

EXPLORATIONS (10 sessions)

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2B Codes and traditions over time (one session)	21
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2D Focus on weapons (two sessions)	48
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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

2A

Module 2: Limits in armed conflict

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 RESOURCES

NOTE

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

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?

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

STUDENT 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.



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?”



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.



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.



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?”



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?

- Look at your side’s long-term interest. Do you want to be seen by the world as a criminal?
- 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?
- 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.
- 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?

- They are not broken all the time. Most of the time they are respected.
- Does abiding by the rules make news? It is usually violations that make the news.
- Even if imperfectly respected, these rules do protect many people.
- 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.
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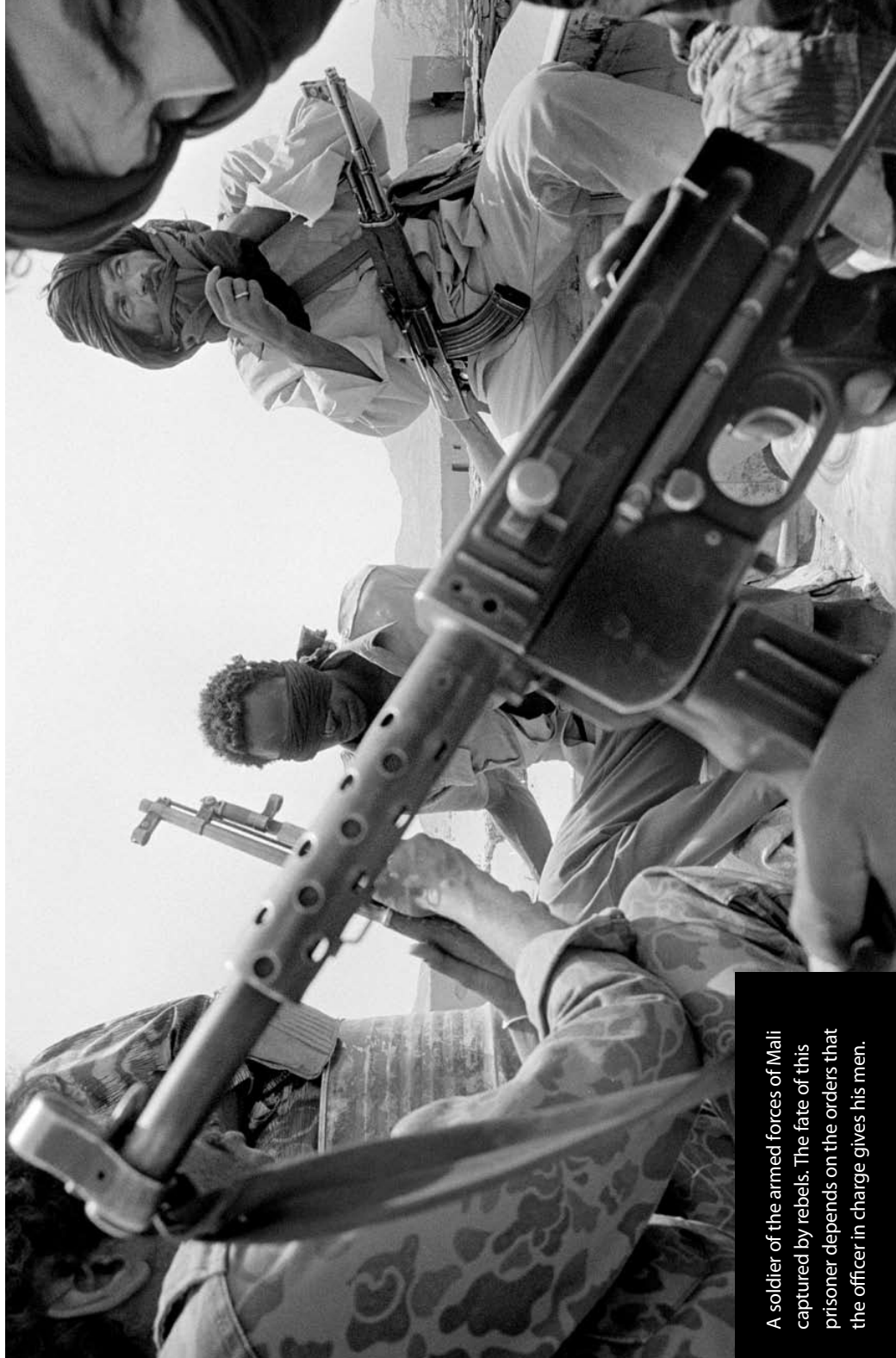
4. Who ensures respect for these rules?

