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International humanitarian law training for multinational peace support operations - lessons from experience

INTERNATIONAL REVIEW of the Red Cross

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In recent years, primarily because of the divided views over action by UNOSOM forces in Somalia, the question of respect for international humanitarian law by United Nations peacekeeping forces has been the subject of controversy and debate [1]. Although the reasons for this turn of events are a source of regret, the actual result in heightened awareness is welcome. Peacekeeping and related operations are one of the major activities currently engaged in by military forces around the world. These operations, like the conflicts that give rise to their establishment, can involve, *inter alia*, complex issues concerning intra-state conflict, self-determination, rights of minorities, and the duties and responsibilities of peacekeepers under international humanitarian law [2]. Although much has been written in recent years about humanitarian law and peacekeeping operations, little attention had been focused on the practical matter of training and dissemination of the relevant provisions among troops participating in contemporary peace support operations. Although human rights and humanitarian law have different historical and doctrinal origins [3], human rights too are a key issue in guaranteeing consistent and effective peacekeeping [4]. Nothing can be more contradictory than a United Nations force transgressing humanitarian law standards that have been gradually and painstakingly agreed upon during the last sixty years.

Since 1985, there has been a significant increase in the number of peacekeeping missions established, with a corresponding increase in the complexity of the mandates. These are often referred to as "second-generation" peacekeeping operations [5]. The resolution of internal or domestic conflict has been a dominant feature of recent operations that involved the setting up of democratic governments, culminating in the nation-building attempted for a time in Somalia [6]. Missions of this nature have had more in common with the operation conducted by the United Nations in Korea, or the robust peacekeeping carried out in the Congo during the 1960s, than with the more traditional peacekeeping forces prevalent during the 1970s and 1980s [7]. Such operations have been authorized or mandated by the United Nations and mounted in situations of conflict where clashes involving local factions or parties and United Nations soldiers were inevitable. These have left casualties on both sides, and they have involved both combatant and non-combatant alike.

Although there was originally some doubt about the applicability of international humanitarian law to United Nations forces, it is now generally accepted that humanitarian law binds United Nations forces, whether performing duties of a peacekeeping or peace-enforcement nature [8]. The complexity of contemporary conflicts is exacerbated by the fact that many of those participating in them are not soldiers of regular armies, but militias or groups of armed civilians with little discipline and an ill-defined command structure [9]. Fighters of this nature do not always fit easily into the matrix of international rules on combatant status. Any intervention by the United Nations may, intentionally or otherwise, alter the delicate balance of power between the warring parties and cause the United Nations forces to be perceived as not impartial or even as hostile [10]. Maintaining neutrality in these circumstances can present peacekeepers with a dilemma, especially when they confront situations in which civilians are victimized, or when United Nations forces are themselves the subject of attack [11]. There is also the issue of responsibility for the actions or omissions of United Nations soldiers in the field, and what to do when faced with human rights abuses and breaches of international humanitarian law. The Secretary-General's recent Bulletin on the observance by United Nations forces of humanitarian law is also

significant in this regard, and it imposes a duty on the United Nations to ensure that members of United Nations forces are "fully acquainted" with the relevant principles and rules [12]. In this way, international humanitarian law is of direct relevance to States contributing contingents to peace support operations, and to the United Nations itself, even if they are not formally party to the corresponding international treaties.

Ensuring compliance with humanitarian law, and recent developments

Unfortunately, there is now ample evidence that United Nations forces in Somalia and the former Yugoslavia did perpetrate or engage in practices and conduct that were contrary to international humanitarian law [13]. Up to the debacle of events in Somalia, Canada had an excellent reputation as a contributor to peacekeeping operations. Although Ireland and other countries remain untarnished by their involvement in Somalia and elsewhere, there is an urgent need to highlight this area of international law and ensure that the record continues unblemished in the future. There should be no room for complacency within any military establishment. In this respect, Ireland and other countries can benefit from the lessons learned from the Canadian experience.

