

## I. Why teach International Humanitarian Law?

First and foremost, the teachers themselves must be convinced of the need to teach International Humanitarian Law (IHL)! However, students must also understand why they should study it. They will only make the requisite effort if they understand IHL's usefulness and how it relates to their aspirations, ideals and experience.

### a) To stimulate legal thinking

In today's world, national laws change rapidly. Lawyers in a given legal system must remain flexible and know the different legal systems in order to identify the solutions at their disposal. The purpose of studying law is not to memorize the constantly changing solutions of positive legislation that can be found in databases and books. The primary aim is to acquire a specific method of reasoning, in order to learn, to choose and develop arguments appropriately and to adopt a certain culture. To teach, explain and discuss the solutions of positive law is largely a methodological exercise the aim of which is to familiarize the student with this specific culture. Just as future computer scientists, economists, philosophers and journalists study Latin, classical Arabic or Sanskrit, future corporate lawyers can study IHL. It is the reasoning mechanisms obtained through learning that they will use later, rather than the exact rules governing the conduct of hostilities, for example.

Not all fields of law offer similarly fruitful training grounds for this purpose. IHL contains principles, such as the distinctions between *jus ad bellum* and *jus in bello* or civilians and combatants, which are ideal terrain for training in legal reasoning. It is only by taking these principles as a starting point that the detailed rules can be understood and applied. In addition, these principles are not pure theory. They have to be taken into account in order to understand and discuss solutions to humanitarian problems mentioned in the daily news. Admittedly, other regimes, such as the treatment of prisoners of war under the detailed rules of Convention III, allow less scope for legal reasoning and arguments and are less conducive to understanding the interplay of principles and rules. They simply constitute positive law regulating a very important humanitarian problem.

### b) To promote “justice” in armed conflicts

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. Law not only tries to prescribe the most efficient solutions – those which have the best chance of being respected and are

the most adapted to reality – it also tries to serve the interests of human beings and move society forward, to show direction. Furthermore, law tries to protect those who are weaker from those who are stronger, even though it would be more efficient, realistic and easily enforceable to serve the interests of those who hold power. Lawyers who do not understand this aspect of law will perhaps be good craftsmen, but they will not be jurists and will not serve society.

How better to understand this aspect of law than by studying IHL, the branch applicable to the most inhumane, lawless, anarchic and archaic form of human activity, namely war? Where can the position of law in the fascinating interplay between *sollen* (that which should be) and *sein* (that which is) be better observed than by studying, as this book suggests, how law protects in 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. This implies specific challenges for those teaching IHL and for those studying it.

**c) Because it is at the vanishing point and at the cross-roads of international law**

The study of international law leads to a more thorough understanding of the nature of domestic law. For instance, it enables students to overcome preconceived ideas based on superficial observation of domestic law, which seems to receive its character from compulsory adjudication by tribunals and enforcement by the police. When studying traditional international law, scholars observe how law can work in a relatively unorganized society, where the subjects are the authors, the addressees and the main organs of application of the rules.

Because it stands at the vanishing point and at the crossroads of international law, IHL fosters understanding of this reality where it undergoes the extreme test, namely in armed conflicts. As explained above, IHL typically shows the relativity of traditional rules of international law and the modern tendencies to go beyond this relativity. One of the syllabuses provided below shows that nearly every aspect usually covered in a general course of international law can be explained and discussed with examples of the rules, phenomena and problems of IHL.

**d) Because all students need to know the basic tenets of IHL**

International law in general, and IHL in particular, should be taught not only because they promote training in legal thinking and understanding of legal mechanisms. They also deserve to be studied because of their content. IHL enables students to understand, as lawyers, a world – and particularly news reports about a world – which is marked by armed conflicts. Even those who are lucky enough to live in countries not presently affected by armed conflicts and who do not wish to deal with international affairs will nevertheless be confronted – as citizens, lawyers and human beings – with asylum-seekers from conflict areas. If they lack the basic reflexes of IHL, they will be like dentists who want to extract a tooth without a basic grounding in blood circulation, infection and physiology.

**e) Because some students will need IHL in their future jobs**

Last but not least, we have to state the obvious. At the time of their basic university training, students have not yet staked out a career path. For some, IHL will be part of their professional training. For instance, future armed forces officers will have to learn how to conduct hostilities, treat civilians and run a POW camp in conformity with IHL, if they want to do their job properly and spare the State serious international problems. In one of the cases presented in this book, the Defence Secretary of the world's most powerful country has to answer technical questions on IHL as he could not – or did not want to – refer them to his experts [See Case No. 261, United States, Status and Treatment of Detainees Held in Guantanamo Naval Base [Part II.]].

