

Teaching the Law of Armed Conflict

PROFESSOR FRANÇOISE J. HAMPSON*

1. Introduction

I have taught the law of armed conflict (LOAC) for thirty years. In 1978, and indeed for some time after then, there were very few courses in the subject in the United Kingdom. The teaching in which I have been involved includes courses as part of university degrees and for non-governmental organisations (NGOs) and single lectures as part of programmes designed for armed forces by armed forces. The principal focus of this article will be the teaching of LOAC in a university context.¹ After a brief discussion of the context in which the subject is taught, there will be a comment on the form of instruction and then on the content of such courses. Finally, there will be a discussion of the features particular to the teaching of such a subject.

2. Context

Where LOAC is taught as a course, it appears generally to be taught at postgraduate level. That is not altogether surprising, given the structure of an undergraduate law degree, at least in England.² As a particular topic within the general field of public international law, the student needs ideally to have taken a course on the latter before they are properly equipped to take a course on the former. That would be equally true of courses on the law of the sea or international trade law. At present, a minority of English law undergraduates take any course in international law. Even if they take it in their second year and have the possibility of building upon it in the third year, they are generally more likely to be attracted by other international law options. Personally, I think it is generally preferable for LOAC to be offered as a postgraduate course. For reasons which will be discussed further in the final section, it may be advisable that students should be a little older than the majority of undergraduates when studying LOAC. It is also possibly advisable, for similar reasons, that students do not take the course as a random, isolated course. The student may obtain a better understanding of the subject if it is taken as part

* Françoise Hampson was an independent expert member of the UN Sub-Commission on the Promotion and Protection of Human Rights from 1998-2007. She previously taught at the University of Dundee. She has acted as a consultant on humanitarian law to the International Committee of the Red Cross and taught at Staff Colleges or their equivalents in the UK, USA, Canada & Ghana. She represented Oxfam and SCF (UK) at the Preparatory Committee and first session of the Review Conference for the Certain Conventional Weapons Convention. Professor Hampson has successfully litigated many cases before the European Court of Human Rights in Strasbourg and, in recognition of her contribution to the development of law in this area, was awarded Human Rights Lawyer of the Year jointly with her colleague from the Centre, Professor Kevin Boyle. She is a member of the independent panel appointed by the ICJ to examine the conduct of the parties to the conflict in Lebanon in 2006.

¹ I have previously written about the dissemination of LOAC in the context of the armed forces; see F. Hampson, 'Fighting by the Rules: Dissemination of Humanitarian Law in the Armed Forces', (1988) 6 *Nordic Journal on Human Rights*, Pt.1, at 29-35 (edited version: in Norwegian); full text in (1989) *International Review of the Red Cross* 269, March-April, at 111-124.

² I first taught the subject as an option in the undergraduate honours degree at the University of Dundee, Scotland. The students taking the course were fourth year students who had previously taken a general international law course, either at ordinary or honours level. In the case of those who had taken international law at ordinary level and who then took two international law honours options, the students were, in effect, working at a postgraduate level.

of a cluster of subjects and/or within the framework of a specific degree scheme. The subject fits well within a degree in international human rights law, where it can be complemented by related subjects, some of which may deal with situations that arise as a result of armed conflict. LOAC is *not* human rights in situations of conflict. Nevertheless, it is concerned, amongst other things, with the protection of certain categories of human beings. LOAC and human rights law complement one another. The displacement of people, within their own country or across an international border, often occurs during or as a result of armed conflict. Refugee law is clearly very different from LOAC but again it complements it well. These two examples involve courses commonly available as part of a degree in international human rights law. LOAC can also usefully be studied as part of an *ad hoc* cluster of subjects, even if not offered as part of a particular degree scheme.³ Where enough international law postgraduate options are offered, a student might be able to put together a package involving LOAC, international criminal law, refugee law and the law of international peacekeeping. A student who takes the course as an isolated topic, even if within an international law degree, is likely to make fewer connections and contrasts and to end up with less of an understanding of the subject. If, for example, a student took law of the sea, international environmental law, international trade law and LOAC, the student would certainly qualify for an LLM in International Law but would probably have less of an understanding of LOAC than in the case of the two previous examples. This is not an argument specific to LOAC but would apply equally to all other subjects. What makes it particularly important in the case of LOAC is that the majority of students have no experience of armed conflict and no understanding of the particular demands of an organisation having the characteristics of an organised armed force. The more they are confronted by superficially similar situations which in fact require a very different analysis, such as a human rights analysis of the obligations of a State during a non-international armed conflict, the more readily they acquire the necessary understanding of the context of LOAC.

