, Zambia and Sri Lanka.

All participants came from the health discipline and included nurses, doctors, disaster preparedness and environmental health specialists, water and habitat engineers and programme managers / coordinators. Participants are selected to

ensure that the course enhances or has a positive impact on their work.

The course is divided into two modules and facilitated by experts from the University of Pretoria and ICRC expatriates from Geneva. HELP I – (Health Emergencies in Large Populations) addresses public health activities. HELP II – (Health, Ethics, Law and Policies) focuses more on international humanitarian law, human rights, responsibilities of health professionals and ethics.

This course is highly commended as skills in health and disaster management are essential. Therefore, ICRC and the University of Pretoria remain committed to ensuring the continued success of the course and the added value it has for participants.



Participants at the H.E.L.P. course.

Cooperation with National Societies

In 2007, the Cooperation Department continued to assist National Societies in the Southern African and Indian Ocean region in three core areas. Firstly, in the dissemination of international humanitarian law (IHL), the Fundamental Principles, the Movement, and the Emblem; and secondly, in preparing National Societies for emergencies and to ensure 'Safer Access' to victims of conflict and thirdly in assisting National Societies in Tracing and the Restoring of Family Links.

Further to this capacity building approach, the cooperation with National Societies continued in the fields of legal and statutory development in preparation of upcoming International Red Cross/Red Crescent Movement conferences, National Society Statutes, Red Cross and Emblem legislation.

The Dissemination programme developed in the region due to each National Society focussing on the establishment of a volunteer dissemination network. This network will help expand the dissemination activities, both internally and externally i.e. youth, volunteers, governing board, programme management staff and to schools, universities, youth clubs, government and armed forces.

Dissemination orientation and trainings sessions for the dissemination volunteers facilitated by the respective National Societies' Dissemination Coordinators and co-facilitated by the Cooperation Department assisted in providing the necessary skills, tools and platform for their dissemination work.

In June this year the Pretoria Delegation facilitated a Restoring Family Links (RFL) workshop which brought together the Southern African National Societies (NS) in the region. The main objective of this workshop was to optimise the planning and implementation of the RFL programme and to review the available means of networking



One of the SARCS volunteers during the final of the 'Soccer against Violence' tournament in Gauteng.

between National Societies and the ICRC worldwide. During the workshop the ICRC presented the new 10-year RFL strategy for the Red Cross and Red Crescent Movement.

A highlight of the year was definitely the South African Red Cross Society's (SARCS) 'Soccer against Violence' project in Gauteng. The aim of the project was to promote peace and non-violence values. Scholars from local communities where social crimes, violence, bad behaviour, lack of respect, alcohol and substance abuse are rife showed enthusiasm for the project. The project appealed to young people to change their behaviour through sport. The theme focused on "Peace, Friendship & Understanding" with the slogan 'Let's play and pass it on'. Thirty-two schools

participated (576 soccer players) and each school needed to subscribe to promoting Red Cross (RC) Soccer Tournament Values. The project ran from January to May 2007 and the final match took place on 6 May 2007 at the Duduza stadium in Nigel. The project successfully disseminated the RC principles and values to 32 teams (estimate of more than 14 700 learners).

This year saw a number of countries witnessing National governmental elections and National Societies were well prepared to manage any humanitarian eventualities. The ICRC's 'Safer Access framework' for National Societies preparing for conflict continued to be an important component for concrete emergency preparation at the country level.

ICRC and the media

In 2007, the Pretoria Regional Delegation strengthened contact with the media through several avenues. Apart from the regular press releases and updates that are sent to the media, the ICRC paid courtesy visits to several media houses when the Regional Media Delegate, based at the ICRC delegation in Nairobi, visited South Africa in May.

Cooperation and exchange of information was discussed with several international media houses who have offices in South Africa and cover several African countries from here. More importantly the ICRC was able to establish contact with the Foreign Correspondents Association (FCA) and



Pretoria Press Club. The ICRC hopes to extend its contact with the Club and will be hosting another networking

hope to host an international humanitarian law (IHL) workshop for correspondents in South Africa early in 2008. Earlier in the year, the ICRC successfully hosted a networking session for the Pretoria Press Club. The ICRC hopes to extend its contact with the Club and will be hosting another networking

session in the second half of 2008.

