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Teaching the Law of Armed Conflict to Armed Forces: Personal Reflections

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Introduction

The International Committee of the Red Cross' (ICRC) approach to training the armed forces in the law of armed conflict, as well as some of my personal approaches, will be addressed under the following subheadings:

- Problems that might be faced by armed forces in teaching and applying the law.
- The need to accept that training must be based on the realities and pressures of combat.
- The approach to training soldiers, young officers and senior officers.
- Suggested gaps in the teaching of the law.
- Views on whether that training is accepted and implemented in battle.

The ICRC Approach

In terms of dissemination, the ICRC has a supporting role. Its aim is to assist the military wherever possible in carrying out their responsibilities in relation to training and teaching the law of armed conflict. Its mandate stems directly from the

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Geneva Conventions of 1949¹ and the Additional Protocols of 1977,² as well as resolutions stemming from the Fourth Session of the 1974–1977 Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts.³

How does the ICRC carry out this mandate? In its headquarters in Geneva, the ICRC has a small department dealing with relations with armed and security forces. Then throughout the world there are officers based on regional delegations. These officers are known as “Delegates to the Armed Forces.” All are retired and all have seen some form of operational service with their own forces or with the United Nations. Their task is to make contact with the armed forces of the region in which they are working and to explain how and to what extent the ICRC can offer assistance based on their particular requirements. The key is assistance and cooperation. It is certainly not the ICRC’s mandate or intention to assume the full responsibility of an armed force to train its own personnel in the law. Many countries have their own system of dissemination in place while others have nothing.

The strategy is essentially one of encouraging armed forces to integrate the law of armed conflict into their training and operations. This is based on initial confidence building, e.g., meetings, briefings and introductory courses. This would be followed by training courses for selected officers resulting in the actual training of trainers. Thereafter, the ICRC might offer assistance in the drawing up of law syllabi so that the law is integrated into all levels of training and operational planning.

The ICRC Delegates to the Armed Forces can offer the following:

- A wide-ranging experience in combat and other military operations. These new and different experiences can be shared with an armed force to broaden knowledge.

- Access to good teaching material, produced by the ICRC in Geneva and specifically tailored to the needs of the particular country. The ICRC’s new *Teaching File for Armed Forces* is a good example of this. Its purpose is to provide instructors with the basic tools they require to conduct lessons in the law of armed conflict. It consists of twelve lessons covering the whole subject, including human rights law and standards applicable to the use of force in internal security operations.⁴ It has been translated into a number of languages including French, Russian, Chinese, Spanish, Mongolian and Amharic. In order to keep abreast of new developments or simply for more detailed advice on particular issues, the delegates also have access to the large legal department at the ICRC headquarters in Geneva.

- The delegates bring to their instruction their operational experience, but because they are also from the ICRC they are impartial and neutral in what they

have to say. It is for the students and staff of colleges and academies to relate the law to their own particular circumstances. It is definitely not the role of the ICRC instructor.

- Because they have been soldiers and because they have sat through lectures at their own military academies or staff colleges, they know how easy it is for lecturers to send students to sleep, particularly when the topic is law. They try therefore to inject realism and interest into their presentations and to motivate their audience by a mix of programming and training aids. Case studies using up-to-date examples are a particularly valuable way of bringing the subject alive and encouraging a cross flow of ideas and discussion. In addition to lectures and courses, the instructors can offer assistance with seminars, training programs and the provision of training booklets. Courses can be tailored to the specific needs of army, navy, air force, paramilitary and police personnel. The human rights law and standards applicable to lower levels of internal violence are more and more in demand, particularly from the military.

- Finally, the ICRC can sponsor senior officers at courses either in Geneva, or more regularly, at the International Institute of Humanitarian Law in San Remo, Italy where they have the opportunity to interact with officers from a range of countries.

