

Do wars ever end? The work of the International Committee of the Red Cross when the guns fall silent

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*But what can war,
but endless war still breed?*
John Milton, 1648

When a country emerges from a war or civil war, its people are usually overjoyed, celebrating what they believe to be the end of a nightmare. As the guns fall silent, they come out of the shelters they may have been living in for months, they inquire about the fate of relatives and neighbours, they can have access to any health facilities that are still standing. Life returns more or less to normal, the streetlights go on at night if electrical power is restored, sidewalk cafés may reappear, young and old timidly start to hope again. The delegates of the International Committee of the Red Cross (ICRC), for their part, will always remember this time, which is superimposed on scenes of horror everyone would much rather forget but often cannot.

But what about the orphans? What about the detainees still being held in what are often dismal prisons, the mothers of missing persons who leave no stone unturned in their efforts to obtain news of their sons and daughters, the members of separated families who scour the lists of names posted in camps for the displaced, the sick people who do not know where to obtain the medicines they need to survive, the amputees who cannot cope with their mutilated bodies, the women who have been raped and subsequently rejected by a society that feels dishonoured? For some people the physical suffering of hunger and thirst, cold and pain is compounded by tormented memories, images of violence that will not go away, humiliation, shame and,

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often, a deep feeling of guilt about what happened or could not be prevented. They view the future with fear — fear of vengeance, fear of violence at the hands of the gangs of thugs who loot weapons depots and of the terrorist acts perpetrated by combatants who cannot resign themselves to defeat. They worry that they will not have the strength to rebuild their lives and to provide for their families. For these people, the term “post-conflict” does not mean the same thing as it does to the international community and can sound pretentious. For them, the feeling of jubilation is short-lived — if it was ever there at all. They have yet to turn the page. This is one of the reasons the ICRC has chosen to use the word “transition” to qualify the period following the cessation of hostilities.

A transition period should be understood to mean a period of indeterminate duration which constitutes the prolongation of an armed conflict or situation of internal strife, in which armed confrontation has ended or at least entered a period of remission. Skirmishes may still take place, but a process of stabilization, at times temporary, has been set in motion. The risks associated with the fighting diminish as active hostilities end, although the security situation may deteriorate for other reasons, such as an attempt to sabotage the peace process. A political system is put in place; government institutions are set up and budgets established. The tension eases as communications are restored and the first displaced persons and released prisoners return home. Peace-keeping forces may be deployed. Each situation is, of course, different, but humanitarian organizations are prompted to consider the possibility of modifying their approach and development agencies of establishing themselves.

The beginning of a transition period is usually marked by a ceasefire or peace agreement. During this period, fragile stability takes hold; it may lead either to a lasting peace or to a resurgence of hostilities.¹ It is therefore difficult to state with certainty when a period of transition comes to an end. Each context is different.

¹ According to the World Bank, there is a very high risk that the fighting will flare anew in countries which have recently experienced a civil war. In the period immediately following the end of the hostilities, there is a 40% chance of the conflict resuming. Source: <<http://www.worldbank.org>>, in particular a press release entitled “Economic Causes of Civil Conflict and their implication for policy”, Washington, 15 June 2000, No. 2000/419. In the past, the term “peace treaty” was used to designate a political agreement aimed at re-establishing peaceful relations between the belligerents by settling the point of dispute that had prompted the hostilities. Since 1945, however, and in particular since the end of the Cold War, the term has often been used to designate agreements whose principal aim is to obtain a suspension of the hostilities but that do not resolve the dispute.

The aim of this article is to present a general overview of ICRC operations during periods of transition, as determined by the guidelines that were recently adopted by the ICRC Assembly.² In some delegations those guidelines are at present more a strategic direction than a reality, while in others they reflect longstanding practice. The ICRC intends gradually to apply the guidelines to all its activities in periods of transition, while continuing to draw on the conceptual lessons learned from experience.

This article starts by reviewing a number of preconceived ideas about periods of transition, about the connections between emergency, rehabilitation and development activities and about the notion of victim. The second section discusses the ultimate goal of the ICRC's work during periods of transition, which is to ensure respect for the victims' dignity. The third section considers the needs of the victims and how the ICRC meets them. The last section outlines the ICRC's relations with the other players. This approach has the advantage that it takes as its starting point the human reality of the victims' suffering and aspirations, which ICRC delegates witness firsthand. It is dictated by the ICRC's concern to put the victims at the centre not only of its action but also of its thinking.

A second look at certain preconceived ideas

In order to position the ICRC's work in the context, we must first take a second look at a number of preconceived ideas about transition. Outside observers generally assume that security conditions and the economic situation should improve during the transition period for all those concerned. They expect development work to take over where humanitarian aid has left off. They tend to perceive the people of the countries emerging from war as assisted "victims". This point of view is not entirely accurate.

An often painful transition

The cessation of hostilities does not lead to the immediate and direct renewal of economic independence, as some people hope, for three main reasons.

² The author, who takes responsibility for the content of this article, has taken certain liberties in considering the ICRC's guidelines, which focus on assistance, from a broader perspective that includes all facets of the ICRC's work in periods of transition (doctrine adopted by the ICRC's supreme governing body, the Assembly, on 12 December 2002 – A 136rev. of 8 April 2003). Her thanks go to the many colleagues at the ICRC, both at headquarters and in the field (notably in Bosnia-Herzegovina, Serbia-Montenegro / Kosovo, the former Yugoslav Republic of Macedonia, Mexico and Guatemala), who provided input for her reflections on transition.

First, most armed conflicts take place in developing countries that, even before the fighting broke out, faced an uphill struggle. The OECD's Development Assistance Committee lists the key challenges to sustainable development in developing countries as follows: extreme poverty associated with family breakdown and crime, political instability, environmental deterioration, population growth, HIV-AIDS and malaria, and marginalization.³

Next, the cessation of hostilities is often brought about by economic collapse. The country's infrastructure has been destroyed, its manufacturing sector lies in ruins, farmland has been laid to waste, food stores pillaged. There are simply no means of continuing the fighting. The warlords no longer have the resources they need to maintain their troops and sustain the networks that back them in order to benefit from their largesse. Reconstruction in such circumstances poses a daunting challenge.

Lastly, even if the guns have fallen silent, private investment is slow to arrive, given the uncertainty of the future. The process of economic reform needs time to improve the situation or, worse yet, initially has a negative effect — privatization, for example, can result in people losing their jobs. The conditions are not met for development agencies to step in, while at the same time humanitarian aid falls off because the donors are afraid the beneficiaries will become dependent and because their attention has turned to other parts of the world, to the "hot spots" that absorb most of their resources but which allow them to fund more visible assistance work than the complex capacity-building and economic assistance programmes they underwrite during periods of transition.

When humanitarian aid comes to an end in contexts such as these, the situation of the most vulnerable can deteriorate sharply if the authorities have not put in place some form of social net.

Humanitarian aid based on strategies for sustainable development

Emergency, rehabilitation and development aid do not follow on one other.⁴ One phase starts before the other is over. It may be necessary simultaneously

³ *DAC Guidelines: Strategies for Sustainable Development*; Paris, OECD, 2001, Box 1, p. 20.

