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THESIS ADVISER

RECOMMENDATION LETTER

This thesis entitled "THE ROLE OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) IN THE HUMANITARIAN ASSISTANCE IN THE CENTRAL AFRICAN REPUBLIC (2015-2018)" prepared and submitted by Dila Nur Anggraeni in partial fulfillment of the requirements for the degree of Bachelor in the Faculty of Humanities has been reviewed and found to have satisfied the requirements for a thesis fit to be examined. I therefore recommend this thesis for Oral Defense.

Cikarang, Indonesia, 28th May 2019

Recommended and Acknowledged by

[Signature]

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DECLARATION OF ORIGINALITY

I declare that this thesis, entitled "THE ROLE OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) IN THE HUMANITARIAN ASSISTANCE IN THE CENTRAL AFRICAN REPUBLIC (2015-2018)" is, to the best of my knowledge and belief, an original piece of work that has not been submitted, either in whole or in part, to another university to obtain a degree.

Cikarang, Indonesia, 28th May, 2019

Dila Nur Anggraeni
PANEL OF EXAMINER APPROVAL SHEET

The Panel of Examiners declare that the thesis entitled “THE ROLE OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) IN THE HUMANITARIAN ASSISTANCE IN THE CENTRAL AFRICAN REPUBLIC (2015-2018)” that was submitted by Dila Nur Anggraeni majoring in International Relations from the Faculty of Humanities was assessed and approved to have passed the Oral Examinations.

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ABSTRACT


Advisor: Dr. Endi Haryono, S.IP., M. Si

In this research, the writer illustrates and analyzes how the work carried out by the ICRC in the Central African Republic. How their efforts to fight for the human rights of the people there through data obtained from journals, Internet sites and main sources. This research will utilize Qualitative approach with Literature Review as the strategy of research for this thesis with a brief paragraph will describing the research method used to examine the problem.

Human Rights is very important aspect of our lives. However, often human rights are ignored by some groups and under certain conditions. Similar to the case that occurred in the Central African Republic, where people experienced a crisis when there was conflict that happening inside the country. To improve the standard of living and fight for human rights in the Central African Republic, the ICRC decided to help the victim of the conflict. Although this case is an internal conflict from the Central African Republic, the ICRC continues to fight for human rights there by adhering to human rights regulations discussed in the Universal Declaration on Human Rights and the Geneva Convention on human rights issues.

Humanitarian Assistance done by International Committee of the Red Cross’ in the Central African Republic, between the year of 2013-2017 has going so well but still need more improvement in some sector to help build Central African Republic to be better.

Keywords: Human Rights, Conflicted Area, Crisis, ICRC Assistance
ABSTRAK


Advisor: Dr. EndiHaryono, S.IP.,M.Si


Kata Kunci: HakAsasiManusia, Area Konflik, Krisis, Bantuan Komite Internasional Palang Merah

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<td>AU</td>
<td>African Union</td>
</tr>
<tr>
<td>CAR</td>
<td>Central African Republic</td>
</tr>
<tr>
<td>CAT</td>
<td>Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination Against Woman</td>
</tr>
<tr>
<td>CRC</td>
<td>Convention on the Rights of the Child</td>
</tr>
<tr>
<td>CRPD</td>
<td>Convention on the Rights of Persons with Disabilities</td>
</tr>
<tr>
<td>ICRC</td>
<td>International Committee of the Red Cross</td>
</tr>
<tr>
<td>ECCAS</td>
<td>Economic Community of Central African States</td>
</tr>
<tr>
<td>FACCA</td>
<td>Former Members of the National Army</td>
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<tr>
<td>HRW</td>
<td>Human Rights Watch</td>
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<tr>
<td>ICC</td>
<td>International Criminal Court</td>
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<td>ICERD</td>
<td>International Convention on the Elimination of All Forms of Racial Discrimination</td>
</tr>
<tr>
<td>IHL</td>
<td>International Humanitarian Law</td>
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<tr>
<td>INSO</td>
<td>International NGO Safety Organization</td>
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<tr>
<td>KP</td>
<td>Kimberely Process</td>
</tr>
<tr>
<td>MINUSCA</td>
<td>Multidimensional Integrated Stabilization Mission in the Central African Republic</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Governmental Organizations</td>
</tr>
<tr>
<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
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<tr>
<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
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INTRODUCTION

I.1. Background of the Study

This thesis is about the conflict outbreak in the Central African Republic (CAR) and the relations between the government of the CAR and International Committee of the Red Cross (ICRC) on maintaining the humanitarian assistance for the citizens of the CAR, whom unfortunately being the victims of the conflict in the region. It was all started in December 10, 2012, where the Seleka (known as the rebel groups from the northern region of the Central African Republic) launched a major armed offensive from the north-east of the country against the President Bozize regime.\(^1\) The movements are also being supported by Chad and Sudan whom supported the attack by giving a heavily armed mercenaries which followed by the movement of Seleka from the north to the west.\(^2\)

Due to the unstable situation in the country, President Bozize was then fled to Cameroon, which has given a massive opportunity for Michel Djotodia (the leader of the Seleka group) to proclaimed himself as the Government of National Unity and National Assembly.\(^3\) Under his rule, the CAR people has suffered from Seleka fighters abuses in which include the killing, pillage, rape and forced displacement.\(^4\)

Michel Djotodia was then elected as the Minister of Defense and President of the Transition of the CAR by the National Transitional Council, whom received pressure from the Economic Community of Central African States (ECCAS). Having a high position in the CAR

\(^1\) Supplementary data are available on the journal website (http://www.gsdrc.org/wp-content/uploads/2016/05/CAR_Jan2016.pdf).
\(^2\) Ibid.
\(^3\) Ibid.
\(^4\) Ibid.
governance, did not make Michel Djotodia ceased the abuses committed by the Seleka group and supporters of the CAR former president, Bozize.\textsuperscript{5}

The abusive actions done by the Seleka fighters encouraged a brutal organized self-defense group which later known as the Anti-Balaka.\textsuperscript{6} It began a full scale civil war in March 2013, then in December 2013 the clashes happened between both Seleka and Anti-Balaka which led to reprisal attack which resulted to the death of 1,000 citizens of Bangui.\textsuperscript{7} Not stopping on that, but the Seleka group also engaging the Sectarian violence between December 5 – December 7, 2013. In which the attack estimation of victims are reaching the number of 500 people and in the December 20 – December 26, 2013, the estimated death are 200 people of the CAR.\textsuperscript{8} The violence in the CAR has increased due to the existence of both groups of Seleka fighters and of course the Anti-Balaka movement.\textsuperscript{9}

The existence of the Seleka group itself does not last longer than what the people of CAR expected. Due to the problem in internal division and competition for the control of natural resources over the national territory, the Seleka group decided to split into smaller political parties spreading among the regions in Central African Republic.

Due to the worsening situation in the region, both Seleka group and Anti-Balaka have created an agreement between both factions (known as the Nairobi Agreement), in which in the agreement it included the provisions and removal of the current transitional authorities.\textsuperscript{10}But even after the making of the agreement, the situation in the CAR did not get better due to the upsurge of sectarian violence in Bangui, in which it led to the killing of the 79


\textsuperscript{6} Ibid.


\textsuperscript{10} Ibid.
CAR civilians, with 512 civilians injured. The Anti-Balaka are responsible for making the ex-Seleka move from many of their bases in the western of CAR. Due to that matter, there are around 6,000 civilians were killed in the fight and over a million people have left the CAR for their safety.

There are about 2.2 million people in the need for humanitarian assistance, which half of them are children. Based on the report, at the end of 2016, there are around 420,000 people were internally displaced and around 453,000 people had sought refugees in neighboring countries. It is a terrible crisis for the people of the Central African Republic, currently in the north-west and south-east of the country are worst part of the conflict.

I.2. Problems Identification

The issue in the Central African Republic is about the numerous rebel groups compete with the government and even with each other (but not based on the ideological differences), due to the ambitions they have and as well competition over natural resources (diamond mines in particular.) The conflict and issues regarding on the Central African Republic could be found in the statement of the ICRC President in the Capital of Bangui, Peter Maurer.

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13 Ibid.


17 “Central African Republic.” Global Security. Supplementary data are available on (https://www.globalsecurity.org/military/world/war/car.htm.)
“The Central African Republic is one of the most neglected humanitarian tragedies in our world today. This week I have met people who had to flee for their lives—often sleeping in the bush for weeks and months with barely any shelter, food or clean water.” - Peter Maurer, ICRC President from the Capital Bangui.18

The supporting evidence of the worsening CAR condition, is due to the extremely weak governance of the CAR due to the numerous political upheavals.19

Table 1: Number of CAR Citizens whom become refugees and whom are injured and death.

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
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<tbody>
<tr>
<td>Refugees</td>
<td>456,000 citizens</td>
<td>467,800 citizens</td>
<td>573,428 citizens</td>
</tr>
<tr>
<td>Injured</td>
<td>500 citizens</td>
<td>210 citizens</td>
<td>293 citizens</td>
</tr>
<tr>
<td>Death</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The table above showed us that the situation and condition in the CAR is very concerning due to the increasing number of victims in the region. All the victims include the woman and kids in the Central African Republic, happened to be the results of violations of the International Humanitarian Law (IHL).20 It was all researched and documented by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), their purposes are to “monitor, help investigate and report publicly

19 Ibid.
and to the Security Council, on violations of the international humanitarian law and on violations and abuses of human rights committed to CAR…to inform effort to fight impunity.”

The United Nations intervention in the CAR is not only through the MINUSCA as the tools to investigate and monitor the situation in the region. But the ICRC also being significant for the life of the people in the CAR. ICRC role in this issue is to help and maintain the war victims of the CAR. The notion of war victims in this term has several connotation, in which in the narrow understanding in the international law, it denotes a person who has been harmed by the consequences of an internationally unlawful act; but due to the broader sense it basically refers to all persons whom humanitarian law seeks to protect in the armed conflict.

It is why, based on the international humanitarian law specifically in the 1949 four Geneva Conventions as well the Universal Declaration of Human Rights, which are still in force today, the ICRC adopted the statement on dealing with the victims of the war in the conflicted region. It provides a point that civilians under the power of enemy forces must be treated humanely in all circumstances, without any adverse distinction. They also protected the victims of war against all forms of violence and degrading treatment, including murder and torture. The Fourth Geneva Convention and Additional Protocol I to facilitate the work of the ICRC.

22 “War Victims.” ICRC No. 874. Supplementary data are available on https://www.icrc.org/eng/international-review/war-victims.
24 Ibid.
25 Ibid.
26 Ibid.
In the Central African Republic, the International Committee of the Red Cross helps people whom are affected by conflict and violence.\textsuperscript{27} The ICRC provides aid, live support projects and repair the sanitation systems on the Central African Republic.\textsuperscript{28} The ICRC visit detainees, restore contact between relatives separated by conflict and of course promote the International Humanitarian Law.\textsuperscript{29}

I.3. Statement of Problem

The question that will be raised in the study is:

“How was the Humanitarian Assistance done by International Committee of the Red Cross’ in the Central African Republic, between the year of 2013-2017?”

I.4. Research Objectives

The objective of this research is to analyze the way of International Committee of the Red Cross (ICRC) on maintaining their plan and actions on the humanitarian assistance of the people in the Central African Republic between the years of 2013-2017.

I.5. Significance of the Study

The finding and decisions made in this study would be assisting people on understanding the role of ICRC on maintaining the humanitarian assistance in the Central African Republic between the years of 2013-2017.