Personal Approach

To teach the law you must believe in it. There is no way you could possibly bluff a military audience if you did not. Based on my experiences of conflict, I believe that the law is sound. It is useful when teaching the law to point out that it was born on the battlefield. It is very much soldiers law molded by our ancestors' experiences of battle. The law is rich in military tradition and custom; for example, ruses of war, perfidy, and the truly customary white flag of truce. One of the principles of war is simplicity of action. The law is also simple and straightforward. It is full of good practical guidance. In no way does it hinder your actions on the battlefield or, as some may think, tie one hand behind your back. In no area does it conflict with the principles of war, such as maintenance of momentum, concentration of effort, surprise and so on.

The law to which we're referring is today usually called either international humanitarian law or the law of armed conflict. I still find, however, that soldiers respond more readily to the subject if we refer to it as the "law of war," and that is the term I will use in this article. Knowing the attitude of soldiers to the subject of the

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law, I like to begin lectures by putting them on the spot and making them think at the very outset about the subject so I begin the very first lecture by saying to them:

I would like to take a guess at what you're thinking right now. Some probably think that this is an ideal opportunity to catch up on some well-earned rest. You may be saying to yourself "thank goodness I'm not on the assault course or on maneuvers. This is absolutely marvelous. I can switch off and let this instructor ramble on for 45 minutes. I know all about the Geneva Conventions anyway—the law is part of my culture and our military traditions. I really don't need to listen to all this legal mumbo-jumbo."

The more skeptical and cynical might well be thinking along the lines of Cicero, the very famous orator of ancient Rome, who stated, "Laws are silent amidst the clash of arms."⁵ In other words, war by its very nature is beyond the law. Wars break out when the rule of law breaks down, so that there are no longer any rules. It's like finding yourself in the middle of a football match without referees or umpires, so just go for it. The mentality becomes, "We have to win at any cost, so let's forget the legal do-gooders."

Some may hold the view that consideration of the law, while of great interest to lawyers, leaves most operational officers, and certainly every soldier, absolutely cold. I am sure that the word "law" on military programs immediately brings to mind dust-covered old books and instills feelings of boredom or remoteness and, to put it quite bluntly, irrelevance.

Some might actually think the law is important for any professional soldier, but they are frightened by it. Becoming conversant with the law represents a massive investment of time and effort. How, on top of all the other commitments, can one be expected to come to grips with the subject?

At this stage, and if time allows, one can pose the question "where do you stand on the issue?" Having heard what the students think and having involved them in the subject from the outset, the time has come to gently point out that they might not be quite as knowledgeable as they originally thought. This is done by running over once again the differing attitudes described above and asking, "This question is for those of you who know all about the Geneva Conventions. If you really do, that is fine, but can you tell me exactly what these mean?" A picture of a soldier holding a white flag appears on a PowerPoint slide, hands flash up and inevitably, the class answer will be "It means I want to surrender." It is not the time to teach just yet, so we put the class on hold with the reply, "Let's see later in our lessons if you were right or wrong." We move on to the next slide and here few, if any, students know what the symbol of large orange circles is designed to protect.⁶ The lesson continues in this vein. For example, we can then ask the class if they are sure

about their exact duties in relation to the following categories of persons and objects: captured combatants, civilians, the Red Cross protective emblem, and the wounded, both military and civilian.

To those who may be among the skeptics and believe that war must be fought without rules, we ask:

Perhaps you would like to consider whether it would be useful to you in battle for some provisions of the law to protect you, if you have been captured, from torture while under interrogation, or from poisonous gas attacks from your opponent; or to protect you if you are a civilian.

And to those who think the subject is dull and irrelevant, we can ask:

Are you absolutely sure what your legal responsibilities are when planning an attack? Are you sure how and when you can use weapons such as booby traps and flamethrowers? How does the law of war differ from the law applicable to internal security operations? Are there any differences?

I end this introduction by saying, “I hope that this has allowed you to focus on the relevance of the law of war—to you and to those under your command.” By now, most are fully awake and most are now fully aware of their shortcomings in the subject and motivated to learn more.

