

The media and its relationship with international humanitarian law in safeguarding rights and freedoms: between significance and peril

وسائل الإعلام وعلاقتها بالقانون الإنساني الدولي في حماية الحقوق العامة والحريات:

بين الأهمية والخطورة

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Abstract

Visual, written, and auditory media can play a significant and substantial role in disseminating international humanitarian law on a broad scale. This is because media, by its nature, reaches large sectors of the national public opinion due to its unprecedented prevalence in villages, remote areas, small towns, as well as urban, commercial, political, and cultural centers. Moreover, it utilizes simple and understandable language accessible to both educated and uneducated individuals.

However, the potential role of media in this field will not be realized merely because we desire it or wish for it, nor will it happen overnight. Instead, harnessing the media to perform this role requires intentional direction and clear planning regarding both media outlets and journalists, paving the way for their engagement in this task.

Keywords : Media; International Humanitarian Law; Challenges; Solutions..

ملخص:

يمكن أن تلعب وسائل الإعلام المرئية والمكتوبة والسمعية دوراً كبيراً وجوهرياً في نشر القانون الإنساني الدولي على نطاق واسع. يرجع ذلك إلى أن وسائل الإعلام، بطبيعتها، تصل إلى شرائح كبيرة من الرأي العام الوطني نظراً لانتشارها الكبير والذي وصل حتى في القرى والمناطق النائية والبلدات الصغيرة، فضلاً عن المراكز الحضرية التجارية والسياسية والثقافية. علاوة على ذلك، فإن وسائل الإعلام تستخدم لغة بسيطة ومفهومة يمكن الوصول إليها من قبل الأفراد المتعلمين وغير المتعلمين على حد سواء. ومع ذلك، فإن الدور المحتمل لوسائل الإعلام في هذا المجال لن يتحقق مجرد رغبتنا في ذلك، ولن يحدث فجأة. بل يتطلب استغلال الإعلام لأداء هذا الدور توجيهها متعمداً وتخطيطاً واضحاً بشأن كل من وسائل الإعلام والصحفيين، مما يمهد الطريق لمشاركتهم في هذه المهمة.

الكلمات المفتاحية: وسائل الإعلام؛ القانون الإنساني الدولي؛ التحديات؛ الحلول.

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Introduction:

Media plays a critical and influential role in contemporary international society, transcending borders, cultures, and nationalities. Its impact extends to many concepts that were once stable in international law and relations, such as sovereignty, independence, and borders. It creates a wide range of positive and negative interactions among states, peoples, communities, continents, and civilizations, to the extent that it can be said that the media has become universal. This universality does not necessarily refer to the content but rather to the widespread dissemination of this role across the globe.

Media's contemporary role goes beyond reporting news and events as they unfold to actively shaping and influencing them, through mechanisms of image, analysis, commentary, competition, and profit. Neutrality is no longer the message of the media in narrating the news; instead, citizens are urged to take sides and encouraged to show solidarity with one party or another in various issues and conflicts worldwide.

On a national and Arab level, the effectiveness and impact of the media are tangible on the attitudes and positions of citizens. However, in our Arab societies, this effectiveness is reinforced by the high illiteracy rates, the deterioration of the educational process, and the state's control over media, publishing, and communication, hindering democratic transition.¹

On this basis, we pose the following problem: What is the importance and danger of the role of media in disseminating the principles of international humanitarian law? And what is the effective plan through which media can be engaged in performing this task?

This research adopts a descriptive-analytical approach to examine the role of media in promoting international humanitarian law while focusing on its impact on protecting public rights and freedoms. It analyzes how media contribute to raising awareness about humanitarian laws while highlighting the risks associated with their misuse, especially during conflicts and crises. Additionally, a comparative approach is employed to explore international experiences, drawing lessons from best practices in this field.

The study aims to explore the relationship between media and international humanitarian law by analyzing the role of media in fostering respect for public rights and freedoms and assessing its potential as a tool for either safeguarding or violating them. It seeks to emphasize the significance of media in guiding public opinion toward adherence to humanitarian law while examining the international and regional legislations governing media operations in this context. This evaluation helps determine the effectiveness of regulatory frameworks in controlling media content and ensuring it does not become a tool for incitement or misinformation.

