

Promoting the Teaching of IHL in Universities: Overview, Successes, and Challenges of the ICRC's Approach

*Etienne Kuster**

Abstract

According to the four GCs of 1949,¹ States have to include the study of those texts within their programmes of military and civilian instruction. What role do universities play in that regard? How has the ICRC supported the teaching of IHL during the past decades? What are the results achieved and the challenges faced? Which recommendations and questions can be formulated for years ahead? This piece endeavours to provide an overview of the ICRC's experience in promoting the teaching of IHL in academia worldwide.

Law is not just a method of reasoning, a technique used to justify or refute a solution. It also has to do with justice. It governs human beings. The specificity of human beings is that they have a moral choice. Unlike Nature, human society sets out the boundaries and limits of what is perceived as good and bad. [...] How better to understand this aspect of law than by studying IHL, the branch applicable to the most inhumane,

* Etienne Kuster is Adviser for relations with academic circles at the International Committee of the Red Cross (ICRC). He has worked for the ICRC in various capacities since 2006. After missions in Pakistan and Thailand, he took up his current position at ICRC headquarters in 2011. He oversees and supports the ICRC's worldwide interactions with academic institutions for the promotion of law and humanitarian action, develops IHL teaching tools, organizes academic events, and represents the ICRC towards the academic community. He holds of a law degree from the University of Geneva and a M.A.S. in IHL from the Geneva Academy of International Humanitarian Law and Human Rights. The author would like to offer his heartfelt thanks to all persons who contributed to this article and contribute to promoting and supporting the teaching of IHL in academia in general. The views expressed are those of the author alone and do not necessarily reflect the ICRC's position.

1 Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949), 75 UNTS 31; Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949), 75 UNTS 85; Geneva Convention (III) Relative to the Treatment of Prisoners of War (1949), 75 UNTS 135; Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War (1949), 75 UNTS 287 (all entered into force on 21 October 1950).

lawless, anarchic and archaic form of human activity, namely war? [...] Even those who understand IHL can choose to violate it. Teaching IHL is therefore always, even at universities, a question not only of training but also of education.²

1 Introduction

For the vast majority of people, the ICRC is associated with relief and not academic work. More specifically, the ICRC is mostly known for the humanitarian operations aiming at alleviating human suffering in armed conflict it has conducted for over a century.³ Nobel Peace Prizes attributed to the organization, its members and partners, have been mostly in recognition of its outstanding humanitarian efforts assisting victims during armed conflicts.⁴ However, the dissemination of IHL to the public in general, and in universities in particular, has constituted one of the first activities of the ICRC after its birth in 1863,⁵ and continued for the next 40 years or so.⁶ Indeed, in the view of Gustave Moynier:

La propagande en faveur des principes de la Convention de Genève ne comporte pas seulement leur vulgarisation au sein des armées et un

2 M. Sassòli, A. Bouvier, A. Quintin, *How Does Law Protect in War?*, Part III (2011), at 2.

3 P. Boissier, *History of the International Committee of the Red Cross, From Solferino to Tsushima*, Vol. I (1985); A. Durand, *History of the International Committee of the Red Cross, From Sarajevo to Hiroshima*, Vol. II (1984); C. Rey-Schyr, *History of the International Committee of the Red Cross, From Yalta to Dien Bien Phu*, Vol. III (2007); F. Bugnion, F. Perret, *History of the International Committee of the Red Cross, From Budapest to Saigon, 1956–1965*, Vol. IV (2009); J.-L. Blondel, *History of the International Committee of the Red Cross, From Saigon to Ho Chi Minh City*, Vol. V (2016).

4 See: https://www.nobelprize.org/nobel_prizes/peace/laureates/1917/press.html; https://www.nobelprize.org/nobel_prizes/peace/laureates/1963/press.html#not_9.

5 In 1869, the ICRC published its first “Bulletin International des Sociétés de Croix-Rouge”, which provided information on the state of ratification of the 1864 Geneva Convention to large audiences, including academics. The first edition reported also about the lecture given by Professor Eugène Cauchy, mandated by the ICRC, about the 1864 and 1868 Geneva Conventions at the Institut de France.

6 While the ICRC sent some delegates to observe the application of the 1864 Geneva Convention in conflicts, such as the Franco-Prussian war of 1870, the core of its activity, until World War I in 1914, consisted of coordinating the Red Cross National Societies in various countries through the Bulletin International des Sociétés de Croix-Rouge and driving IHL codification through various conferences leading to new conventions. See: Boissier, *supra* note 3.

enseignement populaire; elle doit aussi pénétrer dans le monde des juristes qui s'occupent du droit international, et dont les opinions, à défaut des lois positives, consacrent les usages que les nations civilisées se croient tenues de respecter.⁷

Even after the ICRC took a more prominent operational role in armed conflicts, through its extensive work during WWI, it maintained and even increased its activities in the field of dissemination of IHL in universities through courses and publications. For instance, in 1922, a 12-lesson course dedicated to the ICRC and IHL was given by its delegate Paul Des Gouttes at the *Institut des Hautes Etudes Internationales*, while the “Bulletin International des Sociétés de Croix-Rouge” (today known as the International Review of the Red Cross) has continued to disseminate IHL and humanitarian action-related information on a regular basis since its first publication in 1869.⁸

More recently in 2017, the ICRC interacted in the field of IHL, humanitarian policy and action with over 900 universities in 120 countries.⁹ Among those universities it is estimated that at least two thirds teach IHL in one way or the

7 CICR, ‘Bulletin International des Sociétés de Secours aux Militaires Blessés’, No. 1 (1869), at 8.

8 The ‘Bulletin International des Sociétés de Croix-Rouge’ has since been renamed International Review of the Red Cross and has become a leading peer-reviewed academic journal in the debate on IHL, humanitarian policy and action. See *infra* note 127.

9 Internal reports, ICRC, 2018. The nature of such interactions varies from annual visits to deans of faculties, delivery of IHL publications to the university library, dissemination sessions on IHL and/or the ICRC, co-organization of conferences, IHL training and/or students’ competitions, research partnerships, etc. The list of concerned countries includes, by continent and in no particular order: Ivory Coast, Burkina Faso, Ghana, Togo, Benin, Algeria, Senegal, Cabo Verde, Gambia, Guinea, Liberia, Libya, Mauritania, Mali, Niger, Nigeria, Morocco, Mauritania, Tunisia, Madagascar, Comoros, Mauritius, Burundi, Central African Republic, Democratic Republic of Congo, Zimbabwe, Mozambique, Zambia, Malawi, Liberia, Namibia, Swaziland, Lesotho, Botswana, South Africa, Rwanda, Cameroon, Gabon, Congo-Brazzaville, Equatorial Guinea, Chad, Eritrea, Ethiopia, Kenya, Tanzania, Republic of South Sudan, Sudan, Uganda, Argentina, Haiti, Dominican Republic, Peru, Bolivia, Ecuador, Mexico, some CARICOM countries, Costa Rica, Cuba, Panama, United States of America, Canada, Chili, Venezuela, Colombia, France, Turkey, United Kingdom, Czech Republic, Slovenia, Poland, Hungary, Serbia, Macedonia, Croatia, Romania, Bosnia and Herzegovina, Italy, Switzerland, Belgium, Armenia, Azerbaijan, Georgia, Kyrgyzstan, Russian Federation, Uzbekistan, Kazakhstan, Turkmenistan, Tajikistan, Egypt, Iran, Iraq, Israel & Occupied Territories, Jordan, Kuwait, Oman, Saudi Arabia, Bahrain, Qatar, United Arab Emirates, Lebanon, Syria, Yemen, Bangladesh, India, Afghanistan, Nepal, Pakistan, Sri Lanka, Thailand, Vietnam, Laos, Cambodia, China, Republic of Korea, Democratic Republic of Korea, Indonesia, Japan, Malaysia, Myanmar, the Philippines, Australia, New Zealand, Papua New Guinea.

other.¹⁰ How have we come to this result? What has been the role of the ICRC in that regard? And what results can such an achievement yield in today's world? With which challenges? This piece aims to provide answers to these questions, although certainly not in an exhaustive manner. Drawing from several other articles and publications on the topic, it attempts to define the legal and practical extent of the IHL dissemination obligation set forth in the GCs, their APs¹¹ and in customary IHL. Then, it explores why universities are key actors to fulfil this obligation through their teaching. It also discusses how such teaching has increased in universities over the past decades, looking at selected elements, such as methodology and tools, and the role of the ICRC. After analysing the contribution of such efforts to IHL implementation, it concludes by presenting a list of practical challenges that IHL teaching in universities faces. For each challenge, the article proposes recommendations to maintain and develop IHL teaching in academia in years ahead. For the sake of focusing on the topic at stake, this article will deliberately refrain from analysing the obligation to disseminate IHL within armed forces and its consequences, despite the fact that a certain number of academic centres disseminating IHL are joint civilian-military structures, a model which is all the more frequent nowadays.¹² Likewise, this piece will not analyse the dissemination of IHL carried out at primary and secondary educational levels, which is conducted through different pedagogical approaches and tools than for tertiary level education. Lastly, it will not address other aspects related to IHL and universities, such as academic research or outreach events, which will be discussed in another upcoming piece from this author.

10 This estimate is based on ICRC delegations' annual planning and monitoring in 2017, as reflected in internal documents. Following it, more than two thirds of the 75 ICRC delegations had interactions related to IHL dissemination with their partner universities in 2017. While there are no proper estimates to compare the current situation to that pre-existing the systematic engagement of the ICRC with academia in the 1980s, one could rely on the description made by Françoise Hampson writing that "[i]n the late 1970s there was a dearth of contemporary materials for students to read" to conclude that IHL has probably never been taught as much as today in academia. See: F. Hampson, 'Teaching the Law of Armed Conflict', 5(1) *Essex Human Rights Review* (July 2008), at 6.

11 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (1977), 1125 UNTS 3; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (1977), 1125 UNTS 609 (all entered into force on 7 December 1978).

12 See for instance: the Asia-Pacific Centre for Military law or the Stockton Center for the Study of International Law at the U.S. Naval War College.

2 The Obligation to Disseminate IHL in Programmes of Civil Instruction

The teaching of IHL in universities is rooted in the general obligation of dissemination to the civilian population mentioned in the 1949 GCs:

[t]he High Contracting Parties undertake, in time of peace as in time of war, 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 and, if possible, of civil instruction, so that the principles thereof may become known to the entire population [...].¹³

The words “if possible” should not be considered as rendering the implementation of IHL dissemination programmes for the civilian population optional for States. As established by historical records of preparatory work for the Conventions, it is rather a way to accommodate the limitation of competences of certain federal States as concerns the content of education programmes.¹⁴ Additionally, API spells out that

[t]he High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate the Conventions and this Protocol as widely as possible in their respective countries and, in particular, [...] to encourage the study thereof by the civilian population, so that those instruments may become known [...] to the civilian population.¹⁵

APII is less detailed as regards the obligation to disseminate its content, limiting itself to state that “[t]his Protocol shall be disseminated as widely as possible”.¹⁶ The obligation to disseminate IHL within the civilian population can also be said to have reached customary nature, as illustrated by Rule 143 of the ICRC Customary IHL Study: “States must encourage the teaching of international humanitarian law to the civilian population”.¹⁷

While the obligation to disseminate IHL in universities is not per se mentioned in those various provisions, it can be derived from their contents, which

13 Articles 47, 48, 127, 144 common to the GCs.

14 2016 ICRC Commentary GCI, para. 2757.

