

Reflections on a dissemination operation in Burundi

Declaration for standards of humanitarian conduct: Appeal for a minimum of humanity in a situation of internal violence

by Édith Baeriswyl and Alain Aeschlimann

“Everything in war runs counter to the notion of humanity, but everything in war demands that humanity be preserved. Reconciling these two extremes is the task and the raison d’être of the rules laid down in the law of war.” —

Olivier Russbach¹

This paper is dedicated to the memory of Benoît and Stanislas, Burundian friends who were working on this dissemination project.

The idea of the dissemination project described in the present article first came up at the end of 1993, when what is known as interethnic

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Original: French. Quotations from works in French are ICRC translations.

¹ See Bibliography at end of text.

violence broke out in Burundi following the attempted coup of October 1993 and the assassination of President Ndadaye together with a number of other leading figures. Given the scale of destruction and the heavy loss of life (it is now generally acknowledged that tens of thousands of people were killed during the first few weeks), and in view of the cruelty of the acts committed, ICRC delegates were at first hesitant to embark on any specific operation to promote humanitarian principles. Initially, they confined themselves to a practical demonstration of humanitarian conduct and to the use of radio broadcasts to supply information designed to facilitate operational work.

The delegates' uncertainty and their feelings of impotence in an unfamiliar context marked by extremes of violence perpetrated in complete contradiction to humanitarian international law were nothing new for the ICRC. In this situation, however, their feelings were intensified by the particularly appalling nature of the atrocities committed (what rational motive could there be for the killing or mutilation of babies?), and by the fact that the victims were often attacked at close quarters with knives or axes, so there could be no doubt as to the deliberate intent of the perpetrators.

"All these wars raging around us or looming on the horizon no longer stem from strategy or ideology but from gut feelings. They are no longer a political option but an organic necessity." — P. Delmas

The aim of the present study is simply to review an experiment, not to set up a model to be followed on future occasions. It is intended to contribute to a more general consideration of the scope and limits of those ICRC activities which are not directly operational, that is, activities which seek to promote rules of behaviour intended to mitigate certain consequences of violence and conflict which are held to be unacceptable by the community of States party to the humanitarian law treaties. So we have to move beyond the naïve enthusiasm or flat rejection which normally greets this type of approach and look at some special characteristics of the project, outlining certain key elements before going on to discuss some of the options taken, and finally concluding with a more conceptual analysis.

1. Origin and basis of the project

October 1993. The sudden wave of violence that swept through Burundi came as a surprise both to the Burundian people and to the international community and the humanitarian organizations.

November-December 1993. In order to gain the necessary perspective for the planning of a large-scale dissemination operation, the ICRC delegates dispatched to the scene decided to share their concerns with the Burundian people by organizing:

- a day of discussions with a score of local intellectuals on the topic: “Burundian humanitarian traditions, the way they have changed and the means of dissemination most appropriate for the context”; and
- a meeting with about 15 army officers, most of them familiar with the ICRC and international humanitarian law.

These two meetings revealed a degree of resistance on the part of our Burundian counterparts to the idea of a dissemination campaign based solely on the rules and principles of international humanitarian law or on codes of conduct such as those proposed by Hans-Peter Gasser² or by the international group of experts meeting at Turku in 1991 (the Turku Declaration).³ The civilians’ scepticism was based on the fact that the State had been incapable of containing the massacres and violence, despite the existence of official instruments designed to prevent them, including a Constitution incorporating human rights and a “Charter of Unity” officially adopted in 1993 by more than 90% of the population. The military representatives for their part insisted that the violence had been incited and perpetrated not only by members of the political and military establishment but also by ordinary villagers. To avoid any perception that the military were being singled out for blame, they felt the campaign should be comprehensive rather than aimed at the armed forces.

January 1994. In an attempt to stem the spiral of violence and mutual recrimination, the ICRC delegates, encouraged by some more highly motivated local contacts, decided to press ahead on the basis of the information gleaned from the two meetings, particularly with regard to local traditions. This was the beginning of a research phase involving reading and discussions designed to devise appropriate messages and means for a dissemination campaign focusing on proper conduct.

² H.-P. Gasser, “A measure of humanity in internal disturbances and tensions: Proposal for a Code of Conduct”, *International Review of the Red Cross (IRRC)*, No. 262, January-February 1988, pp. 38-58.

³ H.-P. Gasser, “New draft Declaration of Minimum Humanitarian Standards”, *IRRC*, No. 282, May-June 1991, pp. 328-336.

Two conclusions emerged from this initial phase. First of all, the Burundians felt strongly that the situation in their country was a special and unique case; this led them to reject out of hand any "imported" or ready-made solution. Secondly, there was no clear dividing line between victims and attackers, both sides finding justifications and explanations in their own actions and those of the adversary. With a profound conviction that their very survival was at stake, there was little room left for compassion towards their neighbour. The situation was compounded by all the confusion and uncertainty then prevailing over the reconstruction of the political system, a process which kept minds fully occupied and often relegated purely humanitarian concerns to the sidelines. In this context, the ICRC considered that it was a priority and a fundamental duty to persuade and to help people to extricate themselves from the political and ethnic dimensions and to replace the image of a scapegoat with that of a victim.