Furthermore, the research addresses the risks and challenges posed by irresponsible media use, including the spread of false information, incitement to violence, and the justification of human rights violations. In this context, it analyzes the positive and negative aspects of media influence on the implementation of international humanitarian law to formulate recommendations that enhance the role of media in protecting rights and freedoms in accordance with legal frameworks. The study ultimately aims to ensure that media serve as a means of promoting justice and humanitarian values rather than becoming a double-edged weapon.

Through this problem, we will divide this research into two sections. In the first section, we will highlight the relationship between international humanitarian law and the media. In the second section, we will highlight the main obstacles related to the dissemination and promotion of international humanitarian law on both domestic and international levels, in addition to providing the most important suggestions and possible solutions to address these mentioned issues.

First Section

Media and Its Relationship to International Humanitarian Law

Throughout history, humans have been keen on establishing customary or written regulations for wars, conflicts, and armed disputes. Even in early human history, when war and conflict were deemed legitimate and ethical understanding and legal development did not allow exploration of the illegitimacy of war, killing, and force, humanity attempted to humanize war and conflicts by establishing rules, regulations, and customs that warriors should adhere to in the battlefield. Violating these rules was considered a loss of honor for the fighters or a disgrace upon them².

In Islamic history, Caliph Abu Bakr Al-Siddiq, may God be pleased with him, ensured that his soldiers refrained from killing women, children, elderly people, captives, or unarmed combatants upon conquering territories. He forbade uprooting trees, destroying water wells, or damaging crops, or any other acts unrelated to combat and its rules and customs³.

In medieval Europe, chivalric traditions were part of a comprehensive system aimed at regulating warfare. Similarly, the principles of the samurai in Japan included setting appropriate warning conditions and behavioral standards on the battlefield, treating non-combatants and soldiers, protecting prisoners, and defining the responsibilities of the victor after the enemy's surrender.

However, with the advancement of weaponry such as artillery, rifles, and ammunition, these traditions became inadequate and failed to reconcile with these new realities. With the onset of the Crusades and religious wars in Europe in the sixteenth and seventeenth centuries, these traditions faded away, paving the way for chaos and terror, and early notions of what became known as the laws of war emerged.

This law refers to an international legal humanitarian system governing relations between warring forces, and between them and non-combatants in military conflicts. It ensures the protection of civilians, the wounded, prisoners, and alleviates the suffering caused by wars and armed conflicts, especially after the Franco-German War of 1870, the Battle of Solferino between Austria, Italy, and France.

The founder of the International Committee of the Red Cross in 1863 witnessed these tragedies and dedicated his life thereafter to addressing them. Following the establishment of this committee, another conference was held in Geneva in 1864 to improve the conditions of the wounded and injured in battles. Since then, research has been ongoing on how to develop the rules of international humanitarian law, especially as international relations and prevailing conditions at the time did not allow for a decision on the legality of war. The focus was on overcoming its consequences and effects.

The development of international humanitarian law was associated with the city of The Hague in the Netherlands, where two important conferences were held in 1899 and 1907. These conferences

resulted in the Hague Regulations, which focused on the administration of war, regulating the use of permissible weapons, and banning certain types of weapons. This was followed by the Geneva Protocol of 1925, which prohibited the use of poisonous gases and biological weapons. In 1949, the Four Geneva Conventions were successively adopted to regulate the treatment of the wounded and sick on land and at sea, the shipwrecked, prisoners of war, and the fate of non-military civilians. Subsequently, in 1977, two protocols were added to the Geneva Convention⁴.

This growing and evolving body of international humanitarian law formed the core cognitive, ethical, humane, and customary foundation that paved the way for the development and transcendence of international humanitarian law beyond the boundaries and policies of the great powers and their sensitivities towards the prominent landmarks and milestones in the history of humanitarian law, especially war crimes, crimes against humanity, genocide, and finally, the International Criminal Court. This court was founded on the assumption that in all ethnic conflicts and armed disputes, individuals and individuals bear responsibility for disseminating hatred, inciting ethnic cleansing, and committing crimes against humanity. It is not appropriate to consider an entire national group racist or responsible for these crimes⁵.

Thus, the international community witnessed the establishment of criminal courts for those responsible for these crimes in former Yugoslavia and Rwanda as a result of overcoming sensitivities and ending individual immunity, as well as the efforts of human rights activists, lawyers, and eyewitnesses to these crimes due to their humanitarian or media missions.