In November, the ICRC invited journalists in Swaziland to attend a media workshop where emphasis was placed on IHL and what the media should know. Focus was also placed on informing the press of the importance of the emblem as well as disseminating the additional emblem, the Red Crystal, to the media. The same workshop was held in Lesotho in December, together with the Lesotho Red Cross Society. Both workshops aimed at sensitising the media in both countries about the work of the ICRC and the National Societies in their respective countries.

Implementation of IHL

This year was marked by important anniversaries in the field of international humanitarian law (IHL), anniversaries that reaffirmed the relevance of humanitarian principles in modern day conflicts. In June, we celebrated the 30th year of the adoption of the 1977 Additional Protocols to the 1949 Geneva Conventions. These two protocols supplement and reinforce the protection of persons and property in times of armed conflicts and underscore the limits of means and methods of warfare available to the parties to the conflict. The issues they cover and the principles they develop, are as relevant today as they were topical at the time of their drafting. Indeed, the protection of those taking no part in the hostilities, the principle that the warring factions must distinguish between civilians and combatants during attacks, and ensuring that new weapons do not cause unnecessary suffering or superfluous injury, remain central concerns in contemporary international and non international armed conflicts alike. That over 160 States have become party to the two Additional Protocols bears testimony to the strength and significance of these humanitarian instruments.

The international community's recognition that even war has limits is also apparent in the global efforts being made to ban the use

of anti-personnel land mines. The year 2007 saw the tenth anniversary of the adoption of the 1997 Anti-Personnel Landmines Treaty, also known as the Ottawa Treaty. This treaty, to which the vast majority of States has acceded, prohibits the use of anti-personnel landmines, weapons that, by their very nature, do not distinguish between civilians and combatants, between young and old. By being indiscriminate, they go against the customary principles of the law of armed conflict, reflected in the Geneva Conventions and their Additional Protocols. Although anti-personnel landmines continue to maim and kill in countries long after conflict is over, international efforts are ongoing to end the scourge of human suffering caused by this category of weapon.

This year has also seen renewed efforts to reduce the human toll resulting from the use of cluster munitions in conflicts. Even where the conflicts are of short duration, they leave behind a tragic and long lasting humanitarian legacy, as has been seen in Lebanon, Laos, Afghanistan, Iraq, Chechnya, and Kosovo. The possibility of a new international humanitarian law treaty on cluster munitions is being considered by a number of States and supported by the ICRC.

Finally, in 2007, we saw the entry into

force of the Third Additional Protocol to the Geneva Conventions. The coming into force of the Protocol and with it the Additional Emblem of the Red Crystal, provides National Societies that do not wish to use the Red Cross or Red Crescent Emblems with the possibility of using the Red Crystal instead to carry out their activities. The next step is to disseminate widely this new Emblem so that it receives the same recognition and respect as the Red Cross and Red Crescent.

Countries in the region have demonstrated their commitment to respecting and ensuring the respect of IHL. Most now have functional national IHL committees serving as focal points for IHL matters, and Governments have enacted new legislation to implement IHL conventions. The region's active participation in the Seventh Regional IHL Seminar held in Pretoria, the Second Universal Meeting of IHL National Committees in Geneva, and the Second Commonwealth IHL Conference in Wellington, New Zealand, showed again that countries in this region are taking the steps necessary to meet their IHL obligations head on. We should congratulate these efforts and look forward to the same, if not greater commitment being shown by States in 2008 to implement IHL.

ICRC meets with Mauritian President



Ms Catherine Gendre, Head of the ICRC Pretoria Regional Delegation, met with the President of Mauritius, Sir Aneerood JuUGNAUTH during her yearly mission to the country in October.



Memories of seminars, functions and other events hosted by the Pretoria Delegation throughout the year.

Integrating the Law

International humanitarian law (IHL) is the set of rules that seeks to limit the effects of armed conflict for humanitarian reasons. It protects the most vulnerable people affected by armed conflict – from prisoners of war to civilians in hostile hands – and places restrictions on means and methods of warfare, ensuring that a degree of humanity prevails.

