

Dissemination of International Humanitarian law at university level ¹

by Eric David

Spreading knowledge of international humanitarian law at universities raises three questions which this text will attempt to answer. Firstly, why disseminate knowledge of international humanitarian law at universities? Secondly, towards which section of the university community should such an effort be directed? Thirdly, how should the subject be presented at law schools?

A. WHY DISSEMINATE KNOWLEDGE OF INTERNATIONAL HUMANITARIAN LAW AT UNIVERSITIES?

Although academics are certainly not the main target group for those engaged in dissemination, they must nevertheless have some knowledge of the subject. Indeed, ensuring that international humanitarian law is taught—or at least that its principles are understood—is both a legal and a moral obligation devolving on States.

1. Legal obligation

Although Article 1 of the Fourth Hague Convention of 1907 requires the States to disseminate knowledge of international

¹ Text based on a lecture given on 11 June 1986 in Baden, Austria, during a dissemination seminar for the National Red Cross Societies of Europe and North America.

humanitarian law only to the *armed forces*,² the Geneva Conventions of 1949 broaden this requirement to include civilians: the High Contracting Parties undertake “in time of peace as in time of war, to disseminate the text” of the Conventions “in their respective countries, and, in particular, to include the study thereof in their programmes of military and if possible, civil instruction, so that the principles thereof may become known to the entire population” (Article 47, First Convention; Article 48, Second Convention; Article 127 of the Third Convention; Article 144 of the Fourth Convention). Article 25 of the Hague Convention of 1954 contains a similar provision. Article 83 of Additional Protocol I of 1977 goes further in that the text, which is more or less identical to that contained in the 1949 Geneva Conventions, drops the words “if possible” and obliges the States to encourage study of the Conventions and Protocol I *by the civilian population*. Article 19 of Additional Protocol II also lays down the general obligation to conduct dissemination but does so much more briefly.

The States therefore have a legal obligation to disseminate knowledge of international humanitarian law among their *entire* civilian population and, as part of that population, universities must be included in the dissemination programme.

2. Moral obligation

Universities are not only ‘temples of knowledge’; they are also places where humanism is taught. A university’s mission is to train human beings, not just mental athletes. It must remind each succeeding generation of students which passes through it that even in war, when all rules seem to have been abolished, a certain amount of law remains and must be respected. If, as André Malraux wrote, humanism means rejecting that which the animal in us wants, and seek out human values wherever one finds conditions which threaten to overwhelm them,³ the steadfast observance of international humanitarian law is a way of achieving this and preserving human values even amidst shot and shell.

If the duty of each of us towards our fellow man is to propagate such humanism, then it is, *a fortiori*, one of the basic obligations of any institution of learning.

² Article I: “The contracting Powers shall issue instructions to their armed land forces which shall be in conformity with the Regulations respecting the Laws and Customs of War on Land, annexed to the present Convention”.

³ Malraux, A., *Les Voix du Silence*, Paris, N.R.F., Galerie de la Pléiade, 1951, p. 639.

B. WHICH ACADEMIC CIRCLES SHOULD BE THE TARGET OF DISSEMINATION EFFORTS?

War does not merely face all individuals with moral questions; it has a direct and immediate effect on the lives of those who get swept up in it. As Caillois wrote:

“No one can stand apart and do something else, for there is no one who cannot in some way be used in the war effort. War requires a contribution from everyone.

Thus, our egocentric lifestyle, in which everyone does as he pleases, without taking much part in community affairs, is replaced by a period in which society urges its members toward collective striving and suddenly places them side by side, groups them together, trains and regiments them—drawing them closer together body and soul.”⁴

War therefore concerns all of us and it would be a grave omission to limit the teaching of international humanitarian law to law faculties. Constituting as it does a group of human beings, every university faculty must be made aware of what war is and therefore of international humanitarian law. And disseminating knowledge of it in faculties other than law does not present any particular difficulty.

