

## Cultural diversity and the challenges it poses for humanitarian practitioners

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How is one to prevent acts of abuse committed by weapon bearers who stir hatred in the name of identity-related historical claims, use religion to justify acts of violence or violate humanitarian law on the grounds that their actions are culturally acceptable? How can cultural property be protected from attack? Should a surgeon amputate the leg of a young mine-blast victim in Cambodia whose mother is against the operation for fear that the child will go one-legged through the rebirth cycle? Should humanitarian practitioners make allowances for discriminatory practices on the grounds that they are rooted in the culture of the region in which they are working, or should they object to them in the name of the principles guiding their work? It is in day-to-day activities that humanitarian players run up against questions and choices that can pose ethical problems. The purpose of this article is to reflect on these tangible dilemmas, which are part of a larger issue: the intersection between humanitarian law, which is universal in scope, humanitarian action, which is also grounded in universal principles such as impartiality, and the way in which culture is used by some participants in armed conflicts to express their difference or reject others.

The article proceeds in stages. It starts by defining the concepts of culture and identity as we understand them as humanitarian practitioners. Having thus set the terminological framework, we consider armed conflict as a cultural phenomenon, before turning to the different ways in which identity and culture are sometimes used by combatants to mobilize their troops or justify violations of humanitarian law. In that context, we focus on humanitarian workers: why it is important for them to be sensitive to cultural issues and what must they know about themselves to work in culturally different contexts. Having thus defined the theatre of operations and identified the players of interest to us, we move on to humanitarian action: how can one develop an aptitude for “reading” culturally diverse contexts? How are cultural factors to be integrated into humanitarian programmes? And lastly, how can humanitarian law be

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used to foil the identity-related bias expressed by combatants who feel no compunction about manipulating culture in their psychological war?

A word of caution before we embark on the perilous task of exploring a subject that is relatively new, in conceptual terms, to humanitarian practitioners, but whose importance is underscored by events of the past few years. Our approach is based on actual experience of armed conflicts, and on our knowledge of the suffering they cause – not on the academic considerations of the anthropologist.

It is our hope that these thoughts – which continue to evolve and which reflect the thinking of one humanitarian player – will further a debate to which we attach great importance at a time when globalization is giving rise to so much fear and incertitude. Our firsthand observations about theatres of war, which may seem very down-to-earth to specialists, must be considered against the backdrop of a world in which many groups of people feel that their identity, language, traditions and religion are threatened and equate globalization with a “dominant” Western culture.

### **How to define the words “culture” and “identity”?**

It may seem somewhat audacious for a humanitarian practitioner to define concepts which specialists from other fields examine in far greater depth. We shall nevertheless beg their indulgence and forge ahead, so that the conceptual premises of this article are clear, in particular for the humanitarian workers who read it.

Different understandings of the term “culture” co-exist.<sup>1</sup> Some schools of anthropological thought hold that culture is a homogeneous whole delimited by a territory and rooted in history. The cultural group thus defined shares a set of rules, beliefs, values and forms of behaviour, and speaks a common language. Refugees and migrants move from the territory of one culture to that of another. They are weighed down by their culture and seek either to integrate into the other culture or reject it from the outset, if they themselves are not rejected by it. From this

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<sup>1</sup> D. Cuche, *La notion de culture dans les sciences sociales*, 3rd ed., Editions La Découverte, Paris, 2004; A. Wimmer, *Nationalist Exclusion and Ethnic Conflict: Shadows of Modernity*, Cambridge University Press, Cambridge, 2002, pp. 19-41.

point of view, "culture shocks" – and clashes of civilization – are possible. Another interpretation of culture rejects the notion that it is rooted in a territory with defined borders. It perceives culture as a set of constantly changing values and practices. New cultures take shape while others disappear, meaning that culture cannot be likened to tradition. In this interpretation, history is not a constituent part of the culture, but rather the written support for it. Looked at in this way, culture is as much constructed as it is inherited from the past. Population movements make social groups more culturally hybrid and contribute to the construction of networks of solidarity.<sup>2</sup> This view corresponds more closely to a globalized world in which the nation State is no longer all powerful, in which flows, in particular of migrants, are growing in number and in which armed conflicts engulf entire regions. It lays the concept of "clash of civilizations" open to question, but does not deny that greater economic, social and political disparity between groups whose religion, culture or language differ is a factor of tension, as is the absence of cultural recognition for other peoples and the discrimination it engenders.<sup>3</sup>

