

Module 2

Limits in armed conflict

2



What limits are needed in war and why?
Where do these limits come from?
How do laws to limit war develop?



ICRC

International Committee of the Red Cross

19, avenue de la Paix

1202 Geneva, Switzerland

T +41 22 734 60 01 **F** +41 22 733 20 57

E-mail: shop.gva@icrc.org **www.**ehl.icrc.org

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EXPLORATIONS (10 sessions)

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CONCEPTS

Limits in armed conflict

Non-combatants (civilians, combatants who are *hors de combat*)

Relationship between humanitarian law and human rights law

Protection

Needs of children

Indiscriminate weapons and weapons causing unnecessary suffering

Ripple effect

In all modules:

Human dignity

Obstacles to humanitarian behaviour

Dilemmas

Consequences

Multiple perspectives

SKILLS PRACTISED

Perspective taking

Problem analysis

Tracing consequences

Estimating scope

Identifying solutions

➤ If you have limited time and are unable to work through all the explorations, we recommend that you follow at least the short pathway of explorations marked with this icon.

Exploration 2A: Limiting the devastation of war

Module 1 examined humanitarian acts that were spontaneously performed by ordinary people to protect the lives and human dignity of others. Module 2 shifts the focus to rules of behaviour that are specifically designed to protect the lives and human dignity of people affected by armed conflict.

Exploration 2A begins by having students consider photos of one specific situation: soldiers taken prisoner. Students get glimpses of the different situations in which those at risk and those in power find themselves.

A photo collage then introduces them to a variety of other war-related situations. Students explore various experiences arising from armed conflict to suggest rules needed to limit unnecessary suffering and to protect life and human dignity.

This exploration introduces the basic rules of international humanitarian law (IHL). Students examine the reasons for these rules and compare them with rules that they suggest. The exploration also describes the relationship between IHL and human rights law and how human rights law complements IHL in armed conflicts.

OBJECTIVES

- to understand some of the reasons why rules are needed in armed conflict
- to understand how IHL and human rights law complement each other
- to learn and understand some of the basic rules of IHL

TEACHER RESOURCES

- 2A.1 IHL and human rights law – content and complementarity
- 2A.2 If your students ask...

STUDENT RESOURCES

- 2A.3 Photo: Blindfolded captive
- 2A.4 Photo: Prisoners' march
- 2A.5 Photo collage 2A (see separate sheet)
- 2A.6 What are the basic rules of international humanitarian law?
- 2A.7 The Universal Declaration of Human Rights
- 2A.8 Two stories from ancient history

PREPARATION

In the *Methodology Guide*, review teaching methods 1 (Discussion), 2 (Brainstorming), 5 (Role-playing), 6 (Using stories, photos and videos), 7 (Writing and reflecting), 9 (Small groups) and 10 (Gathering stories and news) and workshops 4 ("Using photos to explore human dignity") and 5 ("Building on students' ideas: The basics of international humanitarian law").

If possible, view the relevant chapters of the teacher video (*Using photos to explore human dignity* and *Students' views: What rules are needed for armed conflict?*) and the relevant chapter of the training film for teachers (*Module 2*).

TIME

Two 45-minute sessions

The exploration

1. TRANSITION (5 minutes)

Briefly review Module 1 with students.

Possible questions:

- > What do you recall about the characteristics of humanitarian acts?
- > What were some of the obstacles to carrying out humanitarian acts?
- > What additional obstacles might make it difficult to carry out humanitarian acts during armed conflict?

[For example: desire for revenge, lack of information, lack of supplies, fear, intense hatred]

Tell students that in this exploration they will consider the need for rules in armed conflict and look at examples of such rules.

'Armed conflict' means:

- fighting between countries (international armed conflict); or
- fighting between a country's armed forces and armed groups, or between armed groups (non-international armed conflict).

2. THE EXPERIENCE OF CAPTIVES AND CAPTORS (20 minutes)

Present the photo "Blindfolded captive." Ask students to imagine themselves in the shoes of the captive or his guards. Have them write down their thoughts.

 **STUDENT**
2A.3 RESOURCES

Possible question:

- > What might the captive be thinking? The guards?

Have each student discuss his or her thoughts with a partner.

Suggest these points, one at a time:

- Imagine that the captive is your brother. How would you want him to be treated? Why?
- Imagine that the captive killed your friend in battle. How would you want him to be treated? Why?

NOTE

In the EHL programme, the terms 'captured person', 'captive', 'detainee' and 'prisoner' are used interchangeably.

Repeat the process, using the photo "Prisoners' march."

 **STUDENT**
2A.4 RESOURCES

Then reconvene the class and discuss the following questions:

- > How should a man or woman taken prisoner during armed conflict be treated?
- > Suppose prisoners have important information. Should that affect their treatment?
- > In what way is a prisoner's human dignity at risk? A guard's?

3. WHAT RULES SHOULD THERE BE TO PROTECT PRISONERS IN ARMED CONFLICT? (15 minutes)

Ask students to write down rules that they think are needed to protect prisoners in armed conflict and to give their reasons for each rule.

Then make a list of their suggestions.

*The most dominant emotion is of bewildering fear at the alien surroundings and uncertainty of one's ultimate fate. Embodied in this sense of loss (friends, family) is the uncertainty of time. How long? Forever?
– a captured aircraft pilot*

The exploration

4. WHAT OTHER RULES ARE NEEDED IN ARMED CONFLICT? (10 minutes)

Present “Photo collage 2A.” Have students examine the photos and suggest other rules that might be needed.

 **STUDENT**
2A.5 RESOURCES

Make a list of these proposed rules as well.

Then, discuss the full list of students’ suggestions. Identify those rules with which the group either agrees or disagrees, and explore the reasons for students’ views.

Possible questions:

- > How would each of your rules change the experience of war?
- > What might be the difficulties in implementing them?
- > Which of your rules apply to combatants who can no longer fight (e.g. captured, wounded, sick or shipwrecked combatants)?

5. EXAMINE THE BASIC RULES OF IHL (15 minutes)

Present “What are the basic rules of international humanitarian law?”

 **STUDENT**
2A.6 RESOURCES

Use the following question to guide the discussion:

- > Which of these rules are similar to the ones that you suggested?

Ask students to choose some rules and discuss what would happen without them.

6. IHL AND HUMAN RIGHTS LAW (15 minutes)

Point out that there is another body of law that seeks to protect life and human dignity: human rights law.

 **TEACHER**
2A.1 RESOURCES

Ask students to brainstorm about some human rights to which everyone should be entitled, in all circumstances. Then, present “The Universal Declaration of Human Rights,” and have students compare their list with the rights it identifies.

 **STUDENT**
2A.7 RESOURCES

Challenge students to find a couple of examples of human rights that match protections found in “What are the basic rules of international humanitarian law?”

 **STUDENT**
2A.6 RESOURCES

Point out that such matches exist because these two sets of rules provide complementary protections. Explain that human rights law applies at all times, whereas IHL applies only in armed conflict. Stress that during armed conflict, therefore, human rights law and IHL both apply and in a complementary manner.

Ask students whether they think any of the rights listed in “The Universal Declaration of Human Rights” may ever be set aside.

The exploration

Possible questions:

- > Can you think of any circumstances in which any of these rights could be limited or suspended? Why? Which rights?
- > Which of these human rights do you think may never be limited or suspended?

Explain that in contrast to certain human rights, the rules of IHL may never be restricted. This is because the rules of IHL were developed deliberately as minimal rules so that they could realistically be applied even under the extreme conditions of armed conflict.

The captive is your brother. It is by the grace of God that he is in your hands and working for you. Since he is at your mercy, see that he is fed and clothed as well as you are. Do not demand from him work beyond his strength.
– The Prophet Mohammed (570-632AD)

7. MAKE THE BASIC RULES OF IHL MEMORABLE (10 minutes)

Have students in small groups develop short phrases or slogans to summarize each of the basic rules of IHL and make the rules memorable.

[For example, "Spare surrendering soldiers," "Care for the sick and wounded," "Respect the emblem."]

KEY IDEAS

- IHL aims to protect the lives and human dignity of people affected by armed conflict and to limit the suffering caused by war. It is a set of international rules that restricts the means and methods of warfare and protects those who are not or are no longer fighting.
- Human rights law also aims to protect life and human dignity. While IHL is specifically designed for armed conflicts, it does not replace human rights law, which applies at all times; the two bodies of law are complementary.

Extension activities

HISTORY

Take a look at the distant past with the help of “Two stories from ancient history.”



Then read about a civilization from your own continent’s past, and prepare a report that answers the question:

> How did they treat a defeated enemy?

MEDIA LINK

Collect a news item (press or television) about an armed conflict that makes you feel “There should be a law against that.” Write down what that law should be.

OR

Bring in a news story about a situation to which the rules of international humanitarian law (IHL) apply.

For each situation, write an explanation giving the rule and how it was or was not followed. Prepare a wall display of the news stories to which additions can be made over time.

ARTS

Set up a group statue (or ‘freeze frame’) based on the photo “Blindfolded captive,” with other students as the figures in the scene. When you are ready, all the participants should ‘freeze’ in silence for a minute or so.



Meanwhile, other students should stand behind each figure in the statue. These students should reflect for a few minutes about the thoughts of the person (captive or captor) behind whom they are standing.

End your activity with the second group of students describing what they imagine are the thoughts and feelings of the figures in the group statue. All the students can then record their impressions in their journals and share them with the class.

OR

Use a powerful work of art that depicts a violation of, or adherence to, a rule of war. Respond to it through writing or dramatic interpretation. Examples of such works include Pablo Picasso’s *Guernica* or John Singer Sargent’s *Gassed*.

> What has happened? What else is happening in the painting?

> What is the artist’s message?

Contrast the work of art with a military recruiting poster or with images in recruitment advertisements or TV commercials.

OR

Read poetry written by soldiers during or after a war.

> What is the poet’s message? How is it similar to, or different from, the rules you suggested or from the artist’s message in the work of art you studied?

Extension activities

COMMUNICATION/ YOUTH ACTION

Create ways to raise awareness of the basic rules of IHL by turning the phrases or slogans developed in the exploration into posters or by performing radio spots, songs or raps.

Brainstorm about ways of publicizing these 'basic rules' to the school or community. Choose one as a project.

When a soldier is unarmed, make sure he don't get harmed.
IHL!

When a soldier is covered in blood, you can't leave him in the mud.
IHL!

When a bomb falls, make sure it hits no religious halls. When I save some people, my soldiers try to pierce them and I say, 'Stop, drop, slow down, don't open no shots!'
IHL!

Unless you protect civilians, people die by the millions.
IHL!

When caught off guard, don't disregard.
IHL, IHL, IHL, for Life!
IHL, IHL, IHL, for Life!
– rap song created by EHL students

IHL and human rights law - content and complementarity

International humanitarian law (IHL) and human rights law are complementary. Together, they provide a framework for the comprehensive protection of people in situations of violence.

Human rights law is a set of international rules, established by treaty or custom, which applies to everyone at all times and in all circumstances. The purpose of human rights law is to protect the lives and human dignity of individuals from arbitrary behaviour by their own governments. Human rights law therefore continues to apply even during armed conflict.

Some human rights treaties, however, permit governments to limit or suspend certain rights (e.g. freedom of movement, liberty and security, freedom of association) during public emergencies, although only to the extent strictly required by the situation. Nevertheless, there remains a 'hard core' of human rights that may never be limited or suspended under any circumstances, not even during public emergencies or armed conflict. The 'hard core' of human rights includes:

- the right to life;
- the prohibition against torture;
- the prohibition against cruel or inhuman treatment or punishment;
- the prohibition against humiliating or degrading treatment or punishment;
- the prohibition against slavery;
- the prohibition against convicting or punishing someone for an act that was not a crime at the time it was committed.

During armed conflict, IHL comes into effect as well, as a set of rules, established by treaty or custom, especially adapted to situations of armed conflict. The purpose of IHL is to protect the lives and human dignity of people who are not or are no longer taking part in the fighting and to set limits on conducting war. It thus aims to limit the suffering and the damage caused by war. The rules of IHL may never be restricted or suspended, precisely because they were conceived for the extreme situation of armed conflict. Thus, IHL is a set of fundamental rules to protect people affected by armed conflict, which necessarily includes the 'hard core' of human rights as well.

	HUMAN RIGHTS LAW	IHL
What is the nature of the law?	assertion of rights	code of conduct for belligerents
When does it apply?	at all times	during armed conflict
Can it be limited or suspended?	possible during public emergencies, except for 'hard-core' human rights	not possible
Who is protected?	individuals from the arbitrary power of the government	individuals who do not or who no longer take part in fighting
Who is bound?	governments	governments, armed groups, individuals

IHL and human rights law - content and complementarity

HUMAN RIGHTS LAW

The first traces of human rights law date back to the late eighteenth century, to the period in which the *Declaration of the Rights of Man and of the Citizen* in France and the *Bill of Rights* in the United States were adopted. Under the influence of the United Nations (UN), the development of human rights law began in earnest with the adoption of the Universal Declaration of Human Rights in 1948.

Two important covenants were signed in 1966 under the auspices of the UN: the International Covenant on Civil and Political Rights (marking the 'first generation of human rights': civil and political rights) and the International Covenant on Economic, Social and Cultural Rights (marking the 'second generation of human rights': economic, social and cultural rights).

The first covenant has served as a model for many other treaties as well as for national charters on civil and political rights and freedoms. The second one, on the other hand, has seen its impact limited by countries' varying capacities to implement it.

There is a new tendency to refer to a 'third generation of human rights,' involving, for example, the right to national self-determination, minority rights, economic and social development, peace or a healthy environment, which continues to be debated.

The importance of human rights has also been recognized by regional inter-governmental organizations, such as the Council of Europe, the Organization of American States and the African Union. These organizations have developed a number of regional human rights treaties. While, in general, the duty to implement human rights law lies first and foremost with States, most of these instruments provide for mechanisms of implementation, in the form of actual judicial bodies (e.g. the European Court of Human Rights and the Inter-American Court of Human Rights), quasi-judicial bodies (e.g. the United Nations Human Rights Committee and the African Commission on Human and Peoples' Rights), or reporting organs (special rapporteurs and working groups of the UN Human Rights Council).

INTERNATIONAL HUMANITARIAN LAW

IHL, also known as the 'law of war' or the 'law of armed conflict,' is a body of international rules that seeks to limit the suffering caused by war. It does so by:

- regulating the conduct of fighting, in particular by setting limits on methods and means of warfare;
- protecting persons who are not or are no longer taking part in fighting, in particular civilians, wounded, sick and shipwrecked combatants, prisoners of war and others detained in relation to the conflict.

This body of law developed from a variety of sources.

- In some contexts, unwritten rules based on local customs regulated behaviour in armed conflict.
- In other cases, warring parties concluded bilateral agreements.
- Countries also issued regulations to their own troops in certain instances.

IHL and human rights law - content and complementarity

Such rules were generally valid for only one battle or for a specific conflict. Moreover, they were not uniform, varying according to period, place and tradition.

The 1864 Geneva Convention laid the foundations for contemporary international humanitarian law. Since this treaty's adoption, the law has continued to evolve in stages to limit the devastation caused by technological advances in weapons and new types of conflict. Today the four Geneva Conventions of 1949 and their Additional Protocols of 1977 are the main IHL treaties.

IHL strikes a realistic and pragmatic balance between military necessity and principles of humanity. It does this by prohibiting the infliction of suffering, injury or destruction not necessary for accomplishing legitimate military goals.

IHL is applicable only in armed conflicts. The rules of IHL regulate both international and non-international armed conflicts. However, they do not cover situations of internal disturbance and tension, such as riots or isolated and sporadic acts of violence that do not reach the level of armed conflict.

IHL addresses the reality of armed conflict and regulates only those aspects of the conflict which are of humanitarian concern (*jus in bello*). It does not consider the reasons for or the legality of resorting to force (*jus ad bellum*); the provisions of IHL thus apply equally to all warring parties.

All parties to a conflict must respect the rules of IHL. In addition, States party to IHL instruments are obliged to ensure respect for IHL and to prevent and suppress violations of the law as well as to search for and punish those committing 'grave breaches' of IHL.

Measures have also been taken at the international level to ensure respect for IHL. A permanent body, the International Fact-Finding Commission, was constituted in 1991 with the primary purpose of investigating allegations of 'grave breaches' and other serious violations of IHL. Since the early 1990s, international and 'internationalized' criminal tribunals have been established around the world to try and punish the perpetrators of such crimes in particular contexts. In 1998, the international community created the first permanent international criminal tribunal with jurisdiction over the most serious international crimes, regardless of where they were committed.

NOTE

Module 4 provides more information about this topic.

If your students ask...

The following suggestions can be used to help students think through questions they themselves raise about why those who are fighting accept and respect rules of war.

In most cases, using the “No easy answers” teaching method is recommended for questions like these. (See *Methodology Guide*.) In addition, however, you might consider using some of the approaches suggested here, if class time allows.

1. If I am winning in a war, why should I obey rules that limit my behaviour?

- a. Look at your side’s long-term interest. Do you want to be seen by the world as a criminal?
- b. What if your side starts losing? (Consider historical examples of sides who thought they could not lose, but did.) What will happen when your people need protection?
- c. Some reasons for governments to obey the rules can include: respect for human dignity, legal obligation, to improve prospects for peace, risk of prosecution, value of maintaining discipline among the troops, to win the support of the population in combat zones and of the public at home and abroad and the belief that the other side might then follow the rules as well.
- d. Although armed groups did not participate in making the rules of international humanitarian law (IHL), as a party to the conflict, they have essentially the same reasons to feel obliged to accept and respect the rules of this body of law. Among the reasons for armed groups to respect IHL are the following: the desire to earn the support of the population in combat zones and the good opinion of the international community.

NOTE

Exploration 3C specifically explores reasons why States and armed groups choose to respect IHL.

2. If these rules are broken all the time, why have them?

- a. They are not broken all the time. Most of the time they are respected.
- b. Does abiding by the rules make news? It is usually violations that make the news.
- c. Even if imperfectly respected, these rules do protect many people.
- d. When rules are broken, it is often because combatants have no fear of being punished. This is why it is necessary for governments to make sure that both military personnel and civilians are familiar with the rules of IHL, that implementation is monitored and that the law is enforced.

NOTE

This subject is also addressed in Module 3.

If your students ask...

3. Why waste resources caring for enemy prisoners?

- a. If you don't help enemy prisoners, what will that mean for people from your side who are held prisoner by the enemy?
 - b. Providing for the basic needs of detainees does not affect your own fighting capacity.
-

4. Who ensures respect for these rules?

- a. The primary responsibility for ensuring that the rules of IHL are respected rests with the governments involved in armed conflict. At the same time, armed groups are obliged to respect the rules of IHL.
- b. All countries are obliged to prevent and suppress any violations of IHL as well as to search for and punish those committing 'grave breaches.'
- c. The international community has increasingly played a role in enforcing IHL by establishing international mechanisms, such as criminal tribunals.

NOTE

This subject is also addressed in Module 4.