I.6. Theoretical Framework

In this chapter, I explained about the flow of analysis for this thesis. First, it is about the violation of human rights happened in the Central African Republic due to the conflict happened between the religious perpetrators, Seleka (Muslim) and Anti-Balaka (Christian). It

\textsuperscript{27} “Central African Republic.” Supplementary data are available on (https://www.icrc.org/en/where-we-work/africa/central-african-republic).
\textsuperscript{28} Ibid.
\textsuperscript{29} Ibid.
was all because of the struggle of power in the CAR, especially in Bangui as one of the region where the conflict was started. It was explained before, the conflict between Seleka and Anti-Balaka has significantly increased the number of victims whether the citizens who migrated, wounded or even death.

Many citizens of the Central African Republic live in fear for another violence they might experience due to the unstable situation in the CAR. Because this armed groups are responsible for the killings, sexual assaults, torture and other ill-treatment, abductions, arrests, extortion and looting, recruitment and exploitation of children and attacks on humanitarian workers and premises; those armed groups also prevented the access to humanitarian assistance in the CAR region.30

Due to the violation of human rights towards the people in Central African Republic, the international system began to promote the international humanitarian law in order to keep maintaining the humanitarian assistance in the conflicted region. International humanitarian law could be stated as one of the law that is mainly concerned with the fate of the people whom are not taking part in the conflict and has purpose to sets the rules which seek to limit the effects of armed conflict in the aspect of humanitarian reasons.31

Thus, based on the statement which stated that IHL has the main concern for the people who are not taking part in the conflict (which basically about the victims of the conflict), the state of Central African Republic decided to have a cooperation with the United Nations, mainly in this thesis we are focusing on the ICRC, to response on the emergency war trauma happened in the Central African Republic. 32 The cooperation between state and non-governmental organization could be correlated with the neoliberalism paradigm. Where it is

31 Ibid.
32 Ibid.
possible for a state nation to have a cooperation with the non-governmental organization in order to fulfill their national security interests, in which in this case it is about the homeland security and the welfare of the CAR citizens.

Due to the cooperation happening between both parties, the ICRC could finally have their role and action plan to be implemented in the Central African Republic. The purpose is to help and response to the citizens whom are left in the region (whom are not capable to be migrated to the neighboring state or region) which most of them are wounded, have the lack of food, clean water, and any other aspects to support their life in the region.

I.6.1. Human Rights in the Conflicted Region

“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth of other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self governing or under any other limitation of sovereignty.” – Article 2 of United Nation Declaration of Human Rights 1948.33

Human rights are also known as the basic core of the international law and of course the international relations.34 Human rights represent the basic value which are common to all cultures, and of course must be respected by all the states in the international systems.35 The human rights should also be protected by the law or ‘rule of law’, which protecting the individuals and groups against actions which interfere with fundamental freedoms and human dignity.36

34 Ibid.
35 Ibid.
36 Ibid.
The concept of human rights is based on the belief that every human being is entitled to enjoy their rights without any discrimination against them.\(^\text{37}\) Because every citizens in the state nation have the right to live under the protection of the state itself and the United Nations as the non-governmental organization to maintain the security and welfare of the citizens or people in the international system.

The first international law for human rights used in the recent situation could be seen from the Charter of the United Nations which refers to the importance of human rights.

“Peoples of the United Nations... faith in fundamental human rights, in the dignity and worth of the human person, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.”\(^\text{38}\)

Thus, the United Nations also established the Universal Declaration of Human Rights (UDHR) as the part of the emergence of the United Nations.\(^\text{39}\) The UDHR was the first international document which stated about the “basic civil, political, economic, social and cultural rights that all human beings should enjoy.”\(^\text{40}\) At the beginning the UDHR was formulated as ‘soft law’, which is aspirational and not legally binding. But since the UDHR was being adopted, it has been complemented by the two covenants which both are legally binding on the nations that have signed and ratified them, which are the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural rights.\(^\text{41}\)


\(^{38}\) Ibid.

\(^{39}\) “Human Rights Background.” Supplementary data are available on (https://www.theadvocatesforhumanrights.org/uploads/ch_2_2.pdf.

\(^{40}\) Ibid.

Recently, people realized that the UDHR are now part of customary international law. Which has several conventions which particularly concerning in the aspect of human rights and humanitarian assistance. Those conventions are the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination Against Woman (CEDAW), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (CAT), the Convention on the Rights of the Child (CRC), and the last one is the Convention on the Rights of Persons with Disabilities (CRPD).42

Due to the globalization, the aspects of UDHR are spreading to more specific aspects in the international system. These they the UDHR are also focusing on the rights of specific groups, which are the rights of woman, rights of children, the rights of the disabled, including the profoundly disabled, the rights related to sexual orientation and the rights of prisoners.43

We could see the difference between the UDHR before and after the globalization. It is a good thing for the UDHR to have more specific human rights law to be implemented in the international system. But unfortunately, the international system still experienced problems due to the violation human rights. One of the examples is the human rights abuses which happened in the Central African Republic, because of the regional conflict between Seleka and Anti-Balaka.

Even there are the regulations of the use of force, in the article 2(4) of the Charter which provides that all the UN member states,

‘shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the Purposes of the United Nations.’44

43 Ibid
44 Ibid.
There are still military interventions that have been happening based on the term of self-defense but it is not authorized by the United Nations Security Council. The sectarian conflict in Central African Republic has been one of the prove that there are still some perpetrators which are using the term of self-defense not to literally defending their rights and peace in the conflicted region, but it is mostly about the fulfilment of their security interests which at the end, is going to lead to conflict and unstable situation in the region.

But based on the United Nations Declaration of Human Rights, the use of forces are allowed if the member states of the United Nations follow the law of the United Nations, written under the article 51 regarding the self-defense and military measures which authorized by the United Nations Security Council in their response to ‘any threat to the peace, breach of the peace or act of aggression.’

I.6.2. International Humanitarian Law

International humanitarian law is a set of rules which seek, for humanitarian reasons in order to limit the effects of armed conflict. IHL is also known as the law of war or the law of armed conflict. International humanitarian law is also the part of international law, which could be said as the rules governing relations between state nations, in which also contains of agreement like treaties and conventions between states.

International humanitarian law is often divided into two terms which are Geneva and Hague law. Hague law concerns on the conduct of hostilities, codified in a series of

45 Ibid.
46 “What is the International Humanitarian Law?” ICRC. Supplementary data are available on (https://www.icrc.org/eng/assets/files/other/what_is_ihl.pdf.
47 Ibid.
48 Ibid.
declarations and treaties following the first Hague Peace Conference in 1899. In this law, the use of force and weapons are limited due to the cause of each aspects that lead to the unnecessary suffering or superfluous injury.

Despite of the Hague law, the international system has their second source of international humanitarian law which is the Geneva Convention of 1949, also known as the most comprehensive statement of Geneva Law. The Geneva law is different with the Hague law, because in this law contain nothing about the hostilities like in the Hague law. The Geneva law are more likely to concern about the treatment of victims of war. The provision of this law is basically to protect the victims in armed conflict which are, wounded and sick in armed forces in the field (First Convention); wounded, sick and shipwrecked armed forces at sea (Second Convention); prisoners of war (Third Convention); and civilians in time of war (Fourth Convention).

International humanitarian law or IHL could be applied in two different types of situations, which are the international armed conflicts and non-international armed conflicts. IHL relating to international armed conflict applies,

“...to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.”

Despite of that, the IHL related to the non-international armed conflict could be correlated with the terminology of the civil wars, which also known as the purely internal

49 Ibid.  
51 Ibid.  
54 Art.2, common to the 1949 Geneva Conventions.
matters for states, for which no international law provisions applies. The point from Geneva law which could be correlated with the non-international armed conflict is from the third convention which is about the protection and treatment towards the prisoners of war (armed conflict), regardless of state ratification, as it is has become part of customary international law. It also quoted in the Geneva law, the provision should be authorized by the impartial humanitarian body, like the Red Cross to offer their services.

*Jus ad bellum* refers to the conditions under which States may resort to war or to the use of armed force in general. The prohibition against the use of force amongst States and the exceptions to it (self-defense and UN authorization for the use of force), set out in the United Nations Charter of 1945, are the core ingredients of *jus ad bellum* (see the box titled "On the Prohibition against War"). *Jus in bello* regulates the conduct of parties engaged in an armed conflict. IHL is synonymous with *jus in bello*; it seeks to minimize suffering in armed conflicts, notably by protecting and assisting all victims of armed conflict to the greatest extent possible.

IHL applies to the belligerent parties irrespective of the reasons for the conflict or the justness of the causes for which they are fighting. If it were otherwise, implementing the law would be impossible, since every party would claim to be a victim of aggression. Moreover, IHL is intended to protect victims of armed conflicts regardless of party affiliation. That is why *jus in bello* must remain independent of *jus ad bellum*.

I.6.3. Liberal Institutionalism

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56 Ibid.
57 Ibid.
Liberal Institutionalism presumes that domestic and international institutions play central roles in facilitating cooperation and peace between nation-states. Liberal Institutionalism presented itself as a corrective to conventional international relations theory, which held that powerful nation-states dominate world politics and international institutions are inconsequential. And yet today, liberal democracies which are some of the world’s most powerful states seem to be desperate to escape the clutches of formidable international institutions that supposedly demand too much.59

Institutionalism therefore rejects the realist assumption that international politics is a struggle for power in which military security issues are top priority and argues that instead we can ‘imagine a world in which actors other then states participate directly in world politics, in which a clear hierarchy of issues does not exist, and in which force is an ineffective instrument of policy.’60

Liberal institutionalism focuses on the idea of complex interdependence as first argued by Robert Keohane and Joseph Nye in the 1970’s placing emphasis on four characteristics which differentiate institutionalism from realism these include: multiple channels which allow for interaction among actors across national borders and which increases the interaction and links between actors and non-state actors; attention is given equally to all issues, that is there is no distinction between high and low politics unlike realism in which the emphasis is placed on security issues and the decline of military force as a means by which policy is determined.61

Furthermore within a liberal institutionalist model states seek to maximize absolute gains through cooperation, states are therefore less concerned about the advantages achieved by other states in cooperative arrangements. The greatest obstacle to cooperation in world

affairs is non-compliance or cheating by states. By focusing on International organizations such as the United Nations, the European Union and the World Bank, liberal institutionalism argues for greater emphasis on soft power and cooperation through ‘the forms and procedures of international law, the machinery of diplomacy and general international organization.’

I.7. Research Methodology

This research will utilize **Qualitative** approach with **Literature Review** as the strategy of research for this thesis with a brief paragraph will describing the research method used to examine the problem. In addition, this research will likewise be a **Descriptive-Analytical research** as it will describe the issue under the study in a particular situation then break down why those problems happens alongside with the relevant arguments and it is characterized as a method to the certainties and conditions in view of the hypotheses and ideas utilized. Additionally, by using Qualitative approach, this research will give a better picture how the present circumstance and the improvement of the advance that has been done by the United States’ Arctic policy in order to strengthening as well maintaining the United States’ existence and influence in the Arctic region. The writer choose literature review for this thesis research in order to help the writer itself to writer this research through gathering and examining the related data to the chosen topic, including from the books and online resources. Or else could be simply determined as “State-society relations” – the relationship

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between a state and its domestic (and transnational) society in which it is embedded – lies at the center of the liberal theory.66

I.8. Scope and Limitation of the Study

The scope and limitation of this thesis is the role of International Committee of the Red Cross’ role in their response towards the violence of human rights and the lack of humanitarian assistance (including the number of medical assistance, medication, and also medical support) for the people in the Central African Republic. Based on the explanation above, the ICRC is very important in the CAR in order to distributed emergency relief and improved access to better sanitation and daily life support for the people affected by conflict.67

Despite of that, the ICRC in Central African Republic also has to face several challenges like the lack of transportation and abilities to be able on approaching the needing area in as soon as possible, as well the fact that there are several ICRC team members being wounded and killed while helping the people in the CAR. Thus, at the end, this thesis is going to answer all the implementation of ICRC’s action and plan in the Central African Republic. The implementation is going to be from the year of 2013 until the year of 2017.