15 Article 83(1) API.

16 Article 19 APII.

17 Rule 143 ICRC Customary IHL Study.

is quite general as regards the way to implement the obligation to disseminate IHL to the civilian population.¹⁸ Disseminating IHL in universities should rather be considered a means to an end, but it is hard to imagine how “civilian authorities, [...] members of the executive, legislature and judiciary, as well as law enforcement officers”¹⁹ could become familiar with IHL rules and underlying principles if not through tertiary education institutes such as universities and specialized academic centres.

Additionally the obligation to disseminate IHL to the civilian population applies to the whole of its provisions, including those applicable in non-international armed conflicts.²⁰ It is also an obligation applying in times of peace and armed conflicts alike.²¹ Hence, one can conclude that there must be structures put in place to ensure the fulfilment of this obligation at all times. Logic and experience demonstrate that universities are certainly best placed to play such a role.

Neither the existing IHL provisions, nor their commentaries provide much detail on the quantitative and qualitative aspects of IHL dissemination to the civilian population. How many educational structures should be dedicated to such programmes? What should be their length and content? Which students should they address? The 1952 and 2016 Commentaries to the GCs provide respectively that “[e]veryone, whether military or civilian, should have a good knowledge of the Convention, and should themselves be imbued with the sentiments of which it is so profound an expression”²² and that “[d]issemination aims at making the spirit of the Geneva Conventions understood by all people and to have their content internalized rather than their text simply publicized”.²³ Hence, both Commentaries suggest that the mere teaching of IHL, be it in academia or elsewhere, does not suffice to have States’ obligations fulfilled. It is then submitted here that lecturers teaching IHL in programmes of civil instruction should also provide guidance to their students as to the letter and spirit of IHL, which is and remains to preserve humanity in the midst of armed conflicts by protecting persons who do not or no longer take part in hostilities and by limiting the means and methods of warfare.²⁴ In that regard, it is also important to recall here that the obligation of dissemination should

18 See also: 2016 ICRC Commentary GCI, para. 2770.

19 Ibid, para. 2778.

20 Ibid, para. 2769.

21 Ibid, paras. 2764–2766.

22 1952 ICRC Commentary GCI, at 348.

23 2016 ICRC Commentary GCI, para. 2772.

24 See: notes 22, 23.

be read closely with the obligation to respect and ensure respect that are clearly spelled out in common Article 1 of the four GCs.²⁵

While the term *dissemination* is used to define the legal obligation existing in the GCs and their APs, *teaching* is the term mostly used in common language to define any activity aimed at passing on knowledge between individuals, especially in any academic context. For the sake of this article, *dissemination* will be used to refer to the legally-grounded general effort to provide knowledge on IHL through programmes of civil instructions. *Teaching* will be used to address the specific aspects of this effort in academia, such as course structure, methodology and pedagogical tools.

Beyond the mere legal obligation on which it rests, teaching IHL in universities also represents a crucial asset in a world prompt to dehumanize enemy individuals and nations. It allows students reflecting on their own perception and understanding of the compromise that IHL seeks to achieve between humanity and military necessity. Through the dilemmas inherent in this body of law, the study of IHL by generations of students provides a crucial reminder to society that the reality of armed conflicts is never black or white, but, as observed in the natural environment, diverse, nuanced, and subtle.

3 The Contribution of Universities to IHL Dissemination and Implementation

As seen above, while insisting on the obligation to include dissemination of its content in programmes of civilian instruction, IHL leaves the responsibility to States, or even to provincial entities in certain cases, to identify the means to fulfil their obligation. Hence, it is proposed here to look at contemporary practice, rather than at legal terminology, in order to determine the role of universities in disseminating IHL.

There are multiple actors contributing to the dissemination of IHL within the civilian population in each country: primary and secondary schools, universities and specialized academic centres, National Red Cross and Red Crescent Societies, the ICRC and the International Federation of the Red Cross

²⁵ For further details on the extent of this double obligation, see: K. Dörmann, J. Serralvo, 'Common Article 1 to the Geneva Conventions and the Obligation to Prevent International Humanitarian Law Violations', 96(895/896) IRR (2014), at 707; See also: K. Jastram, A. Quintin, 'Prevention in Practice: Teaching IHL in US legal Academia', 96(895/896) IRR (2014), at 987.

and Red Crescent, the media, governmental agencies, civil society organizations and associations, and various individuals in their private capacity.

However, when it comes to universities, a few features lead one consider that they play a crucial role in the dissemination of IHL. First and foremost, due to the nature of IHL as a field of public international law, universities are probably best placed to teach it. Indeed, the role of universities is generally identified as pursuing academic excellence in teaching, learning, and researching various scientific fields, and to empowering generations of students to make a positive difference in the world.²⁶ The next sub-sections seek to explore what makes universities crucial actors for IHL teaching.

3.1 *Experimenting with New Pedagogical Approaches by Pursuing Excellence*

The strong pedagogic component, along with the pursuit of academic excellence, which is inherent to academic institutions' missions, makes them key agents of IHL dissemination. In addition, while law in general is also studied in secondary level educational institutions, it is normally addressed more in-depth at the academic level. Hence, universities are probably the best placed actors to disseminate IHL to the civilian population.

It can be objected that IHL is a relatively simple and intuitive field of law, which does not necessarily need the competence of an academic teacher to be taught in an effective way to the civilian population. However, while this is true for substantial rules of IHL (for instance, that it is prohibited to attack those who do not or not anymore directly participate in hostilities or that means and methods of warfare are not unlimited),²⁷ it is not for numerous others (e.g. classification of armed conflicts, scope of application of IHL, interactions with other bodies of law, such as IHRL, etc.). Furthermore, the fact that universities are best placed as IHL dissemination actors does not mean that others do not play a crucial role in that regard. For instance, primary and secondary schools or Red Cross and Red Crescent National Societies disseminate IHL rules to a larger range of the civilian population, but through a more accessible

²⁶ See for instance how some leading universities on various continents present their respective missions: <http://www.harvard.edu/about-harvard>; <https://www.cam.ac.uk/about-the-university/how-the-university-and-colleges-work/the-universitys-mission-and-core-values>; <http://tec.mx/en/tec-diference/formation-transforms-lives>; <http://www.english.paris-sorbonne.fr/>; <http://www.uct.ac.za/main/about/history>; http://www.tsinghua.edu.cn/publish/newthuen/newthuen_cnt/about-th/about-1.html; <http://www.msu.ru/en/info/history.html>.

²⁷ Common Article 3 GCs; Rule 6 ICRC Customary IHL Study; Article 35(1) API; Article 22 Convention (IV) respecting the Laws and Customs of War on Land and its Annex: Regulations concerning the Laws and Customs of War on Land (1907).

pedagogical approach. Moreover, military schools disseminate IHL rules to key actors of armed conflicts, but through a more pragmatic approach. While working in a complementary way with other dissemination actors, universities can certainly play the role of a driving force in the IHL dissemination field, constantly seeking to innovate and improve teaching methodologies and tools to equip their students with key knowledge and skills allowing them to make a difference in the implementation of the rules in today's world. As an example, NALSAR University in India was among the first to set up a distance learning course of IHL.²⁸ In 1989, the Jean-Pictet Competition in IHL, although not organized by a university as such, but a flagship training event for students, brought huge innovation in the field of teaching by introducing role-playing as a new way to compete on IHL.²⁹ Today, a comparable innovation can be seen with the Syrian Virtual University, which is developing a Master in IHL that will hopefully allow generations of students affected by armed conflict to have the possibility to study its rules.³⁰ Beyond this crucial pedagogical aspect, as elaborated below in greater detail, the capability of universities to equip future generations with professional knowledge make them especially suited to ensure that their courses are effective to implement IHL in the mid- to long-term.

3.2 *Educating Current and Future Decision-Makers*

Universities provide an important contribution to IHL implementation by equipping future professionals with IHL knowledge that will directly support their work: law schools train future judges, prosecutors and attorneys, who provide an essential contribution to the work of domestic, internationalised, or purely international courts prosecuting IHL violations, as well as regional human rights courts dealing increasingly with IHL issues. They also train future legal advisers to governments, international organizations and NGOs, who will draft and review policies, opinion papers and contribute to shape the debate on emerging humanitarian issues. Schools of political science and international relations, as well as schools of diplomacy, provide future diplomats with IHL knowledge, which can support their efforts when conducting humanitarian negotiations. In certain countries, such as the United States of

28 See: <https://www.nalsar.ac.in/admission-notification-p-g-diploma-courses-2017-18>.

29 C. Lanord, M. Deyra, 'Dissemination in Academic Circles: the Jean Pictet Competition', 35(306) *IRRC* (1995), at 341–346; Listen also to C. Lanord, Presentation and History of the Competition, Commemorating Jean Pictet by Keeping his Legacy Alive, available at: <https://www.icrc.org/en/document/commemorating-jean-pictet-keeping-his-legacy-alive>.

30 For more information on the Syrian Virtual University, see: <https://www.svuonline.org/>.

America or Canada, military law schools offer IHL courses to army officers, so that they can advise their commanders on operational matters accordingly and in compliance with the GCs and the APs.³¹ More generally, national administration schools, faculties of political science and institutes of international/diplomatic relations educate future politicians, ministers and heads of States, making universities all the more relevant hubs for IHL dissemination. In addition, renowned university professors often advise governments on IHL;³² they serve as members of National Committees on IHL implementation;³³ they form part of or advise high-level jurisdictions dealing with IHL issues, such as the ICTY or the ICC.³⁴ Professors also serve as judges or *amici curiae* in international and special tribunals prosecuting IHL violations.³⁵

In recent years, universities, such as the Geneva Academy of International Humanitarian Law and Human Rights (“Geneva Academy”), have also set up executive education programmes on IHL and related matters to train various professionals working in governments, the humanitarian field, or the media.³⁶ Such training responds to an increased demand for practical knowledge and skills that can directly be used in today’s professional environment. Executive education programmes take the form of on-site and online courses/MOOC, seminars/webinars and conferences that mix academic and non-academic (field) experts to address contemporary and practical humanitarian issues by referring to the existing IHL framework.³⁷ As a result, humanitarian professionals working in situations of armed conflicts can rely on the existing legal framework to e.g. negotiate access to civilian populations in need or draft States’ policies compliant with IHL when it comes to conduct of hostilities or detention-related matters. In that regard, universities create a link between

31 R.P. DiMeglio, ‘Training Army Judge Advocates to Advise Commanders as Operational Law Attorneys’, 54(3) Boston College Law Review (2013), at 1185 ff. See also: <http://www.forces.gc.ca/en/about-reports-pubs-military-law-annual-2016-17/ch-1-who-we-are.page>.

32 See for instance: <https://www.geneva-academy.ch/masters/study-with-us/faculty/detail/45-robert-kolb>.

33 Table of National Committees and other National Bodies on International Humanitarian Law, ICRC, available at: <https://www.icrc.org/en/document/table-national-committees-and-other-national-bodies-international-humanitarian-law>.

34 See for instance: https://en.wikipedia.org/wiki/Antonio_Cassese; <http://opiniojuris.org/2010/03/03/tim-mccormack-appointed-icc-advisor/>.

35 See for instance: https://www1.essex.ac.uk/hrc/news_and_seminars/newsEvent.aspx?e_id=6586.

36 See: <https://www.geneva-academy.ch/executive-education/by-theme>.

37 See for instance: the Violence against HealthCare MOOC on the COURSERA platform: <https://www.coursera.org/learn/violence-against-healthcare>.

academic knowledge and field reality, which is crucial to favour IHL implementation in the daily reality of field work.

