EDITORIAL

TACTICS, TECHNIQUES, TRAGEDIES: A HUMANITARIAN PERSPECTIVE ON THE CHANGING FACE OF WAR

Vincent Bernard, Editor-in-Chief

Armed conflict has been defined as "the logical outcome of an attempt of one group to protect or increase its political, social and economic welfare at the expense of another group". There is no need to be an expert or a prophet to predict that humanity is far from finished with it. For those who want to help limit the effects of violence, understanding and anticipating the evolution of war remains a necessity. But war has always been a "chameleon"[1] – it is ever-changing, adapting to new circumstances and camouflaging itself in international relations, national security and political rhetoric. Today, once again, war has transformed and escapes easy delineation. Our language itself seems incapable of conveying the reality we are facing, and we see this in several ways.

First, while some are increasingly seeking to replace their soldiers with machines – drones or automated weapon systems – that can strike beyond borders, others are making their own people into human bombs let loose amidst crowds of civilians. The contrasting figures of the drone pilot and the suicide bomber undoubtedly represent the two ends of the spectrum of contemporary violence.

Second, we are witnessing a resurgence of terrorist attacks that instantly transform vacation spots or cultural and commercial venues into scenes of war. In response, these attacks elicit the use of means and rhetoric of warfare against elusive networks, or rather, rhizomes – for, like those underground stems, they spread, emerging to strike where no one expects them.

Furthermore, the notion of heroism, traditionally associated with obedience to a warrior's code of honour, now seems either to be absent or to have been completely perverted by those who portray cowardly murders as so many glorious victories and proudly broadcast videos of their crimes on YouTube.

Lastly, in a connected yet divided world, the front is everywhere and nowhere at the same time; war is both omnipresent and absent. Cyberspace itself has become the symbol of a new, ill-defined battlefield, with no contours or borders.

Yet while constantly changing, war also shows its old faces. The nuclear threat, to which the *Review*'s previous issue was dedicated, remains a sword of Damocles hanging over humanity. Some States are reinvesting in conventional arsenals – a navy, tanks or long-range artillery. As in the Middle Ages, cities are besieged in Syria and Yemen. The civil wars in South Sudan and the Democratic Republic of the Congo hardly involve new technology or heavy weapons, yet they are among today's deadliest conflicts.

The confusion surrounding the metamorphosis of warfare now also seems to be affecting the progress of the effort, begun 150 years ago, to limit the effects of violence through international humanitarian law (IHL). There continue to be challenges to apply even the most basic rules, and sometimes even legal categories themselves are being challenged. We are seeing repeated attacks on civilians, humanitarian aid and health-care facilities, along with the rise of identity politics and the ebbing of solidarity movements. In this scenario, one is entitled to ask, as does Adama Dieng, special adviser to the UN Secretary-General on the prevention of genocide, whether we are witnessing an erosion of respect for the law.[2] Is the grand design of developing a "universal law" to contain violence failing?

On the occasion of the remembrances marking the 100th anniversary of the First World War, the *Review* asked historians, legal scholars and humanitarian practitioners to look back at this century of wars from a humanitarian point of view. In using what we know of the past to illuminate the present and the future, the *Review* decided to adopt a longer-term perspective in this issue. The contributions collected here illustrate the changing face of conflict by placing human suffering – so often relegated to the backdrop of history – front and centre. They also touch upon positive developments and innovations in the field of humanitarian action and law.

From the French Revolution to the World Wars: The age of mass war

At the end of the eighteenth century, the typical features of war in Europe conjured up those of the ancient Greek tragedies, with their unities of action, time and place. War unfolded in well-defined places, such as battlefields in open country or towns and fortresses that came under siege. Its protagonists were mainly the soldiers and warlords themselves, in that a key element of victory was their valour in combat. Victory on the battlefield often guaranteed *absolute* victory, and war therefore had a beginning and an end. With the French Revolution, the patchwork of European countries entered a period of reconfiguration, expansion and conquest. On 23 August 1793, revolutionary France decreed mass conscription and paved the way for mobilizing all the resources of the "nation in arms". From then on, universal conscription led to the enlistment of a much larger number of citizen-soldiers, ending the use of mercenaries in Europe. More numerous as well as more motivated, the conscripts fought in the name of popular ideals.[3]