February 1994. The attempt to involve a group of Burundians — notably through the Burundi Red Cross — to draw up a project by themselves was soon abandoned. The people approached said they were afraid to go into the breach with a resolutely apolitical and "moderate" project in the absence of some external moral legitimacy. They felt that there was little chance of getting through to the highest authorities without the support of an institution or personality with an international reputation. Their reservations prompted the ICRC to act in its own name and to seek out people prepared to devote their time to drawing up a document. Finally, 20 individuals selected for their personal commitment to non-political social or humanitarian causes were found to take up the challenge.

20 March-25 July. Once this "core" group was formed, 14 plenary sessions and a score of sub-group meetings were held, resulting in the production of a plan of action, a text and a number of vehicles for propagating its content. The events in Rwanda and the dreadful prospect of similar developments in Burundi spurred the members of the group to intensify their efforts.

25-28 July. The project was launched through a forum organized in Bujumbura, to which 13 groups comprising between 28 and 100 persons were invited. They comprised representatives of commerce and industry, politics, schools and universities, churches, the diplomatic corps, the military, government, parliament, the police, non-governmental organizations, young people and elders, and also administrative officials of the different districts of the capital and the provinces.

2. Description of the project

“For evil to take place, the acts of a few people are not sufficient; the great majority also has to remain indifferent. That is something of which we are all quite capable.” — T. Todorov

The project was designed to reach out to all sectors of society; on the one hand to rekindle hopes of rallying people to the humanitarian cause, and on the other to affirm the neutrality of the exercise. This was important in a complex environment in which so little separated victim from executioner, given the fear and hatred which could seize anyone at any time on account of real events, past or present, or of rumours which were sometimes deliberately manipulated. By making no distinction between the target audiences, it was hoped to gain greater acceptance for the ICRC and for those who would subsequently be the propagators of the project text. Starting out from the notion that “nothing favours a spirit of understanding more than the painful contemplation of our own crimes”⁴, the formulation of the text and its vehicles was guided by close observation of local realities (the mirror effect). The intention was to stimulate a sort of conditioned reflex in regard to the consequences for Burundi of forms of behaviour which denied all human dignity.

The project was implemented in four stages:

- the production of a reference document entitled “Declaration for standards of humanitarian conduct: appeal for a minimum of humanity in a situation of internal violence” (hereinafter referred to as the “Declaration”: the full text is given in the Annex);
- the official launch of the project at a forum for presentation and discussion;
- dissemination/education activities, based on a brochure, a song, a film, a play and school curricula;
- official adoption of the Declaration.

Drawing up of the “Declaration for standards of humanitarian conduct: appeal for a minimum of humanity in a situation of internal violence”

“When, in a society, neither God, nor being, nor a sense of history, nor even such and such a value applies equally to all, consensus is

⁴ T. Todorov.

the only possible mode of existence for people living together in a decentralized manner and wishing to remain free." — J. Houssaye

The core group decided that the first thing to do was to produce a text establishing a connection between, on the one hand, the special characteristics of local society and culture and the ongoing conflict (the Burundian input) and, on the other, legal rules, in particular the provisions and principles of international humanitarian law (input of the ICRC and a young jurist in the group, as well as a Burundian professor of international law consulted as an expert).

This effort to transpose humanitarian rules, mainly those contained in the humanitarian law treaties, and to find consensual humanitarian standards led to a better understanding of the underlying mechanisms which trigger certain types of violent behaviour. At the same time, it ensured that the ICRC was not perceived as the "foreigner who comes with eyes open wide but sees nothing".⁵

The project text was called a "Declaration" because the intention was for the Burundians to mobilize in support of humanitarian action and to make the document their own, a process which was to take place gradually after the launch (see below).

The text is based on a pragmatic formulation of observable conduct rather than on general behavioural theory, and avoids a moralizing tone which would take it too close to the sphere of religion.

The same pragmatic approach prompted the use of the collective first person plural (we/us) in the Declaration. The recommendations and prohibitions it contains are addressed to everyone, to soldiers and to members of the opposition, to husbands and fathers, to women, to old people, to students and schoolchildren, in short to every Burundian and everyone living in Burundi, including the authors of the text and its disseminators.

The Declaration consists of three parts: an introduction, conclusions and then the rules of behaviour themselves, numbered and set out in the form of injunctions.

(a) Introduction and conclusions

The aim of these two parts is to make everyone face up to the gravity of the situation and recognize the principle of individual and collective

⁵ Dida proverb, Côte d'Ivoire.

responsibility. The introduction stresses the magnitude of the ongoing human tragedy, while the conclusion places emphasis on hopes for a better future.

