

## The International Institute of Humanitarian Law

25 years of humanitarian dialogue

by Jovića Patrnogic

*The International Congress on Human Rights as the Basis of International Humanitarian Law*, held in September 1970 at the Villa Nobel, San Remo, Italy, commended the proposal of the “promoting committee”<sup>1</sup> to set up an International Institute of Humanitarian Law. Twenty-five years have elapsed since that event, and today the following questions can be asked: What is the purpose of an Institute of Humanitarian Law? What has the Institute achieved? What is the future of the Institute?

At the time when the Institute was founded, rapid progress in all spheres of human activity was accompanied, alas, by very complex humanitarian problems, affecting great numbers of people in various parts of the world and stemming from different causes: armed conflicts, internal disturbances and tensions, persecution, violence and the denial of basic human rights, natural or man-made disasters, extreme poverty and underdevelopment, disease, etc. Whatever the causes, the people affected were in need of humanitarian assistance, which was indeed provided in many cases and has alleviated the suffering of many. However, humanitarian action was not always possible and was often inadequate to cope effectively with certain situations. These crises and the difficulties in preventing them or dealing with them — and in meeting the needs — were a cause of great concern for all those who considered that humanitarian

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<sup>1</sup> Professor Jovića Patrnogic, Dr Gian-Carlo Lombardo, Mr Francesco Viale and Dr Ugo Genesisio.

issues deserved the highest priority and the full attention of the international community. Humanitarian problems are constantly proliferating and are becoming an increasingly characteristic feature of the contemporary world. The main players on the international scene were preoccupied primarily by political, security and economic problems and the increased use of force to solve disputes, and much less by the humanitarian problems resulting therefrom. People concerned with humanitarian issues therefore had to try to draw attention to these problems and to the need to strengthen humanitarian activities and make them more effective. New ways had to be devised to place humanitarian action high on the agenda of the international community. The establishment of the Institute should be viewed against this background.

The *International Congress on Human Rights as the Basis of International Humanitarian Law* was attended by outstanding scholars from many parts of the world and, on 26 September 1970, it set up the International Institute of Humanitarian Law. The proceedings of the Congress comprise a very valuable collection of contributions by eminent specialists in humanitarian matters, and particularly international law. The San Remo Declaration issued at the Congress is still as relevant as ever, and indeed some of its recommendations have already been implemented. The Statute of the newly created Institute became the framework for some remarkable achievements.

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During the past 25 years times have changed and new types of action are required, but humanitarian problems have not been solved; on the contrary, they have become even more acute. The Institute has been adapting and developing its activities to keep pace with these changes and has gradually become a forum for humanitarian dialogue. To promote such dialogue, the Institute brought together people from very different fields: university lecturers and scientific researchers; government representatives, particularly diplomats engaged in multilateral diplomacy; representatives of intergovernmental organizations, especially from the UN system; representatives of various NGOs, among which special mention must be made of all the components of the International Red Cross and Red Crescent Movement; and private individuals specializing in humanitarian matters. All these people from different backgrounds and professions share a common concern for humanitarian matters, and have both theoretical and practical experience in this sphere.

This wide range of expertise and experience is a characteristic feature of the Institute, which provides an opportunity for dialogue between the people concerned; this dialogue, in turn, has become the Institute's main working method and has enabled it to achieve the results which its members promote and disseminate throughout the world.

The Institute's purpose is not to solve the very complex humanitarian problems which are dealt with directly by the competent bodies concerned, but rather to pinpoint and define those problems, weigh arguments, examine the relevant legal instruments, assess the action taken and come up with new ideas for future development in this field. It also reaffirms the value of humanitarian action and humanitarian law in today's changing world.

During its quarter-century of existence the Institute has dealt with a very wide range of subjects, covering all aspects of humanitarian law and action; moreover, it has reflected the close relationship between human rights and humanitarian law and their complementarity in practice.

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The Institute's activities are numerous and take very different forms. I shall try to outline the more important ones, i.e. those illustrating the various types of action which are all geared towards meeting the objectives set out in its Statute.

- (a) The Institute's highest forum is the Congress, which brings people together to discuss general themes such as humanitarian law, human rights, solidarity and peace. The initial Congress in 1970 dealt with human rights and humanitarian law, while the 1980 Congress examined the subject of "International solidarity and humanitarian action". In 1986 the theme was "Peace and humanitarian action" to mark the International Year of Peace. For its contribution to peace, the Institute received the United Nations Peace Messenger Award.
- (b) Every year in September the Institute convenes a Round Table on current problems of international humanitarian law. This has become an important annual meeting for members of the international humanitarian community. To date, there have been nineteen such Round Tables. The first, in 1974, served as a forum for informal, frank and in-depth discussions of issues raised at the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts (Geneva, 1974-1977). By orga-

nizing meetings between sessions of the Diplomatic Conference, the Round Table helped clarify views and work out solutions and formulations that might obtain general support at the Conference. Participants included not only many members of the Conference but also other experts in this area. The Round Table continued to function in this capacity throughout the Diplomatic Conference.

In the years when the International Conference of the Red Cross and Red Crescent was convened, the Round Table served as a forum where the future participants — and other people interested in the subject — could have preliminary discussions on the main agenda items of the Conference, which is the supreme deliberative body for the International Red Cross and Red Crescent Movement. On other occasions, the Round Table has dealt with various subjects related to humanitarian law and action which were of topical importance at the time.

