

Marco Sassòli and Antoine Bouvier, in cooperation
with Laura M. Olson, Nicolas A. Dupic and Lina
Milner

**How Does Law Protect in War? Cases,
Documents, and Teaching Materials on
Contemporary Practice in International
Humanitarian Law**

International Committee of the Red Cross, Geneva, 1999,
1,493 pages

All those who teach international humanitarian law and those who think of teaching it will no doubt welcome this first-ever major coursebook in international humanitarian law, one that is both comprehensive and affordable. As one of the instructors who has taught international humanitarian law in a major law school for about two decades, I found the lack of a readily available coursebook and the need to prepare my own materials a considerable inconvenience. For those less familiar with international humanitarian law, the lack of a coursebook was a real discouragement to structuring a course and teaching in this area.

During the past academic year, I have used the new coursebook at Harvard Law School and at Berkeley Law School and, in light of this favourable experience, I shall use it at NYU Law School starting this Fall.

The book is composed of three parts. The first, consisting of fifteen chapters, presents outlines and bibliographies of the principal topics, such as sources, distinction between civilians and combatants, combatants and POWs, protection of the wounded, sick and ship-

wrecked, protection of civilians (including in occupied territories), conduct of hostilities, naval and air warfare, non-international armed conflicts, implementation (including war crimes), the relationship between human rights and humanitarian law, and the ICRC. I found particularly helpful the chapters on POWs, protection of civilians, conduct of hostilities (the Hague Law), non-international armed conflicts, and the relationship between human rights and international humanitarian law. These outlines will benefit teachers in the preparation of their classes, as well as students working in research and preparing their seminar papers. I myself have not assigned these outline chapters to my students, preferring to concentrate on the primary materials contained in Part II.

Part II, "Cases and Documents", is the core of the book. By providing edited sections of major humanitarian law treaties (the easily available 1949 Geneva Conventions and the 1977 Additional Protocols are not included), statements and cases of international and national tribunals, it constitutes the coursebook's principal contribution. Part II is divided into two long chapters. The first contains general statements on international humanitarian law, starting from the Hague Regulations of 1907 and going on to the chemical weapons protocol, the conventional weapons conventions and protocols thereto, the Rome Statute of the International Criminal Court, the Statutes of the International Criminal Tribunals for the former Yugoslavia and Rwanda, UN reports on questions pertinent to international humanitarian law, important examples of national laws implementing it, and the nuclear weapons advisory opinion of the International Court of Justice.

All of these are important. I, myself, found it particularly useful to relate the discussion of general treaties in chapter one to cases in chapter two and thus encourage a discussion of sources and the evolution of international humanitarian law, including customary law. The second chapter, "Cases and Documents relating to Past and Contemporary Conflicts", presents a uniquely rich mix of primary materials, such as cases and official statements, ideal for assignment to students for preparation of statements on specific topics. Included, among others, are decisions of Nuremberg and Tokyo tribunals and

national tribunals arising from the events of World War II, a selection of cases and materials from Malaysia, Korea, Vietnam, Nigeria and the Indo-Pakistan conflict, an excellent selection of cases on the Israel-Arab conflict and occupied territories, Panama and the capture of Noriega, both the Gulf War and the Iran-Iraq war, the Falklands/Malvinas conflict, Sri Lanka, the conflicts in the former Yugoslavia (with key decisions of the ICTY), conflicts in Somalia and the African Great Lakes region, Turkey, Afghanistan and Chechnya.

The third and the shortest part of the book contains possible teaching outlines for longer and shorter course modules.

The coursebook provides an excellent vehicle for courses and class discussions in both theoretical and practical topics and a wealth of fascinating cases sure to attract student interest. By refraining from adopting a particular approach to international law theories and doctrines, the authors encourage teachers to develop their own method and to select their preferred materials from the rich menu provided by the coursebook. Coming at a time of high interest in international humanitarian law, as well as in international criminal law, the book could make a significant contribution to ending the dismal neglect of international humanitarian law in most law schools and universities.

The editors and the ICRC should start planning periodic documentary supplements on the most recent developments in international humanitarian law. Bouvier and Sassòli were not able to take into account the new ICRC study of customary rules of international humanitarian law, which is scheduled to appear in 2001. That study will be the perfect companion volume to the coursebook. Prepared on a rich basis of national and international practice, the customary law study will show that there is much more practice, *opinio juris*, and, consequently, custom than we could have ever expected.

It is with the greatest pleasure that I recommend the coursebook to all teachers of international humanitarian law and international criminal law and congratulate the ICRC, Marco Sassòli and Antoine Bouvier, and their assistants Laura M. Olson, Nicolas A. Dupic and Lina Milner for an excellent job. Their erudite and tireless efforts

have produced a comprehensive coursebook of very high quality. It should help international humanitarian law to obtain pride of place in all universities and major law schools.

THEODOR MERON

Charles L. Denison Professor of Law
New York University Law School

Françoise Bouchet-Saulnier

Dictionnaire pratique du droit humanitaire

Éditions de La Découverte & Syros, Paris, 2000, 492 pages

L'auteur, Françoise Bouchet-Saulnier, docteur en droit, responsable juridique de *Médecins sans frontières* et directeur de recherches à la Fondation de cette organisation non gouvernementale, vient de publier une deuxième édition mise à jour d'un dictionnaire fort utile. Rédigé et présenté de manière à être accessible au plus grand nombre, il comporte 300 entrées donnant les informations essentielles sur chacun des mots et expressions traités et renvoyant à d'autres.

L'ouvrage est susceptible d'intéresser le juriste aussi bien que le non-initié soucieux d'aborder un thème très en vogue aujourd'hui : « l'humanitaire ». L'auteur semble considérer, comme beaucoup de personnes actuellement, que tout est « humanitaire » (ainsi, y a-t-il une entrée au mot « Adoption »). Françoise Bouchet-Saulnier note, dans son introduction, que le droit humanitaire a été « longtemps réservé aux situations de conflits armés » et estime que « l'action humanitaire apparaît aujourd'hui comme un mode de gouvernement minimal adopté par les organisations internationales telles que l'Organisation des Nations Unies, l'Union européenne et certains États ». L'action humanitaire devrait donc venir régler tous les problèmes de l'être humain placé dans une situation difficile en raison de la guerre, de catastrophes naturelles ou encore du fait de l'incapacité plus ou moins grande des États à gérer des difficultés d'ordre économique ou social