(b) Rules of behaviour

These are divided into four sections:

We must respect and protect individuals and their dignity

The text begins with the general principle which lies at the very basics of the Declaration and which, paradoxically, is the only truly abstract concept in it: "We must treat every individual with humanity and respect his or her dignity in all circumstances". It goes on to list seven points, prohibiting revenge, torture and other forms of ill-treatment, including gratuitous demonstrations of hatred and desecration of the dead, and stressing the duty to offer humanitarian assistance to the wounded and to people who have been attacked. Justice must take its course and replace the old habits of revenge.

We must offer special protection to certain categories of people

This special protection concerns the civilian population, defined as persons who are not directly involved in the fighting, including foreigners and refugees, vulnerable members of society (the sick, children, the elderly), medical personnel and relief workers. Bearing in mind events in Rwanda, where the ICRC delegation and hospital in Kigali kept going even during the worst events of April-July 1994, specific mention was made of the red cross emblem.

We must respect community and private property

A distinction is drawn between public property indispensable to the community (hospitals, holy places, monuments, schools) and private property (homes, crops, goods indispensable to the survival of the civilian population), their absolute immunity being affirmed in all cases.

We must use force only in moderation

This chapter of the Declaration, which corresponds to the rules of international humanitarian law relating to the conduct of hostilities or to the use of force in operations to maintain public order, posed special problems. It was thought inadvisable to take a pacifist line, as this was unrealistic and associated with a religious argument which had been

discredited in the eyes of many. At the same time, it was not possible to focus on the distinction between combatant and non-combatant or to speak of military objectives, as the text had to address everyone and not just organized armed groups. The focus was therefore placed on a gradation of notions around the idea of self-defence, including the principle of proportionality and the ban on unnecessary suffering.

The first rule in this section urges thought (“we must consult our consciences, our families, the wise men”) before resorting to violence. This injunction was intended as a counterbalance to the fourth rule, to which it naturally led on: “We must never kill any person or group of people who are defenceless or are surrendering”. This led to some debate within the group because it could be subject to perverse interpretation (“so let’s kill the others!”).

Forum for the launch of the project

Certain members of the group thought of having the Declaration officially endorsed from the outset by political and military leaders, for example at a public signing ceremony. However, this was rejected by those who feared it might all become an academic exercise, particularly in view of the instability of the State institutions set up on a provisional basis. Moreover, in this period in the history of the country, the basic idea of a text acceptable to all, whatever their place in society, could work only through a group of civilians with no political connections.

On the other hand, the “moral support” and acceptance of all political and military leaders and of the leaders of civil society appeared necessary at the start to ensure that some common ground could be gradually established. This determined the form finally given to the Forum at which the project was launched.

To supplement the text of the Declaration, two special features were created for the Forum:

- A film highlighting the stark contrast between pictures showing the consequences of the violence observed on the ground in November 1993 and words expressing the rules of behaviour to be followed in order to avoid such excesses. The film was intended to shock and to stir the emotions of the leaders of the different groups invited to the Forum for the launch.
- A song produced by local artists. This was a free adaptation of the text of the rules of conduct, set to a combination of traditional and modern music. It was aimed primarily at young people and was played

on the radio for several months, sometimes quite deliberately after news of fresh outbreaks of violence. It was also played in public places such as the market and the football stadium.

In addition, items appearing in the media — particularly reports on the launch meetings and interviews with people taking part in the Forum — all served as a first sign of openly expressed commitment on the part of leaders to the principle of maintaining a minimum of humanity. Coverage of the event by the international media was encouraged as a source of external support for an enterprise leading to positive action by the people of Burundi themselves.

Each of the Forum's 13 meetings followed the same format: explanation of the aims of the project by a member of the core group, then a showing of the film, followed by a discussion focused on an analysis of the text and the issues raised by its dissemination. Finally, an appeal was addressed to the participants to propose projects for the dissemination and promotion of the Declaration within their own spheres of influence.

On the fringes of the Forum, local and foreign NGOs were invited to display panels explaining their activities.

Dissemination/education phase

As the projects proposed by the Burundians were slow in coming to fruition, the core group — which did not want to lose the momentum created by the Forum — decided to work on two more vehicles:

- an illustration of the Declaration, using realistic drawings relevant to the context;
- a play produced at the end of 1994 by local authors in the spirit of the Declaration. Adopting the popular form of stories about everyday life, the authors sought to bring out the absurdity of behaviour caught in a vicious circle by showing its terrible human consequences. Through the different scenes, the message of humanity, voiced by children, women and a wise old man, encouraged people to think about what was happening around them. Between the end of 1994 and the middle of 1995, more than 30,000 people took part directly in performances of the play, which was also broadcast on Burundian radio and television and on a humanitarian radio station based in Zaire.

Moreover the film, although originally designed solely as a product for the launch of the Forum, was used extensively over the succeeding months since it proved to be a successful tool for promoting meaningful dialogue with other audiences.