- 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.
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NOTE

This subject is also addressed in Module 4.

Blindfolded captive

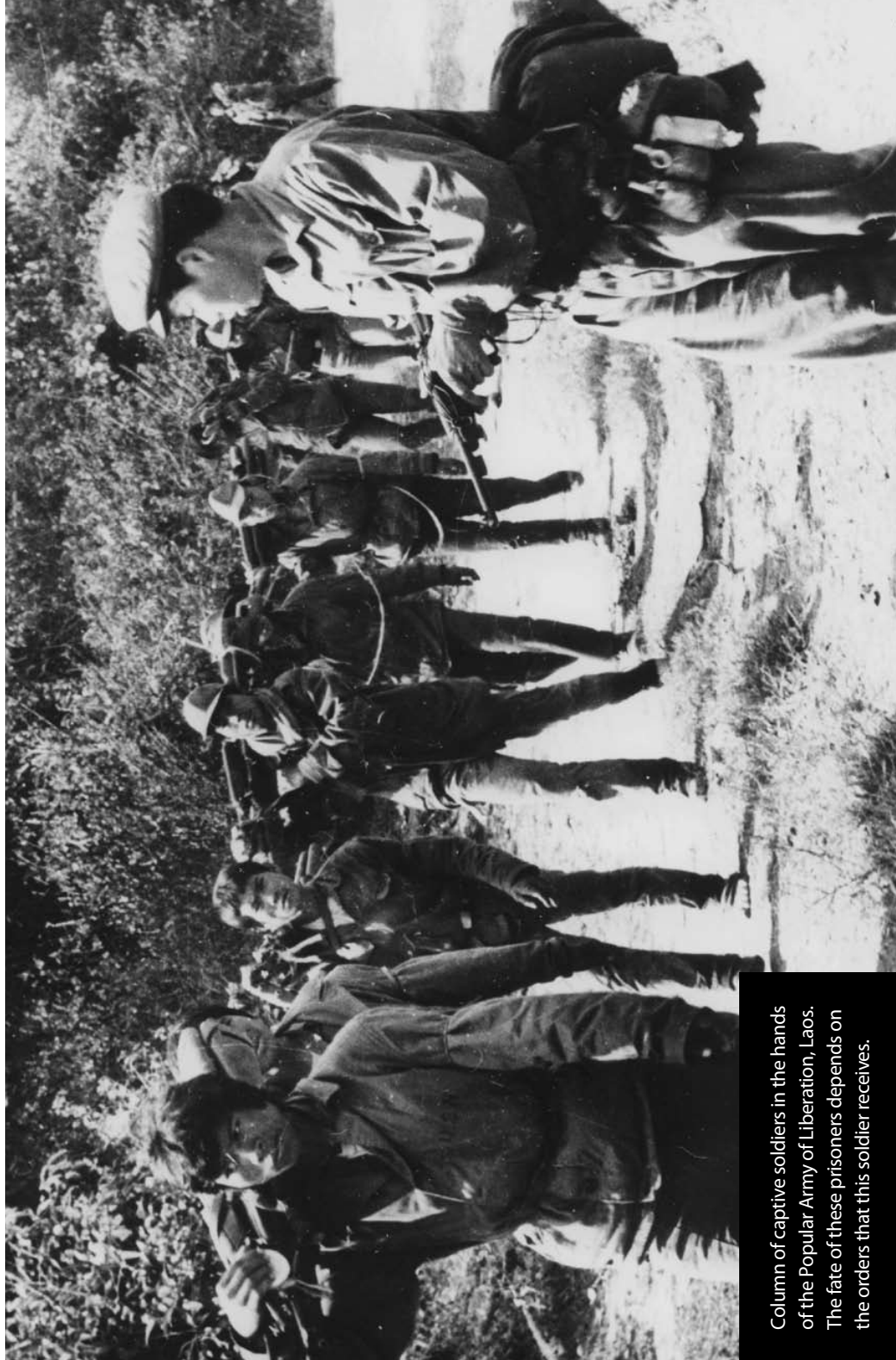


Raymond Depardon/Magnum Photos

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



ICRC. All rights reserved

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	

Module 2: Limits in armed conflict

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

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

Questions:

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