

HANDBOOK ON THE LAW OF WAR FOR ARMED FORCES

To effectively benefit its users, a handbook must be thought out, conceived and drafted in such a way that it meets their requirements, in other words it must be geared to what is of specific concern to them and formulated in terms they can understand. This principle also applies in military matters, perhaps more so than in any other field.

Considering the number of conflicts in the world today, the *Handbook on the Law of War for Armed Forces* *, published by the International Committee of the Red Cross, but under the full and exclusive responsibility of its author, Colonel Frédéric de Mulinen, a general staff graduate, comes at the right time.

The drafting of this Handbook was a major undertaking, for its author had to take account of the entire law of war and present it to his readers according to military criteria. The simplest method would have been to comment on one convention after another, with a chapter dealing with war at sea and another devoted to air warfare, and so on. The initial drafts of the Handbook in fact followed this procedure. Gradually, however, both the concept and the structure of the text developed into what has become the Handbook's present form, which is that of a military manual, enabling the reader to immediately find what is of concern to him according to his position within the command chain and to a given situation.

The modern law of war is by no means homogeneous. The earliest and the most recent treaties do not always speak the same language: more modern concepts have been substituted for those prevailing in the past. New conventions have come to supplement those that were already well known, hence a number of repetitions or lacunae. Whereas the commentaries on treaties deal exclusively with the legal aspects involved, a military manual must also match up to all requirements at the purely practical level. It must contain injunctions that are based on both logic and common sense, drawing the attention of persons in command, from the highest echelon of the State down to the lowest level of the military hierarchy, to the duties they must all assume vis-à-vis their subordinates. Each time there is a shortcoming or a lack of clarity in the law of war, the *Handbook on the Law of War for Armed Forces* addresses command responsibility.

The *Handbook* therefore begins by describing what the State must do to contain the situation at all times, avoiding armed conflict if at all possible, and

* Frédéric de Mulinen, *Handbook on the Law of War for Armed Forces*, ICRC, 1987, 232+22 pp. In English, French and Spanish versions are planned.

—if not— keeping the conflict under control to limit its escalation and the loss of lives and material damage.

The *Handbook* then follows the normal command procedures for engaging means of warfare until the battlefield itself. It then deals with the evacuation of victims and with measures to be taken in the rear areas where all law of war problems have to be solved. It ends with the two special situations of military occupation and neutrality.

The *Handbook* is meant primarily for commanders with a staff at their disposal. It refers to the various treaties and conventions and indicates where full details can be found. For the commanders and leaders of smaller units and more generally for commanders needing rapid information, the *Handbook* contains a summary giving simple injunctions, without reference to legal instruments. The *Handbook* also contains a number of straightforward rules for behaviour in action and a model training programme.

The spirit of the *Handbook on the Law of War for Armed Forces* is that of a code of conduct. Consequently, as the author himself says, those that respect order and discipline and behave according to its rules will always be in conformity with the law of war.

This major undertaking required the combined skills of a lawyer and experienced general staff officer with practical knowledge of teaching at various levels and in different branches of the armed forces. Colonel de Mulinen was perfectly suited to this task.

In the division we had the honour of commanding, we guided his first steps as a senior officer. Later, we saw him at work, an accomplished polyglot, before and after the Diplomatic Conference on Humanitarian Law in Geneva, as course director at the International Institute of Humanitarian Law in San Remo, assuming his duties at the International Society of Military Law and Law of War, and at the International Committee of the Red Cross during the various stages of the preparation of the *Handbook*.

Thanks are due to Colonel de Mulinen for steadfastly pursuing the task he had set himself to achieve, sometimes in the face of considerable difficulties, both in providing practical instruction and in preparing a handbook that is a logical extension of his teaching experience.

Major-General Eugène P. Dénézéaz

INDEX ON THE TEACHING OF INTERNATIONAL HUMANITARIAN LAW IN ACADEMIC INSTITUTIONS*

One of the major concerns of the components of the International Red Cross and Red Crescent Movement since the end of the 70s has been to promote

* *Index on the teaching of international humanitarian law in academic institutions* (Danuta Zys, Christine Seydoux, Inge Bracke, eds.), Henry Dunant Institute, Geneva, 1987. Price: 40 Swiss francs.