Blindfolded captive

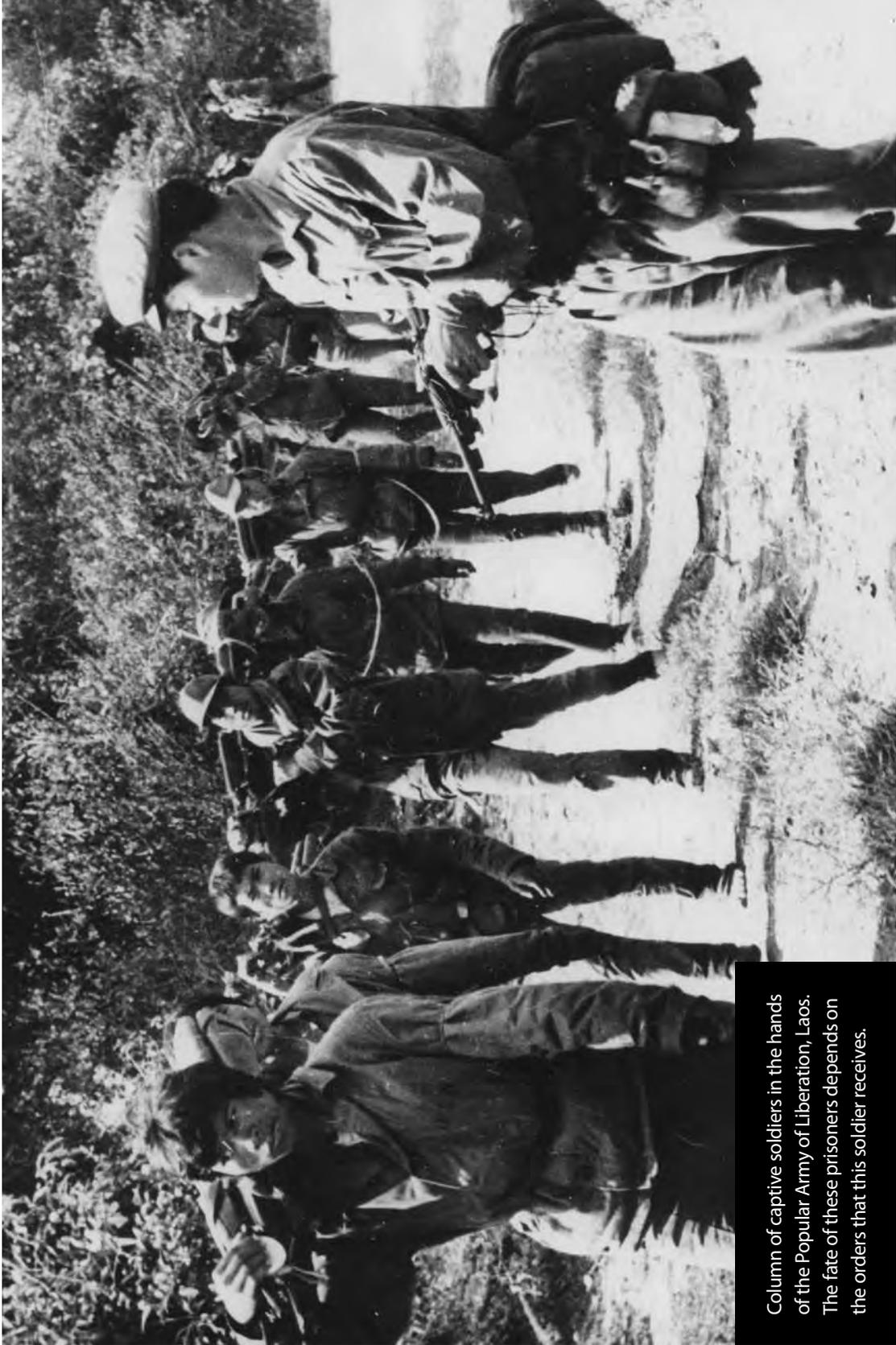


Raymond Depardon/Magnum Photos

A soldier of the armed forces of Mali captured by rebels. The fate of this prisoner depends on the orders that the officer in charge gives his men.

Module 2: Limits in armed conflict

Prisoners' march



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Column of captive soldiers in the hands of the Popular Army of Liberation, Laos. The fate of these prisoners depends on the orders that this soldier receives.

Module 2: Limits in armed conflict

What are the basic rules of international humanitarian law?

DISTINCTION	TREATMENT	WEAPONS AND TACTICS	SPECIFIC PROTECTION
<p>When planning or carrying out an attack, distinction must be made between civilians and combatants and between civilian objects and military objectives.</p> <ol style="list-style-type: none"> 1. Attacking civilians is prohibited. 2. Attacking civilian objects (houses, hospitals, schools, places of worship, cultural or historic monuments, etc.) is prohibited. 3. Before an attack, every possible precaution must be taken to minimize the potential harm to civilians and civilian objects. 4. The use of weapons that are not able to distinguish between civilians and military targets is prohibited. 	<p>Civilians and combatants who are <i>hors de combat</i> must be protected and treated humanely.</p> <ol style="list-style-type: none"> 1. Murder, torture, and cruel or degrading treatment or punishment are prohibited. 2. Sexual violence is prohibited. 3. Forced displacement of civilians is prohibited. 4. Starving civilians is prohibited. 5. Using human shields to protect military objectives is prohibited. 6. Wounded, sick or shipwrecked enemy combatants must be searched for, collected and cared for. There should be no preferential treatment, except on medical grounds. 7. Captured civilians and enemy combatants must be given adequate food, water, clothing, shelter and medical care and must be allowed to correspond with their families. 8. Everyone must receive a fair trial. 	<p>The only legitimate objective of war is to weaken the enemy's military forces.</p> <ol style="list-style-type: none"> 1. The use of weapons that cause unnecessary suffering is prohibited. 2. Taking hostages is prohibited. 3. Killing or wounding a surrendering enemy is prohibited. 4. Ordering or threatening that there shall be no survivors is prohibited. 5. Pretending to be a civilian while fighting is prohibited. 6. Destroying objects necessary for the survival of civilians (foodstuffs, farming areas, drinking water installations, etc.) is prohibited. 7. Attacking medical and religious personnel and objects lawfully using the red cross/red crescent/red crystal emblem is prohibited. 8. Misusing the red cross/red crescent/red crystal emblem is prohibited. 	<p>Certain categories of people and objects must receive additional protection.</p> <ol style="list-style-type: none"> 1. Recruiting or using children under the age of 15 in armed conflict is prohibited. 2. Medical personnel and facilities (hospitals, clinics, ambulances, etc.) as well as religious personnel must be respected and protected. 3. Humanitarian relief personnel, supplies and operations must be respected and protected. 4. Cultural property must be respected and protected. 5. The specific protection, health and assistance needs of women affected by armed conflict must be respected.

What are the basic rules of international humanitarian law?

DEFINITIONS

civilian: any person who is not a combatant

When civilians take a direct part in fighting, they lose their protection from attack. (When there is any doubt about a person's status, he or she shall be considered to be a civilian.)

civilian object: any object that is not a military objective

When a civilian object is used in support of military action, it becomes a legitimate military target and loses its protection. (When there is any doubt about whether a civilian object is in fact being used in support of military action, it shall be considered to be a civilian object.)

combatant: member of armed forces, member of an armed group under the orders of a party to the conflict

military objective: object which by its nature, location, purpose or use makes an effective contribution to military action and whose destruction offers a definite military advantage

hors de combat: literally means 'out of the fight' and describes combatants who have been captured or wounded or who are sick or shipwrecked and thus are no longer in a position to fight

principle of proportionality: the expected number of deaths or injuries to civilians or damage to civilian objects must not be excessive compared to the anticipated military advantage

The Universal Declaration of Human Rights

On 10 December 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights (UDHR). The first of its 30 articles proclaims that:

All human beings are born free and equal in dignity and rights.

It further provides that everyone – without distinction – has the right to:

- a. live, and to live in freedom and safety;
- b. be free from slavery;
- c. be free from torture and from cruel, inhuman or degrading treatment or punishment;
- d. be treated equally under the law;
- e. be free from arbitrary arrest and detention;
- f. receive a fair trial, and be considered innocent until proven guilty;
- g. not be convicted or punished for an act that was not a crime at the time it was committed;
- h. have their privacy respected;
- i. move about freely within or outside their country;
- j. seek protection from persecution in another country;
- k. get married and have a family;
- l. own property;
- m. freely practice their own religion;
- n. think and express themselves freely;
- o. organize or take part in peaceful meetings;
- p. take part in their country's political affairs and have equal access to government services;
- q. work, and to work in favourable conditions;
- r. have adequate living standards;
- s. go to school.

While exercising these rights, everyone must respect the rights of others.

No one may take away any of these rights.

Two stories from ancient history

Carthage surrenders in 147 BC

At last the population, reduced from 500,000 to 50,000, surrendered (...). The survivors were sold as slaves, and the city was turned over to the legions for pillage. Reluctant to raze it, Scipio [one of the military tribunes] sent to Rome for final instructions; the senate replied that not only Carthage, but all such of her dependencies as had stood by her, were to be completely destroyed, that the soil should be ploughed and sown with salt and a formal curse laid upon the site. For seventeen days the city burned.

Source: Will Durant, *Caesar and Christ, The Story of Civilization, Volume 3*, Simon and Schuster, New York, 1944.

A city-state surrenders in 416 BC

So the Melians were induced to surrender (...). The conquerors thereupon put to death all who were of military age, and made slaves of the women and children. They colonized the island, sending thither 500 settlers of their own.

Source: Thucydides, *The Peloponnesian War*, Book V.

Questions:

- > **Before there were codes of behaviour to protect conquered communities:**
 - **What sort of future awaited such communities?**
 - **What choices did they have?**

Exploration 2B: Codes and traditions over time

Exploration 2B is designed to illustrate the universality of the effort to limit the devastation caused by war. In every period of history, and throughout the world, people have sought to impose restraints on the way war may be waged, by creating codes and applying

certain traditions. Students study these historical examples after they have examined the need for rules to regulate war and looked at the basic rules of modern international humanitarian law (IHL) in Exploration 2A.

OBJECTIVES

- to become aware that, in many places and during many periods, people have created codes and applied traditions to limit the devastation caused by war
 - to learn of some written and unwritten examples of historical prohibitions and requirements
 - to show the relationship between the realities of war and the evolution of humanitarian norms
-

STUDENT RESOURCES

- 2B.1 Codes and traditions of warfare
- 2B.2 What are the basic rules of international humanitarian law?
Map of the world (if available)
-

PREPARATION

Choose which codes and traditions (from “Codes and traditions of warfare”) to use in step 2. In the *Methodology Guide*, review teaching methods 1 (Discussion), 7 (Writing and reflecting) and 10 (Gathering stories and news).

TIME

One 45-minute session

The exploration

1. WHAT IS THE EARLIEST EVIDENCE OF RULES FOR ARMED CONFLICT? (10 minutes)

Encourage students to speculate on this question and discuss their ideas. (There is no one right answer; the point to stress is that attempts to lay down such rules go far back in time.)

Remind them that rules need not be written down; an unwritten practice of which everyone is aware is also a rule if everyone is expected to follow it.

2. CODES AND TRADITIONS OVER TIME (25 minutes)

Present “Codes and traditions of warfare.”

 **STUDENT**
2B.1 **RESOURCES**

Possible questions:

- > What rules do you see appearing more than once?
[For example: people who are not involved in the fighting or are no longer involved in the fighting – ‘non-combatants’ – are protected; the use of some weapons is regulated]
- > Which codes and traditions give explanations for their rules? What are these explanations?
[For example: codes that reflect warriors’ honour]
- > Do you see any rules that are like the ones you proposed?

Compare these historical rules with the basic rules of modern IHL.

 **STUDENT**
2B.2 **RESOURCES**

3. NOTE THE DIVERSE ORIGINS OF THE RULES (10 minutes)

On a map of the world, have students locate the areas these historical rules come from.

KEY IDEAS

- People’s efforts to limit the brutality of war are universal.
- History contains numerous examples of rules that aim to restrain the use of violence in order to reduce unnecessary suffering and destruction.

Extension activities

FINDING STORIES IN LITERATURE, TRADITIONS AND POPULAR CULTURE

Reflect on a popular or familiar story about someone involved in a struggle – a story told by your family or in your community.

It may be something you have seen in the cinema or in the theatre or on television, or heard on the radio. It can be a story of any kind – a fable, a legend, a religious parable, historical fact or a novel.

- > Were the characters in your story guided by rules of conduct that told them what they may or may not do while fighting?
 - > Did they abide by the rules? What effect did following the rules (or breaking them) have?
-

HISTORY

Choose one of the examples from “Codes and traditions of warfare” for further research.

 **STUDENT**
2B.1 **RESOURCES**

Find out when and where that rule was created. See what you can find out about who created the rule and the circumstances surrounding its introduction.

OR

Select a war that was taking place during the period and in the setting of one of the examples from “Codes and traditions of warfare.” Study the situation (using books, the Internet, films, etc.). Look for evidence of fighters who followed the rules and of those who violated them. Decide for yourself what influence the rules had on that time and in that place.

Codes and traditions of warfare

ASIA AND THE PACIFIC



William Alexander/Getty Images

Do not set fire to what the people have accumulated; do not destroy their houses, nor cut down the trees at gravesites or altars. Do not kill those who surrender nor slay your captives. Instead show them benevolence and righteousness, extend your generous Virtue to them.
– T'ai Kung, Six Secret Teachings, Ancient China, 11th century BC



Panoramic Images/Getty Images

When he fights with his foes in battle, let him not strike with weapons concealed in wood, nor with such as are barbed, poisoned, or the points of which are blazing with fire.
Let him not strike one who in flight has climbed on an eminence, nor a eunuch, nor one who joins the palms of his hands in supplication, nor one who flees with flying hair, nor one who sits down, nor one who says 'I am thine';
Nor one who sleeps, nor one who has lost his coat of mail, nor one who is naked, nor one who is disarmed, nor one who looks on without taking part in the fight, nor one who is fighting with another foe;
Nor one whose weapons are broken, nor one afflicted with sorrow, nor one who has been grievously wounded, nor one who is in fear, nor one who has turned to flight; but in all these cases let him remember the duty of honourable warriors.
– The Code of Manu, a code of conduct, Ancient India, 1st century BC



Utagawa Kunisada/Getty Images

The third element is humanity: love, tolerance and sympathy for others. Humanity is seen as a particular requirement for leaders. Humanity towards the weak or the defeated is seen as the most honourable way for a warrior to conduct himself; therefore the ill-treatment of prisoners is completely opposed to this element.
– Bushido, a code of conduct for warriors, Japan, 17th century

Module 2: Limits in armed conflict

Codes and traditions of warfare

ASIA AND THE PACIFIC



NMM/London

If wounded (or captured whole) and butt of the musket or hilt of the sword be turned to me, he will be saved.

If any Pakeha [non-Maori person] being a soldier by name shall be travelling unarmed and meet me, he will be captured and handed over to the direction of the law.

The soldier who flees, being carried away with his fears, and goes to the house of the priest with his gun (even though carrying arms) will be saved. I will not go there.

The unarmed Pakehas, women and children will be spared.

– Maori Warrior Code, New Zealand, 1864



Ian Griffiths/Getty Images

It was regarded as wrong for an attacking force to destroy the cult-houses of their 'brothers' or to strip the bark off the great old trees that shade the ceremonial ground.

– Papua New Guinea, oral tradition

The frond of the lycas palm served as an emblem of protection and immunity in times of warfare for men who carried no weapons.
– Vanuatu, oral tradition



Courtesy of Omar di Nicola

During *sautu tale na vanua* [periods of peace in times of warfare, which literally means 'the time when the land prospered again'], there was no battle. Even if warriors came across people from the enemy they would respect the truce. This was also respected as a time when the war-dead could be collected by their relations.

– Fiji, oral tradition

Codes and traditions of warfare

EUROPE



Vanni Archive/Corbis

- Hostilities are sometimes inappropriate: sacred truces, especially those declared for the celebration of the Olympic games, should be observed.
- Hostilities against certain persons and in certain places are inappropriate: the inviolability of sacred places and persons under the protection of the gods, especially heralds and suppliants, should be respected.

- After a battle, it is right to return enemy dead when asked; to request the return of one's dead is tantamount to admitting defeat.
 - Prisoners of war should be offered for ransom rather than being summarily executed or mutilated.
 - Punishment of opponents who have surrendered should be restrained.
 - War is an affair of warriors; thus non-combatants should not be primary targets of attack.
 - Battles should be fought during the usual (summer) campaigning season.
 - Use of non-traditional Greek infantry arms (e.g. projectile missiles) should be limited.
- *Koina Nomina*, the 'common customs' of warfare, Ancient Greece, 6th century BC

...none be so hardy as to rob and pillage the church, nor to destroy any man belonging to holy church, religious or otherwise, nor any woman, nor to take them prisoners, if not bearing arms.

– Richard II, Articles of War, England, 1385

While it is difficult to find precise rules laid down for the conduct of a knight during the 'Age of Chivalry' [Medieval era, from the 12th to the 16th centuries], it is clear that such a code existed. Examples were found of courage, gentleness, understanding and mercy inspired by the standards that only a perfect man would live up to. Knights were supposed to take care of the weak (including the sick), the oppressed and widows.

Under *jus in bello* [law in war] the Church forbade the use of a crossbow, for it was not appropriate that mounted knights should be felled from a distance by archers from among the common folk.

Under *jus militare* [military law], charges brought under the laws of arms were assigned to special military or royal courts (the Court of Chivalry in England, the Parliament of Paris in France). In these courts, lawyers refined and clarified its precepts in formal pleadings. Knights and heralds remained the experts in the laws of arms. Their



Bettmann/Corbis

testimony was sought both in defining the law and in applying it to specific cases, a reflection of the status of *jus militare* as a body of international knightly custom.

Under the *Peace of God* the Church prohibited attacking holy places, the clergy, peasants, women, children, travellers and pilgrims.

Under the *Truce of God* the Church prohibited fighting on certain days, such as Sundays and holy days.

Codes and traditions of warfare

EUROPE



Archivo Iconografico SA/Corbis

... prisoners shall be allowed to receive relief supplies (...) to have decent accommodation with good straw that is renewed weekly.

... the wounded shall be cared for by both sides (...) medicines and food shall be paid for them (...) it shall be permitted to send surgeons and their servants with safe-conducts issued by the generals (...) moreover, those who have been taken prisoner shall be repatriated under the protection of the general by land or sea, whichever is most convenient.

... the sick on both sides shall not be taken prisoner; they shall be allowed to remain in safety in the hospitals and

each belligerent party may leave a guard for them there. Both the sick and their guards shall be sent home by the most direct route, without hindrance.

Prisoners shall not in any way be forced to enlist.

Prisoners shall be allowed to send notification of their detention by unsealed letter.

-Extracts from the Treaty and conventions for the sick, wounded and prisoners of war belonging to the auxiliary troops of His Most Christian Majesty and to those of his allies, Frankfurt, Germany, 1743

The object of the war being the destruction of the hostile State, the other side has a right to kill its defenders, while they are bearing arms; but as soon as they lay them down and surrender, they cease to be enemies, or instruments of the enemy, and become once more merely men, whose life no one has any right to take...

– Jean-Jacques Rousseau (French-Swiss philosopher), *The Social Contract*, France, 1762

Codes and traditions of warfare

ARAB WORLD



Araldo de Luca/Corbis

Hannibal (Carthaginian general, 247-182 BC) forbade his soldiers to commit acts of looting or vandalism. He always showed respect for the deities; he invoked them in his speeches and often went to shrines in order to pray and to offer sacrifices.

Refrain from betrayal, extravagance, perfidy or mutilation; never kill small children, old men or women; never cut or set fire to palm trees; never cut fruit-bearing trees; never slay a goat, a cow or a camel except for food. If you pass by people devoted to worship leave them to do.

