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## **Certain remarks on the experience of teaching the international humanitarian law**

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### **Abstract**

This article is devoted to the multidimensional problems of teaching the international humanitarian law in the Russian higher school through pedagogical and survey research methodologies. As a result, teaching such a unique discipline requires a solid share of wisdom and a special approach that depends largely on a number of different factors that seem to be taken into account in the teaching process. As a conclusion, the high level of education not only in the IHL, but also in other branches of law is considered as the basis of a free democratic society.

**Key words:** IHL<sup>1</sup>, teaching, problems.

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<sup>1</sup> International humanitarian law

# Algunas observaciones sobre la experiencia de la enseñanza del derecho internacional humanitario

## Resumen

Este artículo está dedicado a los problemas multidimensionales de la enseñanza del derecho internacional humanitario en la escuela superior rusa a través de metodologías de investigación pedagógica y de encuestas. Como resultado, la enseñanza de una disciplina tan única requiere una gran cantidad de sabiduría y un enfoque especial que depende en gran medida de una serie de factores diferentes que parecen tenerse en cuenta en el proceso de enseñanza. Como conclusión, el alto nivel de educación no solo en el DIH, sino también en otras ramas del derecho se considera como la base de una sociedad democrática libre.

**Palabras clave:** IHL, enseñanza, problemas.

## 1. INTRODUCTION

This article is devoted to the multidimensional problems of teaching the international humanitarian law in the Russian higher school. The main problem that exists today in this area is the unrealized spiritual and intellectual potential of a student, as well as a specialist who has recently received a diploma of higher education and started his practical work. Solving this problem is a complex and multifaceted thought process, in which the teacher's choice of the form

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and method of organizing the educational process is an important component. The traditional forms of teaching the IHL are lectures and seminars.

Depending on the types and forms of the educational process organization at the university, the teacher should be able to maneuver with his activity and student activity. However, at the same time, the teacher organizes the interactive activities on the basis of a combination of traditional and innovative techniques, methodology and technology of education. Based on new information and pedagogical technologies and teaching methods, it became possible to change, radically, the teacher's role, to make it not only a carrier of knowledge, but also a leader, the initiator of the student's independent creative work.

## **2. MATERIALS AND METHODS**

It should be recognized that it is difficult to succeed in teaching the IHL without a clear understanding of the aims of such teaching. In other words, the "starting point" in this case is a clear understanding of the purpose and value of teaching the IHL. In its most general form, this presupposes an answer to the question: why should we teach international law? The options for answering this question may vary depending on different approaches to understanding the IHL role and

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place in life, legal system and educational process. The answer may include an extensive list of arguments, namely: to stimulate legal thinking; promote "justice" in armed conflicts; because the students need to know the basic principles of international humanitarian law; some students may need the IHL in their future work.

The goals and objectives of teaching the IHL, in addition to directly mastering the legal knowledge by the students, include also bringing the learners to the ideas, ideals and values of humanism, expanding their outlook, forming their understanding of the basic humanity standards, respecting for the individual and his dignity in all situations, including situations of large-scale violence, etc. In this sense, teaching the IHL course combines the educational and educational functions. This is because teaching the IHL course involves both training in legal knowledge and the formation of a humanistic worldview. The problems of the IHL teaching. Unfortunately, it should be noted that the IHL teaching is often associated with the various kinds of problems. It seems that the main problems of teaching the IHL are usually a weak interest in the IHL and the international public law among the bulk of students, low motivation, which is caused by the limited prospects for practical application of knowledge for the majority of students (i.e., problematic employment in this narrow, specific specialization). The problems of teaching the IHL may include a limited number of hours, usually allocated for the discipline teaching, as well as a weak material base of many universities.

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One of the main ways to overcome these problems is in increasing the motivation of students. Mainly this can be achieved by improving the employment prospects for the students, which is less dependent on the university and teachers. However, this is not the only way to increase the motivation of students. The universities and teachers can increase the interest of students in studying the IHL by involving them in various competitions, Olympiads, writing articles, etc., as well as by increasing the number of hours devoted to teaching this discipline and introducing new educational methods and technologies (using microfilms and presentations at lectures, using the computer testing, etc.). All this assumes a qualitative change in the IHL teaching at the universities. However, first of all, it is necessary to determine the IHL place in the system of legal and humanitarian education.

The IHL place in the system of legal and humanitarian education. The IHL is mainly taught in the framework of the international and legal specialization of legal education. This discipline is included in the educational process of the humanities faculties (journalism, international relations, political science, etc.) only in a few universities. However, it seems that it would be more useful to introduce the IHL teaching in all the faculties mentioned. Changes in the education paradigm demand from the society as a whole, a special status of professional preparedness of future specialists expressed in the formation of new methodological approaches to teaching, the definition of a teacher's new role, corresponding philosophy of the

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Bologna Process, which fundamentally form new relations with the organization of the educational process at universities (Kuanova et al., 2015).