Visual, written, and auditory media play a significant and important role in raising awareness of international humanitarian law on a wide scale. This is because the media, by its nature, addresses large segments of the national public opinion due to its unprecedented spread in the depths of villages, towns, and small cities, not to mention urban, commercial, political, and cultural centers.

The possible role of the media in this field will not happen just because we desire it or wish for it, or that it will happen overnight. On the contrary, harnessing the media to fulfill this role requires deliberate direction and a clear plan regarding the media and journalists, paving the way for their engagement in this task. Based on this premise, we pose the following question: What are the most significant obstacles to disseminating and promoting international humanitarian law at both the domestic and international levels, and what plan can be based on some proposed steps to enhance the role of the media in spreading the principles of international humanitarian law? This is what we will elaborate on in the following chapter.

Chapter Two

Major Obstacles to Disseminating and Promoting International Humanitarian Law: Between Presenting Problems and Presenting Solutions

In this chapter, we will address the problems of disseminating and promoting international humanitarian law in the first section, while in the second section, we will attempt to highlight the most important proposals and solutions as an alternative plan to enhance the role of the media in disseminating the principles of international humanitarian law.

Section One

Key Problems in Disseminating and Promoting International Humanitarian Law

It is known that the only branch of public international law, which is international humanitarian law, faces several challenges, the most important of which are: the conflict between the power of law and the law of power, or the conflict between the power of justice and the justice of power. Perhaps this is due to the intersection of politics with the law, and the duality in standards and selectivity in implementation, on the international level⁶.

At the domestic level, international humanitarian law faces several challenges that vary from one country to another, especially the obstacles facing international humanitarian law in terms of definition, awareness, dissemination, teaching, and implementation on the national level of each country individually. We will address this as follows:

- One of the main obstacles facing international humanitarian law at the domestic level lies in its absence from the curricula in the early stages of education or within comprehensive university curricula. It is mostly taught in most third-world countries as an optional subject within the framework of general international law courses. Additionally, school curricula lack such inclusion. Although some efforts have been made in recent years, they are not sufficient to achieve the desired purpose. Furthermore, the teaching of this subject is mainly limited to law school students, although this subject is important for all faculties, especially those studying humanitarian and social subjects. Thus, teaching and education in international humanitarian law within the current mechanisms constitute an obstacle to the progress and development of this law⁷.
- Another obstacle is the lack of legal culture or legal awareness of international humanitarian law, either due to the confusion between the concepts of international humanitarian law and international human rights law or because many societies do not consider it a priority. This is because institutions working in this field do not deal with international humanitarian law within an institutional framework⁸.
- The absence of a database containing the names of experts and specialists in the field of international humanitarian law poses a barrier when referring to them easily for the purpose of disseminating international humanitarian law, as the available expertise mostly deals with general international law principles⁹.
- National associations for international humanitarian law, which are supposed to rely on in disseminating and promoting international humanitarian law, have not fulfilled their intended purpose due to the lack of resources and financial allocations, or due to government control over them, as they are mostly subordinate to governments in most countries. Additionally, most members of national committees for international humanitarian law represent their institutions without having experience or knowledge of international humanitarian law.
- Institutions working on disseminating and promoting international humanitarian law lack an integrated media plan to achieve this goal, relying on visual, written, and audio media. However, most media outlets do not provide adequate space for this, as they prioritize profit from advertisements over the dissemination of international humanitarian law. Additionally, official

journalism lacks qualified personnel to convey the optimal media message about international humanitarian law.