I.9.1. Chapter I – Introduction

This chapter contains several parts, which would help the writer to elaborate more regarding the topic of the role of ICRC in the Central African Republic to maintain the humanitarian assistance in the region. There is background of the study, which explain about the conflicted region of Central African Republic and why they need support on the humanitarian assistance in the region. The second one is the problems identification; the writer is going to explain more about the roles of the United Nations and of course the ICRC on their purpose to

66 Note that for liberals, the key term “preferences” or “underlying interests” designates, as it does in economics, views about the ultimate substantive outcomes of policy, rather than immediate instrumental objectives that may vary with the tactical or strategic setting. By “preferences” liberals mean underlying “preferences over outcomes” (e.g. sectoral or national prosperity, peace, national unity or a cleaner environment) not “preferences over strategies or tactics” (e.g. deterring an attack, balancing a rival, or constructing an efficient international institution). The latter are “policies,” “strategies” or “tactics.”

maintain the humanitarian assistance in the region. Next there are statement of problems, research objectives and significant of study which would tell the reader the specific ideas of this thesis. The next part is theoretical framework, where the writer elaborate the theories used as an approach to the issue. The last part is scope and limitation of study; this will help the writer to maintain the limit of this thesis.

I.9.2. Chapter II – Conflict and Humanitarian Crisis in the Central African Republic

This chapter explained about the role of the ICRC in the Central African Republic. The role of ICRC in the conflicted region, is not only about responding on the first help for the wounded civilians whom could not be free from the conflicted region. But the role of ICRC in the conflict time is also about fulfilling the daily needs of the civilians in the region. Medication, food and clean water, or even education needed for the people in the region.

I.9.3. Chapter III– UDHR and IHL as the Main Legal Laws of the Human Rights

This chapter explained about the base law used by the Central African Republic and the United Nations in order to maintain their security interests on the humanitarian assistance in the CAR. The Universal Declaration of Human Rights and the International Humanitarian Law are very significant for the use in the war time, conflicted region and unstable situation in which all of those terms could be found in the Central African Republic.


This chapter explained about the implementation of ICRC roles in the Central African Republic. All the explanations in this chapter are going be based on each year report from the ICRC since the year of 2013 until 2017 (as the recent reports of the ICRC role in the CAR). This chapter is also going to answer the question of whether the ICRC succeeded on maintaining the humanitarian assistance in the Central African Republic.

I.9.5. Chapter V – Conclusion

In this chapter, the writer concluded the research of the chosen topic.
I.10. Literature Review

This thesis is based on the research from several journal and books. This chapter is going to be about the explanation and review from the writer, in order to make a significant prove of the issue of this thesis.

The journal of Enrica Picco and Thierry Vircoulon is about the conflicted nation of the Central African Republic, in which has been in the unstable situation since the existence of the Seleka combatants to occupy the towns in the northeast of the country in December 2012. It is very difficult for the government to estimate the number of violence (including the thefts, robberies, rape and massacre) in the Central African Republic. But the incidents are increasing based on the International NGO Safety Organization (INSO), the incidents rose from 3,216 in 2015 to 3,745 in 2016 and 2,954 during the first eight months of 2017.68

The International NGOs is now trying to maintain their relations with the civil society to pre-date the crisis, this believe has been intensified since 2014 which is based on the ‘donor-implementer model’. One of the example is the CAR organizations whom working with the structural partnership, like the CAR Red Cross as the member of the Red Cross movement and therefore having benefits from the support of the other members of the movement in the CAR. Basically this journal is about the system of relationship between the NGOs, armed groups and of course the civil society in the Central African Republic. The NGOs and civil society needs their right to be able on maintaining the humanitarian actions in the conflicted area. They need to coordinate with each other to increase their social cohesion and reconciliation programs for the people of CAR. Negotiating with the armed groups are also important to save more lives in the CAR area of conflict.

I agree with the writer of this journal. Due to the importance of other state nations, governmental organization and non-governmental organizations’ role towards any violation of human rights and the fulfillment of humanitarian assistance in the conflicted region. The Central African Republic definitely need to decrease their conflict and starting to have a tight cooperation with those state and non-state actors to help them resulting their conflict. It is all due to the human rights of their people.

Based on the journal by David P. Forsythe, we could see that he believes that there are several actors whom can be involved in the humanitarian protection actions. But the most significant organizations that could symbolize the long-standing efforts to provide

humanitarian protection on an international basis are the International Committee of the Red Cross (ICRC) and the Office of the United Nations High Commissioner for Refugees (UNHCR). Both of these organizations share a working understanding of the humanitarian protection (basically in the common of understanding), which reflects in operations in some of the conflicted regions in international systems. The purpose of this humanitarian protection is to safeguard the worth and welfare on certain persons in distress, which the core role is going to require the organizations to be realistically speaking, political in the broad sense of lobbying primarily States to provide, *de jure* and *de facto* as the minimal standards of dignity for mandated persons.

Not only that, but both organizations are simply make a diplomatic and legal representations to States and would-be States (like the armed groups of the rebel armies and private militias) to obtain minimal human decency for persons within their mandates. Both organizations are not only concerning on the medication aspects of the victims of war, but they are also seek to educate, and raise political awareness as well public benefits for the persons whom falling within their mandates.

Based on the reputation and the norms from the international law, both of these organizations are respected to be able on dealing with more powerful players (or simply with the bigger armed groups threat) in the area. Based on this journal and correlated with the topic of the thesis, it is true that the ICRC deals with the wounded combatant more often in the international armed conflict.

**The journal by Gus Waschefort** is about the need for greater African involvement in the IHL debate was recognized by Bello when he proposed the establishment of an African Institute of International Humanitarian Law in 1984.

The African States played a central role in developing international criminal law, not only in the context of treaty negotiations, but also jurisprudential development. There is a need for development of academic expertise within African on IHL. African scholars can play a very

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meaningful role in bringing issues of African concern to the attention of international audiences through conference presentations and both scholarly and popular publications.

The journal is also emphasized the role of ICRC in facilitating the mainstreaming of the IHL in Africa. Each of the actors are being responsible for determining the agenda of the global debate (academics, governments, armed forces, civil society and international organizations) provides for multiple entry points in furthering the goal of mainstreaming IHL in Africa and Africa in the global debate.

This journal by Gabriella Ingerstad basically has the same concerns with the previous references. It is about the conflict happening in the Central African Republic and the cause of the conflict towards the citizens of the CAR. The religious conflict based on the urge to fulfill each other security interests are triggering the possibilities of the increasing number of violence because of the Seleka and Anti Balaka movements in the Central African Republic.

This writer of this journal also provides the recommendations and suggestions on how the international community could support a peaceful resolution of the violent conflict in Central African Republic. It is divided into the short term resolution, medium term and long term. The short term is about the how the military intervention in the region is not a solution to the law and order problem (due to the conflict, law and order in the CAR have been unstable). But the international forces whom can stop the violence, crimes and lawlessness is needed immediately, it is to simply give pressure on the political entrepreneurs in the Seleka and Anti Balaka.

This journal also leads us to considering the possibilities of having dialogue with some of the actors (mainly the perpetrators) to give the fact that some individuals in those groups have spoiled previous peace processes and have committed serious crimes. It is also necessary to deploy the UN sanctions as the way to handle those perpetrators, in order for them to stop. But it is important for us to realize that the use of negotiation and diplomacy might have a little possibility, thus the writer believe that the use of force is needed if the diplomacy does not work.

This journal from Amnesty International is about the CAR Transitional Authorities must show strong political will in order to ensure that there is an end to impunity for crimes under international law and other serious human rights violations and abuses that have taken place in the country especially since the start of the ongoing in December 2013. The Transnational Authorities, with the support of the international community, must take immediate steps in order to make these systematic and widespread crimes.
The justice of the Central African Republic is currently too weak to address crimes committed in the country. But it has formally requested that the Office of the Prosecutor of the ICC starts and investigation into crimes under the Rome statute of the ICC that have been committed in CAR since 1 August 2012. Some of the international organizations has considered on the creation of a hybrid court to try crimes under international law.

The hybrid court or chamber composed of qualified national and international staff, as one of the approach to tackle impunity for crimes under international law and serious human rights violations and abuses committed in CAR. This kind of court is going to help addressing the issues related to the ongoing human rights abuses while assisting the national Authorities to strengthen and reform the national justice system and other accountability mechanisms.\(^3\)

In order to ensure that the hybrid system complies with international law, the authorities in CAR would need to also ensuring the flaws in national law are not copied into statutes, the strictest definitions of crimes under international law are used, national judges are independent and impartial, foreign judges and prosecutors are experienced in dealing with crimes under international law and have strong commitment to fair and effective trials, and defense lawyers and lawyers representing victims and witnesses have access to effective support programs.\(^4\)

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\(^4\) Ibid.
II.I. The Major Causes of the Conflicted Region of the Central African Republic

In order to understand more about the physical situation of the Central African Republic region. Hereby I attached the map of Central African Republic, as a proof and fact for the neighboring countries of the Central African Republic. Geographically, the Central African Republic is located in the heart of Africa, and is entirely landlocked by the six countries around its border.\textsuperscript{75} The Central African Republic shares its borders with Sudan, Chad, South Sudan, the Democratic Republic of the Congo, the Republic of Congo and Cameroon.\textsuperscript{76}

While we heard about the Central African Republic, we would mostly realized that the Central African Republic is one of most conflicted region in the international system. Most of the time the root cases of problems are political corruption, lack of respect for rule of law, human rights are all common reasons heard for some of the causes of the Central African problems.\textsuperscript{78} The beginning was in 2012 where it is also known as the dynamics of the perpetrated violence\textsuperscript{79}, which then occurred due to the failure of highly centralized and self-interested government to maintain and provide the security and the basic services for the people of the Central African Republic.\textsuperscript{80}

\textit{Picture1 : The Maps of the Central African Republic and the Neighboring Countries.}\textsuperscript{77}

\textsuperscript{75}“Central African Republic Maps.” Maps of the World. Supplementary data are available on (https://www.mapsofworld.com/central-african-republic/).
\textsuperscript{76} Ibid.
\textsuperscript{77} Ibid.
\textsuperscript{80} Ibid.
Based on that, we could say that there are numbers of Central African Republic citizens which get no adequate security for the welfare of the people in the region. The basic root of this long-lasting issue of the CAR is the absence of a functioning and state security forces. Which has resulted a lack of basic needs for the people of the CAR itself, like the education, health care and of course the security for the people in the region. Unfortunately it is going to be harder for the people in the countryside. It is going to be easier to explain if we could see from the expression of ‘the state stops at PK12’. That expression has a simple meaning of the countryside people whom located further than 12 kilometers, whom have felt abandoned by the elite in the capital and of course due to this condition it is being the ground of recruitment for the rebel groups in the Central African Republic.81

There are two rebel groups whom have given a significant security threats toward the people of the Central African Republic, which are the Seleka and Anti-Balaka. Those what happened to the rebel groups are based on their experience towards the power struggles within the political elite. During the regime of Francois Bozize (between the year of 2003-2013), the president has resulted a situation where the political entrepreneurs could be able on manipulating the ethnic and religious identities as a process of making an unstable situation in the CAR. This elite power struggles are also interlinked to the corrupt political system.82

Thus in order to face the unstable state condition created by the former president Bozize, both rebel groups created a chaotic situation which finally made the government era of Bozize finally reached the end in 2013. Thus, in order to understand more on the rebel groups of Central African Republic and the misery they have created towards the people of CAR. The writer would explained in point II.I.I. and II.I.II.