3. Form of a LOAC Course

There is no single way of delivering such a course. As part of the LLM in International Human Rights Law, the course has undergone many changes. It started as a compulsory two-term course, then became an optional two-term course, then became an optional one-term course, with the possibility of taking a second term advanced course looking at particular subjects in some depth. In my view, the subject should never be officially compulsory but anyone contemplating experience in the field would be well advised to take it. In other words, it should not be compulsory but everyone should want to do it! It was only compulsory in the early days of the LLM owing to the very limited number of relevant courses then available to the human rights students. The development of the LLM at Essex owed a good deal to what I suspect was a happy accident. Four people with an interest in human rights law were also able to offer *different* undergraduate teaching. If they had all only been able to offer public international law, the department would not have been able to justify their appointment. This, taken together with the desire of others to teach specific subjects within the LLM, enabled the programme to offer a range of options. It is our belief that students are attracted to apply to Essex on account of the range of options, but the University, through its review process, has

³ Such 'clusters' are possible as part of the LLM offered by the University of London, on account of the extraordinary range of options offered. The student experience is likely to be different because they will not be part of a community taking a specific law degree (e.g. a degree in International Human Rights Law or in International Trade Law). Any sense of community will attach to the particular option and not to the degree scheme as a whole.

indicated that it thinks that too many options are on offer. The shift from a compulsory to an optional course was self-evident.

The change from a two-term to a one-term course was far more challenging. It is difficult to offer even a basic introduction to LOAC in only nine weeks. The course would be a better course, and not merely more comprehensive, if it were offered over two terms. That would, however, mean that fewer students would take it. It would reduce the range of options they can take in a year. It was not simply a matter of keeping up the numbers. Students themselves indicated that they *wanted* to have access to LOAC but also wanted to take other options. The current situation, in which the introduction to the law of armed conflict can be taken in one term and topics in the law of armed conflict in the second term is an acceptable alternative but is not the same thing. There is a difference between a subject dealt with in its entirety in roughly equal depth and a crash course in the whole subject, followed by in-depth treatment of a limited number of issues. The current system does at least give students some say in the subjects to be studied in depth and enables them to be much more active in class. In the second-term course, each student makes a presentation. The week before this presentation, the student will have circulated a reading list and focused the attention of the class on specific questions. The student presentation is followed by a discussion. The student subsequently submits a five-thousand word essay on the subject of the presentation or some specific aspect of the topic.

The manner in which LOAC is assessed has also gone through very significant changes. Initially, the subject was assessed by means of an unseen examination, including a compulsory problem question. In the next phase, students were given an indication of the subjects covered by the essay questions but the problem question was unseen and the whole examination still took three hours. The reason for the change was to enable students to determine which two or three subjects they wished to study in depth, whilst requiring them to study everything to a sufficient degree as to enable them to answer whatever might appear in the problem question. It had the advantage of requiring students to think fast in answering the problem question and, to that extent, reproduced the experience of a military lawyer in the field, who has to give legal advice under severe pressure of time. The next change was perhaps the most significant. The old format, which required the ability to think and write fast in English, appeared to disadvantage those whose mother tongue was not English. The obvious shift would have been to use the method of assessment used in every option other than the core course, the General Seminar course. A take-home examination is capable of testing knowledge across the whole of a subject, provided that it includes a problem question. The danger is that students spend most of the available time determining how to say what they want to say and watching word limits, rather than concentrating on the substance of what they are going to say. For that reason, the current system of assessment means that students receive a copy of the examination at the end of the first term. They sit the examination in three hours in the first week of the second term. It is a seen examination, rather than a take-home examination. It is striking that, since that change and an increase in the English language score those admitted to this particular LLM are required to achieve, there has been much less of a tail in the LOAC marks. They are now broadly similar to those in other options.

