ANALYSIS OF CONFLICT ON THE FEMALE GENDER IN NIGERIA AND THE HUMANITARIAN INTERVENTION

By

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ABSTRACT

This research delves into the profound impact of conflicts on women and children, with a specific focus on the North Eastern region of Nigeria. Conflict situations disrupt the lives of women and children in numerous ways, leaving them vulnerable to physical, emotional, and economic hardships. This study aims to shed light on the role played by the International Committee of the Red Cross (ICRC) in mitigating the vulnerabilities faced by women and children during and after conflicts. It also evaluates the effectiveness and sustainability of post-conflict rehabilitation strategies.

The research employs a qualitative methodology, incorporating focus group discussions, in-depth interviews, and key informant interviews with various stakeholders, including community leaders, religious leaders, and members of humanitarian organizations. The study population comprises individuals affected by conflicts in five states within the North East region of Nigeria.

The findings of this research will contribute to a deeper understanding of the multifaceted challenges faced by women and children during conflicts and the crucial role of international humanitarian organizations like the ICRC in alleviating their suffering. Additionally, it explores the need for greater awareness and adherence to international humanitarian law to protect the rights and dignity of vulnerable populations in conflict zones.

KEYWORDS:

Conflict, Women, Children, Humanitarian Intervention, International Committee of the Red Cross, Vulnerability, International Humanitarian Law, North Eastern Nigeria

Background to the Study

When one thinks of an African woman, the picture that appears in one's mind is that of a woman carrying a basket of fruits on her head; a picture of a pregnant woman holding her small children in both hands, with another queue of children behind her, with a company of elders and extended family following her. It is not possible for such a woman to be free in today's world bedeviled with conflict. The African woman is unable to escape in situations of conflicts and danger because she cannot leave her children behind.

According to Adeniyi (2002), political conflict results in varying degree of atrocities whether isolated elimination of opponents or widespread arson, looting and killing are stories of woe to tell. Each time a man is gunned down, a breadwinner is eliminated. Some children become fatherless, a woman become a widow and a family head which is ill prepared for. Each time a business concern is set ablaze, the economic life of the woman is in jeopardy. Each time a political conflict lead to violent clashes, woman social life psychological wellbeing are affected. Some may even suffer psychological injury. Conflict is not gender neutral. It is entirely a gendered phenomenon (Fowler, 2002; McGuire, 1998B). Male youths and men commit much of the conflicts throughout the world. Males are the center of political tussles. The killings and destruction reported from different political conflicts results from men quest for power. Male formulate and finance conflict bit women bear most of the brunts, male are usually the target of attack in political conflict. Male fight, they kill and get killed leaving their widows, offspring and mother behind. Male folks maim and get maimed, saddling women with the responsibility of nursing both the wounded and the young ones and assuming the post of family headship for which they are unprepared. Conflict leaves social, physical and emotional devastation of women.

Social: Women are known to score higher than men on measures indicating for more intimate and informal social ties. When they are stressed up, they prefer being with others. Women enjoy receiving social support from friends and families. However, conflict disrupts social relationship. Women are separated from family members while fleeing conflicts during conflict in Nigeria. Husband usually send their wives and children to their home states while they review conditions in the troubled zone. Such separation may be made permanent, thus robbing the woman of the joy of raising children in an intact family. Social life is interrupted if women have to move out of the environment. Even if they remain in the same environment, social relationship is broken because fear, suspicion and mistrust make it impossible to enjoy a cordial relationship with neighbours and colleagues. Fears and hatred remain deeply embedded in the social fabric and women have more to lose when these persist.

Physical: Women suffer physical damages during crises. Death, permanent disabilities, miscarriages, broken limbs, cuts and bruises usually occur among women. Women lose home, property and businesses to the enemy. Women's economic resources are usually badly affected, as they have to leave their jobs or economic base to escape a conflict zone. Getting economic activities started in a new environment is always difficult.

Women usually account for a high proportion of persons in refugee camps, which include police, barracks, army depot and schools. Three quarters of the world's refugee camps are women and their dependents (UNIFEM, 1993 & 1994) and they are more vulnerable to hardship. Refuges are confined to overcrowded camps in dismal conditions. The hardships faced by Women in camps meant for their asylum are well documented. For instance writing on the plight of women UNIFEM (1994: 6) notes that refugee settlements are.

Emotional: The unpleasantness of crises takes toil on women's Emotions. Mourning the dead, nursing the wounded and the youngare emotionally stressful conditions, which women must cope with.

The fear of assuming household headship for which they are ill prepared create hurt, pain and anger. These complex emotional reactions further complicate family life, Emotional stress alters ability ofwomen to care for their children and war stress increases familyviolence. Women's economic and social resources are drasticallyreduced with implication fortheir health. Fear and uncertainty overthe future often create posttraumatic stress. All these reactions cause depression, a condition that was found to be the leading causes of diseases bureden among women in both developed and developing region of the world (Keita, 2002). The disruption of social networking further complicate women physiological condition as they may have no one to lean on.

According to Mugabe (2003:45), during the two major wars in Mozambique, the women were caught helplessly in the crossfire because of the heavy burden of looking after their children and other members of their families. Children hinder the escape of their mothers and thereby mothers and children become victims of conflict and are exposed to the same amount of danger.

Mugabe quoted a part of Graca Machel's speech in her 1996 report to the Secretary General of the United Nations, on the impact of armed conflict on women and children.

> Later I joined the armed struggle. I had all the inexperiences and fears of a little girl. I found out that girls were obliged to have sexual relations with combatants. There is great pain in my being when I recall these things. They abused me; they trampled on my human dignity. And above all, they did not understand that I was a child and I had rights. (Mugabe 2003:45).