Following official requests for the project to be extended to the classroom, between the end of 1994 and mid-1995 three groups of teachers prepared educational modules for primary schools (in the form of activities based on stories and eye-witness accounts), secondary schools (discussions and debates on the basis of the film), and the university (as part of compulsory courses in civic education, including activities connected with customary law and international humanitarian law). Finally, some groups of young people expressed interest in following up the task of dissemination, using their own skills within their own spheres of influence.

Some projects lasted for several months: the system of meetings set up for the Forum was reproduced in secondary schools, and a humanitarian newspaper was distributed in the countryside. Others were never put into practice owing to lack of follow-up and support or restrictions on movement arising from the security situation. This was particularly true of the school programmes.

Official adoption phase

Once the leaders had started to show awareness of the problems, the promotion of the Declaration was launched through the play and the film. It was not enough to disseminate the declaration in the hope of attracting voluntary adhesion to its message; what was needed now was to find means of securing its official adoption. To this end, a number of avenues were explored, in addition to the bilateral talks held with government contacts. In particular, an attempt was made to obtain support for the Declaration from the international community, and to find ways and means of implementing the Declaration on the national level.

3. Main features of the Declaration

Humanitarian stance

In drawing up the text of the Declaration, the core group made it a basic rule to identify a purely humanitarian sphere, with no reference whatsoever to the political, ethnic and social causes of the violence. This position was not easy to maintain in view of what was being said all around, especially in some sections of the media which were emphasizing explanatory factors and the social and political reasons for the conflict rather than the fate of the victims and the consequences of the violence for the future. Some discouragement and setbacks were inevitable in a campaign which did not seek to address what the indigenous people saw as the causes of the prevailing hatred, such as the impunity enjoyed by perpetrators or the

unequal distribution of power and resources. Nevertheless, an exclusively humanitarian stance was maintained within the core group.

This position had to be adopted, fostered and explained so as to ensure that the plight of the victims was placed at the centre of discussion and concern. The victims had to be given a voice and an identity. The deadly spiral had to be stemmed and there had to be a change in behaviour on the part of those who indulged in wanton violence. Contributing to this change by word and deed also made it possible to demonstrate that work to modify violent behaviour was possible and had indeed begun, despite the absence of a lasting peace and above and beyond any considerations of immediate survival. This was an important contribution to the dignity both of the victims and of the nation.

Focusing on the spirit of humanitarian law rather than on the spirit of peace

"The law is both the reflection of a society and an attempt to influence that society. It is a precondition for social change and a means of regulating the course of relations between individuals and groups." — L. Assier-Andrieu

The spirit of humanitarian law is belief in the need to establish a shared frame of reference that lays down the behaviour and strategy to be adopted in the event of recourse to violence. At the same time, however, it is recognition that such recourse may be one of the means selected to resolve social and political differences. This modest and pragmatic postulate raised certain questions in connection with the legitimate aspiration to see an end to the conflict — and so to embark on action aimed at resolving the conflict or providing education for peace. Nevertheless, new outbreaks of violence, still frequent in 1994, and especially the sudden and devastating explosion of the conflict and genocide in Rwanda, created a certain consensus within the core group that it was the spirit of international humanitarian law that should be pursued rather than the spirit of peace. This is why the Declaration remained focused on the minimum to be demanded rather than the maximum that might be desired.

The spirit of humanitarian law also rules out the notion that behaviour in situations of violence can be modified only after the root causes of the violence have been eliminated. This implies a refusal to modify the mandatory nature of certain fundamental rules to be observed. For example, the fact that the justice system is not functioning is no reason not to advocate a ban on personal revenge.

Reference to the humanitarian traditions of the Burundian people

"Today, the principles which serve as criteria are much more universal and consensual but the realities are far more specific and fragmented." — P. Hassner

The identification of traditional ideas corresponding to the fundamental principles of humanitarian law was primarily intended to promote the view that the behaviour observed was determined by circumstances rather than by fate.

"Very often, it is not so much the quality of the human being that determines his acts as the type of situation in which he is placed." — S. Milgram

"These tendencies, hidden and repressed, find expression in exceptional circumstances such as accidents, disasters, wars and revolutions. Yet these latent characteristics need not only be destructive or negative. Events can also release the potential for generosity and solidarity." — E. Morin

Like every other culture around the world, Burundian tradition has its own explicit or implicit rules that regulate behaviour, especially in times of conflict. The main vehicles of this tradition are proverbs and sayings which are still very much alive in the indigenous language of the country. Often, proverbs that advocate restraint on violence are counterbalanced by others that say just the opposite, particularly with regard to the reasons for revenge and the forms it may take. This feature, which is far from being peculiar to the region, most probably reflects a recognition of the existence of a duality of good and evil, though it may also reflect the principle of "accumulation of rules" in certain societies.⁶

This finding gave rise to heated discussions inside and outside the core group and, in the end, was put to good use in the final version of the Declaration. In its conclusions, a "negative" proverb is included as a counter-example, to discourage any illusions as to the absolute goodness of traditions and to underline specifically the prohibition on the deeply entrenched notion of collective guilt. The saying "a criminal in the family means a criminal family" is no longer considered acceptable.