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1   Carl von Clausewitz, *On War* (originally published in German as *Vom Kriege*, 1832), indexed edition translated and edited by Michael Howard and Peter Paret, Princeton University Press, Princeton, NJ, 1976, p. 89.
2   Adama Dieng, "Le respect du droit humanitaire", *Le Temps*, 1 February 2016, available at: www.letemps.ch/culture/2016/02/01/respect-droit-humanitaire (all internet references were accessed in September 2016).
3   Thus, the German poet Johann Wolfgang von Goethe saw the 1792 Battle of Valmy between the French revolutionaries and the European monarchies as the start of "a new era in world history". Indeed, what was at stake in that war was not only the conquest of territory, but an ideological clash between two political systems – the Revolution versus the Old Regime.

Europe in the nineteenth century also plunged into world conquest by colonizing peoples deemed "inferior" and engaging in cannonball diplomacy. Soon it was not only all the resources of a nation, but also those of its distant colonies, that could be mobilized for war.

Concurrently, technical "progress" in the arms field, and in particular ballistics, with the invention of the rifled barrel, automatic fire and improved explosives, increased the precision, range and destructive power of rifles and cannons. The development of the railway, the symbol of the industrial revolution, also meant that armies could be rapidly amassed. Even before the car and the airplane made their appearance, these developments upended the spatial scales of modern combat – and increased its deadliness.

The wars of the late nineteenth century foreshadowed the conflicts of the twentieth century in some respects: First, the American Civil War (1861–64) saw troop mobilizations and massive losses, an ideological cleavage on the question of slavery, the enlistment of civilians, the influence of the press and of technological and strategic innovations, etc.[4] Later, during the Boer War (1899–1902), the British established concentration camps for women and children to deprive combatants of their support. The mortality rate in these squalid camps augured quite badly for the fate of civilians in the wars that lay ahead.

By combining mass participation, firepower, nationalism and the hunger for conquest, the wars of the industrial age reached their climax in the two world wars of the twentieth century. In 1919, in the novel *Les croix de bois*, Roland Dorgelès gives a description of this "industrial war". Here, he portrays the first-hand experience of the shelling of a French unit that has taken refuge in a cemetery:

> What, is it from the Boche, or from the seventy-five firing short? … The pack of fire surrounds us, tears at us. The smashed crosses riddle us with whistling splinters. … The torpedoes, the grenades, the shells, even the tombs are bursting, everything is blown up; it is a volcano in full burst. The night in eruption will crush us all to nothingness.
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> Help! Help! Men are being murdered![5]

The First World War played a pivotal role in the evolution of war. The division of the world that followed it had a major impact on the century's conflicts, and its echo continues to reverberate in modern identity politics. The origin of many trends in today's conflicts can be traced back to the First World War. At the same time, a study of the 1914–18 conflict reveals deep differences between then and now.

Although the First World War was a global conflict, it is still often associated solely with trench warfare in France and Belgium. On the occasion of the 100th anniversary of the Dardanelles Campaign for control of the straits

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4 See, e.g., Donald Stoker, *The Grand Design: Strategy and the US Civil War*, Oxford University Press, Oxford, 2010.
5 Roland Dorgelès, *Les croix de bois*, Albin Michel, Paris, 1919, p. 326 (translated into English as *Wooden Crosses*, G. P. Putnam's Sons, New York and London, 1921, and reprinted by Kessinger Publishing, Whitefish, MT, 2004).

between the Black Sea and the Aegean Sea, on the borders of Asia and Europe, Emre Öktem and Alexandre Toumarkine analyze this campaign for the first time from the standpoint of IHL. Relatively neglected in the West, the campaign, in which the belligerents' respect for the law of war drew close attention and fuelled rumours and propaganda, remains a founding event in Turkish national identity, as well as in that of Australians and New Zealanders.

