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## **Part I. Addresses at the Opening Ceremony**

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# Opening Address

Maj. Gen. Liu Jiaxin  
President of Xi'an Political Academy

Mr. Chairman,  
Ladies and gentlemen,

The Xi'an Regional Seminar entitled "The Law of Armed Conflict Today – Realities, Perspectives and Training" jointly hosted by the International Committee of Red Cross (ICRC) and the Chinese People's Liberation Army (PLA) opens today. First of all, on behalf of all the staff workers of the Xi'an Political Academy, I express our warmest congratulations on the opening of the seminar. I would also like to extend our warmest welcome to Your Honor Gen. Abt, Your Honor Gen. Jindawattana, all the guest speakers and the military representatives of the countries in the Asia-Pacific region. Welcome to our Academy. Particularly, I want to express my heartfelt gratitude for the presence of Maj. Gen. Fan Yinhua, Secretary-General of the General Political Department (GPD) of the PLA.

The Xi'an Political Academy is under the direct leadership of the GPD. Here are established the Military Law Department, the Teaching and Research Section of the Law of Armed Conflict (LoAC), and the Institute of LoAC. The Academy owns the right to confer doctorate in the field of military law and shoulders the responsibility of training military judicial officers for the PLA. Now, it has become an important base to train qualified personnel in military law and LoAC, and a base of carrying out relative researches.

For years, our school has been dedicated to the teaching, studying, disseminating and promoting of LoAC. Now, it has its own experts in the research field of LoAC. We have been actively cooperating with the ICRC to disseminate LoAC. Since 1991, the ICRC and our school have co-hosted several workshops on LoAC for PLA instructors. Our school also sent instructors to participate in seminars and training activities organized by the ICRC. Our staff was invited to visit the

ICRC headquarters in Geneva and the International Institute of Humanitarian Law in San Remo, Italy.

The ICRC is the most important humanitarian organization in the world. It has done a lot of work in protecting the victims of war and armed conflicts, as well as their dignity. ICRC officials have made great efforts in disseminating LoAC and gained the respect of the world. We are very happy to see that with the joint efforts of the ICRC and peace-loving people, the basic principles of LoAC are increasingly understood, respected, spread, and implemented. Unfortunately, however, we are also worried to see that armed conflicts then and now are still ravaging the world, causing great pains and sufferings, with the principles, rules and provisions of LoAC being challenged. Therefore, in such a less than peaceful world, to promote the knowledge of LoAC is still a very lofty but quite painstaking task. The armed forces are the body which is bound to respect and implement LoAC most directly. This seminar opens to the armed forces of the countries of the Asia-Pacific region. Its major aim is to offer everybody an opportunity to discuss LoAC, to pay close attention to its contemporary development and challenges, and to promote its dissemination.

Originally, the seminar was planned to be held this time last year. The ICRC and our Academy made a lot of preparations. Unfortunately, due to SARS, the event had to be postponed. Mr. Allistone, Mr. Ferretti, Mr. Ren Hao as well as retired Mr. Jean-Marc Bornet and retired Mr. Roberts from the ICRC, made a few trips to Xi'an to discuss the planning and preparation of this seminar. Here, I would like to express my gratitude to the ICRC for its trust and approval of the preparation work. As the LoAC training base of the PLA, we are willing and ready to host this seminar. Under the direction of the GPD, we did a lot of preparation work and ensured the seminar to be held as scheduled. And we will try our best to make you happy and comfortable during your stay here. I believe, with the joint efforts of all the participants, guests and staff members, the seminar will surely be a complete success and achieve its expected aim. I wish everybody has a good time in Xi'an.

Thank you, Mr. Chairman.  
Thank you, everybody.

# Welcome Address

Lt. Gen. Jean Abt  
Member of the ICRC

General,  
Ladies and Gentlemen,

It is both a pleasure and an honour for me to address you at the opening of this important seminar, in the prestigious setting of Xi'an and its Political Academy.

While extending to you my own heartfelt greetings, I also wish to convey the warm greetings and best wishes of Jakob Kellenberger, the president of the ICRC, who always takes an interest in initiatives aimed at spreading knowledge of the law of armed conflict.

Here in China, history and culture are pervasive, everywhere and at all times – in the city centre, in inner neighborhoods and in surrounding areas both near and distant. I emphasize this because it is a privilege to be able to benefit from the inspiration that history and culture provide. The notions with which we are dealing, and which are at the heart of this seminar, are of course also given to us by history and culture, of which, here as elsewhere, we are the heirs. We thus have a responsibility to respect, protect and pass on this heritage.