Any university programme worthy of the name usually includes in its initial phases general courses of philosophy, history, general psychology, etc. Inasmuch as war may be one of the subjects dealt with under philosophy, history, sociology etc., international humanitarian law may be incidentally, if not actually studied, at least broached in courses belonging to these different disciplines which are taught in one form or another both in the humanities and in the sciences.

Thus, the birth of humanitarian thought,⁵ followed by that of international humanitarian law, could be dealt with in *history*, *philosophy* and *anthropology* courses.

⁴ Caillois, R., *L'homme et le sacré*, Paris, Gallimard, 1950, p. 229.

⁵ See the laws of Manu in India (1,200 BC or 200 BC — 200 AD?), the thought of Se Ma in China (400 AD), the precepts of Christianity and Islam, African customs etc. in Letourneau, Ch., *la guerre dans les diverses races humaines*, Paris, 1895; Coursier, H., *Etudes sur la formation du droit humanitaire*, Geneva, I.C.R.C., 1952; Redslob, R., *Histoire des grands principes du droit des gens*, Paris, 1923; Diallo, Y., *Traditions africaines et droit humanitaire*, Geneva, I.C.R.C., 1976; Bello, E., *African Customary Humanitarian Law*, Geneva, ICRC, Oyez, 1980; Yadh ben Achour, *Islam et droit international humanitaire*, Geneva, ICRC., 1980.

The fascinating subject of the monstrous violations of international humanitarian law⁶ could be examined in courses of *sociology*, *psychology* and *criminology*.

The origin and growth of the International Red Cross and the holding of the great diplomatic conferences of The Hague (1899 and 1907) and Geneva (1949 and 1974-77) are interesting objects for analysis in courses devoted to *international relations and organizations*.

The classic theme of the responsibility of scientists and technicians for the weapons they invent and manufacture⁷ might be discussed in a course on the *philosophy of science*. An outstanding example would be Einstein, who at first advocated the building of the atomic bomb, and then strenuously opposed its use.⁸

One faculty in which the students must be initiated into the mysteries of international humanitarian law without delay is the faculty of medicine. Even where there is no course specifically devoted to international medical law, certain basic rules of international humanitarian law such as impartiality in the treatment of comrades in arms and enemy soldiers, and the exclusive application of medical reasons to determining priority in the order of treatment,⁹ could be dealt with in the framework of a general course on *medical ethics*.

⁶ See Knebel, F. and Bailey II, W. Ch., *Hiroshima, bombe A*, Paris, A. Fayard, 1964, pp. 356; *From Nuremberg to My Lai*, ed. by J. W. Baird, Lexington, Toronto, London, D.C. Heath and Co., 1972, pp. 221-225; Vidal-Naquet, P., *La Torture dans la République*, Paris, Maspero, 1975; Vittori, J.-P., *Confession d'un professionnel de la torture*, Paris, Ramsay, 1980; Lane, M., *Les soldats américains accusent*, Paris, Maperro, 1972; *Domination et torture*, Paris, Justice et Paix, 1978; Arendt, H., *Eichmann à Jérusalem*, Paris, Gallimard, 1966; Milgram, S., *Soumission à l'autorité*, Paris, Calmann-Levy, 1980.

⁷ See Additional Protocol I, Art. 36: In the study, development, acquisition or adoption of a new weapon, means or method of warfare, a High Contracting Party is under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable to the High Contracting Party. See also *La science et la guerre*, Dossier from the Groupe de Recherche et d'Information sur la Paix (G.R.I.P.), Nos. 97-99, Bruxelles, 1986.

⁸ Cuny, M., *Albert Einstein*, Paris, Seghers, 1961, pp. 133 ff.

⁹ Article 12 of the First and Second Geneva Conventions of 1949: Wounded and sick persons "shall be treated humanely and cared for by the Party to the conflict in whose power they may be, without any adverse distinction founded on sex, race, nationality, religion, political opinions, or any other similar criteria... Only urgent medical reasons will authorize priority in the order of treatment to be administered".