From Zeppelins to Big Bertha, with a nod to "spy mania", the article by Eric Germain in this issue of the *Review* shows that, far from having made its appearance with modern drones, "remote warfare" already existed during the First World War. Since then, we have witnessed the gradual erosion of the distinction between "the front" and "the rear". This distinction was completely abolished during the Second World War through the "total war" strategy, of which the aerial bombardment of towns and cities was undoubtedly the most emblematic feature. Though already illegal at the time, attacks on civilians have nonetheless been perceived as justified in order to bring the enemy to his knees.

The nineteenth century also saw the awakening of a global humanitarian consciousness. Paradoxical as it may seem, America during the Civil War and Europe at the end of the nineteenth century – an imperialistic and bellicose patchwork – were also the birthplaces of modern humanitarian law and action. The first major progress was seen in the medical field. There, the humanitarian impulse was initially directed towards wounded combatants on the battlefield and later gradually extended to other categories of people and other kinds of suffering. The first editions of the *Bulletin International des Sociétés de Secours aux Militaires Blessés*, the *Review*'s forerunner, attest to the extraordinary progress in war medicine that followed the founding of the International Red Cross Movement in 1863.

In industrial war, so prodigal in terms of equipment and human lives, soldiers become cannon fodder in the strict sense. Nevertheless, combatants do not stop being legitimate targets until they are *hors de combat*, and that has remained so to this day. The principle of distinction requires parties to a conflict to distinguish at all times between civilians and combatants and between civilian objects and military objectives. It is widely believed that the First World War took place between combatants on the front line and had little effect on civilians, but studies in recent decades – and, in this issue, Annette Becker's contribution – remind us that civilians were not spared in the first war that was not only worldwide but also, according to Becker, total.

In adapting to the evolution of conflict, humanitarian action also became global and acquired a mass character, although it did so gradually and in fits and starts. As the article by Elisabeth van Heyningen on the second Boer War illustrates, the end of the nineteenth century and the start of the twentieth century also saw the development of international humanitarian action before the First World War.

For the International Committee of the Red Cross (ICRC), the First World War was a crucial moment. That was when the organization began sending large numbers of delegates to the field. By undertaking a vast operation to help

prisoners of war, the ICRC became an "operational organization". How could it reconcile this new need to negotiate with belligerents for access to victims with its duty to independently promote and defend the law in its dealings with them? Lindsey Cameron's article on the ICRC's response to violations of the law analyzes this evolution.

The new tension between these differing objectives soon led to a series of dilemmas from a humanitarian perspective. Drawing on the lessons of its tragic inability to confront the Holocaust, the ICRC gradually developed an ever broader and more pragmatic definition of the concept of "victims" and their needs, as well as the humanitarian principles and professional standards that would influence the budding humanitarian movement as a whole. Daniel Palmieri analyzes the development of the ICRC's perception of war, and explains how the organization lost some of its founding fathers' "illusions" as a result of the evolution of conflicts during its first century of existence.

From the Cold War to today: The age of the "war amongst the people"

Far from being a peaceful interlude as its name might suggest, the Cold War period that followed the Second World War actually witnessed a large number of new conflicts, which arose against the backdrop of decolonization and polarization. With few exceptions, such as the Korean War (1950–53) and the Iran–Iraq War (1980–88), the dominant model of conflict was no longer that of an "industrial war" between two opposing masses of troops, planes and tanks. It became mostly internal or between local armed groups against foreign powers. It had, in the words of the British general Sir Rupert Smith, become a "war amongst the people".[6]

The guerrilla tactics used by anti-colonial and revolutionary communist movements to defeat better-armed and better-equipped conventional armies were not fundamentally different from those used by contemporary armed groups against local or multinational armed forces in what are now termed "asymmetric" conflicts.

The end of the Cold War did not see the fulfilment of the old dream of a Kantian peace (the German philosopher Immanuel Kant wrote his essay "Perpetual Peace: A Philosophical Sketch" in 1795). It ushered in a new, violent period of reconfiguration along national and social lines and the reshaping of identity. But there was also the hope that the peacekeeping system which had emerged from the Second World War would finally be able to function, on the model of the coalition of States that came together to liberate Kuwait after its invasion by Iraq in 1991 (the emblematic Operation Desert Storm). In the last two decades, external "interventions" have indeed proliferated as part of multinational operations designed to end internal conflicts. However, far from being carried out systematically as part of a "new world order" or of the

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6   Rupert Smith, *The Utility of Force: The Art of War in the Modern World*, Knopf, New York, 2007, p. xiii.