A particular example of such professionalization of IHL studies can be seen in the increased number of field simulations on humanitarian action conducted by universities such as Harvard in the US or the *Institut Bioforce* in France, notwithstanding the numerous fictitious simulations and moot courts run by Universities, such as Hong Kong University (in collaboration with the Hong Kong Red Cross and the ICRC) with the support of professional judges.³⁸ Their capacity to innovate and train future decision-makers make universities important agents for IHL dissemination. They can also empower civil society and trigger IHL-related discussions by bringing different actors to the table.

3.3 *Supporting Civil Society and Facilitating IHL-Related Dialogue and Dissemination*

Universities often play the role of civil society *fora*, where knowledge and ideas can be shared and debated. In certain institutions, law clinics run by professors allow students to put their knowledge in practice by serving NGOs and civil society organizations on a *pro bono* basis. University professors also serve in various high-level functions at the UN³⁹ and as board members of NGOs⁴⁰ (advising them on the best way to fulfil their respective mandates in favour of the civilian population). They also create associations that undertake IHL dissemination and humanitarian work. As an example, associations composed of former IHL students have been created in West Africa to disseminate IHL within civil society.⁴¹ In Mali, IHL professors have established an association devoted to IHL dissemination and humanitarian aid.⁴² In this sense universities are among the few IHL dissemination actors that offer simultaneously a direct link to government and to civil society circles. Hence, thanks to the *academic freedom* space they offer, they facilitate IHL-related connections and dialogue between governmental and a nongovernmental spheres and, through

38 See: <https://hhi.harvard.edu/education/workshops/hric> (Harvard Humanitarian Initiative); <http://humanitaire.institutbioforce.fr/fr/institut/visite-guid%C3%A9e> (Institut Bioforce); https://en.wikipedia.org/wiki/Hong_Kong_Red_Cross_International_Humanitarian_Law_Moot (Hong Kong University).

39 See for instance: <http://graduateinstitute.ch/home/study/academicdepartments/international-law/people/resources/prof-clapham.html>.

40 See for instance: <https://genevacall.org/team/10130/>.

41 The association is named RASAPRES and dedicates its efforts to the promotion of IHL and humanitarian action: https://www.facebook.com/pg/Rasapres-Dih-Dh-1073656489312531/about/?ref=page_internal.

42 Association pour la Promotion et la Diffusion du Droit International Humanitaire, <http://www.apddih.com/>.

conferences, open courses, and papers, are able to provide the general public with IHL dissemination and different perspectives thereof.⁴³ In that regard, the role of universities as *learning hubs* with a potentially large outreach deserves to be explored.

3.4 *Potentially Reaching Out to Large Audiences with Quality Knowledge*

Beyond mere IHL teaching, the outreach of universities towards the civilian population can probably exceed that of other teaching institutions, by virtue of their public education mission and of their connections with the media seeking academic expertise to support news analysis. Indeed, in essence, universities are *learning hubs* combining large outreach and quality knowledge capacities. This puts them generally in a good position to disseminate quality IHL knowledge to a large number of individuals within the civilian population. Nevertheless, such potential is closely linked to the question of access to tertiary education for people in general, which varies significantly from one region to the other.⁴⁴

Traditionally, large-scale outreach IHL dissemination offered by universities can take the shape of on-site open IHL conferences or courses in universities,⁴⁵ but also web-livestreamed discussion panels and academic events.⁴⁶ More recently, IHL dissemination has taken another turn with the emergence of massive open online courses (MOOCs), which appear to be very powerful dissemination tools combining massive outreach and academic excellence.⁴⁷ Universities can also make IHL knowledge accessible to a larger public through interviews of academic experts in media.⁴⁸ Last, but not least, universities make publicly available (through their public libraries and online) numerous research and briefing papers and publications, which contribute to make

43 See for instance: the Geneva Academy IHL Talks on: <https://www.youtube.com/channel/UCFOlAB1zF8jMZkzHqGFipvg>.

44 See *infra* Chart Enrolment in Tertiary Education, OurWorld in Data, <https://ourworldindata.org/tertiary-education/>.

45 See for instance: https://www.dal.ca/news/events/2017/09/29/13th_annual_international_humanitarian_law_conference_protection_of_children_in_war.html.

46 See *supra* note 43.

47 See for instance: <https://www.edx.org/course/international-humanitarian-law-louvainx-louvi6x-o> (Université de Louvain); <https://hhi.harvard.edu/elearning/core-concepts-international-humanitarian-law> (Harvard Humanitarian Initiative).

48 See for instance: <https://www.youtube.com/watch?v=JM7yDf6gSRY>; <http://www.aljazeera.com/indepth/opinion/trigger-war-korean-peninsula-170929163406964.html>.

quality IHL-related knowledge accessible to a larger audience.⁴⁹ Through all these channels, universities can potentially play an important role to disseminate the law to large parts of the civilian population by providing free access to quality IHL knowledge.

In practice though, it appears that, apart from interviews of IHL experts in mass media, knowledge made available by universities seems rather used by specialized audiences, such as experts, researchers and lecturers themselves, civil society, or postgraduate students. Hence, while universities remain best placed to play the role of quality IHL disseminators for large audiences, an important gap must be closed in order to express this potential fully. After reviewing various reasons why universities are objectively best placed to fulfil the IHL dissemination obligation in each country, the following section will discuss how the ICRC's approach to support teaching of IHL in academia was shaped in the 1990s.

4 Shaping the ICRC's Approach to Universities: The Situation in Former U.S.S.R. Republics and the Creation of the ICRC Advisory Services

Starting in the 1980s, the ICRC has supported the teaching of IHL in specific circles on a systematic basis: military and police forces, government and judiciary representatives, diplomats, academics, secondary schools students, Red Cross and Red Crescent Movement, humanitarian professionals, and the general public.⁵⁰ While the 1980s saw the emergence of some landmark pedagogical initiatives, such as the Warsaw course in IHL or discussions around a possible ICRC IHL textbook,⁵¹ IHL dissemination programmes for academics really took off in the 1990s, shortly after the collapse of the U.S.S.R. and the creation of the ICRC's Advisory Services in IHL.⁵²

49 See for instance: <https://www.geneva-academy.ch/our-projects/publications> (Geneva Academy); <https://www.law.berkeley.edu/library/dynamic/guide.php?id=93> (Berkley Law); <https://home.heinonline.org/titles/Law-Journal-Library/AsiaPacific-Yearbook-of-International-Humanitarian-Law/?letter=A> (University of the Philippines).

50 M. Harroff-Tavel, 'The International Committee of the Red Cross and the Promotion of International Humanitarian Law: Looking Back, Looking Forward', 96(895/896) *IRRC* (2014), at 837–846.

51 *Ibid*, at 832–834.

52 *Ibid*, at 842–843; A. Bouvier, K. Sams, 'Teaching International Humanitarian Law in Universities: The Contribution of the International Committee of the Red Cross', 5 *YIHL* (2002), at 382.

As concerns the first event, it is the emergence of dozens of newly independent countries gathered in the “Commonwealth of Independent States” (C.I.S.), rather than the collapse of the U.S.S.R. itself, which was at the origin of the first proper academic programmes run by the ICRC in Eastern and Central Europe, and in Central Asia. Indeed, with the independence of those new republics came the necessity to ratify relevant IHL treaties and adopt appropriate national legislation to implement them. This is also when national IHL committees were established. The idea behind those national entities was to “advise and assist governments in implementing and disseminating IHL and to facilitate cooperation between national committees and the ICRC”.⁵³ In practice, they are often inter-ministerial entities, composed of various government representatives and academic experts, with a mandate that can slightly differ from one country to the other.⁵⁴ In parallel to the establishment of national IHL committees, the ICRC’s Advisory Services in IHL were created, following Resolution 1 adopted by States parties to the GCs and by the representatives of the Movement at the 26th International Conference of the Red Cross and Red Crescent in December 1995.⁵⁵ Their mandate has since been to “provide specialist legal advice to governments on national implementation [of IHL]”.⁵⁶

On those bases, the ICRC started supporting C.I.S. countries in their efforts to ratify IHL treaties and translate their obligations through relevant national legislation as of the 1990s. Very soon however, it became clear that additional IHL expertise was needed in each country, in order to carry out such efforts meaningfully.⁵⁷ Hence, the ICRC’s Advisory Services also supported the establishment and running of national IHL committees composed of representative of various ministries and experts, who would advise and support their respective governments in these tasks.⁵⁸ In general, each of those committees would comprise one or several academics from amongst the most versed in IHL, as well as representatives of education ministries or sometimes *Ministries of Universities*. In the experience of the ICRC, these professors and academic experts have often played a prominent role in drafting national legislations implementing IHL in their respective countries.

53 P. Berman, ‘The ICRC’s Advisory Service on International Humanitarian Law: the Challenge of National Implementation’, 26(312) *IRRC* (1996), at 338–347.

54 For more information on IHL committees, see: <https://www.icrc.org/en/document/table-national-committees-and-other-national-bodies-international-humanitarian-law>.

55 Berman, *supra* note 53.

56 *Ibid.*

57 L. Vierucci, ‘Promoting the Teaching of International Humanitarian Law in Universities: the ICRC’s Experience in Central Asia’, 83(841) *IRRC* (2003), at 157.

58 Berman, *supra* note 53.

The experience of C.I.S. countries can be considered as having played a key role in shaping the ICRC's academic programme. It has done so by combining the formal inclusion of IHL in academic curricula through promotion and negotiation with education authorities and the development of IHL expertise through training events and pedagogical tools for academics. Those two complementary aspects of the ICRC's academic programme can be defined as the structural and the pedagogical approaches,⁵⁹ each of which will successively be developed further below.

4.1 *Structural Approach: Ensuring Durable and Sustainable Teaching of IHL*

In parallel to the window of opportunity that the establishment of the C.I.S. opened for the ICRC's academic programme,⁶⁰ the Red Cross and Red Crescent Movement's "Guidelines for the '90s" represented a turning point for dissemination efforts. They were adopted after a decade of regular dissemination engagements with various actors,⁶¹ and offered the Movement's first official guidance on the matter, defining scope, target audiences, approaches and means for meaningful IHL dissemination efforts.⁶² From 1995 to the 2000s, dissemination of IHL took a more systematic and organized turn in terms of structure, while seeing innovative pedagogic ideas and solutions.⁶³

4.1.1 Integrating IHL into the Academic Curricula

In parallel to running *train-the-trainer* activities and developing teaching tools,⁶⁴ the ICRC developed contacts with education authorities, most of them designated as *Ministries of Universities* in C.I.S. countries. The structural part of the ICRC's MINUNI programme hence consisted in promoting the formal inclusion of IHL in academic curricula of leading universities and developing formal cooperation agreements with education authorities to achieve that purpose.⁶⁵ Today, it is estimated that at least over 40 universities in C.I.S., central

59 S. Hankins, 'Promoting International Humanitarian Law in Higher Education and Universities in the Countries of the Commonwealth of Independent States', 37(319) IRRIC (1997), at 447.

60 Bouvier, Sams, *supra* note 52., at 389; Harroff-Tavel, *supra* note 50, at 842.

61 See *infra* Section 3.2.

62 International Red Cross and Red Crescent Movement, 'Guidelines for the '90s', 32(287) IRRIC (1992), at 175–178; see also: Harroff-Tavel, *supra* note 50, at 839–840.

63 Harroff-Tavel, *supra* note 50, at 846–847.

64 See *infra* Section 3.2.

65 Hankins, *supra* note 59, at 447–448.

European countries and the Balkans, most of them considered leading ones in their country, have integrated IHL into their academic curricula.

