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INTERNATIONAL
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NEWSLETTER



During the Round Table, Dr. Bertrand Ramcharan, Acting High Commissioner for Human Rights, shared his views with the IIHL in an interview he gave on that occasion.

How much can the United Nations and its specialized agencies (such as HCHR and HCR) do in the context of International Security? Can they preserve the security of civilians involved in conflicts (both international and non-international)?

How much can the UN do in the context of International Security?

The United Nations is a membership organization and as such, is as strong as the respective Member States of which it is comprised wish it to be. The legal basis for the authority and the responsibility of the UN system to protect and to maintain international peace and security derives from the UN Charter. The Charter clearly articulates the notion of collective security in its preamble which calls for the peoples of the United Nations to "unite their strengths to maintain international peace and security".

The maintenance of this collective security was envisioned to be exercised, again in the words of the Charter, "by peaceful means and in conformity with the principles of justice and international law".

The meaning and scope of security has evolved since the Charter was signed in 1945. Today, the concept of security includes the security of individuals and their safety and well-being, founded upon the respect for their fundamental dignity and rights as human beings.

Can the UN preserve the security of civilians involved in international and non-international conflict?

The primary responsibility for the protection of its peoples lies with the State in question itself. However, if a State is unwilling or unable to protect, then there is an international responsibility to protect.

Has the role of the UN and the specialized agencies changed after the 19th August terrorist attacks? Has the UN emerged stronger? Will policies change concerning the approach to the question of international security and the maintenance of peace?



If so, will the promotion of the respect for the rules of international law take precedence over the political and/or diplomatic process?

Has the role of the UN changed post September 11th and August 19th?

Today, the UN is more relevant than ever. In fact, it is in considering the massive scale of terrorist attacks of recent times that the

legitimacy of the core concepts of the United Nations and the Universal Declaration of Human Rights are underscored. As the Declaration states: "...recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

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On Saturday 15th of November 2003, Dr. Arthur E. DEWEY, Assistant Secretary of State, Director of the Bureau of Population, Refugees and Migration of the United States, held a conference on the topic "International Humanitarian Law, Human Rights Law and Refugee Law in Afghanistan and Iraq".

Participants from the 103rd International Military Course, the 27th Refugee Law Course and the 28th Refugee Law Course took part in this significant event.

Dr. Dewey's visit represented a particularly important occasion considering the critical situation faced by the Armed Forces deployed in Iraq and the persistent terrorist attacks witnessed in that region which were causing more and more victims.

Dr. Dewey visited the Institute and was interviewed by journalists from several local newspapers and press agencies.

NEWS

FROM THE MILITARY DEPARTMENT



*Professor Patrnoic,
President of the IIHL
presents the IIHL emblem
to Major General Tian-rong
Zhang, President of Xian
Academy of Politics
of the Chinese People's
Liberation and head of
the Chinese Delegation
who were visiting the
Institute,
17 - 19 November 2003.*



103rd Course on the Law of Armed Conflict, 10-21 November 2003. There were 72 participants from 42 countries, representing 5 continents. Altogether 9 Generals were among the participants, 7 of them in the Russian class.

from the first page

Dr. Bertrand Ramcharan ...

The UN Secretary-General reiterated these sentiments recently when he stated: "Despite the sense of vulnerability and uncertainty that pervades the global consciousness, people and nations retain the hope of uniting around a common humanity... They look for ways to translate into reality the ideals expressed in the United Nations Charter, which established the fundamental principles of international law."

In a nutshell, ensuring respect for international law, the precepts of the UN Charter and the norms of international human rights is the only way to provide human security. In fact, in my last book on the subject of "Human Rights and Human Security", I proposed that **human rights define human security**. The promotion of respect of the rule of law (human rights, humanitarian and refugee law) is fundamental to this process and integral to its success.

We are passing through a period in the United Nations in which the Organization has to brace itself for new challenges in an altered geopolitical landscape and with threats to security and human rights that go beyond those we have had to grapple with in the first six decades of the institution. The United Nations High Commissioner for Human Rights is an integral part of the response of the world body to today's challenges, meshing his or her activities with those of the Secretary-General and at the same time remaining an independent moral voice giving expression to the international human rights standards and to sentiments of justice and reasons of conscience while ensuring that the fundamental respect for human dignity is at the core of all activities.

