

Promoting the teaching of international humanitarian law in universities: the ICRC's experience in Central Asia

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Introduction

The ICRC is most visible in times of armed conflict, when it intervenes to protect and assist the victims in accordance with its mandate. Less well known are the activities which the ICRC carries out in time of peace (also referred to as preventive action). They include spreading knowledge of international humanitarian law among the civilian and military sectors of society, providing legal advice to state authorities on that branch of law and helping National Red Cross and Red Crescent Societies to develop their capacity. [1]

Since the early 1990s the ICRC has been promoting the teaching of international humanitarian law in the universities of countries which, though not necessarily at war, need to train lawyers in that field. At present such programmes, under the direction of a dozen ICRC delegates and several local assistants, are being carried out in some 25 countries. The aim of the programme is both to improve knowledge of international humanitarian law among future decision-makers and to make the ICRC and its activities better known. One of the regions where the ICRC university programme has been strongly developed is the former Soviet Union, where the newly independent States, especially those of Central Asia, had little or no tradition in international law, let alone in international humanitarian law. [2]

After the break-up of the USSR in 1991 and their accession to independence, the four countries examined here — Kazakhstan, Kyrgyzstan, Turkmenistan and Uzbekistan — had to train their own diplomats and increase their public officials' knowledge of international law. Under the circumstances, the ICRC offered to start developing the teaching of international humanitarian law at the universities of Central Asia [3]. The programme was first directed by the ICRC in Moscow and has been continued since 1996 by the ICRC's regional delegation in Tashkent, Uzbekistan.

Ways to develop the teaching of IHL in universities

To devise methods of instruction in international humanitarian law that were compatible with the particular characteristics of the Central Asian universities, allowance had to be made for the legacy of the Soviet educational system, the desire of the new States to build their national identity on restored historical foundations, and the limited financial resources available to the Ministries of Education. In Soviet times the professional training of lawyers at Central Asian universities was almost exclusively geared to preparing enforcement officials and members of the judiciary, and attention was consequently centred on the traditional branches of the law (civil, criminal and constitutional law). Some specialists in constitutional law have recently turned to international law, but there are as yet few international lawyers in that region, and they are mainly interested in the commercial or financial aspects of international transactions.

In the early 1990s, when the ICRC began to approach the governments of the various countries in Central Asia, all the newly created republics had succeeded or acceded to the four Geneva Conventions of 1949 and the two Additional Protocols of 1977 [4]. However, the authorities, academic and legal circles and the general public knew very little about these agreements and local legislation was not in compliance with the obligations that States had undertaken by adhering to them. While it is the responsibility of the parties to the Geneva Conventions to familiarize military personnel with their content in advance, in peacetime, and also to include the study thereof in programmes of civilian instruction [5], the ICRC offered to help governments set up a programme to promote international humanitarian law and enable universities to develop a tradition of teaching and conducting research into it so that graduates will be able to advise the authorities on its implementation and further development. At the same time, it was deemed necessary to ensure that those students who were potential decision-makers, for instance students in political science, had at least a basic knowledge of that law.

For that purpose, the ICRC first identified the leading faculties of law in the region and people willing to cooperate in promoting the teaching of international humanitarian law. Later it started a dissemination programme at the universities which was mainly aimed at:

- training academic staff for the teaching of international humanitarian law;
- supporting publications and research;
- including international humanitarian law in university curricula; and
- developing knowledge of and interest in international humanitarian law among university students.

a) Training academic staff for the teaching of international humanitarian law

It was clear from the outset of the programme to promote international humanitarian law at the Central Asian universities that the ICRC did not want to give the actual courses for students. This would have required specifically trained delegates with a good knowledge of the language. More importantly, it would not have encouraged the formation of a pool of local experts. For this reason the ICRC decided to train Central Asian lawyers by means of seminars for staff of the law, international relations and journalism faculties of the region's main universities. They were held either in Moscow or in Central Asia [6] and imparted a basic knowledge of international humanitarian law. As these seminars dealt not only with the content of the law but also with teaching methods, the participants received the legal and practical knowledge required to set up an international humanitarian law course at their own university.