– Khalif Abu Bakr Al-Siddiq, the first caliph after the prophet Muhammed, 6-7th century

In case you win the battle, do not kill a runaway soldier or a wounded person; (...) do not disfigure dead bodies; do not go into any house without authorization; do not expropriate their property; do not torture women (...) even if they insult you or your rulers; and always remember God so that you may win His mercy.

– Khalif Ali Ibn Abi Taleb, the fourth caliph after the prophet Muhammed, 7th century

...in no circumstances shall women and children of the enemy be killed, even if they are used as human shields by soldiers.

– Malik ibn Anas ibn Malik ibn 'Amr al-Asbahim, distinguished scholar of Islamic law, 8th century



Baldwin H. Ward, Kathryn C. Ward/Corbis

Send a priest to my camp. He shall lack nothing. (...) He will pray each day with the prisoners, he will comfort them, he will correspond with their families. He will thus give them a way of receiving money, clothing, books – in a word, all that they may desire or need to mitigate the hardships of their captivity.

– Emir Abdelkader, (1808-1883), Algerian Islamic scholar, political and military leader

Codes and traditions of warfare

AFRICA



Corbis

The ethics of war were taught to every young nobleman for his future as a warrior. He was taught never to kill an enemy on the ground, because by falling, the enemy admitted his inferiority.

– Senegal, oral tradition



François-Hippolyte Lalaisse/Getty Images

Under the code of the *Lapir* [code of beliefs], honour in battle meant never harming civilians or their food supplies.

– Central Africa, 18th century

Biri-ma-geydo, or 'spared by the spear', is a code that defined categories of people who should be cared for and assisted at all times, especially during armed conflict. The categories included women, children, the elderly, the sick, guests, men of religion and peace delegates.

– Somalia, oral tradition

No one should strike a disarmed enemy. The enemy should be captured.

– Mali, Burkina Faso and other countries of the Sahelian zone, oral tradition

To attack a village where there are only women and children is not war; it is theft – we are not thieves.

– Niger, oral tradition

Codes and traditions of warfare

AMERICAS

... it is unlawful to kill children, for they are obviously innocent (...). The same is true of unarmed Christian workers and all peaceful civilians. It is unlawful to kill pilgrims and visitors who happen to be in enemy territory since they are presumed to be innocent. Priests and other members of the clergy are also presumed to be innocent in wartime unless there is evidence to the contrary, such as if they are found actually fighting in the war.

Many aspects of warfare are regulated by the law of nations. In accordance with the existing customs and the usages of war, prisoners (unless they are fugitives) must be spared once the war has been won and the danger is past. All good men must uphold the law of nations.

– Francisco de Vitoria (Spanish theologian and political theorist), Extracts from *On the Indians and The Law of War*, 16th century



Bettmann/Corbis

Troops that give no quarter have no right to kill enemies already disabled on the ground, or prisoners captured by other troops.

Prisoners of war are subject to confinement or imprisonment such as may be deemed necessary on account of safety, but they are to be subjected to no other intentional suffering or indignity. The confinement and mode of treating a prisoner may be varied during his captivity according to the demands of safety.

Prisoners of war shall be fed upon plain and wholesome food, whenever practicable, and treated with humanity. They may be required to work for the benefit of the captor's government, according to their rank and condition.

Every captured wounded enemy shall be medically treated, according to the ability of the medical staff.

– Extracts from the Lieber Code, United States of America, 1863

Codes and traditions of warfare

AMERICAS



Harry S. Truman Library

Soldiers and other members of the military captured on the battlefield shall, from the moment of their capture until the time of their exchange, be held as prisoners of war and be treated with due respect, in conformity with their rank.

The mortal remains of those who die gloriously on the battlefield or in clashes or encounters of any kind between the forces of the two governments, shall be given a dignified burial.

The victorious army or force shall fulfil this sacred duty except where grave and unusual circumstances prevent it from doing so.

Wherever a government or an individual on either side requests that mortal remains be handed over, this shall be done and the necessary means provided for their transportation.

– Extracts from the Treaty to Regulate Warfare, signed by Simón Bolívar, general and statesman, Venezuela, 1820

Provided they are unarmed, women and children, the elderly, the wounded and the sick on the enemy's side present no threat and consequently must not be killed or subjected to any form of ill-treatment. The same applies

to members of the clergy and to all those engaged in peaceful activities.

– Andrés Bello (humanist and philosopher), *Principles of International Law*, Venezuela, 1832



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Nowadays, prisoners of war may not be punished in any way on account of their enemy status. No ill-treatment or dishonour may be inflicted on them deliberately or as a reprisal. At most, they may be imprisoned or interned, if that be deemed necessary to prevent them from escaping. However, the conditions of internment and the manner of treatment may vary in accordance with measures that may need to be taken against them to maintain security.

The well-being of the unarmed, defeated, captive enemy has become a sacred trust for us. To embrace as a principle that it is permissible to take the life of such a man in order to spare one's own, indeed even to search for arguments to justify such a crime against humanity, serves only to drag the world backwards.

– Carlos Calvo (publicist and historian), extracts from *Theoretical and Practical International Law*, Argentina, 1852

What are the basic rules of international humanitarian law?

DISTINCTION

When planning or carrying out an attack, distinction must be made between civilians and combatants and between civilian objects and military objectives.

1. Attacking civilians is prohibited.
2. Attacking civilian objects (houses, hospitals, schools, places of worship, cultural or historic monuments, etc.) is prohibited.
3. Before an attack, every possible precaution must be taken to minimize the potential harm to civilians and civilian objects.
4. The use of weapons that are not able to distinguish between civilians and military targets is prohibited.

TREATMENT

Civilians and combatants who are *hors de combat* must be protected and treated humanely.

1. Murder, torture, and cruel or degrading treatment or punishment are prohibited.
2. Sexual violence is prohibited.
3. Forced displacement of civilians is prohibited.
4. Starving civilians is prohibited.
5. Using human shields to protect military objectives is prohibited.
6. Wounded, sick or shipwrecked enemy combatants must be searched for, collected and cared for. There should be no preferential treatment, except on medical grounds.
7. Captured civilians and enemy combatants must be given adequate food, water, clothing, shelter and medical care and must be allowed to correspond with their families.
8. Everyone must receive a fair trial.

WEAPONS AND TACTICS

The only legitimate objective of war is to weaken the enemy's military forces.

1. The use of weapons that cause unnecessary suffering is prohibited.
2. Taking hostages is prohibited.
3. Killing or wounding a surrendering enemy is prohibited.
4. Ordering or threatening that there shall be no survivors is prohibited.
5. Pretending to be a civilian while fighting is prohibited.
6. Destroying objects necessary for the survival of civilians (foodstuffs, farming areas, drinking water installations, etc.) is prohibited.
7. Attacking medical and religious personnel and objects lawfully using the red cross/red crescent/red crystal emblem is prohibited.
8. Misusing the red cross/red crescent/red crystal emblem is prohibited.

SPECIFIC PROTECTION

Certain categories of people and objects must receive additional protection.

1. Recruiting or using children under the age of 15 in armed conflict is prohibited.
2. Medical personnel and facilities (hospitals, clinics, ambulances, etc.) as well as religious personnel must be respected and protected.
3. Humanitarian relief personnel, supplies and operations must be respected and protected.
4. Cultural property must be respected and protected.
5. The specific protection, health and assistance needs of women affected by armed conflict must be respected.

What are the basic rules of international humanitarian law?

DEFINITIONS

civilian: any person who is not a combatant

When civilians take a direct part in fighting, they lose their protection from attack. (When there is any doubt about a person's status, he or she shall be considered to be a civilian.)

civilian object: any object that is not a military objective

When a civilian object is used in support of military action, it becomes a legitimate military target and loses its protection. (When there is any doubt about whether a civilian object is in fact being used in support of military action, it shall be considered to be a civilian object.)

combatant: member of armed forces, member of an armed group under the orders of a party to the conflict

military objective: object which by its nature, location, purpose or use makes an effective contribution to military action and whose destruction offers a definite military advantage

hors de combat: literally means 'out of the fight' and describes combatants who have been captured or wounded or who are sick or shipwrecked and thus are no longer in a position to fight

principle of proportionality: the expected number of deaths or injuries to civilians or damage to civilian objects must not be excessive compared to the anticipated military advantage

Exploration 2C: Focus on child soldiers

Exploration 2A introduced students to the rules of war, and Exploration 2B provided examples of precursors to those rules of international humanitarian law (IHL). Exploration 2C looks in depth at one evolving area of IHL: the rules governing the recruitment and use of children by armed forces or groups.

It begins by taking a look at childhood and the needs of children. It then uses photos, a film and readings to communicate to students the experiences of child soldiers, and to help them understand the consequences of these experiences for the children themselves and for their societies. Finally, the exploration looks at the recruitment and use of children in armed conflicts around the world in such a way that no one can dismiss this practice as occurring in 'another part of the world.'

OBJECTIVES

- to become aware of the scope of the practices of recruiting and using boys and girls in war and the consequences of these practices
- to understand the need for a minimum age for the recruitment and use of children in war
- to learn that both IHL and human rights law prohibit the recruitment and use of children under 15 in armed conflict and that many countries have formally accepted a new law that raises this age limit to 18 years

TEACHER RESOURCES

2C.1 Child soldiers and international law

STUDENT RESOURCES

- 2C.2 Photo collage 2C (see separate sheet)
- 2C.3 Graph: What should be the minimum age for combatants?
- 2C.4 What does international law say?
- 2C.5 Video and transcript: *I don't want to go back* (8'40)  DVD
- 2C.6 Map: Child soldiers around the world
- 2C.7 Voices of child soldiers

PREPARATION

In the *Methodology Guide*, review teaching methods 1 (Discussion), 2 (Brainstorming), 6 (Using stories, photos and videos), 9 (Small groups) and 10 (Gathering stories and news) and workshop 6 ("Viewing videos: Focus on child soldiers").

If possible, view the relevant chapters of the teacher video (*Viewing videos: Preparation and discussion* and *Student presentations: "If you could speak to the world"*).

TIME

Three 45-minute sessions

The exploration

1. CHILDREN AND THEIR NEEDS (10 minutes)

Begin with a discussion about children and their particular needs.

Possible questions:

- > What is a 'child'?
- > At what age can a young person no longer be called a 'child'? (What is a teenager? An adult?)
- > What are the basic needs of children?
- > What can happen if these needs are not met?

Children are (...) sacred for all, regardless of nationality and religion. Protecting children is a duty.
– Dr. Adnan Houbballah,
Le virus de la violence, 1996

2. THINK ABOUT A MINIMUM AGE (25 minutes)

Present "Photo collage 2C," of child soldiers from around the world. Have each student or group choose one photo and explain why they chose it.

STUDENT
2C2 RESOURCES

Possible questions:

- > What are your reactions?
- > How old are the children in these photos?

Divide the class into small groups, and have each group discuss the following questions and reach an agreement on the minimum age for the recruitment and use of children by armed forces or groups:

- > Should there be a minimum age before someone may be recruited or used by an armed force or armed group?
- > What should this be? Why?

NOTE

In the EHL programme, 'child soldier' means a child who has been recruited or used by an armed force or armed group in any capacity. This includes children who have been used as fighters, cooks, porters, messengers, spies, or for sexual purposes. It does not refer only to children who take a direct part in fighting.

Have all groups report and explain how they reached their decisions. Present the graph "What should be the minimum age for combatants?"

STUDENT
2C3 RESOURCES

Possible questions:

- > Should international law stipulate the age before which children may not be recruited or used by armed forces or groups? Why?

3. WHAT DOES INTERNATIONAL LAW SAY? (20 minutes)

Present "What does international law say?"

TEACHER
2C1 RESOURCES

STUDENT
2C4 RESOURCES

After they have learned about the definition of 'child' as provided by international law, have students review their ideas on the subject.

Then ask them to compare their conclusions on the minimum age for recruiting or using children in armed conflict and the age set by international law.

The exploration

Possible question:

> Are you surprised by these rules? Why or why not?

Ask students how they think children might be used in armed conflict. Have them give examples.

[For example: as combatants, cooks, porters, messengers, spies or for sexual purposes]

Explain that the protections provided by international law cover the recruitment and use of children in armed conflict.

Then have students brainstorm about how to enforce the law with regard to child soldiers.

Possible questions:

> How do you think governments and armed groups could make sure that the rules on child soldiers are followed?

> Why do you think respecting and ensuring respect for the law on child soldiers can be particularly difficult?

4. WHY DO CHILDREN BECOME COMBATANTS? (15 minutes)

Point out that, despite the rules on the recruitment and use of children in armed forces and groups, this practice continues in many parts of the world.

Discuss:

> Since international law prohibits the recruitment and use of children in armed conflict, why is it that children become combatants?

Possible questions:

> In your opinion, why do armed forces or groups want to use children in armed conflict?

> Why would a young person join an armed force or group?

Sample responses follow.

Why commanders want them:

- they don't ask questions; they follow orders
- they can be easily controlled
- they can be made martyrs
- need for fighters
- they are not fully aware of the risks

Why young people might join:

- revenge, anger
- no parental/family support
- self-protection
- poverty, means of survival
- their societies value warfare, heroism, martyrdom
- peer pressure

[Over 2 million adolescents are estimated to have served in World War II as soldiers. In the face of huge losses in manpower, German boys became soldiers.]

When the German army was retreating in the face of the Allied advance in 1944, as a leader in the Hitler Youth, I was told I had been put in charge of several fighting units made up of 600 - 800 adolescents. I was to replace a veteran of World War I who had been moved to help set up defences on the Rhine. 'That's impossible,' I responded, 'I'm not quite 17.'

– a German child soldier

The exploration

5. CONSEQUENCES OF THE USE OF CHILD SOLDIERS (50 minutes)

Introduce and view the video *I don't want to go back*, in which students will meet two former child soldiers (a boy and a girl) and a commander. Plan to show the video twice.

STUDENT
2C5 **RESOURCES**

After the first viewing, ask students for their initial thoughts and feelings.

Possible questions:

- > What are your reactions?
- > What led Comfort to want to become a child soldier? What additional risks do girl child soldiers face?
- > How old is Abraham? When did he become a child soldier?
- > How did he become a child soldier? (child's view and commander's view)

To help students with the discussion and as preparation for the second viewing, distribute copies of the transcript. Have them reflect on the initial remarks made by Comfort and Abraham.

Use the transcript and students' memory of *I don't want to go back* to discuss the views expressed by Abraham's commander.

Possible questions:

- > What do you learn about the situation for children in war from the commander's remarks?
- > Why are child soldiers likely to behave differently from adult soldiers?

Have students study the last part of the transcript in order to discuss what they can learn from the feelings expressed by Abraham.

Possible questions:

- > What were this child soldier's experiences and what were their consequences for him?
- > What does Todorov's statement mean?

Show the video a second time. Then encourage students to express any new insights or reactions they may have.

Have students write down answers to the following questions. Then conduct a discussion based on their views.

- > What are the consequences of children taking part in war? For the child? For the family? For society?
- > In the video, whose human dignity was affected? How?

There are children who join for so-called voluntary reasons. But I think one has to be very careful to recognize that there is truly no voluntary joining, in the sense that the vast majority of children who join willingly do so out of necessity or victimization, fear for their security. Unaccompanied children who have no parents to protect them, people who are fearful that they will die of hunger or who have inadequate health care, all may seek military activity.
– Dr Mike Wessells, professor of psychology and author of *Child Soldiers: From Violence to Protection*

The exploration

6. THE GLOBAL USE OF CHILD SOLDIERS (15 minutes)

Begin by asking students what they know about the use of child soldiers in different contexts around the world.

Possible question:

- > What countries do you know of in which child soldiers have been used?

Present the map "Child soldiers around the world."

STUDENT
2C.6 **RESOURCES**

Possible questions:

- > What conclusion(s) do you draw from this map?
- > What can you say about the use of child soldiers in your part of the world?
[For example, that child soldiers are being used in many countries, on four continents, in both the Northern and Southern hemispheres, and not just in 'developing countries']

1 KEY IDEAS

- Children must be protected in armed conflicts.
- One form of protection is setting and respecting a minimum age for recruiting children into armed forces or groups or using them in armed conflict.
- Under IHL and human rights law, a person under the age of 15 may not be recruited by armed forces or groups or used for any purpose in armed conflict.
- A more recent law raises this minimum age to 18 years.

Extension activities

CHILDREN AND GANGS

The term 'child soldiers' refers to children who have been recruited or used by armed forces or groups, whether government armies, guerrilla groups or militias. The term does not refer to children or youths who are involved in street gangs.

Research and discussion topics:

Gang violence and the involvement of children:

- To what extent is gang violence a problem in your area?
- Are children involved in armed gangs? How old are the children who are involved?

Recruitment of children:

- Why do you think children may be involved in gangs?
- Do you think they have volunteered or have they been forced to join?
- Do you see any similarities between the recruitment of children into armed forces or groups and into gangs?

Consequences and ripple effects (immediate and long-term):

- for children who are members of a gang;
- for other children who are not directly involved;
- for the community.

Humanitarian acts:

- Do you know of stories that show an example of humanitarian behaviour related to situations of gang violence?

STORIES OF CHILD SOLDIERS FROM AROUND THE WORLD

Read the stories of Zaw Tun, Myo Win, 'Susan,' Renuka and Malar in "Voices of child soldiers."



Discuss a story in a small group, and then present it to the class, with the help of written notes, drawings or a dramatization that uses 'freeze frames' to depict significant moments.

After the presentations, discuss the following questions:

- > What did the child experience?
- > What do you think the effect on the child's community would be?
- > How did becoming a soldier affect these children's lives and their future?

Extension activities

SURVEY

Refer to the graph showing the views of people in 16 countries on the minimum age for combatants.

STUDENT
2C.3 RESOURCES

Prepare and conduct your own local survey on the question and compare the results with those shown in the graph.

HISTORICAL RESEARCH

What is childhood? – Examine the past to discover how the definition of ‘child’ has changed over time and present your conclusions. Use the following questions to guide you in your research.

- > In what ways were children treated differently from adults?
- > What was considered the age of adulthood?
- > What were the criteria that defined an adult? Was it the same for boys and girls?

OR

History of child recruitment – Research the use of child soldiers in the past, and examine recruitment practices.

- > What social, cultural, ideological and economic factors come into play?

Note that in the rare cases that have captured public attention, child soldiers have become great symbolic figures. For example: Joan of Arc or the young David of biblical fame.

CURRENT EVENTS/ YOUTH ACTION

Research the issue of child soldiers today. Identify what is being done in the world and in your country to halt the use of child soldiers.

[For example: demobilization of child soldiers, efforts to reintegrate them into communities, education]

Helpful starting points on the Internet include the websites of the International Committee of the Red Cross (ICRC), United Nations Children’s Fund (UNICEF), the Coalition to Stop the Use of Child Soldiers and Human Rights Watch.

Represent the issue of child soldiers through drawing, painting, music or drama.

Research what needs to be done to make sure the law is respected.

Child soldiers and international law

Both human rights law and international humanitarian law (IHL) extend protections to children affected by armed conflict. While protections under human rights law are provided within the general framework of children's fundamental rights, IHL addresses the specific needs of children in situations of armed conflict.

Both bodies of law contain rules regarding the participation of children in armed conflict. As child soldiers, their involvement may range from helping combatants (carrying weapons, conducting reconnaissance missions, delivering messages, etc.) to actually fighting.