For many students, IHL will be an essential tool for accomplishing their mission and protecting the efficiency and image of their armed forces in their own country and in the eyes of the international community. If they do not understand and respect IHL, they run the risk that they will one day face criminal charges. [1]

In addition, future diplomats will have to understand the mechanisms for the implementation of IHL and the consequences of the distinction between *jus ad bellum* and *jus in bello* if they want to advise their government on how to vote in international forums, how to react to violations, how to fight terrorism, how to implement a development aid policy, or how to plead before the International Court of Justice. Staff of humanitarian organizations will need the best arguments under IHL when calling for respect for victims of armed conflicts, for access to them, and for the implementation of impartial relief distributions. Finally, attorneys, prosecutors and judges need a thorough understanding of IHL when defending, prosecuting or judging alleged war criminals or when confronted with a trademark case involving the use or misuse of the red cross, red crescent or red crystal emblem.

Obviously, not all the categories of persons mentioned above can have access at university to a course on all the rules of IHL they will need to know in their future career. It is, however, there that they will need to realize that IHL exists, acquire a basic understanding of it, understand the place of IHL in international law and in their own legal system, and learn where to find solutions – in international instruments, in books and on the Internet.

## **II. How to teach International Humanitarian Law?**

N.B.: Most of this advice may not be needed, as this Book will be used by experienced teachers who therefore know how to teach, are familiar with their target audience and its mentality and, last but not least, know the strengths and weaknesses of their teaching style. Some of our advice may be rejected either because it is not adapted to the country, the culture or the individuals to be instructed or because it is not adapted to the personality of the teacher. Indeed, teachers can only teach content in which they believe, using methods they believe to be efficient. Their personal commitment and conviction are crucial for the success of education.

However, we do propose, for those who would like to use them, course outlines that can be adapted to the

teacher's preferences and the needs of the target group. These "instructions" can be modified to fit the national circumstances, applicable legislation, and even the specific culture of the armed forces. The course outlines, far from being rigid instructions, must be adapted to circumstances in order to permit effective learning.

## **1. Some general thoughts on learning and teaching**

### **a) How do we learn?**

The aim of teaching is to promote learning. Individuals learn when they want to learn, when they know how to learn and when they are able to learn. Wanting to learn, or motivation, is perhaps the most important factor.

It cannot be the objective of a course on IHL to teach participants how to learn. However, it is conceivable that by applying and varying new methods, the students' methods of learning will be enriched.

Learning – and therefore teaching – would be a much easier task if it were clear what makes students understand a subject; then teachers would know exactly which method to use. Reality is quite different, however. Indeed, learning strategies vary from one individual to another, and in general, no one knows which learning strategy should prevail. Teachers must therefore use more than one method to transmit knowledge. The process of learning is complex and many elements have to be considered. Apart from the physiological factors, which we will not deal with here, the cognitive and affective dimensions of learning must be considered.

As regards the cognitive dimension, human beings retain on average only 10% of what they read, 20% of what they hear, 30% of what they see, 50% of what they hear and see simultaneously, 80% of what they say and 90% of what they say and do. This is a strong argument in favour of using interactive methods.

Clearly, the numbers reflect averages. Some individuals receive information better when viewing and reading it, others when hearing and speaking, and others when putting into practice what they have learned. Teachers should therefore try to vary teaching methods to give each of these categories a chance to apply their preferred form of learning. Similarly, according to their learning strategy, students may perform better or worse on certain types of evaluation. Ideally, the latter should therefore be varied and provide students with an opportunity to speak, write, draw or even act.

Learners can also be categorized according to the way they process information. Some have a more analytical approach, proceeding step by step, using a process of inductive logic, perceiving information in an abstract manner. Others have a global approach, processing all information simultaneously, using deductive and intuitive processes and perceiving information in a concrete manner. Teachers should take these categories of learners into account and vary teaching and evaluation methods. Global learners will appreciate knowing at the beginning of a lesson what it is all about (e.g., the learning objectives) and being able to apply the principles being taught through the use of pertinent examples. Global learners have greater difficulties understanding what is important in the course of a speech. Analytical learners will function better if a detailed

outline is provided at the beginning of the course. For them, a case study is an opportunity to repeat and apply what they have learned, while for global learners it is often the opener permitting them to learn rules that have been abstract up to that point. Assessment through tests usually demands analytical ability. To give global learners an equal chance, the evaluation should also contain some open questions, giving them an opportunity to explain their reasoning.