"responsibility to protect", they have remained *ad hoc* actions. History has shown that these operations often run the risk of becoming quagmires, like the US intervention in Somalia in 1992. Nevertheless, if the international community – having had its fingers burned by claims of sovereignty – fails to act, this can be even more dangerous, as we saw during the genocide in Rwanda and the war in the former Yugoslavia. Since the 1990s, phases of military interventionism have alternated with phases of prudence and diplomacy on the part of States that are by turns internationalist and isolationist.

The 1990s were marked by a new impetus towards peacekeeping through multinational operations, in view of the many local conflicts that followed the end of the Cold War and that are continuing to date. The attacks of 11 September 2001, and the military and security operations carried out in response to those attacks, once again brought a spirit of polarization and unilateralism to the world and to war.

Whether carried out "for peace" or "against terror", these "new wars"[7] have several characteristics in common. Three are mentioned here.

The first characteristic is the predominance of conflicts involving both non-State armed groups and intervention by foreign States or coalitions of states (in support of either party to the conflict). In his article, Tristan Ferraro addresses the question of how to classify these situations in which one or more foreign actors are intervening. Such categorization, which is often complex, is essential nowadays in order to determine the applicable law and the scope of protection afforded to victims. Claire Landais and Lea Bass discuss another important question, one raised by the recent jurisprudence of the European Court of Human Rights in several cases concerning military operations by European States abroad: what happens when IHL and European human rights law apply simultaneously, and how can they be reconciled?

Secondly, while external interventions have multiplied, Western governments have for years shown a reluctance to risk the lives of their soldiers, and their popular support, in societies that have become "post-heroic".[8] The carnage of 1914–18 now seems very distant to us when we count, incredulously, the number of names inscribed on the monuments to the dead in the smallest French or German villages. Modern armies' technology allows them to strike from a distance, whether from the air or through strong-arm actions by special forces. Nevertheless, war will still be conducted on the ground, by local combatants, in conflicts over issues that Westerners no longer understand and that often seem as if they are never going to end.

A third element that modern wars have in common is civilian suffering. Wars have not become "clean", even with the use of so-called "surgical strikes" popularized during the first Gulf War. While we should rethink the notion that

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7   Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era*, 3rd ed., Stanford University Press, Stanford, CA, 2012. See also Herfried Münkler, "The Wars of the 21st Century", *International Review of the Red Cross*, Vol. 85, No. 849, 2003.
8   Edward Luttwak. "Toward Post-Heroic Warfare", *Foreign Affairs*, Vol. 7, No. 43, 1995.

past wars only affected soldiers on the battlefield – as we have seen, this is how the First World War is often perceived – it may be going too far to say that 90% of those dying in current wars are civilians.[9] Nonetheless, it is true that conflicts have certain characteristics which affect civilians in particularly harsh ways: their length, their urban character, the availability of light weapons, and the fact that they involve armed groups operating among the population. Among the sufferings endured by the civilian population portrayed by the media, watching those of the most vulnerable is also the most distressing. The article by Heide Ferenbach and Davide Rodogno in this issue deals with the representation of children's suffering throughout the century, starting with the photograph of little Alan Kurdi's corpse on a beach in Turkey, which in 2015 became the symbol of the "migrant crisis".

Present and future threats

The world is going through a new period of reshaping. The influence of Western States is diminishing, while other States are coming (or returning) to centre stage internationally. The system inherited from the Second World War is being called into question, and new military and economic relationships are emerging, against the backdrop of shrinking natural resources. New activists and solidarity networks are challenging the State's omnipotence. New media can be used to foster cooperation, but also conflict. The mention of human rights in multilateral forums by some evokes distrust in others, for whom it is the reflection of a new imperialism. The only element on which there seems to be international consensus today is countering terrorism.