This is a statement from a little girl and it is quite similar to the stories being reported by many women exposed to situations of armed conflict all over the world. Conflict and emergencies tear families apart, bringing with them the risk of exploitation, abuse, disease, hunger, insecurity and death. Everyone suffers in conflict situations. Women and children are subjected to special kinds of violence and abuse. Men often flee from villages and seek refuge in towns where security is provided by government forces. On the other hand, women are left with children and are unable to leave them unattended. Women therefore become heads of households but have little or no access to food, services and other basic needs. To compound matters, women are subjected to rape by both rebels and government forces. Rapes are carried out in public in the presence of their husbands, children and extended families. Women are forced into having sexual relations with unknown men, threatened with guns and other weapons. At the end of the day, their own families reject them on the grounds that they have slept with soldiers. (Mugabe 2003:45). They become victims of physical violence from the forces and psychological violence from their families.

Statement of the Problem

It was the suffering of children in conflict that prompted the founding of the United Nations International Children's Emergency Fund(UNICEF) in 1945. It is also the suffering of women in conflict situations that brought about the founding of gender associations (UNIFEM 1945) all over the world to draw the attention of governments, the clergy, NGOs, philanthropists, academics, and so on to the plight of women. In conflict and conflict situations, women and children are often the targets and victims of all kinds of atrocities committed by the combatants. These include but not limited to the following

Sexual violence and systematic rape: This is the most cruel aspect of the impact of conflict on women and children. Sexual violence brings about the injuring of girl-child's vagina by aggressive deranged adult males combatants who take undue advantage of the conflict situation and lawlessness to carry out their wild sexual urge. This leaves the women and children at the mercy of humanitarian organizations. These women and young girls become susceptible to unwanted pregnancies, injured and tsa the boys mostly are conscripted as child-soldiers and sometimes violated by homosexuals using the combatants .

Family separation and disintegration: The sudden disappearance of a husband as a result of conflict or conflict leaves the woman to assume household headship without the prerequisite materials for such responsibility. She begins to undergo all sorts of inhuman experiences, sometimes prostitution, so as to be able to cater for herself and the children. The insecurity created by this disintegration subjects the woman to psychological torture and often times leads to multiple illness and trauma. All these compound a more dangerous situation for the helpless women and children, their needs at the conflictand after conflict which brings the ICRC service in place (Adejoh, 2007).

Poverty: This is monumental in the case of conflict. Displacement and loss of property result in poverty. The consequences are grievous. Poverty among women is what the international community and the World Bank highlight in handouts and seminars because of the central role women play in most communities. Such role as family headship which is thrust on the women is often created by conflict and conflict. It exposes the women to terrible acts like robbery, killing and so on, including other vices enumerated above. Poverty in itself is insecurity associated with "joblessness". These are some of problems associated with women and children in conflict and conflict and the role of international humanitarian law at alleviating these problems. These are problems among others, that confront, women and children, which the international community have to grapple with, needing the assistance of humanitarian organizations (Adejoh, 2007).

Research Questions

i.   What role does International Red Cross play in coping with the vulnerability of women and children for admission during conflict period?
ii. What are the programs of the International Red Cross in rehabilitating women and children during the conflict?
iii. To what extent are post-conflict strategies of rehabilitating women and children from the long term impact of conflict sustainable?
iv. Is there any applicability and compliance of the international norms by the States and non-state actors during conflict?

Objectives of the Study

This involves addressing issues that culminate into political conflict. The main objective of the study is the impact of conflict on women and children and the role of international committee of Red Cross: the case of North Eastern Nigeria. The specific objectives are to:

i.   Examine the role of international Red Cross in coping with the vulnerability of women and children for admission during conflict period.
ii. Investigate the program of the International Red Cross have in rehabilitating women and children during the conflict.
iii. Evaluate the post-conflict strategies of rehabilitating women and children from the long term impact of conflict.

iv.   Assess the applicability and compliance of the international norms by the states and non-state actors.

Justification of Study

Political conflict must not be seen in isolation, conflict are complex and mullet-leveled events, several conflict that are entwined with one another usually culminate into political conflict. The multi-dimensional nature of violent conflict suggest the need to resolve other conflict, are part of which arise from feeling or marginalization. There is a need to protect the right of vulnerable are marginalized groups (DFID, 2004).

The International Committee of the Red Cross role has a major role on impacting armed conflict on women that cannot be ignore. Women are the most affected in many ways by conflict. Yet their plight does not receive the attention it deserves and the law which protects them is frequently not observed. The ICRC has been playing its humanitarian role to change that situation. With the ICRC activities, there is need for greater awareness, awareness of the problems women and children face in armed conflict and to ensure that the protection afforded by humanitarian law becomes more recognized and enforced.

LITERATURE REVIEW

Conceptual Review on Conflict

From report on conflict assessment and conflict analysis by DFID (2002:12) the following political variables were identified as contributing to conflict:

Weakly institutionalized/unrepresentative

political system, lack of independent

judiciary, lack of independent media

and civil society.

Corruption, weak political parties,

lack of popular participation and

gender imbalance in political and

governance processes, flawed

election processes, political exploitation

ofethnic religious differences,

systems of managing conflicts

weakly developed, weak and

uncoordinated international engagement,

destabilizing role by
diaspora population.

Within the Nigerian federation, these are reflected in various conditions that threaten democracy. Politics in Nigeria are played along ethno-religious lines, the effect is inability to trust people with different views. People feel noobligation to cast their votes for anyone outside their ethnic or religious group, no matter how suitable the aspirant may be. Membersof each group therefore welcome any move that can place their representative in power. There are always ganging ups and formation ofalliances for the sake of perpetuating their position in leadership.