II.I.I. Seleka Rebel Group against the Government of Former President Francois Bozize

We basically know that Seleka is the rebel group consist of Muslim people of the Central African Republic. But based on the research, there are only 10% of the Seleka rebels whom are the Central African Republic.83 Not only the religious rebels, but the Seleka also

81 Ibid.
included a lot of rebels whom are not using the name of religions on their war against the
government of the CAR. There are several numbers of people whom are bandits and
opportunists whom joined in the looting and vandalism that followed their control of every
different parts of the country.84

“Seleka is basically a denomination of around five separate rebel groups which are the
Union de forces democratizes pour le rassemblement(UFDR), the Convention des patriots
pour la justice et la pain (CPJP), the Convention patriotique pour le salutWaKodro(CSPK),
the Front democratique du people Centrafician(FDPC), and Front populaire pour le redressement(FPR) which was a Chadian group.”85

Based on the research of the African Union (AU) the number of Seleka combatants
could reach 10,000 until 20,000 people before the arrived in Bangui.86 The number increased
on December 2012, into 1.600 fighters and around 3.500 when they were at the gates of the
capital.87 The number rose based on the movement of the Seleka group, which actively
recruited amongst local populations in the areas of which they might took control.88

In order to maintain their disarmament, demobilization and reintegration (DDR), the
Seleka forces took control over all eastern diamond mining areas in 2012, which they
established a system of parallel mining authorizations and illegal taxation.89

“We control the mine. If there is a problem there, we intervene...People do not want
the French peacekeepers here because they know they will chase them away from the mine.” -
Oumar Garba, Seleka’s Local Commander Colonel.90

According to the mining officials and artisanal miners in Bangui, whole territory in the
eastern diamond and gold producing regions are exclusively being under the control of the

84 Ibid.
85 Ibid.
86 African Union Commission, Report of the Chairperson of the Commission on the Situation in the Central
African Republic, 18 June 2013, p. 5.
87 FIDH, Central African Republic: A Country in the hands of Seleka war criminals, September 2013, p.16.
88 Ibid.
African Republic.” IPIS. November 2014. Supplementary data are available on
(https://reliefweb.int/sites/reliefweb.int/files/resources/20141124_CAR.pdf.
90 Daniel Flynn, Reuters. “Gold, diamonds feed Central African Religious Violence.” Business Insider, July 29,
2014. Supplementary data are available on (https://www.businessinsider.com/r-gold-diamonds-feed-central-
african-religious-violence-2014-29/?IR=T.
Seleka forces. Even though, they have not reached the mines around Bria, but it is still possible for them to be able on covering the mines in the other part of the Central African Republic. The Central African Republic gold and diamond mines, were traditionally being a source of high quality gemstones. Around 80% of their diamond were told to be the sixth globally rank in terms of their value in 2009.

The Seleka movements for the development of their economic in the Central African Republic, are not only stopping in their power over the mines in the region. But it is also about the trading and smuggling the diamonds they have and by pre-financing the mining activities. Until now, there is an additional 140,000 carats of diamonds which valued at $24 million, had been smuggled out of the country. The Seleka forces issuing the mining licenses to gold miners at the Ndassima mine near the rebel’s headquarters of Bambari, in the center of the country.

The diamond and gold smuggling in the CAR has given a significant leverage towards the country security aspects. The size of the country, their low population density, the inaccessibility of mining areas and the non-exact number of the gold and diamond deposits render monitoring and control difficult for the government of the CAR. Due to the high number of diamond and gold smuggling in the Central African Republic, the Kimberely Process (KP) known as the commitment to remove conflict diamonds from the global supply chain, has given their concern towards the Central African Republic.

The KP Secretariat has reported that the number of diamond and gold smuggling including the illegal exports are increasing from 20% to 30% following the Operation Closing Gate (the operation led by the former president Francois Bozize, in 2008, which focusing on

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96 Ibid.
establishing the monopoly for diamond traders close to the regime). The KP also had given the government of CAR a temporary suspension due to their conflict diamonds has reached the international markets. Due to that matters, the Central African Republic had lost around $24 million worth of diamonds which was sold through smuggling since 2013. Even though the CAR had lost an amount of money, but they are still being permitted to have their diamonds sold among the other countries.

II.I.II. The Anti-Balaka movement against Seleka in the Central African Republic

Anti-Balaka was being established by the other half of CAR people in order to counter the increasing power of Seleka and some of them are supporting the ousted Bozize. Anti-Balaka is made up of three local groups, which are the local self-defense groups, former members of the national army (FACA) and the criminal groups. The Anti-Balaka’s Chief of Staff said in February 2014 stated that their movement numbered 52,000 fighters, while the General Coordinator Ngaissona in the same week said that the number was reached on to 70,000. Those number are believed to include some of the civilian men whom are not armed and only occasionally join the fighting. But according to the United Nation Panel of Experts, in October 2014 around 1,500 Anti-Balaka fighters continue to pose a threat to security.

Anti-Balaka forces has begun to increase their movement and attacks on the Seleka and civilians, in particular Muslim villages. Anti-Balaka believes that they need to force all the Muslim in the CAR to flee the country and it was the best choice to eliminate them from the country. It is because that religious aspect, in which Anti-Balaka are mostly joined by the Christian that has been attacked before by the Seleka forces.

99 Ibid.
100 Ibid.
101 Ibid.
103 Ibid.
104 IPIS interview with S. Wenezoul, Bangui, July 2014.
Anti-Balaka is basically one of the actors whom developed a strong belief of anti Seleka which now transformed to a widely shared anti-Muslim sentiment. They had already attacked all the CAR civilians which they believed to be Seleka or acting in collaboration with Seleka, including the people of Chadian origin, the Fulani, the Hula and the Runga (FIDH, 2014).

According to the Human Rights Watch (HRW), “the Anti-Balaka forces are increasingly organized and using the language that suggests their intent is to eliminate Muslim residents from the Central African Republic.” If the movements of Anti-Balaka are continuing until they could reach their target, there is going to be no Muslims left in the Central African Republic anymore, because of the high number of violations by the Anti-Balaka leaders and their forces. They are also pursuing a deliberate policy of ethnic cleansing and exacting abusive collective punishment against the muslim population in the response to the Seleka’s atrocities.

If we compared Seleka with the Anti-Balaka we could see that Anti-Balaka show more predatory behavior and are mainly focused on short-term gain. One of the example is in the mining area, there are no indications of widespread investments, even at sites where relatively small investments would yield large profits. The lack thereof, and thus the lack of access to capital, seems to be linked to the fact that Anti-Balaka militias in the west are more local in nature and lack elaborate chains of command.

The Human Rights Department of MINUSCA also documented that there are 1,301 cases of human rights violations and abuses by the Anti-Balaka in the CAR. Including 1,000 men and 261 women, 91 boys and 67 girls, while the rest of the reported victims it was not possible to strictly verify their age and sex. The horrible type of violations and abuses committed were mainly arbitrary killings, cruel, inhuman or degrading treatment or

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108 Ibid.
109 Anti-Balaka, Global Security. Supplementary data are available on (https://www.globalsecurity.org/military/world/para/Anti-Balaka.htm)
111 Anti-Balaka, Global Security. Supplementary data are available on (https://www.globalsecurity.org/military/world/para/Anti-Balaka.htm)
113 Ibid.
punishment, sexual violence, arbitrary deprivation of liberty, destruction and confiscation of property, and restrictions on the freedom movement.¹¹⁵

II.I.III. The Impact of Anti-Balaka and Seleka Movement in the Central African Republic

The clashes between Anti-Balaka and Seleka began in March 2013 which led to a reprisal attacks in the region.¹¹⁶ Anti-Balaka and Seleka has engaged in raping, killing and looting which has caused the entire world to notice Central African Republic (Diamonde2013).¹¹⁷ The attack itself has increased the number of victims in the Central African Republic as about 1,000 people died in Bangui alone.¹¹⁸

*Picture 2: The Region of Control of Anti-Balaka and Seleka.*¹¹⁹

The Anti-Balaka group has become the one whom largely responsible for driving the people of ex-Seleka from many of the bases in the western of Central African Republic. There are around 6,000 civilians has been killed in the fighting and over one millions people have fled their homes.¹²⁰

¹¹⁶ Anti-Balaka, Global Security. Supplementary data are available on (https://www.globalsecurity.org/military/world/para/Anti-Balaka.htm)
¹¹⁸ Anti-Balaka, Global Security. Supplementary data are available on (https://www.globalsecurity.org/military/world/para/Anti-Balaka.htm)
¹¹⁹ Ibid.
¹²⁰ Ibid.
The impact of conflict between Seleka and Anti-Balaka are not only being felt by the people of the Central African Republic, even they are the most impacted one. But, the threats from Anti-Balaka, especially, has been felt by the neighboring state of the Central African Republic. This conflict has given another problem from the government of the Central African Republic, in term of bilateral relations with their neighboring countries.

II.II. The Relations between Central African Republic with the Neighboring Countries

There are two aspects to be thought about when being a neighbor with a conflicted country. The first aspect is about the security of the state itself and how to face the challenges the conflicted region gave to the neighboring countries. It is what has been happening for a long time in the Central Africa. As a conflicted country, they offered a lot of challenges for the states around them. Starting with the threat towards their border, economy, homeland security and the welfare of the people.

The neighboring countries of the Central African Republic should be capable on maintaining both their relations with the Central African Republic as well on how to face the security challenges in the region, that at the end would not give them a significant impact on their security aspect. This part of chapter II, would be explaining on the relations between the Central African Republic and it’s neighboring countries. Thus at the end we would understand more on the situation in the Central Africa.