As for the shape of such inclusion, the ICRC has left open the question of whether IHL courses should be stand-alone ones or part of another course, whether they should be addressed to graduate or undergraduate students, be compulsory or elective.⁶⁶ It has also left open the question of the number of teaching hours that should be dedicated to an IHL course, focusing on the inclusion of the discipline in curricula as such by adapting it to the reality faced in the field. Last, while outreach was quite generalized to most faculties of law, international relations, political science and journalism at the beginning of the programme, the ICRC adopted a more selective focus on *leading* faculties in the 2000s, in order to equip future decision-makers with knowledge that would help them lead IHL-compliant policies once they obtain positions of influence. Those various approaches were reflective of the Guidelines of the '90s, which insisted on the necessity for IHL disseminators to adapt programmes to the local environment and base them on what was needed and feasible.⁶⁷ These *flexibility* and *feasibility* principles were then formally crystallized in the first ICRC's guidelines for IHL teaching in universities, and in teaching aids, such as "How Does Law Protect in War", proposing various possibilities to integrate IHL in curricula.⁶⁸

4.1.2 Contextualizing IHL Teaching

Due to the success of the approach in C.I.S. countries, the MINUNI programme was replicated on the five continents starting at the end of the 1990s. For instance, in India, in 1998, IHL was integrated in the curricula of undergraduate LL.B. programmes conducted by the 550 law colleges affiliated to them, while some twenty universities offered a full optional course in IHL.⁶⁹ Moreover, 35 universities offered a Master's programme in defence and strategic studies, with an optional course on IHL.⁷⁰ In the US in 2012, 42 schools were offering IHL as a stand-alone course,⁷¹ while *IHL Teaching Supplements* allowed the integration of IHL into courses of national security law, international criminal law and constitutional law.⁷² In South Africa in 2009, 10 universities were offering

66 Bouvier, Sams, *supra* note 52, at 385–86. See also: Hampson, *supra* note 10, at 2–3.

67 International Red Cross and Red Crescent Movement, *supra* note 62, at 176, 178.

68 Bouvier, Sams, *supra* note 52, at 386–87; Sassòli, Bouvier, Quintin, *supra* note 2.

69 U. Kadam, 'Teaching International Humanitarian Law in Academic Institutions in South Asia: An Overview of an ICRC Dissemination Programme', 83(841) *IRRC* (2001), at 167–169.

70 Ibid.

71 Jastram, Quintin, *supra* note 25, at 999.

72 Ibid, at 1005.

IHL as part of another course (mostly public international law), compulsory or elective, and one was offering it as a stand-alone elective course.⁷³ In China in 2006, most of the public international law textbooks used in universities contained a brief module on IHL/laws of armed conflict, but only two universities were offering specialisation in IHL to students opting for specialization in international law.⁷⁴ In Colombia in 2006, the integration of IHL in curricula of *targeted schools* was reported to be successfully *completed*, with IHL being taught at undergraduate level in nine universities and at postgraduate level in one.⁷⁵ While those results only represent a few examples of IHL integration in university teaching – some of them probably not anymore reflecting the reality of IHL teaching in the country today – they nevertheless illustrate how successfully the *IHL integration track* took off at the end of the 1990s following the *C.I.S experience* and how diversified its implementation has been worldwide.

While expanding geographically at various paces, the ICRC's academic programme was influenced by the result of the ICRC's study on "Roots of Behavior in War", published in 2005, which sought to understand the decisive factors bringing armed actors to comply or not with IHL.⁷⁶ Based on the study's findings, the ICRC developed its Prevention Policy in 2008 that further shaped the organization's approach towards IHL dissemination.⁷⁷ Accordingly, all ICRC dissemination programmes became part of an overall prevention approach, seeking to create an environment conducive to respect for life and dignity in each context by combining efforts to influence a variety of audiences on various scales (local, regional, global) and in a coherent, sustainable, and measurable way.⁷⁸ As a result, academic programmes nowadays, although continuing to support IHL teaching in universities in general, should focus on humanitarian issues of relevance in each context and develop partnerships with academic actors that can have an (indirect) influence on those issues. After more than three decades of supporting the teaching of IHL in academic circles, the ICRC has refined its approach: it now insists on privileging thematic partnerships with established and new academic players that result in conferences and training events, as well as research projects.⁷⁹ Using social

73 Internal report, ICRC, 2009.

74 Internal report, ICRC, 2006.

75 Ibid.

76 Harroff-Tavel, *supra* note 50, at 846–849.

77 Prevention Policy, ICRC, 2010, available at: <https://www.icrc.org/en/publication/4019-icrc-prevention-policy>.

78 Ibid, at 9, 11–15.

79 Teaching, Debating, Researching International Humanitarian Law, Action and Policy in Universities, ICRC, 2016, available at: <https://www.icrc.org/en/publication/0949-icrc-and-universities-working-together-promote-international-humanitarian-law>.

media, online questionnaires and statistics, and individual stories, academic programmes nowadays also seek to measure their own quantitative and qualitative progress.⁸⁰

4.1.3 Supporting the Establishment of IHL Academic Centres

Another ICRC initiative that deserves to be mentioned is the support provided worldwide to the creation of the first academic centres specialized in IHL. Starting in 1992, discussions were held at the ICRC Headquarters in Geneva to establish a university centre dedicated to IHL studies. In 2002, the University Centre for IHL (UCIHL) was co-created by the University of Geneva, Faculty of Law, and the Graduate Institute of International and Development Studies, following an initial proposal and impulse from the ICRC. The Centre, renamed Geneva Academy of International Humanitarian Law and Human Rights in 2007,⁸¹ has since trained scores of students. The curriculum of the LL.M. that it delivers does not only comprise IHL courses, but also the study of various branches of international law forming what the Centre calls the “international law applicable in armed conflict”. Hence, students receive multi-disciplinary teaching on IHL, IHRL, public international law relating to the use of force, international criminal law and other legal disciplines, such as refugee law. Until now, over 700 Geneva Academy graduates have taken positions in organizations, such as the UN, the ICRC, the OHCHR, the UNHCR, *Médecins sans Frontières*, the ICC, and the ECtHR.⁸² The ICRC has continued supporting the centre since and developed collaborations in various fields, such as the training of IHL professors worldwide,⁸³ the development of teaching and research tools,⁸⁴ and various research projects.⁸⁵ In similar developments, the ICRC also

80 Guidelines, ICRC Relations with Academic Circles to Foster an Environment Conducive to Respect for IHL and Humanitarian Action, Internal document, ICRC, 2014, at 7.

81 Geneva University sets up University Centre for International Humanitarian Law, ICRC, news release, 2002, available at: <https://www.icrc.org/eng/resources/documents/news-release/2009-and-earlier/5c6j3a.htm>.

82 See: <https://www.geneva-academy.ch/masters/study-with-us/why>.

83 See: <https://www.icrc.org/en/event/12th-advanced-seminar-international-humanitarian-law-university-lecturers-and-researchers>.

84 Since 2014, students from the Geneva Academy and the University of Geneva have developed new case studies for the “How Does Law Protect in War?” online platform on a yearly basis and under the supervision of Professor Sassòli and Teaching Assistant Yvette Issar. See: <https://casebook.icrc.org/>; students from the Geneva Academy have also contributed to the editing of articles of the International Review of the Red Cross. See: <https://www.geneva-academy.ch/masters/ll-m/programme/internships>.

85 In 2017, students from the Geneva Academy supported the ICRC to finalize the “IHL in Action” research project. See: <https://ihl-in-action.icrc.org/>. See also: “Armed Non-State Actors and the Protection of Civilians”, another research project developed by the

supported the establishment of other specialized centres, which also contributed to train students and develop IHL expertise in other regions.⁸⁶

4.1.4 Partnering with IHL Clinics

In recent years, the study of IHL in universities has also reached a more professional level, with the establishment of dedicated law clinics allowing students to mobilize their knowledge for various professional IHL projects, in partnership with international and non-governmental organizations. Such possibilities exist today in Canada, the US, the Netherlands, Switzerland, Italy and Israel.⁸⁷ Lately, the ICRC has cooperated with four of such IHL clinics to develop “IHL in Action”, an online database allowing the study of IHL through case studies illustrating how it is concretely and successfully implemented in the field.⁸⁸ While these IHL clinics are the result of the admirable and continuous commitment of IHL professors running them, the longstanding support of the ICRC to IHL teaching in universities, along with that of its Red Cross and Red Crescent partners,⁸⁹ has certainly played a role to increase the quality of IHL teaching to a point that it could materialize in something more, such as those clinics. In the future, it is expected that IHL clinics will continue flourishing worldwide with the support of the existing ones and the ICRC. Indeed, those centres bridge an important gap between IHL theory and practice, an essential contribution for the study of IHL, which remains a very pragmatic and rapidly professionalizing field.

Geneva Academy in collaboration with the ICRC: <https://www.geneva-academy.ch/our-projects/our-projects/armed-conflict/detail/17-armed-non-state-actors-and-the-protection-of-civilians>.

86 See for instance: the Centre for International Humanitarian Law hosted by the Faculty of Political Sciences in Belgrade, which organized the “Belgrade Course on IHL” for students across the Balkan region for several years: <http://mhp.fpn.bg.ac.rs/eng/news.html>.

87 See: <https://www.cdiph.ulaval.ca/> (Université Laval, Canada); <http://law.emory.edu/academics/clinics/international-humanitarian-law-clinic.html> (Emory Law, United States of America); <http://kalshovengieskesforum.com/ihl-clinic/> (Leiden University, Netherlands); <https://www.geneva-academy.ch/masters/ll-m/programme/internships> (Geneva Academy, Switzerland); <http://www.giur.uniroma3.it/materiale/avvisi/2017/Call%20IHL%20Legal%20Clinic%20Fall%202017.pdf> (Roma Tre, Italy); <https://www.idc.ac.il/en/schools/law/clinics/pages/the-international-criminal-and-humanitarian-law-clinic.aspx> (IDC Herzliya, Israel). For more details on IHL clinics in the U.S., see: L. Blank, D. Kaye, ‘Direct Participation: Law School Clinics and International Humanitarian Law’, 96(895/896) *IRRC* (2014), at 943–968.

88 See: note 85.

89 See in particular the support offered by the Dutch and the Italian Red Cross National Societies to the IHL clinics in their respective countries in that regard.

4.2 *Pedagogical Approach: Empowering the Trainers to Teach IHL Based on Contemporary Practice*

Going back to 1981, the ICRC ran the first edition of the Warsaw course on IHL in partnership with the Polish Red Cross National Society. A landmark IHL training event, it represented an important first step for the organization's *pedagogical approach* to teach IHL in academic circles on a regular basis.⁹⁰ Some 30 editions of the course took place until 2012, bringing numerous students, professors and, subsequently, humanitarian professionals, to pursue their professional path in the field of humanitarian law and related disciplines. Amongst those, a certain number have acquired a solid reputation in that field, and have contributed to promote and implement IHL in various capacities.⁹¹

4.2.1 Setting Train-the-Trainer Courses

It is rather in the nineties that the ICRC developed a comprehensive number of courses and seminars for students and then professors in Eastern and Central Europe, as well as Central Asian countries. At first targeting mostly students, training activities progressively shifted their focus to professors. Realizing the enormous impact that training university professors could make on dissemination, the ICRC moved progressively from a direct to an indirect teaching model, prioritizing a *train-the-trainer* approach.⁹² This shift was then crystallized in ICRC guidelines for IHL teaching in universities and influenced by the Prevention Policy.⁹³ In practice, it encouraged the ICRC to develop events focusing specifically on IHL professors' needs. One can mention the IHL professors' round tables, which continue taking place in numerous countries and regions today.⁹⁴ Organized by the ICRC, those events gather professors, lecturers, and researchers in ICRC's partner universities. They aim to take stock of the status of IHL courses in partner universities, their length, modality, level, number of students attending them, participation in IHL competitions, etc. They also represent a forum for discussion on upcoming events and new tools in the field

⁹⁰ Harroff-Tavel, *supra* note 50, at 832.