⁴ The question of the relationship between emergency aid, rehabilitation and development work is discussed in numerous articles and books, such as: DAC Policy Statement: Conflict, Peace and Development Cooperation on the Threshold of the 21st Century, OECD, Paris; Claire Piroette, Bernard Husson and François Grünewald (eds), *Responding to emergencies and fostering development – The dilemmas of humanitarian aid*, Zed Books Ltd, London, 1999.

to distribute emergency relief supplies to displaced persons and to conduct a primary health care programme. What is more, one programme can have several facets. A blood transfusion programme, for example, can meet an urgent need for blood to operate on the wounded, comprise the rehabilitation of a building destroyed during the conflict and help build the capacities of medical personnel via targeted training. Lastly, rehabilitation is not of necessity a stepping stone between emergency aid and development, because in some cases it is better to start from scratch than to refurbish what never worked anyway, such as a poorly conceived water-supply system.

The concept of a linear and sequential continuum consisting of emergency aid — rehabilitation — development is open to question for a number of reasons. First, the chaotic nature of today's conflicts precludes reasoning on the basis of continuity, as though successive phases followed on each other. Next, the duration of conflicts poses a special challenge: for how many years can a situation be qualified as an "emergency"? Lastly, the fact that conflicts take place in what can be limited areas makes it possible to apply different strategies to different regions within the same country.

This awareness of the relationship between emergency aid and development is a source of preoccupation to some development agents, which fear that the humanitarian organizations are ill-prepared from the human, technical and organizational points of view to participate in programmes that do not, strictly speaking, constitute emergency aid. Their fears are not entirely misplaced. (For example, local capacity-building — an approach that is characteristic of development work — is a complex field in which mistakes are easily committed and can lead to a fresh outbreak of violence. The byword must be caution.) They nevertheless stem essentially from a misunderstanding: no humanitarian organization has the mandate, the capacity or the desire to draw up national sustainable development plans comprising economic, environmental and social objectives. The scope and complexity of doing so are far beyond the resources of humanitarian organizations, which have other responsibilities.

The point, rather, is simply to do away with the artificial barriers (that are in any case no longer very clear "on the ground") between emergency aid, rehabilitation and development and to prompt the players involved, which should no longer be considered to form absolutely separate groups, to create synergies amongst themselves and to play on their complementarity. The ICRC, for example, would like to incorporate certain development strategies into its operational reasoning. As one ICRC delegate wrote, "when

the ICRC vaccinates over 100,000 head of cattle in northern Mali, it's doing emergency and rehabilitation work, but when it vaccinates the same number of cattle while at the same time training future veterinarians to be able, with the State, to render account of the health, growth and resulting prospects for Mali's livestock sector, it is participating in a development process".⁵ By the same token, the strategic plans of development agencies can be shaped not only to reduce poverty and ensure respect for biodiversity but also to find an appropriate response to the marginalization and vulnerability of conflict victims.

"Victims" are also survivors and even agents of change

The use of the word "victim", for lack of a better term, must not obscure the fact that during periods of transition the people who were affected by the armed conflict or internal strife have many other identities. They may, for instance, be members of a local association or religious community that comes to the aid of the destitute. Many of them have resources and capacities. They should not be perceived as mere victims. Indeed, they may reject that position in spite of their dire circumstances and not, for example, register as displaced persons, thus depriving themselves of the aid provided to that category of people. Some of them develop their own ways of improving their plight, having come up with survival mechanisms during the combat phase. Sometimes called "survivors", these people are also agents of change.⁶

This is especially true of women, who often did not take part in the fighting and whose experience of the war is therefore different from that of the men.⁷ They are the driving force behind the improved psychological health of those around them. By recreating identity-based groups (women's associations, local non-governmental organizations) and thereby meeting the need every individual feels to belong, by giving the members of their families the feeling they have a home, by showing concern for the plight of others, in particular children, they demonstrate that it is possible to manage suffering and to look to the future. Hence the importance of sparing them

⁵ Internal source: private message quoted in GEN/CELL 00/45 bis, 17 July 2000, pp. 21-22.

⁶ The notion of victim is accurately described in one chapter of *Reconciliation After Violent Conflict, a Handbook*, Handbook Series, International Institute for Democracy and Electoral Assistance, Stockholm, 2003, pp. 54-66 (preface by Desmond Tutu).

⁷ The ways in which women mobilize for peace and how armed conflict changes their role in society are described in Charlotte Lindsey's book, *Women facing war*, ICRC study on the impact of armed conflict on women, ICRC, Geneva, October 2001, pp. 27-32.

the social exclusion, stigmatization or discrimination of which they are all too often the victims, either because of the changed role the war forced them to take on or because of the sexual assaults they suffered.

During periods of transition, the ICRC's delegates focus on the "victims" suffering the direct effects of armed violence, including those whose situation is most urgent because of their vulnerability or the hostile nature of the environment in which they live.⁸ At the same time, they may also lend a hand to people affected by the armed conflict who have maintained a capacity to "rebound" that others have lost, helping them move forward on the road to independence for themselves and their families, for example by providing them with training or helping them acquire the material they need to get back to work. They do not, however, do this to the detriment of people who must be protected (such as prisoners) or of the most vulnerable (often the elderly, the handicapped, the sick, displaced persons who have no means of subsistence). Finally, the ICRC may seek to use and even strengthen the capacity of the most dynamic members of a society (such as a community of doctors or nurses), so that they in turn can help its more vulnerable members.

What the ICRC wants for the victims: respect for their dignity

Before describing the needs of the victims and how the ICRC meets them, we must answer a fundamental question: what is the ultimate goal of the ICRC during periods of transition and what does it consider its role to be?

Even though it is perfectly aware that this is a collective objective for which it is only partly responsible, the ICRC wants the victims of armed conflicts to feel that their dignity is respected. The essence of dignity is a universal notion that is rooted in cultures, religions, value systems, ideologies and education. Its content varies from one context to another. Everywhere in the world, however, certain attitudes are basic to meaningful dignity: respect for life and for every person's physical and spiritual integrity; protection against arbitrary acts, abuse of power and discrimination; recognition of others as people able to find solutions; support for people who have

⁸ These people may be at the mercy of an authority they have opposed or that sees them as enemies or as a threat because of their nationality, ethnic group, religion, clan affiliation or other alliance; as a result they may be exposed to abuse of power or discrimination. Often, the same risks arise for their families and for the local humanitarian practitioners who come to their aid. They may also be people who are exposed to acts of vengeance perpetrated by the population and aimed at them or at the community to which they belong, and who do not benefit from the minimum protection they should be afforded by the forces of law and order.

been so humiliated that they have lost their self-esteem and no longer trust in their own capacities. The ICRC's ultimate goal is to help people or communities affected by armed violence to live in conditions that they consider respectful of their dignity. To that end, their fundamental rights must be respected, the needs they deem essential, in their cultural context, to a dignified life must be met, and they must play an active part in the implementation of lasting solutions to their humanitarian problems as identified by them.

Meeting that goal usually requires three kinds of action, which tend to be conducted simultaneously and as complements to each other, and whose respective weight depends on the situation. Let us consider a first case: the ICRC provides a direct, curative response to suffering that can only be eased by outside assistance — for example, it provides food or cares for the wounded and takes urgent steps to bring a halt to the abusive behaviour observed. This is the type of approach that prevails during the phase of active hostilities. In a second case, the ICRC endeavours to help individuals regain the dignity they have been robbed of and enjoy decent living conditions by identifying longer-term remedies with them: it engages thereby in activities of rehabilitation, reconstruction and restitution. This approach is particularly appropriate during periods of transition. In a third case, the ICRC acts on the environment so that individual rights are respected further down the road: it ensures the development of humanitarian law or promotes an equitable system of justice so that violations of the law are punished. This is one of the ICRC's constant responsibilities.