The two Additional Protocols to the Geneva Conventions (Additional Protocol I and Additional Protocol II) of 1977, were the first international treaties to address these issues. Additional Protocol I, which provides rules for international armed conflict, requires governments to take all possible measures to prevent children under 15 from taking direct part in fighting. It expressly prohibits their recruitment into the armed forces and encourages governments, when recruiting children between the ages of 15 and 18, to give priority to the oldest. Additional Protocol II, which provides rules for non-international armed conflict, goes even further. It prohibits not only the recruitment of children under 15 but also their actual participation in fighting.

Human rights law subsequently addressed the issue in the 1989 UN Convention on the Rights of the Child (CRC), again using 15 as the minimum age. In fact, this law mirrors the rules of IHL that are applicable in international armed conflict. Thus, like Additional Protocol I, it obliges governments to take all possible measures to prevent children under 15 from taking direct part in fighting and prohibits their recruitment. It also encourages governments to give priority in recruitment to the oldest when choosing from among those aged between 15 and 18. From the very

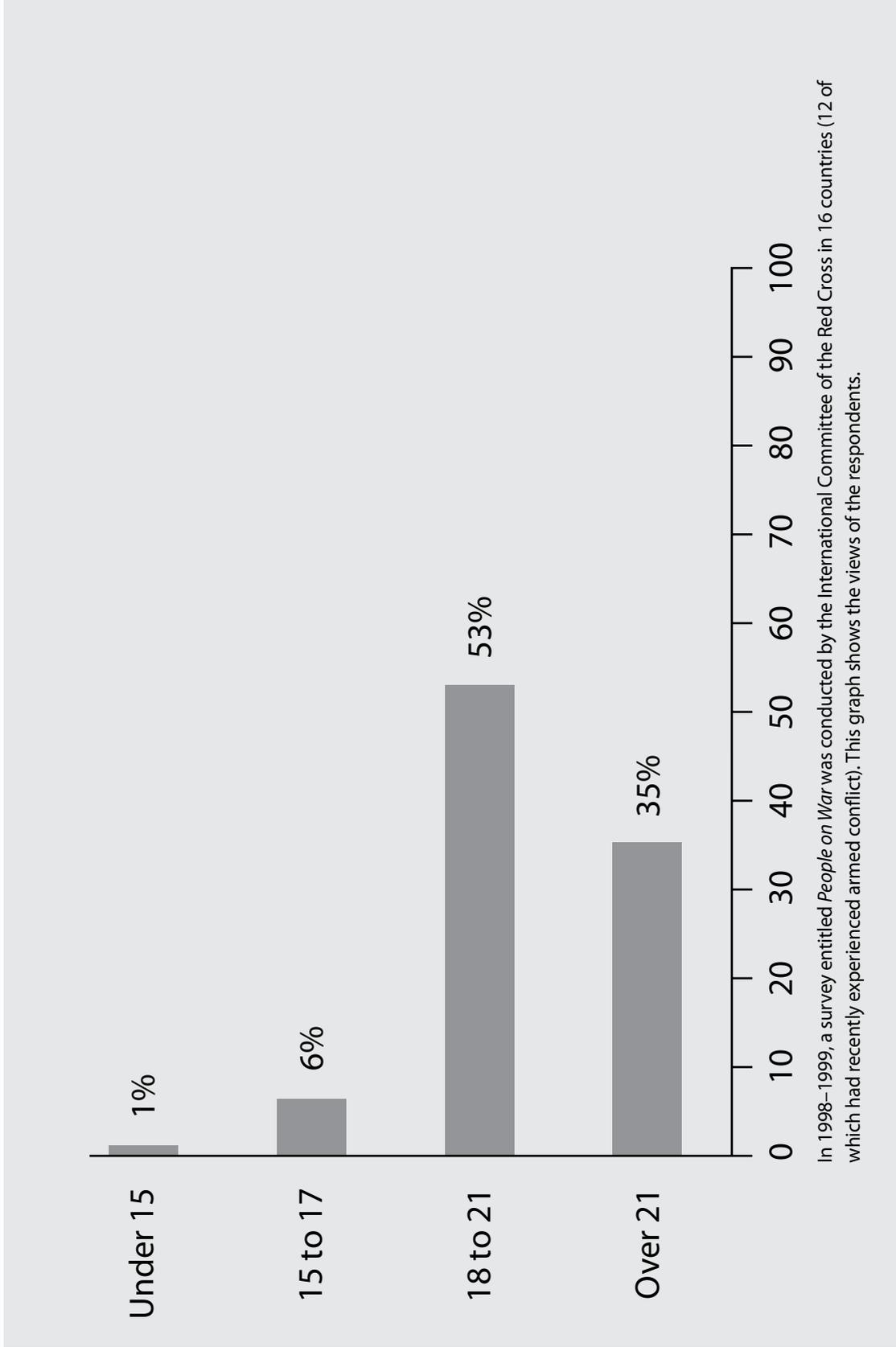
beginning, these sections of CRC drew considerable criticism. For one thing, they are the only part of the CRC that depart from the general definition of a 'child' as anyone under 18, in spite of the fact that they deal with one of the most dangerous situations that children can be exposed to – armed conflict. Moreover, these sections added nothing new and even risked distracting attention from the stronger standard contained in Additional Protocol II, which provides absolute and more comprehensive prohibitions in non-international armed conflicts.

In light of the criticisms, and in keeping with the international community's growing awareness of and concern for the plight of children affected by armed conflict, an initiative to raise the minimum age for recruitment and participation to 18 years was taken only a few years after the CRC entered into force.

After more than 10 years of international effort, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict entered into force in 2002. Under the Optional Protocol, governments must take all possible measures to ensure that members of their armed forces below the age of 18 years do not take a direct part in fighting. The Optional Protocol also raises the minimum age for compulsory recruitment into armed forces to 18 years, and requires governments to increase the minimum age for voluntary enlistment from 15 years as well. In addition, under the Optional Protocol, non-State armed groups should not, under any circumstances, recruit or use in fighting persons under the age of 18.

Raising the age limit from 15 to 18 for participation in armed conflict represents a strengthening of the protection previously provided by IHL. It reinforces the world's desire to shield all children from the horrors of armed conflict, and, particularly, to prevent them from taking part in fighting.

What should be the minimum age for combatants?



What does international law say?

<p>Human rights law defines a 'child' as anyone who is younger than 18, unless adulthood is reached earlier under national law.</p> <p>Both human rights law and international humanitarian law (IHL) have taken up the issue of children's involvement in armed conflict. Human rights law has included related protections within children's fundamental rights in general, while IHL has developed special rules that apply to children caught in situations of armed conflict. As in other areas, the two bodies of law are complementary and mutually reinforcing.</p>	<p>The most widely accepted rules require governments and armed groups to ensure that children below the age of 15 do not take part in fighting. This also means that children may not be recruited into armed forces or groups until they are at least 15 years old. In addition, when they are recruiting 15-18-year-olds, governments are required to give priority to older children.</p> <p>Some governments have gone one step further by agreeing that no one below the age of 18 years may be lawfully recruited or used in any way by armed forces or groups.</p>
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Source: Paraphrased from Article 77 of Protocol I additional to the Geneva Conventions, Article 4 of Protocol II additional to the Geneva Conventions, Article 38 of the Convention on the Rights of the Child and Articles 3 and 4 of the Optional Protocol to the Convention on the Rights of the Child.

Video transcript

I don't want to go back

Narrator: Today, more than 250,000 children participate in armed conflicts on four continents. These boys and girls, some as young as seven, serve alongside adults in government forces, rebel opposition groups and guerrilla armies.

Comfort Cassell, former child soldier
They killed my brother, my grandmother and my little sister. That made me do what I was not supposed to do – it may happen to you. If you hear people say, 'They killed your mother. They killed your father,' you want to revenge them – to get your mother back – but it will never happen. I loved my grandmother. She used to take care of me and also my brother. That's why I did that. But it was not my intention to do what I was not supposed to do. I want to free myself. I want my conscience to be clear. I want to have little children. I will never do again what I'm not supposed to do. No.



ICRC

Abraham

Abraham: My name is Hitler. Killer, but my real name is Abraham.

Interviewer: Why is your name Hitler Killer?

Abraham: It's my fighting name, a name they gave me in the bush.

Interviewer: Who gave it to you?

Abraham: My boss man.

Interviewer: Who is Hitler?

Abraham: I don't know.

Abraham: You know, I went there because they killed my father. I went there to join because my friends were going too. So I went there with my friends to join them.

Interviewer: Because you wanted to find the man who killed your father?

Abraham: Yes.

Interviewer: Do you know him?

Abraham: Yes.

Interviewer: So what did you do?



ICRC

Abraham: I saw him and he came to fight me and I killed him. And I went in the bush, and I joined the people, and fought for them. So they saw what I did, they gave me a gun.

Interviewer: You have seen many people killed?

Abraham: Yes.

Interviewer: How many?

Abraham: Many people. Plenty, plenty of people. People who were not fighting, people who were not rebels – the rebel boss killed them.

Interviewer: Have you killed people yourself?

Abraham: Yeah.

Interviewer: Many?

Abraham: Yeah.

Interviewer: How many?

Abraham: Ten people.

Interviewer: How?

Abraham: They came to attack me, so I fought them. They were coming to kill me.

Interviewer: And how did you do this?

Abraham: They were coming with weapons, I advanced. When all of them came and Wolf fired, then we shot him. I wanted to be a soldier because they killed my father. So I went there to be a soldier.

Video transcript

I don't want to go back

Colonel Mother Blessing

My name is Colonel Abu Bakar Camarra, commonly called Colonel Mother Blessing. I have 978 men under my command. And I have 176 of Hitler the Killer. Some are 9, 10, 11, the highest is 12. They go on the advance team. They are at the forefront of the war. The soldiers who are above 20, when I tell them to do certain operations, they will always be afraid. But, like Hitler the Killer, the small soldiers, they are not afraid. I trust them and they are my best because they execute any order I give them. When I say, 'Hitler the Killer, get that man,' it means they will get you. When I say, 'OK, that man should be executed,' for sure they will do that. So I have the trust and confidence in them.

Abraham

Abraham: It was all right. There was no war. Then the war came. We lost, my father died. And my sister and my mother went away. So I went by myself.
Interviewer: What did you do with your family before?
Abraham: I was staying with them. I was going to the school.
Interviewer: What do you want to do now?
Abraham: I'd like to go to school – to become somebody official.
Interviewer: What do you want to be when you are a big man?
Abraham: I want to be working, in an office.
Interviewer: Do you miss the fighting? Would you like to go back?
Abraham: No, I don't want to go back there.

Interviewer: When your Colonel, Abu Bakar, tells you to go back with him to fight, you have to.
Abraham: Yeah, I have to go in. But if he tells me to go, I will not do it. Because I don't want to go back there.
Interviewer: But he says if you don't obey his order, he will execute you.
Abraham: If he tells me to go and I say no, he can't do anything to me because we are not in the bush – and if he does something, you will catch him.
Interviewer: So what will you do?
Abraham: Nothing – I don't know.

For evil to take place, the acts of a few people are not sufficient; the great majority also has to remain indifferent. That is all quite capable.
 – Tzvetan Todorov, Franco-Bulgarian literary theorist

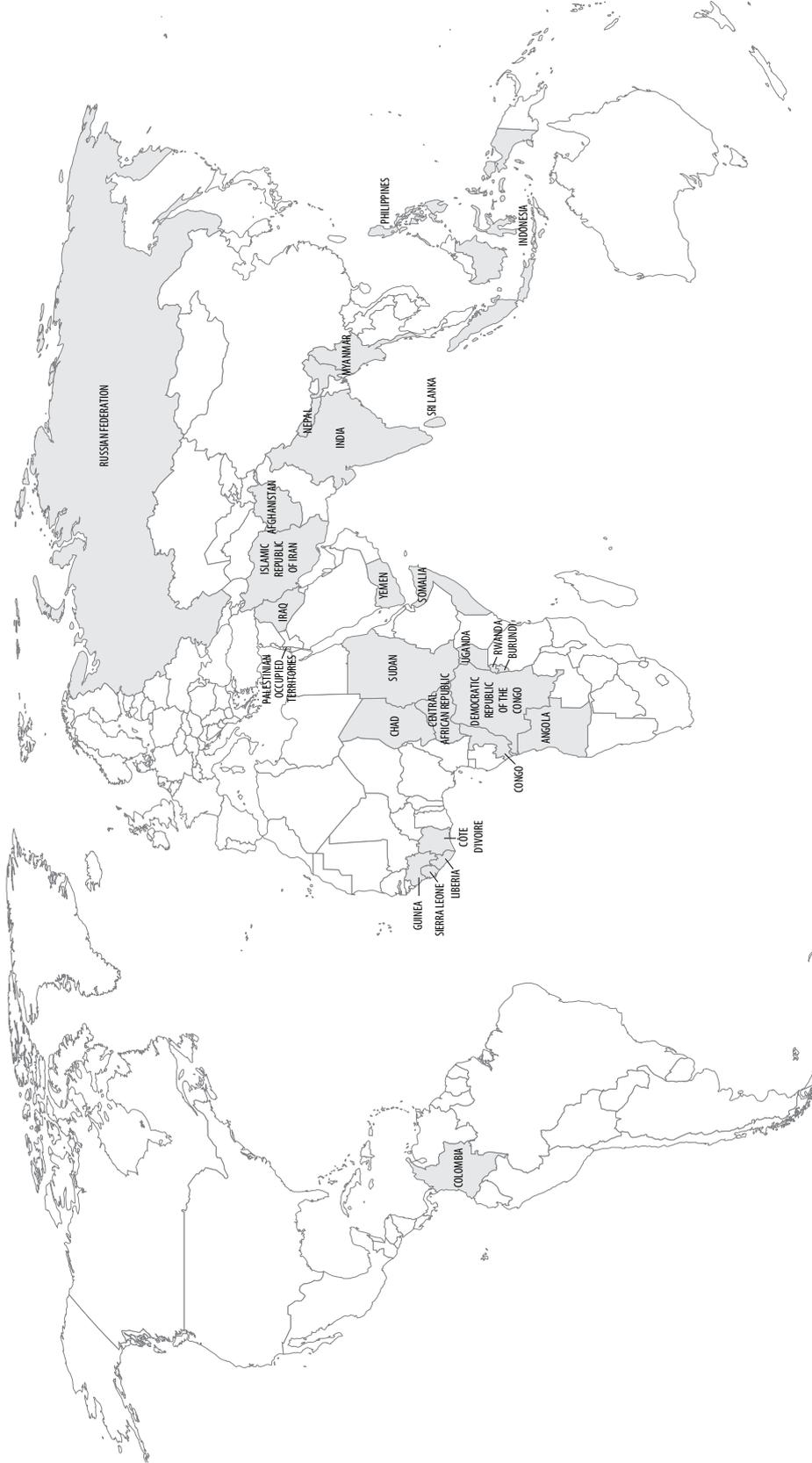


ICRC



ICRC

Child soldiers* around the world – countries/territories concerned



Source: Child Soldiers Global Report 2004 of the Coalition to Stop the Use of Child Soldiers.
This map and the data included are for information purposes only and have no political significance.

* "The Coalition to Stop the Use of Child Soldiers considers as a child soldier any person under the age of 18 who is a member of or attached to government armed forces or any other regular or irregular armed force or armed political group, whether or not an armed conflict exists."

Voices of child soldiers



Zaw Tun's story

I was recruited by force, against my will. One evening while we were watching a video show in my village, three army sergeants came. They checked whether we had identification cards and asked if we wanted to join the army. We explained that we were under age and hadn't got identification cards. But one of my friends said he wanted to join. I said no and came back home that evening, but an army recruitment unit arrived next morning at my village and demanded two new recruits. Those who could not pay (...) had to join the army, they said. I [his family] could not pay, so altogether 19 of us were recruited in that way and sent to (...) an army training centre.

Source: Children of Conflict (<http://www.bbc.co.uk/worldservice/people/features/childreinsights/childreofconflict/soldtxt.shtml#02>).

Myo Win's story

We were drugged and ordered to move forward on the battlefield. We did not know what sort of drug or alcohol we were given but we drank it because we were very tired, very thirsty and hungry. We had walked for two whole days under very hot burning sun. The hill [battlefield] had no shade, trees

were burnt and artillery shells were exploding everywhere. We were so scared, very thirsty, and some of us collapsed due to over-tiredness. But we were beaten from behind [by the officers] and had to move forward. One [of us] got killed.

Source: Children of Conflict (<http://www.bbc.co.uk/worldservice/people/features/childreinsights/childreofconflict/soldtxt.shtml#02>).

Susan's story

[Susan is not her real name] One week after I was abducted, [139 girls were taken one night from her school] I was given to a man. (...) He was 30 years old. Two girls were given to him. He was trying to be nice to me, to make me feel happy and not want to run away, but all I wanted to do was go home.

One boy tried to escape, but he was caught. They made him eat a mouthful of red pepper, and five people were beating him. His hands were tied, and then they made us, the other new captives, kill him with a stick. I felt sick. I knew this boy from before. We were from the same village. I refused to kill him and they told me they would shoot me. They pointed a gun at me, so I had to do it. The boy was asking me, 'Why are you doing this?' I said I had no choice. (...)

I feel so bad about the things that I did. (...) It disturbs me so much that I inflicted death on other people. (...) I still dream about the boy from my village who I killed. I see him in my dreams, and he is talking to me and saying I killed him for nothing, and I am crying.

Source: The Scars of Death – Children abducted by the Lord's Resistance Army in Uganda, Human Rights Watch, 1997.

Renuka's story

The rebels came to our school every month and talked to us. They said it was our duty to join them and help save our people from the government army. Because we are so poor, my family often had little to eat. One day, when I was 11, I was so hungry that I left home without telling my parents and went to their camp. I was well fed, but I could not go to visit my family until I fought on the front lines.

After two years, I was assigned to an all-female fighting group to go into battle. Under the assault of the government army, everyone in my group was killed except me. I was supposed to swallow my cyanide pill if I could not avoid being captured, but I didn't want to die.

Source: Celia W. Dugger, *Rebels without a childhood in Sri Lanka War*, New York Times, 11 September 2000.

Malar's story

My father died of a heart attack when I was three and my mother got sick when I was six and she never came home from the hospital; so I lived with my uncle. When I was eight, a woman from the rebel group came and told me they would educate me and care for me. I thought it was better to go with her because of our poverty. I also wanted to contribute to freedom.

When I was 12, I volunteered to go to war. I wanted to save the country. Last month the government soldiers threw a grenade in our bunker. All ten of the girls with me there died. The soldiers finished them off. Now I am here in jail, but I will fight again because of the army's attacks on our people.

Source: Celia W. Dugger, *Rebels without a childhood in Sri Lanka War*, New York Times, 11 September 2000.

Exploration 2D: Focus on weapons

Exploration 2A introduced students to the rules of war, and Exploration 2B provided examples of precursors to those rules of international humanitarian law (IHL). Exploration 2D, like Exploration 2C, focuses on one particular area to which those rules apply.

In Exploration 2D, students explore why there are limits on certain types of weapons that can be used in warfare. They examine some IHL rules that apply to all weapons and others that have been designed for specific weapons.

In Exploration 2E, students will learn about how the widespread availability of weapons facilitates their use in violation of IHL.

