

TEACHING OF INTERNATIONAL HUMANITARIAN LAW

The ICRC has on various occasions drawn the attention of National Red Cross Societies to the importance of an ever wider dissemination of the Geneva Conventions. In March 1971, it sent them a letter relating to the teaching of international humanitarian law in universities.¹ Recently it reverted to the subject in a circular which we publish below, followed by the outline of a course on international humanitarian law which Mr. Jean Pictet, Vice-President of the ICRC, is giving at the University of Geneva, and which he has authorized us to reproduce.

Geneva, 20 January 1972

On 30 March 1971, the International Committee of the Red Cross, in a circular letter addressed to all National Societies, drew their attention to the necessity for developing the study of humanitarian law in universities. At the same time, it requested National Societies to carry out a survey in the principal universities of their respective countries with the object of finding out what was the position with regard to this question.

To date, only 35 National Societies have sent replies, while those of 80 other Societies have still not been received. The ICRC takes the liberty of urging the latter not to leave this important matter in abeyance.

¹ See *International Review*, June 1971.

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The ICRC founds its request now on a resolution on this subject adopted by the Council of Delegates in Mexico last October.¹ The ICRC counts on all National Societies to do their utmost for some positive action to be taken in this respect.

For its part, the ICRC, in its desire to contribute actively towards the diffusion of humanitarian law, has pleasure in putting forward the outline of a model course on international humanitarian law, enclosed herewith. You will observe that it lists the principal subjects to be included in such a course. It should aid National Societies to approach deans of law colleges in a more substantial manner, in that they will be in a position to put forward constructive suggestions. National Societies are requested to inform us of their own reactions to our proposals as well as of those of the university circles approached by them. We are prepared to furnish further details and any developments of the plan to all National Societies that may be interested.

To conclude, may we remind you that 1972 will be a most significant year for the development of humanitarian law, owing to the forthcoming Conference of Experts of National Red Cross Societies which will be held in Vienna, in March, and the Conference of Government Experts scheduled to take place in Geneva, in May. It is therefore necessary to take this opportunity to step up efforts for the diffusion of humanitarian law. Previous conferences of experts and the United Nations too have on several occasions stressed the importance of such diffusion for a better knowledge and, consequently, for a better application of humanitarian law.

The ICRC therefore requests National Societies to devote to this aspect of their mission all the attention which its importance warrants, and would be grateful if they would, in pursuance of the Mexico Resolution, report to the ICRC the results of their efforts.

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¹ The *International Review* published the text of the resolution in its December 1971 issue, page 676.

OUTLINE OF A COURSE
ON INTERNATIONAL HUMANITARIAN LAW

I. What is International Humanitarian Law?

- The Law of War
- The Law of The Hague
- The Law of Geneva
- Legislation on Human Rights

II. Moral sources

- Definitions
- Modern humanitarianism
- Justice and charity

III. The evolution of the humanitarian thought and practice of States

- Examples of humanity in ancient times, the Middle Ages and the modern era
- The influence of philosophical and religious doctrines
- The practices of States and Armies
- The foundation of the Red Cross

IV. The preparation and application of the Geneva Conventions

1. *The 1864 Convention and subsequent versions thereof*
2. *The Maritime Convention*
3. *The status of prisoners of war*
 - The IXth Hague Convention of 1899, revised in 1907
 - Red Cross work during World War I
 - The Diplomatic Conference of 1929; the Geneva Convention on the treatment of prisoners of war
4. *The protection of civilians*
 - The Hague Regulations of 1899, revised in 1907
 - The post-World War I efforts of the ICRC to conclude a Convention for the Protection of Civilians
 - ICRC efforts during World War II and the application, by analogy, of prisoner-of-war treatment to civilians in enemy territory

5. *Civil war*
 - ICRC efforts to protect the victims of civil war
6. *The 1949 Conventions*
 - The need to revise and supplement existing Conventions
 - The Diplomatic Conference of 21 April–12 August 1949
 - Great progress: the conclusion of the IVth Geneva Convention, and common Article 3 relating to conflicts of a non-international nature