During transition periods, the ICRC therefore sees its role more as that of facilitator than of protagonist, even if it has no choice in some emergency situations but to play the part of the latter. Its aim is to share its humanitarian concerns with the local authorities, if they are legitimate in the eyes of population, so that they can assume their responsibilities. It wants the communities to be a part of the technical, administrative and financial management of the programmes launched during the phase of active hostilities and once that phase has ended, wants those communities to feel they have a stake in any new activity launched in their favour. No longer does the ICRC present them with ready-made projects that are then handed over. From the outset, the communities are agents of the project.

The process by which local communities are empowered to take responsibility for humanitarian action is not always smooth sailing. Not all communities have the same capacity to take their fate into their own hands. That capacity depends on many, in particular psychological, factors, for the

trauma suffered can affect the community's ability and desire to take action. In addition, the local authorities will not always make up their minds to waive outside assistance at a time when they face challenges on all sides. Lastly, humanitarian practitioners sometimes find it hard to give up projects they are running independently, for any number of reasons: time constraints, the desire for total control over all aspects of each project and the lack of competent human resources to accompany the process by which local communities are empowered. These obstacles must nevertheless be overcome, and sometimes practical steps have to be taken to that end: for example, during the phase of active hostilities the head of delegation can already designate someone to be in charge of identifying local partners as early as possible.

The approach adopted by the ICRC is meant to be respectful of local communities; it makes it easier for the ICRC to leave, because in the long run its presence will no longer be required, and it is likely to have a lasting impact.

The ICRC's response to the main needs

In general terms, the ICRC — here as in every operation it conducts — must carry out a comprehensive analysis of the problems facing the countries concerned and the needs of the population as a whole. This enables it to harmonize its independent humanitarian action with the response of the States and organizations concerned to the challenges of all kinds that can pose an obstacle to the restoration of peace. In schematic terms, the needs of society can be grouped into four generic categories: security needs, the need for economic and social well-being, the need for justice and the need for good governance.⁹ Each of these needs changes with time. By assessing those needs globally it is possible to determine where the international community's response has been inadequate.

Some of these needs do not necessarily come within the purview of the humanitarian community, but it is nevertheless essential for the well-being of the victims of armed conflicts that they be met. Two examples are the restoration of law and order and the desire for good governance. The immediate priority may not always be to distribute food or rebuild homes that have

⁹ The conditions in which countries emerge from conflict and the range of tasks that must be performed in a reconstruction process vary from case to case, but the typology of needs before return to normalization is basically the same.

been destroyed, but rather to maintain law and order and set up institutions able to re-establish communications within the country, to open schools, to pay the salaries of civil servants and the pensions of the elderly. It is also important to put in place a government that can legitimately represent the aspirations of all the country's people at the international level.

The following lines focus on the needs usually observed by the ICRC on an empirical basis and to which it can provide, if not the entire answer, then at least the start of an answer that others will complete. We shall consider by turns the need for security and protection, material needs, the need for justice and the need for recognition. These needs are the flip side of rights that must be defended as such and that the former warring parties have an obligation to uphold. There is therefore no contradiction between an approach based on the victims' needs and a rights-based approach.

The need for security in the face of the threat posed by former combatants, crime and weapons

The survivors have an enormous craving for security.¹⁰ The constraints they accepted to survive the armed conflict — hiding in their homes, barricading themselves against looters, abandoning their mine-infested fields — become unbearable when hope is reborn. To meet the need for security, care must be taken that the former enemies do not resort to force again and that they do not fall prey to criminal networks. Once demobilized, former combatants want to go home and return to a normal life. This is particularly important for child soldiers. Public order must be guaranteed by a police force trained for that purpose and that is respectful of human rights. There must be some form of democratic control over the police force and over the armed forces and the intelligence services. People and communities that are at risk are entitled to special protection. The final but hardly least daunting challenge is to clear the land of unexploded ordnance.

In this respect, the ICRC's role, while modest in comparison to that of other players, is nevertheless worth a closer look. It is essentially but not

¹⁰ Security is analysed here in the narrow sense of the word and not from the point of view of human security, which is a broader concept encompassing protection against disease, hunger, environmental problems, human rights violations, etc. For an analysis of human security in periods of transition, see Jennifer Leaning and Sam Arie, "Human Security: A Framework for Assessment in Conflict and Transition", *Working Paper Series*, Volume 11, Number 8, Harvard Center for Population and Development Studies, Harvard School of Public Health, September 2001.

exclusively preventive. In terms of weapons, for example, the ICRC prompts the States and civil society to take measures to control the trade in small arms,¹¹ to implement the Ottawa treaty on anti-personnel landmines¹² and to take legal steps to limit the use and effects of the explosive remnants of war.¹³ It emphasizes the dissemination of humanitarian (and human rights) law to the police force, which is in charge of ensuring the safety of the people whose plight is of concern to it.¹⁴ In addition, it can make it easier for former combatants to return to their villages by carrying out relief or medical activities in their favour on the road home. In such cases, it of course pays special attention to child soldiers.

The need for protection from abuse of power at the hands of the authorities and from persecution by a hostile population

The corollary to the need for security is the right to protection conferred by international humanitarian law on certain categories of people for a long time after the end of active hostilities and, in certain cases, military operations:¹⁵ detainees, missing or displaced persons, the sick and wounded, foreigners on the territory of a party to the conflict without diplomatic protection from their State of origin, children evacuated during the conflict to third countries, the population of occupied territories, people in mine-infested areas, the victims of blockades and, in a way, the dead — because people are entitled to respect even in death. When the active hostilities cease, some people are exposed to abuse of power, to persecution, discrimination, marginalization, or forgotten. The State structures that are supposed to

¹¹ *Arms availability and the situation of civilians in armed conflicts: a study by the ICRC*, commissioned by the 26th International Conference of the Red Cross and Red Crescent (Geneva, 1995), Geneva, June 1999.

¹² *Landmines must be stopped: overview 1999*, 2nd ed. ICRC, Geneva, November 1999.

¹³ *Report of the International Committee of the Red Cross to the Preparatory Committee for the 2001 Review Conference of the United Nations Convention on Certain Conventional Weapons*, 14 December 2000, First Preparatory Committee for the Second Review Conference of the States Parties to the Convention on Certain Conventional Weapons (on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects), CCW/CONF.II/PC.1/WP.1, 11 December 2000.

¹⁴ The ICRC has published a book that serves as the basis for instruction in this respect: Cees De Rover, *To serve and to protect, Human rights and humanitarian law for police and security forces*, ICRC, Geneva, 1998.

¹⁵ The legal considerations set forth in this section are largely based on the work of Anne Ryniker, Deputy Head of the Legal Division, whom we thank for her contribution to this article. Internal source A 1236rev. of 8 April 2003.

uphold their rights are often non-existent, do not function or operate inadequately. As a result, groups of people who belong to the opposition or who are identified with it may find themselves in a very precarious situation, with no one to stand up for their rights. The same holds true when the regime changes for the people who were close to the former authorities.

There is a widespread but mistaken belief that humanitarian law ceases to apply when active hostilities are interrupted. The fact is that States remain subject not only to numerous obligations that continue in the wake of the conflict but also to new ones which take effect at that point. In international conflicts, it is the end of military operations or the end of the occupation that marks the end of the applicability of humanitarian law, save — in either case — for the categories of persons whose final release, repatriation or settlement takes place subsequently. In internal conflicts, there is no provision regarding the end of the applicability of humanitarian law. Nevertheless, it would be difficult to concede that the humanitarian law which protects certain categories of persons during active hostilities ceases to protect them when the fighting stops, despite the fact that their need for protection has not necessarily disappeared.