The affective dimension, for its part, refers to stimuli, to the ability to engage with the subject, and necessarily to the subject's integration within a system of values.

Certainly, the best stimulus is success. Do we not say that success breeds success? The more opportunities students have to obtain the impression through conversations, group work and examinations that they are successful in learning, the more they will learn.

The principal motivation to learn is curiosity. Participants should therefore be confronted with questions to which they do not yet know the answers. Second, people are motivated to work if the content of their task is challenging and provides variety. Third, using appropriate teaching methods not only enhances the efficiency of learning, but also helps to motivate students. Fourth, people learn if they feel that if they apply what they are taught, their actions are capable of benefiting humanity. With regard to this last point, we hope that the preceding pages have convinced even the most sceptical of the need to teach IHL in order for its principles to be more widely accepted and applied.

Teachers can use the affective dimension by recognizing the value of the participants' previous experiences, by applying concepts (even if presented in a lecture) that are relevant to the participants' daily lives, by relating the subject to learner concerns and values and by encouraging the expression of emotion. However, this is only possible if they know their "target audience".

"If you want to teach mathematics to Isabelle, the most important thing to know is Isabelle herself. [2] Teachers confronted with an audience of 20 or 120 people obviously cannot teach every person by the method most appropriate for that individual. For this reason, it is appropriate to apply a variety of methods and to ensure that participants involve themselves actively in learning, i.e. that they take their education into their own hands. This, in turn, implies that teachers have the responsibility to motivate them. To motivate the participants, the teachers have to know them: their culture, their ideals, their aspirations, their frustrations. Once these details are known, the teachers will have a better understanding of their students. A different atmosphere will be established, giving way to a more familiar environment, which will encourage learning.

The group is not necessarily homogenous. Therefore, teachers need to adapt their language so that it can be understood by all students. They will have to introduce a scale of values that can cover other sets of values. If teachers want to ask the group questions, these must be open and each answer considered reasonable.

To fully exploit the affective dimension, the learners' interest in the subject must first be sparked. This can be done by relating the subject to the participants' experience or by making them discover the subject through the presentation of a case study. If a case is studied first, the lecture can provide answers to the questions participants already asked themselves. They are much more likely to retain the answers in this case than in the traditional situation where they obtain answers to questions they never asked. The same objective can be reached when training professionals who already have field experience or some knowledge of the subject: they should first be encouraged to ask questions on the subject and to develop themes according to those questions.

In any case, learners should always be able to first discover their needs for themselves. In addition, teachers have to treat learners as partners in the teaching-learning process, which necessarily implies that learners be informed beforehand precisely what they will learn and how they will learn it. Learners should be encouraged to share their subject-related experiences. What is new should be grounded in what the participants know. They should be encouraged to test their knowledge (e.g., to have a first successful experience in dealing with a case study) and to give feedback, and the teacher should reciprocate by providing feedback to their comments.

Emphasizing the most important points facilitates learning. Students will retain the points more easily if they are reinforced by practical examples. As the Latin proverb says, repititio est mater studiorum (repetition is the mother of studies). Teachers should not hesitate to repeat the most important points, during the lesson, at the end of the lesson and at the end of the course. One way to repeat the most important points, which also takes account of the students' tendency to forget what they have learned from one lesson to the next, is to begin the lesson with a question-and-answer session on the main points covered in preceding lessons. Such sessions should not be presented as tests but rather should be brief and fun.

From the above, it follows that to instruct a group efficiently on IHL it is at least as important to apply the appropriate teaching methods as it is to learn about IHL. We have, however, also seen that there is no single appropriate method. Different people learn in different ways.

#### **b) The advantages of interactive teaching methods**

As seen above, by varying methods teachers can enliven their lessons and revive flagging interest. They also avoid favouring participants with particular learning styles.

Learning is an active response to information. And its practical application is an even more active response to the acquisition of this knowledge.

It is an illusion to think that learning occurs purely and simply because a student sits and listens to the teacher. In fact, if the course objectives could be achieved in this manner, the course itself would be pointless. The student can take an active part in the learning process, during or after the course, for example

by revising the material. Learning becomes even more effective when participants are forced to be active by the methods used.

This would be the case, for example, if they had to solve case studies or participate in group discussions. Also, simply providing time for questions may constitute an easy and effective interactive method since it can serve as an opportunity to review the material, to take the pulse of the group's level of understanding, to ask new questions, to maintain interest and to receive feedback.