Identity, as we define it in this article, is a collective representation, the fruit of a group's imagination. That representation takes shape around factors such as religion, ethnicity (as a means of differentiation), lifestyle (agricultural or pastoral), place of residence (valley or mountain), language and nationalism (in particular when the group lays claim to a territory). According to François Thual, it is the group's fear that it may be victimized by another (which can lead to a spiral of mutual recrimination), its fear that it will be dispossessed of its specificity, that forges its identity.<sup>4</sup> Hence its evocation of a legendary past, its recourse to myths, the resurgence of the theme of a martyred people engaged in a heroic battle for its survival. In our work in conflicts in the Caucasus (Abkhazia, South Ossetia, North Ossetia-Ingushetia, Nagorny Karabakh, Chechnya) and the Balkans (Kosovo), we have often heard people lament the destruction of cultural property and listened to virulent speeches about attacks on the speaker's language or the enemy's determination to expel a group from a territory to which it believes it has first claim.

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<sup>2</sup> A. Monsutti, *Guerres et migrations, Réseaux sociaux et stratégies économiques des Hazarans d'Afghanistan*, Editions de l'Institut d'ethnologie / Editions de la Maison des Sciences de l'Homme, Neuchâtel / Paris, 2004, pp. 40-54, on the new approaches to migration, transnationalism and globalization.

<sup>3</sup> *Cultural Liberty in Today's Diverse World*, Human Development Report 2004, United Nations Development Programme (UNDP), New York, 2004, pp. 42-43.

<sup>4</sup> F. Thual, *Les conflits identitaires*, Ellipses, Edition Marketing, Paris, 1995.

## Armed conflict as a cultural phenomenon

Today's armed conflicts cannot be summarily attributed to a culture shock, but armed conflict as such is a cultural phenomenon.

First premise: there is no unambiguous link of causality between cultures and conflicts, even though a culture's identity-related awareness can, when asserted in opposition to another culture, be a source of violence and even though some cultures are by tradition more bellicose than others. We are prompted to say this for three reasons. First, culture not only marks differences between peoples; it also allows peoples to communicate in spite of them. In Croatia, in the late 1990s, the Youth Red Cross demonstrated this by organizing, with the help of teachers, traveling exhibitions of art and poetry on Red Cross action and the principle of humanity, to help assuage fear and mistrust between Serbs and Croats. Second, no cultural entity is homogeneous (every community contains within it political currents, social classes, economic interests). Thus solidarity may exist between individuals or groups belonging to different cultures. Lastly, it would be naïve to reduce war to cultural differences, when it is often coldly planned to further material interests or stems from a desire for power. The cultural, ethnic or religious reference must not hide the fact that the desire to appropriate economic resources – oil, diamonds, precious woods, minerals, land, water – has been the driving force behind many current and past conflicts. Liberia, Sierra Leone and Sudan are countries to which this hypothesis has been applied.<sup>5</sup>

In what way is war a cultural phenomenon? How the fighting is conducted is influenced by culture. The ICRC had an interesting experience in this respect when it lent support for the analysis by a group of Somali historians (oral history) of the rules traditionally observed by Somali warriors in combat. The analysis brought to light the principle of immunity for certain groups (women, children, religious figures, honoured guests and community elders); it showed that the weak are under the special protection of God and explained how prisoners of war and the wounded and sick are to be treated. It underscored the importance of individual and collective honour and reputation.<sup>6</sup> The technological modernization of warfare and weapons, among other factors, may have relegated some of those traditions to history books, but the analysis nevertheless

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<sup>5</sup> *Cultural Liberty in Today's Diverse World*, op. cit., p. 42.

<sup>6</sup> *Spared from the Spear, Traditional Somali Behaviour in Warfare*, International Committee of the Red Cross, Somalia Delegation, February 1997.

illustrates the idea that social groups have reasons for going to war, methods of warfare and means of settling disputes that are peculiar to them.

War also results in identity-based groups being recomposed. On the one hand, it often obliges individuals to declare where they belong, and the choice they make may be dictated by numerous factors, chief among them security. When the State is collapsing and can no longer protect its citizens, families tend to turn towards the warlord or limited solidarity group that is able to afford it the greatest degree of protection. The choice they make often has dramatic consequences. In Sarajevo, when the former Yugoslavia was going up in flames, many people did not want to identify themselves with an ethnic group – Serb, Croat or Muslim – but they had no choice. Identity-related recomposition can also be the result of population movements. Groups structure themselves on the basis of mutual aid networks that transcend borders and in which the diasporas play an important role. The case of Nagorny Karabakh is an interesting example, because of the political and financial commitment of the Armenian diaspora that has settled chiefly on the western coast of the United States and in France.

### **The use of identity and culture in armed conflicts**

Identity and culture are used in a variety of ways in armed conflicts. We shall mention two that we have witnessed: the use of both concepts to mobilize combatants, and their evocation to justify violations of humanitarian law.

