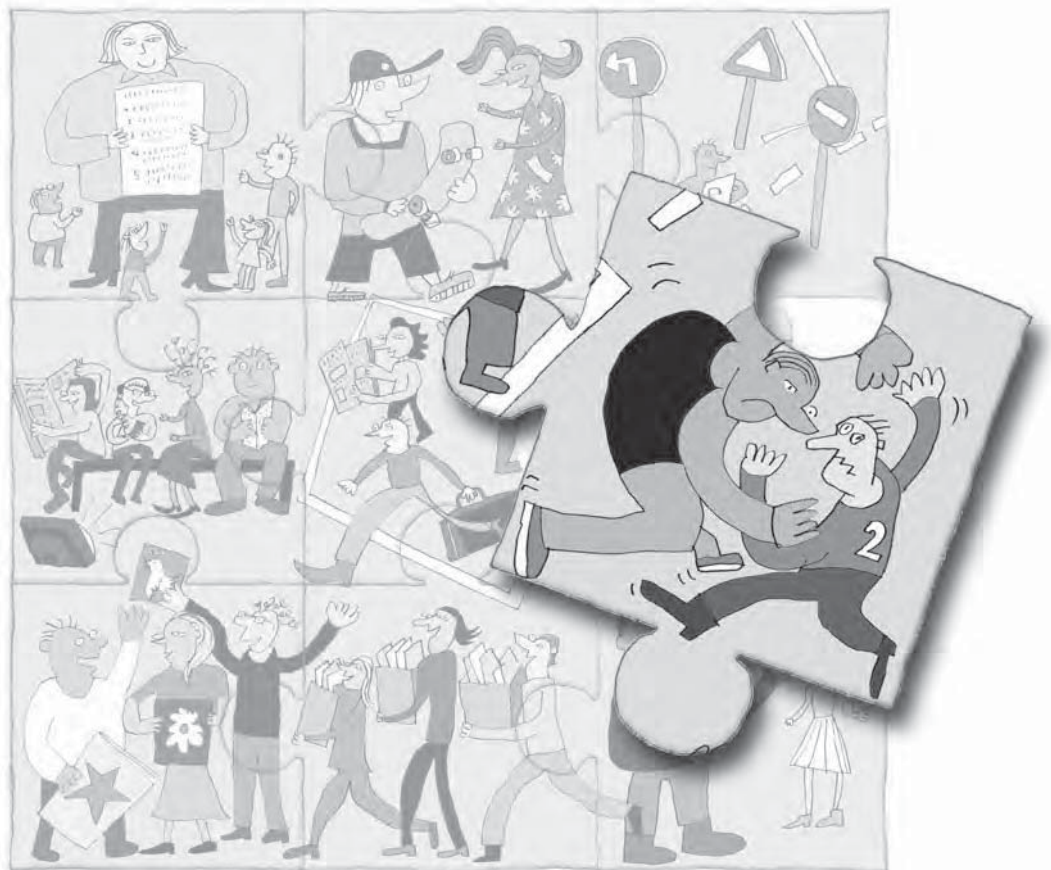


UNIT 4 Conflict

What to do if we disagree?



4.1. Conflict resolution

How can we deal with serious disagreements?

4.2. Applying the six-step approach

How can we avoid fighting our neighbour?

4.3. Conflicting human rights

A clash between human rights. What now?

4.4. Using violence

Is using violence acceptable in some cases?

UNIT 4: Conflict

What to do if we disagree?

The concept of peace has an important cultural dimension. Traditionally, in Far Eastern cultures, peace has more to do with inner peace (peace in our minds or hearts) while in the western world, peace is understood to be outside the individuals (the absence of war or violent conflict). In India, for example, the word for peace is “shanti”, which implies a perfect order of the mind or peace of mind. Gandhi based his philosophy and strategy on a concept called “Ahimsa”, which broadly means “to refrain from anything at all harmful”. He said, “literally speaking, Ahimsa means non-violence. But to me it has a much higher, an infinitely higher meaning. It means that you may not offend anybody; you may not harbour uncharitable thoughts, even in connection with those who you consider your enemies. To one who follows this doctrine, there are no enemies.” In the Maya tradition, peace refers to the concept of welfare and is linked to the idea of a perfect balance between the different areas of our lives.¹⁶

“Positive peace” describes a state whereby the collective will is directed towards promoting peace and removing the barriers to peace. It includes a commitment to social justice, thereby moving beyond the idea that peace is the absence of fear, violence and war. It includes a commitment to non-violent conflict resolution and seeks to encourage the capacities of individuals and groups so they are able to address social problems in a constructive manner. For EDC educators, it also means promoting democratic processes in the classroom, addressing issues of power or the abuse of power, as well as seeking at all times to encourage the skills of listening and constructive dialogue and a commitment to resolve conflict.¹⁷

Is violence natural? Many people are convinced that human beings are naturally violent and that consequently we cannot avoid wars, conflicts and general violence in our lives and our societies. Other specialists in this field claim that we can avoid thinking, feeling and acting violently. The Seville Statement on Violence, elaborated in 1986 by a group of scholars and scientists from many countries, confirms this by stating that:

- “1. It is scientifically incorrect to say that we have inherited a tendency to make war from our animal ancestors (...) Warfare is a solely human phenomenon and does not occur in other animals (...).
2. There are cultures that have not engaged in war for centuries and there are cultures which have engaged in war frequently at some times and not at others (...).
3. It is scientifically incorrect to say that war or any other violent behaviour is genetically programmed into our human nature (...).
4. It is scientifically incorrect to say that humans have a ‘violent brain’ (...) how we act is shaped by how we have been conditioned and socialised (...).”

