

Disseminating international humanitarian law in Colombia

Dissemination is everyone's job — a firsthand report by an ICRC delegate

by **Roland Bigler**

In lieu of an historical outline

At an ICRC seminar on training and information techniques a few years ago an instructor described the position of a dissemination delegate within an ICRC delegation, and hence of dissemination work in general, as follows:

“Within an ICRC delegation, the delegate responsible for disseminating international humanitarian law generally has his office at the end of a long corridor, right at the back between the office supplies cupboard and the toilets. But most of the time you won't find him there, as he (or she) is constantly out giving courses or suchlike, either at military installations or universities or among the National Red Cross Society's volunteers. And when you do find him for a short while in his office, he's fiddling around with scissors, paper and glue trying to put together a leaflet or a poster, or perhaps even a small brochure. His colleagues, the delegates dealing with the distribution of relief supplies, the tracing service or prison visits, smile indulgently when they see the dissemination delegate busy with work like that. They speak well of him because he regularly reads the

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International Review of the Red Cross and knows the ins and outs of international humanitarian law and ICRC policy; he is a good talker, so he always has to step in where armed protagonists in local conflict fail to observe the rules protecting the civilian population. He must often beware of being torn to pieces and is expected to be everywhere at once, because what he does, he alone can do. Many ICRC delegates admire the dissemination delegate; sometimes he gets called “the professor”, “the clown” or “the artist”. His work is a one-man show, and yet those delegates who distribute rice, visit prisoners or try to trace missing persons could not and would not want to do his job themselves.”

A “one-man show” — in other words, going it alone. Living a fringe existence within the ICRC delegation, having knowledge at one’s fingertips and spreading it oneself: that was how many of the dissemination delegates in the ICRC thought of themselves, and to some extent this image did match reality. And yet...

Colombia is different

While I was getting ready in Geneva in spring 1995 for my assignment as dissemination delegate in Colombia, several colleagues advised me to prepare myself as well as I possibly could. Firstly, they said, ICRC activities did not correspond to the traditional blueprint of assistance and protection campaigns that had been carried out throughout the world for decades. Secondly, Colombia was a country in which violence claimed an annual toll of between thirty and forty thousand victims and was thus an everyday occurrence. Thirdly, they went on, public and academic discussion of international humanitarian law was conducted at such a level that even seasoned ICRC lawyers were amazed; no matter where, even in the most remote valleys of the Andes and in the hot and humid Amazon forests everyone spoke of Protocol II additional to the Geneva Conventions, international humanitarian law and universal human rights.

Colombia took me more than a little by surprise. I found a country with an internal armed conflict that had been going on for more than thirty years, and whose government had decided to approve Protocol II. A Ministry of Defence that had subsequently decided to set up a human rights bureau in each military unit. Universities at which postgraduate courses in human rights were offered just as English courses were elsewhere — and just as popular. Countless non-governmental organizations that dealt exclusively with human rights and partly also with international humanitarian law. Armed guerrilla movements following codes of behaviour based at least in part on the Geneva Conventions. A National

Red Cross Society that had its own team of nine dissemination experts. And an ICRC delegation in which every field delegate, every programme coordinator and the delegation leader himself believed that the dissemination of international humanitarian law was an integral part of the job of each and every person working under the Red Cross banner.

Colombia is a big country

What should be done in a country with an area of more than 1.1 million square kilometres and a population of 35 million people, many universities, hundreds of local and regional radio stations and dozens of TV news programmes and national, regional and local newspapers?

It would be utterly unrealistic to imagine that a single dissemination delegate, even with the support of highly gifted and well-trained assistants and a National Red Cross team, could meet this challenge alone. Moreover, the expectations placed in the International Committee of the Red Cross and the Colombian Red Cross as regards international humanitarian law are immense. Everyone, institutions and individuals alike, wants to work with the Red Cross and gain by its institutional experience.

First and foremost: a plan of action

First of all, a simple strategic plan of action had to be drawn up. The objectives were:

- to identify the most urgent humanitarian problems;
- to make a strict selection of the target groups;
- to design programmes adapted to these target groups and based on clear criteria;
- to define the partner organizations;
- to draw up timetables as comprehensively as possible for each programme and target group, and to recruit competent specialized staff;
- to ensure that dissemination activities were supported by the whole ICRC delegation.

Let us now take a closer look at the individual points in this list. Which target groups are of interest to us?

Bearers of weapons

Members of the national armed forces and the police force (which in Colombia is under the authority of the Ministry of Defence), members of the guerrilla groups and of the so-called paramilitary or self-defence groups: *all* bearers of weapons are of interest to us. For they cause harm that is of humanitarian concern. They injure, arrest, displace and kill their adversaries and civilians not taking part in the hostilities.