One of the major stumbling blocks for peacekeeping troops is that the relevant law is enshrined in international instruments governing the conduct of combatants engaged in armed conflict of an international or non-international character. To use a military metaphor, these rules are targeted at the combatant or participator, not the peacekeeper or observer. However, the use of force by peace-keepers may trigger the application of the rules, and they are also relevant to observation missions to facilitate identification and reporting of breaches. Another serious problem is how to make the rules of humanitarian law accessible and their relevance evident to those most responsible for their implementation, i.e. the soldiers on the ground. The language of the international instruments in question is often obtuse and unintelligible. The principles enshrined in those instruments, when combined with a "dumb-down" approach for classroom instruction, are often presented in a half-hearted and "touchy feely" way that makes the instructors appear out of contact with reality.

Finding ways to ensure compliance with the rules of international humanitarian law has traditionally been a concern of the ICRC and of human rights organizations. The widespread breach of these rules by parties to the conflict in the former Yugoslavia has underscored the issue of non-compliance. In this regard certain factors have been identified as contributing to instances of failure to comply, in particular ignorance of the law [14]. The establishment of war crimes tribunals and the accompanying publicity will go a long way towards eroding the cynical assumption that the laws of war are not enforceable. War crimes trials can take many forms, and at present the International Criminal Tribunal for the former Yugoslavia (ICTY) is probably the best known. Such tribunals are not a new phenomenon in that they have also been established in the past under international agreements, like that at Nuremberg, or under municipal law like the German tribunal which conducted the Leipzig trials after 1919. [15]

Accused military personnel can also be dealt with in certain circumstances by military courts-martial, similar to those established by the United States following incidents during the Vietnam and Korean conflicts, and by Canada for crimes committed by its military personnel while part of an international United Nations force in Somalia [16]. The establishment of the International Criminal Court (ICC) is the most significant recent development in this connection, and concern about implementing humanitarian law was one of the driving forces behind proposals for its establishment [17]. Once a State has ratified the ICC's Statute, then all nationals of that State will be subject to its provisions. The United States was most concerned about the impact this might have on participation in multinational and peacekeeping operations, though it has been cogently argued that the Court to be established is not a serious alternative for the present system of criminal jurisdiction over peacekeepers. [18]

The duty to provide education and training in international humanitarian law

War crimes trials to date indicate that one of the most serious issues likely to arise is that of the level of knowledge of the accused [19]. A fundamental premise of military life is the obligation to obey all lawful orders. This may seem like a simple statement of a self-evident rule, but it is not so straightforward as it at first appears. Knowledge affects the validity of any attempt a soldier may make to rely on the defence of superior orders [20]. How is a soldier to judge the lawfulness or otherwise of a command? It would appear that insufficient attention is paid to this dilemma in military training. Most systems of municipal criminal law embody the principle *ignorantia juris neminem excusat* [21]. It is a satisfactory principle when the rules are clearly defined and reasonably accessible to the ordinary citizen of a State, but that is by no means the situation with regard to international law, where the rules are not always clear-cut and accepted by all States. This lack of international consensus and certainty is all the greater in the case of the laws of war. For this reason it is necessary to examine the extent to which States are obliged to inform all citizens, and especially their military personnel, of these laws, as well as the steps that ought to

be taken to this end and the methods to be adopted. [22]

There is also the additional factor that a law that is not known cannot be applied, and knowledge of humanitarian law should not be restricted to times or situations of conflict. The degree of importance attached to it by an armed force reflects the culture in, and leadership of, that force [23]. It is a case of inculcating moral principles with a view to limiting the excessive use of violence and preserving peace. With the large numbers of military personnel participating in contemporary peace support operations, such instruction is even more imperative and should be seen in the overall context of human rights education to promote "understanding, tolerance and friendship among all nations" in accordance with the Universal Declaration of Human Rights [24]. In his authoritative *Commentary* on the Geneva Conventions, Jean Pictet noted that "knowledge of law is an essential condition for its effective application. One of the worst enemies of the Geneva Conventions is ignorance." [25]