Although the southern African region is very fortunate to benefit from a state of peace, the International Committee of the Red Cross (ICRC) recognises that peacetime is the ideal time in which to ensure IHL compliance by national militaries in the long-term. Ratifying IHL treaties like the Geneva Conventions of 1949 and their Additional Protocols of 1977, and implementing them in domestic law, are essential steps towards State compliance with international law. Disseminating the content of those rules as widely as possible is another important element of any strategy aimed at creating an environment conducive to lawful behaviour. However, ICRC is increasingly aware that these measures alone are not sufficient, thus in 2007 a more holistic approach was taken to influence the behaviour of soldiers on the battlefield. Soldiers' behaviour is shaped by four main factors: doctrine, education, training and sanctions (particularly military discipline and justice). In order for operations to be conducted in compliance with IHL, the law must become an integral part of all four elements. This is what the ICRC calls the process of "integration."

Integration is a mid- to long-term process that requires a strategic vision and a global overview of the implications for the military concerned. As such, commitment at the highest level of command is necessary. The process must clearly be a top-down one, and the commitment must go beyond the acceptance of the need to disseminate, teach or periodically give training in the law: it must send a strong, formal signal to all subordinate levels, setting compliance with the law as a clear priority for the organisation. Words must clearly be backed by actions and, as personnel moves on, commitment must be periodically renewed to ensure the stability and continuity of the process.

To be successful, integration must also take place in a favourable environment. The capacity of militaries to implement the process depends on some basic but crucial requirements: national legislation in accordance with the provisions of the relevant international law; criminal legislation for dissuasion and for the prevention and repression of violations; an effective chain of command and internal sanctions system; a stable education and training structure; and common doctrine, regardless of its name or form. Should

one or more of these factors be weak or non-existent, the process of integration will only be partial and, in all likelihood, less effective. Importantly, the whole process is carried out within existing structures and largely with existing resources.

Given the complexity of the task, integration of the law is more easily carried out during peacetime or when armed conflict has not reached high levels of intensity; indeed, when armed actors are engaged in major combat operations, other priorities will inevitably replace these long-term concerns. It is for this reason that ICRC highly values its relationship with militaries



even when they are fortunate enough to be based in peaceful countries. Moreover, with the rising involvement of southern African countries in peace support operations under UN and African Union auspices, successful integration of the law is an increasingly pressing concern.

The duty to ensure a military's IHL compliance rests with the State. Nevertheless, the ICRC has an important role to play in advising militaries regarding strategies for successful integration of the law into their operations. The result, we hope, is a world in which the impact of warfare is mitigated for its potential victims.

Protection activities in 2007

Detention

During 2007, the ICRC Pretoria Regional Delegation maintained its regular visits to the Maseru Central Correctional Institute in Lesotho. The visits aimed at meeting ICRC registered detainees and at providing a follow-up to the HIV/AIDS project supported by ICRC until the end of 2006. The third visit of 2007 focussed on the functioning of the prison health system, working procedures for health care inside the prison and transfer protocols.

The delegation also continued to support the detention action in Madagascar, in the framework of which, the ICRC conducted an intense series of prison visits in the first

quarter of 2007. The visits contributed to the deepening of the bilateral dialogue with the Malagasy government on bringing changes to the general conditions of detention in Madagascar, reduction of mortality rate and malnutrition.

Restoring Family Links

The delegation stepped up its support to the strengthening of the Restoring Family Links network, which is based on the tracing service departments of the National Societies. In June 2007, the delegation organised a training workshop for the regional tracing focal points of the National Societies, which was attended by the Red Cross Societies of South Africa, Lesotho and Swaziland.

Exploring Humanitarian Law in the region

In 2007, the delegation pursued its efforts to introduce the Exploring Humanitarian Law (EHL) programme in schools. Its main aim being to foster in students an awareness of the necessity of humanitarian norms, an understanding of different perspectives, and an interest and responsible involvement in local and international events. It emphasises the positive changes in attitude that can evolve from the ideas of respect for life and human dignity, civic responsibility and solidarity.

In collaboration with Ministries of Education in their respective countries, the delegation conducted training and evaluation sessions involving education authorities, teachers and students. A teacher training was organised in South Africa in May and gathered teachers from high-risk schools from nine provinces across the country. The Ministry of Education intends to use those schools as models to tackle the problem of violence in schools and EHL will be part of the package.

In Mauritius, 2007 marked the piloting phase of the programme in all public schools by teachers who were trained in July-August 2006. Currently, the programme is being piloted in the Social Sciences and English subjects. An evaluation carried out in some of these schools proved that both teachers and students acknowledge the relevance of the programme in their daily lives. There is hope that once it is fully integrated into the curriculum and becomes examinable, students will be more interested. In the meantime, there are plans to reach out to private schools. A follow up structure is also being put into place with the appointment of coordinators at district level.