It is important in this approach to training that the instructor has credibility with his military audience. An instructor who has experienced conflict will have a head start in getting the subject across to the audience. The rapport and understanding in both directions will be immediate and will make any teaching more relevant and acceptable. Even the language and jargon used will be more digestible and acceptable to the audience. This, as I mentioned earlier, is exactly the approach used by the ICRC.

Problems Faced by Armed Forces in Teaching and Applying the Law

In training armed forces, one must accept that there are certain problems that have to be taken into account. Even in the very best of armed forces there will always be constraints on training time. At a military academy or a staff college, the commandant will always be pulled in numerous directions to include more of this or that in the syllabus. It is a brave commandant who insists on maintaining a module on the law of war. Yet it is in these very institutions that a nation’s future high command must be instructed in the provisions of the law that are one day likely to influence them and their decisions as commanders. Ignorance of the law in light of a nation’s

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obligation under the Geneva Conventions to teach the law is inexcusable. It is in peacetime that we have time to consider the law; once the balloon goes up it is then too late.

Commanders must believe in the law and demonstrate by their interest and emphasis on training in peacetime, and, of course, by their behavior in battle that they respect the law. Commanders must be trained to know the law and their responsibilities within it. Setting a bad example or giving unclear, ambiguous orders has certainly caused problems in the past and has been a principal root cause of grave breaches of the law.

Once when teaching a bunch of young cadets we came to the coffee break. We were sitting with the commandant and his senior officers, separated, thankfully, from the cadets. “What you are saying David is all very well but at the end of the day I have found that the only way to get information out of a terrorist is to break his legs!” I could see and tell from the reaction of my students that they were interested and receptive. However, with this sort of barracks room attitude or culture, my message would soon be adjusted—“OK, forget what you have just been told. This is the way we do it here!”

Another real problem is that there is indeed a great deal of skepticism and cynicism out there at the coalface of the law of war. Most audiences will say, “We accept what you are telling us. It’s all very well us abiding by the law, which of course we do. But what about our opponents? They continually break the law and get away with it.” That is the old “eye for an eye, tooth for a tooth” argument. They ask, “Have you been to teach in country XYZ (a potential opposing belligerent) as well? Why don’t you, the ICRC, or the UN do something about those who abuse the law?” Sometimes it is very difficult to accept that in the long run it is better to adopt the high moral ground when you know that today your opponent has a policy of using suicide bombers and a “no quarter” policy!

Following on from this is the general feeling that the law is toothless. When, as is so often the case, it is abused, the chances of any international body such as the United Nations putting an end to it are slim. The powerful can get away with violations. There is not a great deal of faith in the United Nations. Often audiences will refer to UN resolutions, which are ignored or circumvented. There is also much cynicism surrounding the International Criminal Court. No doubt, this will diminish as the court finds its feet and produces results; for the present, however, this cynicism remains.

At a course in Africa, I came face to face with this general feeling of cynicism. It was at the end of a two-week session for a very bright group of officers. A senior commander arrived from the Ministry of Defense for the farewell speech. We spoke a little beforehand and I had told him what I had been doing with the ICRC.

In front of the assembled officers, he thanked me very much for my lectures and noted that I had spent many years teaching armed forces in Third World countries. He said, "Of course we know all about the law of war and have always applied the rules in our fighting with our neighbors. May I suggest that the ICRC's time would be better spent educating the more civilized nations in this subject who it would seem need it more than us!" My course coincided with the disclosures in the written press and television of the alleged abuses of prisoners in Abu Ghraib.

Training Must Be Based on the Realities and Pressures of Combat

It is important in training to accept that there are sometimes severe difficulties and pressures placed upon a soldier in battle that might incline them to disregard the rules they are supposed to obey. There may be fear, tiredness, frustration, anger, hunger and stress. There may be the need to overcome the inclination for revenge or retribution. This must be controlled by good training, and good clear orders which are enforced by good commanders at all levels.