Identity-related claims, which may seem legitimate, can rapidly inflame an entire community stirred up by speeches that both feed on and nourish its fear of others. People are swept along on a Manichean tide fomented by politicians, journalists, the clergy and intellectuals. In countries at war, identity-related strategists are often intoxicated by their own words. They read all events in the light of identity-related references, and end up more shocked by the burning of cultural property, places of worship or libraries, than by the summary execution of civilians that result from their policies. In their minds, clearly, they are involved in a clash of civilizations, yet the fighting is mainly the outcome of a disastrous economic situation and its social consequences.

In this regard, the discourse on the clash of civilizations (which is too all-encompassing a concept to be truly useful) is disturbing, for it serves to construct a collective image and will, we fear, end up producing what it claims to study. The much-discussed analysis of clashes of civilization will ultimately help spawn the object being analysed, by feeding the fears of civilizations we do not belong to. And the fact that the civilization in question is often reduced to a geographic area in which one religion (Christianity, Islam, Orthodoxy, etc.) prevails only serves to heighten that fear, for religion is commonly used to provoke or justify violence. Such violence is usually based, as we have seen, on a perceived threat to one's own religion or aggression against it. The religious argument is then exploited for partisan purposes, to mobilize combatants, sometimes sincerely, at others in coldly calculated fashion.

Secondly, culture is used by those in power to justify their inability to apply humanitarian law, whose pertinence they nevertheless rarely deny. It is not always as easy as one might think to find a response, hence the importance of not being swayed by their arguments while keeping an open mind. There are limits to relativism.

We are reminded here of two examples from the Caucasus. The first is private hostage-taking. Alexandre Dumas wrote spellbinding pages about the ancient roots of hostage-taking in the region,<sup>7</sup> and countless traditional, black lacquered boxes depict wintery scenes of young Caucasian girls being spirited away on horse-drawn sleds (their faces revealing no trace of the violence to which they are being subjected). This is not to be confused, however, with the abduction of an old woman for whom a price has been set (much lower than for a young man) and who is anxiously waiting to be exchanged for a member of the family holding her, himself or herself a prisoner of her family on the other side of the front line. We have been told that in armed conflicts the Caucasian tradition of private abductions, in violation of the prohibition of hostage-taking, and the exchange of detainees by families is a more humane practice than prison. There are forms of cultural reasoning which humanitarian workers cannot be party to, even though they may quite reasonably ask themselves whether the captive is better off being held by a family or in a State prison.

Another example is the setting up of so-called "humanitarian" corridors. Before laying siege to a town or an encircled village, tradition, we are told

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<sup>7</sup> A. Dumas, *Le Caucase*, Editions François Bourin, Paris, 1990, pp. 48-49 and 94.

in answer to our protests, has it that the elderly, the women and children can leave through a humanitarian corridor but any valuable belongings may be confiscated as they pass. This practice, it is said, will save their lives. After their departure, which has to occur within record time, fierce and unforgiving battle can be waged against the men, who want to fight or have been unable to flee, and anything left behind can be pillaged. Humanitarian law does not permit such practices.

In short, in armed conflicts, cultural belongingness can lead to death, torture, forced exile or marginalization. Through their relief work, humanitarian practitioners ease some of the suffering wrought by such behaviour. They demand respect for humanitarian law, which prohibits summary executions, torture and forced displacement of the population, and which protects cultural property. We shall now consider the need to be culturally sensitive to perform their humanitarian work.

### **Why is it important for humanitarian workers to be culturally sensitive?**

For some people, humanitarian workers who become interested in the local culture may lose sight of the essentially economic and political causes of the armed conflict in which they are working. Analysing conflicts from the point of view of culture is thus tantamount to obscuring exploitation, social inequality and the unfair distribution of resources and power. We feel this misstates the problem. The point is not to prefer one type of analysis to another, but rather to consider a range of perspectives so as to enhance understanding.

Such fears are overblown. In the first place, to display an interest in the culture of those affected by armed violence is to show respect and interest for people whose self-confidence has often been seriously shaken by the traumatic experience of warfare. By admiring Armenian illumination in Yerevan or showing a genuine interest in old Central Asian maps in Dushanbe, humanitarian workers open the door to mutual understanding. People who define themselves by a culture often – but not always – find in it a source of pride. Culture is thus an intellectual, aesthetic, even emotional meeting ground that serves to reinforce the bonds of trust and on which to build a constructive relationship for the discussion of humanitarian affairs.