Sections of the country always entertain the view that they havebeen marginalized in the political process. The marginalized groupsentertain the fear that their interest will not be protected until theirown people have access to power. When agitations, lobbying andalliances fail, such groups can resort to violence.

Unwillingness of people to quit their posts even when all their wisdom and tricks have been exhausted describes the sit – tight Syndrome which plagues politics in Nigeria and some other African nations. Once people taste the affluence of leadership, they want toperpetuate themselves. Edwards (1998) argues that those in position of leadership, in their quest for safety, often exhibit evidence of an excessive fearof change and of a future different from their real or imagined past where all was certain and secure. They appear to bedesperately trying to preserve the benefit of leadership for themselves and their families. This explains the clamour for re-electionand why past leaders metamorphose from military khaki to civilianrobes in order to rule the country again. The trouble leaders foment to remain in power is well understood by Nwolise (1997) who stresses that those who benefit from violent conflicts are leaders who used the opportunity to arrest and jail or eliminate their opponents. They can also use the period to consolidate their position. in fact some leaders spread fear through falsification of information as a means of achieving their selfish ends.

Conflict by definition consists of killing or deliberately going out to shedding the blood of ones fellow humans . Now shedding blood and killing are activities which no society not even a society of barbarians can tolerate unless they are carefully circumscribed by rules that define what is, and is not allowed (Fresard, Jean-Jacques. 2004)

> In 2010, the United Nation (UN)Secretary General, in his report to the United Nations Security Council (UNSC) on the protection of civilians in armed conflict, stressed the need for "a comprehensive approach towards improving compliance with the law" by armed non-State actors. He stated that: Improved compliance with International Humanitarian Law and Human Rights Law will always remain a distant prospect in the absence of, and the need for, systematic and consistent engagement with non-state armed groups. Whether engagement is sought with armed groups in Afghanistan, Colombia, the Democratic Republic of the Congo, the occupied Palestinian territories, Pakistan, Somalia, the Sudan, Uganda, Yemen or elsewhere, experiences show that lives can be saved by engaging armed groups in order to seek compliance with international humanitarian law in their combat operations and general conduct, gain safe access for humanitarian purposes and dissuade them from using certain types of weapons (UN Report. 2010).

In conflict, opposing parties engage in a range of activities, including battles, skirmishes, strategic maneuvers, and the deployment of military forces. The primary goal is to defeat the enemy, gain control over territory or resources, or achieve political, ideological, or economic objectives. Conflict can be fought on land, at sea, in the air, or even in cyberspace (ICRC 1975).

Conflicts can vary in scale and duration. Some conflicts involve localized clashes or insurgencies, while others span entire regions or involve multiple countries, in what is known as a multinational or worldconflict. The intensity of warfare can also vary, ranging from low-intensity conflicts with sporadic violence to high-intensity conflicts with large-scale military operations.

The causes of conflict are diverse and complex. They can include political disputes, territorial conflicts, economic interests, religious or ethnic tensions, ideological differences, or the desire for power and influence. Sometimes, the outbreak of conflict is triggered by a single event, such as an act of aggression, an assassination, or a violation of international agreements. In other cases, long-standing grievances or unresolved conflicts can lead to a gradual escalation of tensions that eventually culminate in armed conflict.

Conflicts have profound and far-reaching consequences. They result in the loss of human life, both military personnel and civilians, and cause immense physical and psychological suffering. Infrastructure and cities are often destroyed, and the environment severely damaged. Conflicts also lead to large-scale displacement, with people forced to flee their homes as refugees or internally displaced persons. Economically, conflicts can disrupt trade, damage infrastructure, and burden societies with the costs of reconstruction (Alubo, 2005).

Efforts to prevent conflict and promote peace include diplomatic negotiations, international treaties, and agreements, as well as the establishment of institutions like the United Nations. Diplomacy and conflict resolution techniques aim to resolve disputes through peaceful means, foster dialogue, and find mutually acceptable solutions. Additionally, arms control measures and disarmament initiatives seek to limit the proliferation of weapons and reduce the potential for conflicts to escalate into full-scale conflict.Yet in the context of modern warfare of the 21st century, the practice of engaging nonState actors to ensure more comprehensive compliance with International Humanitarian Law is often thwarted by the distorted perception that (IHL 2007) cannot, or should not be applied in all situations of armed combat. But what is the reason for this phenomenon, and how can it be discontinued and further prevented? What are the real-life challenges to compliance with IHL in combat, and how can they be overcome? While the answers to these questions may not provide any panacea, however, it is the aim of this paper to outline some of the most foreboding threats to the effective practice of International Humanitarian Law in the current era, It will stress the necessity for impartial engagement with the fastest growing type of belligerent in armed conflict: the non-State actor.

Most articulately stated, International Humanitarian Law (IHL), also known as the Law of Armed Conflict or the Law of Conflict, "is the body of rules that, in wartime, protects persons who are not or are no longer participating in the hostilities; and seeks to limit the methods and means of warfare while preventing human suffering in times of armed conflict (ICRCS, 2005).

The principal instruments of IHL are the four universally ratified Geneva Conventions of 1949 as well as the three Additional Protocols of 1977 and 2005. They stipulate that civilians and wounded or captured combatants must be treated in a humane manner (ICRC, 2005:15).

While the term *jus ad bellum* refers to the set of lawful criteria considered before engagement in war, *jus in bello* is the law that governs the way in which warfare is conducted, irrespective of whether or not the cause of conflict is just (Schmitt& Michael, 2007).

In the laws of conflict, principles of distinction, proportionality, and necessary precaution for minimal effects on civilians are essential to the way in which armed forces may participate in combat (SIT, 2013).