Let us take a look at some of the pressures. We know that every member of the armed forces, whatever his or her rank, has a personal responsibility to comply with the law and to ensure that it is complied with by others and to take action in the event of violations.⁷ If you break the rules, you can be tried, and not just by your own courts.⁸

It is no defense to a war crime to say that the act was committed in compliance with a superior order. A soldier who carries out an order that is illegal under the law of war is guilty of a war crime, provided that he or she was aware of the circumstances which made that order unlawful or could reasonably have been expected to be aware of them.⁹

This point is of great significance to any soldier. It is a simple point to make but much more difficult for soldiers to carry out in the field. It means they must refuse a command if they believe it to be plainly unlawful. Surely unflinching loyalty and obedience to superior commanders are fundamental to any armed force. This is true, but there is clearly a higher loyalty, to your State and its laws. The duty of all soldiers not to comply with unlawful orders is quite clearly established in international law. During the Nuremberg and Tokyo trials that followed the Second World War, the defense of superior orders, while considered a mitigating factor in relation to sentencing, in no way excused law breakers. The principle has been reaffirmed in modern tribunals such as those set up to deal with war crimes committed in the former Yugoslavia and Rwanda. If an order is plainly unlawful, a soldier has a duty not to carry it out. Superior orders might be used in mitigation of an offense, and might result in reduced punishment, but not as an excuse for an offense.

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Let's take a look at some other pressures. How about dealing with prisoners of war (POW) or other categories of captured persons? Whether they have surrendered or not, they become protected persons under the law the instant they fall into the power of the adverse party. The law clearly states that it is forbidden to kill or mistreat a combatant who has been taken prisoner or who is *hors de combat*. That's fine on paper but how does it translate onto the battlefield? During and immediately after combat, soldiers are still hyped up; the adrenaline is running very high. One minute they may be required to kill the enemy and the next they have to treat him with kid gloves even though he might well have killed or wounded some of their comrades.

This is obviously a difficult situation, but professional soldiers must cope. The best way is to put yourself in the prisoners' position. "Do unto others as you would have others do unto you." How would you like to be treated if you had been captured? As professional soldiers who now have the upper hand, the time has come to show humanity and respect for your opponents.

The POWs are no doubt tired, disorientated and very frightened. No good soldier or commander should take advantage of their plight or vulnerability. Bullying or mistreatment of POWs is a real problem immediately after capture. Anger and frustration might result in this being vented against the prisoner.

Misguided attempts by unprofessional soldiers to gain information can lead to problems. The law is quite clear on this. No coercion whatsoever may be used to force a prisoner to give information. Torture, both physical and mental, inhumane or degrading treatment or punishment is absolutely prohibited.¹⁰

The argument of military necessity can never be used to justify torture. For example, we can never say that we needed to torture someone because we knew they had vital information that might save the lives of others (sometimes referred to as the "ticking bomb scenario"). In combat, torture is not only illegal; it serves little military purpose except perhaps to vent anger. It is far more sensible to send a suspect to the rear where trained interrogators can use their skills within the law to gain information. Battlefield interrogation, or as it is sometimes called "tactical questioning" can waste valuable time and in most cases will be futile. A well-trained and motivated soldier will tell you nothing or, even worse, try to mislead you. A frightened prisoner might tell you anything just to ease his plight; so again the information is unreliable. Anyway, who will do the questioning? Are they qualified interrogators? Do they know what they are doing? Is the information you gain reliable?

Prisoners must therefore be moved as soon as possible to the rear and must not be unnecessarily exposed to danger in the meantime. They must not be compelled to engage in activities of a military character, for example clearing the way through

a minefield. They must be protected against acts of violence, intimidation, insults or public curiosity. For example, television crews may take pictures of the group as a whole, but only on condition that no prisoner of war is individually identifiable. This has not been the case in recent history, with those on both sides flouting the law.