Meanwhile, the lack of stable livelihoods and the preponderance of unresolved conflicts have forced millions of people onto the roads or into makeshift boats, while rich countries close their borders. Radicals call for isolation from the rest of the world and, at the same time, for taking the fight to the enemy. The world seems to be entering a period of selfishness, of one-sided power grabs and of rallying around "*identités meurtrières*" (murderous identities).[10]

Making violence into a spectacle, and spreading it through the media, has also become a remote-warfare tactic. The Taliban's media campaign around its destruction of the Buddhas of Bamiyan foreshadowed its more recent demolishing of the historical heritage of Timbuktu, Mosul and Palmyra. The perverse use of these destructive actions for terrorist purposes has made the protection of cultural property a priority (though we should not forget that other cultural and religious treasures have been destroyed or damaged by the fighting in Yemen and Syria, far from international attention). In this issue, Christiane Johannot Gradis takes another look at the protection of cultural heritage, both tangible and intangible.

9   Adam Roberts, "Lives and Statistics: Are 90% of War Victims Civilians?", *Survival*, Vol. 52, No. 3, 2010.
10   Amin Maalouf, *Les identités meurtrières*, Grasset, Paris, 1998.

Another effect of technology is to give those who possess it options for low-intensity warfare that cost far less than it would to implement real military, economic and political solutions. In the past, a "state of war" was formally declared and became the central concern of an entire nation until peace was restored. Now it is taking a new form in Western States. At once unending and unexpressed, it is brought to public attention only through sporadic attacks and ubiquitous security measures. States employ private contractors instead of conscripting citizens. Absent a desire for "perpetual peace", are the rich and disillusioned countries resigning themselves to the idea of a "forever war",[11] carried out in a routine fashion by governments which have neither the will nor the means to solve the underlying problems?

Nowadays, aerial bombardment is carried out by States that are reluctant to commit ground troops in operations overseas. States' hesitancy to put troops in harm's way can lead to the use of weapons and tactics, such as remote bombing or indirect fire, that imply a tacit acceptance of increased civilian casualties. However, the recurring polemics over the civilian losses that these attacks cause show that perceptions of the acceptability of civilian deaths among the general public are changing. The study of aerial bombardment throughout the century is particularly revelatory, not only of the development of military technologies but also of the evolution of mass attacks against civilian populations. When the British Parliament was debating whether to begin bombing in Syria and Iraq, the *Review* decided to interview historian Richard Overy, author of *The Bombing War*, and to lead this issue with that interview.

Several phenomena appear to us to be of particular concern for humanitarian law and action now and in the future.

Firstly, there is the problem of anticipating and regulating new military technologies. For decades, armies lived on the heritage of the Second World War, confining themselves mainly to modernizing the weapons of 1945. Developments in communications, cyber techniques, robotics and laser and nanotechnology portend not only new weapons, but also new tactics and new kinds of warfare. Some of these advances can lead to greater targeting accuracy and minimize civilian losses. Others, however, could unleash unprecedented tragedies – for example, through their indiscriminate impact. This issue of the *Review* puts new technologies in the spotlight with pieces by Eric Germain, Rain Livoja and Tim McFarland.

Secondly, even without the use of new technologies, it is disturbing to note that the most basic rules of humanitarian law are so often violated in today's conflicts, in the Democratic Republic of the Congo, Iraq, Syria and Yemen, among others. The number of attacks against health-care workers and facilities in countries at war is a particularly striking illustration of this, coming as it does 150 years after the adoption of the First Geneva Convention, whose purpose is to protect the wounded and those who care for them in time of war. Furthermore,

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11 Jack Goldsmith, "The Forever War is Entrenched", *Lawfare*, 19 October 2015, available at: www.lawfareblog.com/forever-war-entrenched.

we continue to see inexcusable sexual violence and terrorist attacks against civilians, despite the fact that these are some of the most basic prohibitions under IHL. Another problem currently being examined by the ICRC is the use of explosives in urban areas; hence, this, among other relevant topics, will be dealt with in the next issue of the *Review* on "War in cities".