Accordingly, IHL focuses on governing how military operations may take place, instead of the legality for the reason of why they take place. In addition to formally adopted legislation of IHL, the rules of customary international humanitarian law are norms based on human rights that are considered to be binding, even for states who have not officially ratified the Additional Protocols. (Mack, Michelle. 2008).

Furthermore, IHL distinguishes between two types of armed conflict— international armed conflicts (IACs) fought between at least two States, and non-international armed conflicts (NIACs) that do not involve two States as opposing parties to the fighting—in order to extend its jurisdiction to as many instances as possible, so it may reduce humanitarian violations at all levels of armed conflict (ICRC 2008).

The Lieber Code

The 19th century marked an era of intense codification of IHL. The excessive casualty rates during the French Revolution, the continuous outbreak of conflicts between newly conceived "states", and technological advancements in the science of lethality spurred the international community's efforts to restrict conflict practices (Jochnick, Chris and Roger Normand, 1994). Political leaders and jurists felt that compliance with IHL, and hence fewer casualties, would result if laws were codified (Kalshoven, Frits. 1987). Prevailing thought was that ambiguity in customary international law produced many of the atrocities that occurred (Kalshoven, 1987:7). This ambiguity could be minimized by writing laws down in treaty form with states publicly acknowledging their commitment to them (Kalshoven, 1987:7). Codifying IHL would also allow fighters to operate under a common framework rather than the differing rules that were the subject of the previous section.

The Lieber Code amounts to the first attempt by a Western state to codify IHL (Hartigan, Richard Shelly, 1983). It is considered "a concise and careful rendering of international legal theory and practice up to Lieber's time," (Hartigan, 1983:15). Drawn up by Columbia University political science professor Francis Lieber, at the request of President Abraham Lincoln, the 1863 General Orders No. 100 (the Lieber Code's more formal appellation) tackled the question of how to discern permissible and impermissible targets vexing military officials during the U.S. Civil Conflict (Kinsella, Helen M, 2005). Article 21 of the Lieber Code states: The citizen or native of a hostile country is thus an enemy, as one of the constituents of the hostile state or nation, and as such is subjected to the hardships of the conflict (U.S. War Department, 1863).

1864 and 1906 Geneva Conventions, St. Petersburg Declaration and 1907 Hague Convention

The focus on fighters, compared to non-fighters, as evidenced in the Lieber Code also manifested in subsequent IHL treaties like the Geneva Conventions of 1864 and 1906. (Johnson, 2000:431). This characteristic trait of IHL treaties would continue until the 1949 Geneva Conventions. While these early Geneva Conventions focused on the treatment of wounded and sick fighters, they merit discussion on the topic of the distinction principle for their connection to the International Committee for the Red Cross (ICRC), an instrumental player in the realm of IHL. The 1864 and 1906 Geneva Conventions were the products of the efforts of Henri Dunant, the founder of the ICRC (ICRC, 2008). Dunant was moved by the suffering of wounded soldiers he came across in a battlefield near Solferino, Italy during the Battle of Italian Unification in 1859. Unable to forget the battlefield images

seared into his memory, a few years later Dunant wrote A Memory of Solferino, a huge success particularly among contemporary influential elites. It generated a movement to improve the treatment of fighters during armed conflict. This movement was inclusive of all fighters, regardless of religion, a departure from previous *jus in bello* practice (Cockayne, 2002:600). A year later, on the basis of the arguments presented in his book, Dunant and others formed the ICRC (ICRC, 2008). Within a year of its founding and with the help of the Swiss government, the ICRC organized a diplomatic conference which would give birth to the first Geneva Conventions in 1864 (ICRC 2008). Thus began the era of modern IHL.

Through the ages, communities have created humanitarian rules of one kind or another, limiting the evils of conflict and protecting its victims. No period in history, and no civilization, can take sole credit for the 'invention' of humanitarian law. That being said, Solferino was unquestionably the inspiration for modern humanitarian law, enshrined in treaties, having a secular basis and aspiring to universality…"(Bugnion, 2003:4). This practice of convening international conventions after the identification of gaps in existing IHL or its implementation became the method by which the ICRC promulgated IHL development (Provost, 2007:642).

James Brown Scott, U.S. delegate to the Conference, recounts Chairman de Nelidow's announcement at the start of the conference.

> This task, gentlemen, as outlined in the program of the Conference and accepted by all the governments, is composed of two parts. On the one hand, we are to seek the means of settling in a friendly manner any differences which may arise among the nations, and of this preventing ruptures and armed conflicts. On the other hand, we must endeavor, if conflict has broken out, to mitigate its burdens both for the combatants themselves, and for those who may be indirectly affected. I was told, 'the peoples waging it must feel its full weight so that they will seek to put an end to it as soon as possible and not desire to resume it's. This idea, gentlemen, seems absolutely fallacious to me (Scott, James Brown. 1909)

Pursuant to this goal, the delegates of the Hague Convention produced and adopted the 1907Convention No. IV, Respecting the Laws and Customs of War on Land and the Regulations Respecting the Laws and Customs of War on Land.

In accordance with the humanitarian spirit of the Convention, Article 22 of the Annex to the Convention famously declared, "the right of fighters to adopt means of injuring the enemy is not unlimited" (1907 Hague Conventions, Article 22). It also adopted a universalist orientation: the Conference officially declared a secular approach to its humanitarian ideals (Cockayne, 2002:608). However, much like the Lieber Code and the first Geneva Conventions, the Hague Convention focused disproportionately more on fighters than on civilians (Jaworski, 2003:180). "The central problem plaguing the lawmakers at The Hague was most emphatically not about the protection of civilians but defining what types of combatants the laws were to cover" (Nabulsi, 2001). For instance, it offered a definition of belligerent without similar treatment of "civilian." The Hague Conventions did provide a general list of protected persons (Turner, 2000:431). This list included combatants rendered *hors de* combat, residents living in undefended centers of population, and in occupied territory, those that did not bear arms or engage in espionage (Turner, 2000:431).