Some of the more important provisions concerning dissemination of information about humanitarian law are contained in the two 1977 Protocols additional to the Geneva Conventions of 12 August 1949 [26], and are especially relevant to Ireland since the coming into effect of the Geneva Conventions (Amendment) Act, 1998, which enabled it to ratify the two 1977 Protocols after an inordinate delay [27]. These provisions place all States party thereto under a significant legal obligation to make known the Conventions and Protocols to their armed forces and civilian population [28]. It is noteworthy that the parties are required only "to encourage" civilian study of these instruments. This came about because of Canadian concerns that constitutional difficulties could arise for a federal state where education might not be within the competence of a federal government. There was also a desire to respect the tradition of academic freedom among universities and similar educational institutions. [29]

However, the obligation to educate all military personnel is much greater. Kalshoven expressed it well with regard to the military in general when he said that "it would be a sheer miracle if all members of the armed forces were angels, or simply law-abiding combatants – and if they remained so through every phase of the war. Factors such as insufficiently or wrongly oriented training programmes or a lack of discipline may play a role in this respect." [30] In Ireland, then, there should at least be a certain level of expertise among all Defence Force legal officers, since there are only a small number of them. Likewise, all members of the Judge Advocate General's branch (JAGs) in other defence establishments, or their equivalent, should be at least familiar with, if not actually expert in, the basic rules of international humanitarian law. The syllabi and curricula of military training courses should also be revised to take account of the said obligations, and even law schools in civilian educational institutions should be supported in placing emphasis on teaching humanitarian law. – Although a similar obligation exists in respect of Protocol II, on non-international armed conflict, it creates a less onerous duty. [31]

Deficiencies identified in humanitarian law training

While the basic rules of humanitarian law may be considered to represent fundamental values that have received almost universal acceptance, peacetime efforts to implement them at the national level are nonetheless insufficient [32]. Instruction in them is often a marginal item in military training programmes [33]. Consequently, these rules of law are not as well known or understood as they should be by those who must apply them, especially members of the armed forces. In Canada, a study of non-traditional military training for Canadian peacekeepers showed that training in the operational knowledge of the law of armed conflict was categorized as specialist training, but this should not imply that it ought to be restricted to a small group of specialists [34] The conduct of a number of national contingents that were part of the United Nations military operation in Somalia highlighted the need for training in this area [35]. Indeed, it should not be viewed as a marginal matter but must be integrated into everyday military life. It has been said that "[r]espect for the law of armed conflict is a matter of order and discipline. It is the responsibility of leaders to give effect to it and to take it into account in the missions assigned to their subordinates." [36] Since the conflict in Korea, Canadian troops had been only infrequently involved in combat situations where they would have faced the ethical and legal challenges posed by the law of armed conflict. Such issues did not give rise to serious concerns during traditional peacekeeping missions.

The success or failure of peacekeeping operations rests to a considerable degree on the local population's perception of the peacekeepers, so the tactical and strategic consequences of violating the laws of war during peacekeeping missions could be greater than during combat [37]. However, the advent of UNOSOM II peace-enforcement-type operations changed this. Here it was that the Canadian Department of National Defence largely forgot to take the necessary steps to ensure that their personnel were sufficiently educated in international humanitarian law [38]. This had serious implications in the light of two related developments. The first was the evolution in the content, interpretation and application of that law. The second more important change was in the nature and extent of peacekeeping operations themselves, and the emergence of a more complicated set of variables faced by peacekeepers in second-generation peacekeeping operations dealing with complex emergencies. As a result, widespread training

in humanitarian law did not keep up with events. Substantive training was largely restricted to military lawyers, primarily short lectures for officers, and minimal operational training for the rank and file [39]. It was found that there was a need to address human rights operational standards for peacekeepers, which are increasingly taught to United Nations Civilian Police (CIVPOL) and logically should also be taught to the military, as they undertake what are often low-level conflict functions. And it was recommended that education in international humanitarian law be available throughout the Canadian Forces [40]. It is submitted that the situation with regard to other armed forces participating in peace support operations is much the same, if not worse.

The situation prevailing in the Irish Defence Forces today is very similar to that which existed in Canada prior to the Commission of Enquiry into events in Somalia [41]. In Canada, preparation for peacekeeping activities was largely concentrated in the ninety-day pre-deployment training period of a unit warned to stand by for a United Nations mission. Otherwise, little training time was devoted by units to specific peacekeeping training. The situation in Canada was summarized as follows: there was no direct peacekeeping training at the basic level, very little at individual level, and almost none in the generic annual training cycles of units [42]. In the case of Ireland the situation is even more serious, as units are usually formed specifically for such service, and are made up of men and women who may never have served together before. It was the Canadian study team's view that this situation was no longer appropriate for the new era and new, more complex peacekeeping environment. This also applies for the Irish Defence Forces.