- (c) The Institute also convenes numerous meetings, with more limited participation, on specialized subjects. These meetings, working groups and seminars study a wide range of humanitarian issues, including the protection of refugees, the implementation and development of humanitarian law, migration, disaster relief, and the law of armed conflict at sea. The results of the meetings are published; thanks to the authoritative standing of the participants they offer valuable insights into humanitarian issues and, on occasion, provide a legal ruling.
- (d) The Institute pays special attention to the regional aspects of humanitarian issues and convenes meetings in areas where promotion of a regional approach is considered necessary and useful. In this connection, we would mention the series of European seminars on current problems of international humanitarian law in its widest sense — the intention being to bring together Western and Eastern European experts for an open dialogue on various aspects of humanitarian law and to make this law more widely known in Eastern European countries. There have also been meetings of experts in Arab countries and in the Far East, in particular to discuss matters pertaining to the protection of refugees. Among the notable results achieved are the Cairo Declaration on Refugees adopted by the Cairo meeting of Arab experts in 1992, the first instrument to propose measures for the protection of refugees in the Arab world, and the Manila Humanitarian Standards relating to the protection of refugees in Asian countries.
- (e) Education and training in international humanitarian law is one of the permanent and most important aspects of the Institute's work. It began with courses on the law of war, conducted in close cooperation

with the ICRC and bringing together officers of the armed forces of many countries — indeed sometimes from countries which were not on friendly terms with each other — and with seminars to spread knowledge of international humanitarian law and on dissemination methods. The Institute has not only contributed to dissemination but has ensured that it is carried out using a standardized method and approach. Participants in these courses are expected to pass on their knowledge when they return to their respective countries. To date, 54 such courses have been held with more than 2,000 participants from 125 countries.

Because of the constant increase in the number of refugees and displaced persons all over the world and the number of countries affected, the foregoing activities have been supplemented by courses on refugee law. The circumstances required that government officials and humanitarian agencies be given basic instruction in refugee law. This is done in close cooperation with UNHCR and, to date, 10 courses have been held for participants from 95 countries.

Constantly expanding the scope of its teaching activities, the Institute has also introduced courses on specific topics pertaining to human rights, in particular for developing countries, working closely with the United Nations Human Rights Centre.

- (f) In addition, the Institute issues a very wide range of publications. The deliberations of experts on the various topics from the vast field of the Institute's work are published in its *Yearbook*, the publication *Collection*, a series of studies, the reports on its various specialized meetings and the *Newsletter*. All this material is invaluable for everyone concerned with humanitarian issues.
- (g) At the Institute's headquarters in San Remo a documentation centre and library, which specializes in works on international humanitarian law, serve scholars and students from all over the world. Many take advantage of these facilities to conduct their research on the spot.
- (h) Since the whole range of its activities is geared in some way to the dissemination of international humanitarian law, the Institute has established a prize which is awarded each year to organizations or individuals having contributed significantly to the promotion and dissemination of this body of law.
- (i) The Institute's various activities help promote the modern concept of international humanitarian law; starting with its traditional scope but

going on to cover other situations where serious humanitarian problems call for action by the international community on the basis of a broader concept of the law. The Institute's members thus help establish a closer relationship between humanitarian law and human rights law.

Throughout its existence, the Institute has conducted its very diverse activities in cooperation with other interested organizations, in particular those which are mandated by the international community to exercise various functions in the humanitarian sphere. Especially close links are maintained with the ICRC, the guardian of international humanitarian law, and with UNHCR, the IOM, the UN Human Rights Centre, the International Federation of Red Cross and Red Crescent Societies, other intergovernmental and non-governmental organizations, governments, and academic institutions (the Raoul Wallenberg Institute, the Henry Dunant Institute, the Strasbourg Institute of Human Rights). This has enabled the San Remo Institute to include representatives or experts from other bodies in its activities, thus offering them the possibility of becoming involved in the humanitarian dialogue. By working in this way, the Institute has successfully maintained its independence — a precondition to assertion of the authority of its views. Its stance in this respect has earned the Institute consultative status with ECOSOC and the Council of Europe.

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The Institute will mark its 25th anniversary by holding a fourth Congress (6-9 September 1995). It will focus on the theme "United for the respect of international humanitarian law" and will cover various topical subjects: the work of the United Nations in regard to issues concerning respect for international humanitarian law and fundamental rights in conflict situations; the consequences in humanitarian terms of UN sanctions in conflict situations; several basic issues and challenges relating to the protection of refugees during conflicts and in post-conflict situations; preliminary debates on certain items on the agenda of the next International Conference of the Red Cross and Red Crescent, such as promoting greater respect for international humanitarian law; and, finally a review of the work and achievements of the International Institute of Humanitarian Law over the past 25 years.

The Institute will continue to fulfil the role it has played over the last quarter-century. Its rapid expansion over the years from its small beginnings to its present size bears witness to the fact that the international humanitarian community needs such a highly specialized institution. Humanitarian problems worldwide are vast and constantly increasing; it cannot be expected that they will be solved quickly. Therefore institutions which offer a forum for humanitarian dialogue are indispensable today and can contribute to the common effort to enhance respect for international humanitarian law and fundamental human rights. Current trends show that humanitarian action is coming gradually to the forefront of the international community's concerns, and this calls for a continuation of the Institute's role.

**Professor Jovića Patrnogic**  
*Honorary President*  
*International Institute*  
*of Humanitarian Law*

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