If the period of transition is in fact the prolongation of an armed conflict or constitutes the direct results of an armed conflict, the ICRC carries out the tasks assigned to it under humanitarian law.¹⁶ It also ensures compliance with the law by making representations to the parties concerned. Its traditional areas of activity include:

- the protection of civilians from the effects of any hostilities that may still take place or from acts of violence committed by the former enemy; this is a difficult task, one that in some contexts is too dangerous for the ICRC to perform but that nevertheless lies at the heart of the organization's mandate;
- visits to persons deprived of their liberty (prisoners of war, civilian internees, security detainees);¹⁷ such visits can continue for years after the

¹⁶ The protection afforded to people by the law is the topic of a book that highlights the development of ICRC practice, how changes in that practice shaped humanitarian law and the way in which the law serves as a foundation for humanitarian action: François Bugnion, *The International Committee of the Red Cross and the Protection of War Victims*, Macmillan/ICRC, Oxford/Geneva, 2003.

¹⁷ After the end of the Second World War, about 5,000 visits were carried out to German and Japanese prisoners of war captured in the course of the conflict; at present, visits are being carried out to prisoners being held in respect of the longstanding conflict in the Western Sahara.

end of active hostilities; they serve, just before a repatriation, to ascertain, in the course of individual interviews, that the prisoners are willing to go home;

- the release and repatriation of captives.¹⁸ Indeed, in an international armed conflict the prisoners of war and civilian internees must be repatriated without delay at the end of active hostilities.¹⁹ In internal conflicts, when the fighting ends, Protocol II requires the authorities in power to endeavour to grant the broadest possible amnesty to those who participated in the armed conflict or who were deprived of their liberty for reasons relating to the armed conflict,²⁰ and the said amnesty to be limited to those who took up arms and not extended to war crimes committed during the conflict;
- lastly, assistance for the return of internally displaced persons and, unless the United Nations High Commissioner for Refugees or the parties to the conflict themselves take charge of this activity, the repatriation of refugees.

These are but a few examples. The ICRC must help the erstwhile adversaries to fulfil their obligations, of which they have many. They must search for and collect the sick and wounded, protect them from pillage and ill-treatment and provide them with the care they need. They have to facilitate the tracing efforts made by the members of separated families so that they can renew contact with each other and if possible reunite. Another equally important obligation is that of clarifying the fate of people whose disappearance has been notified by the adverse party. Lists must be exchanged of the location and designation of graves and information given on the people buried in them. The list goes on, but we shall stop here. These examples are meant to illustrate that the need for protection remains high in periods of transition, and the ICRC is responsible for ensuring compliance with the

¹⁸ One particularly large-scale programme involved the repatriation of 247,000 soldiers demobilized in Ethiopia in 1991, when the government was overthrown.

¹⁹ Article 118, Geneva Convention relative to the Treatment of Prisoners of War, 12 August 1949 (Third Geneva Convention), and Article 133(1), Geneva Convention relative to the Protection of Civilian Persons in Time of War, 12 August 1949 (Fourth Geneva Convention). Furthermore, prisoners of war and civilian internees who are the object of criminal proceedings or have been sentenced to imprisonment may be detained until the proceedings have been completed or the sentenced served, as the case may be, but they continue to benefit from the protection of the Geneva Conventions and are entitled to visits from the ICRC.

²⁰ Article 6(5) of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

rules conferring that protection. It is therefore obvious that the ICRC must be present in the countries emerging from war, if only to discharge that task.

Material needs (water, food, housing, health)

During periods of transition, the efforts of communities and individuals to meet their essential needs are hamstrung by their own physical and psychological vulnerability or the temporary vulnerability arising from the environment in which they live. What is more, they may not receive the assistance they require to meet those needs, because the authorities lack the means or willingness to provide it, or because national and international humanitarian practitioners have forgotten them, have lost interest in them or lack the resources to come to their aid. Their dramatic plight is often played out against a backdrop of endemic poverty, disease, weather-related disasters and poor governance. Such situations are widespread, and the lines below focus on how the ICRC responds to material needs during periods of transition and on the lessons it has learned from its experience.

No matter how anxious the ICRC is to withdraw from assistance programmes it cannot maintain indefinitely, it considers that it has a *residual responsibility* vis-à-vis the persons it has assisted during the conflict, particularly those who may be endangered were it to cease its work (for example, tuberculosis patients for whom an interruption in treatment would be more harmful than an absence of treatment) or those the ICRC knew would need a long-term commitment when it began its activities (such as the disabled it has fitted with artificial limbs that have to be maintained or replaced).

The ICRC may also decide to launch *new activities* during a transition period, especially if their aim is to prevent or satisfy urgent needs among those affected by armed violence.²¹ There might, for example, be pockets of people to which it did not have access during the clashes, or detainees it was unable to visit. In the case of needs that are not urgent, the ICRC decides to launch new activities on a case-by-case basis and only after having analysed a series of criteria, the most important of which is probably that the ICRC truly has something to contribute by its presence and action. That “extra” that the ICRC can provide and others cannot usually stems from its knowledge of the context, in which it was often the only active protagonist during the phase of active hostilities, from its contacts with those who hold power, from its understanding of the victims’ needs, from its operational set-up, and

²¹ These people must correspond to the descriptions given in footnote 8 above.

from the acceptability it has earned thanks to the independence, neutrality and impartiality underpinning its activities. If the conditions for launching new activities are met, and in particular if the necessary skills are available, the ICRC must still see a specific interest in doing so. That would be the case, for example, if the ICRC thought that by responding to material needs it could further its efforts to protect certain categories of people who are in danger, or it could maintain what has been achieved by past programmes, or help ease the prevailing tension.

The ICRC has been working in periods of transition for decades,²² and its experience of such situations has taught it a number of things.

- The importance of thinking about the long term during the emergency phase and of having a well-thought-out entry strategy.

The first lesson is that in order gradually to scale back activities during the transition period, it is vital to start thinking about the period that will follow during the acute phase of an armed conflict. In other words, if the entry strategies are well thought out, it will be very much easier to devise exit strategies. What exactly does this mean ?

- During the phase of active hostilities, delegates must itemize existing systems, structures and processes and ensure that nothing is destroyed which would be very difficult to reconstruct later (e.g. a system for the supply of medicines based on the recovery of costs, which would be jeopardized by untimely distributions of goods available locally). To this end, the delegates must seek to identify shared plants, means of production and the distribution channels which exist or existed before the fighting broke out.
- In order to prepare the medium or long term in the emergency phase, potential partners, preferably locals, must be identified and involved in the operation as soon as possible. This often means involving the National Red Cross or Red Crescent Society.
- The activities launched during the crisis must take sufficient account of the local situation, particularly from the point of view of operating costs, so that local people are able to continue them during the transition period (for example, they must: employ local staff who will continue

²² Some examples are: the Indochina Operational Group headed by the ICRC in Vietnam, Laos and Cambodia after the conclusion of the 1973 Paris Agreement; the massive distributions of relief supplies in Cambodia after the overthrow of the Khmer Rouge regime in 1979; more recently, various programmes in the southern Caucasus, the Balkans and East Timor.