Secondly, by incorporating understanding of another culture into their activities, whether at the ideological, social or practical level, humanitarian workers are better able to respond to needs, to avoid unwittingly breaking taboos (which can create security risks) and to be more effective. They have to understand, for example, how cultural factors can have an impact on the way in which people experience war. African displaced persons may be haunted by the suffering of ancestors to whom they could not ensure proper burial. The relationship with death varies from one culture to another (back to nothingness for some, rebirth for others). The same holds true for the grieving process and burial procedures.<sup>8</sup> Humanitarian workers are also well advised to learn about codes of conduct. The Thai, for example, provide foreigners with practical guidelines on behaviour so that they may commit no offence.

Lastly, humanitarian law – the rules which must be respected in armed conflicts and which apply both to categories of protected persons and to the conduct of hostilities – requires respect for cultural property and more, for communities which are entitled to an identity. ICRC delegates, whose duty it is to ensure respect for humanitarian law, must spread knowledge of it and take action when cultural property is imperilled. The deliberate destruction in Afghanistan of the Hazara people's cherished Bamiyan Buddhas is a sad reminder of the need for such duty.

We cannot expect too much, however. Humanitarian workers are not in a position to take their analyses very far. Few of them are anthropologists, and recourse to consultants is limited by financial constraints. The national employees with whom ICRC delegates work provide invaluable guidance in this respect, and the members of Red Cross and Red Crescent Societies help the ICRC navigate the environment in which it works. Most of them, however, are cast in the same socio-economic mould, namely well-off urban society (or at least, it was well off before the conflict broke out), or they may have an ethnic background that influences their views. The language barrier between delegates and local communities does not facilitate mutual understanding – nor does the aggressivity displayed by some “victims” towards the humanitarian workers they hold responsible for their misfortune, for want of being able to vent their feelings on the political world. Last but not least, the urgency of the situation means that no serious study can be made of the cultures underlying conflict

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<sup>8</sup> Y. Droz (ed.), *La violence et les morts, Eclairage anthropologique sur la mort et les rites funéraires*, Ethnos collection, Georg Editeur, Chêne-Bourg/Geneva, 2003. The book is the outcome of research conducted by the ICRC in the framework of a project on the missing in armed conflicts, and presents the wide range of funeral rites and the views of various anthropologists on death.



environments, although the fact that the ICRC has been present in some theatres of operations for many years (Sudan, Iraq, Colombia, Afghanistan, Sri Lanka, etc.) has allowed it to become more conversant with them.

## **What must humanitarian workers know about themselves before entering a culturally different context?**

Humanitarian workers must not forget to include themselves in the analysis. They cannot engage in one-sided observation and project their specificity onto others. To enter into dialogue, they must know and accept their limits and realize that they are themselves objects of scrutiny. Their situation is akin to that of businessmen representing a foreign firm, journalists or United Nations observers plunged into the midst of war.

Humanitarian workers have several identities, each of which will puzzle their new contacts, friends and neighbours. They are humanitarian agents, representatives of an organization which has a mandate and principles for action, members of a profession which may have its own specific culture or ethics, and human beings with life stories.

First, they are humanitarian agents whose ethics, at least within the International Red Cross and Red Crescent Movement, can be described by a litany of words: emergency, relief for individuals, impartiality, solidarity, rules-based approach to abuse. There is no single model of humanitarianism; in some societies, for example, notably in Asia or Africa, collective interests take precedence over individual concerns. Humanitarianism, no matter what shape it takes, is nevertheless a factor of identity, as is development for development workers.

Next, the same humanitarian agents belong to an institution. ICRC delegates, for example, sometimes define themselves as nomads. They aspire to feel at home everywhere. For this to be the case, they carry with them an institutional culture that, while adapted to local conditions, is recognizable worldwide.<sup>9</sup>

Thirdly, the same delegates have the ethics or culture of their profession. This background will tell a doctor what to do when confronted by suffering, will prompt an anthropologist to consider the long-term effects of his action, and will make a technician seek rapid and effective results at the least cost to the institution.

Lastly, humanitarian workers are people like you and me. Each of us has a national identity, convictions, and a life story. For example, a male,

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<sup>9</sup> F. Bugnion, *The International Committee of the Red Cross and the Protection of War Victims*, MacMillan, Oxford, 2003.

Protestant delegate from Geneva and a female, Muslim delegate from Africa have in common their belonging to the institutional culture of the ICRC, but beyond that, they may have very different perceptions of happiness, justice, religion or relationships between people.