*Picture 3: The Central African Republic’s neighboring countries.*

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On the Brink, One of Africa’s most miserable countries looks as unstable as ever. Supplementary data are available on (https://www.economist.com/middle-east-and-africa/2013/01/05/on-the-brink)
Chad

The relations between Chad and the Central African Republic is basically about the support Chad has towards the Seleka fighters in the CAR itself. N’Djamena (the capital and the largest city in Chad) was reportedly decided to support the Seleka essentially in an attempt to secure its border to avoid the Central African Republic becoming a sanctuary for Chadian armed opposition groups.122

Politically Chad was being surrounded by neighboring countries which challenged by volatile security environments and armed insurgencies that make the Chadian stability is crucially connected with the regime’s ability and capacity to prevent contagion from neighboring conflicts.123 What happened in the neighboring countries like the CAR could give a significant impact towards the politic and security of the Chad nation itself. Based on the fact that Chad itself has their support on the Seleka, has made them a target for the Anti-Balaka, not only that, but being a neighbor with CAR could make Chad as the target for those rebel groups to smuggle the diamond and gold from the Central African Republic. What happened in CAR, is going to be the base for the Chadian policy making whether their foreign policy or even the homeland security. N’Djamena has an interest in maintaining the CAR in a state of latent instability to secure Chadian direct influence, which corresponds with the regime’s intention to reinforce their regional security.124

Sudan

The majority of Seleka leaders which being interviewed between June and September in 2014 has given a statement regarding on the direct support from the Sudan government for their movement.125 They believe that the support has given them success of their military campaign between 2012 until 2013.126 Sudan’s support to the CAR was provided in different forms, which include the logistical assistance to travel, political support and facilitation of contacts with other friendly regimes (like in particular Egypt, Iran and Turkey).127 The regime are allegedly provided also in direct military support through the military appointment of

123 Ibid.
124 Ibid.
125 Ibid.
126 Ibid.
127 Ibid.
military advisers, arms deliveries, facilitation of the recruitment of troops from the ranks of pro-Khartum paramilitary groups operating in Darfur (generally referred to as Janjaweed), military training for Seleka fighters (in particular when Djotodia was in charge of the State Presidency) and medical assistance for injured Seleka elements.\textsuperscript{128}

The reasons on why Sudan would give their support and assistance to the Seleka movements are basically same with the reason had by the government of Chad. It was all to fulfill their security interests in the CAR, by taking advantage of a friendly relationship with the regime other than Bozize’s represented one step towards Sudan’s objectives.\textsuperscript{129}

Moreover, by supporting Seleka would have enlarged Sudan’s chances of having direct influence in the region through a favorable and indebted partner.\textsuperscript{130} It is going to also have created the possibility of sharing the benefits of some natural resources (like gold and diamonds), and facilitating the interests of other allies (for example China) in the Central African Republic.\textsuperscript{131} Those all actions are based on the independence of South Sudan which has resulted Sudan lost approximately 75\% of its oil revenues, leading to a 55\% decrease in Sudan’s fiscal earnings and loss of two thirds of its foreign exchange reserves.\textsuperscript{132} In order to face that challenge, Sudan believe that by making a policy aimed at boosting domestic production and export of gold and oil would help them increase their foreign exchange like before. Acquiring access to these, and other, natural resources in the CAR might therefore have constituted an alluring prospect for the Sudanese regime.\textsuperscript{133}

\textbf{Cameroon}

Cameroon authorities have been trying to minimize hostilities spilling over the border, because they believe that the Anti-Balaka militias in western CAR and clashes between Anti-Balaka and Seleka throughout early 2014, the security risk for Cameroon has increased.\textsuperscript{134} The

\textsuperscript{128} IPIS. Interviews with several diplomats, MISCA military senior officers, Central African Gendarmerie officers, journalists (all interviews held separately in Bangui, July 2014), Seleka officers (held separately in Bangui and Bambari, July, August and September 2014), an international researcher (interview in N’Djamena, September 2014), and a former Chadian rebel leader with troops in the Seleka ranks (interview in N’Djamena, September 2014).

\textsuperscript{129} Yannick Weynes, Lotte Hoex, Steven Spittaels. Mapping Conflict Motives: The Central African Republic. November 2014. IPIS. Supplementary data are available on (https://reliefweb.int/sites/reliefweb.int/files/resources/20141124_CAR.pdf)

\textsuperscript{130} Ibid.

\textsuperscript{131} Ibid.

\textsuperscript{132} International Monetary Fund, \textit{Sudan: Article IV Consultation, IMF Country Report, 13/317, October 2013, p.4.}

\textsuperscript{133} S. Spittaels & Y. Weyns, Mapping Conflict Motives: the Sudan-South Sudan Border, IPIS, 2014, p.4.

\textsuperscript{134} Yannick Weynes, Lotte Hoex, Steven Spittaels. Mapping Conflict Motives: The Central African Republic. November 2014. IPIS. Supplementary data are available on (https://reliefweb.int/sites/reliefweb.int/files/resources/20141124_CAR.pdf)
Cameroon government believe it would be better for them to stay out of the game of Central African Republic and try to prevent Anti-Balaka and Seleka forces using Cameroon as their rear base, and repel incursions by Seleka forces during their retreat from western CAR in the early 2014.135

Those actions were taken because of the Anti-Balaka elements pose a continuing security threat to Cameroon and taking hostages and looting. One of the examples is in April 2014, there is an estimated 180 Anti-Balaka elements attacked the village of Ngaoui just across the border with Cameroon, coming from Gaigo in OuhamPende, Central African Republic.136

But it is a different aspect when it comes to the economy of the state. The diamond smuggling and production by the rebel groups in Central African Republic are also surprisingly increased since 2013. It is very difficult to estimate the volume of the smuggled diamond of the CAR to the Cameroon.137 Because of the diamonds originating from the Cameroonian side are virtually identical to those found in Western Central African Republic, which making it nearly impossible to determine on which side of the border they were extracted.138 The Cameroonian used the simply cheaper diamond from the rebel groups in the west CAR, make a fake Kimberley Process certificate and sell them with a higher price to gain more revenue.139 The fact could be seen from the Kimberley Process Secretariat in 2013, where they had found fake Kimberley Process certificates for total of 6,722 carats. With potential production in Cameroon of only 5,000 carats, these almost certainly include diamonds from the CAR.140

II.III. The Presence of International Committee of Red Cross in the Central African Republic

The Human Resource Planning stated that Central African Republic (CAR), one of the world’s poorest countries, was known as the forgotten and protracted humanitarian crisis characterized by their political instability, chronic underdevelopment and localized emergency

135 Ibid.
136 Cameroon Info, InsecuriteTransfrontaliere: 180 Anti-BalakaattaquentMeiganga (sic), 22 April 1024.
137 IPIS interview with the Director General of CAPAM, Director General of Mines and officials from the Kimberley Process Secretariat, Yaounde, August 2014.
139 Ibid.
140 One extreme past example of a fraudulent export through Cameroon of diamonds most likely coming from the CAR, was parcel of 281,869 carats, with certificate of origin from Cameroon as well as a fake KP certificate from the CAR, which left through Douala Airport at the end of 2009 (Certificate of Origin number: 0123, 09/11/09; Kimberley Process Certificate CAR number 010336; Shipment Airwaybill number 586756155).
The security situation are getting worst since the year 2013 when Seleka and Anti-Balaka had their own conflict which resulting on the atrocities and violations of human rights were committed towards the people of Central African Republic, as well some of the region in Chad, Sudan and Cameroon.

“The International Committee of Red Cross are known as the organizations to protect and assist the victims of armed conflict and other situations of violence. It initially focused on wounded soldiers but over time it extended its activities to cover all victims of these events.”

Though it was not the intention of the ICRC to take action on the ground, but the National Societies of conflicted countries, asked the ICRC to send its own relief workers, believing that the humanitarian work in the conflict situation needed to offer guarantees of neutrality and independence acceptable to all parties, which only the ICRC could do. The ICRC also had build their own operational activities within a framework of neutrality and independence working on both sides of the battlefield.

The formal recognition of the ICRC function was then stated in the Geneva Conventions explicitly recognized the purely humanitarian and impartial nature of the ICRC’s activities, and gave the organization a special role in ensuring the faithful application of international humanitarian law.

“It is crucial that what is happening in CAR is not forgotten or ignored. I urgently call for far greater attention and engagement from the international community for those who are suffering the impact of the violence here...Beyond an increase in humanitarian aid, we need organizations with influence and creative idea to help create the conditions for a lasting improvement in people’s life.” Peter Maurer, ICRC President from the Capital of Bangui.

Based on the statement above, we could see that the action and movements of the International Committee of Red Cross are in the process on improving the humanitarian assistance in the Central African Republic. The presence of ICRC is very significant for the
victims of CAR long-lasting conflicts. Their commitment to resilience means that their practice is always sensitive to the dilemma of aid dependency and the sustainability of humanitarian response. Since the year of 1998, the ICRC has their policy stated that “emergency responses cannot be equated with short-term operations”. Which means that in order to change the situation of the conflicted region, the ICRC would need several times to give the people protection, water and habitat, economic security and health prioritize sustainable improvement and strengthening resilience above simply meeting essential needs.

Thus, the more explanation about International Committee of Red Cross and the legal bases of the ICRC movements in the Central African Republic are going to be discussed further in the chapter III.

CHAPTER III

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW AS THE MAIN LEGAL LAWS OF THE HUMAN RIGHTS IN THE CENTRAL AFRICAN REPUBLIC

III.1. The Understanding of Human Rights in the Globalization Era

In this chapter, the writer explained about the law used by CAR and UN in order to maintain their security interests on the humanitarian assistance in CAR. that human rights are needed to maintain the welfare and dignity of the citizens of the state. Human rights are also very significant in the relationship between the individuals and the government that has power over them. The government exercises the power over their people, but due to the human rights, the power has by the government is limited. Because in order to maintain the welfare and dignity of the citizens, the government’s power should also about the needs of the people and of course to protect their freedoms. The government of the state should realize that the human rights are for everyone, the human rights are internationally guaranteed, protected by law, focus

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147 Ibid.
on the dignity of the human being, the human rights could protect individuals and groups as well they cannot be taken away from the people of the state.\textsuperscript{148}

“Human rights are the basic rights and freedoms which belong to every person in the world, from birth until death. They apply of where you are from, what you believe or how you choose to live your life.”\textsuperscript{149}

The understanding of human rights might change due to the globalization era. The globalization has changed the terms of interaction of people and government in the global life. It also created space both for implicit extensions of and explicit additions to the content of human rights doctrine.\textsuperscript{150} Both are also two forms of universalism, as well two global phenomena which in their continuous transformation is going to involve in different manners the world’s states.\textsuperscript{151}

Globalization could simply produce opportunities and initiates changes which is going to affect the juridical order, like the International Human Rights Law. The impact of globalization on some categories of human rights could be seen from the rights of civil, political, economic, social, cultural, the solidarity rights (the right to peace, to development, to a healthy environment).\textsuperscript{152}

“Civil rights are the rights to life; the right to be free from torture and degrading treatment; the rights to personal liberty, privacy, and a fair trial; freedoms of thought, religion, expression, information and movement within one’s country.”\textsuperscript{153}

\textsuperscript{152} Ibid.
“Social rights is basically the rights to an adequate standard of living, adequate housing, and of course food as well the right to the highest attainable standard of health, the rights of education and social security.”\textsuperscript{154}

“Political rights are the rights of freedom of association and assembly; the rights to vote and participate in public affairs and service.”\textsuperscript{155}

“Cultural rights are the rights to enjoy one’s own culture and participate in the cultural life of the community.”\textsuperscript{156}

“Economic rights are the rights to decent work and to form and join a trade union; the rights to equal pay for work of equal value, to safe and healthy working conditions, and to a fair wage; the right to strike.”\textsuperscript{157}

In order to support the welfare and the prosperity of the citizens in one state nation. The government have to make sure that each of the rights mentioned above being fulfilled, or else the government should be facing the consequences from the international system. Despite of the suitable understanding of human rights, based on the globalization era. The states in this wide world should also have a second glance towards the human rights violation (including the individual civil or political, economic or social, or minority rights) as a cost of consequence of destructive social change which could be resulted from globalization might result a radical shifts in a society cultural values and norms that could lead to a reconfiguration of the substance of traditional or historic notions of human rights.\textsuperscript{158}

As for the example of the human rights violation, the issue of Central African Republic (CAR) could show us how the people’ rights should be violated due to the armed conflict emerging in the region. The CAR has experienced an unprecedented humanitarian and security crisis for several years now. The weakness of CAR and the absence of the state institutions in

\textsuperscript{154} Ibid.
\textsuperscript{155} Ibid.
\textsuperscript{156} Ibid.
large parts of the country have resulted in a complete failure on behalf of the government, in order to provide the population with the most basic services, like health care, education and infrastructure.\footnote{Ingerstad, (2010).}

The rebel groups and all the threats they spread through the violence acts towards the people of CAR, has given the people of CAR a situation of permanent insecurity as they also need to maintain their life during the armed conflict.\footnote{Lombard, (2012b); Spittaels & Hilgert (2007).} Because in several parts of the CAR governance has been exercised by the rebel groups which have provided the population at least a minimum of security.\footnote{Persson, (2008).} With the minimum security in the CAR, as well the high number of human rights violation, the people of CAR has only option to join a rebel group in order to provide themselves with basic security needs to survive.\footnote{Ibid.}

\textbf{III.1.1. The Universal Declaration of Human Rights in the 21\textsuperscript{st} Century}

Since the first time it was being adopted and endorsed by the UN member states, this declaration has been an unprecedented educational and cultural force, that making people conversant with the idea of human rights.\footnote{“Universal Declaration of Human Rights: Preamble.” Accessed on August 16, 2018. https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf.} Based on the General Assembly of the United Nations, it proclaims that the Universal Declaration of Human Rights as a common standards of achievement for all the people and the nations in this international system. There are thirty articles in this declaration, which each article explained about the rights of individual as well the way of other individual as well the state nations to appreciate the existence of other people’s rights. But in this part, the writer is only going to explain more of the article that could be correlated with the Central African Republic case.