4. Content of a LOAC Course

The subject matter of LOAC is known by various names: the laws of war; international humanitarian law; and the law of armed conflict. All three refer to the *ius in bello* and not the *ius ad bellum*. The problem with the phrase 'laws of war' is that it may carry an implication that it only applies to conflicts characterised as 'war' by the parties to the

conflict. Since 1949 the rules apply to armed conflicts, however the situation is characterised by the parties. The phrase international humanitarian law suffers from a different handicap. Until 1977 the 'law of Geneva' referred to a specific part of the rules applicable in armed conflict. It referred to the rules applicable to the protection of the human person and not to 'the Hague law', the rules relating to the means and methods of combat. In 1977, in Additional Protocol I, the two streams were merged in order to afford civilians protection from the fighting. There was no major difficulty in regarding rules on the protection of the human person as 'humanitarian'.⁴ To describe rules on who and what can be targeted and on the circumstances in which an 'innocent' civilian can be lawfully killed as a collateral casualty as 'humanitarian' appears strange. The leading collection of treaty materials is called 'Documents on the Laws of War'.⁵ The recently published British manual is called 'The Manual of the Law of Armed Conflict'.⁶ The International Committee of the Red Cross (ICRC), however, continued to call the law 'international humanitarian law'. That phrase is now the one most commonly used to describe *both* the rules on the means and methods of combat and those on the protection of victims, particularly in the light of its use in this way by the International Court of Justice (ICJ).⁷ In order to make it clear that the course covers both areas, the course at Essex has always been called and continues to be called the International Law of Armed Conflict.

A separate problem is whether and how to address the rules on the resort to armed force. If there were a course on that subject, it could be excluded from the LOAC course. It would perhaps be unusual for a degree in Human Rights Law to include such an option, although that would not be the case if the degree were in international law generally or in the field of conflict studies. Students taking LOAC may never have studied international law or may only have studied the law of peace. In order to understand the context in which the armed conflict is occurring, it is probably necessary for students to have some awareness of the *ius ad bellum*. The reason for its inclusion determines how it should be treated. It is not of equal importance to the *ius in bello*. It is there to provide a legal background. It can therefore be treated far more summarily than would otherwise be appropriate. The application of the *ius ad bellum* in practice is clearly much more influenced by political considerations than perhaps any other area of international law. A brief examination of the *ius ad bellum* also serves to highlight for the student how much the *ius in bello* is genuinely 'legal'. Even though the course is about the law of armed conflict, it includes one or two classes on the *ius ad bellum* and the relationship between the two bodies of rules.

In the past, it was self-evident that the focus should be primarily on the rules applicable to international conflicts, even though non-international conflicts were and are more common. It has become less obvious since the case-law of the International Criminal Tribunals for the former Yugoslavia and Rwanda, the Statute of the International Criminal Court and the ICRC's 'Study on Customary International Humanitarian Law'⁸ made it clear just how much law in fact regulates non-international armed conflicts. That said, it is undeniable that most of the *treaty* rules concern

⁴ It should, however, be noted that the use of the term has led to confusion with concepts such as humanitarian assistance and humanitarian intervention.

⁵ A. Roberts & R. Guelff, *Documents on the Laws of War* (Oxford: OUP, 3rd Ed. reprinted 2002).

⁶ Ministry of Defence, *The Manual of the Law of Armed Conflict* (Oxford: OUP, 2004).