The reference to tradition is highlighted in the section of the Declaration on moderation in the use of force, which advocates recourse to the

⁶ See, for example, D. de Béchillon.

traditional mediation of the “wise men of the hills” in the settlement of conflicts. This practice, though formally abandoned since the establishment of the constitutional State, has remained deeply rooted in the collective consciousness and is still portrayed in short plays produced for radio or television.

4. Critical analysis

Owing to lack of time and resources, and also to the sharp rise in tension from mid-1995, it was not possible to conduct any formal evaluation of the impact of the Declaration on the ground. Discussion of its relevance is therefore inevitably limited. In general, however, it can be said that the project met with the virtually unanimous interest and support of the Burundians and of representatives of the international community. On the other hand, misgivings and criticism were expressed by those who based their judgement on the fact that the conflict continued and even escalated. But while the project was looking for far more than just a favourable reception, it was not directly intended, in the short term, to put an end to outbreaks of violence, still less the hostilities.

What it did set out to do was to provide support during a transitional period, the hope being that it would be taken over by the Burundians themselves, in terms of both dissemination and official adoption. As it happened, however, the transitional period came to an end less than a year after the launch of the Declaration project, so there was not really sufficient time for it to enter into the educational phase or for any serious moves towards placing it on an official footing. In addition, a number of factors gradually exhausted the will and the potential to see the project through to the end: a shortage of specialized ICRC expatriates, restrictions on movements affecting local staff and Burundians in general, the violent resumption of hostilities in the middle of 1995 and, finally, the reduction and then the suspension of ICRC activities after the murder of its staff members. These elements call into question the potential and the limits of any dissemination campaign designed primarily to influence behaviour. The limits are related to time and to the content of international humanitarian law in contexts where the violence observed is not covered by the definition of armed conflict and involves both organized armed groups and civilians with no chain of command.

It would be inappropriate in this study to pass judgement on the project in the light of developments in the conflict, in which, overall, there was no sign of significant progress in terms of conduct, or indeed in the light of the attack on ICRC delegates in June 1996. That would establish a

spurious link between cause and effect. It would be equally wrong to conclude that, in general terms, it was mainly owing to the Declaration project that the ICRC was able, despite everything, to develop its activities in Burundi up to that tragic event.

On the other hand, a review of short-, medium- and long-term intentions may be worthwhile so as to establish a broader scope for reflection on the basis of this particular instance.

Influencing behaviour — a gradual process

A project such as the dissemination campaign in Burundi is inevitably a long-term venture, all the more so as it was not designed to be imposed from outside but to attract support from within. This meant taking into account the complexity of the local situation — elements such as the extreme fragmentation of the military, political and social hierarchy, the juxtaposition of traditional patterns of thought with Western ideas, and an explosive mix of political, social, economic and other problems. The line followed was essentially to initiate a dialogue around a minimum shared humanitarian standard, on the one hand among Burundians themselves, and on the other between Burundians and the ICRC. After the launch period, the first phase of dissemination was intended to rally adherence to this standard. This was to be followed by a more educational phase undertaken by indigenous leaders, and finally adoption on an official and more mandatory level.

(a) Establishing an all-embracing dialogue

“Even when people are at war, you have to keep on talking to them. You have to defuse collective madness by the word, the message.” —
A participant at the launch Forum

It is no easy task to initiate a dialogue in a nation plunged into horrors which, within a few days, had swept aside all the standards hitherto observed by individuals and groups - their religious and cultural values, their traditions and customs, and the recent promises of democracy. In that context, at that moment in history, it seemed vital to try and get a “national conversation” going which would not be solely concerned with politics, hatred and radical violence. What the project sought to do was to introduce an element which would “stand between human urges and their fulfilment”⁷ and be a means

⁷ D. de Béchillon.

of promoting understanding “conducive to the social consensus which decides that what is tolerable at one given moment (...) is unacceptable at another”.⁸

The dialogue was also designed to help project in as transparent a way as possible the image of the ICRC as an organization serving the humanitarian cause in Burundi. That image, however, is always difficult to maintain in contexts where neutrality and impartiality are often held to be inadmissible: taking the side of the victim alone is seen as a political act, since the victim and the enemy are inextricably intertwined. By seeking to give meaning to exclusively humanitarian principles rooted in the context, the Declaration project was in itself sharpening the image of the organization. Moreover, it was an affirmation of the concern not only to help in repairing the material effects of the destruction but also to regulate certain forms of behaviour, taking into account special local features. Thus the ideas of humanity, neutrality, impartiality and empathy with suffering were affirmed without being expressly mentioned.