1949 Geneva Conventions

World War I and World War II had a profound impact on the development of "the distinction principle", primarily because so many civilians died during the course of them. One of the reasons for the heavy civilian casualties during the two World Wars is tied to the blurring of the line distinguishing permissible from impermissible civilian targets. During the World Wars, civilian workers in military installations, the wide exercise of voting rights in democracies on the conflict path, and the merging of the home-front and the front-lines broke down the more definitive line separating fighters from others present in previous conflicts, and led many to make broad based arguments that contributing to the conflict effort amounted to hostile acts (Hayashi, Mika Nishimura, 2005). William Ford explains: "Hardly a century ago was conflict a matter involving but small numbers of people. The situation changed when national consciousness and democracy began to develop… Sir Winston Churchill said, 'When democracy forced itself upon the battlefield, conflictceased to be a gentlemen's game" Quoted in Nabulsi (2001:11). Essentially, they argued for an expansion in who was conventionally considered a permissible civilian target (van der Wolf, Rene and Willem-Jan van der Wolf, 2004:299). In fact, some argued that permissible civilian targets included anyone who had the misfortune of finding herself within the zone of hostilities (Alexander, 2007:365).

Consequently, the Geneva Conventions, specifically the Fourth Geneva Convention of 1949, recognized civilians as a distinct category under IHL which came with rights and obligations no longer contingent on reciprocity (Nabulsi, 2001:19). "Civilian" in this context differed semantically from previous usage of the term (Alexander, 2007:361). Common Article 3 of the Geneva Conventions states the most basic minimum rules applicable to protected persons (1949 Geneva Conventions, Common Article 3(1), 1949):

> …each Party to the conflict shall be bound to apply, as a minimum, the following provisions: (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture. The distinction principle, as embodied in the Geneva Conventions, differentiated between those who take no active part in hostilities and those who do, with the former being impermissible targets. The basis of this distinction can be traced back to Chivalric codes discussed in the previous chapter in which protection was offered to those who did not enter the knights' exclusive realm of warfare (Nabulsi, 2001:16).

The Geneva Conventions would also expand the jurisdictional base of IHL to include non-international conflicts, continued further by Additional Protocol II(Kleffner, 2007:324). For example, the Geneva Conventions apply to undeclared wars between parties and powers (including non-state actors), occupations and those not a party to the Conventions (1949 Geneva Conventions, Articles 2 and 3). Consequently, IHL protections like the civilian immunity norm, once limited to international conflicts, now governed conflicts and protect victims once without redress because they fell under the sacrosanct domain of sovereignty (Bugnion, 2006:42).

1977 ADDITIONAL PROTOCOLS TO THE GENEVA CONVENTIONS

Much like the evolution of IHL in response to the World Wars, global events continued to influence the development of the distinction principle in codified IHL. As a result of the tremendous loss of life during the Vietnam War, as well as liberation struggles in the post-colonial era, the ICRC recognized the need for revisions to the 1949 Geneva Conventions(Hayashi, 2005:112). Consequently, in 1968 the ICRC commenced a new effort to reaffirm and update IHL (Wilson, Heather, 1988). The reaffirmation of the distinction principle possessed particular importance to the ICRC since the community of states had expanded significantly in the post-1949 Geneva Conventions era (Greenwood, Christopher. 1999). The ICRC wanted to ensure these new states bound themselves to IHL (Greenwood, 1999:6). However, these new states did not want to pledge their commitment to laws they had no hand in drafting (Bugnion, 2003:320).

Therefore, the ICRC initiated efforts to revise the 1949 Geneva Conventions. The Additional Protocols of 1977 (APs) were a product of such activities. They were adopted during the Diplomatic Conference on the Reaffirmation and the Development of International Humanitarian Law Applicable in Armed Conflict, held in Geneva from 1974 to 1977 (Meurant, 1987:243). More than one hundred countries attended the conference (Gasser, Hans-Peter. 1987). It is no small feat that with this many in attendance the APs were adopted by consensus. Kalshoven (1987:71) The APs in essence merged the Law of The Hague and the Law of Geneva and supplemented Geneva Convention protections (Meurant, 1987:240).

Despite the discord produced by the diversity of perspectives present, the AP convention did manage to produce a treaty that continued the development of the distinction principle. The extensive protections offered to civilians differentiate the APs from other IHL treaties. (Kinsella (2005:173). Wright, 1991). Aldrich endorsed this view affirmed that, the Protocol is, without any doubt, the most important treaty codifying and developing international humanitarian law applicable in armed conflicts since the four Geneva Conventions of 1949.And it is the first such Treaty since 1907 to deal with methods and means of warfare and the protection of the civilian population from the effects of warfare (Aldereich, 1991).

Consequently, AP II fails to clearly lay out the core elements of the dominant distinction dichotomy. It does echo the distinction principle as expressed in AP I; Article 13, AP II mirrors Article 51, §3, AP I by stating civilians lose immunity from attack for "such time as they take a direct part in hostilities" (Article 13.3, Additional Protocol II). Both APs resemble language in Common Article 3 (1) of the Geneva Conventions. However, the less developed nature of AP II leads Frits Kalshoven to conclude that "provisions on the protection of the civilian population… hang somewhat in the air" (Kalshoven, 1987:143).