Additional Protocol I, Article 10:

"1. All the wounded, sick and shipwrecked, to whichever Party they belong, shall be respected and protected.

C. PRESENTATION IN LAW FACULTIES

In most law faculties, it is probably not possible to introduce a course devoted to international humanitarian law into any but the final stage of law studies. Considering that the growing number of courses is already insufficient to fill the gaps in the teaching of material for everyday application, it is difficult to imagine giving the same prominence to a specialized course on international humanitarian law as to courses in, for example, insurance, international private arbitration, consumer law, advanced study of European law, etc., that is, subjects doubtless less exalted than international humanitarian law, but of greater direct interest to the future legal practitioner. The final phase of the programme is different, however, and at the Université Libre in Brussels there is, for the special degree in international law, a course entitled "*settling of international disagreements and the law of armed conflicts*".

That does not mean, however, that international humanitarian law cannot be discussed earlier, either in general, *non-legal* courses offered by the faculty of law and other faculties and which will therefore not be examined here (see above, B), or in law courses of a general nature (introduction to law, natural law, the philosophy of law, history of law, Roman law, etc.) and specialized courses (penal law and international public law).

1. International humanitarian law in law courses of a general nature

An *introduction to law*, which is on the first-year syllabus of most law faculties, provides an appropriate framework for presenting certain elements of international humanitarian law. Thus, when discussing the limits of the rule of law, it can be shown that war is not a situation in which there is no law and that although acts may be committed in wartime which in peacetime would be against the law, those who commit these acts must nevertheless observe a certain number of legal rules.

Likewise, a course on *natural law* enables international humanitarian law to be mentioned,¹⁰ since natural law today tends to

2. There shall be no distinction among them founded on any grounds other than medical ones".
(See similar provisions in Additional Protocol II, Article 7.)

¹⁰ Cf. Ingber, L., *Droit naturel*, P.U.B., 1982, pp. 189 ff.

be based less and less on religion and reason, and more on human rights, which are the modern expression of natural law. It is but a small step from human rights to international humanitarian law because the latter is basically the application of the former to armed conflict.

In courses on *the history of law* and *Roman law*, it would be simple to refer to the ancient and abiding character of certain principles of international humanitarian law.¹¹

Finally, a *philosophy of law* course which dealt with value conflicts, the relationship between law and morality and Antigone's opposition to Creon could find gripping examples in international humanitarian law which attempts to reconcile the contradictory necessities of war and humanity.

2. Presenting international humanitarian law in specialized law courses

a. Penal law

Although *penal law* does not lend itself to a general presentation of international humanitarian law, the subject of suppressing violations of penal law provides possibilities for referring to international humanitarian law. Such references may at first glance seem secondary and fortuitous, but in fact they make it possible to discuss issues of great theoretical interest and are likely to arouse the student's curiosity. For example:

- the idea that there should be international suppression of violations of international humanitarian law; this was set out in articles 227 and 228 of the 1919 Treaty of Versailles and in the Charters and Judgments of the International Military Tribunals in Nuremberg and Tokyo;
- the problem of suppressing violations of domestic law in the absence of specific rules, e.g., the trials in Belgium after the Second World War of persons guilty of war crimes, although those offences were not—and still are not—to be found in the Belgian penal code.¹²

¹¹ Cf. Redslob, R. *op. cit.*, pp. 90 ff.

¹² See Belgian Court of Cassation, 4 July 1949, *Pasicrisis* 1949, 1, 517; Grevy, R., "La répression des crimes de guerre en droit belge", *Revue de droit pénal et criminel (R.D.P. et Cr.)*, 1947-48, pp. 806 ff., especially paras. 5 et 16.