- working after the crisis is over; ensure, as far as possible, that the pay offered does not exceed local levels; construct medical facilities to a standard appropriate to the local context; employ technologies which make use of components available on the local market; refuse to become involved in prestige projects).
- In order not to have to continuously raise the level of the objective to be met in terms of water, hygiene, habitat and agriculture — expectations will rise as progress is made — the coordinators in charge of each area of activity must determine the upper threshold from the outset, with the participation of the project beneficiaries. That threshold must take account of cultural considerations, for the essentials of a life with dignity depend on the context. It must also be based on the minimum living standards expected for the population as a whole at the end of the crisis, bearing in mind that those standards are generally much lower than those prevailing beforehand.
 - The ICRC must make it clear from the outset that any humanitarian action it undertakes will be for a limited duration, the end of which will depend on the type of strategy chosen. It must make this clear to the representatives of the people it assists and to the authorities. It may reach agreements with the latter, making them responsible for taking over ICRC projects, if necessary in successive stages, once the State structures are fully re-established.
 - Lastly, setting in place mechanisms to preserve “institutional memory” helps ensure that new operations do not overlook past experience and repeat the errors of the past for want of information, and serves to keep track of the commitments made.

What does all this tell us about exit strategies? First, they are all too often conceived exclusively in terms of the hand-over of programmes to a partner, whereas the priority should be to have the communities assisted take charge of their problems or to prompt the authorities to act (the government could grant a specific status to displaced people, enabling them to benefit from social welfare, or award unoccupied land to refugees along with the means of exploiting it, for example by irrigation). Secondly, it is difficult to hand over programmes because few organizations want to take responsibility for a hospital or orthopaedic workshop they did not set up, and they are not always successful when they take such a responsibility. Lastly, the programme must be handed over at the right time: the eagerness to withdraw that is ingrained in the collective subconscious of all humanitarian practitioners is

not always a good prompt. True exit strategies are... good entry strategies, a method that allows the “beneficiaries” to be apprentices of their own autonomy, a long-term view in the emergency phase, accompanied by consideration of the means of ensuring the sustainability of certain programmes, the search for partners as early as possible and good public communication. It goes without saying that this implies a change of culture among humanitarian practitioners, including within the ICRC, and hence an effort at training and evaluation.

- Strengthening systems rather than providing direct assistance

The second lesson that the ICRC has learned is that it must pay particularly close attention to the strengthening of systems and processes. More often than not, the prison, health, agricultural and water-supply systems have been severely damaged if not destroyed during the crisis. It may be far more intelligent to bring in spare parts for a water pump, to help the Water Board restart a water-supply system or to set up a basic health care programme for displaced persons than to truck in water and medicines. What this activity is lacking in visibility it makes up for in effectiveness. It also has the advantage of having a lasting impact, and is a means of not creating a chronic dependency through distributions that are harmful from the psychological, economic and social points of view. In the same way, in places of detention it might be a good idea to go from meeting the needs of certain categories of prisoners (prisoners of war, civilian internees, security detainees) to a structural approach benefiting all detainees, including those in whom the ICRC is more especially interested.

This being said, it is of course up to the authorities of the country concerned to make policy decisions on the choice of system. It is not for the ICRC to choose between rehabilitating referral hospitals and setting up a system of decentralized dispensaries. It can give the medical community or the Ministry of Health analytical information based on its experience, but it is for the authorities to decide whether a cost recovery system makes sense in a cultural context accustomed to free care. In some cases the ICRC has also acted to ensure that a national health policy drawn up in the capital is applied in areas once controlled by the opposition or in which the authorities are not welcome.

The strengthening of infrastructure does not in principle replace all direct assistance, for there are always some victims who will need such help, if only because they cannot wait for work on systems to have an effect. It

must also be borne in mind that the strengthening of infrastructure is not a disembodied activity. It benefits individuals. It also has the advantage of favouring those in need without creating imbalances that could give rise to tension in a population whose fractures have not necessarily healed. For instance, a system to heighten awareness of landmines will be of benefit to all the people living in a mine-infested region.

- A participative approach

There is a third lesson that the ICRC endeavours to put into practice more systematically during periods of transition: to make the people affected by armed violence take part in the decisions concerning them. At the height of the fighting, humanitarian practitioners as a rule act quickly, using their distribution channels to bring in relief supplies; they do not always have time to include very many people in their decisions. Effectiveness and speed outweigh all other considerations. This approach, adopted in the face of extraordinary circumstances, is justified only by the seriousness of the situation owing to the fighting. During periods of transition, an entirely different approach must be adopted. The type of participation chosen depends on the purpose of the operation and the results it is expected to produce. The humanitarian practitioners can consult the community concerned, involve it in the decision-making process, or work alongside it, as the case may be. They may even stay in the background and allow the community to design, implement and evaluate the project, so long as it — the project — is in keeping with their mandate, principles and resources. The earlier they do this, the better.

This approach is not entirely risk-free. Caution must be exercised on three points: not to foster tension in the society, given that the groups chosen to take part in a project represent a particular clan, political group, religious community; not to give too much responsibility too soon to a community that is not ready to shoulder it; to ensure that the groups of people participating in the project do not favour those whose identity they share and that they respect the principle of impartiality in full. In short, the way forward is clear, but all concerned must proceed prudently.

In establishing a participatory approach, the ICRC must take care to ensure that, in periods of transition as well as in the acute phase of conflict, women take part in defining the objectives of humanitarian projects and programmes and in the choice of strategies. Where the local culture is a stumbling block, it must consult at local level with a representative sample of

women to determine with them how best to involve them in a way that does not place them at risk.

- Building local capacities

The fourth and final lesson, which is related to the previous one, is that it is crucial to build local capacities.²³ In Afghanistan, for example, the handicapped receive training and a micro credit, enabling them to start a small business. They are granted modest interest-free loans that they have to pay back. A committee of specialists, all of them handicapped as well, examine the viability of the projects submitted and follow up on their implementation.²⁴ In Serbia, displaced women are taught to make clothes so that they can be hired by a textile manufacturer. They thus learn a trade and earn an income that will one day allow them to leave the collective centre, which is often overcrowded and where life is difficult. As they grow financially independent and enter into contact with other women working in the same workshop, some of them gradually overcome the loss of self-esteem that all too often goes hand-in-hand with the humiliation suffered during years of conflict. In the long run, the entire family benefits from the money they earn, including the most vulnerable.

As these examples illustrate, building capacities implies a transfer of knowledge and skills. But local capacity-building is not just a matter of know-how or financial support. For individuals to regain their self-confidence and themselves strive to improve their plight in the long term, moving from victimhood to protagonist in the process, requires a capacity to “rebound” they can only find in themselves but the emergence of which is also nurtured by the trust and respect they receive for their skills. Therein lies the complexity and scope of the undertaking.

The same approach must be adopted towards any community for which the ICRC wants to develop the capacity to resolve a humanitarian problem, whether among the authorities or civil society. It may be judicious in some cases to help the family or neighbours of the destitute, who are then cared for as the community itself undertakes to provide for their needs. Support networks are very effective in many cultural contexts — and this must not obscure the fact that access to humanitarian assistance sometimes reinforces

²³ Ian Smillie (ed.), *Patronage or Partnership, Local Capacity Building in Humanitarian Crises, Humanitarianism and War Project*, Kumarian Press, Bloomfield, 2001.

²⁴ “Afghanistan: Micro-credit programme for the disabled”, *News*, No. 03/44, ICRC, 29 April 2003.

the status of the most vulnerable within their communities and also enables them to receive, in exchange for the material goods they share, the support of the group to which they belong.