Every bearer of weapons who belongs to an organized group with a command structure is under the obligation to observe the rules of international humanitarian law when using violence. The purpose of dissemination activities is first and foremost to help instil in such people a full awareness of their responsibilities. By “full awareness” I mean making it clear to those bearing arms, and above all their superiors, that international humanitarian law — which the military like to call the law of war — is not incompatible with a military assignment, but that the humanitarian rules of behaviour are on the contrary an integral part thereof, just as is physical fitness, a knowledge of arms, tactical intelligence and the ability to think strategically.

The ICRC and the Colombian Red Cross Society put forward four proposals to the Ministry of Defence:

1. *One-day workshops with brigade and division staff officers* — Case studies drawn up in cooperation with officers of the various sections of the armed forces are discussed behind closed doors. At the beginning of the year we were still using case studies put together by Colombian Red Cross personnel and ICRC delegates. However, we soon realized that the personal experience described by the participating officers during coffee breaks was far more instructive than case studies conceived in the minds of Red Cross staff. The reason is obvious. Our examples all took the legal text as their starting point: one case study for a specific paragraph of Article 3 common to all four Geneva Conventions, one case study for an article of the Second Additional Protocol, and so on. The military on the other hand took reality as their basis, i.e. what they had actually experienced themselves.

This latter approach — in devising case studies and examples — must be seen as an absolute necessity for the other target groups as well, otherwise our teaching activities will have a lot to do with our academic knowledge, but little in common with the real needs of those taking part.

2. A training programme was drawn up for the newly formed *Army Units' Human Rights Bureaux* to teach the officers in charge the most

important principles of international humanitarian law and advise them how to pass on the knowledge they had thus acquired. This section of our work plan could not be completed, partly because of frequent changes in the army leadership. It also became evident, however, that joint planning of schedules can never start early enough, especially when dealing with such a complex organization as the armed forces.

In taking this initiative our main purpose once again was to *institutionalize* the training given in international humanitarian law, i.e. training people to act as trainers instead of just providing the training ourselves.

3. A *training programme for future lecturers at military academies* was submitted to the Ministry and the armed forces' command at the end of 1995 and met with a favourable response, but could not be fully implemented by the end of 1996 because more time was needed to recruit the future training staff.

4. Instead of a specially designed course for *military judges and prosecutors*, which likewise had to be deferred for schedule reasons, delegates from the ICRC and the Colombian Red Cross Society were invited as guest lecturers for three diploma courses in human rights and international humanitarian law at the Military University.

The State administration

Government officials with influence and decision-making powers in the military sphere, and in particular in the dissemination of international humanitarian law, are the second important target group. In Colombia, the relevant authorities are as follows:

- the Defence Minister's Office for Human Rights, International Humanitarian Law and Political Affairs;
- the Presidential Council for Human Rights;
- the *defensoría del pueblo*, a State institution, albeit not government-dependent: a sort of nationwide ombudsman;
- the national supervisory and control authority that supervises the functioning of all State bodies and their officials (*Procuraduría de la Nación*);
- the national investigation and prosecution bureau (*Fiscalía de la Nación*).

The first three were mainly partners in planning and holding training courses and other events to spread information and increase awareness.

For the latter two bodies the ICRC delegation and the Colombian Red Cross Society organized training courses destined for their legal affairs staff.

Universities, NGOs and the Church

Colombia is one of the countries with the highest proportion of lawyers in the world (250:10,000). This is also reflected in the impressive variety of laws, decrees, directives and ordinances. Colombian lawyers speak of an impenetrable jungle of legal instruments. It comes as no surprise, therefore, that academic and especially legal discussion is carried out at a high level. Even in general public discussion, every topic is dealt with from the legal angle. Moreover, specialists inside and outside the State administration have for quite some time been developing national legislation on the implementation of international humanitarian law, and more specifically its provisions with regard to penal sanctions.

It was therefore clear from the start that particular relations had to be established with this target group. *Regular courses in international humanitarian law had to be instituted* at university level. A Colombian lawyer specially employed by the delegation for this purpose and a staff member of the Colombian Red Cross Society drafted a project that can be summarized as follows:

1. Selection of 12 to 15 universities that already offer a postgraduate diploma in human rights and are interested in introducing international humanitarian law. Priority should be given to universities outside the capital city, above all in conflict zones;

2. Personal discussions with rectors, deans and professors at the universities chosen, the main purpose being to make it clear to those in charge that the Red Cross experts did not just want to give a couple of lectures, but wished to have the active cooperation of the university authorities at both the administrative and the academic level. The following proposals were made to them:

- a Chair for Humanitarian Studies (*Cátedra Humanitaria*) should be set up to familiarize professors, students and local public officials with international humanitarian law. Six two-hour lectures should be given, in the form of panel discussions. The course should take account of topical Colombian subjects, such as “local humanitarian agreements”, “the rights of persons detained in connection with the armed conflict”, or “the situation of civilians displaced by armed conflicts”. So that the *Cátedra Humanitaria* lectures can be attended by as many people as

possible, they are held every second Friday evening and Saturday morning.