All teaching requires a minimum of interaction. Interaction between teachers and students must go in both directions. Teachers must communicate comments to the students, but students must also be able to express their views to the teacher. Both parties can thus find out whether their performance meets the expectations of the other. Students worry about whether they have correctly understood what they have been taught in the same way that teachers worry about the comprehension of the material they are teaching. If the student body comprises chiefly adults, the teacher will also want some indication whether the students will apply what they have learned.

Teachers therefore cannot limit themselves to one-way communication. They must be able to monitor and refine the participants' interpretations, ideally as they are being made. They can do this by asking the participants whether they understood, by encouraging questions during or after the lecture, or by adding an evaluation session to the course.

Some teachers may fear that they will lose control of their students if they use interactive methods. The students may fear that they will lose the security that traditional methods of teaching provide. It is nonetheless important to recall that the objective of a course is not to ensure security but rather to encourage a change in behaviour. After all, teachers will have ceded control over the students by the time those students have to put into practice the principles they have been taught...

There are those who object that interactive methods are time consuming. It is true that teachers "emit" less information per time unit using interactive methods than in a lecture. The aim of teaching, however, is not for teachers to "emit" information, but for learners to "receive" it. One of the few incontrovertible truths in the education sciences is that learners receive, understand and incorporate more information through interactive methods.

### **c) Using case studies**

One of the methods allowing for effective learning is that of case studies. This book contains a vast number of cases taken from the reality of armed conflicts, followed by questions to be considered from the point of view of IHL. These cases can be used for all teaching methods.

Case studies, while enabling the participants to play an active role, also hold their attention, since the facts

studied are drawn from reality. They show that learning is a process and enrich the teacher/student relationship. Also, this method develops critical thinking and allows students to become accustomed to accepting diverse opinions. All learning is acquired and integrated into long-term memory more easily when it can be linked to daily life.

Usually, a young graduate coming out of university possesses the most up-to-date theoretical knowledge but lacks experience – the sum of knowledge and skills acquired by solving real-life problems. Experienced professionals can identify the essential and solution-relevant aspects of a real-life situation, understand its structure, and keep their affective and subjective approaches as distinct as possible from their understanding of the facts. Dealing with case studies during an academic career can give a graduate some simulated real-life experience.

Cases relate law to practice, thus giving it content and actuality. When training lawyers, it is very important to establish a link between practice and theory by using concrete examples that illustrate the significance and true meaning of the concepts being taught. The role of the teacher is to suggest appropriate reading for the students, and it falls to the students to make the required effort. The fact that theories provoke many controversies cannot be hidden from participants. The manner in which precedents were decided cannot be contested, only criticized. The last step in a case study often consists in an attempt to conceptualize the case into general rules for future cases. To do this, the teacher may give a lesson in which the participants are free to draw their own conclusions, much as a professional would do if confronted with a concrete case at work. In any event, even if only basic concepts are retained from a case, they will have a greater impact on the behaviour of participants than subtle/sophisticated and theoretically more solid rules that were simply heard, read or memorized.

Theoretically, a subject can be taught exclusively through case studies, without any lectures (and this is how the case system was first applied in about 1914 at Harvard Business School). Owing to time constraints and in an effort to vary teaching methods, most teachers will nevertheless use case studies mainly to teach participants to solve real-life situations by applying the principles they studied using other methods.

This book suggests many case studies. Teachers can, of course, elaborate their own, choosing them in the light of their pedagogical objectives and drawing them from reality.

#### **d) Group work**

Another interactive method is group work. Today work has become more collaborative, and students will be better prepared to work in groups if they have learned in groups. Group work also takes advantage of group dynamics, using conformism within the group, social recognition and group success as motivations for learning.

Time limitations mean that group work generally cannot be used to learn new knowledge, but it serves to

apply, through case studies and discussions, general principles to particular circumstances. Some consider that the method of teaching through case studies can only be applied by group work.

Group work also serves to repeat acquired knowledge. A discussion of the moral dilemmas involved in the practical application of IHL, which is often only practicable in groups, may introduce group members to ways of looking at the problem they would never have thought of. Arguments and counterarguments can be more freely expressed and weighed in a small group than in plenary, and many more participants get an opportunity to express themselves or even to explain a rule, which is the best way to learn it.

Teachers must act as the group's moderators, ensuring that every member has the same opportunity to express an opinion. They should reformulate the participants' opinions, be directive with regard to the form of the discussion, but not take any position on the merits.