OBJECTIVES

- to explore what indiscriminate weapons and weapons causing unnecessary suffering are and to study some examples
- to understand why there are restrictions on the use of certain weapons in war
- to look at some specific IHL rules on weapons
- to see how public opinion may contribute to developing IHL

TEACHER RESOURCES

2D.1 Weapons and IHL

STUDENT RESOURCES

2D.2 Photo: After the bomb was dropped

2D.3 Voices about weapons

2D.4 Video and transcript: *Landmines keep killing (9')*  DVD

2D.5 Explosive remnants of war

2D.6 A look at the consequences

2D.7 Map: Landmines and explosive remnants of war around the world

2D.8 IHL rules on two weapons

2D.9 How we got a treaty

2D.10 IHL rules on certain other weapons

2D.11 Taking action: Some examples

PREPARATION

Choose which set of rules (from "IHL rules on two weapons") to use in step 6.

Plan how to work through the exploration in light of available class time. Assign all preparatory reading and writing for homework (the reading and writing in step 3 and the reading in step 7).

In the *Methodology Guide*, review teaching methods 1 (Discussion), 2 (Brainstorming), 6 (Using stories, photos and videos), 7 (Writing and reflecting), 8 (Interviewing) and 9 (Small groups) as well as the material on teaching about consequences and ripple effects in teaching method 4 (Using dilemmas).

TIME

Two 45-minute sessions (longer if all work is done during class sessions)

The exploration

1. IDEAS A PHOTO RAISES (5 minutes)

Have students examine the photo “After the bomb was dropped” and talk about their reactions.

STUDENT
2D.2 RESOURCES

Possible question:

> What kinds of weapons could have caused such destruction?

...the only legitimate object which States should endeavour to accomplish during war is to weaken the military forces of the enemy...
– Preamble, St Petersburg Declaration, 1868

2. INDISCRIMINATE WEAPONS AND WEAPONS THAT CAUSE UNNECESSARY SUFFERING (15 minutes)

Remind students that IHL prohibits ‘indiscriminate’ weapons and weapons that cause ‘unnecessary suffering’ (See “What are the basic rules of international humanitarian law?”: Distinction 4, Weapons and Tactics 1).

Get a sense of students’ awareness of these terms.

Possible questions:

- > What could make a weapon cause ‘unnecessary suffering’?
- > What does ‘indiscriminate’ mean?
- > What is the difference between missing a target and using a weapon that is unable to distinguish between civilians and military targets?
- > Does it matter if a weapon cannot be directed at a specific target?

Have students brainstorm a list of specific weapons that might be considered as examples of indiscriminate weapons and of weapons that cause unnecessary suffering.

‘Indiscriminate’ weapons are those that are incapable of distinguishing between civilians and military targets because either they cannot be directed at a specific military objective, or their effects cannot be contained

Then ask some students to read aloud the accounts in “Voices about weapons.”

STUDENT
2D.3 RESOURCES

Have the class add the weapons described in these narratives to their list.

[Possible examples of indiscriminate weapons: nuclear weapons, biological weapons, anti-personnel mines]

[Possible examples of weapons that cause unnecessary suffering: chemical weapons, biological weapons, blinding laser weapons, exploding bullets]

Discuss the list. Point out that it is not always easy to differentiate between these two categories of weapons.

Weapons causing ‘unnecessary suffering’ are those that cause excessive suffering to combatants (e.g. more than is required to make them stop fighting)

The exploration

3. EXAMPLES OF WEAPONS THAT KEEP ON KILLING AFTER THE WAR HAS ENDED

(25 minutes)

Probe students' thoughts about the dangers people may face from weapons after combat has ended.

Present the video *Landmines keep killing*.

STUDENT RESOURCES
2D.4

After the viewing, allow time for students to express their reactions. Make the transcript available for reference, if needed.

Then explore what they have learned.

Possible questions:

- > How do landmines work?
- > How were these people injured by landmines?
- > How have their lives been affected?

NOTE

In the EHL programme, the terms 'anti-personnel mine,' 'landmine' and 'mine' are used interchangeably.

For homework, have students read "Explosive remnants of war" and respond to the question at the end.

STUDENT RESOURCES
2D.5

4. A LOOK AT THE CONSEQUENCES (15 minutes)

Ask students to focus on the consequences of the use of landmines and of explosive remnants of war.

Using "A look at the consequences," have them analyse how these problems affect an individual's life from the physical, psychological, educational, social and economic points of view.

STUDENT RESOURCES
2D.6

Divide the class into four groups. Broaden the subject under discussion to examine the chain of consequences beyond the individual.

Possible question:

- > What effects might these weapons have on families, communities, societies and the wider world?

Encourage students to draw upon their work in step 3.

Reconvene the class for discussion, and ask the groups to share their thoughts. You might use a chart like the one below to record their ideas.

Level of analysis	Consequence				
	Physical	Psychological	Educational	Social	Economic
Individual					
Family					
Community					
Society					
World					

When a person steps on a buried mine, usually his leg or foot will be blown off; mud, dirt, pieces of his foot will be blown into his other leg, genitals, arms. When a mine planted above ground explodes, the victim is peppered with multiple fragments. A third kind of injury occurs when someone handled the mine and it exploded, blowing off their hand or arm and often severely injuring the face, and blinding. – a surgeon

The exploration

5. THE SCOPE OF THE PROBLEM (10 minutes)

Present the map “Landmines and explosive remnants of war around the world,” and have the class discuss the questions at the end.

STUDENT
2D.7 RESOURCES

Then ask students to think about this worldwide problem.

Possible question:

> What do you think needs to be done about this?

[For example: locating and clearing contaminated areas, educating people about the danger, rehabilitating victims, preventing their use in the future]

6. AN EXAMPLE OF SPECIFIC RULES (10 minutes)

Have students compare their ideas with the rules that have been developed.

Present “IHL rules on two weapons,” and generate a discussion related to the set of rules you have chosen.

TEACHER
2D.1 RESOURCES

STUDENT
2D.8 RESOURCES

Possible question:

> What is required by this set of rules?

Have students recall the other examples they gave of indiscriminate weapons and weapons that cause unnecessary suffering. Mention that specific IHL rules also exist for some of these weapons.

7. WHAT DOES IT TAKE TO MAKE INTERNATIONAL LAW?

(10 minutes, additional time, if the reading is done in class)

Ask students to brainstorm ideas about how people who are not government officials can strengthen IHL.

[For example: the roles played by non-governmental organizations (NGOs) and humanitarian organizations, victims, medical workers, public figures, citizens, weapons manufacturers, the news media]

In the last 100 years, there have been many instances of development of a weapon, and outrage at the humanitarian consequences of the weapon and then treaties signed under international law to regulate or prohibit their use.
– a surgeon

Have students read “How we got a treaty” as homework. In class, discuss how the making of the treaty prohibiting anti-personnel mines was influenced by a public campaign, using the questions at the end.

STUDENT
2D.9 RESOURCES

The exploration

1 KEY IDEAS

- IHL restricts the use of some weapons in war because they are indiscriminate or because they cause unnecessary suffering.
- Anti-personnel mines and explosive remnants of war are important humanitarian concerns because they keep killing long after wars have ended.
- Mobilization of popular opinion may contribute to the development of international law.

Extension activities

HISTORY

Examine the nature of the weapons used in an armed conflict that you are learning about in your history studies.

- > What scientific or technological developments made them possible?
- > How did the types of weapons used affect combatants and civilians?
- > What expectations, rules or traditions influenced their use?
- > What happened to these weapons after the armed conflict had ended?

MATH

Using the figures in “A look at the consequences,” answer the following questions and explain your calculations.

- > On average, how many people per year are injured or killed by mines and other explosive devices left behind after war?
- > How much will equipping a six-year-old child with an artificial limb, or limbs, until the age of 18 cost?
- > If the parents of that six-year-old child earn 40 US dollars a month, what percentage of their yearly income will be spent on the child’s artificial limbs alone?

STUDENT
2D.6 **RESOURCES**

Make up a math problem of your own.

CREATIVE WRITING OR DRAMATIZATION

Write a story or a diary entry, or develop a short dramatization in response to some of these questions:

- > What activities do you perform every day, and what would it be like to relearn them if you were to suddenly lose a limb?
- > What would it be like to do farming or fetch water or gather wood if you had only one arm or one leg or were blind or deaf?
- > How would life be different if explosive remnants of war were scattered around your community?

OR

Select one of the girls profiled in the video *Landmines keep killing* (Vanna or Amelia) or someone else who appears in it and make up a story in which that person is the main character. The events in the story should take place after that person has been maimed by a landmine or an explosive remnant of war.

OR

Read this essay by a student from Bosnia and Herzegovina and write a letter to him or to someone else of your choosing. Or write an essay of your own, inspired by his.

Extension activities

Night. Snowy, cold and quiet. I'm in bed and reading. Suddenly a detonation, somewhere outside. All of us in the house look at each other, exchanging thoughts in our eyes. There is no voice. The war is still in our hearts, souls, and in our memory. Somebody says: 'Most probably an animal stepped on a mine over in the field.' We continue to rest. And I'm thinking: Spring will come soon, warm nights full of temptation to go for a walk. But where to go? Mines are all around us. Our fields, meadows, forests are most probably covered with mines. And that could probably ruin my life, or somebody else's life, youth, beliefs, love.

I want to run through fields with my girlfriend, I want to pick the first violet for her. I want to lie in the grass and watch the sky for hours, I want to dream. I'm only 18. I have somehow managed to survive this dirty war. But, I wonder whether I have really survived. Should all my life be permanently marked with the word 'MINE'? Mines are all around us. The enemy placed warnings on every corner. Instead of posters announcing rock concerts, sport competitions or fashion shows, my school is covered with posters 'MISLI MINE.'

How long will it last? I want to walk freely, to be free, to once and for all forget the words: WAR...DANGER...MINE... FEAR. I'm demanding, I'm asking all those who can help to clear our meadows from mines, replace them with ants, rabbits, crickets, couples in love, children's play. Because, remember, it is not only one life in question, one arm or a leg, but it is thousands and thousands of cases. That is why I'm asking you to help us and Bosnia.

– Admir Mujkic from Velika Brijesnica

Source: Canadian Red Cross, Learning Activities

LOCAL ORGANIZATIONS

Identify an organization in your area or in your country that is doing work related to mines or explosive remnants of war. Find out more about their work and present this information to the class.

DESIGN A PLAN OF ACTION FOR A VILLAGE

> What needs to be done in this village to help victims and to prevent more accidents?

The village was on the front line during the war. As the army occupying the village wanted to prevent the rebels from coming back for food and supplies, they mined the surrounding forest. Today the war is over, but the mines remain. Unexploded grenades and other explosive remnants of war are also still left in the areas of fighting.

The inhabitants of the village know that the forest is mined but depend on it for firewood for heating and cooking. As a result, they are killed or wounded by a blast when they enter the forest to gather wood. Some children have even died while collecting scrap metal.

There are also former checkpoints in the village that were not cleared of mines and explosive remnants of war when the army left. Although the areas have been marked with the sign "Danger! Mines!" children still play there.

Working in small groups, design a plan for dealing with these problems. The plan could include medical assistance, mine clearance, informing the villagers about the risks they face (in school, for adults, etc.) and rehabilitation programmes. Explain for whom each of these activities is designed.

Present the plan to the rest of the class. Make a map of the village to illustrate the situation.

Extension activities

COMMUNICATON

Make a cartoon or a poster to inform people about international humanitarian law (IHL) rules for one or more of the weapons presented in “IHL rules on certain other weapons.”

STUDENT
2D.10 **RESOURCES**

SCIENCE

Explore the ways in which advances in science or technology have affected the means of waging war.

- > What are some of the positive and negative ways in which science can be used to tackle the challenges associated with weapons and warfare?

POLLING AND INTERVIEWING – WEAPONS AND THE FUTURE

We are standing on the verge of a massive revolution in the life sciences and biotechnology, and if we look back in human history, any advance in science or technology, whether it be electricity, chemistry, aviation, nuclear physics, at some point that advance has been turned to hostile use to create new weapons. So we have to ask the questions: What is going to happen if the advances in life sciences and biotechnology are also turned to hostile use? Are we going to see new forms of biological weapons used which could maybe target people more specifically, with more specific and subtle effects? Are we going to see new weapons which could maybe change people's behaviour, for instance?

In 2002 the ICRC launched an initiative to draw the attention of governments and the scientific community to the risks involved and also to the relevant rules of international law that must be upheld whatever the scientific advances. The ICRC initiative also appeals to scientists to make absolutely sure that the outcome of their research is not used to produce new abhorrent weapons.

– Dr Robin Coupland, Medical adviser, ICRC

- > Can you think of any advances in science and technology that have been exploited to make new weapons?
- > Is this development inevitable or can you think of ways to prevent it from happening?

Look at ideas found in “Taking action: Some examples.” Develop several polling questions to find out what people may think about the use of developments in science and technology to create new weapons that may violate IHL.

STUDENT
2D.11 **RESOURCES**

Decide what categories of people you will poll (students, teachers, parents medical workers, scientists and engineers). Conduct your poll. Tally your results. Report your findings.

OR

Develop a set of questions to raise with local leaders or doctors. Select whom to interview and make appointments for your interviews.

Work with a partner who can take notes or record the interview. Write up your interviews and share what you have learned with others.

Weapons and IHL

According to one of the most important principles of international humanitarian law (IHL), the only legitimate objective in war is to weaken the military forces of the enemy.

This principle, together with other IHL rules, puts limits on the types of weapons that combatants may use in war. Prohibited weapons include those that are incapable of distinguishing between civilians and military targets and those that cannot be specifically directed at a military objective or whose effects cannot be contained. Such weapons are referred to as 'indiscriminate weapons.' In addition, IHL restricts the use of weapons that cause suffering to combatants beyond what is needed to make them stop fighting.

On the basis of these general rules, a number of IHL treaties have been adopted that prohibit or restrict the use of specific weapons. There are treaties on biological weapons, chemical weapons, blinding laser weapons and incendiary weapons (e.g. weapons designed to set fire to objects or to cause burn injuries).

CHEMICAL AND BIOLOGICAL WEAPONS

The use of chemical and biological weapons is prohibited under the 1925 Geneva Protocol (on Asphyxiating, Poisonous or other Gases and Bacteriological Methods of Warfare). This treaty was complemented and strengthened by the 1972 Biological Weapons Convention and the 1993 Chemical Weapons Convention, which prohibit the development, production, stockpiling, transfer and the use of such weapons. They also require the destruction of existing stockpiles. Under the Biological Weapons Convention, governments must destroy or divert to peaceful purposes all biological weapons within nine months of joining the treaty. The Chemical Weapons Convention requires governments to destroy all chemical weapons within 10 years of joining the treaty.

BLINDING LASER WEAPONS

The use and transfer of blinding laser weapons is prohibited under Protocol IV to the Convention on Certain Conventional Weapons of 1995. This treaty also requires that all possible precautions be taken to avoid causing permanent blindness when using other laser systems.

INCENDIARY WEAPONS

Protocol III to the Convention on Certain Conventional Weapons of 1980 regulates the use of incendiary weapons (weapons that are designed to set fire to objects or to cause burn injuries). Governments and armed groups are prohibited from using incendiary weapons against civilians and may not make any military objectives located in civilian areas objects of attack by such weapons. The Protocol also prohibits the use of incendiary weapons against forests or other kinds of plant cover.

NUCLEAR WEAPONS

International law currently provides no comprehensive and universal prohibition on the use of nuclear weapons. However, in an advisory opinion in 1996, the International Court of Justice made it clear that the threat or use of nuclear weapons would, in general, be contrary to the principles and rules of IHL.

WEAPONS THAT KEEP KILLING AFTER THE WAR HAS ENDED

Anti-personnel mines and explosive remnants of war, including unexploded cluster munitions, can put civilians at risk for years or even decades after the end of an armed conflict. In post-conflict settings, massive numbers of such weapons often remain on the ground. They can injure or kill anyone who comes near them. They also make vital subsistence activities, such as farming, hazardous and obstruct relief and reconstruction efforts.

Weapons and IHL

ANTI-PERSONNEL MINES

Anti-personnel mines are explosive devices placed under or on the ground. They are designed to be 'victim-activated,' meaning that they can be set off by the mere proximity, or the touch, of a person.

The 1997 Convention on the Prohibition of Anti-personnel Mines prohibits the use, stockpiling, production and transfer of anti-personnel mines and requires their destruction, whether they are in stockpiles or in the ground. Every government has four years to destroy its stockpiles of mines and ten years to clear mined areas that are under its control. Until the mines are cleared, governments have to take measures to protect civilians (for instance, by warning them of the danger of landmines and by marking and fencing off mined areas). The Convention also requires governments to provide assistance for the destruction of stockpiles, for mine clearance and mine risk education programmes, and for the care and rehabilitation of mine victims.

The use and production of anti-personnel mines have decreased dramatically since the Convention was adopted and the trade in these weapons has virtually stopped. Tens of millions of mines have been destroyed, and thousands of square kilometres of land have been cleared. Most importantly, the number of new casualties is decreasing significantly. But a great deal remains to be done to clear the minefields that remain and to ensure that victims receive adequate care and assistance.

EXPLOSIVE REMNANTS OF WAR

Explosive remnants of war are explosive munitions that are left behind in an area after the fighting has ended. They include unexploded artillery shells, grenades, mortar bombs, cluster submunitions, rockets and missiles. Civilians often believe such weapons are harmless, but they are, in fact, often lethal and unstable explosives that may go off if touched or disturbed.

Protocol V to the Convention on Certain Conventional Weapons on explosive remnants of war of 2003 requires governments and armed groups to clear all explosive remnants of war from the areas they control. In areas not controlled by them, they are to provide technical, material or financial assistance to facilitate the removal of explosive remnants of war that are a consequence of

their operations. They must also take precautionary measures to protect civilians by warning them of the danger posed by explosive remnants of war, by providing risk education, and by marking, fencing off and monitoring affected areas. The Protocol further requires governments and armed groups to keep records of the types of explosive devices they have used or left behind, and where; and to share this information after the end of the conflict with the party controlling the affected areas and with organizations involved in clearance and related activities. Governments should also assist in the care, rehabilitation and socio-economic reintegration of victims of explosive remnants of war. Finally, governments are encouraged to provide assistance in dealing with existing problems associated with explosive remnants of war.