In view of the theoretical approach which characterized the Soviet educational system and the fact that the relevance of international humanitarian law was not immediately evident in Central Asia in the present peaceful environment there, the ICRC placed particular emphasis on practical case-studies. This seemed to be the most appropriate method for training future lawyers because it demonstrated the way that international humanitarian law was applied in specific situations. [7]

Although to a varying extent, Russia is still an outstanding point of cultural reference for the countries of Central Asia. Inviting Russian professors for seminars or sending Central Asian scholars to Moscow to acquire or consolidate their knowledge of international humanitarian law is therefore a viable and fruitful solution. On the other hand, the progressive rediscovery of national heroes and the revival of local epic poems in those countries since their accession to independence should also be borne in mind when promoting international humanitarian law. For instance, the famous fourteenth-century commander Tamerlane is considered by many to have been the father of the Uzbek nation. Uzbek scholars tend to refer to what is known as Tamerlane's code of conduct as an historic example of codification of special rules in time of war. The Kyrgyz epic poem *Manas*, which tells of the achievements of a mythical hero and his two descendants who respected women, children and prisoners in their military campaigns, appears to help promote international humanitarian law at various levels of society, as people have already heard of a certain conduct in war through listening to this narrative [8]. In short, for humanitarian law to be fully accepted and understood by the post-Soviet societies of Central Asia, a balance needs to be struck between the heritage of the past and the educational requirements of today.

b) Supporting publications and research

In the early 1990s it was very difficult to find relevant text editions of treaties and literature on international humanitarian law in Central Asian libraries. The ICRC therefore set out to translate more than fifty publications into Russian and about a dozen into national languages [9]. These publications have been distributed free of charge to the main university libraries of the faculties of law, international relations and journalism. The ICRC has also supported publications on topics related to international humanitarian law by Central Asian scholars so that the specificity of each country in terms of customary methods and practice could be taken into due account.

A documentation centre with over five hundred publications and fifty videos on international humanitarian law and the International Red Cross and Red Crescent Movement can be consulted at the ICRC delegation in Tashkent. The centre is frequently used by scholars, students and members of the armed forces who are interested in certain topics for either research or teaching purposes.

c) Including international humanitarian law in university curricula

On the basis of the model standard programme and the teaching kits (adapted for each branch of study), academic staff who are willing to teach international humanitarian law now have to work out specific programmes adapted to the needs of their university. Once they have been approved by the university, the way is paved for this subject to be included in the curricula of the relevant faculties. Turkmenistan is the first country in Central Asia where international humanitarian law has become a compulsory course in the faculties of law, international relations and journalism. In Kazakhstan the standard programme for teaching international humanitarian law in the law faculties has been approved by the Ministry of Higher Education and it may soon be included in the curriculum.

At present, the faculties of law of the main universities in all four countries under consideration are providing a special course on international humanitarian law. In addition, a few hours have been included in the general course on international law. A growing number of special courses on the subject are also being given in the faculties of international relations and journalism. The latter, in particular, have become unexpectedly and keenly interested in international humanitarian law and are developing special courses on the media in conflict situations.

d) Developing knowledge of and interest in international humanitarian law among university students

International humanitarian law is not a very attractive course of study for students in Central Asia. As it is a peaceful region, the students do not immediately grasp the importance of that branch of the law and do not perceive it as being a "worthwhile" specialization. Moreover, the National Red Cross and Red Crescent Societies are young and have limited expertise in international humanitarian law. The ICRC has consequently sought to arouse the interest of an increasing number of university students in international humanitarian law. In particular, they have been given the possibility to attend summer courses abroad or to do an internship at its delegation in Tashkent, thereby allowing them to get to know the ICRC as an institution and improve their ability to take up subjects related to international humanitarian law.

A recent event organized by the ICRC specifically for students deserves special attention: the Martens International Humanitarian Law Competition. Following the successful example of the competition named after Jean Pictet which is held annually for French and English-speaking students from all over the world, the ICRC launched the Martens Competition in 1996 for law students of the Commonwealth of Independent States. It consisted of a series of role-playing exercises in which the participants had to argue legal issues concerning a hypothetical armed conflict before a jury of renowned international experts. The event helped to convince the students of the topicality of international humanitarian law and, by the same token, established closer contacts among the region's international lawyers.