- *Diploma courses.* A 90-hour course was developed by a lawyer with expert knowledge of the subject matter who was called in by the ICRC. Here, too, importance was attached to participation both by students and by professors in these courses, which are conducted by a team of lecturers consisting of Red Cross personnel and staff from other organizations. The first such course was held by a university in Bogota. Owing to the availability of teaching staff, a formula similar to the *Cátedra Humanitaria* was developed for interested universities in the interior of the country. Lectures are held on Friday evenings and Saturday mornings, and independent study of the subject is steadily increasing. Officers from the armed forces and the national police force, with training duties whenever possible, and administrative officials have also been invited — with success.
- *Traditional introductory course* in international humanitarian law. This course is reserved for universities without specialized teaching staff of their own that did not previously offer courses in human rights and international humanitarian law.

Non-governmental organizations (NGOs)

Over the last few years NGOs have gained such significance throughout the world that it would be an inexcusable mistake to ignore them. These groups, which are mostly devoted to one particular sphere of activity, are funded by a wide variety of sources such as the population, political parties, the Church and increasingly, despite their name, by governments at home and abroad. Their influence upon public debate about human rights and — to an ever greater extent — about international humanitarian law is enormous.

Given the large number of such groups in Colombia, it was essential to define clear criteria for cooperation. The following criteria were observed:

- an NGO must have a certain amount of human rights knowledge and credibility;
- it must carry out its activities in areas of conflict;
- it must be truly committed to working for the application of international humanitarian law;

- joint appearances with the ICRC are possible only if the reputation, neutrality and independence of our institution are not compromised;
- as with universities, cooperation with NGOs should encourage the partner organizations to engage in independent activities in the sphere of international humanitarian law;
- joint dissemination activities should not aim *upwards* (university level) but *downwards*, at those carrying arms (correct behaviour) and the civilian population affected (ability to demand respect and protection from bearers of weapons).

In practice, these organizations then held their own lectures or courses. The ICRC and the Colombian Red Cross were often invited at the last minute. In many cases our main task was to explain the similarities and differences between universal human rights and international humanitarian law.

The Church and the clergy

In rural areas, i.e. the very places where the civilian population is exposed directly and without witnesses to the belligerents, the clergy are often the only ones to have access to all parties to the conflict. In Colombia the Church has long taken part in the public debate on human rights, and for the past few years it has spoken about international humanitarian law as well. A few courses were therefore also held for priests. With the help of the Department for Social Affairs of the Colombian Bishops' Conference, systematic coverage should be extended this year to all regions particularly exposed to violence.

Journalists — mass media

A dual strategy had to be developed for the mass media. On the one hand, relations with journalists had to be reinforced in order to familiarize them with international humanitarian law, Red Cross work, our working methods and the Fundamental Principles. It would be an illusion, however, to expect that all journalists dealing with the armed conflict in one way or another can be transformed into experts in international humanitarian law. As they mostly have too little time to attend a seminar several days long, we decided to organize a series of short meetings with journalists lasting not more than two or three hours each. An agreement signed last year by the Colombian Red Cross Society and the National Union of Communication Science Faculties provides the institutional framework

for courses in such faculties. Students of journalism and professional media representatives are invited to these short courses.

On the other hand, it was necessary to position the ICRC and international humanitarian law in the media and by so doing reach the population's newspaper readers, TV viewers and — in Colombia as in every other developing country — especially the radio audience. Why do we use the word *population* and not the customary term *civilian population*? As everyone has access to the mass media, it cannot be taken for granted that only the civilian population will be listening to the radio just when a spot is broadcast, or that only the armed forces are doing so when an announcement intended specifically for them goes on the air. It must therefore always be assumed that messages broadcast through the media always reach *all* target groups at the same time. For this reason, such transmissions must have the widest possible validity. At the same time the information conveyed through the mass media (slogans, spots, appeals) must be disseminated selectively, as an armed conflict is not experienced to the same extent by all the inhabitants of a country.

Civilian population

The target group most affected by the violence, the civilian population, must be aware of its rights. Only then can it make its neutral position in the armed conflict clear to the armed forces and insist on respect for it.