It is possible to start teaching a given subject with group work. This will then be followed by a systematic synthesis by the teacher, situating the practical solutions found by the groups in a theoretical framework.

One of the ways to work in groups is through role-playing. This has the disadvantage of focusing attention on the persons and not on the problem and its dynamics. It has the advantage, however, of obliging the participants to be active. Paradoxically, it is also easier for participants to defend a position that is not their own than to play the role of someone (e.g., a commander) acting in a way that the course participants do not really consider appropriate.

**e) Making lectures more effective**

If only because of the number of participants in a course, it is impossible to completely abandon ex cathedra presentations, or lectures, when transmitting new knowledge. It is useful to start the lecture by indicating its objective, the outline, and the two or three most important things that should be retained.

The contents of the lecture should be simple and clear and the language used adapted to the audience. Key terms should be repeatedly accompanied by explanations and synonyms from everyday language. It is preferable to give more information on each subject than the public can retain.

However, it is also important not to cover more subjects than the audience really should retain. A lecture should end with only one conclusion.

Examples and even case studies can be used in a lecture to render it more vivid and relevant. It is very important not to speak longer than announced and not to read from a text. Even within a lecture, variety can be introduced by supporting some parts with visual aids.

**f) The importance of checking the results**

Evaluation measures the effect of the teachers' efforts and permits them to improve and refine teaching methods and contents. Evaluation also monitors and measures the progress of participants. Ideally, the evaluation is not done at the end of the course. Otherwise, the teacher has no opportunity to clarify any misunderstandings or to adapt the course, at least the last part, to the participants' specific learning needs.

The main aim of tests should not be pure knowledge but understanding. One of the easiest ways of finding out what the participants have understood is to ask them to explain it in their own words or to apply it to real-life situations. Finally, tests should measure the performance expected by both the teacher and the student. This way each can express their expectations of the course. This method will make it easier to achieve the group's objectives and at the same time ensure that the course is not geared only to the teacher's priorities.

## **2. Teaching IHL – with "How Does Law Protect in War ?"**

### **a) To link theory and practice**

Teaching IHL, as with all legal instruction, consists, on the one hand, of relating concepts and theory to practice, thus giving the rules content, topicality and relevance, and, on the other hand, of relating practice to concepts and theory, thus giving practice a meaning and a sense of direction for future application.

Whether these two operations are separate and which should come first are matters of some debate. Individual teachers have their own approach and individual students their own way of learning. As seen above, education specialists recommend a diversification of teaching methods, to render education more varied and therefore provide for the different learning methods of the students.

In studying international law, and in particular IHL, the study and discussion of practice must, however, play a central role for at least four reasons. First, it is easier to memorize and understand a concept if it can be related – or even applied – to real-life events. Second, in an international society in which States are not only the subjects of international law, but also its legislators and have a central role in the adjudication and enforcement process, practice not only illustrates rules, it also forms the rules. Third, discussing actual contemporary practice is the only way to overcome the popular misconception that international law, in particular IHL, does not work. Fourth, one of the main messages to be retained by students is precisely that IHL is relevant when it is applicable and offers realistic solutions for humanitarian problems arising in contemporary armed conflicts.

One way to implement such a practice-oriented approach would be to teach IHL as suggested in Part II, [3] via a review of recent conflicts in the former Yugoslavia, the Great Lakes Region or West Africa exclusively. The various cases referring to Afghanistan and Iraq [4] can also be combined to form a case study. At the risk of sounding pessimistic, we fear that by the time this book starts to be distributed, a new conflict will have broken out and illustrate the functions, strengths and weaknesses of IHL.

The different concepts and regimes of IHL will therefore be examined not in their logical order, but as the problems appeared historically in that conflict. Such a way of teaching – which is possible ex cathedra, in

exercises or seminars – is naturally particularly appropriate for political scientists or those who have a policy-oriented theory of international law.

**b) Different methodologies may be used**

Whatever the local academic traditions, the willingness and ability of students to prepare lessons seriously, the time available, and the number of students, a practice-oriented approach can in every case be realized. First in an ex cathedra lecture by introducing the subject with an example, by illustrating the subject with examples, by explaining one or several cases taken from this book. Ideally, the students would have to prepare the cases before each lesson. Second, such a lecture can be enriched by asking some of the questions suggested in this book – ideally prepared by the students individually or in groups. In this case, all students can prepare the same case or different cases (e.g., on the same subject). Third, the cases contained in this book can be used as real case studies to be discussed by the students, whether playing different real-life roles, taking different conceptual approaches, or choosing freely among the possible answers that can be given to each question. Cases suggested in this book can also be given for a written essay, of four, forty or even a hundred pages (if all the questions are answered and put into their theoretical framework).