A survey of Irish Defence Forces personnel serving with the United Nations Interim Force in Lebanon (UNIFIL) in 1998 indicated that 86% wanted to know more about international humanitarian law and 71% considered that they did not receive adequate instruction in this area [43]. Not surprisingly, many considered their knowledge to be poor. It is noteworthy that many also felt that humanitarian law was relevant for peacekeeping missions, and it was during training for UNIFIL that most had come to learn about it. Some 66% of those who completed the survey thought that humanitarian law was relevant to modern armies. A number of personnel from other contingents were also interviewed (but no survey was conducted), and it seemed that the situation was not much different in other armies. With members of the Irish Defence Forces participating in operations under Chapter VII of the UN Charter – Bosnia and Herzegovina, Kosovo and East Timor – and membership of the NATO-sponsored Partnership for Peace likely to involve Irish troops in similar complex emergencies in the future, the need for ongoing training in peacekeeping operations at unit and sub-unit level throughout the Defence Forces is evident. The United Nations has already accepted responsibility for ensuring that members of United Nations forces are fully acquainted with the relevant basic rules. Regional organizations such as NATO and the European Union – once the Rapid Deployment Force is established – should also give a similar undertaking. However, the real test of any such commitment will be in its implementation.

Conclusion

One of the most telling conclusions of the Canadian study team was the dichotomy it found [44]. On the one hand, there were many separate and unconnected examples of Canadian Forces organizations and individuals that understood the changing peacekeeping environment and peacekeeping requirements and were taking some initiatives to meet those needs. On the other hand, the study team could not ascertain a national, formalized, coherent, integrated peacekeeping policy and training programme that did likewise. It also concluded that the notion that a well-trained combat-capable soldier is all that is required for a good peacekeeper is changing or at least being modified, but that bureaucracy had not caught up with the changing philosophy. This, too, is the situation in Ireland within the Department of Defence, and within the defence establishments of other countries [45]. The recently published Irish Government White Paper on Defence does not address any of these issues [46]. There is also the matter of training first- and second-line reservists, especially as it seems that the policy regarding the participation of second-line reservists in United Nations military operations may change in the near future. For too long Ireland has relied on its peacekeepers' capacity to use a bit of "blarney" to avoid escalation and confrontation. This has been remarkably successful, but the downside is that it has encouraged an atmosphere of complacency and smugness with regard to Ireland's suitability as a contributor State to peacekeeping operations.

While it is acknowledged that there is a policy of support for international humanitarian law within the Irish Defence Forces, and this is particularly evident in its formal incorporation into military training and briefings, there is still much room for improvement. Although a genuine effort is being made to disseminate information about international humanitarian law, the general approach seems to be minimalist. As in many other countries, there seems to be little or no recent material on humanitarian law published by the Defence Forces or the Department of Defence which is accessible and useful to ordinary serving personnel or the general public.

It is by no means certain that this is enough to fulfil Ireland's obligations under 1977 Protocol I. Despite efforts by individuals within the legal service, the Department of Defence and the military authorities could do much more to encourage interest in and respect for the principles involved. This is also the situation among the armed forces of other countries, and amounts to a serious lacuna in efforts to ensure dissemination of humanitarian law. The Canadian report concluded that training in the law of armed conflict is of critical importance to effective peacekeeping: it cannot continue to be provided for in an *ad hoc* manner**.** In this regard the office of the Judge Advocate General of the Canadian Forces was likewise said to be of critical importance, and the report recommended that this office should be the focus for such training. The equivalent office in the Irish Defence Forces is that of the Deputy Judge Advocate General. It too must receive sufficient resources, particularly personnel resources, both to carry out a large amount of writing, research, preparation and training of its own personnel and to ensure the delivery of effective training. All defence establishments should consider the use of selected trained operators to conduct training at unit and sub-unit level. It is neither practical nor desirable for legal officers or their equivalent to oversee or conduct all training in this field. The emphasis should be on integrating it into the operational context and training appropriate operational military personnel of every branch to deliver much of the relevant instruction in international humanitarian law.