Permissible targets are those that further a military objective and confer a definite military advantage. Article 52 (2), AP I address military objective and military advantage; thus …military objectives are limited to those objects which by their nature, location, purpose, or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage (Article 52(2), Additional Protocol I). Permissible targets include combatants and civilians who directly participate in hostilities (Fenrick, 2007:334). Military necessity trumps blanket civilian protection: "The direct participation rule represents a paradigmatic example of this dynamic in that attack is permitted against civilians only in the face of clear military necessity where those civilians are so harming the enemy…. that withdrawal

of their protection from attack is merited" (Schmitt, 2010). Consequently, the meaning of direct participation holds the utmost importance to the current civilian protection regime.

Continued Ambiguity in the Distinction Principle

As the above overview demonstrates, the civilian immunity norm imposes certain obligations upon belligerents toward civilians within the context of armed conflict. One such obligation is to distinguish between permissible and impermissible targets. Belligerents can only target the former. The APs decree that direct participation dictates the identification of permissible targets among the civilian population. However, if the purpose of the APs was a clearer enunciation of permissible and impermissible targets, the end product fell far from its mark. As Antonio Cassese noted, the APs are filled with ambiguous terms. The ambiguity that plagued the distinction principle prior to codification continues today because "unless and for such time as they take a direct part in hostilities" is tremendously ambiguous from a legal and operational perspective (Queguiner, 2003). This is so despite the fact that Article 51 (AP I) instructs belligerents to assume a person is a civilian when in doubt (Article 51 of the 1977). The ambiguity is so significant that the ICRC, tasked with the monitoring and dissemination of IHL, convened a panel of IHL experts in a multi-year investigation into how best to clarify this critical phrase (ICRC, 2008).

However, despite the serious legal consequences involved, neither the Conventions nor their Additional Protocols provide a definition of direct participation in hostilities (Melzer, 2009). It goes on to summarize its conceptualization of "civilian" in international and non-international armed conflicts:

> "For the purposes of the principle of distinction in international armed conflict, all persons who are neither members of the armed forces of a party to the conflict nor participants in a levée en masse are civilians and, therefore, entitled to protection against direct attack unless and for such time as they take a direct part in hostilities" (Melzer, 2009:15).

For the purposes of the principle of distinction in non-international armed conflict, all persons who are not members of State armed forces or organized armed groups of a party to the conflict are civilians and, therefore, entitled to protection against direct attack unless and for such time as they take a direct part in hostilities. In noninternational armed conflict, organized armed groups constitute the armed forces of a non-State party to the conflict and consist only of individuals whose continuous function it is to take a direct part in hostilities ("continuous combat function") Melzer, 2009:15). As for direct participation in hostilities, In order to qualify as direct participation in hostilities, a specific act must meet the following cumulative criteria:

1. The act must be likely to adversely affect the military operations or military capacity of a party to an armed conflict or, alternatively, to inflict death, injury, or destruction on persons or objects protected against direct attack (threshold of harm),

2. There must be a direct causal link between the act and the harm likely to result either from that act, or from a coordinated military operation of which that act constitutes an integral part (direct causation), and

3. The act must be specifically designed to directly cause the required threshold of harm in support of a party to the conflict and to the detriment of another (belligerent nexus) (Melzer, 2009:15).

The international humanitarian and human rights law is clear about the protection of women and the rights they should expect. The ICRC has already been active in drawing attention to the particular needs of women in its promotion of international humanitarian law, which provides comprehensive provisions to protect women. The ICRC study gives it a more solid base in its effort to raise awareness among combatants of the importance of protecting women. This is particularly important in conflict where armed groups are fighting government forces, or each other, and where the basic principle of humanity and the respect of humanitarian law have been among the first casualties. In those situations women have been very visible victims of serious violation of the law. The ICRC itself has learnt much from this study and has already drawn concrete conclusions for its own operations and its own resolve to bring about significant changes in the entire global setting. It cannot do so alone and it is beckoning other organizations, government and arms carriers to recognize the specific problems women face in conflict and to act to ensure respect for their rights under the law. The terrible abuse this study reveals is not inevitable. It can and must be prevented. The ICRC believes, and strongly too, that alleviating the impact of conflict on women and children begins from preventing conflict occurring at all (ICRC, 2021)

Are women more vulnerable than men in situations of armed conflict? The answer is both yes and no. They should not be more vulnerable, but it must be recognized that women are particularly susceptible to marginalization, poverty and the suffering engendered by armed conflict, especially when they are already victims of discrimination in peacetime. Women may be particularly vulnerable if they are held up as "symbolic" bearers of cultural and ethnic identity and the producers of the future generations of the community. In such situations, women may be vulnerable to attack or threats from their own community for not conforming to this role.For example, by not wearing a veil or by cutting their hair, conversely, they may be targeted by the enemy in order to destroy or subvert this role. Present-day conflicts show that women are increasingly becoming the target of fighting (ICRC, 2021).

That being said, men also have to be clearly recognized as vulnerable, as in some conflicts as many as 96% of the detainee population are men and 90% of the missing are men. They are also prone to be wounded or killed as legitimate targets as members of armed forces or groups, who still largely recruit amongst male populations. The vulnerability of different groups - whether male, female, elderly, infant, and so on will differ according to their exposure to a given problem and their capacity to tackle it and to its impact on the group concerned. For example, both men and women can be the target in cases of the "disappearance" or detention of political opponents, whereas, in their capacity as actual or potential military opponents, men are generally singled out as a group for detention or summary execution (ICRC, 1998).

Conversely, women and girls are far more exposed to sexual violence, regardless of the perpetrator's motive, although men are also victims of such violence. "In certain villages bordering conflict young girls have admitted that armed men come in at night - these girls are used as sex workers - they are not allowed to protest - they are not allowed to lock their doors and the whole community tolerates this because these armed men protect the community - so it is a trade off" (ICRC, 2000). The very nature of women's vulnerability often lies more in the fact that armed conflicts have evolved to the extent that the civilian population is totally caught up in the fighting and women are frequently the ones trying to maintain and provide for the everyday survival of themselves and their families. The notion of vulnerability also comprises the problem of being at risk (exposure to danger), the ability to cope with the situation and the stress, shock and trauma of warfare.