Training Methodology

Soldiers

For soldiers to understand and implement the law it must be presented in a credible and digestible way. It is in peacetime that we have time to consider the law, to teach and to train. Once the fighting has started, it is too late. For soldiers, the law needs to be a part of normal behavior in action. Just as they are taught to fire weapons, to employ camouflage and concealment, etc., as a matter of routine, they should also be taught the basics of the law so that it becomes second nature, a reflex action. In battle, a soldier cannot be overburdened with complicated legal jargon or rules. He needs simple and understandable guidelines, especially if he is to respect the law in a combat environment. The KISS approach (Keep It Simple Stupid) is certainly the best. Long lectures will not be appreciated. The best approach is one based on short practical exercises or demonstrations to bring out points and then making sure they are repeated in training. Ambush drills, section attacks, and fighting in built-up areas exercises can all have a small element of law of war training incorporated into them. The scope is simply dependent on the interest and enthusiasm of the instructor. For example, exercises could easily include capture drills; correct treatment of prisoners of war; treatment and evacuation of the wounded (yours and the enemy's); and respect for the civilian population and protected property. Drills for dealing with the white flag of truce and dealing with humanitarian aid convoys are further examples. All of these scenarios can be built into field exercises without too much difficulty; indeed, they tend to make field training much more interesting.

In this way, tactics and law of war issues are seen to be part and parcel of the same subject. They become accepted routine procedures, i.e., a matter of normal behavior in action. Classroom instruction for soldiers should be kept to the minimum. Some lectures will be necessary to set the scene. Perhaps one or two periods as a maximum, any more and they are likely to prove counterproductive. Here the use of playlets to demonstrate a point is particularly useful, for example, the right and wrong way to deal with a captured combatant. In addition, up-to-date examples of law of war issues, pictures of real events, video clips—sometimes from war movies—and so on are important in maintaining interest. Many nations have

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produced their own law of war training videos; they find them particularly useful in getting key messages on the law across to soldiers.

Junior Officers

Training of junior officers is, in my view, probably the most important aspect of all. These future commanders must be given the opportunity to learn and reflect on the subject from the outset. The time spent on this training need not be long. If done properly a young officer can be taught all the law of war lessons he really needs to know for the whole of his career. Eight to ten periods covering will give them the background knowledge they need. There is a need to set the scene and explain the background to the law—how it originated, its status today, its aims and when the law applies. The principles of the law, in particular those relating to distinction, military necessity, proportionality and limitation are very important and if taught to junior officers will act as a foundation for all future training, planning and operations. There must be a period on command responsibility. Commanders must be trained in the law and their responsibilities within it. The law in relation to the conduct of operations is of course of paramount importance. Periods on weapons and the law and logistics and rear areas, including prisoner of war camps, should be included. Today, the law of belligerent occupation might be quite important. Perhaps the law applicable to lower levels of violence should be included so that the differences in approach and in the rules are known from the outset. Internal security operations, post-conflict situations of restoring law and order or UN peacekeeping (as opposed to peace enforcement) operations come to mind. Field exercises and model room exercises can incorporate law of war aspects to reinforce this teaching. Case studies and military history can also be used to draw out lessons on the law as the course progresses. I think it is also very important that junior officers are left in no doubt as to their responsibilities to teach the law to their subordinates and perhaps to give them some ideas and tools to do that.

Senior Officers and Staff Officers

Staff colleges and war colleges are ideal places to reinforce the lessons learned as a cadet and junior officer and to consider broader issues of the law. The officers at these places of learning will be filling important posts in the future and some will be destined for high command. Case studies of recent conflicts can be used to highlight not only tactical or strategic issues but also law of war concerns. Topics could include command responsibility. Indeed, there are a number of useful case studies in this area resulting from recent experiences in Iraq and in the former Yugoslavia. Targeting and the law would be another important topic, in particular recent lessons relating to the principle of proportionality and distinction, the avoidance of

collateral damage, the problems caused to planners and commanders by dual-use targets, and the need for good intelligence on which to base targeting decisions. There are a number of good case studies resulting from the conflicts in Kosovo, Afghanistan and Iraq. Logistic implications of the law are areas worthy of study at this higher level. For example, the treatment, handling and back loading of prisoners of war or casualties. Then there are UN operations/coalition operations and the law. There is plenty to cover.