⁷ *Legality or Threat of Use of Nuclear Weapons*, ICJ, Advisory Opinion, 8 July 1996; *The Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, ICJ, Advisory Opinion, 9 July 2004; *Armed Activities in the Territory of the Congo* (DRC v. Uganda), ICJ, 19 Dec. 2005.

⁸ J.-M. Henckaerts & L. Doswald-Beck, *Study on Customary International Humanitarian Law*, 2 volumes (Cambridge: CUP, 2005).

international conflicts. The customary rules applicable in non-international armed conflicts are, to a very significant extent, less precise versions of the treaty rules. The course therefore concentrates on international conflicts. It starts with the rules on the means and methods of combat, which means rules on targeting, including the principles of distinction and proportionality. That is followed by the rules on weapon use, which are vital to an understanding of the application of the principle of proportionality in practice. The course then moves to the rules on the protection of war victims. That includes the wounded, sick and shipwrecked, prisoners of war, civilians in the power of the other side and civilians in occupied territory. There is then a class on non-international armed conflicts and one on the relationship between LOAC and human rights law. The course concludes with an examination of implementation and enforcement, which are *not* the same thing, including reprisals and national and international war crimes trials.

There are certain topics which tend to be at the edge of LOAC. There are LOAC provisions specific to the situation of women and children and provisions on the displaced, whether refugees or the internally displaced. Unfortunately, within the constraints of a one-term course, it is not possible to give these subjects individual attention. They end up being subsumed into more general issues.⁹ The existence of an option on International Criminal Law enables the treatment of war crimes to be more cursory than would otherwise be the case.

Whilst historically LOAC may have been subject to less frequent changes and developments than other areas of law, that is no longer the case. I started teaching LOAC immediately after the conclusion of the Additional Protocols in 1977. That was followed by the Certain Conventional Weapons Convention (CCWC) and its Protocols in 1980, the Chemical Weapons Convention 1983, additional protocols to the CCWC in 1995 and 1996, the Ottawa Convention on anti-personnel landmines 1997, the Rome Statute of the International Criminal Court 1998, the second Protocol to the 1954 Hague Convention on Cultural Property of 1999, the amendment to the CCWC making it applicable in non-international armed conflicts of 2001 and the fifth protocol to the CCWC on explosive remnants of war of 2003. This is not an exhaustive list. In addition, there are the Statutes of the International or Hybrid Criminal Courts for the former Yugoslavia, Rwanda and Sierra Leone.

The developments have not only concerned the law itself. Between 1960 and 1981, there may have been a perception, with the obvious exception of Vietnam, that there were few armed conflicts. This is in fact grossly misleading. First, there were many non-international armed conflicts, particularly in the developing world and Central and Latin America. Nor were the armed forces of developed States immune. The forces of the Soviet Union were as busy in Afghanistan as those of the United States had previously been in Vietnam. It may, however, be true that there was less public awareness of the prevalence of armed conflicts and less academic study of the phenomenon. The first break in that pattern occurred in 1982, with the conflict over the Falklands/Malvinas. The start of the current era, marked by a high level of awareness and study, probably started in 1990. The euphoria at the end of the Cold War was followed by the first example of the Security Council working as it was intended to by first denouncing an act of aggression and then reversing it in the Gulf War 1990-1991. That was the first international conflict in which Additional Protocol I had been applicable to at least some of the participants. It was swiftly followed by a new form of peacekeeping operation in which forces were deployed with a view to protecting civilians. The absence of appropriate military doctrines predictably resulted in appalling incidents which

⁹ The course on the Human Rights of Women includes a class on women and armed conflict.