Ladies and Gentlemen,

A very interesting programme has been set for the next few days. It takes up only a few pages, but we can imagine the work that went into preparing it, beginning in 2003 and then later in coordinating, updating and obtaining confirmations so that the seminar could go ahead on schedule and in such favourable conditions. I would therefore like to express my thanks and congratulations, to all those concerned in Xi'an, Beijing and Bangkok, for the massive effort undertaken to prepare and organize this event. And I thank you, General Liu Jiaxin, and your staff, for your invitation, for your welcome, and for the assistance on hand at this event.

I also thank you, Head of the ICRC Regional Delegation for East Asia (Mr Denis Allistone), and your staff, for the time, attention and work that you have devoted to this event. I thank the speakers for being here and for their contributions. Of course, I know that everyone is just

doing his duty. But it is precisely that – duty accomplished – that it is proper to acknowledge.

Three days of work are now beginning, the purpose of which is to make the preparations bear fruit and to benefit from so much useful effort. The programme is short, but immensely important and very full.

We are here to consider “The law of armed conflict today.” This means taking into account present realities and perspectives for the future, taking up the challenge of integrating this law in military doctrine and training, and reflecting on what it means to implement this law, and on the duty and responsibility involved in doing so. Military personnel – commanders especially – are expected to think a great deal about war and its causes, about the circumstances in which war occurs and the consequences resulting from it. War is important because of the forces assembled and unleashed, and because of the stakes involved and the seriousness of the repercussions – so much so that a great deal of thinking needs to be devoted to all these things in order to understand and explain them, and to persuade others of the need to be similarly concerned about them.

War involves a variety of complex forces. In addition to material forces, there are also moral forces that can have an effect on the usefulness and impact of material forces in absolute terms. All of history provides us with examples of this. Moreover, conditions are never the same, and no matter how painstaking the preparations there may be sudden new difficulties. Rather than speak of military science, then, people are apt to speak of “the military art.” Although the practice of this art can involve extreme violence, it is nevertheless governed by the law of armed conflict. Every day, war tells us something about political stakes, military issues and operations, and technological developments.

Armed conflicts, whether international or non-international, also show how cruel they can be and how serious their consequences are in humanitarian terms, especially when the rules of the law of armed conflict are not obeyed or indeed are deliberately violated. These rules, which are laid down in recognized treaties, may have been called into question but they have never been more necessary than they are now. The important thing is that they be discussed, and taught and implemented. Our efforts to spread knowledge of and implement

the law of armed conflict must now be renewed. This is a constant challenge and a priority for all States that have signed the Geneva Conventions and their Additional Protocols, and a duty for armed forces – just as it is a challenge, a priority and a duty for the ICRC. This is why it makes sense for us to work together.

Very briefly, the law of armed conflict sets out simple rules for combatants of every rank:

- Fight only combatants;
- Attack only military targets;
- Spare civilians and their property;
- Restrict destruction to what the mission requires;
- Respect persons bearing and objects marked with protective emblems.
- Respect those who have laid down their weapons or cannot continue to fight because of wounds or sickness.

These rules are clear, few in number and exceedingly important. However, even though the rules are simple, the situations in which they are applied are always complex and confusing. To master the rules it is necessary to be not only fully informed, properly trained, well educated and highly disciplined, but also clear-headed, courageous and tough. Commanders must also have a keen sense of leadership based on ability, honour and setting an example. Moreover, compliance with the rules laid down in the law of armed conflict – which safeguard a bare minimum of humanity and dignity – can have enduring effects by setting the stage for a resumption of dialogue and even reconciliation between belligerents, by preventing a return to violence, and by favouring restoration of a durable peace.

This is what can be said on the subject today, in confirmation of experience that goes back long before our time. Compliance with the rules is now one of our responsibilities. It is my desire that this seminar will meet your expectations, and that it will gain from your own questions, experiences and contributions. I am hopeful that your staff and troops will also ultimately benefit from it, and that they will thereby become more able, credible and confident.

Thank you for your attention.

# Opening ceremony

Denis Allistone  
Head of ICRC Regional Delegation for East Asia

General Liu Jiaxin, President of the Academy of Politics,  
General Jean Abt, Member of the Committee,  
distinguished guests, dear participants, ladies and gentlemen.

As the regional delegate for East Asia based in Bangkok, I certainly find it a privilege to address you, such a distinguished audience, on the occasion of this important event. We are here in the ancient capital of China, one, which was many times over the leading economic and cultural centre in East Asia. It is also an honour, and a challenge, to address you after the eminent representatives of the co-organising institutions we have just heard.

Could there be a better place, in China, ladies and gentlemen, Mr President, than the prestigious Academy of Politics to hold this international seminar? The ICRC, for about fifteen years, has developed a good cooperation with your institution. Together with my colleague, Aleardo Ferretti, we share the privilege, and the good memories, of having taken part in the first seminar on the Law of Armed Conflict, which was held here, in this very Academy, in 1991.