⁹¹ For the recollection of memories about the Warsaw course from Alumni, who have since their participation become IHL experts renowned worldwide, see: http://www.redcross.int/EN/mag/magazine2003_2/22-23.html.

⁹² See for instance: ICRC, 'International Committee of the Red Cross Training Seminar on International Humanitarian Law for University Teachers', 81(836) *IRRC* (1999), at 959.

⁹³ See: Bouvier, Sams, *supra* note 52, at 384–85.

⁹⁴ Such round tables and lecturers' workshops currently take place at regional level in Northern America, the South African region, the North-Caucasus region and the South-Eastern Asia region. Several others take place at national level in a dozen of countries worldwide. For more information, see: Annual Report, ICRC, 2016, at 82, 183, 315, 317, 340, 361, 376, 422, 438, 472, 479.

of IHL. Last but not least, in certain regions, such as Africa and Asia, they allow monitoring the status of regional IHL yearbooks, which offer academics opportunities to publish on topics of expertise in accredited academic journals.⁹⁵ Numerous IHL courses, seminars, advanced seminars, and workshops initiated by the ICRC in collaboration with its academic partners take place in various countries and regions worldwide, such as the South Asia Teaching Session on IHL, the All Africa Course, the Transatlantic Workshop on IHL, or the Bruges Colloquium.⁹⁶ Lasting from a few days to two weeks, most of them address IHL substance and teaching methodology through formal teaching sessions, case studies, colloquia, peer-to-peer exchanges, IHL-related movie screening and commenting. In terms of trends, it seems the ICRC is nowadays prioritizing shorter and more flexible approaches: it organizes workshops allowing IHL lecturers to focus on themes of relevance in the region concerned, as well as to brainstorm on innovative teaching and learning methodology and tools.⁹⁷

4.2.2 Supporting Multi-Disciplinary Expertise

Another well-established trend in the ICRC's pedagogical approach has consisted of integrating non-legal academic experts in its events and publications, in order to reflect on IHL in a more multi-disciplinary way that links legal substance to contemporary practice, humanitarian action, ethics, and other disciplines taught at academic level.⁹⁸ In that regard, the ICRC has also organized conference cycles at headquarters and in the field, gathering academics from various disciplines to reflect on humanitarian issues faced currently on the battlefield.⁹⁹ This expansion in other, non-legal fields is also due to a disturbing claim that "respect for IHL is eroding" or that "IHL itself is eroding".¹⁰⁰

95 Such as in the South African or the South-East Asian region. See: note 49.

96 For a non-exhaustive list of such events, see: https://www.icrc.org/en/download/file/36196/ihl_activities-7feb2017.pdf.

97 Such workshops have taken place in Bamako, Kinshasa, or Amman for instance.

98 See for instance the evolution of the way themes are treated in the International Review of the Red Cross since the 2000s, or the conference cycles the ICRC has organized on various IHL-related themes of relevance since 2014: <https://www.icrc.org/en/war-and-law/law-and-policy>; See also the call made by Professor X. Philippe for multi-disciplinary teaching of IHL: X. Philippe, 'Enseigner le Droit International Humanitaire', in C. Lanord, J. Grignon, J. Massé (eds.), *Tribute to Jean Pictet par le Concours de Droit International Humanitaire Jean-Pictet* (2016), at 599–600.

99 See *supra* note 98.

100 See for instance: A. Dieng, *We Must Stop the Erosion of International Humanitarian Law*, <http://www.justiceinfo.net/en/justice-reconciliation/25124-we-must-stop-the-erosion-for-international-humanitarian-law.html>; B. Wittes, *Notes on the Erosion of Norms of Armed Conflict*, <https://www.lawfareblog.com/notes-erosion-norms-armed-conflict>.

Although a mere matter of perception, rather than evidence, it has made it necessary for the ICRC to develop the study of IHL beyond its mere rules, in order to better understand why IHL is (or is not) respected in current armed conflicts, what large-scale humanitarian consequences, such as displacement and migration, ensue when the law is not respected and what contribution respect for IHL can make to restoring peace.¹⁰¹ Hence, teaching IHL in academia today also means having an interdisciplinary understanding of the law and on the issues mentioned above, in order to respond to possible students' claims about its alleged erosion, an issue flagged soon enough by Professor Marco Sassòli, which he calls the "credibility gap".¹⁰²

4.2.3 Organizing Students' Competitions

Besides organizing train-the-trainers events, the ICRC has supported and (co-) organized students' competitions in IHL for decades. Namely, it has supported the Jean-Pictet Competition, organized by an independent committee, since the 1990s.¹⁰³ The ICRC has also created dozens of similar events, most of them modelled after the Pictet Competition, at national and regional level. Today, it organizes or co-organizes some 30 students' competitions at national level and six regional competitions worldwide.¹⁰⁴ For a certain number of these, the ICRC partners with professional associations. This is for instance the case for the Henry-Dunant Memorial Moot Court Competition in South Asia, which has benefitted from the support of the Indian Society of International Law (ISIL) for years and allowed to deepen the relationship with the ICRC.¹⁰⁵ Most

101 The results of this research endeavours are expected in 2018 and will be made public through the ICRC's Law and Policy newsletter. To subscribe to it, interested readers can click on the "subscribe button" on the following web page: <https://www.icrc.org/en/law-and-policy-newsletters>.

102 Sassòli, Bouvier, Quintin, *supra* note 2, Chapter 13, at 87–88; M. Sassòli, Y. Issar, 'Challenges to International Humanitarian Law', in A. von Arnault, N. Matz-Lück, K. Odendahl (eds.), *100 Years of Peace Through Law: Past and Future* (2015), at 223–226.

103 See *supra* note 29. For more information on the Jean-Pictet Competition and its first edition in 1989, see: Hampson, *supra* note 10, at 6–7.

104 E. Kuster, G. Dvaladze, *Why Educating Students on Humanitarian Norms and Values Matters*, Humanitarian Law and Policy Blog, 29 July 2016, available at: <http://blogs.icrc.org/law-and-policy/2016/07/29/ihl-competitions-humanitarian-education/>; Regional IHL competitions take place in Western Africa (Concours Régional de Plaidoiries en DIH), Eastern Africa (All Africa Competition in IHL), Eastern Europe (Martens Competition), South Asia (Henry Dunant Memorial Moot Court Competition) and South-East Asia (Hong Kong Red Cross IHL Moot). For more information on those events, see: <https://www.icrc.org/en/what-we-do/building-respect-ihl/education-outreach>.

105 See for instance: <http://blogs.icrc.org/new-delhi/2016/09/23/issues-international-law-taken-front-row-seat-hon-ble-justice-madan-lokur/>.

of those competitions consist of a series of role-play tests, in which students have to endorse different roles – from lawyers advising military commanders up to ICRC delegates – and express various positions on facts reported daily in the context of a fictitious armed conflict.¹⁰⁶ Some of them resemble more formal pleadings in front of a court, while others are based on written essays.¹⁰⁷ While these events are aimed at students that the ICRC considers potential *future decision-makers*, they play a key role in triggering interest to study IHL. Hence, they also contribute to ensure the sustainability of IHL courses by attracting new students willing to “take the law out of the book”.¹⁰⁸ For the ICRC, they also constitute opportunities to mobilize its network of IHL lecturers and professionals to assess students’ performances. The studious but informal atmosphere surrounding students’ competitions contributes to generate and consolidate multi-disciplinary networks supportive of IHL implementation in each country, region, and at a global level.¹⁰⁹ Those events are also key to allow students to interact with IHL professionals and get concrete perspectives as to potential career paths, making them an indispensable part of the ICRC’s support to IHL teaching in academia. Students’ competitions illustrate probably best how the ICRC’s events aimed at academic circles contribute not only to promoting IHL, but also to developing networks of IHL experts and *friends* over mid- to long-term, which can support humanitarian efforts in favour of victims of armed conflicts.

4.2.4 Providing Generic IHL Tools

Even if the ICRC had already developed some ad hoc pedagogical tools to promote the teaching of IHL in academia as of the 1960s,¹¹⁰ it is rather in the 1990s that such work became more prominent in the organization’s pedagogical approach to academic circles. As seen above under the ICRC’s “structural approach”,¹¹¹ an evolution shifting the ICRC’s focus from students to professors

106 For an overview of this role-play methodology, watch the following movies: <https://www.youtube.com/watch?v=T2AVTycA454> (Jean-Pictet Competition); <https://www.youtube.com/watch?v=B83EdBUhgVg> (Philippines National Moot Court Competition); <https://www.youtube.com/watch?v=1NRfOQ2F1nc> (Israel National IHL Competition).

107 See for instance the Hong Kong Red Cross Moot Court Competition: <https://www.icrc.org/en/document/china-hongkong-moot-court-2017-news-release>; see also: the Henry Dunant Memorial Moot Court Competition organized in India: <http://blogs.icrc.org/new-delhi/2014/07/10/kathmandu-law-school-wins-national-round-of-henry-dunant-moot-court-competition-in-nepal/>.

108 To better understand the meaning of this motto dear to the founders of the Jean-Pictet Competition, watch the Jean-Pictet competition movie mentioned in note 106.

109 Kuster, Dvaladze, *supra* note 104.

110 H. Coursier, Course of Five Lessons on the Geneva Conventions, ICRC (1963), at 109.

111 See: Section 3.1.

also took place concerning pedagogic tools. It culminated in the first edition of “How Does Law Protect in War?” in 1999, a key publication written by Marco Sassòli, Antoine Bouvier and later on Anne Quintin, to accompany IHL professors in their teaching.¹¹² While the book certainly benefitted from the ICRC’s experience in C.I.S. countries, its origins are to be found in the 1980s where, in parallel with starting up the Warsaw course, the ICRC was discussing the best format for an IHL pedagogical tool specifically addressed to academics. At that time, two ideas were competing: (i) a textbook presenting the main aspects of IHL to students; and (ii) a casebook allowing them to learn the law by discussing case studies based on contemporary practice in armed conflicts.¹¹³ As a result, “International Humanitarian Law: An Introduction”, a concise IHL *handbook* written by Hans-Peter Gasser, was published by the ICRC in 1993 and reportedly well received by students.¹¹⁴ However, the ICRC also published “How Does Law Protect in War?” a comprehensive IHL *casebook* with a ready-to-use outline for professors, in 1999. This publication has since become a reference-teaching tool worldwide.¹¹⁵ In 2016, “International Humanitarian Law: A Comprehensive Introduction”, a new version of the IHL handbook, was published by the ICRC in hard and soft copies.¹¹⁶ Written by Nils Melzer, it takes stock of the evolution of IHL practice between 1992 and 2016 and allows readers to get introduced to IHL in a way that generally reflects ICRC’s perspective, as well as dig in various topics through numerous hyperlinks. Similarly, “How Does Law Protect in War?” has been translated into various languages and updated on several occasions.¹¹⁷ However, its most remarkable development was the adaptation of the heavy paper publication into a fully navigable online database offering free and enhanced access to numerous IHL resources for professors and students worldwide.¹¹⁸

Among many other IHL publications and tools,¹¹⁹ these handbooks and casebooks, today fully accessible online for free, can both be considered as the

¹¹² Sassòli, Bouvier, Quintin, *supra* note 2.