attracted considerable media attention. The debacles of Mogadishu, Srebrenica and Rwanda attracted far more attention than less dramatic operations. The conflicts of the 1990s, whether in the former Yugoslavia, Sierra Leone or Rwanda, were marked by a level of atrocity that seemed unusual. That has continued, as evidenced by the case of the Democratic Republic of Congo. The 1990s were also marked by the increasing acceptance of human rights discourse, which only served to highlight the gap between its aspirations and the reality of the conflicts of the period. Even if one were to exclude the cases that received the most attention, that would still leave the first and second Chechen wars, Liberia, Sudan and the situation in the Israeli-occupied Palestinian territories. The conflict with regard to Kosovo showed that alleged ethnic cleansing could be halted and reversed but that came at a price. NATO acted without Security Council authorisation. It also resulted in the UN becoming the government of a territory. That novel experience threw up a range of challenges which have not yet been resolved. The situation changed dramatically yet again after September 11 2001 and the subsequent conflicts in Afghanistan and, more controversially, Iraq. These two conflicts have been marked by the emergence on an unprecedented scale of private military and security companies discharging functions previously the preserve of the armed forces of sovereign States. In short, there has been no shortage of material in relation to which to consider the application of the rules of LOAC.

In the late 1970s there was a dearth of contemporary materials for students to read. I found myself resorting to works of literature. Nicholas Monsarrat's *The Cruel Sea* was on the list both in relation to targeting in naval warfare and also to get lawyers to understand that to some questions there may be no right answer. Willis Hall's play *The Long, the Short and the Tall* illustrated the problems that can arise with regard to prisoners of war detained by a group behind enemy lines. Herman Melville's *Billy Budd* not only addressed issues of enforcement of the rules but also the loneliness of command. Shaw's *Major Barbara* was the reading for debates on the arms trade. Brecht's *Mother Courage and her Children* and Shakespeare's *Henry V* were used for 'spot the war crimes' exercises. It was also necessary to use historical accounts of particular conflicts or operations. It was not that material on armed conflicts was lacking but rather that legal material on the rules applicable was lacking. That began to change in the 1980s, particularly with the writings of W. Hays Parks. By the late 1980s, there was an adequate supply of academic material and reports were beginning to be produced by NGOs such as Human Rights Watch which dealt with situations of armed conflict and occasionally LOAC. The sea-change occurred after the Gulf War of 1990-91. For about a decade a mass of material, much of it about UN or UN-authorized operations, was produced. The LOAC-specific material was, generally speaking, produced by specialists. Since 2001, particularly in the United States, a large number of academics have begun to address LOAC issues, some of whom appear to be uninhibited by ignorance. The role of an academic drawing up a reading list has changed dramatically. It was once a matter of identifying the isolated examples of relevant material. It is now a matter of identifying what is worth reading amongst the mass of material produced.

5. Making LOAC Real – the *Concours Pictet*

In 1988 a completely new type of international law competition was organised for the first time by Michel Deyra of the University of Clermont-Ferrand. Twenty years later, the *Concours Pictet* has expanded beyond all recognition, but it has managed to retain many of the characteristics that made the experience of participation unique. On the basis of what I have seen of them and on the basis of their reputation, the Jessup International Moot Court Competition and the *Concours René Cassin* are ruthlessly competitive. They are also limited to law in the courtroom, and in the appeal courts at that. There is nothing wrong