Though the text itself has been criticized both for Utopian ambition and for excessive modesty, it was never accused of partiality or ideological bias. Moreover, the questions it prompts and its representation on film and on the stage often gave rise to discussions which went well beyond simple curiosity and which showed that initiating a dialogue was, if not necessary, at least meaningful.

“Law comes into being first of all by designating and describing. It is the art of language. It is, above all, words.” — L. Assier-Andrieu

(b) Working to disseminate the standard rules of behaviour laid down in humanitarian law

It is well known that talk does not change deviant behaviour and that, in certain circumstances, the most firmly established moral standards may be shaken or even rejected. The tension between human urges and the law is as old and as universal as society itself. Moreover, no formula has ever succeeded in showing which mechanisms can effectively and radically regulate this tension so that the law prevails over those urges. Yet no one would venture to leave it at that and state openly that people should do as they please. Human history is a long quest to sublimate and overcome the ambivalence of the individual and the group.

⁸ M. Hunyadi.

“Then we understand that it is precisely because of the fundamentally unpredictable nature of the course of conflicts that it becomes essential to preserve, whatever the circumstances, the chances of rational behaviour (...). This means that one can glimpse certain alternatives, which may or may not present themselves, and between which the individual concerned may choose in one way or another. At the very least, the fact of having envisaged certain options in advance could help, should the need arise, to guide him towards them in the height of the storm.” — P. Hassner

The ICRC takes part in this quest in the particularly complex area of armed conflict. It does so by various means, including the dissemination and teaching of international humanitarian law and humanitarian principles, international campaigns, innovative attempts to adapt the vehicles used to the context and involvement in “national implementation” procedures. Such activities can be considered only in that perspective. This is the only possible standpoint for anyone who rejects the fatalistic view that “man is his own worst enemy”, a view sadly reinforced whenever we look at the news.

From voluntary adherence to official adoption of mandatory rules

The text of the Declaration, which constitutes the basic minimum in terms of the duties of the individual in times of conflict or violence, is worded in a declarative manner. The approach adopted envisaged an initial period during which adherence would be encouraged on a voluntary basis (phases 1 and 2 in Figure B). Adherence would subsequently become mandatory through a process of official adoption (phase 3 in Figure B). The intention was to follow this process up by sustained promotional activities conducted by community leaders and the authorities (phase 4).

From the dissemination phase to the official education phase

The basic task of dissemination is to make the text known, to encourage a humanitarian dialogue and to make people aware of the consequences of acts which violate human dignity on the one hand, and of the individual and collective benefits of respect for humanitarian rules on the other. In a context like Burundi, no more than voluntary adherence can be hoped for in the initial phase, so the necessary arguments and levers have to be found.

This phase was initiated during the launch week and the impetus was maintained by means of the film, the play and various media events. However, it was impossible to consolidate these efforts through more

educational work as the resumption of fighting considerably delayed progress in producing the modules intended for schoolchildren and prevented local leaders from fully exploiting performances of the play for educational purpose. These events also made the Burundians ever more hesitant about taking the project over from the core group.

The effort to secure compliance by official means

Steps to give the Declaration official status by having it incorporated in official texts were somewhat neglected and were certainly abandoned too quickly. Local dignitaries occasionally referred to the Declaration in their speeches and some attempts were made to set up an interministerial "implementation" group. However, not enough was done and far more effort would have been needed in this regard.

The plan of action adopted on the occasion of the Regional Conference on assistance for refugees, returnees and displaced persons in the Great Lakes region, organized in Bujumbura by the OAU and UNHCR in February 1995, specifically recommended the "widest possible dissemination (...) of the minimum standards of humanitarian conduct established in Burundi with the assistance of the ICRC". Various Security Council resolutions on Rwanda took up this recommendation.⁹

However, the point relating to the Declaration in the plan of action was never really followed up, and the Declaration gradually became precisely what it was not meant to be: a text for armchair discussion. Though it succeeded in taking matters well beyond the stage of mere publicity, the subsequent phases of adoption, education and official endorsement remained — and still remain — pending.

It is clear that objective limits were also imposed by the increasing polarization of the situation from the middle of 1995. The uncertainty hanging over State institutions and the weakness of the judicial system certainly did nothing to favour the official adoption of the Declaration. As we are well aware, "institutions and law do not create political legitimacy; they stem from it".¹⁰ By this time the country was no longer in a state of post-conflict shock but in the midst of a sharp upsurge in tension, which would have required far more substantial means of intervention, more appropriate vehicles and the active support of the international community and local leaders.

⁹ Security Council resolutions S/RES/997 of 9 June 1995 (preamble) and S/RES/1029 of 12 December 1995 (preamble).

¹⁰ P. Delmas.