Appendix

Questionnaire

Random selections of Irish soldiers serving with UNIFIL were asked to reply to the following questionnaire, and the results were as follows:

Question 1	*Have you ever heard of the Geneva Conventions and/or the laws of war?* 98% of those questioned said yes, and 2% said no.
Question 2	*Indicate how you came to know about the Geneva Conventions.*48% indicated military instruction, 37% indicated films/media, and 15% indicated "other".
Question 3	*When was the last time you received formal military instruction in relation to the Conventions?* 67% said during UNIFIL training, 25% said during recruit/ basic training, and 8% indicated "other".
Question 4	*Do you think the Geneva Conventions and laws of war have any practical relevance to modern armies?* 66% said yes, 22% said no, and 12% did not know.
Question 5	*Do you think the Geneva Conventions have any relevance on peacekeeping mission?* 71% said yes, 24% said no, and 5% did not know.
Question 6	*How would you rate your personal knowledge and understanding of the Geneva Conventions?* 65% said poor, 33% said good, and 2% said none.
Question 7	*Would you like to know more about the Geneva Conventions?* 86% said yes, 12% said no, and 2% did not know.
Question 8	*Have you received adequate instruction in the Defence Forces on the meaning and relevance of the Geneva Conventions?* 71% said that they had not, and 29% said that they had.

Notes

1. See, for example, *Symposium on Humanitarian Action and Peacekeeping Operations*, Report, ICRC, Geneva, 1994 (hereinafter *Symposium*); Martin Meijer, "Notes on the conference on 'The UN and International Humanitarian Law' (Geneva, 19-20 October 1995)", *International Peacekeeping*, Vol. 2, No. 6, 1995, p. 137; and "Report on the international workshop 'Towards a Future for Peacekeeping: Perspectives of a New Italian/German Co-operation' (Pisa, 17-18 November 1995)", *ibid*., p. 138.

2. International humanitarian law denotes the whole body of law applicable during armed conflict, often referred to as the law of armed conflict (*jus in bello*). See C. Greenwood, "Historical development and legal basis", in D. Fleck (ed.), *Handbook of Humanitarian Law in Armed Conflicts*, Oxford University Press, 1995, pp. 8-12.

3. See T. Meron, "The protection of the human person under human rights and humanitarian law", UN *Bulletin of Human Rights 91/1*, UN, 1992, pp. 33-45; T. Meron and A. Rosas, "A declaration of minimum humanitarian standards", *AJIL*, Vol. 85, 1991, pp. 375-381. See also L. Doswald-Beck and S. Vite, "International humanitarian law and human rights law", *IRRC*, No. 293, March-April 1993, pp. 94-119.

4. Diego Garcia-Sayan, "Human rights and peace-keeping operations", *University of Richmond Law Review*, Vol. 29, 1995, p. 45. This article deals primarily with the UN mission to El Salvador (ONUSAL). See also D. Forsythe, "Human rights and international security: United Nations field operations redux", in Castermans, van Hoof and Smith (eds), *The Role of the Nation State in the 21st Century*, Kluwer, 1998, pp.265-276

5. *The Blue Helmets – A Review of United Nations Peacekeeping*, 3rd ed., United Nations, New York, 1996, p. 5 .

6. *The United Nations in Somalia, 1992-1996*, United Nations, New York, 1996.

7. For an overview of peacekeeping see B. Simma (ed.), *The Charter of the United Nations*, Oxford University Press, 1995, pp. 566-603.

8. C. Greenwood, "Scope of application of humanitarian law", in *op. cit.* (note 2), p. 46. This is not just a practical necessity, but may arise from obligations of States "to respect and ensure respect" for the Geneva Conventions and Protocols "in all circumstances". The essence of the ICRC's position is that humanitarian law principles, recognized as part of customary international law, are binding upon all States and upon all armed forces present in situations of conflict. See Shagra and Zacklin, *Symposium*, *op. cit.* (note 1), p. 43.