¹¹³ ICRC, Internal Archives.

¹¹⁴ H.-P. Gasser, ‘International Humanitarian Law: An Introduction’, in H. Haug (ed.), *Humanity for All: The International Red Cross and Red Crescent Movement* (1993).

¹¹⁵ See *supra* note 112.

¹¹⁶ N. Melzer, *International Humanitarian Law: A Comprehensive Introduction* (2016).

¹¹⁷ See: <https://www.icrc.org/en/document/interview-how-does-law-protect-war-new-edition>.

¹¹⁸ Sassòli, Bouvier, Quintin, *supra* note 2.

¹¹⁹ See for instance the ICRC e-learning basic course on IHL, available at: https://www.icrc.org/en/document/basic-rules-and-principles-ihl#VDuMgGd_v10; see also: the list of various generic and thematic IHL digital tools developed by the ICRC in recent years: <https://www.icrc.org/en/download/file/35083/virtual-online-tools-handout-jan2017.pdf>.

main pedagogical tools supporting the ICRC's approach. They aim at ensuring that IHL is taught according to its letter and spirit in universities worldwide. This aim is also made possible thanks to the considerable efforts the ICRC has dedicated to translate those IHL tools and numerous others, along with articles from the International Review of the Red Cross into many languages, such as Russian, Arabic, Chinese, Spanish, French, Bosnian-Serbo-Croatian, etc.¹²⁰ Similarly, the ICRC has also been supporting national authors publishing textbooks on IHL after participating in related training. This was also a way of teaching IHL rules in national languages and in a way that could be more reflective of local culture.

4.2.5 Developing Thematic Digital Tools

In parallel to those generic IHL tools and drawing from them, the ICRC has developed thematic teaching tools allowing both law and non-law faculties to teach on specific humanitarian and legal issues, such as protection of medical care, sexual violence in armed conflict and humanitarian access. Even in the absence of a proper IHL course within curricula, ready-to-use workshops allow students to explore humanitarian problems faced today in armed conflicts, the applicable legal framework and the humanitarian responses that can be brought to those issues.¹²¹ They combine various pedagogical approaches, such as inductive teaching, interrogative method, brainstorming, group work, and tools, such as ready-to-use presentations with speakers' notes, quiz, movies from the field and case studies. Similarly, and drawing from its Advanced Seminar in IHL for University Lecturers and Researchers,¹²² the ICRC has developed Advanced IHL Learning Series allowing professors to keep abreast of the latest developments on a specific legal issue, such as the legal and policy framework governing humanitarian action.¹²³ The series consist of webpages hosting videos, which feature renowned lecturers presenting and discussing those topics, along with required readings and teaching material. They are also

The ICRC also supported the writing of other textbooks, such as F. Kalshoven, E. Zegveld, *Constraints on the Waging of War: An Introduction to International Humanitarian Law* (2011); it also supported other casebooks, such as H. Seibst, *Compendium of Case Studies of International Humanitarian Law*, ICRC (1994).

120 See the various language versions of www.icrc.org, as well as various languages available to download and purchase such tools on <https://shop.icrc.org/>.

121 Ready-to-use workshops, ICRC, 2016, available at: <https://casebook.icrc.org/pedagogical-resources/thematic-workshops>.

122 See *supra* note 83.

123 Advanced IHL Learning Series, ICRC, 2016, available at: <https://www.icrc.org/en/document/advanced-ihl-learning-series>.

designed to help IHL and non-IHL lecturers alike to introduce the topic in their teaching. Finally, the ICRC also developed several e-briefing, powered by the International Review of the Red Cross, that allow academics approaching specific issues through a multi-disciplinary way and various media.¹²⁴

4.2.6 Moving from *Teaching* to *Debating* Tools

As concerns the *Review*, one of its oldest and best known dissemination tools,¹²⁵ the ICRC also made it evolve to help professors take into account contemporary debates in their IHL teaching and research. The *Review* is also a means allowing lecturers developing their expertise by submitting articles on legal and humanitarian issues, such as “War in Cities”, “Scope of Application of the Law” or “Generating Respect for the Law”.¹²⁶ While the *Review* played a leading role, triggering ideas and debates on humanitarian law, action and policy for over a century, recent decades have seen an increased openness towards the multi-disciplinary study of IHL through the lens of contemporary humanitarian trends and problems.¹²⁷ Today, the *Review* also powers the ICRC’s “Humanitarian Law & Policy” blog gathering views from within and outside the ICRC on *hot topics* and fostering online and shorter discussions around them,¹²⁸ as well as thematic conference cycles.¹²⁹ Similarly, the *IHL debate* has also become more decentralized, with the development of regional IHL yearbooks in Africa and the Asia-Pacific region.¹³⁰ Such tools have encouraged lecturers to write and debate IHL issues of relevance to their context and offer reference material for governmental authorities, experts and researchers in each region.

The ICRC’s pedagogical approach supporting the teaching of IHL in universities has considerably developed and evolved from the 1980s up to the present. It has achieved worldwide outreach and has become more systematic,

¹²⁴ E-briefing Library, ICRC, 2017, available at: <http://e-brief.icrc.org/>.

¹²⁵ See *supra* note 5.

¹²⁶ For free access to these issues and more, consult the following web page: <https://www.icrc.org/en/international-review>.

¹²⁷ International Review of the Red Cross, ICRC/Cambridge University Press, available at: <https://www.icrc.org/en/international-review>; see also: <https://www.cambridge.org/core/journals/international-review-of-the-red-cross>.

¹²⁸ Humanitarian Law & Policy, ICRC, 2016, available at: <http://blogs.icrc.org/law-and-policy/>.

¹²⁹ See *supra* note 98.

¹³⁰ African Yearbook of International Humanitarian Law (AYIHL), Juta and Company (Pty) Ltd (Juta’s Law Journals) (2016), available at: https://journals.co.za/content/journal/jlc_ayihl; Asia-Pacific Yearbook of International Humanitarian Law, University of the Philippines Law Center, Institute of International Legal Studies (2011), available at: <https://home.heinonline.org/titles/Law-Journal-Library/AsiaPacific-Yearbook-of-International-Humanitarian-Law/?letter=A>.

focusing on professors as mass and quality IHL disseminators.¹³¹ As concerns tools, a comprehensive panoply has been developed, amongst which certain publications have reached the status of references in the field of IHL teaching.¹³² This is probably the result of both the persistence and imagination the ICRC has demonstrated over the past decades to promote the teaching of IHL in academic circles and beyond.¹³³ Such an achievement is also due to technological innovation, namely the development of the internet as of the 2000s, which has provided a crucial contribution to the outreach of the ICRC in the field of IHL teaching. While those evolutions represent additional steps, it is important to keep in mind that they do not mean the end of the initial pedagogical approach followed by the ICRC. In that regard, those developments, although a major breakthrough especially in the digital field, should be considered as new layers adding to the existing ones. The variety of pedagogical tools and the flexibility of the structural approach enable the ICRC to tailor its academic programmes more precisely to the particular reality it faces in the field. Indeed, depending on the availability of the internet, level of students, their interest, the expertise and will of professors, and any other relevant factor in each context, the ICRC can adapt its support to ensure sustainable, relevant, and quality teaching of IHL in universities worldwide.

5 Teaching IHL in Universities: Successes and Challenges

As seen above, IHL has probably never been as much taught in universities as it is today.¹³⁴ While there are no proper statistics assessing the overall number, shape, duration, and attendance of IHL courses taking place in academia worldwide,¹³⁵ it is estimated that at least some 600 universities worldwide have

¹³¹ In this regard, the ICRC has also been supporting national authors, who happened to be former participants in its training, in publishing textbooks on IHL. This was also a way of disseminating IHL rules in a national language and reflective of local culture.

¹³² See for instance the “How Does Law Protect in War?” online platform especially addressed to IHL lecturers: it was the most visited page with legal content on the ICRC’s website in 2017, with over 136,000 unique visitors (source: GoogleAnalytics).

¹³³ In this regard, see: V. Bernard, M. Nikolova, ‘Generating Respect for the Law: the Need for Persistence and Imagination’, in C. Lanord, J. Grignon, J. Massé (eds.), *Tribute to Jean Pictet par le Concours de Droit International Humanitaire Jean-Pictet* (2016), at 545–578.

¹³⁴ See *supra* note 10.

¹³⁵ A few surveys on IHL teaching in academia have been conducted, but rather at national or sub-regional levels. For instance, see the survey conducted in the U.S. and analyzed in: Jastram, Quintin, *supra* note 25, at 987–1027.

integrated IHL in their curricula, in one way or the other.¹³⁶ This is probably far more than when the ICRC started to promote the teaching of IHL in academic circles on a regular basis in the 1980s. The number of dissertations addressing IHL issues also seems to have increased dramatically,¹³⁷ along with the number of IHL-related issues addressed by specialized academic blogs.¹³⁸ To get an idea of the overall quality and quantity of IHL teaching worldwide, an online questionnaire was answered in spring 2017 by ICRC focal points for relations with academic circles worldwide. A majority of them estimated that IHL integration, understood as “the regular teaching of IHL in influential universities and in a way that presents rules and principles correctly and pedagogically”, was “average” to “high”.¹³⁹ While such estimates should be taken as they are, they nonetheless remain encouraging.

Similarly, it could be envisaged that possibly up to 100.000 professionals work today in the field of IHL and/or in a related field.¹⁴⁰ Social media groups

¹³⁶ Source: internal ICRC estimates.

¹³⁷ For instance, search results for “International Humanitarian Law” in the Networked Digital Library of Theses and Dissertations (NDLTD) provides close to 350,000 hits. See: <http://search.ndltd.org/search.php?q=international+humanitarian+law>.

¹³⁸ See for instance: “Opinio Juris”, <http://opiniojuris.org/>; “EJIL:Talk!”, <https://www.ejiltalk.org/>; “Lawfare”, <https://www.lawfareblog.com/>; “Intlawgrrls”, <https://ilg2.org/>; “JustSecurity”, <https://www.justsecurity.org/>.

¹³⁹ This internal survey was answered by 64 ICRC focal points for relations with academic circles on some 120. According to it, 40% of the focal points estimated that IHL integration was “average” in the context(s) they covered, while 30% thought IHL integration was “high”. 20% of the focal points thought the level of IHL integration was “low”. Less than 5% estimated that IHL integration was “very high” and “very low” (source: ICRC internal survey).

¹⁴⁰ This unverified estimate rests on the number of members of online professional groups, associations and academia alumni, which are represented on the LinkedIn social network. However, it should also be taken with caution, as a certain number of those professionals might belong to several of those groups. In total, those professional groups gather more than 100.000 members: International Humanitarian Law (11,576 members), International Criminal Law (56,828 members), ICC- International Criminal Court – Cour Pénale Internationale (4,472 members), IHL (820 members), Network of International Humanitarian Law Professors (324 members), Anciens du Concours Jean-Pictet Competition Alumni (259 members), ReliefWeb humanitarian discussion group (16,278 members), International Red Cross and Red Crescent Delegates (3,027 members), Humanitarian Professionals (20,567 members), International Humanitarian and Development Professionals (19,906 members), Humanitarian Training (5,186 members), International Humanitarian Networking Group (3,896 members), ICRC – International Committee of the Red Cross – ICRC (2,284 members), Harvard Humanitarian Initiative (632 members), Program on Humanitarian Policy and Conflict Research at Harvard (252 followers); Alumni, The Geneva Academy of International Humanitarian Law and Human Rights (126 members); see also relevant Facebook interest groups, such as IHL in academic circles (36,949 likes),

of professionals, university Alumni, IHL lecturers and researchers also help to get a better idea about who these professionals are and the academic path they followed to build their expertise in IHL.¹⁴¹ Alumni *questionnaires* can also help monitor the impact of IHL teaching efforts. In this regard a questionnaire was sent to some 1.000 former participants in the Jean-Pictet Competition in IHL (among 3.000 in total). Among 327 respondents in 2016, 72% agreed that the Competition influenced the development of their career, 58% said they were currently working in the field of IHL and 42% were often able to reach out to decision-makers about IHL.