Delegates have to understand what has gone into making up the different components of their identity because, in order to communicate with others, you have to be on close terms with yourself. Humanitarian workers tend to have the guilty feeling that they are intruding, and want to make others forget the arrogance attributed to them. They are aware, when they come from a country at peace, how overwhelmingly privileged they are in comparison to the conflict victims they encounter. Some fall into the trap of being fascinated by exoticism. They liken themselves to the people by whom they seek to be accepted, forgetting that being true to oneself commands respect. In short, rather than comparing their vision with that of others in an ethnocentric approach, humanitarian workers should try to put themselves in other people's shoes, so as to understand how other people see them. More than one would be surprised at the critical way in which they are perceived.

### **How can one develop an aptitude for reading other cultural contexts?**

What must humanitarian workers know if they wish to enhance their understanding of the values, beliefs, conduct and practices of the people among whom they live?

There are many things. First, they should be familiar with the people's history, in particular its tragic moments, the causes of any conflicts and the ways in which those conflicts were resolved. An ICRC-commissioned study on the settlement of tribal disputes in Yemen discussed the sudden flare-up in tribal violence caused by a minor incident (a man from one tribe was killed in a car accident by a man from another tribe) and the speed with which the dispute was settled by customary justice, in application of ancestral rules.<sup>10</sup> It is better to know traditional mechanisms of conflict resolution than to intrude clumsily in such situations.

Secondly, humanitarian workers must be interested in the way their work is perceived. How, for example, can they hope to communicate with African intellectuals and decision-makers if they do not know that some

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<sup>10</sup> *Le règlement des conflits tribaux au Yémen*, 17 October 2002, ICRC internal archives, DEL 05712.

will not see humanitarian work as a requirement of solidarity, dictated by compassion, but rather as an imperative of global justice, a form of reparations for the suffering caused by the slave trade and colonialism, something that is owed rather than a gift?

Thirdly, humanitarian workers must recognize the “cultural vulnerability” of certain groups of people. They have to look into the behaviour that can generate vulnerability (such as obscurantist practices) and how the community manages disputes (for example, the rejection of handicapped individuals or women said to have brought dishonour on the community).<sup>11</sup> Indeed, some of the practical problems encountered by delegates, doctors, nutritionists and engineers stem from beliefs such as that of the Dinka communities in Sudan that an infant will develop diarrhoea when its mother has worked for too long in the sun and her milk has reached too high a temperature.<sup>12</sup>

Lastly, it is useful to understand people’s unwritten laws, traditions, myths and legends, symbols, required or prohibited forms of behaviour, and practices (nutrition, habitat, health). In order to understand, for example, how weapon bearers see their behaviour in terms of international humanitarian law, delegates should have some inkling of the local codes of behaviour (respect for the elderly or prohibition to kill the enemy while his back is turned, for example).

It is even more difficult to understand the impact of conflict on the balance of power in a society, as relationships of power are to some extent – but of course not exclusively – dictated by culture. Take the case of the older members of the community, the village elders. War often hastens the pace at which one generation steps into another’s shoes and changes the distribution of roles; at times it even deprives the elders of their credibility in the eyes of the community. We will forever remember the local arrangements made by the older members of the community with the enemy armed forces in a conflict zone. Those forces had demanded that the young fighters be made to lay down their weapons and leave the village by a certain date. In exchange, they promised not to shell the village. The young fighters handed some old rifles over to the

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<sup>11</sup> A. Mourey, *Manuel de nutrition pour l’intervention humanitaire*, ICRC, Geneva, 2004, p. 242; see also p. 190 (the impact of culture on security mechanisms when it comes to food) and p. 155 (cultural determinism, which arises when individuals organize as a society to increase their chances of survival and meet their needs).

<sup>12</sup> J. Jolly, *Position Paper. Hygiene Promotion, South Sudan, 2003*, 3 June 2004, ICRC internal archives, LOK 03/2000.

elders and left the built-up areas at night to protect their families. But 24 hours before the deadline set by the ultimatum, when the elderly were preparing to hand the weapons over to the enemy soldiers, the shelling commenced. And the same thing happened in another village, in surprisingly similar circumstances. How credible were the old men who had been naïve enough to trust the enemy and deprive the village of its defenders? Even in cases where the wisdom of experience is not openly questioned, the young of today, when they are old and invested with the authority of their elders, will reinvent it on the basis of their experience. Their power may no longer come from the status of their family as determined by its land holdings, but by their ability to integrate globalized flows of goods and funds, which will be the new source of wealth – or the new cause of poverty.

Humanitarian workers always have to start from scratch, at least in so far as the environments in which they live allow them to learn anything. Often they will simply not have access to the world reinvented by the people they seek to help. This is particularly patent in the prison world. In some prisons in Latin America, the prisoners shut themselves away behind bars in order to live in what we would go so far as to describe as a “micro culture”. In fact, the prisons had two sections. One separated the prison from the outside and deprived the prisoners of their freedom; the other was built by the prisoners themselves to safeguard what was left of their liberty and to determine how they lived. The two were separated by an area that the ICRC’s delegates were among the few to be able to cross, even though they could not claim to understand the isolated universe in which they performed their humanitarian tasks. It may be embarrassing to talk about ourselves and others, because doing so raises a symbolic barrier, but let us recognize that sometimes that barrier exists in spite of our best intentions.