Article 1 can be considered the foundation principles of the Declaration and perhaps of all human rights with some qualification.\footnote{Ibid.}

The example could be seen from the article 1 of this UDHR, which stated \textit{“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”}\footnote{Ibid.} It simply mean that every citizen and of course every state nation should be able on appreciating other people’s
rights in which it includes the freedom of each citizens as well to maintain their dignity among others in a state nation.

Article 3 is about the right to life, liberty and personal security. Even though the article 3 is an absolute right, which it allows no derogations, it can be interpreted in various ways. Whether an act constitutes inhuman or degrading treatment depends on a range of factors and the individual circumstances of each case.\(^\text{166}\) Many of the international organizations believe that they need to follow the Article 3 as they had committed to building peace through the implementation of activities that promote, inter alia, human rights and taking into account the results of research in social sciences for the benefit of public policies for economic, social and cultural development, the entire Social and Human Sciences Sector of UNESCO hopes that the values held by the Universal Declaration of Human Rights can be reaffirmed everywhere through the years.\(^\text{167}\)

The Article 5 is basically known as the anti-torture provision, because it says that “\textit{no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.}”\(^\text{168}\) It was established based on the belief that torture has enduring effects on the physical, mental and emotional well-being of its survivors, crippling or destroying their capacity to pursue fulfillment and happiness of the people in the world. As torture also has devastating consequences for its victims, the international prohibition against it is absolute.

If we correlate those articles with what happened in the Central African Republic, we could see that those articles are being violated in the region. We could see that because of the Seleka and Anti-Balaka the situation in the CAR is getting worse, that are against the statement of Article 1, 3 and 5, which says that the state and the citizens needs to respect the other people’s rights, as well their personal security. It is why the UDHR are being used as the base of ICRC’s movement in the Central African Republic. With an amount numbers of violations of human rights and UDHR in the CAR, the ICRC are simply trying to maintain their humanitarian assistance in the region.

### III.2. International Humanitarian Law as the Law used in the Conflicted Region


\(^{167}\) Everyone has the right to life, liberty and security of person, as in Article 3 of the Universal Declaration of Human Rights. UNESCO Social and Human Science. 12, 01, 2009.

\(^{168}\) Ibid.
International humanitarian law or known as well as the IHL, is the humanitarian law applicable in the armed conflicts. Which means that the international rules, established by treaty or custom, which are specifically intended to solve humanitarian problems that arise directly from international or non-international armed conflicts.  

The International Humanitarian Law also known as the balance between the humanitarian concerns and the military requirements of States. The IHL is contained in the four Geneva Conventions of 1949. Which made almost every State in the international system has agreed to be bound by them. The Conventions have been developed and supplemented by two further agreements which are the Additional Protocols of 1977 relating to the protection of victims of armed conflicts. A lot of provisions of the international humanitarian law are now accepted as customary law that is also known as the general rules by which all States are bound.

International humanitarian law applies only to armed conflict, its does not cover internal tensions of disturbances such as isolated acts of violence. The IHL only applies once a conflict has begun, and then equally to all sides regardless of who started the fighting. The IHL could be used in both international armed conflict which involved two or more states, as well in the non-international armed conflict which is about the internal conflict a state has, involving either regular armed forces fighting groups of armed dissidents, or armed groups fighting each other. A more limited range of rules could be applied to the internal armed conflicts and are laid down in Article 3 common to the four Geneva Conventions as well as in Additional Protocol II.

The IHL would covers two areas, which are regarding on the protection of those who are not or no longer on taking part in the armed conflict; and the restrictions on the means of warfare (which in particular weapons) and the methods of warfare, like the military tactic of the state. In this context, the protection means that the international humanitarian law could and would protect those who do not take part in the conflict, simply like the civilians, the medical as well the religious military personnel. It also protects those whom have ceased to take part but they are wounded, shipwrecked, sick combatants and prisoners of the war.

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169 What is international humanitarian law. ICRC.
170 Ibid.
171 Ibid.
172 Ibid.
173 Ibid.
174 Ibid.
III.2.1. The International Humanitarian Law within the Public International Law

The rules and principles of International Humanitarian Law are actually legal rules, it is not just moral or philosophical precepts or only social custom. The corollary of the legal or normative nature of these rules is the existence of the regime of rights and obligations imposed upon the different parties to an armed conflict. The international system need to realize that the international humanitarian law is a binding character. It means that inter alia, the most serious violations thereof trigger the individual criminal responsibility.

The Distinction between Jus ad Bellum and Jus in Bello

In order to understand more about the international humanitarian law, we need to also understand about the term of Jus ad bellum as well Jus in Bello. Jus ad Bellum, is regulating the resort to armed force, which is referring to the principle of fighting war based on precise causes as self-defense. Meanwhile the Jus in Bello is the rules applicable in armed conflicts a.k.a IHL) which refers to the principle of fighting a war justify and encompasses standards of proportionality and distinctions between civilians and combatants. IHL developed in the time of the use of force was a lawful form of international relations, when states were not prohibited from waging war, when they had the right to make war (i.e. when they had the jus ad bellum).

Nowadays, the use of force and coercive approach are prohibited by a peremptory rule of the international law, which is the jus ad bellum has changed into a jus contra bellum. The exceptions to this general prohibition are allowed in cases of individual and collective self-defense, Security Council enforcement measures, and arguably to enforce people’s right

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175 International Humanitarian Law and the Law of Armed Conflict.
176 Ibid.
177 Ibid.
178 Ibid.
179 Expressed in Art. 2 (4) of the UN Charter: “All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the Purposes of the United Nations”…
180 Recognized in Art. 51 of the UN Charter: “inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take any time such action as it deems necessary in order to maintain or restore international peace and security.”
181 Established in the Chapter VII of the UN Charter.
to self-determination\textsuperscript{182} (the national liberation wars). Despite of the prohibition against the armed conflicts, they continue to occur. These days we could see that the states are recognizing that the international law has to address this reality of international life, not only by combating the phenomenon, but also by regulating the international law in order to ensure a level of humanity in this fundamentally inhuman and illegal situation.

The international humanitarian law should be applied impartially to both rebellions, which the one resorting lawfully to force and the other one is the one resorting unlawfully to force. Otherwise this could be impossible to practically maintain respect for IHL as it is always controversial which party resorted to force in conformity with the \textit{jus ad bellum} and the one violates the \textit{jus contra bellum}. But based on the humanitarian standpoint, the victims on both sides of the conflict could be need the same protection, and they are not necessarily responsible for the violation of the \textit{jus ad bellum} which committed by the party of their state.\textsuperscript{183}

\textbf{III.2.1. The International Committee of the Red Cross as the Guardian of the International Humanitarian Law}

Based on the previous chapters, we knew that the ICRC is known foremost for their filed operations in aid of the armed conflict victims and internal violence all over the world. The ICRC has always had a close and special relationship with the international humanitarian law, and to this day it has invariably acted in accordance with the successive phases of Henry Dunant’s experience.\textsuperscript{184} The special role of ICRC in the armed conflict could now be formally recognized in the Statutes of the International Red Cross and Res Crescent Movement\textsuperscript{185} which have been also adopted both by the components of the Movement\textsuperscript{186} and by the States party to the Geneva Conventions, which is practically all the worlds ‘States.\textsuperscript{187}

The article 5 of the Statutes declared that the role of the ICRC is ‘to undertake the tasks incumbent upon it under the Geneva Conventions, to work for the faithful application of

\textsuperscript{182} The legitimacy of the use of force to enforce the right of peoples to self-determination (recognized in Art. 1 of both UN Human Rights Covenants) was recognized for the first time in Resolution 2105 (XX) of the UN General Assembly (20 December 1965).

\textsuperscript{183} International Humanitarian Law and the Law of Armed Conflict.

\textsuperscript{184} Ibid.

\textsuperscript{185} These statutes are reproduced in the handbook of the international red cross and res crescent movement, 13th ed., ICRC/International Federation, Geneva, 1994, pp. 415-432.

\textsuperscript{186} These components are the International Committee of the Red Cross, the National Red Cross and Red Crescent Societies (currently numbering 170) and the International Federation of Red Cross and Red Crescent Societies.

\textsuperscript{187} There are at present 188 States party to the Geneva Conventions.
international humanitarian law applicable in armed conflicts and to take cognizance of any complaints based on alleged breaches of that law’ (Article 5.2c), and also “to work for the understanding and dissemination of knowledge of international humanitarian law applicable in armed conflicts and to prepare any development thereof” (Article 5.2g).188

There are various kind of roles had by the ICRC, which are the monitoring function, which is the constant reappraisal of humanitarian rules to ensure that they are geared to the reality of conflict situations, and preparing for their adaptation and development when it is necessary189; the catalyst function, is basically to stimulate the government and other experts, discussion of problems encountered and possible solutions, whether such solutions involve changes to the law or otherwise190; the promotion function, is the advocacy in favor of the law against the legal developments that disregard its existence of might tend to weaken it; the guardian angel function, is about defending international humanitarian law against legal developments that disregard its existence or might tend to weaken it191; the direct action, is making a direct and practical contribution to application of the law in situations of armed conflict; and the last one is the watchdog function, is about rising the alarm, first among the states and other parties directly concerned in the armed conflict, and thereafter among the international community as a whole, whenever serious violations of the law occur.192

This thesis is basically about the correlation between those functions and of course the implementation of the policy itself. Thus in order to make people more understand regarding on this issue the writer would be explaining more about the ICRC policy functions’ framework.

The Monitoring Function

The monitoring function is the most complex and a sensitive one. Because if there is problem in the international system, the one tend to be blamed are the international humanitarian law itself. Even though we could not state that IHL would never make any mistakes and could be used in conflicted time, as well if necessary in the peace time, but we could not also belief that the use of IHL would end in uncertainty or it is not necessary to be used in some of the cases.

International humanitarian law has been used in the world’s humanitarian issues for a long time. Thus the monitoring function would need a constant analysis of failures to observe

188 The International Committee of the Red Cross as guardian of international humanitarian law. 31-12-1998 by Yves Sandoz.
189 Ibid.
190 Ibid.
191 Ibid.
192 Ibid.
international humanitarian law. Thus as to determine whether they are due to short comings in the law and, if, these shortcomings are serious enough to justify the risk and expense of embarking on a revision procedure, and then, if it is still available for revision, taking steps to facilitate it and to highlight the humanitarian dimension of the problem involved, on the basis of experience gained in the armed conflicts.

The Catalyst Function

The catalyst function is not sufficient simply to take note of problems of application of the international humanitarian law; which those concerned must be encouraged to think about ways of dealing with them. The second function is not like the first one which tend to revise the law. The catalyst function believes that it is better to find way to solve the problem and draw the widest possible of expert knowledge and experience. They believe that IHL must be transformed into a dynamic force that can be better serve the interest of those whom designed to assist and protect.