**c) Choice of outlines: according to the subjects and the duration**

In legal studies, depending on the curricula prescribed, the time available, and the preferences of the teacher, IHL can be taught, as shown by the outlines suggested, as a separate course, or as a separate chapter in the general course of international law, or in several special courses of international law. The principles, rules and institutions of IHL can also illustrate many fundamental questions and problems of international law – including the basic question of whether and how it is law.

**d) Less is sometimes better**

In any case, it is preferable to discuss one or a few basic concepts thoroughly, making sure that they are properly assimilated, than to skim over the detailed rules that students will necessarily forget very quickly. This also corresponds to the pedagogical objectives: emphasizing the important notions to remember while adding extra information that does not necessarily have to be remembered.

**e) Laying the groundwork**

Motivation is a crucial element for the success of teaching. Students who do not understand the necessity of IHL or who believe that in any case it cannot be respected in armed conflicts will not study it properly. This is an extra reason to rapidly broach the practical side of IHL and its implementation. This means that succinct reminders of basic truths of international law are necessary. Whatever approach one chooses and with whatever method it is implemented, it seems that before students are willing and able to assimilate the detailed rules and regimes of IHL, they should discuss and understand how international law is law, how it differs from domestic law, how it interacts with contemporary international society, and how law matters in

war. Only then will they understand – and will their faith in international law survive – the apparent discrepancy between the humanitarian rules they study and the inhumane reality they see in the newspapers, on television, or while on a field assignment as a soldier or humanitarian worker. For the victims, too, those who know the rules but have come to the conclusion that they do not work are perhaps more dangerous than those who do not know them, because it is easier to overcome ignorance than cynicism.

From this point of view, the tradition of studying the implementation of IHL as one of the last chapters of a course on this branch is questionable.

Making the link with the general problems of international law aims to preserve faith in IHL and therefore the student's motivation. It also corresponds to pedagogical observations according to which a new subject is better understood and remembered when associated with previous knowledge. This also means a renewed and a more detailed examination of what was taught in the course on public international law.

Even for university students, intellectual understanding of the rules is not an aim in itself. The objective of the IHL course should also be to teach students to respect the rules in their future careers. For this reason, it is necessary to link them to the reality of armed conflicts and to show that the rules can be and often are respected. Finally, it is essential that participants understand the military and political utility of respecting these rules and why they are violated.

Experience shows that respect for the rules taught will be obtained more easily if the students have the impression that they decided to respect them of their own volition. The teacher can at best hope to convince them. Sceptical remarks and questions should be treated with the greatest possible respect even if they are not "humanitarian". Everyone's objections must be listened to and discussed. Ideally, it should be left to other students, not the teachers, to reply to such objections and to criticize positions neglecting the interest of war victims.

#### **f) The basic messages**

Apart from transmitting an understanding that IHL is a reality in contemporary conflicts, the following can be considered to be among the most important messages to be received by the students:

- an understanding of the implementation mechanisms of IHL;
- the relationship between IHL and international human rights law;
- the distinction between *jus ad bellum* and *jus in bello*; and
- the necessity to make a legal distinction between the various categories of conflict and of persons to which different regimes apply under IHL. It is these different categories that make IHL a relatively complicated and typically legal matter, although its principles are obvious and straightforward to understand.

The last two messages, in particular, are not only very important for the understanding of IHL and the

protection of war victims but also illustrate the fundamentals of contemporary international law and are ideal training ground for the legal thinking required in all fields of law.

## Footnotes

- [1] According to Article 32(2) of the ICC Statute [See *The International Criminal Court*], an error of law as to whether a particular type of conduct is a war crime is not a ground for excluding criminal responsibility.
- [2] Pierre Dalceggio, *Profil de l'étudiant universitaire*, Montreal, Service d'aide à l'enseignement, University of Montreal, 1991, p. 1.
- [3] See *Case Study, Armed Conflicts in the former Yugoslavia*; *Case Study, Armed Conflicts in the Great Lakes Region*; and *Case Study, Armed Conflicts in Sierra Leone, Liberia and Guinea*.
- [4] See XXXIII, Afghanistan, and XXIV, Third Gulf War.

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