### **How can cultural factors be integrated into humanitarian projects?**

How are cultural differences to be incorporated into our attitudes and in the design of humanitarian projects? What risks should we take and how far should we go? These are the three questions we now wish to consider.

There are countless examples of dilemmas delegates have been confronted with and of courses of action they have had to choose out of respect for the culture or the lifestyle of another people. Water provides many examples. In southern Sudan and the Horn of Africa, for

example, some people will allow their livestock to drink before slaking their own thirst. Cattle may be vaccinated before children, because they guarantee the survival of the community. If they die, people will die. In Iraq and Darfur, religious practices (such as the cleansing of various parts of the body before prayer) means that some communities use more water and must therefore benefit from more generous distribution criteria. In Jordan, just before the Gulf War broke out and immigrant foreign workers were being evacuated from Kuwait, in August-September 1990, accommodation had to be built in a camp depending on the origin and culture of the people being received. Because of the lack of space, some facilities had to be shared. Different communities from Sudan, Bangladesh, India, Egypt and Thailand have different relationships to water. Not to take account of this can spark serious tension between those groups. And of course, what is true of water can also be said of food and housing.

The participative approach is the best way of listening to and consulting with people. It facilitates understanding of the cause of suffering. In some societies prisoners need some privacy and suffer when forced to share a cell, whereas in others they lead more social lives and feel at ease in a group. In addition, how an individual experiences suffering varies as widely as the causes of suffering themselves, and can only be gleaned through dialogue. Some prisoners talk about the horrors they have undergone with a surprising lack of emotion. In such cases, the participative approach can be used to identify appropriate forms of response. Lastly, this participatory approach enables the humanitarian practitioner and the "victim", who quite often suffers from being seen only in this way, to move beyond the model of giver and one who depends on the gift, to upset the balance of power between them. Participation matters, even though it may not always be possible; in an emergency, humanitarian practitioners also have to be able to decide for others.

Humanitarian practitioners must also be aware of the risks inherent in integrating cultural differences into their programmes. The first is that the programme will lose its way in pseudo cultural differences. The needs of certain population groups are the same everywhere, whether they are farmers, pastoralists or carpenters. Swiss and African farmers have the same concerns about access to water, pastureland and markets. Muslim, Catholic and Buddhist shepherds speak the same language. It is therefore often more important to understand market mechanisms than cultural or religious differences. The second danger has to do with attributing the

failure of some projects to cultural differences. That is the easy way out. More often than not, humanitarian projects meet resistance for completely different reasons.

In short, there are limits to respect for cultural specificities. A culture may banish people who have broken taboos and no longer deserve humanitarian aid, but it would be against the ICRC's ethics to let them starve. As one doctor said, we look to international humanitarian law and the Fundamental Red Cross and Red Crescent Principles to tell us when, after having peeled back the successive layers of the onion, we reach the core over which no further compromise is possible without betraying ourselves.

### **Humanitarian law as a bulwark against identity-related proclivities**

Humanitarian law, as we said earlier, is a set of rules protecting those who do not take part in the hostilities (such as the sick and civilians) or who no longer do so (such as the wounded and prisoners). It also contains rules on the conduct of hostilities. The law is particularly useful as a bulwark against identity-related bias in conflicts by its nature, and because of the specific provisions it contains on the protection of cultural property. It is nevertheless a challenge to spread knowledge of the law and ensure its application in culturally different contexts.

In identity-related conflicts, humanitarian law is the flash point between an inclusive approach and an exclusive attitude. Indeed, one of the fundamental principles of this universal branch of law – adhered to by 192 States – is non-discrimination. Individuals must be treated without adverse distinction based on sex, race, nationality, religion, political opinion or any other similar criteria. This principle does not, however, preclude legitimate “non-adverse” distinctions based on the special situation of certain categories of people, such as children, pregnant women and mothers of young children. Nor does humanitarian law discriminate between belligerents, who are equal in the eyes of the law of war and identically bound to comply with it, no matter how legitimate or lawful their cause. The fact one party considers itself to be waging a just war or sees itself as the victim of aggression does not authorize it to have recourse to prohibited means and methods of combat. Lastly, the States' undertaking to respect humanitarian law is unilateral, not reciprocal. It does not depend on whether the adverse party complies with the law as well. Humanitarian law, like humanitarian action, therefore

comprehends three basic points: first, equal respect for all men and women, all States, all cultures; second, the rejection of any discrimination towards them; and lastly, the fundamental conviction that all human beings are entitled to respect for their dignity, honour, convictions and family ties. This message has a symbolic value in a world in which identity is becoming a life-threatening condition.