The Promotion Function

The promotion function is basically about on how to serve an easy understanding of the international humanitarian law, more familiar and more understanding. The second purpose of this promotion function is to encourage the implementation of the international humanitarian law on the national level by means of legislation and other measures, and also to make states understand that IHL is an obligation that had to be followed and protected by them in either conflicted times and peace time.

The Guardian Angel Function

This function means as the phrase which would imply, and watching over the law itself to protect it from the one who may undermine or weaken it, either because of they disregard it of because they are too close to it. This function is going to be connected with the monitoring function and may serve to promote that activity. But it has characteristics of its own and needs constant attention, as the following recent examples show.

The necessity to protect the humanitarian law could be seen on how the ICRC preserve the gains that already made, which can be found in the steps taken to afford better protection for displaced persons, which in the context attention had to be drawn to the fact that the persons displaced in armed conflicts are covered by international humanitarian law and are apart of the civilian population as a whole, which must be protected from the effects of the hostilities.

There are many cases that would make the IHL looks bad in the eye of the international system. Many of the issues are about the dilemma of the use of international humanitarian law in the armed conflict, most of the people chosen to ignore the IHL rather than malice. Which
one of the example could be seen from the concept mercenaries in the International Convention against the Recruitment, Use, Financing and Training of Mercenaries of December 1989\textsuperscript{193}; the International Law Commission’s concept of ‘serious’ war crime, which threatened to weaken the very concept of ‘war crime’\textsuperscript{194}, these examples could shows you the international humanitarian law is unfortunately still not fully understood even in the diplomatic circles that draw up overlapping its provisions. It is therefore in real need of a guardian angel that is going to fly to rescue whenever necessary.

\textbf{The Direct Action Function}

This function is more likely to focus on the real action of the ICRC on maintaining the international humanitarian law or the humanitarian assistance in the conflicted region. The IHL clearly sets out the rights and duties of parties to, and victims of, armed conflicts. The duty of combatants is to spare the civilian population and the wounded, and to treat prisoners well.\textsuperscript{195} The victims would have their own right of the humane treatment; which is the wounded are entitled to be cared for, prisoners to be detained in good conditions, and the population to enjoy the means essential to its survival.

This is one of the reasons on why the ICRC would open operation fields that are clearly part of its function as guardian of international humanitarian law, because the purpose of it is to ensure the rules are applies in the practice. In short, ICRC has the access of all parameters of situations which is obviously cannot be handle unaided, in order to identify the areas would require the cooperation of other members of the International Red Cross and Red Crescent Movement; and the areas in which it has to rely on their own efforts; and lastly those in which it must operate in close consultation with other organizations, governmental and the non-governmental, as well the complementary action where this is thought necessary.

\textbf{The Watchdog Function}

The watchdog function is about the function to warn the community of nations, and especially the United Nation Security Council due to the fact that their peace-keeping and peace-making role, that the ICRC can do little or nothing in the prevailing circumstances. Because nowadays there are parties to the conflict or at least one of them try to reject the basic principles of international humanitarian law due to the fact that they think that the principles do not suit their purposes. The case could be found in the conflicts based on racism an

\textsuperscript{193} Ibid.
\textsuperscript{194} Ibid.
\textsuperscript{195} Ibid.
exclusion, where there is genocidal tendencies emerge, which is obviously has no room for humanitarian action when the aim is quite simply to exterminate the race or ethnic groups.

If we correlate it with the issues in the Central African Republic, we could see that the CAR people need the existence of ICRC in order to maintain the international humanitarian law in the region. The fact that both parties are trying to execute each of their people are making things worst as well for the innocent people of the CAR. It is also related to the ICRC protection policy which emphasized more in the,

“... protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavors to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles...”

It is about the ICRC’s multidisciplinary operational response capacity, which could protect and assistance are combined, and its special relationship with the international humanitarian law (IHL) make the situation unlike any other. Protection by the ICRC has the aim to ensure the authorities and other parties to respect their obligations and the rights of individuals in order to preserve the safety, physical integrity and dignity of those affected by the armed conflict and other situations of violence. Protection is going to remain a constant concern for the ICRC, by promoting and strengthening the IHL and other relevant norms and responding to the humanitarian needs are, for the International Committee of the Red Cross, always linked endeavors. The ICRC would combines the activities related to the causes of the human suffering, especially those that seek to address the causes of the violations, with activities to alleviate human suffering, particularly those in response to the consequences of and the needs created by, such violations.

196 Ibid.
CHAPTER IV

HUMANITARIAN ASSISTANCE IN THE CENTRAL AFRICAN REPUBLIC DONE BY THE ICRC (2013-2016)

IV.1. The International Committee of the Red Cross: The Mission and Work

In this chapter, the writer explained about the implementation of ICRC roles in Central African Republic. ICRC and the legal law as well policy behind their work. Now we are going to talk about the mission and work they have in the international system, as well the Central African Republic as one of the most conflicted region in the world. The National Societies of countries in conflict believe that the ICRC could be the one neutral parties which would send its own relief workers, and could work in times of conflict needed to offer guarantees of neutrality and independence acceptable to all parties. The ICRC itself has already build their operational activities within a framework of neutrality and independence, working on both sides of the battlefield. Which is based on the Geneva Convention and the International Humanitarian Law.

There are two lines of work did by the International Committee of Red Cross, which we knew as the operations which focus on helping the victims of armed conflict and other situations of violence; and the other one is the development and promoting international humanitarian law and humanitarian principles. Those two lines would inextricably linked with each other because the first operates with the framework that provided by the second, and the
second draws on the experience of the first and facilitates the ICRC’s response to the needs identified.\(^\text{197}\)

**IV.2. Scope of the Work and Criteria for Taking Action**

There are simply four different situations where the ICRC would take action, or the scope of ICRC’s movement in international system. The first one is the ICRC’s endeavor to help the victims of both international and non-international armed conflict as their focus on the mission.\(^\text{198}\) This is based on the international humanitarian law which after taking due account of the existing or foreseeable need for humanitarian aid.\(^\text{199}\)

The second one is when the situations of violence, the International Committee of Red Cross offers their services due to the seriousness of unmet needs and the urgency of the situation warrant such a step.\(^\text{200}\) It is basically considers whether it can do more than others owing to their status as a specifically neutral and independent organization and to its experience, this offer of services is based not on the international humanitarian law but more likely to be based on the Statutes of the Movement.\(^\text{201}\)

The third situation is when a natural or technological disaster or a pandemic occurs in an area where the ICRC has an operational presence, meaning it can deploy quickly and it could make a significant contribution, the organization steps in with its unique capabilities, to extent it is able and in cooperation with the Movement, which could generally takes action during the emergency phase only.\(^\text{202}\)

The last situation, it is when the unique contribution to the efforts of most of the humanitarian agencies, especially within its fields of expertise such as tracing work and disseminating International humanitarian law and the Fundamental Principles. These are all fields in which it has an explicit mandate.\(^\text{203}\)

\(^{197}\) The ICRC: Its Mission and Work
\(^{198}\) International humanitarian law or IHL continues to apply even after the active hostilities have ceased. When hostilities come to an end, States still have certain obligations, while others come into effect at that point. The ICRC therefore continues to conduct some of its activities and begins others during this transition period. See ‘Do wars ever end? The work of the International Committee of the Red Cross when the guns fall silent,’’ IRRC, No. 851, September 2003, pp. 465-496.
\(^{199}\) The ICRC: Its Mission and Work. Scope or work and criteria for taking action.
\(^{200}\) Ibid.
\(^{201}\) See Arts 5.2 (d) and 5.3 of the Movement Statutes.
\(^{202}\) The ICRC: Its Mission and Work. There are four different situations in which the ICRC takes action.
\(^{203}\) Ibid.
Thus based on the explanation of situation, we could see that the CAR could be included in the non-international armed conflict which could be seen from the activities of Seleka and Anti-Balaka. We could see that there are a lot of violence of human rights in the CAR. Due to the conflict between the government of the CAR as well the Seleka and Anti-Balaka, a lot of people are suffering from the lack of security (including the food security, the fell off of the economy, the uncertain politics and unstable situation in the CAR environment). Thus in this chapter we are going to see the implementation and the movement of the ICRC’s strategy as well based on the international humanitarian law in the Central African Republic.

IV.3. ICRC Strategy used to Maintaining the Humanitarian Assistance

ICRC has their vision for 2015-2018 to overarching goals is to address the needs and vulnerabilities of people affected by armed conflicts and other situations of violence, in all their many dimensions, in line with the core principles of its action: humanity, neutrality, impartiality and independence. As in the center of the action is the commitment to protect and assist victims, which is based on the applicable international legal framework and through a sustained dialogue with all the parties concerned.204

In order to define the ICRC’s strategic orientations and objectives, we need to realize their vision in such a complex and dynamic environment, with such wide ranging humanitarian needs, the ICRC needs to make bold, progressive choices in the face of some fundamental dilemmas. But in order to build on the existing strengths and find new ways to face the challenges and constraints on their mission, the section presents the strategic orientations of the organization to respond to the challenges identified above.

What they need to do is first strengthen the ICRC’s capacity to protect through law, operations and policy. Which is all about aligning the ICRC initiatives and contributions in the terms of IHL development, clarification and implementation with a focus on overcoming protection challenges. They also need to strengthen and systematize the protection dimensions in assistance and prevention activities as well build synergies around priority themes across the ICRC’s programs. Not only that but the ICRC needs to enhance their capacity to conduct evidence based analysis on the legal and policy challenges to reinforce its protection work, respecting state standards of professional scrutiny and research. The influence and ensure

compliance with the emerging data protection regulatory developments, has also given the direct or potential impact on the ICRC’s continued ability in order to fulfill its mandate and to carry out its humanitarian activities.

The next one is the enhance the ICRC’s distinctive response to grow needs, as well the strategic objectives for 2015-2018, it is to enhance the humanitarian access and proximity of the ICRC’s operations through local partnerships and collaboration, as well strengthening the ICRC’s crisis management and security capacity. The ICRC is also need to increase the response of the health needs, particularly surgical care for wounded persons, health care in detention and the rehabilitation of persons with disabilities. The ICRC also need to support the development and analysis of the ICRC’s negotiation experience as a policy tool to improve the ability of staff throughout the organization to negotiate and persuade at field and headquarters levels.

The next one is about the secure the widest possible support for ICRC action, which the first aspect is to develop and strengthen the ICRC’s humanitarian diplomacy to respond to an increasingly diverse, multifaceted and dynamic environment and organize the organization’s external relations accordingly, consider evolving interests and concerns of emerging powers as well as regional and sub-regional organizations. The ICRC also need to strengthen and expand the ICRC’s donor base by continued engagement with its traditional donors and greater engagement with emerging powers, private donors, global philanthropy and the corporate sector.

The ICRC needs to contribute to a more significant response by the movement to large-scale emergencies, by enhancing joint planning between the ICRC, National Societies and the International Federation of Red Cross and Red Crescent Societies for humanitarian response. As well provide support to National Societies in the fields of capacity building, security management, communication and fundraising to enhance the panning, coordination and management of humanitarian operations in accordance with Movement decisions. The last is the ICRC needs to strengthen partnerships with selected National Societies in line with the ICRC’s mission.205

IV.4. The Implementation of ICRC Strategy on Maintaining the Humanitarian Assistance in the Central African Republic

205 Ibid.
The implementation of the International Committee of Red Cross’ strategy could be seen from the report written by the International Committee of Red Cross, we could see that the ICRC itself has given a massive care towards the people of CAR, which could be seen from the table below that the ICRC has given protection, assistance, prevention and cooperation with the national societies. Based on the implementation rate we could see that on the expenditure and yearly budget is already in 89%, which is big because it is more than 50%. The personnel include in the ICRC strategy and movements are around 450 people. As the yearly result for all of the ICRC strategy and movements, we could see that the achievement level of the ICRC in the CAR is high.