As for the Seychelles, the programme has now reached the youth centres in various districts. This follows the EHL workshop that was conducted by the ICRC together with the Ministry for Youth and Community Development. 25 youth leaders from all over the country were trained in the basic rules of IHL and the way they can be used to educate a more responsible youth. It is worth mentioning that the programme has already been integrated into the Personal

Education and History curricula in all secondary schools.

In Lesotho, a meeting was held with education authorities in order to present the programme to them and seek their support for its inclusion in the national curriculum. The Ministry of Education is busy restructuring the curriculum and EHL will be integrated into the Life Skills syllabus at the end of the process.



Rajcoomar Gujador State Secondary School (Mauritius) is one of the schools that is piloting the programme.

Towards partnership with the Pan African Parliament (PAP)

The Pan African Parliament (PAP) held its Eighth Ordinary Session in Midrand, South Africa from 15-26 October 2007. The PAP is still a young institution that was created in 2004 as an organ of the African Union (AU) providing a platform for discussion on issues of governance and tackling pertinent problems on the continent.

During the session the International Committee of the Red Cross (ICRC) Pretoria Regional Delegation was invited to participate to the plenary sessions as well as two committee sittings; the Committee on Justice and Human Rights and the Committee on Cooperation, International Relations and Conflict Resolution. The ICRC was given the opportunity to present the basics of international humanitarian law (IHL) as well as the current status of ratification and implementation of the Geneva Conventions and

Additional Protocols by African states to the Committee on Justice and Human Rights. Several recommendations were made to the

session, which include urging states to sign the international instruments of IHL, to enact national legislations and revise existing ones and to establish national committees on IHL. The same recommendations were adopted in the plenary by the PAP and will be sent to the Heads of States at the AU for consideration.



The Head of Delegation, Catherine Gendre, addresses members of the Committee on Justice and Human Rights.

Earlier in the year the Pretoria Regional Delegation was able to meet with the Secretariat of the PAP in order to introduce the International Red Cross and Red Crescent Movement and to explore possibilities of collaboration between the two institutions. A formal agreement was also discussed that would allow for the sharing of information and expertise in humanitarian issues in the future.

ICRC hopes to further relationships with the PAP and collaborate in well-defined contextsy.

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All Africa course on IHL

Between 5 and 14 November the Pretoria Regional delegation of the ICRC, in conjunction with the Centre for Human Rights at the University of Pretoria, hosted the sixth All Africa Course on international humanitarian law (IHL). This year's course attracted 29 participants from 17 different countries – 15 of which were African.

The course was aimed at academics wishing to introduce courses in IHL into their universities, ICRC employees responsible for the dissemination of IHL, persons in the employ of NGOs working in conflict zones and postgraduate students of public international law and human rights. Apart from an introduction to the ICRC and the Movement of the Red Cross and Red Crescent, other topics covered were those traditionally associated with IHL (such as *ius ad bellum* versus *ius in bello*; classification of a conflict; non-international armed conflicts; protection of the wounded the sick and the shipwrecked; protection of civilians; customary IHL; means and methods of warfare).

In addition, the following topics were also addressed: IHL versus Human Rights; the weapons conventions; international tribunals for the suppression of grave breaches; the prosecution of war crimes; refugees and IDPs. The format for the presentation of the various topics was, in most cases, a formal

lecture followed by an appropriate case study. The wealth of experience of the various participants, combined with the academic input of the presenters, provided for a rich and fruitful exchange.

The presenters on the course were academics and legal practitioners, either in the employ of the ICRC or attached to the academics institutions of Southern Africa and the Indian Ocean with which the Pretoria Delegation has contact. At the conclusion of the course the academic participants solemnly committed that, on their return to their home countries, they would assist with the dissemination of IHL in the academic institutions to which they were attached.

AFRICAN YEARBOOK ON IHL:

The second edition of the African Yearbook of IHL, which was launched in 2006 is now available. Should you be interested in subscribing to the yearbook, at a cost of R225.00 per annum, please address your subscription request to: African Yearbook on International Humanitarian Law, The Publishers, JUTA Law, PO Box 24299, Lansdowne 7779, Western Cape.



Participants of the sixth All Africa Course on IHL.