Humanitarian law also provides for the protection of cultural property. In the face of deliberate destruction in armed conflicts of monuments, places of worship and works of art, it is becoming a matter of some urgency to spread knowledge of these provisions. Cultural property is not only of aesthetic or material value; it constitutes the people's memory of the past, their identity and moments of grandeur.<sup>13</sup> The cornerstone of the protection to which cultural property is entitled is The Hague Convention of 1954, the Regulations for its Execution, and the Protocols of 1954 and 1999. Other instruments also contain provisions on this subject, in particular the 1977 Protocols additional to the 1949 Geneva Conventions and the Rome Statute of the International Criminal Court. Parties to the conflict are obliged, by virtue of these instruments, to take all necessary measures to spare such property, on condition that it is not used for military purposes. Such property must be marked with a visible distinctive sign and notified in advance. The Rome Statute grants the Court jurisdiction to try persons suspected of having violated the prohibition to attack cultural property in an international or a non-international armed conflict.<sup>14</sup>

Those are the rules. But since culture divides as much as it unites people, humanitarian workers can only express consternation at the memory of the attacks on Dubrovnik, and, in the Balkans, of mosques, churches and monasteries destroyed by belligerents. As the psychological and symbolic component of war gains ground, the threat to cultural property steadily grows, as witnessed in the attack on the twin towers in New York. Decisive action must therefore be taken to protect the treasures of humanity and, closer to home, the treasures of communities proud of their monuments, archaeological sites, books and manuscripts, museums and archives. The ICRC's action includes disseminating the rules of

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<sup>13</sup> F. Bugnion, "La genèse de la protection juridique des biens culturels en cas de conflit armé", *International Review of the Red Cross*, Vol. 86, No. 854, June 2004.

<sup>14</sup> The Statute, which was adopted in Rome on 17 July 1998, defines as a war crime: "[...] Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, [...] provided they are not military objectives" (Art. 8.2.b.ix). See also Article 8.2.e.iv. The prohibition applies to acts committed during international and non-international conflicts.



humanitarian law, inviting the States to take national measures enabling them to respect those rules should a conflict break out, and making representations in such cases.<sup>15</sup>

Given the number of States party to the treaties that give it force of law, humanitarian law is universal in scope. It must be recognized, however, that the law may be seen by some societies as a foreign corpus, like other branches of international law. Hence the ICRC's idea – which it now realizes poses daunting challenges – to examine the convergence between the universal law and local legislation and customs.<sup>16</sup> Among other things, the ICRC facilitated the publication of a book on humanitarian law and Maya traditions<sup>17</sup> and will shortly be publishing a study conducted in the islands of the Pacific to enhance understanding of how traditional societies settle and resolve their disputes. The study is being directed by a professor from Suva University, aided by his students.

At the outset, this kind of research was greeted with great enthusiasm. The enthusiasm is still there, but tinged with a slightly different understanding of the primary aim of the research. The aim is not to compare rules, even though it is very interesting to do so, but to make it easier to insert humanitarian workers into foreign environments. The ICRC hopes thus to engage in dialogue, to explain who it is and to listen. The objective changed over time because several risks emerged. The ICRC is particularly concerned about four of them: the risk that it will manipulate the local culture if it chooses what corresponds to humanitarian law over any traditional practices that are contrary to the law; the concomitant danger of associating with a given group of the population in analysing the local culture and conferring excessive power on that group, which would undermine the ICRC's perceived neutrality; the difficulty in identifying the common foundation that would allow it to find points of convergence with humanitarian law in multicultural societies; and the fear of ethnocentrism in an approach that would consist in demonstrating that everything to be found in local culture is universally applicable.

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<sup>15</sup> M.T. Dütli, with J.B. Matignoni and J. Gaudreau, *Protection of Cultural Property in the Event of Armed Conflict. Report on the Meeting of Experts (Geneva, 5-6 October 2000)*, ICRC, Geneva, 2002; *The protection of cultural property in the event of armed conflict*, Follow-up Report on Resolution 11 of the 2001 Council of Delegates, document prepared by the British Red Cross in consultation with the ICRC, Geneva, July 2003, submitted to the Council of Delegates, Geneva, 30 November-2 December 2003, CD 2003 – 8.5/1.