Most of us are conditioned by our environments to react aggressively and violently. We learn to think, feel and act aggressively and in some cases violently. Wherever we live, we are submitted to a social and cultural pressure that conditions us to read about violence, watch violence and hear about violence almost constantly. Television programmes, advertisements, newspapers, video games and the movie and music industries contribute greatly to this situation. Before reaching adolescence, a child has seen thousands of murders and violent acts just by watching television. Our modern societies, whether consciously or not, make no apology for violence. Violence is seen

16. Text from “COMPASS, a manual for human rights education with young people”, Council of Europe, Strasbourg 2002, p. 376ff.

17. From “A glossary of terms for education for democratic citizenship”, Karen O’Shea, Council of Europe, DGIV/EDU/CIT (2003) 29.

as being of positive value. In most cultures, saying no to violence and avoiding physical violence or confrontation may be perceived as a sign of weakness, especially for men, who are put under a lot of pressure by their peers from a very young age.¹⁸

For additional information, refer to the teachers' resource sheet at the end of this unit.

Education for Democratic Citizenship and Human Rights

Through this series of lessons students will:

- increase their insight into the mechanisms behind a conflict;
- increase their insight into non-violent conflict resolution;
- improve their ability to deal with conflict in their own environment;
- improve their ability to consider the views and needs of all parties involved in a conflict;
- increase their insight into conflicts between human rights;
- increase their critical thinking about the use of violence;
- increase their insight into how to cope with the violence they are confronted with;
- be stimulated to approach conflicts in a non-violent way.

18. Text from “COMPASS, a manual for human rights education with young people”, Council of Europe. Strasbourg 2002, p. 380.

UNIT 4: Conflict

What to do if we disagree?

Lesson title	Objectives	Student tasks	Resources	Method
Lesson 1: Conflict resolution	Introduction to a six-step approach to conflict resolution.	Analyse a conflict; find solutions.	Student handout 4.1	Small group work.
Lesson 2: Applying the six-step approach	Learning to apply the six-step approach.	Analyse a conflict; find solutions.	Student handout 4.1 Student handout 4.2	Small group work.
Lesson 3: Conflicting human rights	Learning to recognise and analyse situations where human rights are in conflict.	Analyse a situation where human rights are in conflict.	Student handout 4.3 Student handout 5.2	Small group work. Critical thinking.
Lesson 4: Using violence	Develop critical thinking about the acceptability of the use of violence and about personal behaviour.	Reflect upon use of violence and upon personal behaviour.	Student handout 4.4	Small group work. Critical thinking.

Teacher's resource sheet

International humanitarian law

What is international humanitarian law?

International humanitarian law (IHL) encompasses both humanitarian principles and international treaties that seek to save lives and alleviate the suffering of combatants and non-combatants during armed conflict. Its principal legal documents are the Geneva Conventions of 1949, four treaties signed by almost every nation in the world. The conventions define fundamental rights for combatants removed from the fighting due to injury, illness or capture and for civilians. The Additional Protocols of 1977, which supplement the Geneva Conventions, further expand those rights.

Who does IHL protect? Does IHL protect me?

IHL protects wounded, sick or captured members of the armed forces and civilians. Wounded and sick combatants – to whatever nation they may belong – are to be collected and cared for under the provisions of Geneva Convention I. They cannot be murdered or subjected to torture or biological experiments. They are to receive adequate care and are to be protected against pillage or ill-treatment. The convention also protects medical workers, military religious personnel, military medical facilities and mobile units.

Wounded, sick, and shipwrecked combatants at sea are protected by Geneva Convention II. They receive the same protection as soldiers on land, extended to conditions encountered at sea. Hospital ships are protected.

Prisoners of war (POWs), protected by Geneva Convention III, must be treated humanely and provided with adequate housing, food, clothing and medical care. They are not to be subjected to torture or medical experimentation and must be protected against acts of violence, insults and public curiosity. Captured war correspondents and civilians authorised to accompany the military are also entitled to this status.