<table>
<thead>
<tr>
<th>Expenditure</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection</td>
<td>4,213</td>
</tr>
<tr>
<td>Assistance</td>
<td>28,458</td>
</tr>
<tr>
<td>Prevention</td>
<td>3,223</td>
</tr>
<tr>
<td>Cooperation with National Societies</td>
<td>2,756</td>
</tr>
<tr>
<td>General</td>
<td>182</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>38,831</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Implementation Rate</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditure/ yearly budget</td>
<td>89%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Personnel</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile Staff</td>
<td>83</td>
</tr>
<tr>
<td>Resident Staff</td>
<td>367</td>
</tr>
</tbody>
</table>

*Table 2 : The Level of Achievement of the ICRC in CAR.*
The International Committee of Red Cross has been helping people in the Central African Republic which cope with the effects of conflict and other situations of the violence. The ICRC is going to carrying out some of its activities with the Central African Red Cross Society. The ICRC also give the logistical and security constraints arising from the incidents of communal violence and preparations for elections affected the implementation of the ICRC’s activities in some areas.

The ICRC is maintaining their efforts to help prevent the abuses by encouraging their respect over the International Humanitarian Law and broadening support for humanitarian action among weapon bearers, such as Central African soldiers, gendarmes and policeman, as well the members of armed groups. The ICRC through dialogue try to remind those groups about their obligation which are to protect the civilians, including the medical personnel, facilitate people’s safe access to medical and humanitarian aid as well to prevent the sexual violence happened in the region.206

IV.4.1. Victims of the Sexual Violence receive care within 72 hours of their assault

The ICRC is giving their services towards the victim of sexual violence availed themselves of the services offered by the two ICRC-supported clinics; at these clinics and at a counseling centre in KagaBandoro, more than 292 victims of sexual violence received psychological support from the ICRC-trained counselors.207 The counseling session is very important for the victims due to the fact that there are consequences which particularly the importance of post exposure prophylactic treatment for victims of sexual violence within 72 hours of an assault, at the ICRC information sessions. These efforts has increased 78% rather than last year which is only 38%, on the supported facilities received care within the 72 hours of their assault.

207 Ibid.
IV.4.2. Urban and rural communities have more reliable water supply

Around 615,000 people in urban areas has a better supply of safe water after local authorities upgraded infrastructure and treated their water supply with the support from the ICRC. This support include the water treatment chemicals, work progressed on projects set to similarly benefit people in Bangui. There are also 68,200 people whom live in the rural and semi-urban areas had more clean water for their household consumption and livelihood purposes after wells and pumps were constructed and repaired by the ICRC and maintained by the Central African Republic National Societies.208

IV.4.3. The displaced people meet their basic needs with emergency aid from the ICRC

There are around 72,700 people had more clean water after the ICRC trucked it in and repaired the facilities in the site of the Central African Republic. They also now could have access to latrines maintained by the ICRC, and learnt more about good hygiene practices at National Society Information sessions. The people of CAR now could received the food rations (1,445 households, 7,225 people) and essential household items (52,300 people) to help them meet their immediate needs, among them around 330 households (over 1,500 people) who had returned to their place of origin and rebuilt their homes using the ICRC provided shelter materials.209

209 Ibid.
Table 3: Number of Assistance by the ICRC.

<table>
<thead>
<tr>
<th>ASSISTANCE</th>
<th>2016 Targets (up to)</th>
<th>Achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>CIVILIANS (residents, IDPs, returnees, etc.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Economic security (in some cases provided within a protection or cooperation programme)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Food commodities</td>
<td>Beneficiaries</td>
<td>113,970</td>
</tr>
<tr>
<td>Essential household items</td>
<td>Beneficiaries</td>
<td>40,000</td>
</tr>
<tr>
<td>Productive inputs</td>
<td>Beneficiaries</td>
<td>90,500</td>
</tr>
<tr>
<td>Cash</td>
<td>Beneficiaries</td>
<td>65</td>
</tr>
<tr>
<td>Water and habitat (in some cases provided within a protection or cooperation programme)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water and habitat activities</td>
<td>Beneficiaries</td>
<td>632,500</td>
</tr>
<tr>
<td>Health</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health centres supported</td>
<td>Structures</td>
<td>5</td>
</tr>
<tr>
<td>WOUNDED AND SICK</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospitals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospitals supported</td>
<td>Structures</td>
<td>2</td>
</tr>
<tr>
<td>Water and habitat</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water and habitat activities</td>
<td>Number of beds</td>
<td>643</td>
</tr>
<tr>
<td>Physical rehabilitation</td>
<td>Projects supported</td>
<td>Projects</td>
</tr>
</tbody>
</table>

Table 4: Number of Protection by the ICRC.

Based on the data above we could see, how much had been done by the ICRC, on the economy security, water and food, all the actions to maintain the wounded and sick, like the hospital and
habitat, and also the protection of the people in the Central African Republic as well the restoring freedom of the people in the Central African Republic.

Picture 5: Unloading of Humanitarian aid essentials for displaced people at Mbella Camp.

Picture 6: Access to the basic necessities of life, including food, water, shelter, and medical care are critical for displaced people residing in refugee camps.
Picture 7: At Lazare camp, the installation of water pumps ensures people have access to safe water.

Picture 8: The ICRC distributes rations, assess the nutritional status of children, and distributes food supplements. In severe cases, the ICRC hospitalizes the children.
IV.4.4. Wounded and Sick: Wounded patients undergo emergency surgery at Bangui hospital

Critically wounded and ill patients were treated at Bangui community hospital, where the ICRC surgical teams that performed 879 operations. Over 140 wounded people were evacuated to the facility via an ICRC plane; 289 of the patients treated at the hospital had weapon wounds. The hospital in the CAR has improved its services with the ICRC technical and material assistance. It set up a room for stabilizing patients in the critical condition, and developed the procedures for managing these patients. They also did the staff training which could basically helped to improve the hospital’s waste management system, as well replenished its supply of safe blood for transfusions. As well to upgrades the electrical system ensured a more reliable power supply, and support for the maintenance team helped them respond promptly to specific problems.  

IV.4.5. Malnourished children are treated at an ICRC-run therapeutic feeding unit

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210 Central African Republic
The ICRC resumed its support (suspended in October 2015) to KagaBandoro hospital after signing an agreement with hospital authorities in April 2016. It provided drugs and other medical supplies, and covered financial incentives for staff and other costs, with a view to ensuring free health care for patients. The hospital’s pediatric department increased its capacities to treat sick and malnourished children with help from ICRC-backed infrastructural improvements and other assistance. Nearly 350 children were treated at the ICRC’s temporary therapeutic feeding unit in KagaBandoro (see Civilians); they were referred to the hospital after completion of the facility’s upgrades. Patients and staff at Ndele prefectural hospital had a more sustainable supply of clean water after the ICRC constructed a well on hospital premises.211

The Central African Red Cross Society continued to carry out its work, and develop its operational and managerial capacities, with material, financial and technical support from the ICRC. In particular, its staff members and volunteers learnt more about restoring family links, preparing for and responding to emergencies, and fostering awareness of and respect for IHL. The National Society distributed household items to people affected by natural disasters and, during the election period, put ICRC-trained first-aid teams on standby to tend to wounded people. With ICRC support, it assisted the government in evacuating casualties and managing human remains. National Society branches coordinated with headquarters which particularly in emergency response and constructed or renovated office spaces with ICRC help. The National Society incorporated elements of the Safer Access Framework in training for its staff. Regular meetings and bilateral dialogue helped ensure effective coordination between Movement components. The National Society presented a five-year strategic development plan to Movement partners and, with the ICRC, reviewed joint activities and defined priorities for action.

211 Ibid.
CHAPTER V
CONCLUSION

Central African Republic has become one of the most conflicted region in the world, due to the fact that there is non-international armed conflict in the region. The region was known for the conflict between the Seleka and Anti Balaka. The clashes between Anti-Balaka and Seleka began in March 2013 which led to a reprisal attacks in the region. Anti-Balaka and Seleka has engaged in raping, killing and looting which has caused the entire world to notice Central African Republic. The attack itself has increased the number of victims in the Central African Republic as about 1,000 people died in Bangui alone. We could stated that the conflict that happened in the Central African Republic is one of the violation towards human rights.

Because of the armed conflict there are a lot of people suffering from the violence of human rights in the region. Many people need to get their needs and human rights back in the Central African Republic. From the economy, politics, food security, everything has been taken from the people of the Central African Republic. The purpose of the presence of Seleka and Anti Balaka in the Central African Republic is to bring down the government of the CAR itself, because they believe that the government of CAR had created a chaotic environment for the people in the CAR.

The conflict is not only about the conflict between CAR people and CAR government. But it is also about the political tensions between the two rebel groups (Seleka and Anti Balaka) and their needs to fulfill the economic aspects as their way to increase their position and existence in the Central African Republic. What have been done by those rebel groups to maintain their existence in the CAR, are killing the people in the region, smuggling the minerals out of the Central African Republic, and many other violences towards the people in the Central African Republic.

The humanitarian assistance is very important for the people of the Central African Republic. It is basically not only for the people in the CAR itself, but also for the people in their neighboring countries. Because as the writer has explained, the conflict in Central African Republic has increased the number of victims due to war and conflict in the region. The need of humanitarian assistance in the region is higher than before.

Thus in order to maintain the humanitarian assistance and the security of the Central African Republic, the United Nations and the International Committee of the Red Cross have increased their presence and influences in the Central African Republic. Based on the legal
policy like the UDHR and IHL the ICRC would give more influence in the Central African Republic. Thus based on this research, the implementation of the ICRC actions and strategy in the CAR could actually maintain the humanitarian assistance of the people in the Central African Republic. Even if the implementation is could be said as a success, but the process is still ongoing until now. The ICRC always gives the report to the public each years.

The movements are the victims of the sexual violence receive care within 72 hours of their assault, urban and rural communities have more reliable water supply, as well the wounded and sick, in which is about the wounded patients undergo emergency surgery at the Bangui hospital. It is always about the ICRC helping the people of the international system especially in the Central African Republic.

What they need to do is first strengthen the ICRC’s capacity to protect through law, operations and policy. Which is all about aligning the ICRC initiatives and contributions in the terms of IHL development, clarification and implementation with a focus on overcoming protection challenges. They also need to strengthen and systematize the protection dimensions in assistance and prevention activities as well build synergies around priority themes across the ICRC’s programs.

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The ICRC needs to contribute to a more significant response by the movement to large-scale emergencies, by enhancing joint planning between the ICRC, National Societies and the International Federation of Red Cross and Red Crescent Societies for humanitarian response. As well provide support to National Societies in the fields of capacity building, security management, communication and fundraising to enhance the panning, coordination and management of humanitarian operations in accordance with Movement decisions. The last is the ICRC needs to strengthen partnerships with selected National Societies in line with the ICRC’s mission.
So, Humanitarian Assistance done by International Committee of the Red Cross’ in the Central African Republic, between the year of 2013-2017 has going so well but still need more improvement in some sector to help build Central African Republic to be better.
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Website


Expressed in Art. 2 (4) of the UN Charter: “All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the Purposes of the United Nations”…. (n.d.).