Gaps in Teaching the Law

Do armed forces actually pay the required attention to the law? How much training actually takes place? Will they apply it in battle? All these are hard to assess. How many armed forces insist on a formal qualification in the law from their soldiers? Almost all countries require everyone to pass a written and practical test in the law before he or she can drive a car. How many soldiers that we send into combat have to pass a test on the laws of war? We know that States have undertaken to respect and to ensure respect for the Geneva Conventions in all circumstances, but how many actually do?

To a very large extent the international community relies on the ICRC to disseminate the law to armed forces. They do a good job but with some 20 delegates devoted to the task, and a few “on call” consultants, their impact on armies that in some cases exceed one million persons might be considered a pinprick. Some in the United Nations and large non-governmental organizations may believe that as “guardians” of the Geneva Conventions, the law of war is very much the ICRC’s responsibility and that they should not interfere. If we are to rely exclusively on the ICRC then their efforts and staff devoted to this particular task must be greatly increased. Of course, we should not rely on them entirely. It is a nation’s responsibility to ensure their armed forces are fully aware of their legal responsibilities in combat. It is a national responsibility to enforce and ensure respect for the law.

I have found a thirst for knowledge of the law that applies to the levels of conflict below the threshold for the application of the international law of war. It is in these lower levels of conflict that domestic law and international human rights law and standards come into play. There is, in my view, a definite gap here that must be filled. Many nations are facing situations of internal violence and disturbances, or as the military terms them, internal security situations. Many are interested in the law applicable to peacekeeping and post-conflict situations, i.e., where restraint and minimum force are required, the opposite of what is required of a soldier in conventional warfare. Although such situations will, in the main, be the responsibility of the police, there are occasions when the armed forces might be

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called upon to assist, or in some cases take over completely until law and order can be restored. This is occurring more and more frequently. If the armed forces are deployed into these situations with no knowledge of the law, with inadequate training and without the equipment necessary to produce a graduated response, then mistakes are likely which might well make the situation worse.

Acceptance and Implementation of the Law

Finally, I think it is important to consider whether and how well the law is actually being accepted and implemented by soldiers in battle even if training is perfect and the gaps are all filled. The cynical and skeptical might, as mentioned at the outset, agree with Cicero that in the reality of the recent conflicts in Afghanistan, Iraq and the ongoing “war on terror” the rules are indeed very often “Silent midst the clash of arms.”

Is the situation that bad? Based on my experience, when it comes to practical law of war issues such as prisoner of war treatment, prohibition of torture, guidelines for attack, use of weapons, etc., I never had anyone arguing the toss¹¹ with the content of the law, which says a great deal about its practicality and common sense. Superior orders sometimes cause problems and I have covered that.

We mostly only hear the bad things. As someone once said, “If a dog bites a man, it’s hardly news. On the other hand, if a man bites a dog, then it’s going to be extensively reported.” There have indeed been numerous reports of violations of the law, but very rarely are reports made on how well it is being applied, on how much effort is being put into target planning to avoid collateral damage, or on efforts to spare and protect the civilian population.

Perhaps from a cynical standpoint one could point out that the armed forces and civilian political leaders are now much more aware of their responsibilities and the dangers of breaking the law because of the CNN, BBC or “Al Jazeera” factor. It can make a commander’s eyes water as he sees his promotion prospects disappearing when having to explain a mistake to CNN’s Christiana Amanpour or BBC’s John Simpson.

We cannot rest on our laurels, the gaps must be closed and we must make continued and indeed greater efforts to teach and ensure all combatants understand the law and apply it on operations. Offenders must be brought to justice, punished and be seen to be punished. At the end of the day, if soldiers in tight situations know as a reflex action how they should react then we have achieved our aim.