The need for truth and justice

The need for truth, justice, revenge, forgiveness, the need to forget and receive reparations: every human being confronted with violence reacts differently. There are those who withdraw into painful silence, those who bear witness for the sake of future generations, those who try to avoid the past, and those who overcome tyranny and hatred via altruism. The list goes on, for the relationship between memory and suffering takes many forms. The same holds true for the society reacting to the horrors that have taken place: it may suffer from collective amnesia, establish commissions of inquiry, tribunals or educational programmes, erect monuments honouring the memory of the victims. There is no end to the attitudes shown and initiatives taken to establish the truth and treat the social suffering that is not just the sum of individual suffering but a distinct pain, often that of the group whose identity was affected. Reconciliation is the ultimate goal, but it is also admittedly a very ambitious objective, perhaps even too much to hope for, at the end of a period of armed violence, and co-existence is in many cases already a huge step forward.²⁵

Truth and justice are basic requirements. First and foremost for individuals, to enable them not to dwell on the past and to contemplate the future. For society, as well. Until responsibility for the atrocities committed has been attributed to individuals, it remains, in people's minds, the collective responsibility of the clan, ethnic group, political party or religious community concerned, or of the people in the region, valley or village against whom they fought. The perpetrator of war crimes must have a name, or the crime will continue to be attributed to the group.

The way in which the truth is established and justice rendered varies from country to country and has changed considerably in the past few years, as evidenced by recent examples. South Africa set up a Truth and Reconciliation Commission to cope with its apartheid past. The United Nations Security Council has established two international tribunals to prosecute certain crimes committed during the conflict in the former Yugoslavia and the

²⁵ Martha Minow explores how human beings react to the atrocities they have suffered, witnessed or perpetrated in her book, *Between Vengeance and Forgiveness — Facing History after Genocide and Mass Violence*, Boston, Beacon Press, 1998.

genocide in Rwanda. A permanent International Criminal Court, established by the Rome Statute of 1998, should soon start prosecuting grave violations of humanitarian law. These measures certainly constitute progress, even though the wheels of justice turn slowly and the number of those prosecuted remains symbolic. They are evidence of the determination of States to ensure respect for international humanitarian law and contribute to the public stigmatization of extremely cruel behaviour such as wilful murder, torture and hostage-taking.

The ICRC's legal contribution to the process of justice is essentially made at the national level. Indeed, it is up to the States more than any other player to ensure that violations of humanitarian law are punished. It would be less important to have a system of international justice if national jurisdictions functioned and if appropriate criminal legislation had been adopted — not to mention the contexts of widespread chaos in which such jurisdictions do not even exist because the structure of the State has collapsed. The States must adopt the measures required to punish violations of humanitarian law; they must enact laws and internal rules to that effect. This task can be facilitated by constituting national committees for the implementation of humanitarian law to assess existing domestic legislation in the light of the obligations arising from international humanitarian law, to draw up recommendations (proposing in particular amendments to existing legislation and the adoption of the requisite rules) and to help spread knowledge of humanitarian law. The ICRC helps the States adopt appropriate measures and facilitates the exchange of information on each State's legal experience. It sometimes also helps provide instruction to judges and court personnel who wish to expand their knowledge of humanitarian law.

In short, the ICRC's contribution is essentially legal and technical in nature; its aim is to promote the conditions the national courts need to perform their tasks. The ICRC does not bear witness in court on what its delegates observe in the course of their humanitarian work, for its mission to protect the victims of armed conflict requires it to have a working relationship based on trust with all the protagonists of the violence, including those who could be brought before the courts. Indeed, the international community has recognized the special and at times unique character of the ICRC's humanitarian work and understands why the ICRC should not be called as a witness.²⁶

²⁶ See Rule 73 of the Rules of Procedure and Evidence of the International Criminal Court; Decision of 27 July 1999 in *Prosecutor v Simić et al*, Case No. IT-95-9, Trial Chamber of the International Tribunal for the former Yugoslavia.

The need for recognition and sometimes for psychological support

Armed violence is a source of humiliation. When that humiliation is publicly dealt, it often becomes a feeling of shame that takes different forms depending on the cultural context. The feeling of having lost face, fear for one's mental health, attacks against one's identity, all constitute a threat to the integrity of the human being that some people feel more sharply than physical pain.²⁷ Individual resilience, the ability to absorb shocks and transform them into positive experiences, varies. What is apparent, however, is the need felt by the victims of armed violence to be well considered, to have a sense of self-esteem, to be recognized, be they prisoners who have been tortured, women who have been raped or other people traumatized by the events.

For the ICRC's delegates, responding to this need is above all a matter of attitude. This is why they put the emphasis on a participative approach and on capacity building, on the process of humanitarian action as much as on its outcome.

The question then arises of a more specific response to the victims' plight. Some of them sometimes need medical assistance. Humanitarian agencies for the most part go no further than treating physical ills and providing material support in the form of water, food and housing, because they lack the ability, skills and means of doing anything else, and because they believe that the response to trauma differs in each culture. They forget that health is not limited to physiological needs and that caring for or feeding the body is but the beginning of a process of restoring health and dignity.

It is time for humanitarian agencies to play an active part in heightening the international community's awareness of the fundamental problem posed by the psychological repercussions of armed violence. Preventing fresh outbreaks of violence is not merely a matter of setting up early-warning mechanisms, of deploying interpositional forces or of negotiating international agreements. If nothing is done to help individuals who have suffered horrendously traumatic events to overcome them and to regain their dignity and identity, many of them will find no outlet but hate, the violence inflicted on others serving to erase the humiliation suffered. The end of one conflict thereby risks sowing the poisoned seeds of the next.

²⁷ This phenomenon is described by James Gilligan, M.D., on the basis of his experience as Director of Mental Health for the Massachusetts prison system, in his book *Violence, reflections on a national epidemic*, Vintage Books, A Division of Random House Inc., New York, 1997.

While the ICRC does not plan to start providing individual therapy, it does seek remedies for the psychological suffering of certain categories of people whom it aids by mobilizing the resources available to other players, giving preference to the components of the International Red Cross and Red Crescent Movement. Help is provided, for example, to the families of the missing when they learn that a loved one has died. The discovery of a picture of the victim's clothing, in a photo album of the objects found on the bodies in a mass grave, is a painful moment. Red Cross and Red Crescent volunteers, trained for that task, are with the families at that tragic moment, which marks the beginning of a process of mourning. The ICRC may also provide support for National Society programmes to assist people traumatized by the violence.

One day, perhaps, on the strength of its experience, the ICRC will play a more active role in this field. For the time being, it willingly considers the matter and takes measured action. The next step may be to make the public more aware of the issue and to mobilize organizations that are in a better position to act.

Lastly, meeting the victims' need for recognition is also to ensure that their culture is respected. When statues have been destroyed, libraries burnt to the ground, museums looted, it is not the objects they held that are affected, but the identity of a people and the pride of the individuals it consists of. This is why the ICRC reminds the authorities concerned of the rules governing the protection of cultural property. It encourages them to adopt national measures for the implementation of those rules. When necessary, its delegations make representations to ensure compliance with the rules. This activity will probably become increasingly important as the psychological components of warfare become an integral part of strategy and cultural property is targeted. The process of globalization, which is leading to growing uniformity in thought and lifestyles and thereby prompting people to react by falling back on their identities and rejecting those who are different, lends urgency to the task. If humanity wants to preserve the entire wealth of its heritage and not tear itself apart on what is left of devastated religious sites or the ruins of the world's wonders that should have been preserved for future generations, the time has come to mobilize for that purpose.

Partnership

In order to deal with the humanitarian problems that arise in periods of transition and gradually to withdraw, the ICRC wishes to work in partnership with others.