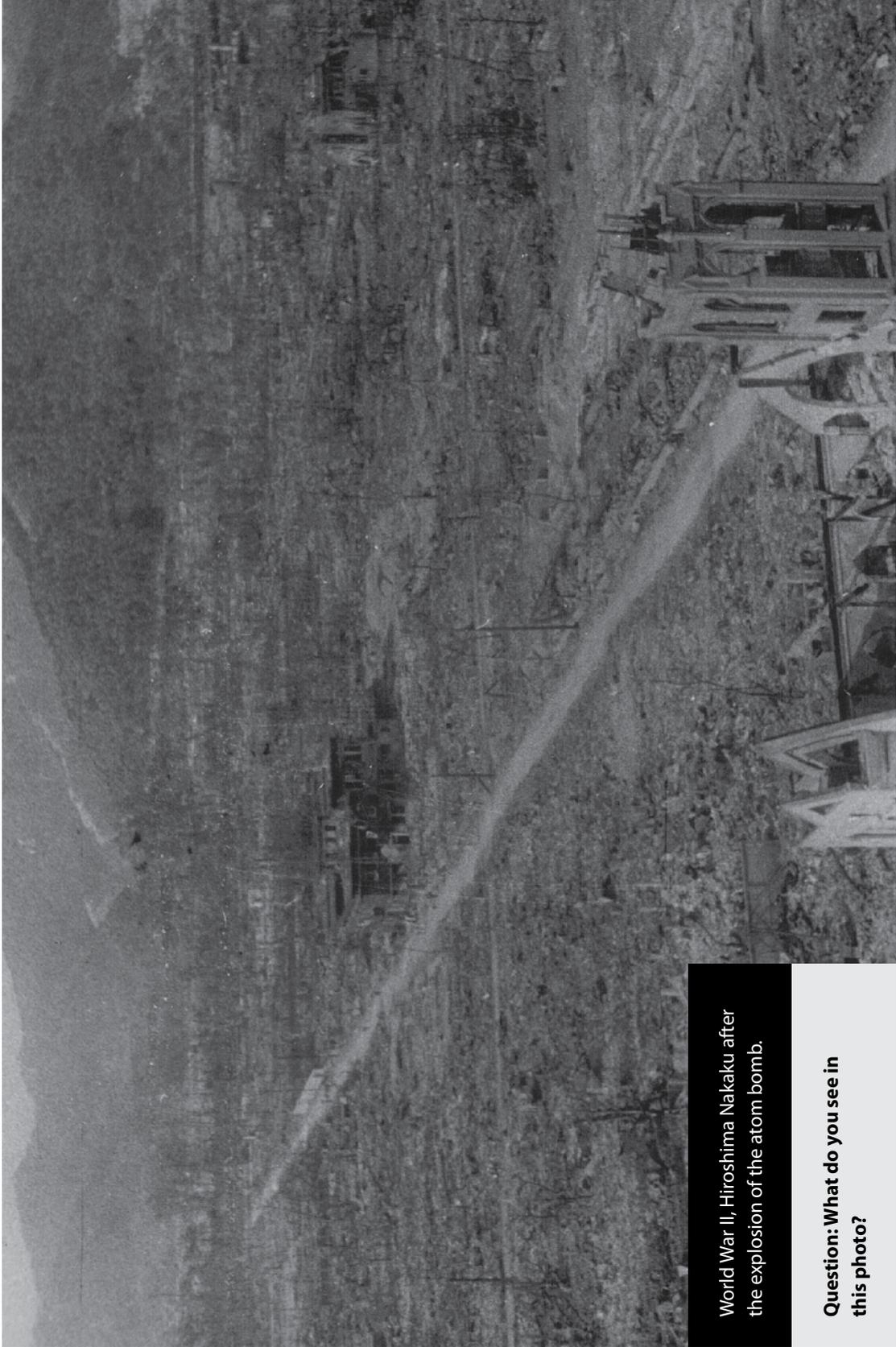
The adoption of Protocol V on explosive remnants of war was an important step forward. It applies to all explosive munitions that are used during armed conflict and is the first international agreement to require governments and armed groups to clear all unexploded and abandoned munitions after a war. It is important that as many countries as possible join and implement this treaty so that the impact of explosive remnants of war can be minimized in the future.

NEW WEAPONS

Under the first Additional Protocol to the Geneva Conventions (Protocol I) of 1977, governments are required to ensure that any new weapons they study, develop, acquire or adopt comply with the provisions of humanitarian law. Effective implementation of this provision is especially important in light of rapid developments in weapons technology. Technological and scientific advances have often been used to produce new weapons. It is the responsibility of all those involved (governments, the military, scientists, medical professionals, private companies, NGO [non-governmental organization] watchdog groups and ordinary concerned citizens) to remain vigilant and to take the necessary preventive steps so that science and technology are not exploited to develop weapons that would violate IHL.

After the bomb was dropped

Satsuo Nakata/ICRC. All rights reserved



World War II, Hiroshima Nakaku after the explosion of the atom bomb.

Question: What do you see in this photo?

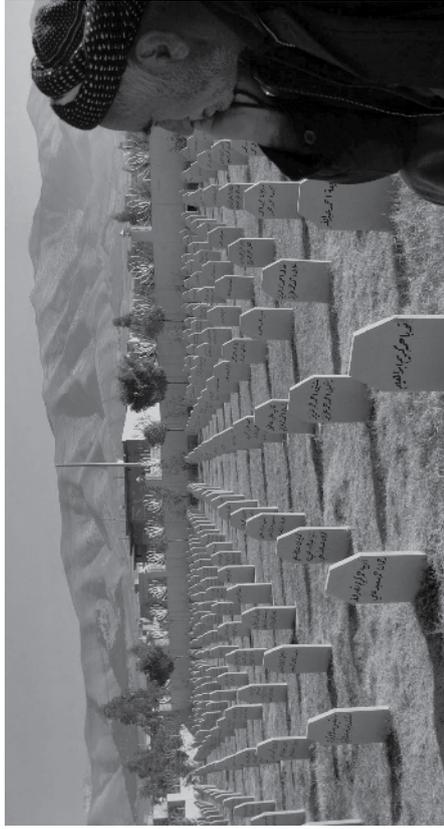
Module 2: Limits in armed conflict

Voices about weapons



Later, gas was packed into artillery shells and delivered behind enemy lines. No matter the method of delivery, its impact could produce hell on earth. Chlorine and phosgene gases attacked the lungs ripping the very breath out of its victims. Mustard gas was worse. At least a respirator provided some defense against the chlorine and phosgene gases. Mustard gas attacked the skin - moist skin such as the eyes, armpits, and groin. It burned its way into its victim leaving searing blisters and unimaginable pain.

– Gas Attack, 1916, Eyewitness to History, 1999
(<http://www.eyewitnesstohistory.com>).



ICRC. All rights reserved

[Warplanes dropped bombs that spread a smoke that smelled] like rotten apples. (...) Then my daughter Narjis came to me, complaining about pain in her eyes, chest and stomach. When I got close to see what was wrong with her, she threw up all over me. (...) Then my condition got bad, too. And that's when we realised that the weapon was poisonous and chemical. (...) I went for four days

without eyesight. My children could not see. I was just screaming. On the fifth day I slightly opened my eyes. And it was a terrible scene. My children and my skin had turned black."

– Aciba Oula Bayez describing the bombardment of her village, Balisan, on 16 April 1987
(http://news.bbc.co.uk/1/hi/world/middle_east/5277916.stm).



AP

Yahya Ahmed/AP

You know how you see the bright sun that's going down on a very hot day? Bright red – orange red. That's what it was like. (...) After we heard a big noise like a 'BOONG!' 'BOONG!' Like that. That was the sound. (...) Everything started falling down; all the buildings started flying around all over the place. Then something wet started coming down, like rain. I guess that's what they call black rain. (...) And we kept running. And fire was coming out right behind us, you know.

– Tomiko Morimoto, survivor of Hiroshima nuclear bomb attack
(<http://www.voanews.com/english/archive/2005-08/2005-08-05-voa38.cfm>).

Landmines keep killing

Vanna

[at the hospital]

Visitor: How did it happen?

Vanna: I was feeding the chickens.

Visitor: When you treat them well and give them enough food, they make you money?

Vanna: Yes.



[going home]

Villagers: Oh little one, my little girl, she's back. Be brave, you will walk again like other children. Smile, look around, child.

I am going to take a look at her leg.

It is new skin growing. The new skin looks better but she will have scars. The marks can be erased with medicine. The skin will grow in a natural way.

[with children in the water]

Girl helping Vanna: Get the shoe. It's still dirty. You can put it on now.



Narrator

Here in Cambodia there are over 35,000 amputees, equivalent to one in every 230 members of the population. Many die outright from the wounds or bleed to death before they can get proper medical attention.

We will probably never know precisely how many mines were laid around the world and how many victims they've claimed. There may still be many millions of mines waiting to be cleared. The problem stretches across every continent from Latin America to Asia.

Typical landmine injuries involve the loss of hands, arms, feet, or legs. Many people lose their eyesight, or suffer such trauma that they can never again live a normal life.

Mine victims rarely regain their livelihoods, and the social and

financial cost of rehabilitation is often too high for communities to bear.

Landmine injuries never stop. A person who loses a leg at the age of 25 may require 10 artificial legs by the age of 65. A child may require a new leg every 6 months.

In addition to the physical consequences, mines often block access to water, agricultural areas and other basic needs.

Landmines are a perverse use of technology. For poor countries, the



costs in both human and economic terms are too heavy to bear.

Deminers must work slowly and carefully, probing the ground inch by inch, to make sure that they have found and removed all dangerous items.

It can take a three-person team up to a month to clear an area the size of a tennis

court. Depending on how many mines were laid and how large the mined areas are, making a country free from mines can be very costly and take a long time.

Amelia

[in a village]

Twelve-year-old Amelia is blind and disabled. She's one of the countless victims of mines. Like many children her age, Amelia used to gather firewood for cooking. But the enemy was there lying in wait; and one day, in a split second, her life was shattered. [at a rehabilitation hospital]



This is where Amelia comes regularly to learn how to walk again and to live with her disability.

Video transcript

Explosive remnants of war

A game of catch

Eight children aged 10 to 16 were playing on a hilltop when they came upon two unexploded bomblets. Two of the older children started to play with them. One boy said that despite being warned by the other children not to do so, he threw a bomblet on the ground a number of times. It did not explode. Then he threw it to a friend. It exploded in mid-air, killing a 12-year-old boy and seriously injuring his 10-year-old brother. All the other children were also injured.

Source: *Cluster Bombs and Landmines in Kosovo: Explosive Remnants of War*, ICRC, Geneva, 2000.

A summer's day

Giorgi, a 17-year-old boy, and his relatives were enjoying summer vacation at his grandmother's house in eastern Georgia. One day, a young cousin found something that looked like a big bullet. It looked like what Giorgi thought hunters and others cut open to remove the gunpowder and sell the metal as scrap. So he and his cousins decided to take it to his uncle. On the way, curiosity led them to try to break it open. They hit it with a rock.

Source: *Explosive remnants of war: The lethal legacy of modern armed conflict*, ICRC, Geneva, 2004.

Question: How do you think explosive remnants of war affect people?

Giorgi: *I can hardly remember anything except a terrible boom, blood and coloured spots in my eyes. My left hand was badly injured and bleeding. My sister Lela was wounded in the stomach. My cousin's eyes were full of blood and he couldn't see anything. Later, (...) the surgeon was shocked by the number of metal fragments he had to remove from my cousin's eyes. Fortunately, the operation was successful and my cousin is now OK. As for myself, the doctors had to amputate my left hand. (...) I once dreamed of being a good wrestler, but now the dream is over.*

What are explosive remnants of war?

'Explosive remnants of war' is the term used to describe the explosive munitions that are left behind, after the end of an armed conflict. They include unexploded artillery shells, grenades, mortar bombs, cluster submunitions, rockets and missiles. These weapons might look harmless to civilians, especially children, who find them on the ground. However, they are extremely dangerous as they can explode if touched or disturbed. It may take years or even decades to clear an area of explosive remnants of war after an armed conflict.

Why are cluster munitions a particular concern?

These weapons have been used in many armed conflicts over the last 40 years, with particularly devastating effects on civilians. They consist of a container that opens up and scatters tens or hundreds of small bomblets over a large area. The bomblets (also called submunitions) are designed to explode on impact, but in practice many of them do not. As a result, thousands or even millions of deadly

explosive remnants of war are left behind on the ground.

Also, when they are used in populated areas, where civilians and military targets are often in close proximity, these weapons can cause many civilian casualties.

Source: *Explosive remnants of war: The lethal legacy of modern armed conflict*, ICRC, Geneva, 2004.



A child's memory from Bosnia and Herzegovina

A look at the consequences

What is the extent of the risk posed by anti-personnel mines and explosive remnants of war?

Several million mines and explosive remnants of war are lying in wait for people in more than 80 contexts throughout the world today. It is difficult to estimate how many there are because accurate records were seldom kept when mines were laid or when munitions were left behind after combat.

What is the human cost?

It is estimated that between 550 and 620 people fall victim every month to landmines and other explosive devices left on the ground after war. Typically, those who survive require amputation, several operations and prolonged periods of physical rehabilitation. It is estimated that today there are between 400,000 and 500,000 people around the world who have survived blasts from landmines or explosive remnants of war.

Many amputees do not have access to physical rehabilitation services, either because they are too far away or because transportation is too difficult to arrange or too costly.

Even for those with access to such services, the cost of artificial limbs might be more than they can ever pay. For instance, a child's prosthetic device should be replaced every six months and an adult's every three to five years. A child who is injured at the age of 10 will require at least 25 prostheses before reaching the age of 50. Since prostheses cost around 250 US dollars each, in countries where the average per capita income is between US\$ 15 and 20 a month, crutches (approximately US\$ 10) are all that amputees can afford. Studies have estimated that over two-thirds of mine victims would have to go into debt to pay for medical treatment, if it is even available.

Besides the physical injuries caused by landmines and explosive remnants of war, there are also serious psychological consequences for victims. It is very difficult for children, adolescents and even adults to overcome their physical handicaps. There are also important consequences for families because the injuries sustained by victims, particularly when they are permanently disabling, can disrupt

their education or hinder their prospects for marriage or prevent them from earning a living.

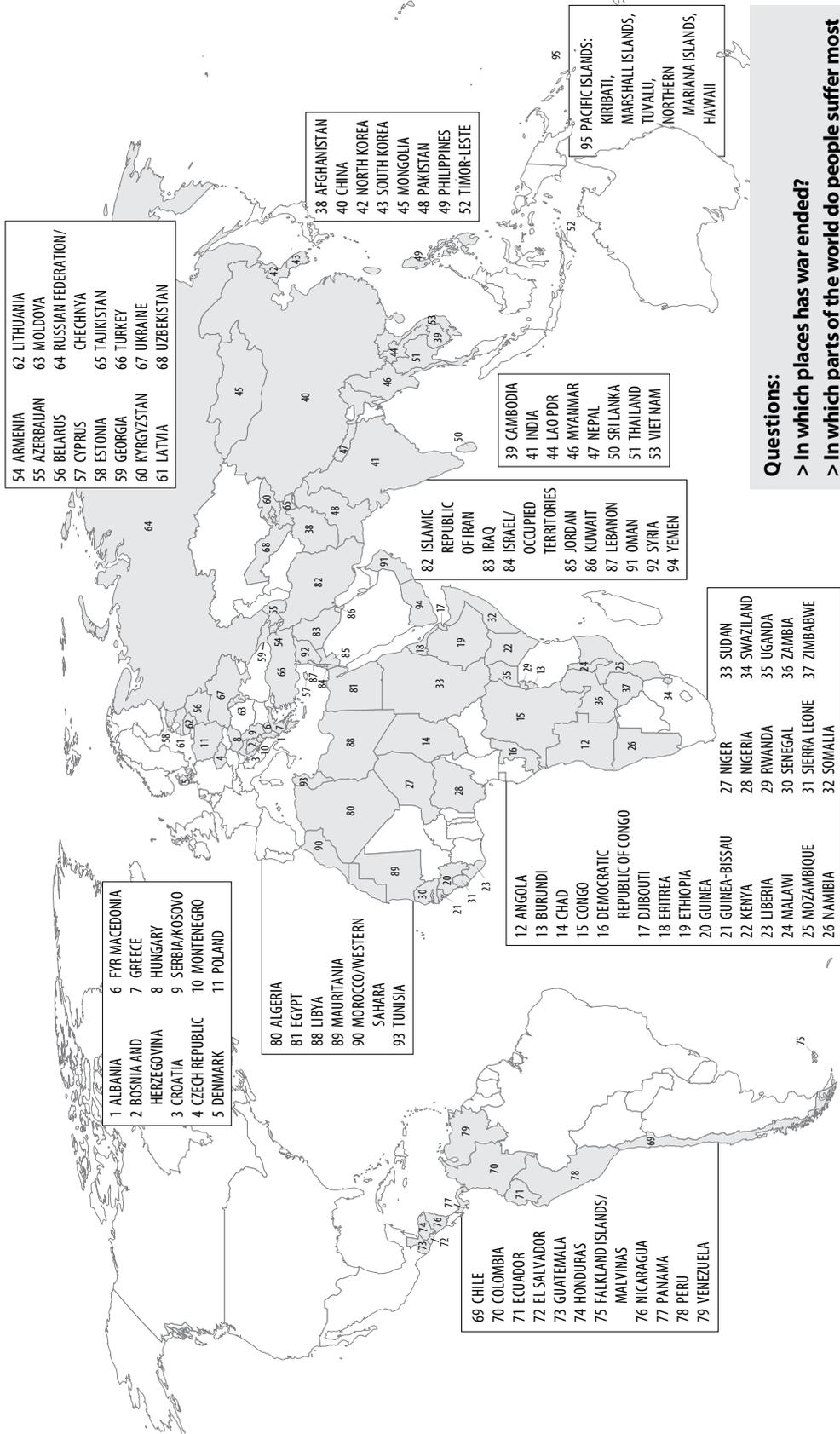
What are the wider consequences?

The existence of landmines and explosive remnants of war is also a serious obstacle to meaningful development in many of the world's poorest countries; important components of the infrastructure, such as roads and bridges, are often mined and vast agricultural areas, even cities, can be littered with unexploded devices as a result of armed conflict. Landmines and explosive remnants of war create refugee problems, lay waste to thousands of hectares of potentially productive farmland and interfere with transportation and communication. When no alternatives are available, many people are forced to put themselves in harm's way by farming land or collecting firewood in areas where such weapons are lying about. In addition to all this, clearing areas of mines and explosive remnants of war may absorb a substantial amount of the scarce resources available for recovery and

reconstruction in impoverished post-war societies. Rebuilding communities and economies is extremely difficult in these conditions.

Sources: *Landmines and international humanitarian law*, ICRC (http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/section_1hl_landmines?OpenDocument). *Anti-personnel landmines and explosive remnants of war*, ICRC (<http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/mines?OpenDocument>).

Landmines and explosive remnants of war around the world



Questions:

- > In which places has war ended?
- > In which parts of the world do people suffer most from landmines and explosive remnants of war?
- > What must it be like to live in a place where you always have to be on guard?

Module 2: Limits in armed conflict

Sources: Landmine Monitor Report 2006. Explosive remnants of war and mines other than anti-personnel mines; Global survey 2003-2004. This map and the data included are for information purposes only and have no political significance.

IHL rules on two weapons

<p>IHL rules on anti-personnel mines</p>	<p>Governments must:</p> <ul style="list-style-type: none"> • Not use, develop, produce, stockpile or transfer anti-personnel mines • Destroy all stockpiles within four years of joining the treaty • Clear all anti-personnel mines in areas under their control within 10 years of joining the treaty and until then take measures to protect civilians (e.g. marking and fencing off mined areas) • Assist other governments in mine clearance, mine risk education, and in the care and rehabilitation of mine victims. <p>– Convention on the Prohibition of Anti-Personnel Mines, 1997</p>
<p>IHL rules on explosive remnants of war</p>	<p>Governments and armed groups must:</p> <ul style="list-style-type: none"> • Mark and clear all explosive remnants of war as soon as possible after the end of armed conflict • Protect the civilian population, by warning of the danger posed by explosive remnants of war (e.g. providing mine risk education, marking and fencing off affected areas) • Record the type and location of explosive devices they have used and share this information after the end of the conflict with those controlling the affected areas and with organizations involved in clearance and related activities <p>Governments must also:</p> <ul style="list-style-type: none"> • Assist in the care, rehabilitation and social and economic reintegration of victims • Assist countries already affected by explosive remnants of war from previous armed conflicts <p>– Protocol IV to the Convention on Certain Conventional Weapons on Explosive Remnants of War, 2003</p>

How we got a treaty

**INTERVIEW WITH
MARY WAREHAM**

What got you interested in landmines?