- the different application of the provisions of penal law according to whether the person concerned is a combatant or non-combatant and the immunity of the former in cases of lawful acts of war;¹³
- acceptance or rejection of excuses for violations of international humanitarian law such as the excuse that orders had been given or that there was imperative necessity;¹⁴
- the question of whether or not the fact that orders were given can justify war crimes or crimes against humanity;¹⁵
- extradition and prosecution of war criminals¹⁶ and of persons who have committed grave violations of human rights.¹⁷

b. *International law*

Penal law, it is true, permits only oblique reference to international humanitarian law. *Public international law* is different. International humanitarian law is a specific branch of public international law and, as such, may be summarized in a chapter of its own or as part of a more general discussion. Textbooks in use differ

¹³ See Additional Protocol I, Article 43 [2]:

“Members of the armed forces of a Party to a conflict... are combatants, that is to say, they have the right to participate directly in hostilities.”

Article 44, para.1:

“Any combatant... who falls into the power of an adverse Party shall be a prisoner of war.”

See also Article 15 (2) of the European Convention for the Protection of Human Rights which prohibits, even in wartime, any infringement of the right to life “except in respect of deaths resulting from lawful acts of war”.

¹⁴ See our study “L'état de nécessité et l'excuse de l'ordre supérieur”, *Revue belge de droit international (R.B.D.I.)*, 1978-79/1, pp. 65 ff.

¹⁵ See Mertens, P., *L'imprescriptibilité des crimes de guerre et contre l'humanité*, 1974; see the UN Convention of 26 November 1968 and the Convention of the Council of Europe of 25 January 1974: contrary to the principle of the non-retroactive nature of penal laws, the first provides that statutory limitations, where they exist, shall not apply (Article IV), while the second lays down only a statutory limitation *ex nunc* (Art. 2).

¹⁶ For recent examples, see *Barbie Affair*, French Court of Cassation, 6 October 1983, 26 January 1984 and 20 December 1985, *Clunet*, 1983, pp. 780 (ff.) note Edelman; *ibid.*, 1984, pp. 308 ff. note Edelman; *ibid.* 1985, pp. 127 ff., note Edelman; *P.N.M.v.Public Prosecutor*, Netherlands Supreme Court, 13 January 1981, *Netherlands Yearbook of International Law (N.Y.I.L.)*, 1982, pp. 401 ss.

¹⁷ See, Meyer, M.A., “Liability of prisoners of war for offences committed prior to capture: The Astiz Affair”, *International and Comparison Law Quarterly (I.C.L.Q.)*, 1983, pp. 948 ff.; *Filartiga case*, U.S. District Ct., N.Y., Jan. 10, 1984, *American Journal of International Law (A.J.I.L.)*, 1984, pp. 677-678; *Siderman Case*, U.S. District Ct., C.D. Cal. March 7, 1985, *A.J.I.L.*, 1985, pp. 1065-1067.

greatly in their approach, varying from almost total silence to an entire volume devoted to the subject.

An examination of the works in our possession (which are not necessarily the most recent) clearly demonstrates this diversity.

Among those which devote a special chapter to international humanitarian law, particular mention must be made of both H. Lauterpacht and P. Guggenheim. The former devotes practically an entire volume¹⁸ to the subject and the latter almost 200 pages.¹⁹ G. Schwarzenberger,²⁰ W. Wengler²¹ and M. Diaz de Velasco²² also devote separate chapters to humanitarian law.

Other authors present international humanitarian law as a separate entity but within a more general chapter dealing with the use of force,²³ sanctions²⁴ or the settling of international differences.²⁵

Finally, some authors, including some of the most eminent, give no particular attention to international humanitarian law and merely refer to it in connection with the responsibility of the individual, war crimes²⁶ or human rights.²⁷

However, if international humanitarian law is not covered as a separate subject, it is possible to use it as a teaching tool for demonstration purposes. Indeed, many rules and institutions of international law can be clearly illustrated with instances taken

¹⁸ Lauterpacht, H., *Oppenheim's International Law*, London, 1958, 7th ed., pp. 201-623 (pp. 624-885 for the law of neutrality).

¹⁹ Guggenheim, P., *Traité de droit international public*, Geneva, 1954, pp. 295-492 (pp. 493-562 for the law of neutrality).