In connection with the transition of higher education to the Bologna system, there arise some questions about the place of IHL discipline in the system of humanitarian and legal education. These include practical questions requiring their resolution, namely: Should the IHL course be mandatory? What should be the duration of this course? What should be the content of the IHL course? Should the IHL teaching be accompanied by the study of other disciplines?

Before trying to formulate answers to these questions, perhaps, it should be noted that there is no single way to teach this course. This circumstance leaves a certain gap for the universities and teachers in the choice of ways and means of teaching the IHL. In addition, we should agree with the fact that each cultural environment has its own specifics in the context of attracting attention, motivating interest, perceiving material, etc. And in this sense, the attention, interest and perception of the IHL can vary from country to country, from region to region. Accordingly, there cannot be a single, universal methodology for teaching the IHL and each university and teacher, probably, should choose the most optimal method of teaching this discipline from their point of view (Sassoli and Bouvier, 2008).

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### **3. RESULTS**

Further, considering the question of the mandatory nature of the IHL course, it is interesting to note the thought expressed by the Professor Hampson (2008), who wrote, in particular: "From my point of view, the subject should never be officially mandatory, but everyone thinking about practical experience in the field should be advised to pass it properly. In other words, it should not be mandatory, but everyone should want to do it!" (Hampson, 2008: 15). The mandatory nature of the IHL course seems to depend on the chosen specialization. In the universities where education is conducted on the basis of state educational standards, the IHL teaching is likely to be classified as a variant profile disciplines (elective subjects) offered by the university to students and assuming that students receive more in-depth knowledge, skills and competences, supplementing the content of the core profile disciplines (mandatory disciplines), within the frameworks defined by the educational programs. By the university's decision, the students who have chosen the specialization "international law" can be taught IHL as a variable profile discipline. However, in the universities that are given the right to conduct training according to their own educational standards, one cannot exclude the possibility of teaching the IHL as a core profile (mandatory) discipline depending on the faculty and training profile.

Given the limited number of hours allocated for teaching the IHL, often certain topical issues of IHL remain without due attention

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due to lack of time. In this regard, we think that a "two-step" teaching of this discipline would be the most optimal. In particular, it would be possible to teach the IHL as a variant profile discipline under the title "Fundamentals of International Humanitarian Law" in the Bachelor's degree ("first stage"). At that, the teaching of this course would cover one semester and would provide an in-depth study of the main IHL provisions. Such a course could include, for example, the following topics: concept, principles, sources of the IHL; qualification of armed conflicts; protection of protected persons; means and methods of warfare; non-international armed conflicts; ratio of the IHL and human rights law; IHL implementation; structure and functions of the International Red Cross and Red Crescent Movement and its components (Kuanova et al., 2015).

It would be possible to teach the IHL as a core profile discipline called "Actual problems of international humanitarian law", which stipulates the study of the most pressing issues of modern IHL during one semester in the Master's degree (the "second stage"), depending on the Master's program. In particular, such a course could include, for example, the following topics: typology issues of the modern armed conflicts and the law application to them; problems of the status of individual participants in the modern armed conflicts; status of private security and military companies in the armed conflict situations; operations of the multinational forces, peacekeeping operations and IHL; problems of the occupied territory regime; problems of the modern non-international armed conflicts; direct participation in

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warfare; problems of proportionality and taking precautionary measures in warfare; cyberwars and IHL; modern problems of air and missile war; judicial precedents and their impact on IHL.

In those universities where such "two-tier" IHL teaching is problematic, it would be possible to teach the discipline in either undergraduate or graduate programs, but as one course lasting two semesters, covering both the fundamental issues and the current problems of the IHL.

#### **4. CONCLUSIONS**

The IHL is taught as a general course section of the international public law and as a special course in the framework of international legal specialization in many universities at the Faculty of Law. Of course, the IHL teaching should be carried out after studying the international public law with the students, so that the students could better understand the concepts, terms, methods, principles, place of the IHL in the system of international law. It would be useful for students starting to study the IHL to have background knowledge about the international security law, the law of international treaties, international maritime and air law, etc. In addition, it is desirable that the IHL, as a specialization course, be taught in parallel with other

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special courses, namely: international human rights law, international criminal law, refugee law, etc.

Methods and means of teaching. The traditional forms of teaching the IHL are lectures and seminars. Usually, the lectures give the main points of the topic and answers to the students' questions. The seminars include reports and discussions, as well as the problem solutions on the topic under consideration. At that, the main control forms are: intermediate (solving the problems, writing essays or tests) and final (credit or examination).