with either characteristic but, to me, it suggests that a participant may benefit professionally but not personally. The *Concours Pictet* is different. First, it is based on a wide variety of different scenarios in an evolving situation. The participants will play different roles, from rebel leaders to ICRC delegates and from ICRC lawyers to treaty negotiators. This requires them to be able to *use* the law. It is not enough to know it and to be able to apply it. It requires an understanding of the context in which it is to be applied and an ability to empathise with different actors in that context. It also requires an ability to negotiate and to know how to identify a bottom line and to stick to it. Whilst the competition is serious, the organisers have also always seen it as an important opportunity for students of many nationalities to meet and to enjoy themselves. Originally, it was a francophone competition. Whilst this limited participation from non-francophone countries, it most certainly did not exclude it. In one of the early years of Essex's participation, the teams were so mixed that there was a presumption, apart from in the case of Canadian teams, that a person of nationality X was not representing a University of X. The Essex team should have consisted of a Belgian, an Italian, a Briton and a Haitian. The Haitian was unable to obtain a visa to enter France and was replaced by a French contestant. That type of team composition was the norm. As the competition developed, it split into francophone and anglophone sections, a development which I regretted. In 2008 it acquired a Spanish-speaking section. The competition is now too big for all the students to get to know all the other participants. It has also spawned Russian, Central Asian and Israeli competitions. The international competition is not an ICRC event but is ICRC-supported. Many '*Pictetistes*' subsequently work for the ICRC. One of the elements that remains from the early days is the effect on the participants. They train for the competition, which welds them into a team. They then spend a week immersed in LOAC. That is equally true of the other competitions, so it does not explain the effect. Participants return home with a LOAC 'buzz'. There seems to be a real sense of family amongst former participants, even though the rules mean that they can only participate once. Many former participants go on to become judges later on. Many end up working in a field in which LOAC is relevant. I have yet to meet a contestant in the *Concours Pictet* whose face does not light up when they recall the experience.

6. Features Particular to the Teaching of LOAC

This section is very much a personal reflection and there may be many who disagree with me. I am not suggesting that these features are unique to LOAC teaching but simply that they are particular to it.

Any form of teaching carries with it a certain form of moral responsibility. The most obvious form arises out of the nature of the student-teacher relationship. In addition, certain forms of subject-matter may carry with them moral responsibilities. In the case of LOAC, one is dealing with the killing of people and the destruction of things. It is illegitimate to try to teach the rules on the basis of a hidden agenda, most obviously a pacifist or quasi-pacifist one. It is a fact that societies appear to be willing to use armed force against one another. If the goal is to reduce the incidence of such conflict, that is completely legitimate but must be addressed as such. An examination of the rules applicable to the conduct of fighting cannot be based on a desire to make conflict unfightable. That would, in fact, be counter-productive. If the rules were such as to make lawful fighting impossible, the result would not be no fighting. It would be fighting conducted unlawfully. In order for there to be any chance of the rules being respected, it must be possible to fight according to the rules. That said, it is still the case that LOAC deals with the killing of people and the destruction of things. The subject matter gives

rise to the responsibility to treat the subject seriously. It also requires an understanding of the situation in which all the participants find themselves. They are all, in a sense, victims.

Where an individual has no personal experience of a subject which has to be taken seriously, it requires an attempt not only to know but to understand. Broadly speaking, there are two types of lawyers: Moses and plumbers. The Moses type points to the law on a tablet of stone and calls upon others to bow down in front not of him but of the law. They write the textbooks. In other words, they are necessary. They give an accurate account of the law as a whole, including its more esoteric by-ways. The law is examined in terms of itself. There is no need to examine the context in which it is to be put into practice. The plumber, on the other hand, says, 'You have a problem. I have a bigger tool-kit than you and I have received specialist training. I may have a better chance of fixing the problem. If all else fails, like you, I will simply kick the machine.' The starting point is the situation on the ground and not the rules. Where the teacher of LOAC has experience neither of living through conflict nor of serving in the armed forces, this makes it more difficult but not impossible to be a plumber. In order to get the understanding necessary, the teacher needs to immerse themselves in accounts of the detail of the military operations. That can be found in official reports and NGO reports but above all in the accounts of ordinary soldiers. Those accounts say what was done and why. More often than not, they are written without any awareness of the possible legal implications.

Is it necessary for a teacher of LOAC to be a plumber, rather than Moses? In my view, it is. In the case of some law teaching, it is possible to teach the law as an end in itself. Students will receive the necessary education in the context of its application as soon as they enter into the practice of law. At that point, they will be considering rule X in the context of the needs and interest of a particular client and taking into account the needs and interest of the other party. In the case of a postgraduate programme, however, the qualification is likely to be the last stage in the education of the student. It needs to equip them not only with knowledge but also with understanding. The moral obligation arising out of the particular nature of the subject matter of LOAC requires that what is communicated is both knowledge and understanding.