Finally, in view of these recurring violations, the question of the political will to respect and ensure respect for humanitarian law is particularly acute today. The achievements of international law in general and humanitarian law in particular must be preserved, and emphasis must be placed on ways of implementing the existing rules. This is the purpose of the inter-State process to strengthen the mechanisms of respect for the law, facilitated by Switzerland and the ICRC. After the International Conference at the end of 2015, States committed to continuing this work. Recently, in an unprecedented joint appeal, UN Secretary-General Ban Ki-moon and Peter Maurer, president of the ICRC, called upon States to use all the means at their disposal to ensure that parties to conflicts "respect the law".[12]

Furthering humanitarian consciousness in a divided yet connected world

Are we, then, living through the worst period in world history? Contrary to the prevailing pessimism, Professor Steven Pinker asserts that violence has continuously declined throughout history.[13] The more violence decreases, the less tolerance we have for it, and so we persuade ourselves that we are living in the worst of times. The media play a contradictory role in this. On the one hand, they reinforce the illusion that we are living in the dark ages by focusing instantly and almost exclusively on disasters; on the other hand, they *report* on them, thereby urging us to refuse to accept the "horrors of war" as inevitable.

Indeed, we must continue to act. The *Review* asked Claudia McGoldrick to assess the state of conflicts in the world today from a humanitarian point of view, and in her article for this issue, she also looks back at a century of evolution and adaptation by humanitarian organizations. Furthermore, on the occasion of the World Humanitarian Summit, held in Istanbul in May 2016, she advocates a larger role for local humanitarian workers in the future.

The ICRC and the International Red Cross and Red Crescent Movement remain committed to transforming their field experience of the reality of modern conflicts into consciousness on the part of, and action by, the international

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12   "Aide humanitaire: Un appel conjoint sans précédent de l'ONU et du CICR", *Le Temps*, 31 October 2015, available at: www.letemps.ch/2015/10/31/aide-humanitaire-un-appel-conjoint-precedent-onu-cicr. See also "World at a Turning Point: Heads of UN and Red Cross Issue Joint Warning", ICRC News Release, Geneva, 31 October 2015, available at: www.icrc.org/en/document/conflict-disaster-crisis-UN-red-cross-issue-warning.
13   Steven Pinker, *The Better Angels of Our Nature: Why Violence Has Declined*, Viking Books, New York, 2011.

community. In this issue, the *Review* publishes three key documents of the 32nd International Conference of the Red Cross and Red Crescent, held in December 2015: (1) an interview with the ICRC's Balthasar Staehlin on the results of the Conference; (2) the resolutions adopted at the Conference; and (3) the fourth, and now traditional, report entitled *International Humanitarian Law and the Challenges of Contemporary Armed Conflicts*, prepared by the ICRC for the Conference.

The ever-evolving nature of conflicts also raises the question of how IHL should be interpreted in view of changing realities. The ICRC is engaged in an ambitious project to update the commentaries on the Geneva Conventions in the light of a threefold evolution: that of conflicts, of the law and of advances in humanitarian consciousness. In this issue, the *Review* is publishing an analysis by the head of the ICRC project, Jean-Marie Henckaerts, and his team, of the first part of this endeavour, the updated Commentary on Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of 1949.

In view of the horrors of the past, it would no doubt be wrong to conclude that there is less respect for IHL today than before. Furthermore, international law has made impressive strides in recent years, particularly in the areas of arms regulation and international criminal justice. Paradoxically, IHL may even have emerged stronger from its challenging by those who derided it as obsolete at the start of the "war on terror", as Emmanuele Castano and Anna Di Lelio affirm in their article entitled "The Danger of 'New Norms' and the Continuing Relevance of IHL in the Post-9/11 Era".

Randolph Kent concludes this edition by identifying the causes of future conflicts, and asks: are we ready? We may need to develop more tools to anticipate future humanitarian needs. Whatever the case, never before in history have we been so well informed about the suffering of victims. Never before have we had so many ways of connecting with one another and engaging in dialogue. Though we still have much to do to put them into action, never before have there been so many technical and legal solutions for aiding and protecting victims of conflicts.