Thanks to online monitoring of the number of web page visits, the number of IHL tools downloads, and the number of IHL professionals having subscribed to its law and policy newsletter, the ICRC can also measure how popular its IHL tools are, such as the *Review*, “How Does Law Protect in War?” and “International Humanitarian Law: A Comprehensive Introduction”.¹⁴²

The successful integration of IHL teaching in academia worldwide is due to a combination of factors, amongst which the admirable commitment of lecturers, universities and education authorities to teach IHL, the support of the ICRC and the Red Cross and Red Crescent Movement, the renewed interest of students for this field of law after the emergence of international criminal justice in the 1990s, and the development of the internet, which has made it much easier than before to share and comment IHL-related information. Nevertheless, this success should not make one forget that teaching IHL in academia is never granted and also faces a certain number of challenges.

5.1 *Challenge #1: The Impact of Financial Crises on Academia's Budgets*

The pressure on budgets is probably the most recurring challenge that IHL academic teaching faces. In recent years, the various financial crises have adversely affected the budget of States. Austerity policies have emerged as a response to those crises. In turn, academia's budgets have decreased, sometimes

Jessup White & Case LLP (14,457 likes) Concours Jean Pictet (1,502 members), ADH/CUDIH Alumni (378 members).

141 Especially on LinkedIn: see: note 140.

142 In 2017, the *Review* and “How Does Law Protect in War?” accumulated the biggest numbers of unique visitors on the ICRC's web site with respectively 136,969 unique visitors for “How Does Law Protect in War?” (online platform) and 79,869 unique visitors for online pages of the International Review of the Red Cross (source: GoogleAnalytics). “International Humanitarian Law: A Comprehensive Introduction” was downloaded by over 90% of single visitors of its host web page and half of its hard copies were sold after five months (source: internal ICRC statistics).

dramatically.¹⁴³ Faced with the pressure imposed on them by their government donors, universities have had to implement drastic budget cuts in their programmes and courses. With regard to law schools, branches such as public international law have sometimes been amongst the first ones to suffer from those cuts. In that context, and keeping in mind that, in general, IHL courses represent a part of the public international law course, it comes as no surprise that IHL usually does not resist very strongly to budgetary pressure.

There are several possibilities for an IHL lecturer to address this challenge: first to modify the length, content, and design of his/her course to adapt it to constraints dictated by financial pressure on academia's budgets. This can be done with creativity and persistence, but also with the support of the variety of tools developed by the ICRC, in particular the adaptable teaching outlines proposed in "How Does Law Protect in War?"¹⁴⁴ Second, in the experience of this author, it is possible (although certainly not easy) to resist budget pressure and even take advantage of it by proactively re-shaping an IHL course and make it focus on topics of priority interest to government donors. As an example, a lecturer was teaching IHL in a Central European country. A few years ago, the government, faced with the *Euro crisis*, threatened to reduce the budget of the faculty. As a result, the existence of IHL course was at risk. As the country was also affected by the so-called *refugee crisis*, this lecturer managed to maintain IHL teaching not only by merging it with refugee law, but also by proactively organizing public conferences and events in which representatives of the government were invited. Thus, IHL teaching was made all the more relevant for the government, thanks to its merge with a related legal field of priority interest, and its active promotion towards decision-makers faced with the refugee issue. This example demonstrates how anticipation, flexibility, and proactivity remain crucial assets for lecturers willing to maintain their IHL courses.

5.2 *Challenge #2: IHL, a Very Specific Field Competing against More Mainstream and Appealing Fields of Law*

A second challenge can be found in the competition that IHL faces from other well-established branches in academic curricula. Indeed, IHL is a very specific legal field, as it covers exclusively armed conflicts, a very particular situation which is an exception to the rule of law in most countries and which occurs only in a minority of countries today. Moreover, fields such as business law or even human rights are generally far more popular among students. Such legal fields can be perceived by students as the assurance of finding a good position

¹⁴³ Jastram, Quintin, *supra* note 25, at 996–997.

¹⁴⁴ See *supra* note 68.

and earning a (good) living after their studies. At first glance, IHL can hardly suggest that. One should nevertheless be aware that, while the scale of armed conflicts and violence seems to have steadily decreased over history, also in terms of deaths,¹⁴⁵ the number of small-scale armed conflicts has multiplied over the recent years,¹⁴⁶ making the dissemination of IHL all the more necessary to ensure that its rules are respected. As a result, governments, armed and police forces, international organizations, NGOs, and academic institutions seem keener today than before to recruit IHL advisers and lecturers combining legal knowledge and field experience.

Therefore, while possibilities definitely exist to find relevant and interesting positions after IHL studies, lecturers should also dedicate sufficient time and efforts to connect their students with IHL professionals, for instance by setting up IHL clinics, sending their students to IHL competitions, co-organizing conferences and academic events on themes of relevance and interest with potential recruiters, or inviting IHL professionals in their courses. Similarly, even if IHL is taught widely in academia today, the ICRC as the *guardian* of IHL and its Red Cross and Red Crescent partners, continue playing a crucial role in supporting lecturers to maintain this teaching. Indeed, in the experience of this author, Red Cross and Red Crescent actors cannot simply help *set up* IHL courses in academia and then stop supporting them. They have to maintain regular contacts with lecturers, universities and education authorities to make sure that quality and sustainable teaching is guaranteed over time. A combination of online and on-site interactions seems to be the best way to ensure that past ICRC efforts are not simply lost, if the organization suddenly decides to withdraw from the context in which it has invested time and resources to introduce IHL in academia.¹⁴⁷

5.3 *Challenge #3: Teaching IHL in Universities Affected by Armed Conflict*

A third challenge is that of teaching IHL in universities of a country directly affected by armed conflict. This often means that the mere access to the

¹⁴⁵ The Visual History of Decreasing War and Violence, OurWorldinData, e-briefing, available at: <https://ourworldindata.org/slides/war-and-violence/#/title-slide>.

¹⁴⁶ Trends in Armed Conflicts, 1946–2015, Peace Research Institute Oslo (2016), available at: <https://www.prio.org/utility/DownloadFile.ashx?id=15&type=publicationfile>.

¹⁴⁷ In 2010 for instance, the ICRC closed its delegation in Budapest and drastically decreased its support to academic programmes in Central and Eastern Europe, as well as the Balkans. Thereafter, the number of IHL courses and events decreased, reportedly also because of budget cuts caused by the Euro crisis and even affecting public international law courses in law faculties.

university is unsafe, or that infrastructures have been damaged to a point that makes the pursuit of any course a very difficult, if not impossible, endeavour. While some lecturers persist in teaching their students even in such dire situations, armed conflicts mean that courses are interrupted in most cases. There are nevertheless examples, in which technology has allowed not only teaching to continue, but also to reach out to students geographically far away from their universities, and for whom the trip to study would be far too dangerous. The Syrian virtual university is one of such examples.¹⁴⁸

In other situations, while the university remains functional in armed conflict and the fighting does not directly disrupt teaching, the polarized situation makes it more difficult to teach IHL based on contemporary practice and in an objective way. Lecturers might be faced with strong reactions from their students, when discussing the protected status of surrendering enemy combatants, for instance. Conversely, it might be difficult for lecturers themselves to keep objective and neutral when teaching IHL in such a situation, especially if they or their relatives have been adversely affected by the armed conflict. While it is believed that the pursuit of IHL teaching is especially important in such situations, it nonetheless presents challenges to which any lecturer might react in his/her own way. It would be pretentious to offer ready-to-use solutions for such a difficult challenge, but empathetic and respectful listening and teaching, use of case studies from another context, while addressing similar issues to those actually faced in the country, and the support from external IHL professionals may prove useful for lecturers confronted with such scenarios.

5.4 *Challenge #4: Addressing the Misconception that “IHL Is Always Violated”*

A fourth challenge can be found in the growing *credibility gap* that IHL is currently suffering.¹⁴⁹ There has never been so much IHL-related teaching, debating, and researching, while numerous blatant IHL violations are reported daily in the media. While it represents a general challenge to IHL as a whole, it is also a specific challenge to any IHL lecturer facing the doubts of his/her students. But it should not be avoided. As Xavier Philippe puts it, IHL lecturers should actively engage their students on this issue and demonstrate that IHL rules are not all constantly violated.¹⁵⁰ Many of them are actually respected and implemented faithfully, but these positive examples do not receive the

¹⁴⁸ See *supra* note 30.

¹⁴⁹ See *supra* note 102; see also: Bernard, Nikolova, *supra* note 133, at 577–78.

¹⁵⁰ Philippe, *supra* note 98, at 599–603.

media coverage they deserve. While it is crucial that students seek information on current armed conflict through media, they should be guided by their professors when doing so. Media do not report impartially about IHL respect and violations. Selection is made, based on several criteria: commercial competition for information, which will generate the largest interest, is one of them. Unfortunately, human nature is less interested in normality – when the law is respected, which, for IHL, very often translates into a mere absence of facts (no violation) – than by outrageous crimes. Hence, what *sells most* in general is information related to blatant and shocking IHL violations, which in turn provides large audiences with a feeling that the law is never respected. While one's lack of tolerance for IHL violations should rather be taken as an encouragement pushing for increased respect, it is fascinating to observe how promptly certain scholars, when talking about *erosion of respect for IHL*, or even *erosion of IHL*, seem to throw the baby out with the bathwater. In comparison, when addressing disrespect of traffic law, which occurs on a very daily basis worldwide, there is very rarely a consideration that *traffic law is eroding* following outraged reactions to violations. Why is that? This question is for researchers to address. A scholar nonetheless suggested that it could be that, if being inappropriately confused with IHRL, IHL could suggest a promise of individual well-being of such a high standard that it could never been reached, especially in armed conflicts. Indeed, IHL is not human rights. While it efficiently seeks to preserve human dignity in war – one of the worst situations humankind can experience – one should never confuse this basic, but crucial promise of IHL, with that of human rights. Indeed, the latter promises individual and collective fulfilment in all domains of life of human beings, a far more developed ambition than the former, which rather seeks to preserve the core of individual and collective rights in armed conflict. Thus, using more instances of respect for the law in the IHL classroom and beyond is more than a solution provided to lecturers; it is a necessity to close the “credibility gap” by changing the narrative on IHL.¹⁵¹

5.5 *Challenge #5: Supporting IHL Teaching in Universities in an Appropriate Way Worldwide*

Fifth, but not last, an overall challenge, rather internal to the ICRC, can be found in the difficulty to monitor and support, worldwide, regular IHL teaching,

¹⁵¹ J. Garcia Ravel, V. Bernard, Changing the Narrative on International Humanitarian Law, Humanitarian Law and Policy Blog, 24 November 2017, available at: <http://blogs.icrc.org/law-and-policy/2017/11/24/changing-the-narrative-on-international-humanitarian-law/>.