²⁰ *A Manual of International Law*, London, Stevens, pp. 190-216 (pp. 216-236 for the law of neutrality).

²¹ *Völkerrecht*, Berlin, Springer-Verlag, 1964, pp. 1360-1437 (for the law of neutrality, pp. 1438-1455).

²² *Instituciones de Derecho Internacional Público*, Madrid, Tecnos, 1982, vol. 1 pp. 575-626.

²³ Thierry, Combacau, Sur & Vallee, *Droit international public*, Paris, Montchrestien, 1975, pp. 597-625; Nguyen Quoc Dinh, Daillier & Pellet, *Droit international public*, Paris, L.G.D.J., 1980, pp. 855-872; Sorensen, M., *Manual of Public International Law*, London, Macmillan, 1968, pp. 799-839 pp. 840-844 for the law of neutrality).

²⁴ Quadri, R., *Diritto Internazionale Pubbico*, Palermo, Priulla, 1963, pp. 238-276 (pp. 277-288 for the law of neutrality).

²⁵ Reuter, P., *Droit international public*, Paris, P.U.F., Thémis, 1973, pp. 357-390 (pp. 390-408 for the law of neutrality).

²⁶ O'Connell, D.P., *International Law*, London, Stevens, 1970, II, 958-960; Brownlie, I., *Principles of Public International Law*, Oxford, Clarendon Press, 1973, pp. 297-298, 307, 544-547.

²⁷ Salmon J., *Droit des gens*, Presses Universitaires de Bruxelles, 1982-83, pp. 337-338, 359.

from international humanitarian law. The following cases exemplify subjects and sanctions of international law, with reference to sources.

1) The sources of international law.

- To illustrate how a rule embodied in an international convention becomes a general customary rule, mention may be made of The Hague Regulations of 1907, the customary character of which was recognized by the Nuremberg tribunal. The tribunal found that Nazi Germany had violated it, rejecting its claim not to be bound by it owing to the “*si omnes*” clause in Article 2 and the fact that several States which took part in the Second World War were not Party to the Regulations.²⁸
- It is well known that States which have signed a treaty are not obliged to ratify it. The signatory is nevertheless required to act in good faith and not deprive the treaty of its object and purpose.²⁹ This principle is particularly important in the case of the 1949 Geneva Conventions and their Additional Protocols, the final clauses of which require those instruments to be ratified “as soon as possible”.³⁰
This is a good example of the difference between signing a treaty and the procedure of accession.³¹
- *Exceptio non adimpleti contractus* is not an absolute rule and Art. 60 (5) of the Vienna Convention on the Law of Treaties emphasizes its limitations.³²
- It has often been said that the resolutions of the United Nations General Assembly have no legal force.³³ This type of sweeping

²⁸ International Military Tribunal of Nuremberg, Judgment of 1 October, 1946, Off. Doc. T. 1, p. 267.

²⁹ Vienna Convention of the Law of Treaties, 23 May 1969, Art. 18.

³⁰ Geneva Conventions of 12 August 1949: First Convention, Art. 57/Second Convention Art. 56/Third Convention, Art. 137/Fourth Convention, Art. 152; Additional Protocols of 10 June 1977: Protocol I, Art. 93/Protocol II, Art. 21.

³¹ Geneva Conventions of 12 August 1949: First Convention, Art. 60/Second Convention, Art. 59/Third Convention, Art. 139/Fourth Convention, Art. 155; Additional Protocols of 10 June 1977: Protocol I, Art. 94/Protocol II, Art. 22.

³² Art. 60 (5): The rules relating to the right to suspend or terminate the operation of a treaty as a consequence of its breach “do not apply to provisions relating to the protection of the human person contained in treaties of a humanitarian character, in particular to provisions prohibiting any form of reprisals against persons protected by such treaties”.