How much can the promotion of Human Rights and Humanitarian Law contribute to the maintenance of peace considering, in particular, the threat of terrorism which has indelibly changed the perception of international security?

The promotion of human rights and international humanitarian law are the essential foundations for the achievement of international security and peace and key to one of the most crucial challenges facing the international community today, the respect for human rights in the context of the struggle to defeat terrorism.

This is a particularly relevant topic for all of us in the United Nations family in the aftermath of the terrorist attack and tragic bombing of our Headquarters in Baghdad on August 19th 2003. As we continue to mourn the loss of our late High Commissioner for Human Rights, Sergio Vieira de Mello, and other brave UN Staff members, we remain convinced that tolerance and respect among peoples, the foundation tenets of the Charter of the United Nations, are the most essential components of any security strategy for the future.

In these challenging times, when the relationship between freedom and security is being tested as never before, the United Nations is more relevant and necessary than ever and the promotion and protection of universal human rights will be the decisive element in establishing a stable and peaceful world order for succeeding generations.

The prospects for achieving genuine human security in the future depend upon respect for the norms of international human rights which both define and ensure them. The United Nations is committed to upholding human rights values and standards in this present crisis in an impartial and just fashion. The crux of our position is that terrorism must be fought within the prescribed boundaries

of the international legal system and within the principle of proportionality.

The challenge for the international community today, is that of ensuring respect for human rights while struggling against terrorism. This is essential as it is only through the protection and promotion of human rights under the rule of law that terrorism can be prevented. The fundamental challenge to global peace and security of the future is how States can take resolute action against terrorism while fully respecting human rights. The answer is through the rigorous and thoughtful application of basic human rights norms and scrupulous respect for norms which have been established to be non-derogable under all circumstances. It is a simple question of the non-trespass of the basic, non-derogable rights to which we are all entitled.

Justifiable concerns about security risks can be dealt with in a fashion that is compatible with respect for human rights.

This Round Table gathered together the three most important international institutions (UNHCR, UNHCHR and the ICRC), which deal with the three branches of International Law, respectively Refugee, Human Rights and International Humanitarian Law. They represent three different "traditions" and three different yet common understandings of values which all promote the respect of law. What are some current examples of collaboration and co-ordination on the ground between them?

It is clear that the crosscutting nature of human rights and international humanitarian law necessarily imply close cooperation on the ground between the OHCHR, UNHCR and the ICRC. In addition, the common aim of enforcing and strengthening compliance with the fundamental standards of humanity, which were developed in the 1980's to strengthen

Our Vice President, **Major General Giorgio Blais**, has been recently appointed by the Secretary General of OSCE as the **Director of the Regional Centre of Banja Luka** in the OSCE Mission to Bosnia and Herzegovina.



Most, Drvar and Livno, allow the Regional Centre to closely follow the process of reconciliation and return of refugees and displaced persons. It therefore helps the country to reach the required standards for integration into Europe and Euro-Atlantic structures.

Six Field Offices, located in Banja Luka, Prijedor, Bihac, Sanski

In this position he will organize, direct and guide, in the area of responsibility of the Regional Centre, the work of about 130 international and local experts acting in the fields of Democratization, Human Rights, Education, Security Co-operation, Public Administration Reform.

The area of responsibility of the Banja Luka Regional Centre covers parts of the two entities into which Bosnia and Herzegovina was divided, according to the Dayton Agreement of 1995, namely the Federation of Bosnia and Herzegovina and the Republika Srpska: in particular, the western part of the Republika Srpska with its principal city Banja Luka, and two of the ten Cantons of which the Federation of Bosnia and Herzegovina is composed.



11th Course for Managers of Training Programmes, 1-5 December 2003

Course for Planners and Executors of Naval and Air Operations, 1-5 December 2003

protection on the ground in situations of violence - necessitate this relationship.

Four of the key issues regarding the protection of fundamental rights in crisis situations which are of prime concern to all three organizations, as they are practical problems faced on the ground are: 1) the threshold of applicability of International Humanitarian Law; 2) Interaction with States which have not ratified treaties; 3) States derogation from IHRL treaties; and 4) Accountability of armed groups and other non-State actors, which are not parties to treaties.