The competition turned out to be an excellent opportunity for identifying students particularly interested and proficient in international humanitarian law. Some of them may eventually become instructors in international humanitarian law for their country's National Society, thereby taking an active part in its dissemination work. In addition, the competition is an effective means of drawing media attention to a branch of law which is normally neglected by journalists.

What results have been achieved?

The ICRC programme for the promotion of international humanitarian law at the universities of Central Asia has undoubtedly been a success. Despite the constraints felt there, mainly due to an instinctive diffidence towards a course of study thought to be useless in a peaceful context and — because it seemed to hint at a possible outbreak of hostilities — considered as potentially destabilizing by the newly created States, both the authorities and academic circles have understood the relevance of that part of international law and have endeavoured to spread knowledge of it.

As recently as 1997, the ICRC reckoned that international humanitarian law was a "minor component of the academic curriculum at universities in the countries of the Commonwealth of Independent States" [10]. Today, in Central Asia specific courses ranging from a minimum of eight to a maximum of fifty-four hours are given in eleven law faculties, two international relations faculties and four faculties of journalism. Moreover, elements of international humanitarian law have been incorporated into international law classes and other relevant courses at the above-mentioned faculties.

Textbooks, papers and text editions of the relevant conventions in Russian, local languages and English are available in university libraries. Students are increasingly aware of international humanitarian law and ever greater numbers of them are writing theses on related topics for their first or postgraduate degrees.

Conclusions

Some conclusions which may be helpful elsewhere in contexts similar to that in Central Asia can be drawn from the above.

While the Soviet background there is still very strong, nationalistic tendencies are steadily gaining in importance. A balance therefore has to be struck between these two elements in order to reach a point at which international humanitarian law is taught at a qualitatively high level and is well understood as a branch of law that has no

potentially destabilizing effect. Giving due attention to both elements is not an easy task, especially because they are often mutually contradictory. Although the Soviet educational heritage is still present in Central Asia and thus justifies encouraging links with Russian universities and distributing Russian publications, concern for the national identity and the desire to distance oneself from the recent past sometimes appear to be pre-eminent. In this case, local traditions should be highlighted and local publications promoted in order to facilitate the process of incorporating international humanitarian law into the fabric of national life and make it more comprehensible and acceptable for a young State.

In quantitative terms a lot has been achieved in promoting international humanitarian law at university level in Central Asia. Special courses are offered at the main faculties of law, journalism and international relations, and elements of humanitarian law have been introduced in the general courses on international law and relevant courses of other faculties. Professors and lecturers are acquainted with international humanitarian law and are gradually in a position to advise the authorities.

Now the time has come to spur the creation of one main centre of international humanitarian law in each country. They should ideally be established in a faculty of law with the purpose of providing interested students, civil servants and members of the armed forces with literature and guidance for research. Such centres could also train and advise other faculties on how to introduce this subject in their standard programmes.

An increasing number of professors, lecturers and students should be encouraged to go abroad to broaden their knowledge of international humanitarian law. Considering the language constraints that the region's academic staff face today (few scholars are fluent in any other language than Russian) and the fact that more and more of the younger generation speak English or French, it is foreseeable that the ability of a growing number of people to follow courses abroad will have a positive impact on the level of knowledge of international humanitarian law.

The quality of teaching and research in international humanitarian law can best be improved on the basis of a solid background in international law. Greater efforts should therefore be devoted to training international lawyers. Some universities in Central Asia have already organized exchanges of international law professors with law faculties abroad. This trend should definitely be stepped up in the immediate future.

Last but not least, the role of the National Red Cross and Red Crescent Societies in the dissemination of international humanitarian law at university level should be encouraged. As it is not their task, for obvious reasons, to prepare the academic staff needed to teach international humanitarian law, they should start working together with those students who have successfully completed their studies. Whereas the ICRC took the initiative to promote the teaching of international humanitarian law at the universities of Central Asia, the National Societies should take over, in accordance with their statutory responsibility to assist with its dissemination. Such efforts have a great potential for strengthening their capacity and building up their image.