³³ Cf. Rousseau, Ch., *Droit international public*, Paris, Sirey, 1971, T. 1, pp. 436 ff., see also the references quoted in the *Texaco affair*, arbitration judgment of 19 January 1977, *Journal de droit international (J.D.I.)*, 1977, p. 376, para. 83.

statement should be made with more care.³⁴ One need only think of what has motivated domestic authorities to punish the violation of certain humanitarian rules. In *Filartiga vs. Penariala*, the U.S. District Court in the State of New York based its findings, among other things, on a combination of Article II of the Declaration contained in UN Resolution 3452 (xxx)³⁵ and the *Alien Tort Claims Act*,³⁶ when it ordered a member of the Paraguayan security forces to pay 10 million dollars in damages to the beneficiaries of a Paraguayan who had been tortured to death by the defendant.³⁷

In the *Klaus Barbie* case, the French Court of Cassation based the legality of Barbie's extradition from Bolivia to France³⁸ on the "recommendations made in the United Nation's resolution of 13 February 1946".³⁹

2) The various subjects under the law.

- The ability of individuals and non-State authorities to be direct subjects, actively or passively, under international law is based on Art. 3 common to the four Geneva Conventions of 1949 and on Additional Protocol II. Not only is the government of the State party to those instruments bound to respect them but the members of armed groups and even entire populations are required to conduct themselves in accordance with their pro-

³⁴ *Namibia*, International Court of Justice (I.C.J.), opinion of 21 June 1977, *Rec.* 1977, p. 50, para. 105; *Texaco affair*, *loc. cit.*, paras 83 ff.

³⁵ A/Res. 3452 (30) of 9 December 1975, Art. 11: "Where it is proved that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed by or at the instigation of a public official, the victim shall be afforded redress and compensation in accordance with national law".

³⁶ *Alien Tort Claims Act* — Title of United States Code 28, para. 1350 (1982)—empowers district federal courts to hear civil suits brought by aliens for damages resulting from acts "committed in violation of the law of nations or a treaty of the U.S".

³⁷ U.S. District Court. Eastern District, New York, Jan. 10, 1984, *American Journal of International Law* (A.J.I.L.), 1984, ppp. 677-678.

³⁸ In its Resolution 3 (I), the General Assembly: "recommends that Members of the United Nations forthwith take all the necessary measures to cause the arrest of those war criminals who have been responsible for or have taken a consenting part in the above crimes, and to cause them to be sent back to the countries in which their abominable deeds were done, in order that they may be judged and punished according to the laws of those countries".

³⁹ French Court of Cassation, Criminal Division, 6 October 1983, *Journal de droit international*.

visions (prohibition of murder and torture, obligation to treat the wounded, etc.).⁴⁰

- The complexity and variety of the different subjects under international law are accentuated when viewed in the context of the International Red Cross, which is composed both of States and of non-governmental organizations.⁴¹
- International peacekeeping forces are also subjects under international law as demonstrated by the fact that international humanitarian law applies to the operations in which they take part.⁴²

3) Enforcement of international law.

- Verification of whether international law is respected may be illustrated by the different provisions for protection laid down in international humanitarian law: the role of the International Committee of the Red Cross and the Protecting Powers,⁴³ bilateral inquiries⁴⁴ and fact-finding commissions.⁴⁵
- Among the best examples of establishing criminal liability for individuals who violate international law are Articles 227-228 of the 1919 Treaty of Versailles, the judgments handed down by the International Military Tribunals of Nuremberg and Tokyo, and domestic case law following World War II.
- Defences to international responsibility are not absolute. Their limits often become apparent when a state of emergency in wartime is cited. Indeed, this justification for divesting an act of its illegality⁴⁶ is admitted by international humanitarian law only in those cases for which it makes special provision.⁴⁷

⁴⁰ See Mallein, J., *La situation juridique des non-combattants dans les conflits armés non internationaux*, Université des Sciences sociales de Grenoble, thesis, roneo, 1978, p. 413.

⁴¹ See Perruchoud, R., *Les résolutions des conférences internationales de la Croix-Rouge*, Geneva, Henry Dunant Institute, 1979, p. 105 ff.