The National Red Cross and Red Crescent Societies and their International Federation are obviously its first partners of choice. A National Society naturally bears primary responsibility for its development, but it can, if it needs outside help to build its capacities, turn to the International Federation or its sister Societies and to the ICRC in respect of its fields of competence. Sometimes a society has to be founded or rebuilt with the help of active volunteers, as in the case of a territory, such as East Timor, that becomes an independent State. The establishment of a National Society can be a long process of unification, as demonstrated by the story of the Red Cross Society of Bosnia and Herzegovina following the Dayton Peace Agreements of 1995. Lastly, when a National Society has been too closely associated with the authorities, their fall from power is the starting point of a fresh beginning. Each case presents a different challenge to the International Federation, whose efforts the ICRC supports. For its part, the ICRC is gradually narrowing its assistance to the National Societies to four areas: legal support (in particular concerning their statutes), staff preparedness for situations of conflict (should the hostilities be renewed), the dissemination of international humanitarian law and of the Movement's Fundamental Principles, and training in tracing work aimed at renewing contact between and reuniting the members of families separated by war. With the support, not only of the International Federation and the ICRC but also of other, sometimes more powerful National Societies acting in a spirit of fellowship, there is room to hope that the National Society in a country in transition will rapidly acquire the ability to take charge of certain pre-existing ICRC programmes and to develop its own.

The ICRC has another responsibility in periods of transition, and that is to continue acting as the lead agency for the Movement's international relief operations. Under the Movement's Statutes, the ICRC's role is to protect and assist the military and civilian victims of armed conflicts and internal strife "and of their direct results".²⁸ In addition, by virtue of the 1997 Seville Agreement,²⁹ which organizes international cooperation among the Movement's components, the ICRC is the lead agency in situations of armed

²⁸ Article 5(2)(d) of the Statutes of the International Red Cross and Red Crescent Movement, adopted by the 25th International Conference of the Red Cross in Geneva in 1986.

²⁹ "Agreement on the organization of the international activities of the components of the International Red Cross and Red Crescent Movement of 26 November 1997, Council of Delegates, Seville, 25-27 November 1997", *International Review of the Red Cross*, March 1998, No. 322, pp. 159-177 (hereinafter the Seville Agreement).

conflict, internal strife and their direct results, such situations applying, according to the Agreement, beyond the cessation of hostilities.³⁰ It is only when a general restoration of peace has been achieved and the presence of a specifically neutral and independent institution and intermediary is no longer required that the ICRC ceases to play the role of lead agency. That role implies numerous responsibilities, *inter alia* defining the operation's general objectives, coordinating all actions within the relief operation, acting as a spokesman and sharing its analysis of the security situation.

Outside the Movement, there are many national and international players with whom the ICRC wishes to develop or pursue its cooperation, in particular the authorities, the United Nations system, non-governmental organizations and, in some contexts, the World Bank.³¹ Those involved must coordinate in order to harmonize their responses to the needs they have together identified and manage conflicts of interest. In one example, concern for justice requires that people suspected of having committed war crimes be arrested, at the risk of prompting acts of violence on the part of their community, which considers them to be heroes and intends to defend them. That concern is thus in conflict with the quest for greater security. Finding the means of rendering justice without placing lives in danger is worth at the very least coordination between the players involved.

This being said, it is not always easy to coordinate, for a number of reasons. First, transition contexts vary widely. When a ceasefire or peace agreement is imposed or when the national authorities that set themselves up receive external support from a source contested within the country concerned, and of course in cases of occupation, most humanitarian agents will endeavour to maintain their independence, in order to be accepted by all those who have fought and could again resort to force. No humanitarian agency wants to appear as the implementing agent of a policy that has been dictated by one or several third States and that is viewed with hostility in some quarters. This is also a security issue. What is more, where are the limits to cooperation with the armed forces of third States that yesterday were shelling the country, today are distributing relief supplies in camps for displaced

³⁰ Seville Agreement, Article 5.1(A)(b) and (c).

³¹ On the role of the World Bank in such situations, see *Post-Conflict Reconstruction, The role of the World Bank*, The International Bank for Reconstruction and Development, Washington, 1998, p. 69, and a book that describes how the social fabric is affected by armed conflict: Nat J. Colletta and Michelle L. Cullen, *Violent Conflict and the Transformation of Social Capital, Lessons from Cambodia, Rwanda, Guatemala and Somalia*, The International Bank for Reconstruction and Development, Washington, 2000.

persons, and may resume fighting tomorrow? No matter how useful the humanitarian work of the armed forces, whose presence is sometimes welcome because of their logistical capacities, there is a major risk that the beneficiaries will confuse and apply the same nametag to the troops and the ICRC's delegates and UNHCR or MSF staff members. Such confusion can limit the acceptability of a neutral and independent humanitarian operation that is supposed to last. The main challenge is to coordinate, in the interests of the victims, while taking care to remain independent. Lastly, to each his own role. The United Nations' commitment to ensure collective security will inevitably lead the organization to take political stands. A specifically neutral and independent organization such as the ICRC is obliged to keep its distance from those positions, even if they reflect the point of view of the international community, because it never takes a stand on the legitimacy of recourse to force. The humanitarian agencies of the United Nations system sometimes find themselves caught between a rock and a hard wall; they belong to a political organization, yet find themselves working in places where tension runs high because of past hostilities. It remains to be seen to what extent the population is able to distinguish between the political and humanitarian facets of United Nations work, which are very different.

Hence the importance, in every country that is in a period of transition, of having a balanced relationship with others, so that that relationship can foster mutual understanding of what is at stake and of potential synergies while respecting the independence of the ICRC and not undermining its neutrality.

Conclusion

The aim of this article was to make the reader aware of the tragic plight of the victims of armed conflicts long after the guns have fallen silent, and to describe why, how and on what basis the International Committee of the Red Cross deploys its humanitarian activities in such situations. The ICRC has a mandate for this, longstanding experience, something extra to contribute. It has above all an ambition: to be close to the victims of armed violence, to understand their suffering, to meet their needs, to uphold their rights. But that is not all. Those who cannot make themselves heard, who have been displaced, detained, ill-treated, at long last, during the period of transition, have the opportunity to pick up the threads of their lives. Staying in the background and eventually withdrawing to allow them to dream and work towards their future is the best proof of success of humanitarian work.

In short, humanitarian action helps foster peace, although this is an assertion that the players make in a whisper, for fear that their work will appear, mistakenly, to be politicized. By reuniting the members of separated families, by repatriating prisoners, by helping to shed light on the fate of the missing, the ICRC alleviates the suffering in which may lie the seeds of future conflicts. It must also give careful consideration to the repercussions of what it does on the construction of peace, starting with the economic impact, in order not to complicate the process of recovery everyone craves. It must consider the political fallout, so that its activities do not exacerbate social tensions or unwittingly strengthen the hand of bellicose factions. Last but not least, it must give thought to the social impact, and take care that its activities promote, or at least do not hinder, the steps taken, in terms of human rights, by certain social groups (women in particular) because of the responsibilities they shouldered during the fighting.

The construction of peace, or, more modestly, concern to facilitate the co-existence of communities that have been torn apart, is not the primary objective of humanitarian practitioners, but to lose all interest in the matter, on the pretext that this responsibility lies first and foremost with others, is tantamount to an abdication. As the discussions on human security have shown, peace is a courageous and stubborn step forward on the road to sharing, solidarity and justice. It concerns all of us from all points of view: the fight to prevent disease, poverty, oppression, discrimination. It may be modest and discreet, but humanitarian action nonetheless makes a vital contribution to mending, at the local level, the threads of a torn social fabric. As one woman, a victim of conflict in the Caucasus, told us one day in her bombed out apartment with a balcony hanging by a thread: "What good does it do us to be free of material worries if we still live in fear of what tomorrow will bring?"