The ICRC's Operational Response

The ICRC assisted almost five million persons internally displaced by armed conflict in 1999. In the year 2000, it worked to protect and assist internally displaced persons in 31 countries throughout the world (ICRC, 2000). In some of these countries, women have been specifically consulted by the ICRC as to what assistance should be distributed to whom, for example, to find out what would best meet the needs of households headed by women.

In situations of international and non-international armed conflict, the ICRC considers "an internally displaced person to be first and foremost a civilian, who as such is protected by international humanitarian law" (ICRC, 2000). The ICRC seeks protection and provides assistance for victims of armed conflict, internal disturbances and their direct results anywhere in the territory of a State affected by such events, and acts as lead agency for international relief operations conducted by the International Red Cross and Red Crescent Movement (SATM 1997). The International Federation of the Red Cross and Red Crescent Societies acts as lead agency in operations in aid of refugees who have fled a country at conflict to a country which is neither party to a conflict nor affected by internal strife (Ibid). In the case of refugees who have sought refuge in a State that is experiencing an armed conflict – be it international or non-international – and are thus covered by international humanitarian law, the ICRC encourages the application of the relevant provisions of international humanitarian law and seeks access to the refugees. With respect to refugees who are not protected by international humanitarian law (i.e. who have fled the conflict and are in a host State not involved in a conflict), the ICRC will only act in a subsidiary capacity if it is the sole organization in the area concerned. However, in emergency situations, the ICRC will provide any assistance required if it is in a position to provide it immediately, and will hand over programmes to UNHCR and other organizations as soon as possible.

Fundamentally, the following are imperatives:

1. Women need to be protected from arbitrary or forced displacement, so that they can remain within their communities and with their families. However, if for security or other reasons they decide that they have to leave their homes, they should be able to do so and not be prevented by a party to the conflict. Women should be fully respected and protected while displaced.

2. Women need to be included in the planning, implementation and evaluation of programmes to ensure that those programmes meet their actual needs and support their existing coping mechanisms.
3. Displaced women need privacy in order to maintain their security, dignity and personal health and hygiene. Their particular needs must be taken fully into consideration in the design and implementation of programmes in camps.

4. Displaced women should have the possibility of sending their children to school as soon as the prevailing situation permits, so that their children can receive an appropriate education.

5. If women are displaced, they risk being separated from their family members and need help in restoring contact and being reunited.

Theoretical framework

Intersubjectivity

Intersubjectivity denotes "shared understandings of desirable and acceptable behavior" (Kratochwil and Ruggie, 1996). These shared understandings "provide people with reasons why things are the way they are and indications as to how they should use their material abilities and power" (Adler, 1997).

Intersubjectivity is based on a perception that although "each of us thinks his own thoughts; our concepts we share with our fellow men" (Toulmin, 1972). The key concept in intersubjectivity, and hence international regimes, is the idea that actors involved know and accept similar conceptions of appropriate courses of action to take in a given situation. This is a crucial element for socially oriented theories like constructivism. Even among rationalist theories which are more individually oriented and emphasize instrumental rationality, the notion of shared understandings plays a subtle and less acknowledged role in accounting for international behavior. Peter J. Katzenstein explains that according to rationalists: "behavior is related to the constraining conditions in which these actors, with their assumed interests, find themselves"(Katzenstein,1996). Among rationalists, intersubjectivity takes the form of collective understandings that interest driven action is expected.

Regulation (effective or ineffective) of international relations, as well as the production of identity, falls on the shoulders of international law(Kinsella, 2005:164). In the case of legal norms, "compliance with norms is significantly shaped by our values, among which deference to 'the law' is one of the most important" Kratochwil, (1989:64). In the realm of international law, compliance can be divided into six smaller bins that examine: problem structure, solution structure, solution process, norms, domestic linkages and international structure (Raustiala, Kal and Anne-Marie Slaughter.2003). The mechanism driving compliance via the logic of appropriateness is intersubjectivity.

Since their adoption, the Additional Protocols I and II (APs) to the Geneva Conventions have become an integral part of international humanitarian law (IHL). IHL can be considered an international regime. According to the constructivist literature, international regimes are "principles, norms, rules, and decision making procedures around which actor expectations converge in a given issue area" (Krasner, 1982:185). The concept of intersubjectivity captures this convergence

METHODOLOGY

The general structure of the research methodology within which the study to be conducted are provided. The sections from the research design, population of the study, sample size and sampling technique, instrumentation, and method used for analysis of the data.

Research Design

The research method used is the Qualitative method. It is primarily designed to gather useful information from the respondents. The aim of conducting the interview is to find out the response from Nigerian citizens and citizen from republic of Congo. ICRC and staff of International Humanitarian Law shall be interviewed on the Impact of conflict on women and children in both countries and the belligents. For the researchers to have an insight into various way in which the impact of way have disverstated women and children and the care thereafter from International Humanitarian Organizations.

The work shall make use of primary and secondary method of data collection, the primary method combines focus group discussion (FGD), in-depth interview method shall also be used. Stake holders and belligents from Nigeria and the Democratic Republic of Congo shall be interviewed.

The target population, for this studies, the two countries under study shall comprehensively make use of ICRC and IHL serving in both countries.

Population of the Study

The study was based on primary and secondary data. The first shall be generated through the interactive methodologies commonly referred to participatory rural appraisal PRA (Cornwall and Jewkes, 1995). This orientation enables researchers to engage the respondents in a mutual interactive manner. PRA techniques are particularly suitable for exploring issues of meaning, perceptions and interpretations, which underlines action taken or not taken. It enable deeper explorations and provide opportunity to follow up on response in order to obtain a full picture. (Alubo, 2002).