The main task in any dissemination work must be to translate the abstract content of the Conventions, which is expressed in academic language, into straightforward understandable statements. For this we use graphics and simple dialogues (for radio spots). In our opinion it is important to present the two topics *international humanitarian law* and *Red Cross activities* separately.

Printed and audiovisual materials

All too often, legal texts suitable primarily for experts have been and continue to be used in dissemination work. However, disseminating ideas, putting across knowledge, carrying out public-awareness campaigns and promoting international humanitarian law in general have more to do with communication — as a provocation we could say with advertising and sales — than with jurisprudence. While familiarity with the content of international humanitarian law is certainly prerequisite for successful communication, a precise knowledge both of the various target groups,

their problems and needs and of the appropriate communication techniques and educational materials and methods is equally important.

Three examples of straightforward printed materials adapted to the situation are given below:

1. The *seven Fundamental Principles*, in the form of a plastic-covered card roughly the size of a postcard. The title is simple and to the point:

You must know the rules of international humanitarian law.

The following seven topics are covered:

Civilians' rights

Combatants and civilians deprived of their freedom

Combatants and their adversaries killed in battle

The wounded and sick and the red cross emblem

Legal guarantees

Military objectives

The use of weapons (the principle of proportionality)

Each topic is illustrated by a simple drawing. In the text the so-called "you approach" was adopted. Hence the title is not "The seven fundamental principles of international humanitarian law", but "*You must know the rules of international humanitarian law*". The explanatory sections are written in the same style. For example, the text about the rights of the civilian population goes like this: "If *you* are not taking part in the fighting, *you* have the right to be protected. *You* have the right to respect for *your* life, *your* physical integrity and *your* ideas." Another rule for bearers of weapons reads: "If *you* are a combatant, *you* do not have the right to kill or injure an adversary who surrenders or who is out of action because of injury, illness or captivity."

The seven Fundamental Principles, supplemented by concrete examples and questions from the public, are the subject of the standard lecture given by all delegates to people without previous knowledge of international humanitarian law. The principles are available printed on cloth as a teaching aid for use by every delegate. The same seven principles and the related illustrations have also been incorporated in a handy pocket calendar.

2. *Brochure for the protection of the civilian population* — This 20-page brochure explains in simple question-and-answer form who is pro-

tected by international humanitarian law. The answers are supplied in balloon captions by two figures shown in silhouette. One has a weapon (combatant) and the other is unarmed (civilian). The problem of knowing who is asking the questions (a civilian/a Red Cross worker/a member of the army/a guerrilla fighter?) has been cleverly solved by using a fictional character called Humanito and consisting of a personified hand (humano + mano) that anxiously introduces the topic of anti-personnel landmines, cheerfully visits a prisoner, or asks questions such as: “Who is protected by international humanitarian law?”. A whole range of subjects — children in conflict, protection from anti-personnel landmines, the Fundamental Principles of the Red Cross, a summary of the four Geneva Conventions and their two Additional Protocols and a presentation of the Colombian Red Cross Society and the ICRC (with the address) — are covered in this publication, which is intended for all target groups.

2. *A leaflet on the ICRC in Colombia* gives concise information about the Fundamental Principles and the activities of the delegation. Together with examples and questions from the general public, this text is also the basis for a standard presentation by delegates.

Specialized legal literature

Texts of a specialized legal nature and on ICRC principles and policy are distributed in Colombia only to a select audience, firstly so as to use the available resources in a cost-conscious way, and secondly it is of questionable utility to put a theoretical text in the hands of the uninitiated. At the end of 1996, however, the delegation signed a contract with a commercial publishing house to distribute three law books; others may follow. They can thus be obtained at approximately 150 book shops all over the country by people living in the provinces who are unable to visit the ICRC delegation in the capital.

Future prospects

“To ensure that the dissemination activities of the whole ICRC delegation are supported”, says the strategic work plan for such activities by the ICRC delegation in Colombia. Every member of the ICRC delegation in Colombia, from the delegation head and his deputy to each individual delegate, whether out in the field or conducting prison visits, takes part in spreading a basic knowledge of international humanitarian law. This active commitment presupposes ongoing training for all concerned.

These diverse activities obviously cannot be carried out by the ICRC alone. Except for the courses held for guerrilla groups and the paramilitary

associations, all the activities described here are planned and implemented together with the Colombian Red Cross Society. The fact that it has an efficient dissemination department with well trained staff makes such cooperation possible. And these competent staff are ready to play their part because the National Society has for years set great store by basic and further training.

The image of the dissemination delegate who toured the country with his one-man show as a guru of international humanitarian law, smiled at by some because of his belief that human conduct can be changed, feared by others because of his knowledge of the texts, belongs — at least in Colombia — to the past.