V. Principles of Humanitarian Law

1. *Basic principles*
 - The principle of humanity
 - The principle of humanitarian law
 - The principle of the Law of War
 - The principle of the Law of The Hague
 - The principle of the Law of Geneva
 - The principle of Human Rights
2. *Common principles*
 - The principle of inviolability
 - The principle of non-discrimination
 - The principle of security
3. *Principles specific to the victims of conflicts*
 - The principle of neutrality
 - The principle of normality
 - The principle of protection
4. *Principles specific to the Law of War*
 - The principle of limitation *ratione personae*
 - The principle of limitation *ratione loci*
 - The principle of limitation *ratione conditionis*
5. *Principles specific to Human Rights*
 - The principle of freedom
 - The principle of social well-being

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VI. The International Red Cross Organization

1. *The International Red Cross*
 - The International Conference of the Red Cross
2. *The International Committee of the Red Cross*
 - Its Statutes
 - Its bases in the 1949 Conventions
 - The three sources of authority for ICRC action
 - ICRC action
 - The limits of such action
 - Publicity
3. *National Red Cross Societies*
4. *The League of Red Cross Societies*
 - composition, aims, work

VII. General provisions of the Geneva Conventions

1. *The cases in which they are applied*
2. *Conflicts of a non-international nature*
 - Article 3 common to the four Conventions
3. *Supervision of application*
 - Protecting Powers
 - Substitutes for Protecting Powers
4. *Sanctions*
 - Responsibility of the State
 - Double responsibility of State and individual
 - Obligation to seek and punish
 - Opening an enquiry into alleged violations of the Conventions
5. *The inalienability of rights*
6. *The prohibition of reprisals*
7. *The beginning and end of application*
8. *Final provisions*

VIII. Improving the lot of the injured, sick and shipwrecked

(Conventions I and II of 1949)

- Protecting the wounded
- Protecting medical personnel
- Role of relief societies
- Medical training and establishments
- Repatriation of medical personnel
- Medical equipment and transport
- Distinctive sign

IX. The treatment of prisoners of war

(Convention III of 1949)

- Categories of persons entitled to be treated as prisoners of war
- The treatment of prisoners of war
- Conditions applicable to captivity
- Types of work permitted
- Contact between detainees and representatives of the supervisory bodies
- Relations between prisoners and the authorities
- Repatriation of the severely wounded and sick
- Liberation and repatriation

X. Protection of civilians

(Convention IV of 1949)

- Respect for the individual
- Limitations to the protection offered to civilians by the Convention
- The general protection of civilians against certain effects of war
- The status and treatment of protected persons
- The internment and assigned residence of civilians
- The different ways in which captivity can end
- Information offices, the Central Tracing Agency and relief societies

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XI. The Law of War

(The Hague Convention)

- Background
- Those rules of The Hague Conventions which are still important and valid:
 - Relations between belligerents
 - The status of belligerents
 - Hostilities
 - Sanctions
 - The rights and obligations of neutral persons and Powers
 - War at sea
 - War in the air

XII. Human Rights

- Repression of slavery
- The status of refugees
- Repression of genocide
- Declaration of Human Rights
- The European Convention and the promotion of human rights on the other continents

XIII. The latest developments in humanitarian law

With regard to the work carried out to reaffirm and develop humanitarian law, special attention is paid to the study of:

1. *The protection of the wounded and sick*
 - Protection of civilian medical personnel
 - Protection of the medical mission
 - Provisions to supplement common Article 3 in this respect
 - Security of medical transport, especially medical aircraft
2. *Guerrilla warfare*
 - Distinction between combatants and civilians
 - Respect for the laws and customs of war

3. *Protection of the individual in conflicts not of an international nature*
 - Provisions supplementing and enlarging common Article 3
 - Protection of victims of internal disturbances
 4. *The protection of civilian populations against the dangers of indiscriminate warfare*
 - Definition of civilian population
 - Refuge zones
 - Precautions to be taken by belligerents for the benefit of the civilian population
 - Protection of relief societies and civil defence organizations
 5. *Behaviour of combatants*
 6. *Measures intended to strengthen the application of the law*
 - The problem of supervising the application of the Conventions; Protecting Powers, substitutes and the ICRC
 - Strengthening of sanctions to prevent and repress violations of humanitarian law
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