The current state of affairs is that there have been several subsequent developments, which have clarified existing legal principles and expanded their application - including the establishment of *ad hoc* criminal tribunals and the increased ratification of treaties. Therefore, the common focus of all three institutions has shifted away from the developing of minimum standards towards securing the implementation of existing IHRL, IRL and IHL.

The Office of the High Commissioner for Human Rights is mandated in consultation with the ICRC, to submit an analytical report to the Commission at its sixtieth Session, which would address relevant developments in this area in regional and international case law in addition to the forthcoming study of the ICRC on customary rules of International Humanitarian Law. In addition, the spring 2004 report will also address the crucial issue of securing the implementation of standards on the ground.

Another concrete example of practical cooperation on the ground between the Office of the High Commissioner for Human Rights with the UNHCR and the ICRC are regular meetings organized among the three organizations to discuss concrete issues of concern on the ground.



The 102nd Course on the Law of Armed Conflict, held in Spanish, took place in Sanremo from 15 to 26 September 2003. The IIHL teaching staff consisted of Capt. Roberto A. MORENO, from Argentina, who was both Course Director and class leader, and Col. Carl MAROWSKI from Chile, who was a class leader. The two officers joined their efforts and devoted a lot of their own personal time not only to preparing the course but also to updating the teaching material in Spanish. The Institute very much appreciated their dedication and their decisive contribution to the dissemination of International Humanitarian Law. Twenty-seven participants attended the 102nd Course on LOAC: Angola (4), Argentina (3), Brazil (2), Chile (3), Colombia (2), Spain (2), Gabon (1), Guatemala (2), Italy (2), Peru (3), Dominican Republic (1), Switzerland (1), Venezuela (1).

A Spanish Week in Sanremo

A Personal Report

In my country we say, "The more languages you speak, the more persons you are". After a week in Sanremo, I am more than ever convinced about the truthfulness of this commonplace.

Between 11 and 15 November, I had the privilege to participate in the 27th Refugee Law Course organised by the International Institute of Humanitarian Law, the second one of this kind in the Spanish language. Most

special Latin American matters (such as the alternative protection instruments of the continent or the situation in Colombia) played a relatively important role in the curriculum. Coming from a region that



27^{mo} Curso sobre el Derecho de los Refugiados, Sanremo, 11-15 Noviembre 2003

participants came from Spain and the Americas, but as a Hungarian, I did not need to be afraid of being the only "extraterritorial" either, since Africa, the Middle East and Central Europe were also represented by some of our colleagues.

I think none of the participants would contradict me when I summarise that we all spent a highly useful and pleasant week in Sanremo. When I say the word "useful" I refer to the fact that general and specific topics were perfectly balanced in the curriculum of the course. The basic principles and instruments of the international asylum law framework were thoroughly analysed, but considerable emphasis was given to specific and highly topical issues as well, such as mass influxes, internal displacement, the changing character of humanitarian intervention or the new challenges UNHCR must face. Several case studies were also touched upon, which enabled all participants to obtain a general knowledge concerning the relevant legislation and practice related to asylum procedures in several different states.

Due to the composition of the class,

has traditionally no tight political, economic or cultural contacts with the Spanish-speaking world, I was especially grateful for the knowledge obtained in this respect.

As rapporteur, I could go on praising the lecturers and analysing why the course was a great opportunity to learn from the teachers and from each other. I could also go on talking about the nice atmosphere of the course, the endless conversations which continued after the official programmes, and turned into friendly chats, sometimes even until late at night. I could even enumerate how many contacts have been established during the course, which constitute the base for future co-operation. But all this might seem rather unnecessary since throughout the last two decades, the Sanremo Refugee Law Course has already obtained a unique fame in professional circles. I would therefore prefer to underline that for the second time, this highly appreciated course was held in *Spanish*, a language that has not been widely used so far in this context. Following this intensive week in Sanremo, it has again become clear that such international educational sessions can indeed be held in the Spanish language with great success and with a wide range of participants from various countries and continents. This proves that Spanish (alongside other languages such as French) is a valid and important language of international communication, even under the current circumstances characterised by certain tendencies towards a sort of cultural and linguistic uniformity.

I cannot but encourage the Institute to keep on supporting this great initiative.

Gábor Gyulai
Hungarian Helsinki Committee
Budapest



28th Course on the Law of Refugees
Sanremo, 11-15 November 2003



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