This institution is certainly a centre of excellence in the area of studying the Law of Armed Conflict. It suffices to see the impressive publications, articles, and translations, which have been published by the Academy of Politics to be convinced of this.

In the foreword of one of these publications, a collection of treaties on the law of war, the idea is put forth that “especially since the end of the cold war, the law of war has become an important weapon to fulfil the political objectives of war as well as to attain military victory”. One may not necessarily agree entirely with this view, but it is certainly true that in the course of the last fifteen years the international community has paid increased attention to the promotion of respect of the law of armed conflicts. The creation of special tribunals to judge

war crimes and crimes against humanity committed in Rwanda and the former Yugoslavia, as well as the drafting of the Rome Statute and the setting up of the International Criminal court bear witness to this heartening trend.

Recent events have shown the importance of respecting the Law of Armed Conflict and, unfortunately, the very adverse consequences, not only in humanitarian terms, of the flouting of its provisions and principles.

In another important collection published three years ago, entitled *The Law of Armed Conflict*, edited by Professor Yu Zhengshan, there is a chapter on the “art of applying the Law of Armed Conflict”. The authors stress the strategic and tactical benefits derived from the application of this law.

The author quotes a general from an unspecified western country saying that, “the law is like an atomic bomb, he who wields it can win the war”. The authors of the book concede that the analogy is somewhat exaggerated, commenting, nevertheless, that a clever utilisation of the Law of Armed conflict is like having in one’s hand the golden cudgel, the famous *jingubang*, brandished by the Monkey King in Wu Cheng’en’s famous novel *Journey to the West*, a weapon as fearsome as was the famous monkey’s magic imprecation, one which used with skill will give the enemy a splitting headache.

Indeed, it is quite true that the Law of Armed conflict can be seen as a tool to project a positive image of the armed forces and that it is relevant to psychological warfare. We may all agree that the argument on this aspect of the value and relevance of the law, if it helps making the case for respect among the more conservative or sceptic elements of the military, is a good one. Drawing an analogy from customary law, we can see this as an equivalent of a permitted “ruse of war”, a ruse to promote humanitarian law.

What is at stake, however, is more than projecting a good image or even than winning the hearts and minds of the people. The founding fathers of modern humanitarian law were very clear in placing humanitarian obligations at the core of this law. The founder of the



Red Cross, Henry Dunant, anchored his argumentation on the moral obligation to mitigate unnecessary suffering on the battlefield, and Martens, in his famous clause, invoked “the laws of humanity and the dictates of public conscience”.

The simple rules, which General Abt just recalled reflect in concise terms these elementary obligations. These rules must be upheld irrespective of whether the enemy respects them, irrespective of whether they represent an advantage in tactical or strategic terms, irrespective of, whether the war is perceived as just or unjust, by one, or the other party.

China, no one will be surprised, shares these values. Over 2500 ago, Confucius was asked by one of his disciples, Zi Gong, whether there was one dictum, which could be followed for the duration of one’s life. The sage answered that there was indeed one, reciprocity: “What you do not want for yourself, do not do to people” (Analects chapter 24, Weiling Gong).

The idea put forth by Confucius, one of the many variants of the so-called golden rule, is familiar to the military. In a recent article published in the American press a high-ranking officer said there were practical reasons for treating enemy prisoners properly, “you’d hope to be treated the same way if you were captured”, he said. When a regional seminar similar to this one was held in 1999 in Australia, the idea was expressed that such an event constituted one of the confidence building measures.

Humanitarian law is not only humanitarian, it is law. It must be respected as such, because it is hard law, a law based on internationally shared obligations towards fellow human beings.

A sound and efficient training in humanitarian law is one of the basic measures to maintain and promote professional and military discipline; an army that loots and kills at random no longer deserves to be called an army. Military personnel must be made aware that violations will not be left unpunished and that those who give or follow illegal orders are liable to prosecution. Because of the abhorrent and cruel nature of any war, even should all the rules be respected, there is a risk that those

involved may feel above or outside the law. Training must ensure that this does not happen.

It is essential that humanitarian law treaties are not left to gather dust on the shelves of libraries, nor should they become the exclusive pursuit of civilian or military lawyers. One of the aims of this seminar is to share experience on how to avoid this. How do the different participating countries do this in their armed forces? How do they take the rules out of the books and put them into the heart of action?

General, officers, ladies and gentlemen, we hope you will enjoy the three days we will spend together in this ancient city and that this seminar will contribute to enforcing a shared awareness that more needs to be done to ensure respect of international humanitarian law. As experts in the field of instruction of the law of armed conflicts we trust you will agree, Mr. President, General, dear participants.

Thank you.