- Institutions working in this field lack training programs for those working in the field of international humanitarian law. If such programs exist, they lack clear targeting of the training categories or the preparation of training kits.
- The lack of collaborative approach or effective coordination between government institutions and national Red Cross and Red Crescent societies in many countries, where each party works independently, resulting in duplication of work and subsequent waste of effort, money, and resources¹⁰.
- One of the problems faced by institutions working in the field of international humanitarian law is the gap between practical application and theoretical texts, meaning that countries almost universally ratify all international humanitarian law agreements, especially the Geneva Conventions, which stipulate the obligation of states to disseminate and promote international humanitarian law. However, we find that this is not achieved in practice in line with the obligations imposed on the parties¹¹.
- Most countries have not made sufficient legislative adjustments between their national laws and the international agreements they have ratified, and if such adjustments exist, they are slow and occur at spaced intervals.
- One of the most important problems facing institutions working in the field of international humanitarian law, as mentioned earlier, lies in the duality in application and standards. We find difficulty in answering the questions of ordinary citizens, why international humanitarian law is applied to small countries but not to large countries or countries that commit widespread violations of international humanitarian law. What happened in Darfur and what is happening in Gaza are the biggest evidence of the validity of what we say, making the task of institutions working in this field somewhat difficult.
- Institutions working in this field do not fulfill the obligations imposed on them regarding the dissemination and awareness of international humanitarian law to the fullest extent. For example, if the Geneva Conventions stipulate the obligation to disseminate international humanitarian law as widely as possible, we find that this is done for few and limited sectors without comprehensive programs for some categories of military personnel and civilians.
- Institutions working in the field of international humanitarian law are not able, until now, to develop their programs and plans in a way that aims to improve their performance, due to the lack of performance indicators and the absence of annual work plans.
- Due to the presence of more than one party working in this field, including governments, national associations, national committees, the Red Cross, some civil society organizations, the International Federation of Red Cross and Red Crescent Societies, television, radio, press, and all media outlets, we find that the problems and challenges... (The translation cuts off here due to character limit, please let me know if you need the continuation).

Absence of coordination and collaboration in the field of dissemination and promotion of international humanitarian law results in significant disparities. For instance, some national organizations possess substantial financial resources, while others suffer from significant shortages

in this regard. This lack of resources and funding impedes the development of performance and the full-scale dissemination and promotion of international humanitarian law.

Furthermore, there exists another obstacle represented by the absence of legal culture and awareness in the field of international humanitarian law. This poses a significant challenge to institutions working in the field, as the dissemination and promotion of international humanitarian law should not only be limited to military and civilian entities directly involved in this law, but it has become necessary for all individuals in today's world, including ordinary citizens. This necessitates enormous efforts to provide resources and financial means to execute the main axes of dissemination aimed at enhancing awareness of international humanitarian law, highlighting the crucial role of the media in this regard.

One of the most pressing problems facing institutions working in the field of international humanitarian law, particularly following events such as September 11, is the blurring of concepts such as legitimate resistance of peoples for self-determination and terrorism. Additionally, there is a lack of a specific and clear definition of terrorism. New concepts and terms unfamiliar to international humanitarian law have emerged, such as preemptive war, making it difficult to balance between freedom and security, imposing new challenges on institutions working in this field.

In recent conflicts, particularly in regions like Gaza and southern Lebanon, highly destructive weapons have been utilized on a wide scale, causing unjustifiable suffering. This demonstrates that the damages inflicted on individuals and properties cannot effectively be addressed by institutions working in human rights in the face of violations by some parties to the conflict.

Based on the aforementioned, it is evident that the problems facing institutions working in the field of international humanitarian law, especially the media due to its significant and sensitive role in disseminating the principles of international humanitarian law, are not easy problems to tackle. If left unaddressed, these problems can render these institutions incapable of fulfilling their duties, negatively impacting groups protected under international humanitarian law.

Therefore, it is imperative to strive and attempt to provide recommendations, alternative solutions, or proposals to overcome or alleviate these issues, which will be addressed in the following demand.

Second Demand

The most important proposals and alternative solutions to enhance the role of media and other institutions in disseminating the principles of international humanitarian law

Recognizing and addressing problems and challenges is important and necessary since acknowledging the problem is a crucial part of solving it, especially in areas suffering from various types of armed conflicts. Strengthening institutions working in this field is one of the most important aspects to consider, as these institutions, especially the media, have a greater degree of flexibility and effectiveness compared to governments, as governments do not prioritize this issue on their official agenda, whereas it is of utmost priority for institutions working in the field of international humanitarian law, as evidenced by practical experience¹².

To further progress in this field, a collaborative approach at the regional level is essential to enhance respect for the rules of international humanitarian law. Through this approach, institutions

can improve their performance by exchanging experiences and expertise with others, thus enabling them to disseminate and promote the concepts of international humanitarian law effectively.