In the light of this experience, the question of the compartmentalization and coordination of dissemination and education activities and the issue of legal scope are not just simple matters of principle. On the contrary, they depend on a degree of coherence which is all the more vital in a situation that does not — or does not yet — meet the definition of an armed conflict and when State structures and the judicial system are falling apart. This point deserves careful consideration as it is not at all certain that, in such situations, the existence of an enforcement structure is a *sine qua non* for securing respect for legal rules. We need to look closely, for example, at cases where there is a long tradition of impunity (denounced by everyone as far as the adversary is concerned but not necessarily for oneself!). As D. de Béchillon points out, “our modern Western habit of seeing a link of logical dependence between punishment and the smooth operation of the law is by no means universal”. The same author notes that there is no proof that the threat of punishment acts as a deterrent or otherwise, because “we know very little about the real causes of our acts”.

5. Conclusion

Though we shall no doubt never be able to make an accurate assessment of its real or potential impact, the project conducted in Burundi had the merit of posing certain questions based on genuine experience. The spectacular and innovative aspect of the project obscured its deliberately modest scale and its limited nature. Above all, insufficient importance was attached to the task of transforming the voluntary adherence needed in the initial stage into compulsory adherence. This progression, which was not adequately taken into account from the outset, would have required additional research and more support from community leaders.

The notion of “minimum humanitarian standards” applying in situations of internal disturbances and tension is a perennial one which continues to be the subject of debates and seminars. As always, it brings up the question of the hard core of human rights and the place of international humanitarian law, including the measures which need to be taken if this law is to be more widely and better respected. In Burundi the ICRC continued, in parallel with the Declaration project, its work to help the official hierarchy of those bearing weapons to teach the rules of conduct laid down in humanitarian law. Developments in the conflict show, however, that violations continue, particularly against the civilian population.

Yet can these observations, by no means unique to this particular context, be the sole basis for ICRC programmes and assessments in the area of dissemination?

“Law is destined to remain partially ineffective (...). The law sets up dykes against the incoming tide. And the tide never goes out for long. It exerts pressure, it threatens, it breaks through at the first opportunity. Sometimes, it sweeps away the dyke. And there stands our law, violated and ineffective. That is its fate. Anyone who thinks that the only true law is one which is fully respected must be living in another world.” — D. de Béchillon

Despite everything, police forces around the world have not given up trying to get people to obey the highway code; the International Olympic Committee is still trying to ensure that the rules of sporting behaviour are not broken; experts everywhere are seeking to ensure that young people are no longer easy prey for drug-peddlers and paedophile networks. They all face setbacks but they still keep up their hopes. In armed conflicts and disturbances, the problems are certainly even more complex and the dyke of the law is more often and more tragically swamped than in the field of crime or sport. This observation should inspire us to work all the harder to find innovative strategies, to reject fatalism and to insist on behaviour that meets the requirements of human dignity and the public conscience. These are requirements which call for a nice mixture of idealism and modesty in all those who respect such values.

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Declaration for standards of humanitarian conduct:

**Appeal for a minimum of humanity in a situation
of internal violence**

Introduction

Burundi is in the midst of a crisis. People are dying and property is being destroyed for no reason, and all in a climate of indifference, despondency, desolation and revenge.

We have to put a stop to this situation and prepare the way for a better and safer future. Violence is never the solution to problems. It brings nothing but pointless suffering and material destruction: “IKIBI NTIKIVURA IKINDI”.¹

It is a fact that people are not perfect (“AHARI ABANTU NTIHABURA URUNTURUNTU”)² and that living together inevitably leads to friction: “NTA ZIBANA ZIDAKOMANYA AMAHEMBE”.³

But we must do everything we can to settle our differences peacefully so that disputes do not turn into disasters. We must always remember: “AHARI ABAGABO NTIHAGWA IBARA”.⁴

We must reject absolutely and in all circumstances the horrors caused by violence, for ourselves as well as for others. We know that “UHISHIRA UMUROZI AKAKUMARIRA ABANA”.⁵

To preserve the dignity of our country and our people, we, the inhabitants of Burundi, undertake at the very least to respect and to ensure respect for the following rules of humanitarian behaviour in all circumstances.

¹ You can't cure one affliction with another.

² Wherever there are people, there is friction.

³ Cows that live in the same shed are bound to lock horns.

⁴ Where there are worthy men, disaster cannot strike.

⁵ If you hide a witch, he will put a spell on your children.

**I. We must respect and protect individuals and their dignity:
“RURIYE ABANDI RUTAKWIBAGIYE”⁶**

1. We must treat every individual with humanity, and respect his or her dignity in all circumstances.

2. We must not take revenge but let justice do its work. A spiral of violence will gradually destroy the whole family, the whole clan and the whole community. “WIHORA UWAVE UGAHONYA UMURYANGO.”⁷

3. Torture and cruel, humiliating or inhumane treatment are not honourable actions in any circumstances. We must never use them on our fellow man, even if he is an enemy.

4. We must never resort to acts of brutality, such as rape, mutilation of the living or the dead, or killing people by burning them alive or throwing them into cesspits. These wanton manifestations of hatred leave deep psychological wounds.

5. Whenever we can, we must help and care for ALL wounded people, Bahutu, Batutsi, Batwa or foreigners, applying no criteria other than their suffering as human beings.