In New Zealand, we were very concerned in the 1980s about nuclear testing in the Pacific and ships with nuclear weapons and nuclear power. So I grew up with that. At university, I saw an article about landmines in the 'Bulletin of the Atomic Scientist,' and I was really stunned at this weapon. So I did searches on it and I could find nothing. Here was this weapon that has killed more people than any of the other weapons combined and what's being done about it?

How old were you then?

I was a student just finishing off my university studies in political science. I put in a scholarship application to look at the landmine issue. At the same time, I wanted to know what my government was doing at the political, international and diplomatic level to address this issue in the disarmament sense.

How did this become more than just an academic activity for you?
I wanted to look at it from a neutral perspective.

So, at a meeting of the New Zealand Campaign to Ban Landmines, I sat in the back with my notebook. They saw me and said, 'Can you take our minutes for our meeting?' So I took their minutes. At the next meeting they said, 'Could you write our press release?'

So I wrote up their press release; and before I knew it, I was writing correspondence to parliamentarians, was appointed spokesperson and got sent to a Convention on Conventional Weapons treaty meeting in Geneva. (...) So I realized that this advocacy role was inevitable and by then I had made my personal decision that this weapon is abhorrent, indiscriminate and inhumane and that I should not be just undertaking an academic exercise - I could be making a bigger difference.

What was new about the landmines campaign?

The key thing about the landmines campaign is that it is not owned by 'experts.' Our experts are the people who have been blown up by the weapon and have survived to tell this tale and by the people who go out every day to clear the weapon, as well as people like me who have researched it. This campaign belongs to ordinary people who make extraordinary things happen.

Why not leave it up to the diplomats?

Diplomats negotiate with other nations; they do so on instructions from their political leadership back in their country. The political leadership is going to act only if they are forced to by the people. So the only way to get diplomats to act is if there is prodding from public opinion in their countries.

How we got a treaty

But how does an ordinary person who cares know what to do?

Well, look at what happened in New Zealand. A person went to an international conference and came back and called a meeting. That is one thing you can do: just call a meeting and see who shows up. Call a meeting at your local school, at your university or in your town and get the different organizations there that you think might be interested in this issue.

In New Zealand it was the United Nations Association, some of the war veterans associations, environmental groups like Greenpeace, humanitarian organizations like Save the Children and Oxfam and the local Red Cross Society.

Then we were very lucky because of the work of Jody Williams as coordinator of the International Campaign to Ban Landmines, communicating what activities were taking place in countries all around the world – both by NGOs [non-governmental organizations] and by governmental organizations.

How did the NGOs work together with the countries?

At the very beginning of the campaign it was important to get coverage in the media, to raise public awareness. The clarity and the simplicity of what we were calling for was important – a total ban on the use, production, transfer and stockpiling of anti-personnel mines.

Then you leave it up to the people in each country to decide what they want to do in terms of working with their government.



There's no kind of directive from above, but Jody visited a lot of countries. Having someone from outside come in raised the level of public and government attention.

She would meet with the foreign minister, the prime minister, the speaker of the parliament, the minister of defence, as well as the host of the country's campaign and NGOs. She would lay out, 'This is what people are doing internationally and this is where we'd really like to see your help.'

What has this new diplomacy achieved?

Well, the treaty was open to signature in Ottawa, Canada, in December 1997, and 122 countries came to sign it; since then the number has risen (...) including many former mine producers and many former major users of anti-personnel mines and we have not been able to find any evidence that States Parties are using landmines anymore.

Source: Interview with Mary Wareham, senior advocate for Human Rights Watch, October 2000.

Ou Neakiry/AP

How we got a treaty

INTERVIEW WITH DR ROBIN COUPLAND

What led you to work for a treaty banning landmines?

One of the first images I remember when I started my work as a field surgeon with the ICRC [International Committee of the Red Cross] in 1987 was so many people with amputations. All these amputations actually resulted from people being injured by anti-personnel mines. After about three years of field surgery, I realized that I had had enough of cutting off these damaged legs and trying to heal the stump, and I decided that something really should be done to try and prevent more mines being put in the ground.

How did you get involved?

I decided the first step in prevention was to gather data; so I gathered data about a large number of people admitted to our hospitals. These data were written up as the ICRC experience of mine injuries as seen in our hospitals and was published in the 'British Medical Journal.' Much to my surprise, when I then came back to Europe, I was not asked to go to surgical and medical conferences, I was asked to

go to international legal conferences, and diplomatic conferences. I realized that I had suddenly become an 'expert witness' and that people wanted to hear my testimony.

What was your role in the work to get a treaty?

The work that the ICRC did vis-à-vis the advocacy process that became the treaty prohibiting anti-personnel mines was built on four pillars: to have data, to be credible, to make it a public concern and to have images. My role in this, what became known as a campaign, was basically to provide the data and many of the early photographic images, which then fuelled the campaign.

What difference did health workers' input make?

The doctors, the nurses, the physiotherapists, the limb fitters – we all played a role by showing the human impact of these weapons. But it's not only the impact on individuals; we also witnessed the impact on society, such as returning refugees. We were able to show with 'hard data' that people on the move are at great risk of injury from anti-personnel mines, especially refugees returning home after a war.

Imagine having travelled for many days and finally arriving home and then one member of your family stands on a mine that has been left in the garden. Instances like that can stop a whole refugee-return programme.

What part did ordinary people play?

One of the unique things about this treaty was that the process was driven by civil society. So the mobilization of public opinion was an essential component of the campaign.

What effect has the ban on anti-personnel mines had?

There's no doubt that the combination of the advocacy campaign and the treaty has had a very important effect. It goes beyond only those countries that have signed the Convention, in that the countries who have not, I believe, would be much less likely to use anti-personnel mines because of the advocacy campaign, which eventually led to the treaty...

Source: Interview with Dr Robin Coupland, surgeon and medical adviser, ICRC, November 2005.

Questions:

- > How were ordinary people able to get people in power to listen?
- > What obstacles did they overcome?
- > What effect has the prohibition of anti-personnel mines had?
- > Has the treaty had an impact where you live?
- > Do you know anyone who has participated in the campaign to ban landmines? What did he or she do?

IHL rules on certain other weapons

<p>Biological weapons</p>	<p>Governments must:</p> <ul style="list-style-type: none"> • Not use, develop, produce, stockpile or transfer biological weapons • Destroy or convert to peaceful uses all biological weapons within nine months of joining the treaty <p>– Protocol on Asphyxiating, Poisonous or other Gases, 1925, Convention on Biological Weapons, 1972</p>	<p>Blinding laser weapons</p>	<p>Governments and armed groups must:</p> <ul style="list-style-type: none"> • Not use blinding laser weapons <p>Governments must:</p> <ul style="list-style-type: none"> • Take all possible precautions to avoid causing permanent blindness when they use other laser systems, • Not transfer blinding laser weapons <p>– Protocol IV to the Convention on Certain Conventional Weapons, 1995</p>
<p>Chemical weapons</p>	<p>Governments must:</p> <ul style="list-style-type: none"> • Not use, develop, produce, stockpile or transfer chemical weapons • Destroy all chemical weapons within 10 years of joining the treaty <p>– Protocol on Asphyxiating, Poisonous or other Gases, 1925, Convention on Chemical Weapons, 1993</p>	<p>Nuclear weapons</p>	<p>Today, there is no comprehensive and universal prohibition on the use of nuclear weapons. However, the International Court of Justice has concluded that the threat or use of nuclear weapons would, in general, be contrary to the rules and principles of international humanitarian law.</p> <p>– Advisory Opinion on the legality of the threat or use of nuclear weapons, 8 July 1996, International Court of Justice</p>
<p>Incendiary weapons</p>	<p>Governments and armed groups must:</p> <ul style="list-style-type: none"> • Not use incendiary weapons against civilians • Not use incendiary weapons to attack military objectives located in civilian areas <p>– Protocol III to the Convention on Certain Conventional Weapons, 1980</p>		

Taking action: Some examples

A historic decision by the medical profession

In 1996, the World Medical Association (WMA) decided that the medical profession should treat the effects of weapons as a global and preventable health issue.

As a consequence of this historic decision, the WMA:

- supports international efforts to measure the effects of weapons now and in the future, in order to stop the development, manufacture, sale and use of weapons;
- insists that developments in medical technology not be abused or diverted into weapons development;
- calls on national medical associations to support research into the effects on public health of weapons use and to release the results so that the public and governments may become aware of their long-term health consequences.

Commenting on the decision, Dr Anders Milton, chairman of the WMA Council, said:

Today's decision is a declaration to all doctors that they have a responsibility beyond treating the individual wounded person and must unite in taking a preventative approach to the effects of weapons.

Source: World Medical Association press release, 25 October 1996 (http://www.wma.net/le/press/1996_2.htm).

An initiative by the ICRC

In September 2002, the ICRC issued an appeal on 'Biotechnology, Weapons and Humanity'. It called

on governments, the scientific community, the biotechnology industry and civil society to ensure that advances in the life sciences are used only to benefit humanity and not for hostile purposes. It urged all these groups to work together to provide effective control of potentially dangerous information by:

- regulating research that may lend itself to misuse and supervising individuals with access to potentially dangerous technologies;
- adopting codes of conduct for scientists and companies in order to prevent the misuse of biological agents;
- addressing this subject in scientific and medical education.

Sources: *The ICRC's Appeal on Biotechnology, Weapons and Humanity, September 2002*, and the ICRC's *Principles of Practice on key ethical issues* related to the life sciences.

A stand taken by Belgian investment companies

ING, the largest private financial institution in the Benelux countries and the 11th largest in the world, decided in 2005 that it will no longer finance companies that are involved in the production, maintenance, or sale of cluster munitions. In addition, it will no longer invest in these companies. Another large bank in Belgium, KBC, has also taken a stand. It will no longer extend credit to manufacturers of cluster munitions and will not buy shares in such companies. Shares in these companies will also be excluded from the investment funds that the bank offers its clients.

Source: *Ending investment in cluster munition producers*, Joint Statement by Handicap International, Human Rights Watch and Network Vlaanderen, April 2005 (<http://hrw.org/english/docs/2005/04/07/belgiu10427.htm>).

2E: Widespread availability of weapons

Whereas Exploration 2D presented issues related to limits set by international humanitarian law (IHL) on certain weapons, in Exploration 2E students study the problem of unregulated availability of small arms and

light weapons around the world. They examine the impact of these weapons upon civilians, and proposals for coping with related problems.

OBJECTIVES

- to recognize that one of the major threats to civilians in armed conflicts today comes from small arms and light weapons
- to consider how the easy access to weapons and ammunition by a variety of groups makes it more difficult to ensure respect for IHL
- to understand that governments have a responsibility to control the availability of weapons
- to consider ideas for action at the local, national and international levels for reducing uncontrolled availability and misuse of weapons

TEACHER RESOURCES

- 2E.1 Human costs of unregulated arms availability

STUDENT RESOURCES

- 2E.2 Photo: Questions about what you see
2E.3 Voices on the human costs of unregulated arms availability
2E.4 Worksheet: Who can/should do what?
2E.5 Taking action: Some examples

PREPARATION

Plan to assign "Taking action: Some examples" (to be used in step 5) as homework at the end of your first class session.

In the *Methodology Guide*, review teaching methods 1 (Discussion), 6 (Using stories, photos and videos), 7 (Writing and reflecting), 8 (Interviewing), 9 (Small groups) and 10 (Gathering stories and news).

TIME

Two 45-minute sessions

The exploration

1. QUESTIONS A PHOTO RAISES (15 minutes)

Give students a few minutes to study the photo in “Questions about what you see.” Tell them to focus on the details as well as on the photo as a whole and then to write down two or three questions about what they see.

STUDENT
2E.2 **RESOURCES**

Have students share some of their questions, and write them down where all can see. *[For example: Who is he? Why does he have a gun? How did he get the gun? What is he thinking or feeling? What will he do with the gun?]*

Ask students to choose one question from among all that have been listed about the boy. Have them write down as many answers as they can in five minutes.

2. SMALL ARMS = BIG PROBLEM? (10 minutes)

Explain to students that the term ‘small arms and light weapons’ or just ‘small arms’ is used to describe weapons that can be handled by a single person or a small group. Assault rifles, machine-guns, mortars, grenade launchers and portable anti-tank and anti-aircraft guns are examples of such weapons.

Then introduce the subject of the proliferation of small arms by having students reflect on the following statement:

The death toll from small arms dwarfs that of all other weapons systems – and in most years greatly exceeds the toll of the atomic bombs that devastated Hiroshima and Nagasaki. In terms of the carnage they cause, small arms, indeed, could well be described as ‘weapons of mass destruction.’
– Kofi Annan, *Millennium Report of the Secretary-General of the United Nations*, 2000

Give them a few minutes to write down their thoughts. Then ask a few students to share their ideas with the rest of the class.

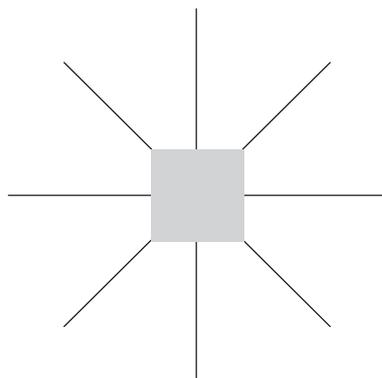
Possible question:

- > In images from recent armed conflicts, what small arms and light weapons have you seen being used against people?

The exploration

3. WHO HAS THESE WEAPONS? WHY? (20 minutes)

Present the idea of a 'concept wheel' with a question in the centre and answers on the spokes.

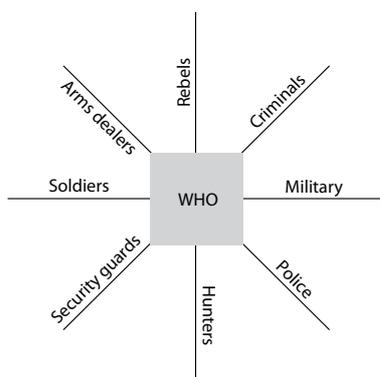


In my village, every man has a gun of his own. Now if you don't have one for yourself then, 'Yu nogat nem' – you don't have a name in the village. Your wife can be raped. They can steal, they can do anything to you.
– Francis Danga, Papua New Guinea

Lead the class in suggesting answers to put on the spokes of the concept wheel for the following question:

> **Who** has these weapons?

The class could develop a wheel that looks something like this:



Throughout this activity, students can draw ideas from their earlier writing about the photo and the statement of Kofi Annan used in step 2.

Have the class work in small groups to develop concept wheels for the following question:

> **Why** do they have these weapons?

[For example, security reasons, hobby, fighting, profession, committing crimes, earning money, community pressure, fear, tradition, status]

Reconvene the class and have the groups use their work to contribute to a concept wheel for the whole class.

Possible questions:

- > What are the legitimate uses of these weapons?
- > What uses of these weapons are not legitimate?

The exploration

4. WHAT IMPACT DOES THIS SITUATION HAVE ON PEOPLE'S LIVES? (15 minutes)

Have students read "Voices on the human costs of unregulated arms availability," and ask them to develop a third concept wheel on human costs, listing the ways in which the widespread availability of arms may affect people's lives and their livelihoods.

TEACHER
2E.1 RESOURCES

STUDENT
2E.3 RESOURCES

Then discuss the humanitarian impacts that they have identified. (Students may add ideas to all three concept wheels during this discussion.)

[For example: civilian casualties, public security, criminality, violence against children, economic development, health and health care, humanitarian aid]

Possible questions:

- > Why are weapons easily available in many parts of the world?
- > What impact does the unregulated availability of weapons have on different groups (e.g. children, women, men)?
- > What effect might the widespread availability of weapons have in countries or in regions where no armed conflict is taking place? In what ways?

[For example: armed violence in the form of criminality; risk of violence spreading to other areas; threat to economic development; countries supporting armed conflict or violence elsewhere; the growing role of arms producing and exporting countries]

One half billion light weapons are circulating throughout the world - one for every 12 people...these arms are cheap, readily available, and easy to use. An AK-47 (Kalashnikov) assault rifle costs as little as the price of a chicken in Uganda or a bag of maize in Mozambique.
- UNICEF

5. HOW CAN THE PROBLEM BE TACKLED? (25 minutes)

Point out to students that there is no simple solution. In fact, three key issues have to be dealt with:

Weapons	----->	the need to deal with the issue of their AVAILABILITY
Users	----->	the need to prevent the MISUSE of weapons
Victims	----->	the need to reduce the VULNERABILITY of victims

NOTE

In this exploration, 'misuse' refers to any use of weapons in violation of IHL and human rights law.

Ask students to develop ideas on how these three issues should be tackled. Distribute the worksheet "Who can/should do what?" to help them.

STUDENT
2E.4 RESOURCES

Using the same structure as the worksheet, record the ideas that students propose where all can see.

The exploration

Have students draw on “Taking action: Some examples” to look for ideas that have been tried and to stimulate them to think of additional ideas.

STUDENT
2E.5 RESOURCES

After they have suggested a number of ideas, ask the class to identify those that could be implemented in each of the following situations:

- Before armed conflict (preventive measures when there is a risk of armed conflict);
- During armed conflict;
- After armed conflict has ended;
- Beyond armed conflict

[For example in places where no armed conflict is taking place, but that are affected by other forms of violence; countries that produce or trade in weapons.]

6. CLOSE (5 minutes)

Using “Taking action: Some examples,” ask students to identify actions taken at:

- international level;
- regional level;
- national level;
- local level.

STUDENT
2E.5 RESOURCES

1 KEY IDEAS

- The widespread availability and misuse of small arms pose a threat to civilians and make it more difficult to ensure respect for IHL.
- A comprehensive approach is needed to address the problem. This includes measures to restrict the availability of weapons, to decrease their misuse and to reduce the vulnerability of victims.

...safety and security don't just happen; they are the result of collective consensus and public investment.
– Nelson Mandela

*To enhance the protection of civilians during and after armed conflicts, stricter controls are required to prevent easy access to arms and ammunition by those likely to violate international humanitarian law. (...)
Complementary efforts must be made to influence the behaviour of those bearing weapons and to protect and assist the victims.*
-ICRC Background Paper, 2006

Extension activities

REFLECTION AND ESSAY

Look again at the question and answers you wrote about the photo and what you wrote in response to the statement at the beginning of this exploration. What do you think now? Write an essay in response to the opening statement.

CULTURE

Find examples of the use of guns from your culture (in photos, movies, songs, etc.).

- > What roles do weapons play in different cultures? Why might young people carry or own weapons?
 - > How can their allure to young people be lessened?
-

DEBATE

Debate the following question:

- > Should weapons be treated as simply another type of commercial commodity to be governed by the laws of supply and demand?
-

RESEARCH

Project 1: How are young people affected by small arms?

Statistics show that young people, particularly young men, are among the primary victims as well as the primary perpetrators of armed violence.

- > What, according to researchers, are some of the reasons for this?
- > What could be done to address this situation?
- > What are the differences in the ways that girls and boys are affected by armed violence?
- > How do girls and boys in your area regard the use of guns and what, according to them should be done about gun violence?

Conduct a poll or series of interviews to find out.

Project 2: Are the unregulated availability of arms and armed violence problems in the area where you live?