9. *Op. cit.* (note 5), p. 4.

10. J. Peck, "The U.N. and the laws of war: How can the world's peacekeepers be held accountable", *Syracuse Journal of International Law*, Vol. 21, p. 288.

11. *Op. cit.* (note 5), p. 5.

12. Section 3, Secretary-General's Bulletin: *Observance by United Nations Forces of International Humanitarian Law*, ST/SGB/ 1999/13, 6 August 1999. See M. Zwanenburg, "The Secretary-General's Bulletin on Observance by United Nations Forces of International Humanitarian Law: Some preliminary observations", *International Peacekeeping,* Vol. 5, No. 4-5, 1999, pp. 133-139. Text also published in *IRRC*, No. 836, December 1999, pp. 812-817.

13. See *Dishonoured Legacy*, Report of the Commission of Enquiry into the Deployment of Canadian Forces to Somalia, Canadian Government Publishing, Ottawa, 1997, also available at **http://www.dnd.ca.somaliae.htm**; and "Somalia: Human rights abuses by the UN Forces", *Africa Rights Report*, London, 1993; and Mark Huband, *Guardian*, 31 December 1993, p. 6. – The Africa Rights report documents a number of grave breaches of the Geneva Conventions by several contingents in Somalia. Most disturbing is the conclusion that these were "not cases of undisciplined actions by individual soldiers, but stem from the highest echelons of the command structure" (p. i). Italy and Belgium also instituted inquiries into the conduct of their respective armed forces in Somalia: Amnesty International, "AI concerns in Europe: January- June 1997", *AI Index EUR 01/06/97*, p. 1, and "Italy: A briefing for the UN Committee Against Torture", *AI Index EUR 30/02/99*, p. 10.

14. George H. Aldrich, "The laws of war on land", *AJIL*. Vol. 94, 2000, p. 54.

15. See generally C. Mullins, *The Leipzig Trials: An Account of the War Criminals Trials and a Study of the German Mentality*, H. F. & G. Witherby, London, 1921.

16. *R.* v*. Brocklebank*, Court Martial Appeal Court of Canada, (1996) 134 DLR (4th) 377.

17. See generally Otto Triffterer (ed.), *Commentary on the Rome Statute of the International Criminal Court*, Nomos, 1999, pp. 180-288; M. C. Bassiouni, *The Statute of the International Criminal Court: A Documentary History*, New York, 1998; Roy Lee (ed), *The International Criminal Court: The Making of the Rome Statute*, Kluwer, 1999, pp. 79-126; A. Roberts, *Humanitarian Action in War,* Adelphi Paper 305, Oxford, 1996, p. 50; L. Caflisch, "Toward the establishment of a permanent international criminal jurisdiction", *International Peacekeeping*, Vol. 4, No. 5, Kluwer, 1998, pp. 110-115. See also online at **http://www.igc.org/icc/**.

18. M. Zwanenburg, "The Statute for an International Criminal Court and the United States: Peacekeepers under fire?", *European Journal of International Law*, Vol. 10, 1999, p. 126.

19. L. C. Green, "Humanitarian law and the man in the field",*Canadian Yearbook of International Law*, Vol. XIV, 1976, p. 97.

20. L. C. Green, "Superior orders and the reasonable man", *Canadian Yearbook of International Law*, Vol. VIII, 1970, p. 96 and *passim*. See also by the same author, "Peacekeeping and war crimes" , *Military Law and Law of War Review*, Vol. XXXIV, 1995, pp. 247-255.

21. "Ignorance of the law does not excuse." Every person is presumed to know the law. See *O' Loughlin* v. *O'Callaghan* (1874) IR 8 CL 116. However, Articles 32 and 33 of the ICC Statute recognize that a mistake of law may, in certain circumstances, be a ground for excluding criminal responsibility: Triffterer, *op. cit.*, (note 17), pp. 555-588.

22. The first recognition of the need to inform the armed forces of the rules of war is found in the Oxford Manual prepared by the Institute of International Law in 1880, reproduced in D. Schindler and J. Toman, *The Laws of Armed Conflicts*, Martinus Nijhoff/Henry Dunant Institute, 3rd ed., 1988, p. 35.