<sup>16</sup> Y. Diallo, *Traditions africaines et droit humanitaire, Similitudes et divergences*, ICRC, Geneva, 1976.

<sup>17</sup> C.F. Dary, *El derecho internacional humanitario y el orden jurídico maya: una perspectiva historico-cultural*, Flasco, Guatemala, 1997.

One approach is always topical, however, and that is to choose vectors for communicating humanitarian law that speak to the hearts and minds of the people the ICRC wishes to talk into respecting it.<sup>18</sup> To enter into a constructive relationship, the organization must be able to express the message it claims is universal and the questions that serve as a basis for discussion in a locally appropriate form: theatre in Somalia and Nigeria, football in Colombia,<sup>19</sup> a circus by street children in Ethiopia, proverbs in Kivu or dance in Angola. This is not so much an intercultural approach as, more modestly, an adaptation of the ICRC's mode of communication to a context.

### Culture and empathy

What conclusions can we draw from this analysis based on the ICRC's experience to better incorporate cultural aspects into its projects for persons affected by armed conflicts and to enhance respect for humanitarian law by weapon bearers and politicians?

"Culture matters", to quote the Swiss Government.<sup>20</sup> It is a mental force that enables people to face up to illness and trauma. Remove people from their cultural environment (which is not, as we have seen, defined by territory) and they lose their bearings; their mental capacity to withstand the shock of war is weakened. To what extent does cultural belonging bolster resilience? This is a question humanitarian practitioners are wont to ask.

Cultural property – the collective memory of a people – must be respected. It is false to say, "What's the point of mobilizing to protect museums and statues when so many human lives are in peril?" The two are not mutually exclusive. To be unaware of the heritage that constitutes a people's identity is to negate the value of that identity. It is an insult and a cause of suffering fraught with danger for the future.

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<sup>18</sup> G. Chaves, "*L'approche interculturelle*" pour la promotion du droit international au CICR, 1998-1999 (DC/COM/EDUC 00/81, 15 June 2000), internal study conducted under the leadership of Edith Baeriswyl.

<sup>19</sup> An ad hoc project conducted by the ICRC in Colombia, in 1998, during the World Cup; entitled *Juege limpio*, the project, which comprised television and radio spots and posters, sought similarities between the rules of humanitarian law and the rules of football. The ICRC hoped thus to reach out to young combatants, especially via the radio.

<sup>20</sup> *La culture n'est pas un luxe. Coopération et développement: l'aspect culturel*, Swiss Agency for Development and Cooperation, Federal Department of Foreign Affairs, Bern, September 2003.

The other person's culture underlies any human relationship, and it is the responsibility of each and every one of us to inquire into that culture, using whatever tools our lives have equipped us with. Everyone has a past, a background, an image of himself or herself; it is the encounter between us that counts. Such encounter implies that we must first understand our own changing identity and the way in which it is perceived, before we analyse a constantly shifting socio-cultural environment. If the tools of anthropology, psychology and philosophy can facilitate that encounter, why not have recourse to them?

To sum up, humanitarian practitioners are well-intentioned human beings who reach out to other people who are not always immediately convinced of those good intentions because, in war, there is very little one can still count on, except within a very limited circle. Establishing a link with another human being who suffers, who has been humiliated, who feels dependent, requires tact, comprehension, respect, in short, empathy. The secret for success is twofold. On the one hand, we must be open-minded and aware of what sets us apart from each other, and this itself requires tolerance, but also at times a sense of limits and priorities. On the other, we must not assume that the principles and values of humanitarian action, as we conceive them, are spontaneously understood and accepted by those who benefit from them and by the groups and individuals at war with each other. Some may see in humanitarian action an imperative of justice rather than a requirement of solidarity, or will view impartiality in relative terms. Others will concoct moral justifications for their abusive actions. To learn to listen, to know, to situate others in their cultural context is the path to true dialogue, and paves the way for humanitarian action.

Rather than viewing cultures as tectonic plates that increase the likelihood of confrontation, the challenge now is to learn to engage in dialogue, individually and collectively, in a world in which differences are growing sharper and people tend more and more to demonize "others". Let us not see "intercultural dialogue" as a means of fighting resurgent terrorism, without even knowing what cultures we are talking about or by assimilating Islam and the West to cultures and civilizations, when what we need to promote is dialogue between people of good will, from all backgrounds. We must learn to master our fear of foreigners and their differences. Let us ensure that future generations have the possibility to learn, so that they can discover the richness of the culture to which they belong, contribute to its evolution and open themselves to other cultures,

some of whose traits they may adopt and will learn to respect. They will be better able to stand up to calls to “defend” their identity with violence, and will discover their common heritage of humanity that will enable them to accede to a shared language of which they can be proud.