Among the most important proposals and alternative solutions to enhance the role of media and other institutions in disseminating the principles of international humanitarian law are:

1. Addressing chief editors of newspapers, television channels, and radio stations regarding the importance of introducing international humanitarian law, its sources, development, and principles through a written message prepared by specialists and legal experts in this field, emphasizing the significance of familiarizing citizens with it and the purpose of this familiarity. This aims to broaden citizens' awareness and provide them with accurate and objective standards to shape their opinions and understanding of crimes and violations they witness or hear about, creating a legal culture enabling citizens to distinguish between different types of violations in conflicts worldwide.
2. Issuing a series of pamphlets explaining the evolution of international humanitarian law, from its early beginnings to the Hague Conventions, Geneva Conventions, International Criminal Courts, and the circumstances and events leading to them. These pamphlets should be distributed to journalists and reporters in newspapers, national magazines, and television channels to simplify and clarify the rules of this law for non-specialists and to develop a special sensitivity towards it with the aim of presenting it to readers and the audience. This practice is common in advanced countries, especially in simplifying science, knowledge, and scientific theories for a large audience of non-specialist readers through what is known as pocket books, which are easy to read.

These proposals and alternative solutions aim to bridge the gap in knowledge and awareness regarding international humanitarian law, thus enabling media and other institutions to play a more effective role in promoting and disseminating its principles.

1. Anywhere, and placing these books are professors in their fields who have the ability to simplify complex scientific issues so that they are accessible to the average reader. This could also apply to international humanitarian law; because this law involves gray and ambiguous areas related to distinguishing between certain concepts and resolving conflicts between them, and their applicability in various conflicts and disputes, such as describing a conflict as armed or as an internal or international conflict, and whether a specific internal situation is governed by international humanitarian law or local law and human rights law, or if it is an internal conflict. Similarly, regarding the necessity of the application of Common Article 3 in the Geneva Conventions¹³.
2. This entails compiling a comprehensive record of those working in the field of visual and written media, including their places of residence and work premises, and regularly sending these pamphlets to opinion leaders, columnists, and researchers working in the media sector.
3. By agreement between national and international civil organizations and organizations, educational and training courses can be planned for journalists in the field of international humanitarian law, taught by experts in the field of humanitarian law and the landmarks of its development, the necessity of its rules and principles in humanizing conflicts and regulating them, and introducing trainees to the agreements, treaties, and principles included therein, their philosophy, and the general direction of the development of international humanitarian law. These courses will enable journalists to present their knowledge to readers within the framework of

comments and principles that ensure the dissemination of international humanitarian law and the general direction of its development¹⁴.

4. Teaching international humanitarian law in colleges and institutes, especially in journalism and literature colleges, journalism departments, and other institutes related to media, television, journalism, and various media outlets. This teaching is done by adding an academic course on international humanitarian law with the aim of graduating new generations of journalists related to this law. If the teaching of international humanitarian law is compulsory in military training programs under the Geneva Conventions of 1949, then this study can be included in civilian programs so that these principles become known to the general public, including doctors, students, and various organizations. The Red Cross, Red Crescent, and other civil and governmental organizations can allocate some training grants for various categories of journalists and others for training in international humanitarian law at specialized institutes such as the International Institute of Humanitarian Law in Sanremo, Italy. These steps aim to shape and develop a sub-legal culture related to humanitarian law among a large number of groups among journalists, doctors, and students, with the aim of spreading the message of humanitarian law and generalizing its principles widely beyond the circle of legal professionals¹⁵.

5. Concerned entities, whether national or international, can allocate and design certificates of appreciation to be awarded to active journalists in promoting the principles of this law and informing the general public about them. Such a certificate can serve as a symbolic morale booster to serve this important cause.

6. Developing an integrated strategy for disseminating and promoting the principles and concepts of international humanitarian law on the widest possible scale, enhancing the culture and awareness of these principles and concepts. This necessitates the establishment of specialized media and publishing units based on clear performance indicators, so that through these indicators, the institutional performance of institutions working in the field of international humanitarian law can be developed¹⁶.

7. Different institutions working in the field of international humanitarian law, whether international, governmental, or non-governmental, must work according to a collaborative approach and coordination among them, as mentioned above, to avoid duplication of work and waste of resources due to repetition of the same work by more than one institution. This coordination should include institutions working in the field.

