

The International Institute of Humanitarian Law (San Remo) and its international military courses on the law of armed conflict

There are few institutions in the world which are able to assemble officers from all the countries of the globe, who wear their own uniforms and live and work together for two weeks. One of these is the International Institute of Humanitarian Law in San Remo, Italy.

This non-governmental organization was set up in 1970 for the purpose of promoting the dissemination and development of international humanitarian law. The choice of the Italian seaside resort of San Remo was not accidental. It was there that Alfred Nobel spent the last years of his life, and he left all his property to the humanitarian cause. The villa he occupied until his death became the headquarters of the International Institute of Humanitarian Law.

At the beginning the Institute was mainly interested in following the proceedings of the 1974-1977 Diplomatic Conference which drew up the Protocols additional to the Geneva Conventions. During that period, with the support of the International Committee of the Red Cross (ICRC), the Institute decided to set up a programme of instruction for officers in humanitarian law. The teaching of the law of armed conflict — at the time still called the law of war — is of course included in one of the articles common to the Conventions which obliges States “to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military (...) instruction”. The programme of the San Remo Institute started in 1976 with a French-language course.

More than 20 years have passed since then and many things have changed in the organization of the military courses at the Institute, but the principle remains the same: to give participating officers the opportunity to learn in an international context how to behave in operational situations, taking into account the humanitarian rules of armed conflict. In this way

the Institute fulfils the task of assisting governments with the implementation at the national level of obligations relating to humanitarian law.

These two decades of international military courses are full of facts and figures, important events, interesting situations, and continuous efforts to improve teaching methods and increase the level of participation. There is no doubt that the international respect enjoyed by the Institute and the high esteem in which its courses are held throughout the world are proof of seriousness, competence and rigour. The Institute is naturally proud of this success, which has been achieved at great sacrifice, but it must be said that the support and help of the ICRC have been of decisive importance.

Over the period of 18 years, 44 courses were given under the direction of a high-ranking Swiss officer, put at the Institute's disposal by the ICRC. He devoted his time to the courses, helped by a number of qualified officers, all acting on a voluntary basis as instructors or class leaders. The number of courses organized each year went up, as did the number of languages used. The courses, initially given only in French, started being offered in French, English, Spanish and Italian (though the last was soon dropped). International attendance became more and more significant. In 1980 the duration of the courses was extended from one week to two. The teaching programme was changed from a series of lectures and a few exercises to a veritable military education programme offering the relevant information, many staffing exercises and some lectures on the main conceptual aspects of the subject.

After the retirement of the first director a Directorate of Military Studies was set up to organize the courses and to study developments in teaching methods. In parallel, the Institute formalized its ties with the ICRC and a cooperation agreement on the organization of military courses was signed. The number of courses was increased to seven a year. Course directors, appointed from amongst the best officers on the teaching staff, change every time. The subjects covered in the programme are selected according to the prevailing international situation. For instance, in the last few years some new themes have been introduced, namely humanitarian law applicable in peace support operations and the repression of war crimes, while other items have been abandoned.

Over the years, 63 courses have been held, despite many difficulties. There have been more than 2,000 participants — officers, government officials and academics — from 140 countries. The fact that countries from the five continents send participants, from captains to major generals, to the San Remo Institute's courses on the law of armed conflict shows at the very least that these courses are deemed highly necessary. Many countries have requested scholarships and the Institute is able to grant some

to certain countries. Other scholarships are provided by the ICRC, and some financial support comes from the European Union. The government of The Netherlands has appointed an active duty officer to the Institute. Some countries are sponsoring the participation of other countries. A programme proposed by the Norwegian government to provide scholarships to officers from Botswana and Zimbabwe is already being implemented. Other countries are on the way to finalizing similar programmes.

This international attendance is useful for all the participants, as it gives them a unique opportunity to increase their knowledge and broaden their horizons by comparing different mentalities, backgrounds and perceptions on an issue as sensitive as the law of armed conflict. The officers are reassured to find that their counterparts in other countries face similar problems, that they have an identical moral code and the same need for clear rules and unambiguous instructions.

The two-week course (10 working days) covers the following subjects:

Preparatory exercises: basic notions, strategic situations, responsibilities resulting from the law of armed conflict

Command and staff exercises: planning of operations, conduct of operations, behaviour in action, rear areas, peace support operations, operations to restore public order, ICRC, repression of war crimes, law of armed conflict, final exercise

After the introduction of each item by the course director in plenary session, the participants meet in classes, under the guidance of their class leader. They work as if they were part of an integrated staff, learning from their instructors and solving common problems together. The aim is to find operational solutions while taking due account of the law of armed conflict. The conclusions of the day are presented in the final plenary session. Classes number ten people on average, and their composition is carefully balanced between operational military personnel and lawyers; the former group comprises an appropriate mixture of army, navy and air force officers.

The key to the success of the courses is the teaching staff. Instructors are generally officers on active duty and at the same time experts in the law of armed conflict. They devote part of their time to the Institute's military courses, on a voluntary basis. The 35 officers on the Institute's teaching staff come from many different countries, and this highlights the universal nature of the San Remo courses. The instructors are usually selected from amongst the participants of previous courses. If they are officers on active duty, they join the teaching staff with the authorization of their command authorities. It is obvious that conducting a course and

organizing a workshop for a class of students from different countries and with different ranks, experiences and level of knowledge of the subject requires instructors who are able to offer competent teaching, firm guidance and tactful advice.

At the end of the course the participants are asked to fill out a questionnaire and give their comments on the course. The comments are generally positive, as most of the participants have discovered a fascinating subject which is very often neglected in their military experience. Many participants keep in touch with the Institute after the course, asking for suggestions or comments on specific national problems or sending material from their own countries. Some of them express the wish to return as class leaders.

At present the courses are given in three languages — English, French and Spanish. However, if there are enough participants speaking another language to form a class and if an instructor speaking the same language is available, then a class using that language can be set up. This has been the case with a Portuguese class (as part of a Spanish course), and in the future classes in Arabic and in Russian will be offered, at the ICRC's proposal and with its support.

Another initiative, taking up a task formerly carried out by the ICRC, will be introduced at the end of this year: the organization of a course for officers who will be put in charge of training programmes in the law of armed conflict in their own countries. This course will last five days, and will be tailored to the participants' requirements. It will provide them with all the necessary "tools" to set up and execute basic programmes in the law of armed conflict for the military.

To conclude this short presentation, I would like to add that these international military courses can only be organized and run because of the Institute's commitment to the promotion of international humanitarian law, its teaching methods, and the enthusiasm of the teaching staff. At the end of the course the participants should not only have acquired interesting and valuable new experiences, but also be firmly convinced about the importance of the subject. Back home they should become prophets advocating the dissemination of the law of armed conflict in their armed forces. If we succeed in convincing these officers to act accordingly, our efforts will have not been in vain.

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