23. James Simpson, *Law applicable to Canadian Forces in Somalia 1992/93: A study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia*, Minister of Public Works and Government Services, Ottawa, 1997, p. 13.

24. Universal Declaration of Human Rights, Art. 26, para. 2.

25. Jean Pictet (general editor), *Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, Commentary, ICRC, Geneva, 1952, p. 348.

26. Protocol I, Arts 81 and 82, and Proto-col II, Art. 19.

27. See Colm Campbell and Ray Murphy, "Geneva Conventions (Amendment) Act, 1998", *Irish Current Law 1998*, Dublin, pp. 35.01-35.58.

28. See note 26 and H. McCoubrey, *International Humanitarian Law*, Dartmouth, 1990, pp. 205-210.

29. L. C. Green, *op. cit*. (note 19), p. 110.

30. Frits Karlshoven, *Constraints on the Waging of War*, ICRC, Geneva, 1987, p. 61.

31. Protocol II, Art. 19.

32. Louis Geiger, "Armed forces and respect for international humanitarian law: Major issues", *Symposium* (note 1), p. 60.

33. See generally David Lloyd Roberts, "Training the armed forces to respect international humanitarian law: The perspective of the ICRC Delegate to the Armed and Security Forces of South Asia", *IRRC*, No. 319, July- August 1997, pp. 433-446; Frédéric de Mulinen, *The Law of War and the Armed Forces*, Series Ius in Bello, No. 1, Henry Dunant Institute, Geneva, 1992, and Y. Sandoz, "Respect for the law of armed conflict: the ICRC's observations and experiences", *Report, International Seminar on International Humanitarian Law in a New Strategic Environment*, Swedish War College, Stockholm, 1996, pp. 17-30.

34. Pau l LaRose-Edwards, Jack Dangerfield and Randy Weeks, *Non-Traditional Military Training for Canadian Peacekeepers*, study prepared for the Commission of Enquiry into the Deployment of Canadian Forces to Somalia, Ottawa, 1997.

35. Though this need was recognized much earlier by some. See L. C. Green, "Humanitarian law and the man in the field", *Military Law and Law of War Review*, Vol. XIV, 1976, pp. 96-115. See also Lt. Col. Vogt, "Experiences of a German legal adviser to the UNOSOM II mission", *Military Law and Law of War Review*, Vol. XXXV, 1996, pp. 226-227.

36. de Mulinen, *op. cit.* (note 33).

37. Blechman and Vaccaro, *Training for Peacekeeping: The United Nations Role*, Report No. 12, The Henry L. Stimson Centre, July 1994, p. 4.

38. *Op. cit*. (note 34), p. 5

39. In addition, many of the operational- level personnel interviewed for the report remarked that dry legal lectures by military lawyers were not particularly helpful. It was considered that training by their own warrant and other officers would have been preferable. *Ibid*., p. 58.

40. *Op. cit*. (note 37). The recommendations were adopted by the *Report of the Commission of Enquiry*, *op. cit.* (note 13). See Recommendations, Chapter 21, para. 21.8, and Chapter 40, paras. 40.41 – 40.45. Since then Canada has implemented a comprehensive programme on education in and dissemination of international humanitarian law among its armed forces.

41. R. Murphy and C. Campbell, Correspondents' Reports – Ireland, *Yearbook of International Humanitarian Law 1998*, TMC Asser Instituut, The Hague,1998, p. 466.

42. *Op. cit.* (note 34), p. 43.

43. See Appendix. These findings are based on the answers to a questionnaire distributed among an Irish battalion serving with UNIFIL in Lebanon during 1998. The survey was completed by a cross-section of all ranks, and this meant that the majority of replies were from privates, and then from non-commissioned officers.

44. *Op. cit.* (note 34), p. 83.

45. This conclusion is based on interviews with military personnel from other countries contributing troops to UNFIIL in Lebanon during 1998.

46. Department of Defence, Dublin, 2000.

Abstract in French

Other documents in this section:
Info resources > International Review > 2000 - No. 840

In other sections:
ICRC Activities\Promoting IHL\Armed forces and police
Humanitarian law\Other issues\Multinational forces

 31-12-2000