- > What are the effects? Which groups are at risk from this violence and how are they affected?
- > Are these problems in your area? Why? Why not?
- > What could be done to reduce these problems in your area?

Human costs of unregulated arms availability

AVAILABILITY OF SMALL ARMS

Assault rifles, machine guns, grenades, mortars, portable anti-tank and anti-aircraft weapons are among the most commonly used weapons in armed conflicts. They are often referred to collectively as ‘small arms and light weapons’ or just ‘small arms.’ Even though they are the weapons that are most frequently used to target civilians in violation of international humanitarian law (IHL), there are few international rules to control their availability. As a result, a wide variety of actors have easy access to them: armed groups, criminal organizations, civilians and even children.

Small arms have certain characteristics that contribute to their wide availability and use.

- They can be carried and operated by a single person or by a small crew.
- Because they are easy to use, very little training is required to operate some of these weapons. They are widely used in conflicts involving combatants with little or no instruction, such as child soldiers.
- They are comparatively cheap. In some countries, an assault rifle can be bought for less than 15 US dollars, or even for a bag of maize. Small arms are produced all over the world and there are hundreds of millions of such weapons already in circulation.
- Because they are easy to maintain and extremely durable (an assault rifle may last for 20 to 40 years or more), such weapons are often passed from one conflict zone to another.
- Because some of them are easy to conceal, smuggling, or transporting, them across borders and into conflict areas is often quite simple.

Unlike weapons that have been banned because they violate the basic rules of IHL – such as anti-personnel mines – small arms are not unlawful weapons *per se*. Most small arms have legitimate uses, such as law enforcement and national defence. Banning them is therefore not the solution. What is required instead is adequate regulation of their availability and use.

SUFFERING OF CIVILIANS

• During armed conflict

The widespread availability of weapons can add to the suffering of civilians during armed conflicts in a number of ways. Easy access to weapons makes it more possible not just to kill and injure civilians, but also to intimidate, rape or coerce people to flee their homes and forcibly recruit children as combatants. Residents of refugee camps are often at risk from intimidation, assault and murder. Also, disease, starvation and violence often increase when humanitarian organizations are prevented from providing aid due to insecure conditions and threats against them. The availability of weapons and ammunition can also affect the intensity, lethality and duration of an armed conflict.

• After armed conflict

The unregulated availability of weapons can prolong the suffering of civilians after armed conflicts. Even after an armed conflict has ended, huge numbers of military weapons may remain in circulation among former fighters and civilians. This can add to and keep alive tensions among former warring parties, hamper efforts at reconciliation and make it more difficult to establish peace. Tension and mistrust may persist as long as people remain armed. The widespread availability of weapons can also undermine the rule of law; it makes it easier for criminal groups, for instance, to intimidate or harm others. In many post-conflict settings, there are, typically, few economic opportunities or prospects for employment. Out of necessity, people in such circumstances may use their weapons to commit crimes in order to earn a living.

• Beyond armed conflict

However, it is not only during war or its aftermath that people are affected by the widespread availability of arms, armed violence and insecurity. They may be made insecure by high rates of crime, criminal organizations or gang violence. In certain areas regarded as being ‘at peace,’ the rates of death and injury caused by armed violence are among the highest in the world. According to the World Bank, violence is among the five main causes of death in Latin America, and is the principal cause of death in Brazil, Colombia, El Salvador, Mexico and Venezuela. Much of this violence is committed with firearms. Of these countries, Colombia is the only one in which an armed conflict is taking place.

Human costs of unregulated arms availability

CONSEQUENCES OF ARMED VIOLENCE AT LARGE

In addition to its direct human costs, the armed violence and insecurity caused by the unregulated availability of arms also has serious socio-economic consequences, for the victims and their families and for the wider society. Its effects can be felt in many different areas, from trade and agriculture to social services like education and health care. Armed conflict and other forms of armed violence can hinder economic activity because people may be unable to follow their customary occupations. Armed violence in a country can also keep foreign investors and tourists away.

The treatment of injuries caused by weapons can place a heavy burden on a country's health-care services. Victims often require expensive and specialized treatment, including surgery, prolonged periods of hospitalization and physical and psychological rehabilitation. Most countries affected by armed conflict and high levels of armed violence are developing countries where resources are already scarce.

The World Health Organization has documented the devastating consequences of armed violence on the health sector in general. Hospitals and clinics may be damaged, it may be difficult to find qualified personnel and the supply of medical equipment and medicine can be disrupted. This significantly increases the risk of infectious diseases, reproductive and pre-natal problems, malnutrition and other health problems.

A COMPREHENSIVE SOLUTION IS ESSENTIAL

There is no simple solution to the problem of the unregulated availability and widespread misuse of weapons. Therefore, a comprehensive response, at the international, national and community levels, is required. While responsibility for tackling the issue rests mainly with governments, other actors – including international organizations and civil society – can also contribute.

Stricter controls are required to prevent easy access to arms and ammunition for those likely to violate IHL. Possible actions may include:

- implementing existing international and regional instruments, such as the UN Programme of Action on Small Arms and Light Weapons;
- preventing the arms trade from reaching places where weapons are likely to be instrumental in violations of IHL, and punishing those who unlawfully traffic in weapons;
- reducing the number of weapons in circulation after conflicts by collecting and disposing of those that are no longer needed;
- ensuring strict regulations on the availability of ammunition, as this could have an even greater and a more immediate impact than regulating the availability of the weapons themselves.

Measures should also be taken to prevent the unlawful use of weapons and to address the complex factors (the so-called 'demand factors') that drive people to acquire weapons and to use them to harm others. Possible actions may include the following:

- training those who use weapons for legitimate purposes, such as members of the military and the police, to do so responsibly and in accordance with international rules, including IHL;
- supporting the demobilization and reintegration of ex-combatants, through education and job training that can provide them with alternative means of earning their livelihood;
- promoting non-violent methods of resolving conflicts.

Finally, the protection of civilians must be enhanced so that they may be less vulnerable in situations of violence. This may also reduce the demand for weapons, as fear and insecurity often drive civilians to acquire weapons for self-defence. Possible actions may include:

- restructuring and strengthening the capacity of police and security forces to make them more effective and accountable and to build the public's trust in them;
- providing safe access to water, fuel and other necessities to groups at risk from armed violence;
- supporting adequate care and rehabilitation for victims of armed violence to minimize the physical, psychological and socio-economic consequences they might suffer.

Sources: World Bank, Latin America, Preventing Urban Crime and Violence (<http://www.worldbank.org>). *Securing Development: UNDP's Support for Addressing Small Arms Issues*, UNDP, New York, 2005. *World Report on Violence and Health*, World Health Organization, Geneva, 2002. *Arms Availability and the Situation of Civilians in Armed Conflict*, ICRC, Geneva, 1999.

Questions about what you see



Boris Heger/ICRC

Ayacucho, Toccasquesera village, Peru.

Voices on the human costs of unregulated arms availability



Charles J. Page/ICRC

We do not have any toys to play with...so we make a gun out of some sticks...and that is how we play. I can dismantle my father's T56. Sometimes my father tells me to clean his gun. Now I am quite skilled at dismantling and reassembling the gun. (...) My main ambition is to join the army.
– a child



Teun Anthony Voeten/ICRC

If you have to give up the greater part of what you earn through sheer hard work to anyone who comes with a gun, what is the point of working at all?
– a worker

It is like we are mopping the floor with the taps on. It takes five minutes to shower bullets, but it takes three hours and immense resources to repair each person.
– a surgeon

The men who shot these girls consider themselves outside the law. They carry guns as male jewellery.
– a health worker



Michèle Mercier/ICRC

There are incidents like when the health centre was in the middle of crossfire between gangs. Or like when gangs posted snipers in key places who shot at people arriving or leaving the health centres. All this makes our staff afraid; on one occasion the doctor's car was shot at. Another time, the staff had to remain inside due to the shooting outside.
– a health worker



Philippe Merchez/ICRC

They were showing us guns so that if we don't do these things – sleep with them and cook for them – they will kill us.
– a refugee

To survive, I grow cabbages and leeks and sell them in the market. Often there's a military alert or a gunshot, and the market is empty in minutes. Lots of my cabbages are stolen in my field—nobody can sleep in his fields every night.
– a farmer

Sources: *Putting People First: Human Security Perspectives on Small Arms Availability and Misuse*, Centre for Humanitarian Dialogue, Geneva, 2003 (<http://www.hcdcentre.org>). *Shattered Lives: The Case for Tough International Arms Control*, Oxfam and Amnesty International, London, 2003 (<http://www.controlarms.org>).

Worksheet

Who can/should do what?

Ideas for action		
Issues	Who could try?	Doing what?
Availability of weapons		
Misuse of weapons		
Vulnerability of victims		

Module 2: Limits in armed conflict

Taking action: Some examples

United Nations Programme of Action

In 2001, the United Nations organized a global Conference on the Illicit Trade in Small Arms and Light Weapons. At the meeting, States agreed on a programme of action, which encourages governments to introduce better controls on small arms and light weapons, including:

- controlling their production and transfer;
- ensuring that weapons in the government's possession are properly managed and stored securely;
- collecting and destroying weapons after an armed conflict;
- raising awareness of the consequences of the illicit trade in small arms;
- cooperating with other governments to address this problem.

Every two years governments meet to assess the progress that has been made in putting the Programme of Action into effect.

Regional cooperation

Many governments are cooperating through regional organizations to tackle the issue of the unregulated availability of arms. The first regional agreement in this regard was adopted in 1997 by countries in the Americas. Agreements on the control of small arms have also been established by organizations on other continents, including in Africa and in Europe. These treaties require governments to strengthen laws and regulations in areas such as arms production, transfer of weapons, civilian ownership of weapons and storage of weapons belonging to the government.

An international arms trade treaty

In late 2003, a group of non-governmental organizations (NGOs), led by the International Action Network on Small Arms and Amnesty International, launched a campaign for a treaty on the international arms trade. Their aim is the creation of an agreement that would establish

common standards for international arms transfers and define the situations in which arms transfers should not be approved. Under the treaty that is envisaged, a transfer would not be authorized if it would violate States' obligations under international law, and if the weapons being transferred were likely to be used to commit serious violations of human rights or international humanitarian law (IHL). Governments have agreed to begin discussions in 2008 on the possibility of adopting such a treaty.

An economic measure

Some have proposed that governments levy a tax on all sales of arms and ammunition. Such a tax would be like the taxes imposed on alcohol, tobacco, airline tickets and cars. It has also been proposed that the proceeds of such a tax be collected in a global fund and used to alleviate poverty and promote development.

Post-conflict disarmament

As the civil war in Cambodia drew to a close after almost three decades, huge quantities of weapons were still in circulation, many of them in the hands of civilians. To deal with this problem, the government, with the support of the European Union, Japan, and others, undertook a comprehensive weapons control and reduction strategy. Over a period of several years, a wide range of measures has been taken: strict new laws on gun ownership, the collection of weapons from communities in exchange for development projects, destruction of excess weapons, public awareness programmes and a stockpile registration and safe storage scheme for the military and the police.

Taking action: Some examples

Women against guns

In Brazil, firearms are the leading cause of death for people between the ages of 15 and 29. Boys and young men make up the overwhelming majority of victims in this age group. In response to this situation, the Brazilian anti-violence organization, Viva Rio, organized a women's campaign against gun violence called 'Choose Gun-free! It's your Weapon or Me.' The aim was to get women to speak out against male violence and to encourage their husbands, sons, fathers and boyfriends not to carry and use weapons.

Alternatives to violence

In response to tribal violence in the south of Papua New Guinea, a peace commission was established. It was chaired by bishops from the Catholic and United Churches and a local businessman. The Commission mediated a peace agreement between the tribes. This included provisions for alternative methods for resolving conflicts, such as 'compensation payments,' public apologies and expressions of regret. A number of other commitments were also made; they included putting all weapons under the control of tribal leaders, not displaying weapons in public, and tackling alcoholism and drug abuse, which were thought to have contributed to the violence.

Gun-free schools

South Africa has one of the world's highest rates of firearms-related violence. In 1996, an organization called Gun Free South Africa launched a project to create gun-free zones. These are spaces, ranging from government offices to sections of neighbourhoods, where firearms are not permitted. They have created such zones in many schools around the country. Through dialogue between students, teachers, school administrators, the police and other relevant persons, problems are identified and appropriate solutions agreed upon to achieve a school environment free of weapons.

Sources: *Missing Pieces: Directions for Reducing Gun Violence through the UN Process on Small Arms Control*, Centre for Humanitarian Dialogue, Geneva, 2005 (<http://www.hdcentre.org>). David Atwood, Anne-Kathrin Glatz, Robert Muggah, *Demanding Attention: Addressing the Dynamics of Small Arms Demand*, Small Arms Survey, Geneva, 2006 (<http://www.smallarmssurvey.org>). Viva Rio (<http://www.vivario.org.br>).

OBJECTIVE

- to establish a connection between what you are learning about international humanitarian law (IHL) and the media's coverage of war

1. Find a news report that is related to IHL.
2. Circle or underline three to five words that have some connection to IHL.
[For example: *civilians, landmines, refugees, child soldiers*]
3. Associate each word with something you have learned and discussed in the Exploring Humanitarian Law programme.
4. How is human dignity at risk in the situation described in this article?
 - > Whose human dignity is at risk?
 - > What IHL rule, if any, applies in this situation?

Assessment

METHODS OF ASSESSMENT

ONGOING ASSESSMENT

Exploring Humanitarian Law (EHL) provides teachers with daily opportunities to find out what their students are learning and what misconceptions they might have. Active teaching methods, such as class discussion, small group work, brainstorming and role-playing all provide such opportunities.

Take five minutes at the end of class to have students write down one- or two-sentence answers to the following questions:

- > What did you learn today?
- > What remaining questions do you have?

Read through their responses and use them to build on students' knowledge and clarify any misconceptions for the next lesson.

PORTFOLIO OF STUDENT WORK

In each module, students are asked to carry out activities such as interviewing people, illustrating concepts with poems, plays or artwork and writing research papers on particular topics.

Keep a folder or portfolio for each student, containing written work, artwork, interviews and news clippings that he or she has contributed in class. Periodically go over the student's work with him or her to monitor progress in understanding international humanitarian law (IHL).

Post samples of students' work where all can see.

END-OF-MODULE QUESTIONS

After Module 2 is completed, you might want to devote the last class session to a written assessment of what students have learned. You could do this with one essay question (20-30 minutes) and two or three short-answer questions (10 minutes each).

Possible essay questions:

- > What is IHL and why was it developed?
- > What is the relationship between IHL and human rights law? (What are the similarities and differences between the two?)

Possible short-answer questions:

- > Identify three ways that civilians are protected by IHL.
- > Describe four consequences of children being recruited or used by armed forces or armed groups.
- > Explain why the use of indiscriminate weapons and weapons that cause unnecessary suffering is prohibited.

Assessment

You could ask students to formulate other questions in small groups and then select one of them as the essay question for the whole class. Or you could ask each student to propose a question and then answer it. (The student would be assessed on the quality of the question as well as on the answer.) Or you could select a quote from a newspaper article, a sidebar in the materials or another source and ask students to identify the main point being made in the quote and whether they agree or disagree with it.

CRITERIA FOR ASSESSMENT

An effective student response is one which:

- uses concepts, such as bystander, combatant, dilemma or chain reaction and other terms in the EHL materials;
- gives concrete examples to back up points;
- includes examples from a variety of sources, such as the news media, interviews, class discussion and outside reading.

The above techniques are simply suggestions to help you assess your students' work on the EHL materials. Feel free to adapt them to your needs.

Web resources

INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS LAW

- IHL treaties and documents database, International Committee of the Red Cross (<http://www.icrc.org/ihl>)
 - *Crimes of war: What the public should know*, Crimes of War Project (<http://www.crimesofwar.org/thebook/book.html>)
 - International human rights law instruments, Office of the United Nations High Commissioner for Human Rights (<http://www.ohchr.org/english/law/index.htm>)
 - Humanitarian law and human rights law, International Committee of the Red Cross ([http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/57JR8L/\\$File/IHL_and_IHRL.pdf](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/57JR8L/$File/IHL_and_IHRL.pdf))
-

CHILD SOLDIERS

- Children and international humanitarian law, International Committee of the Red Cross (http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/section_ihl_children_in_war?opendocument)
- Convention on the Rights of the Child (<http://www.ohchr.org/english/law/crc.htm>)
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (<http://www.ohchr.org/english/law/crc-conflict.htm>)
- Coalition to Stop the Use of Child Soldiers (<http://www.child-soldiers.org>)
- Children and armed conflict, United Nations Children's Fund (http://www.unicef.org/emerg/index_childsoldiers.html)
- Child soldiers, Amnesty International (<http://web.amnesty.org/pages/childsoldiers-index-eng>)
- Child soldiers, Human Rights Watch (<http://hrw.org/campaigns/crp/index.htm>)
- Office of the Special Representative of the United Nations Secretary-General for Children and Armed Conflict (<http://www.un.org/children/conflict/english/home6.html>)
- Children of conflict, BBC World Service (<http://www.bbc.co.uk/worldservice/people/features/childrensrights/childrenofconflict>)

Web resources

WEAPONS

- Weapons and international humanitarian law, International Committee of the Red Cross
(http://www.icrc.org/web/eng/siteeng0.nsf/iwpList2/Humanitarian_law:Weapons)
- Weapons and health, International Committee of the Red Cross
(http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/section_weapons_and_health)
- Arms, Human Rights Watch
(<http://www.hrw.org/doc/?t=arms>)
- Landmines and explosive remnants of war, International Committee of the Red Cross
(<http://www.icrc.org/eng/mines>)
- International Campaign to Ban Landmines
(<http://www.icbl.org>)
- Landmine Monitor
(<http://www.icbl.org/lm>)
- Landmine Action
(<http://www.landmineaction.org>)
- E-mine: Electronic Mine Information Network
(<http://www.mineaction.org/index.asp>)
- Biotechnology, weapons and humanity, International Committee of the Red Cross
(<http://www.icrc.org/Web/eng/siteeng0.nsf/html/bwh>)
- Disarmament: Biological and toxin weapons, United Nations
([http://www.unog.ch/80256EE600585943/\(httpPages\)/29B727532FECBE96C12571860035A6DB?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/29B727532FECBE96C12571860035A6DB?OpenDocument))
- World War I: the ICRC's appeal against the use of poisonous gases, International Committee of the Red Cross
(<http://www.icrc.org/Web/Eng/siteeng0.nsf/html/57JNQH>)
- Organization for the Prohibition of Chemical Weapons
(<http://www.opcw.org>)
- The bombing of Hiroshima, Eyewitness to history
(<http://www.eyewitnesstohistory.com/hiroshima.htm>)
- Small arms availability and international humanitarian law, International Committee of the Red Cross
(http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/section_ihl_arms_availability?OpenDocument)

Web resources

- Small Arms Survey
(<http://www.smallarmssurvey.org>)
- Control Arms
(<http://www.controlarms.org>)
- Arms Management in Africa (special section on children, youth and conflict),
Institute for Security Studies
(<http://www.smallarmsnet.org>)
- Viva Rio
(<http://www.vivario.org.br/>)
- Middle East North Africa Action Network on Small Arms
(<http://www.mena-small-arms.org>)
- Small arms, United Nations Children's Fund
(http://www.unicef.org/emerg/index_smallarms.html)
- Human security and small arms, Centre for Humanitarian Dialogue
(<http://www.hdcentre.org/About+the+programme>)

Notes

Notes



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