⁴² See the work of the International Law Institute on "The application of the law of war to the military operations of the United Nations", *I.L.I. Annual*, 1971, vol. 54.

⁴³ Geneva Conventions of 1949: First Convention, Art. 8 and 10/Second Convention, Art. 8 and 10/Third Convention, Art. 8, 10 and 126/Fourth Convention Art. 9, 11 and 147; Additional Protocol I of 1977, Art. 5.

⁴⁴ Geneva Conventions of 1949: First Convention, Art. 52/Second Convention, Art. 53/Third Convention, Art. 132/Fourth Convention, Art. 149.

⁴⁵ Additional Protocol I of 1977, Art. 90.

⁴⁶ Draft article on the responsibilities of States, Art. 33, *Annual of the International Law Commission* (Ann. I.L.C.), 1980, Vol. II, 2nd part. pp. 33 ff.

⁴⁷ *Ibid.*, p. 45; cf. for example, Additional Protocol I of 1977, Art. 51, para. 5; b, Art. 57, para. 2, Art. 58.

To sum up, this sampling of references to international humanitarian law shows that there are many opportunities for calling attention to this subject and that it is therefore possible for the instructor to raise some awareness of it without excessive effort on his part and without it being necessary to set up a special course until the later stages of law studies.

It is nevertheless obvious that a general presentation of international humanitarian law as part of one of the above-mentioned courses is preferable to a patchwork of unconnected references which runs the risk of losing the essential meaning of the humanitarian message.

D. CONCLUSION

Disseminating knowledge of international humanitarian law in academic circles is the legal and moral obligation of individuals and States. It should not be limited to law faculties but done throughout the university. This objective is all the easier to attain as most general courses taught in the initial part of the students' programme are capable of accommodating, if not an exhaustive presentation of international humanitarian law, at least a thorough outline of its principles. In the latter case, the idea is not to cram the students' minds with technical details but to raise their consciousness, encourage thought and develop what has been called the "humanitarian reflex".

General philosophy and sociology courses are ideally suited to this. The following courses, where they are offered, are further examples:

- in the natural sciences, courses in the philosophy or history of science;
- in the humanities and social sciences, courses in political theory, anthropology, social psychology, history, theory and sociology of international relations;
- in medicine, the course in medical ethics.

It should be remembered that the introductory law courses in natural law, the history of law, Roman law and public international law are all apt vehicles for dealing with international humanitarian law in a more detailed manner. This does not mean that it cannot also be taught in a separate, specialized course but this seems feasible only in the latter stages of the programme.

Whatever the solution found, it should be noted that spreading knowledge of international humanitarian law does not present any particular pedagogical difficulty. On the contrary, it is just the type of subject which "sticks". Indeed, it can be easily applied to the reports which one gets every day from the media and appeals to the street urchin in all of us.⁴⁸ Moreover, some of the legal problems which it raises (the status of guerrillas and of mercenaries, suppression of violations, etc.) are among the most fascinating which exist.

In practical terms, disseminating knowledge of international humanitarian law in academic circles requires that instructors use well-trying means to inform themselves beforehand: both informal, direct contacts and seminars bringing together a small number of persons are methods which have already proven effective.

It is nevertheless important to distribute adequate material, especially reliable documents which are well-referenced and adapted to the target group. Although there is an abundance of such documents dealing with the legal approach and history of international humanitarian law, those providing a philosophical, political, sociological, anthropological and psychological analysis of this branch of law remain to be written. There is no doubt that the International Committee of the Red Cross and the National Societies, which have already done remarkable documentation work on the legal aspects, would be in the best position to provide the tools and methods for teaching the subject.

To be sure, this preparation will require much work involving the tracing and scanning of widely varied sources. But that, after all, is in keeping with the basic aims which those organizations have set themselves and which they endeavour to accomplish daily in the field in relieving human suffering.

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⁴⁸ See Brauner, A., *Ces enfants ont vécu la guerre*, Paris, Ed. sociales françaises, 1946, pp. 215 ff.