Africa: the methods used to deal with emergencies are inadequate for devising operational policy in situations where systems for meeting fundamental needs (security, health, etc.) do not work

“(…) recent developments in certain conflicts in Africa have had the following consequences: fewer war-disabled and fewer displaced groups, in short, fewer direct and immediate victims of war (the Democratic Republic of Congo and Sierra Leone are examples of this, as are Angola and the Sudan to a lesser extent). On the other hand, however, (...) entire populations are living in virtually total destitution as the result of the destruction caused by the war, underdevelopment and poverty caused by the pillage of their countries, and the continent’s disastrous economic situation.

For all intents and purposes, there are virtually no — or no longer any — war-disabled in the Democratic Republic of Congo, but tens of thousands of people are deprived of access to care since the health system is inexistent or no longer functions for the reasons mentioned above. The same is true of Sierra Leone, southern Sudan, Angola, and so on.

In other words, the emergency criterion is a very inadequate means of devising an ICRC operational policy which will make sense in a growing number of African situations of underdevelopment compounded by economic disaster and chronic low-intensity conflict.”

Internal source: Introduction to the Africa objectives for 2002

Mexico: the ICRC facilitates dialogue

The ICRC has opened a forum for dialogue in Chiapas. In the period from June 1999 to July 2000, some 30 meetings were organized in the San Cristobal sub-delegation between displaced people and the authorities of a *municipio* where a massacre had taken place. The ICRC played the role of “facilitator”. It had the status of silent observer while those involved discussed the issues amongst themselves. Initially, the discussions concerned minor incidents (for example, the cutting of young coffee plants), the important thing being to establish communication and build trust. Little by little the parties started to exchange views on thornier issues, such as the tragic events which had befallen the community and the role of those involved, going beyond the humanitarian field and entering the political sphere. The participants decided on the agenda of the discussions themselves and took responsibility for the topics debated.

The ICRC considered that it was right to get involved because of the tension existing between the authorities and the displaced persons; it was able to offer a platform for dialogue. By stopping rumours and enabling the two parties to get to know each other better and to talk to each other, it fostered better mutual understanding. Since the ICRC enjoyed a high degree of credibility with both the displaced persons and the authorities, it was able to play a role which it considered no one else was in a position to play at that time. This was a very worthwhile aspect of the ICRC’s work in Chiapas.

Mali: promoting the peace process (1995-1999)

The operation in Mali is different in that it was launched when the country was already in a period of transition marked by tension, which continued until 1997 (the ICRC having been absent during the acute phase of the conflict from 1993 to 1995). Peace was so fragile and the population's socio-economic vulnerability so great that as soon as the ICRC "returned" in 1995 it became convinced of the need to implement programmes aimed first and foremost at meeting people's vital needs and secondly at restoring an acceptable level of economic self-sufficiency and access to basic health-care services. It also felt it had a role to play in developing activities that fostered an environment conducive to peace. The emphasis was on building local capacities. This initiative was regarded as a pilot project designed to facilitate the ICRC's exit strategy.

An outside evaluation of the project confirmed that it had successfully achieved sustainable results, in particular by facilitating inter-community exchanges:

- for the very first time, communities discovered how to manage assets collectively;
- the vaccination programme helped groups that had been traumatized by the violence to regain confidence and hope;
- setting up health-care services in regions where there had previously been none at all and rebuilding wells helped to allay tensions between factions;
- the organization of meetings between livestock farmers from the north and shopkeepers and livestock farmers in Mopti opened up promising markets in the south, and it is well known that economic interdependence is a factor that promotes peace;
- according to the faction leaders interviewed by the outside evaluators, the support provided for — and participation in — traditional annual ancestral reconciliation festivals and the activities carried out to introduce the spirit of humanitarian law into these events (by organizing group discussions and theatre productions) definitely helped to assuage tensions between nomadic tribes;
- the inter-community meetings which were organized until 1998 on health-related topics facilitated mutual understanding.

All in all, through its humanitarian action the ICRC can add to the momentum for lasting peace, it being understood that each context has its own specific features and dangers and that what works in one situation will not necessarily work in another.

Croatia: what a neutral stance during the conflict can help achieve in the transition period

In 1997, the territory of eastern Slavonia, which had been part of the self-proclaimed “Republika Srpska Krajina” since 1991, was reintegrated into Croatia. The situation was very volatile at the time: over 100,000 displaced Croats were returning to a region where a similar number of Serbs lived. The fact that two ethnic groups which had so recently been at war with each other were now living side by side considerably heightened the tension in the region; renewed violence could not be ruled out.

The ICRC and the local Red Cross organizations — both Serb and Croat — were in a particularly suitable position to respond during this transition period, which constituted something of an emergency, at least to begin with. Having been active on both sides of the front throughout the conflict, the ICRC had developed contacts and working relations with the most influential groups in eastern Slavonia: military personnel, the police, the civilian authorities, associations of displaced persons and of the mothers of missing persons.

This complementarity was used to advantage in order to take in-depth action in the form of education projects targeting the man in the street. Teachers — Red Cross volunteers — always served as the medium for implementing the projects. One of these illustrates what a neutral stance can help achieve in a situation of this kind.

This education project targeted young people. In 1997 — more than a year after the end of the war — mutual fear and distrust between Serbs and Croats were as strong as ever. Young people in particular still had the ‘war mentality’, which was liable to involve them in new clashes at any moment. In order to counter this way of thinking, the “*Red Cross ideas and activities*” project promoted social action on a large scale. The basic idea was simple: mutual assistance can change people’s attitudes. A whole series of publicly beneficial activities, which were both worthwhile in themselves and at the same time enhanced the confidence of those carrying them out, were organized by the Red Cross Youth with the teachers’ help: books, clothes and money were collected for the needy, travelling exhibitions of art and poetry were organized on Red Cross action and the principle of humanity, rubbish was collected, and sick and elderly people were visited in their homes. By acting in this way, the young people set an example for reconciliation between their respective communities.

Résumé

La guerre a-t-elle jamais une fin ? L'action du Comité international de la Croix-Rouge lorsque les armes se taisent

Marion Harroff-Tavel

Lorsque dans le cadre d'un conflit armé les armes se taisent, suite à un accord de paix ou un cessez-le-feu, débute une délicate période de transition. La situation se détériore, bien souvent, gravement pour les plus vulnérables, alors que d'autres, qui ne veulent plus être qualifiés de « victimes », luttent pour retrouver leur autonomie et défendre leurs droits. Les besoins des individus sont multiples : besoin de sécurité face aux menaces posées par les ex-combattants, la criminalité et les mines, besoin de protection contre les abus de pouvoir de l'autorité ou la vindicte d'une population hostile, besoins matériels en eau, nourriture, habitat et santé, besoin de vérité et de justice, de reconnaissance enfin.

Faire en sorte que des réponses soient apportées à ces besoins, si possible par ceux qui les éprouvent ou en collaboration avec eux, est le défi auquel le CICR est confronté. La politique dont l'institution vient de se doter pour la conduite de son activité humanitaire en période de transition est le fruit d'une réflexion approfondie menée à Genève, mais aussi dans les Balkans, au Caucase, en Amérique centrale et en Afrique. Quelles sont les obligations des anciens belligérants en vertu du droit humanitaire ? Comment assurer un fondu-enchaîné entre urgence et développement ? Où se situent les limites de la politique d'assistance d'une organisation humanitaire ? Quelles sont les potentialités du partenariat avec l'État, la société civile et d'autres acteurs de la communauté internationale, dans le respect de l'identité de chacun ? Telles sont quelques-unes des questions qui ont été au cœur de cette réflexion.