This moral imperative is reinforced in the case of human rights law. I must confess to finding it hard to understand why a student would take an LLM in International Human Rights Law where the law was an end in itself. I assume that the student wants (or ought to want) to be able to use the law as a tool. They want to effect change. They want to make a difference. Where LOAC is taught as part of a human rights programme, there is therefore a double moral imperative.

The relationship between a LOAC course and a human rights programme is in fact even more complicated. Where the starting point of the student is the obligation to respect the moral autonomy and dignity of the individual in community, the starting point of LOAC is going to come as a challenge. Its starting point is that the soldier has the right to kill.

There is a way of monitoring whether one is striking the right balance between understanding and insisting on adherence to the rules. The possibly surprising test proposed is the respect of military lawyers. In my experience, they despise those who are 'encore plus militariste que les militaires'.¹⁰ It is not unknown for academics to seek to curry favour by taking an excessively pro-military position. Both soldiers and military lawyers see through this at once. They are more polite about but equally reject the opinion of those who show no understanding of the context in which the rules have to

¹⁰ Trans.: 'Even more militaristic than the military'; adapted from the French saying '*Encore plus royaliste que le roi*' (Trans.: Even more royalist than the king).

be applied and of the problems to which the rules may give rise. It is *not* that the military reject criticism; far from it. If they think that the critic is showing understanding and also clearly knows the law, they are more than willing to engage in a debate. More often than not, it is because they themselves have doubts or even objections about what has occurred.

LOAC represents a useful tool for any human rights practitioner who may find himself needing to raise human rights concerns with members of the armed forces. A graduate of the LLM in International Human Rights Law found himself in south-east Asia working for an NGO. He had to raise the concerns of the NGO with a senior military figure. It should be noted that he was a student at a time when LOAC was compulsory in the programme. Being a pacifist, he had not wanted to take a subject which assumed the existence of armed conflict but he had had no choice. The military man was not hostile when he raised his concerns in human right language; he was completely uncomprehending. The language meant nothing to him. The former student rephrased his concerns in terms of the vocabulary and concepts of LOAC. A lively discussion ensued. I only know this because the student very kindly sent me a card saying that he was now glad that he had taken LOAC. LOAC is *not* human rights in time of armed conflict. It has a language of its own. You cannot speak LOAC by talking human rights with a funny accent. You have to learn to be bilingual. Human rights lawyers do not, by virtue of being such, have a right to be listened to. They have to earn the right. It might seem obvious to say that an effective human rights campaigner would not speak English to Russians and Iraqis. The campaigner would tailor the language used to the audience. If the campaigner learns Russian to speak to Russians and Arabic to speak to Iraqis, the least he can do is to learn to speak LOAC to the military. If the campaigner makes the effort to learn and understand LOAC, the military will be more than willing to discuss his concerns. LOAC will be useful to any human rights practitioner who may find himself talking to the military.

It may be wondered how someone can bear to teach the same subject for thirty years, particularly when for most of that period the law in question has been repeatedly and systematically violated, for the most part with impunity. The answer in my case is to do with the extraordinary enterprise that LOAC represents. Since humans started to organise themselves in communities, they have contemplated resorting to the use of armed force against their neighbours, whilst also crafting limits to the force that may be used. In effect, they have wanted to drive in top gear with the handbrake on. This statement is true irrespective of the period in time, region or religion. The earliest code for an armed force is that of Sun Tzu, who is still studied in military academies.¹¹ In comparison, holding ‘... these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness’¹² or pursuing ‘*liberté, égalité et fraternité*’¹³ seem almost straightforward. It is awe at the scale and nature of the enterprise which LOAC represents that keeps me ‘hooked’.

¹¹ Sun Tzu, *The Art of War*.

¹² The Declaration of Independence of what became the United States.

¹³ Trans.: ‘liberty, equality and brotherhood’. This is the motto of the French Republic. The phrase is believed to have originated during the French Revolution.