6. We must respect the dead without distinction. If possible, we must inform their families, establish their identity and notify their presence to the authorities. In every case, the dead are entitled to a decent burial.

7. We must not remain indifferent to the suffering of those who are attacked, whatever their ethnic origin or political affiliation. We must do our best to give them the humanitarian assistance their condition requires.

II. We must offer special protection to certain categories of people

1. We must remember that civilians who are not taking a direct part in the clashes, including foreigners and refugees, are not to be attacked or involved in fighting and violence.

2. Children, women, the disabled, the elderly and the sick must be given special protection. They must be removed from the scene of fighting so that they are sheltered from danger.

⁶ Death may carry others away but he has not forgotten you.

⁷ Take revenge on your relations and you destroy the whole family.

3. We must not use civilians who are not taking a direct part in the fighting as human shields, and must not resort to acts or threats intended to spread terror. Such behaviour is cowardly.

4. We must never allow children or adolescents to take part in violent incidents; we must not arm them or use them in acts which might result in violence. To do so is to put the future of the nation in peril. "UWANKA AGAKURA ABAGA UMUTAVU."⁸

5. We must not forget that a person who has been captured is defenceless, and has to be treated with humanity and dignity.

6. We must respect medical personnel and relief workers who bring assistance and protection to all victims without distinction. We must facilitate their work in all circumstances.

7. We must remember that the red cross emblem is universally recognized and respected.

III. We must respect community and private property

1. We must not destroy, loot or ransack property that is indispensable to the whole community, in particular hospitals, health centres, schools, fountains and springs, roads, bridges and the like.

2. We must respect holy places, places of worship, cemeteries and monuments. They are indispensable to the collective consciousness.

3. We must respect the homes and property of others, even in the midst of violence. People's privacy must be preserved. We must not ransack their homes or throw out their mats, pitchers, clothing or other personal belongings.

4. We gain nothing but dishonour by destroying fields, crops, cattle and other property indispensable to the survival of the population. A cow, a banana grove or a coffee plantation can never be our enemy.

⁸ Whoever does not want to see a young life grow leads the calf to slaughter.

IV. We must use force only in moderation: “IYO INKUBA IRABIJE NTUGIRE NGO MARA ABANSI, N’ABAKUNZI BARAJANA”⁹

1. Before resorting to violence or any act which might turn to violence, we must consult our consciences, our families, the wise men. “INGUMBA ITAZI IKIBI IRIGATA ISHENYO.”¹⁰

2. If, as a last resort, we have to use force, we must do so only in situations of exceptional danger when there is a direct threat to our own lives or to the lives of persons we have to protect.

3. When the use of force cannot be avoided, we must act with moderation and cause the least suffering possible. We must never act blindly and indiscriminately.

4. We must never kill any person or group of people who are defenceless or are surrendering. “NTA WUKUBITA UWUTAMUSUBIZA.”¹¹

5. We must remember that clashes in densely populated areas claim many innocent victims. We must do everything we can to evacuate people who are not taking part in the violence and to let them escape from dangerous areas.

6. We must never finish off an enemy who is captured, wounded or surrendering. We must disarm him, protect him from mob violence and hand him over to the authorities or the *bashingantahe*. “UWUTSINZWE NTIBATSINDAHO.”¹²

Conclusions

1. We must never hesitate to follow the path of humanitarian behaviour and to encourage tolerance. Those who show humanity in all circumstances are the hope of Burundi. “UMUGIZI W’INEZA IMURENZA IMPINGA.”¹³

⁹ Never call down thunderbolts on your enemies because they can just as well strike your friends.

¹⁰ A barren cow that knows no better licks the blade of the axe.

¹¹ Never strike someone who cannot strike back.

¹² A vanquished foe must not be finished off.

¹³ By doing a good deed, you will be able to travel through faraway regions.

2. We must remember that each one of us is always responsible for his own actions, even if he acts in a group or is incited to violence. "UWORUKARISHA RWOMUMWA."¹⁴ "HARI SESA SESA, ATARI BUKUYOZE."¹⁵

On the other hand, never condemn a group as a whole but try to find out who is individually responsible. It is no longer acceptable for us to say: "UMURYAMBWA ABA UMWE AGATUKISHA UMURYANGO."¹⁶

3. We, the inhabitants of Burundi — Bahutu, Batutsi, Batwa or foreigners — whatever our social position or political allegiance, must respect and ensure respect for these minimum rules of humanitarian behaviour.

4. As parents or politicians, priests or laymen, we must all play our role in guaranteeing compliance with these rules.

We must all do everything we can to prevent massacres and violence, so that Burundi is no longer plunged in despair.

¹⁴ Let the blade of the knife cut whoever sharpened it.

¹⁵ There are people who will tell you "Destroy! Destroy!", but they will never help you to rebuild.

¹⁶ A criminal in the family means a family of criminals.