

## M I S C E L L A N E O U S

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### THE TEACHING OF INTERNATIONAL HUMANITARIAN LAW AT ADVANCED LEVELS

*The International Medical Law Commission of the International Law Association had wished to submit the following report to the International Humanitarian Law Commission meeting at the Council of Delegates, during the Red Cross Centenary. Unfortunately, since it was not represented on the Council of Delegates, it was unable to do so and we therefore now publish this report below.*

One of the most effective and yet one of the least developed ways of disseminating the Geneva Conventions consists in teaching the principles and provisions of humanitarian law in senior civilian and military educational establishments.

The inclusion in the programme of university courses and military colleges of a chair of humanitarian law seems to be one of the logical consequences of the articles of the four Conventions of 1949 (art. 47 of the first, art. 48 of the second, art. 127 of the third and art. 144 of the fourth) which stipulate the obligation for the signatory countries of disseminating the text of these Conventions as widely as possible in time of peace as in time of war. The signatories undertake "in particular to include the study thereof in their programmes of military and, if possible, civil instruction"...

This has been realized in certain cases to which reference will be made later on. Yet, one cannot fail to be surprised by the very small number of these initiatives. It is indeed not too much to say that 14 years after the signing of the 1949 Conventions, the technical teaching of these texts of international law has remained at the embryonic stage. Such a situation is to be deeply regretted in so far as universities are concerned. In the case of military colleges this is most serious, since one cannot expect the humanitarian principles to be scrupulously observed by an army whose officers possess only a very unprecise knowledge of the Geneva Conventions.

International humanitarian law should be a subject of instruction at all medical colleges, since some of the most important principles of the Conventions concern medical personnel in the performance of their duties. There is room however for technical instruction also to be given at colleges for officers of all arms who, in the event of conflict, will have to decide the fate of wounded, prisoners and civilians.

In the universities, international humanitarian law, a branch of the law of nations, naturally finds its place in programmes of Faculties of Law and Medicine. Instruction in international humanitarian law here presents a dual interest. It is of interest from the sociological point of view to the extent that the law of Geneva is made known to students destined to occupy leading positions in their own country and thereby exercising some considerable influence on their fellow-countrymen. It is also of technical interest, since the forming of seminars of international humanitarian law would give a greater impulse to the study of the texts in force, thus enabling their conditions of application to be better defined and revealing those points which could eventually be improved.

Technical instruction in international humanitarian law has been given due importance by certain notable assemblies. On March 15, 1949 the National Medical Academy of Paris affirmed the wish that the practice of medicine in time of peace as in time of war should be given definition by a code of medical ethics of an obligatory character in order to have drawn up by an international medical body a code which would become statutory in faculties and medical colleges in all countries.

It is however unnecessary to wait for an eventual elaboration of such an international code of ethics, since there already exists a body of international humanitarian law constituted essentially by the Geneva Conventions and which has been ratified by most nations of the world. These juridical standards, whose value is greater than mere standards of medical ethics, can by themselves already provide a very wide field of instruction and research.

Several sessions of the International Office of Military Medicine Documentation have also stressed the importance of instruction in international medical law, an integral part of humanitarian law,

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for the dissemination of the Geneva Conventions, and in particular the sessions of 1955 (Istanbul) and 1959 (Paris). Quite recently, the XVIIth International Congress of Military Medicine, meeting in Caracas (Venezuela), made the proposal to ask university authorities of all countries to include the principles of the Red Cross as a subject of instruction.

A few initiatives have been taken and their small number underlines the merits of their promoters.

First of all there was the Florence School of Military Health which, in April 1949, entrusted General Voncken, Secretary-General of the International Committee of Military Medicine and Pharmacy and President of the International Medical Law Commission of the International Law Association, with the task of describing in five comprehensive lectures the history and principles of an international medical ethic.

On December 10, 1949, through the Dean of its Law Faculty, the University of Aix-Marseilles, with the favourable opinion of the University Council, asked that the Faculty of Medicine take the initiative during the current year of arranging public lectures on the international legal position of doctors and on the international medical organization in time of peace as in time of war.

In 1951, the School of Naval Health of Bordeaux decided in its turn to create a course of international medical law, of which the inaugural lecture was entrusted to General Voncken. Chairs of international medical law were also created at that time in military colleges in Mexico and at Havana, then at the Academy of Military Medicine at Gülhane in Turkey. The Health Service School of Instruction at Val-de-Grâce in France has also organized lectures on international medical law. In Army Schools of the German Federal Republic international humanitarian law is taught by law professors. A German officer-cadet receives 15 hours of courses on the Geneva Conventions.

Since 1952 the Faculties of Law and Medicine of the University of Bordeaux comprise a chair of international medical law entrusted to a jurist, Professor Auby. The creation of this chair was the result of a ministerial decision of January 20, 1952 and after debate by the University Council on February 8, 1952. Professor Auby's course, in spite of its optional character, is well attended by the

students. It has already encouraged the preparation of several theses of doctorates in medicine on international medical law.

Finally, the refresher courses for young medical officers organized at Macolin (Switzerland) in 1959 and at Florence in 1962 on the initiative of the International Committee of Military Medicine and Pharmacy included several talks on humanitarian law.

The list of such initiatives is doubtless incomplete and we hope that this may be the case. Nothing however is done so long as something remains to be accomplished and a lot still remains to be done. The majority of universities do not have chairs of international humanitarian law. In too many countries military schools do not give to the Geneva Conventions that place which they deserve in their teaching programmes.

The whole world has been celebrating Henry Dunant's work. The ceremonies marking this historic anniversary have reminded millions of people of the magnificent rôle being played by the Red Cross in the struggle against suffering. This should be a fitting moment to stress the vital importance of the rules of international law without which any humanitarian action would be impossible.

You are well aware of this, since you have chosen to sit on this International Humanitarian Law Commission. There are many ways of disseminating the knowledge of the Geneva Conventions and we cannot afford to ignore any one of them, but the inclusion in university and military school teaching programmes of advanced courses in international humanitarian law would seem to us to be one of the most effective forms of dissemination. That is why the International Medical Law Commission of the International Law Association would like to propose to your Commission for a favourable decision to be given in its conclusions to make such instruction general.

In view of the international repercussions which the resolutions of this Congress will necessarily have, such a wish would seem to us to be likely to promote the dissemination of the Geneva Conventions to a considerable extent, for the greater good of mankind.