Notes

1. See Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Aug. 12, 1949, 75 U.N.T.S. 31 [Geneva Convention I]; Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea, Aug. 12, 1949, 75 U.N.T.S. 85 [Geneva Convention II]; Convention Relative to the Treatment of Prisoners of War, Aug. 12, 1949, 75 U.N.T.S. 135 [Geneva Convention III]; Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, 75 U.N.T.S. 287 [Geneva Convention IV]; all *reprinted in* DOCUMENTS ON THE LAWS OF WAR (Adam Roberts & Richard Guelff eds., 3d ed. 2000), at 197, 122, 244 and 301, respectively. The following appears in Geneva Convention I at Article 47, Geneva Convention II at Article 48, Geneva Convention III at Article 127, and Geneva Convention IV at Article 144:

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may be known to the entire population, in particular to the armed fighting forces, medical personnel and chaplains.

2. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, Jun. 8, 1977, 1125 U.N.T.S. 3, *reprinted in* Roberts & Guelff, *supra* note 1, at 422 [Additional Protocol I]. Article 83 provides:

1. The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate the Conventions and this Protocol as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military instruction and to encourage the study thereof by the civilian population, so that those instruments may become known to the armed fighting forces and to the civilian population.

2. Any military or civilian authorities who, in time of armed conflict, assume responsibilities in respect of the application of the Conventions and this Protocol shall be fully acquainted with the text thereof.

Article 6 adds:

1. The high Contracting Parties shall, also in peacetime, endeavour, with the assistance of the national Red Cross (Red Crescent, Red Lion and Sun) Societies, to train qualified personnel to facilitate the application of the Conventions and of this Protocol, and in particular the activities of the Protecting Powers.

Article 82 states:

The High Contracting Parties at all times, and the Parties to the conflict in time of armed conflict, shall ensure that legal advisers are available, when necessary, to advise military commanders at the appropriate level on the application of the Conventions and this Protocol and on the appropriate instruction to be given to the armed forces on this subject.

3. See Resolution 21 of the Fourth session of the 1974–1977 Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts: “The Diplomatic Conference encourages the authorities concerned to plan and give effect, if necessary with the assistance and advice of the ICRC to arrangements to teach international humanitarian law, particularly to the armed forces.” *Reprinted in* COMMENTARY

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ON THE ADDITIONAL PROTOCOLS OF 8 JUNE 1977 to the Geneva Conventions of 12 August 1949, at 1525 (Yves Sandoz, Christophe Swinarski & Bruno Zimmerman eds., 1987).

4. David Lloyd Roberts, International Committee of the Red Cross, Unit for Relations with Armed and Security Forces, *The Law of Armed Conflict – Teaching File for Instructors* (Knut Dormann ed., 2002).

5. Marcus Tullius Cicero, Quotes, *available at* http://www.brainyquote.com/quotes/authors/m/marcus_tullius_cicero.html.

6. Three bright orange circles placed on the same axis identify works and installations containing dangerous forces. *See* Additional Protocol I, *supra* note 2, art. 56 and Annex I, art. 16.

7. JEAN-MARIE HENCKAERTS & LOUISE DOSWALD-BECK, *CUSTOMARY INTERNATIONAL HUMANITARIAN LAW*, Vol. I, Rule 151: Individual Responsibility, at 551 (2005).

8. *See* Geneva Convention I, *supra* note 1, art. 49; Geneva Convention II, *supra* art. 50; Geneva Convention III, *supra* art. 120; and Geneva Convention IV, *supra* art. 146. *See also* Additional Protocol I, *supra* note 2, arts. 85, 86.

9. HENCKAERTS & DOSWALD-BECK, *supra* note 7, Rules 154 & 155, at 563–567.

10. Geneva Convention I, *supra* note 1, arts. 12, 50; Geneva Convention II, *supra* arts. 12, 51; Geneva Convention III, *supra* arts. 17, 87, 130. Geneva Convention IV, *supra* arts. 32, 100, 118, 147; Protocol Additional I, *supra* note 2, art. 75; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts art. 4, June 8, 1977, 1125 U.N.T.S. 609, *reprinted in* Roberts & Guelff, *supra* note 1, at 483.

11. “Disagree” when translated from the King’s English.