8. As teaching is an important stage in the dissemination of international humanitarian law, it is necessary to integrate the principles and concepts of international humanitarian law into the curricula of elementary, middle, and high schools, and then into university stages as an independent curriculum and not as part of general international law, with curriculum plans being prepared in cooperation between schools and universities on one hand, and institutions working in the field of international humanitarian law on the other hand, determining the targeted groups for teaching and the topics that the curricula should include.

9. Governments must allocate the necessary financial resources to disseminate and promote international humanitarian law, as this primarily falls within the responsibilities of the States Parties to the Geneva Conventions.

10. We also recommend creating a type of legislative review of national texts in local laws to ensure harmony between the text in international treaties and the text in national laws, to ensure no gap between practical application and theoretical text.

11. It is necessary to establish a national database for each country, including institutions working in the field of international humanitarian law, experts, and consultants, and to establish a documentation center for the rules and principles of international humanitarian law. The center should be a national center involving both official and non-governmental sectors, and an annual conference should be held at least annually to review the problems faced by institutions working in the field of international humanitarian law and to develop visions on how to overcome those problems and obstacles if they exist.

12. For the purpose of raising the levels of institutions and developing their performance, donor agencies and international organizations such as the United Nations, the International Committee of the Red Cross, and international humanitarian relief organizations must develop programs.

13: Training to assist organizations working in the field of international humanitarian law to improve their performance and implement activities that contribute to this direction, whether through financial and logistical support or through the exchange of expertise and experiences.

14: When establishing national committees for international humanitarian law, membership should not be limited to governmental entities but must involve civil society organizations, experts, and individuals, as this has a positive impact. Civil society organizations have greater flexibility in their work compared to governmental entities.

15: At the local (national) level, the state must allocate sufficient funds and resources in its annual budget for institutions working in the field of international humanitarian law. National Red Cross and Red Crescent Societies do not receive significant funding from some countries' budgets or allocate resources that are insufficient to cover office expenses and staff salaries, which hinders these institutions from achieving their goals.

In order to achieve an effective and successful policy for disseminating international humanitarian law, we recommend creating mechanisms for cooperation and coordination with various media outlets to allocate a specific period each month, for example, in visual media to raise awareness about international humanitarian law. Similarly, a designated space in print and audio media should be allocated for the same purpose. Some experts in international humanitarian law should be responsible for preparing the news material, given the vital and important role that media plays, especially in the age of communication and information revolution.

These are just examples and steps of what can be done to encourage journalists and other groups to take an interest in international humanitarian law and consider its rules and principles in covering various issues, aiming to develop their awareness, broaden their knowledge, and enhance their abilities to form and articulate positions and judgments based on these legal principles.

Conclusion:

From this research, we conclude that, as mentioned earlier, visual, written, and audio media indeed play a significant and important role in raising awareness about international humanitarian law on a wide scale. Media naturally reaches large sectors of the national public opinion due to its unprecedented spread in rural areas, villages, and small towns, not to mention urban, commercial, political, and cultural centers. Additionally, media uses a simple and understandable language accessible to everyone, both educated and uneducated.

However, the potential role of media in this area will not materialize just because we desire it or wish for it, or because it will happen overnight. On the contrary, arousing media to perform this role requires deliberate direction and a clear plan regarding media and journalists, paving the way for their engagement in performing this sensitive task. This is what we have inferred through providing some solutions that, as mentioned earlier, pave the way for media engagement as an important means to spread the principles of international humanitarian law in performing this sensitive task. The most important proposal and solution start with firstly recognizing the problems and challenges as important and necessary, as recognizing the problem is an important part of solving it.

This is especially true in our region, which suffers from various types of armed conflicts. Strengthening institutions working in this field is one of the most important issues to be considered, as these institutions, especially media outlets, have a great deal of flexibility and effectiveness compared to governments. Governments do not consider this a priority on their official agenda, while it constitutes a top priority for institutions working in the field of international humanitarian law, as evidenced by practical experience.

To achieve further progress in this field, a collaborative approach at the regional level is necessary, as this can enhance respect for the rules of international humanitarian law. Institutions can develop their performance through exchanging experiences and expertise with others, thus being able to disseminate and promote the concepts of international humanitarian law effectively.

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