However, we think that the traditional forms of teaching cannot always give a proper result. This makes it necessary to diversify the methods of teaching by referring to the modern forms of teaching. In this regard, we would like to turn to interesting statistics: "As for the cognitive aspect, on average, people remember only 10% of what they read, 20% of what they hear, 30% of what they see, 50% of what they hear and see at the same time, 80% of what they say, and 90% of what they say and do. This is a weighty argument in favor of using the interactive methods". Of course, these figures are only a reflection of the average values and all these aspects can have an individual manifestation in practice. Nevertheless, they only confirm the need for using the teaching methods in which many of these forms of influence on the audience would be involved (Brenda, 2007).

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For example, along with the traditional lectures, one can practice the interactive forms, when the students are asked questions during a lecture and an answer brings them to the essence of individual provisions of a topic under consideration. The best use of material can also be facilitated by the use of presentations during lectures. The first lecture can often play an important role. We think the first lecture can be conducted as a review, but it should be interesting, exciting. For this purpose, one can use short films, invite an interesting practitioner, etc. The demonstration of films created by the ICRC on specific IHL issues in the seminars can also contribute to increasing the students' attention. We think, one can give preference to solving the problems or discussing the most complex, controversial provisions of the topic on the example of specific international events and modern practice, using the articles from the mass media in seminars. The discussion and legal analysis of judicial and other precedents in the IHL field are of particular importance. The use of pre-prepared microfilms (i.e., "clippings" from films with the scenes of armed clashes) on a certain topic of the course, followed by analysis and discussion of the plot in the context of applying the IHL the rules seems to be very interesting and useful in seminars. The use of tests in the form of writing legal opinions or essays on the situations contained in the mass media articles or microfilms by the students could be very useful in professional terms. As an intermediate form of control, instead of traditional tests on paper, one can also use the electronic tests to test the students on the computer. The practice of using such new forms (demonstration of microfilms and presentations, the use of computer

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testing, writing of legal opinions, etc.) shows an increase in the students' activity in seminars and, in general, the growth of their interest in the subject (Pikte, 2001).

Extracurricular forms. It is possible to increase the interest in the IHL and its training by the students outside of the university audiences. In this context, the international competitions, international judicial debates, various competitions, Olympiads, article competitions, etc., have a huge positive impact on the growth of students' interest in the IHL and the quality of its study. In this context, it is worth mentioning the F.F. Martens Competition on the international humanitarian law, the Jean Pictet Competition on the international humanitarian law, and others. The participation of students in these competitions not only improves their knowledge and develops their skills for the application of the law in practical situations, but also enables the students to plunge into the simulated environment in which the IHL is applied. Undoubtedly, this contributes to both the professional and personal development of the students.

It is also very useful to involve the students in lecturing in order to disseminate knowledge about the IHL. In particular, the senior students of the Faculties of Law interested in the IHL, in cooperation with the branches of national societies, could give lectures to the students of the initial courses of non-legal faculties, as well as to high school students, contributing to the dissemination of basic knowledge of the IHL. Such lectures could cover the IHL development history, the main IHL provisions, as well as the activities of the International Red Cross and Red

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Crescent Movement and its components (ICRC, the International Federation of the Red Cross and Red Crescent Societies and National Societies), using the visual materials, presentations (slides), etc. The preparation of lectures, presentations, participation in them, the answer to questions from the audience could contribute both to the growth of students' interest in the IHL, and to an increase of their knowledge level. Cooperation with the ICRC regional delegations. Of course, the cooperation of the university and teachers with the ICRC regional delegations is also of particular importance in the context of teaching the IHL. It is impossible to overestimate the assistance of regional delegations and their staff, which they provide to the universities and teachers. Such cooperation and regular contacts with the ICRC enable the teacher to keep abreast of the scientific and practical events and to monitor current trends in the IHL development. In this context, it is of great value for the teachers to participate in the ICRC scientific conferences and seminars organized by the ICRC regional delegations on the most pressing issues of the IHL. The assistance of regional delegations also includes the provision of books, publications, reference materials and other literature on the IHL. In addition, such cooperation also means moral support in the common goal of disseminating knowledge about the IHL.

## **5. SUMMARY**

Thus, all the above mentioned is only intended to focus attention on the idea that there is a fairly extensive set of methods for teaching the IHL

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and each teacher can choose one or another method, not necessarily indicated in this article, to combine the most optimal set of such measures in his professional activity. At that, the main thing is to achieve the main goals of teaching, namely, to give not only knowledge and skills of their application, but also to reach the hearts of the younger generation with the ideas and values of humanity, respect for the individual and human dignity. In the conditions of the need to solve new global problems (ecological, energy, social, fight against international terrorism and drug business, etc.) in the 21st century, it is the high level of education not only in the IHL, but also in other branches of law that is considered as the basis of a free democratic society and as a factor of economic and military security of the state.

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