The following PRA tools shall be employed in the field work (1) Focus Group Discussion (FGD), this tools will be used to gather information from the communities leaders as well as the members of the conflict zone. A wide range of issues shall be discussed in the research objective were explored using this tool. FGD shall be held with representative of neighbouring states. The respondents shall be drawn from Yobe, Adamawa, Taraba, Bauchi and Borno respectively.

The latter include people of the stakeholder, market women, the academics, the religious leaders and political leaders, chiefs and heads of families of this states shall equally be captured in the focused group discussion as the interview shall be conducted and opportunity to interact with the victims in the warring neighbours for each state of this five selected zones, Yobe, Adamawa, Taraba, Bauchi and Borno.Focus group discussion shall be held with the following groups:

- Adult male
- Adult female
- Male youths
- Female youths

We shall also hold FGD session comprising the following community religious leaders.

Community meetings: this tool employed oral testimony to obtain information on male and female community members about their experience during this boundary crises. In each of the meeting, two communities – one male and the other female yielding a total of eight meetings in each of the conflict community area.

Key Informant Interview (KII) will be conducted with various communities leaders such as religious leaders, traditional leaders, official of agencies, political leaders as well as leaders of women and youth groups up to five (in some cases four or seven KIIs shall be held in each community.

Semi-structural interview (SSI) shall be conducted to explore the research objectives and the respondents shall be leaders of male and female community based organizations (CBO). We shall engage the functionaries full mediate between the competing members in the state. The data collection in this communities shall last for 6-8 months, 20-30 days in each of the states of Yobe, Adamawa, Taraba, Bauchi and Borno. The field work shall start as soon as preliminary arrangement is concluded. The interviewers to be employed as research assistants shall comprises of undergraduate students, Geography and Planning, Urban and Regional Planning, Surveying and Geo-informatics whose shall be specifically trained in PRA techniques as well as probing, listening, and taking notes skill. Data if fully collected shall be analyzed using conflict resolution assessment procedure and policy resolution strategy drawn from Kuru shall equally be analyzed. The methodology thus enabled us to combine published data with the new information from the neighbouring community, local government and government representative.

The total population of these research is 500 people and the sampling population is 100 people, representing the five states in thegeo-political zone in Nigeria.Fifty persons will be interviewed from each of the five states zone of Nigeria in other to gather information on the impact of conflict on women and children in Nigeria (Northeast Nigeria).

Characteristic of the Study Population

The main character of the populations are: the people are good in farming, trading, rearing of animals and they also do petty jobs. Their major religion is Islam, with few Christianity.

Sample Design and Procedure

The sampling techniques to be used by the researcher is percentage (%)(Tabulation method).The researcher strongly believe that it will able to give a correct and accurate presentation and analysis of the data for the study.

Since it is difficult to receive facts or information from the total population, the research procedure has to do with the types or nature of sampling units that the researcher will adopt. It has to do with the ways the sampling units are collected, it should be random sampling where each people has equal chance of being chosen.

The respondents will be chosen at a random and the researcher strongly believes that random sampling will definitely reduce errors, and enhance the chances of obtaining the respondents' feedback on the subject matter (impact of conflict on women and children)

Data Collection Instrument:

Since the outcome of research is meant to improve the stock of knowledge, the researcher will adopt additional research techniques using the new "paradigm approach" a frame work or model based on a close relationship between the researched and the researcher. The researcher is also a member of the community where the research funds. Conventionally approach to the level of education will result to the use of what is referred to as "new rigour of softness" that is qualitative and visual observation.

The Two (2) Ways of Data Collection
a. Primary source of data collection
b. In-depth interview
c. Focus groups interview
d. Secondary source of data collection

Primary Sources of Data Collection

This source comprises of findings from the ICRC in certain operational activities, interviews and personal observation.

In-depth interview

Selected population of people are usually 1-10 which are temporally interviewed to test the reliability of the response.

Focus groups interview

FGD; focus group discussion is usually a target groups of 1 - 10 which are equally interviewed to ascertain the reliability of the response.

Secondary Sources of Data Collection

These sources are some disclosed records of the published information about the impact of conflict on women and children and other relevant materials related to the research as source.

Procedure for Analyzing Collected Data

The result will be tabulated with the percentage evaluated and the implication discussed.

Percentage   =   Actual respondents to items   X

_____

Total number of respondents

CONCLUSION

For as long as non-state armed groups are a reality of conflict, their existence and influence must not be ignored; nor should the paradigm that some are in inherently 'bad' restrict productive dialogue aiming to advance the effectiveness of International Humanitarian Law in armed conflicts. There is now, an overtly apparent and inherent necessity for IHL to become more flexible in the context of contemporary conflicts, as they are only becoming more complicated. It is undisputed that non-State groups will continue to exert influence, and as former ICRC President Jakob Kellenberger has stated. "While lack of compliance of non-stated armed groups is a very serious problem that we need to address, reinforcement of international law rules and mechanism lies in the hands of States.

RECOMMENDATIONS

• Regardless of if, when, or how IHL should be reviewed, some key findings over the years have been identified as good practices to furthering compliance with existing IHL. Contrary to decisions made by governments such as the U.S., it is recommended here that central to assuring compliance with humanitarian norms by violent non-State actors is comprehensive, active engagement- irrespective of any criteria which might preclude a group from lawful interaction with state actors.

• Activities aiming to incorporate non-State actors in the decision making process, which ultimately give them a sense of ownership and accountability for the humanitarian rules under which they must function during armed conflict, are crucial to be successful implementation of IHL.

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