Civilians are protected under Geneva Convention IV. At all times, parties to the conflict must distinguish between civilians and combatants and direct their operations only against military targets. Civilians must be permitted to live as normally as possible. They are to be protected against murder, torture, pillage, reprisals, indiscriminate destruction of property and being taken hostage. Their honour, family rights and religious convictions and practices are to be respected. Occupying forces shall ensure and allow safe passage of adequate food and medical supplies and the establishment of hospital and safety zones for the wounded, sick, elderly, for children, expectant mothers and mothers of young children. This convention provides special protection for women and children. The hospital staff caring for these individuals is to be respected and protected.

The Geneva Conventions call for humanitarian assistance to be carried out by the International Committee of the Red Cross (ICRC), the Red Cross and Red Crescent national societies or other impartial humanitarian organisation, as authorised by parties to the conflicts.

Are international humanitarian law and human rights law different?

Yes, but they complement each other. Both seek to protect individuals from harm and maintain human dignity, but they address different circumstances and have different core documents. IHL applies in times of armed conflict to limit the suffering caused by war and to protect those who have fallen into the hands of the opposing party. IHL's primary focus is to safeguard the fundamental rights of wounded, sick and shipwrecked combatants, POWs and civilians. Human rights law applies in times of peace or war, but is primarily concerned with protecting people

against government violations of their internationally recognised civil, political, economic, social and cultural rights.

What does IHL say about child soldiers?

Humanitarian law prohibits children from taking part in hostilities, but child soldiers still represent a serious problem in many parts of the world. IHL requires that children under 15 should not be recruited into the armed forces, and that “all feasible measures” be taken to ensure that they do not take direct part in the fighting. In recruiting those between 15 and 18 years of age, priority must be given to the oldest (Article 77, Protocol I). Unfortunately, the number of children becoming soldiers, either voluntarily or by force, is increasing. Children living in conflict zones, particularly those separated from their families or marginalised in other ways, may become potential recruits. Children are often forced to join an armed group or to become child soldiers as a means of survival.

When is IHL used?

IHL applies to armed conflict (war) taking place between nations (international armed conflict) or to internal armed conflicts such as civil wars.

Does IHL apply to the terrorist attacks of 11 September?

Although 11 September 2001 brought death and destruction on a scale we associate with warfare, it is not clear that IHL applies. IHL applies to armed conflict between states (international armed conflict) or to internal armed conflicts such as civil wars. If the shocking attacks on civilian targets in New York and Washington were committed by a terrorist network operating on its own, then they amount to horrendous crimes, rather than acts of war to which IHL would apply.

Does IHL provide special protection for women?

Yes. Although women enjoy the same general legal protection as men, the Geneva Conventions recognise the principle that “women shall be treated with all the regard due to their sex” (Article 12, GC I and II, Article 14, GC III). This means that additional protection is provided to address women’s specific needs arising from gender differences, honour and modesty, pregnancy and childbirth. For example, women POWs or internees are to be held in quarters separate from men’s, under the immediate supervision of other women. Women are to be protected “against rape, enforced prostitution or any form of indecent assault” (GC IV, Article 27, also Article 75 and 76, Protocol I). As to relief shipments, “expectant mothers, maternity cases and nursing mothers” are to be given priority (Article 70, Protocol I). To learn more about issues for women in armed conflict, as well as the resilience many have shown, see the recent study on “Women Facing War” at www.womenandwar.org.

How does IHL protect children?

IHL forbids attacks against civilians and identifies special protection for children. All civilians are to be protected against murder, torture, pillage, reprisals, indiscriminate destruction of property and being taken hostage. Their honour, family rights, religious convictions and practices are to be respected. Occupying forces are to ensure and allow safe passage of adequate food and medical supplies and the establishment of hospital and safety zones for the wounded, sick, elderly, children, expectant mothers and mothers of young children. Special provisions also respond to the needs of children unaccompanied by family, psychosocial needs, and family communication.

Children under 15 who are orphaned or separated from their families must be provided for. They must be able to practise their religion and their education must be facilitated.

Is it a violation of IHL if civilians are killed during war?

Protecting civilians is a major objective of IHL. Under Geneva Convention IV, civilians are to be protected from murder and permitted to lead normal lives, if security allows. Additional Protocol I of 1977 provides further details extending civilian protection in international armed conflicts. Although the United States signed Protocol I, it has not yet ratified it. Even so, the US has indicated it will abide by these provisions, which are considered by many to be a codification of widely accepted customary law, developed over hundreds of years.

The basic rule on the principle of distinction is set out in Article 48 of Protocol I, which states: “In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.” In addition to prohibiting direct attacks, IHL also prohibits indiscriminate attacks on civilians. These can occur, for example, when an attack by the armed forces on a military target does not take into account excessive negative consequences to civilians (Article 41 of Protocol I).

However, not all civilian deaths are unlawful during war. IHL does not outlaw armed conflict, but instead attempts to balance a nation’s acknowledged legal right to attack legitimate military targets during war with the right of the civilian population to be protected from the effects of the hostilities. In other words, given the nature of warfare, IHL anticipates a certain amount of “collateral damage”, which sometimes, regrettably, may include civilian casualties.