quantitatively as well as qualitatively. While ICRC activities in the field of dissemination of IHL were mainly addressed to intellectual elites and academic circles in 1863 and continued to be so for some 40 years until World War I,¹⁵² the organization is today much better known for its humanitarian work in the theatre of armed conflicts. This has made it shift its focus from long to short term. Indeed, humanitarian operations require, beyond a certain level of planning, a capacity to react rapidly to human suffering. As a result, limited resources have been allocated to prevention activities, whose effects can be monitored and seen mostly over mid- to long-term. Hence, monitoring the progress of the ICRC's prevention activities is made more difficult by the discrepancy between the means that would be needed to do so properly over several decades and the actual resources that are allocated to that purpose. In addition, provided that the ICRC had the resources to monitor the number of IHL courses conducted in academia worldwide on a regular basis, it would still prove difficult, if not impossible, to monitor their quality. To this end, one should foresee appropriate human resources to attend at least a few courses, and monitor exam questions and answers, which seems highly unrealistic in view of the serious and massive humanitarian challenges the ICRC is currently facing. The aforementioned estimates, provided through field reports, social media, and online statistics, can certainly help assessing the status of IHL teaching in academia today. Such estimates can also help planning and adapting the ICRC's support to such teaching. While the current, though imperfect, monitoring of academic programmes should be maintained and developed, the ICRC will be unable to confirm and use data on IHL teaching professionally, until it allocates appropriate resources to properly monitor, assess, and analyse both the quantitative and qualitative progress of its prevention programmes. Besides proper monitoring of IHL teaching, other challenges for the ICRC's support to IHL teaching can be found, for instance, in the difficulty to recruit staff not only versed in IHL, but also familiar with interactive teaching in academia, digital communication and promotion, and committed to support such a file on the (very) long run; translating IHL teaching tools in various languages also demand considerable efforts that cannot be underestimated; and the lack of access to the internet in a certain number of countries makes it necessary to find tailor-made solutions to promote ever-increasing digital IHL tools to support up-to-date teaching in academia.

152 See: History of the ICRC, Article (2016), available at: <https://www.icrc.org/en/document/history-icrc>.

6 Conclusion

Teaching IHL in academia remains today a key manner for States to fulfil their obligation to disseminate IHL through programmes of civil instruction. The three past decades have seen steady progress in that regard: in the estimates of the ICRC, among the 900 universities it interacts with on a regular basis, probably 600 have integrated IHL in their teaching programmes in one way or the other. This can be considered an overall success, for which due credit must be attributed to committed lecturers, universities, and education authorities. The role of the ICRC and its Red Cross and Red Crescent partners, which often trigger and maintain *appetite* for IHL teaching in the academic community, should also be highlighted in that regard: since the 1980s, they have engaged education authorities and academia on a regular basis to include IHL in their teaching curricula; they have trained scores of students and then lecturers to help them develop their knowledge and teaching; they have developed and promoted numerous pedagogic tools – general and thematic, on paper and then online – to support lecturers in their efforts.

Credit for the success of IHL teaching in universities should also be given to the remarkable work of the Ad Hoc tribunals, the ICC, and all mixed, special, and national tribunals and jurisdictions that have brought IHL back into light through their remarkable work to prosecute its violations, interpret, and clarify this body of law as of the 1990s. Similarly, the digital revolution that took place with the emergence of the internet, allowing mass audiences to access, discuss, and study IHL-related information should be duly taken into account when analysing the progress that IHL teaching in universities has known since the 2000s.

However, when talking about the progress made by IHL teaching in academia worldwide, one should always keep in mind that the integration of IHL remains uneven from one country to the other. Similarly, while one can probably assume that IHL was not much taught in academia before the 1980s, there is no real benchmark to compare the past situation with that of today. Moreover, assuming the teaching of IHL in academia is indeed a success story, what remains to be done? In view of above-mentioned challenges, support to IHL teaching should certainly not stop there. Should future efforts focus on making courses compulsory? Improving their length? Ensuring their quality? Bringing IHL teaching to focus more on humanitarian problems in each country? Those questions should definitely help frame future efforts of lecturers, the ICRC, its Red Cross and Red Crescent partners, as well as any other actor involved in such a field.

Beyond those questions, IHL teaching in academia still faces a certain number of challenges: the pressure on academia's budget making them drop IHL courses; the armed conflicts themselves, when they disrupt or polarize the teaching environment; the fierce competition IHL, as a very specific field, can be confronted with, especially when compared to more popular and promising fields, such as business law or human rights; the *credibility gap* affecting IHL in general and its teaching in particular; the difficulty for the ICRC to monitor IHL teaching in academia and support it in an appropriate way worldwide. Answers to those challenges exist: adapting IHL teaching to available means and promoting it creatively to government donors to resist budget reductions; exploring distance/online learning and emphasizing empathetic listening and teaching to maintain courses even when armed conflicts erupt; providing students with opportunities to connect to IHL professionals through dedicated events or their work in law clinics; duly addressing students' doubts on the relevance of IHL and using instances of respect for the law to teach it; dedicating creativity, persistence, and appropriate means to monitor and support the teaching of IHL in academia as a contribution to prevent human suffering.

Universities play a key role in the dissemination of IHL to ensure its faithful implementation. They are encouraged, along with their lecturers, to play this role to its fullest extent: integrating IHL can be done in multiple ways, from two hours of compulsory teaching for undergraduates, up to a full Master degree for postgraduates. Whatever formula is chosen, lecturers are encouraged to focus their teaching on contemporary practice, discussing armed conflicts their students hear about, and duly addressing their questions and claims in the classroom. Experience has shown that case studies and discussions drive knowledge. Interaction, innovation, diversity in teaching tools and media, instances of respect for the law, multi-disciplinary teaching, and connection with the professional world should form the D.N.A. of any IHL course. Indeed, teaching IHL is a difficult commitment for both lecturers and students, who will have to address dilemmas and issues without single answers. In the experience of this author, it is nonetheless a worthwhile and crucial one to better understand our society and human nature. Ultimately, it can also help prevent humankind from repeating its worst mistakes, learning from them to build a more empathetic and peaceful world.

Select Bibliography

V. Bernard and M. Nikolova, “Generating respect for the law: the need for persistence and imagination” in C. Lanord, J. Grignon, J. Massé et al., “Tribute to Jean Pictet par le Concours de droit international humanitaire Jean-Pictet”, Yvon Blais / Schulthess, Montréal, 2016, pp. 545-578.

L. Blank and D. Kaye, “Direct participation: Law school clinics and international humanitarian law”, *International Review of the Red Cross* (2014), Vol. 96, No. 895/896, pp. 943–968, available at: <https://www.icrc.org/en/international-review/article/direct-participation-law-school-clinics-and-international-humanitarian> (consulted 19 October 2017).

A. Bouvier and K. Sams, “Teaching International Humanitarian Law in Universities : The Contribution of the International Committee of the Red Cross”, *Yearbook of International Humanitarian Law - 2002*, Volume 5, pp. 381-393, available at: https://books.google.ch/books?id=4zNCT7uUIW4C&pg=PA381&lpg=PA381&dq=antoine+bouvier+katie+sams&source=bl&ots=Iy4oX0KK0a&sig=9IG5iPQMVe_gJ5MIrqeE0WpuIE&hl=en&sa=X&ved=0ahUKEwjXiaDdmf_WAhWDAcAKHVthC1oQ6AEINjAG#v=onepage&q=antoine%20bouvier%20katie%20sams&f=false (consulted 19 October 2017).

S. Hankins, “Promoting international humanitarian law in higher education and universities in the countries of the Commonwealth of Independent States”, *International Review of the Red Cross*, Vol. 37, Special Issue No. 319, August 1997, pp. 447-450, available at: <https://www.icrc.org/en/international-review/article/promoting-international-humanitarian-law-higher-education-and> (consulted 19 October 2017).

F. Hampson, “Teaching the Law of Armed Conflict”, *Essex Human Rights Review*, Vol. 5, No. 1, July 2008, pp. 1-9, available at: <http://projects.essex.ac.uk/ehrr/V5N1/Hampson.pdf> (consulted 26 October 2017).

M. Harroff-Tavel, “The International Committee of the Red Cross and the promotion of international humanitarian law: Looking back, looking forward”, *International Review of the Red Cross*, Vol. 96, No. 895/6, pp. 817-857, available at: <https://www.icrc.org/en/international-review/article/international-committee-red-cross-and-promotion-international> (consulted 19 October 2017).

K. Jastram and A. Quintin, “Prevention in practice: Teaching IHL in US legal academia”, *International Review of the Red Cross*, Vol. 96, No. 895/6, p. 987-1027, available at:

https://www.icrc.org/es/download/file/17494/irrc-895_896-jastram-quintin.pdf (consulted 19 October 2017).

U. Kadam, "Teaching international humanitarian law in academic institutions in South Asia: An overview of an ICRC dissemination programme", *International Review of the Red Cross*, Vol. 83, No. 41, pp. 167-169, available at: <https://www.icrc.org/eng/resources/documents/article/other/57jqyx.htm> (consulted 26 October 2017).

E. Kuster and G. Dvalaze, "Why educating students on humanitarian norms and value matters", *Humanitarian Law & Policy*, 2016, <http://blogs.icrc.org/law-and-policy/2016/07/29/ihl-competitions-humanitarian-education/> (consulted 19 October 2017).

N. Melzer, "International Humanitarian Law: A Comprehensive Introduction", ICRC, 2016, available at: <https://www.icrc.org/en/publication/4231-international-humanitarian-law-comprehensive-introduction> (consulted 19 October 2017).

X. Philippe, "Enseigner le Droit international humanitaire", in C. Lanord, J. Grignon, J. Massé et al., "Tribute to Jean Pictet par le Concours de droit international humanitaire Jean-Pictet", Editions Yvon Blais / Schulthess, Montréal, 2016, pp. 595-603.

M. Sassòli, A. Bouvier, A. Quintin, "How does law protect in war?" (online platform), Remarks on teaching IHL, ICRC, 2014, available at: <https://casebook.icrc.org/pedagogical-resources/remarks-teaching-ihl-0> (consulted 19 October 2017).

M. Sassòli, Y. Issar, "Challenges to International Humanitarian Law", in A. von Arnould, N. Matz-Lück and K. Odendahl (Eds.), "100 Years of Peace Through Law: Past and Future", Duncker & Humblot, 2015, pp. 223-226.

"Teaching, Debating, Researching International Humanitarian Law, Action and Policy in Universities", leaflet, ICRC, 2016, available at: <https://www.icrc.org/en/publication/0949-icrc-and-universities-working-together-promote-international-humanitarian-law> (consulted 19 October 2017).

L. Vierucci, "Promoting the teaching of international humanitarian law in universities: the ICRC's experience in Central Asia", *International Review of the Red Cross*, Vol. 83, No. 841, 2003, pp. 155-165, available at: <https://www.icrc.org/eng/resources/documents/article/other/57jqyy.htm> (consulted 27 October 2017).

Reference web pages

"International Humanitarian Law" book set (English version) - ref. BIBDIH1EN, ICRC, 2017, available at:

<https://shop.icrc.org/publications/international-humanitarian-law/ihl-library.html> (consulted 26 October 2017).

Law and Policy platform, webpage, ICRC, available at: <https://www.icrc.org/en/war-and-law/law-and-policy> (consulted 19 October 2017).

Learning and teaching IHL, webpage, ICRC, available at: <https://www.icrc.org/en/what-we-do/building-respect-ihl/education-outreach> (consulted 19 October 2017).