

The Role of Dissemination in Ensuring the Effectiveness of International Humanitarian Law

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Abstract:

The dissemination of international humanitarian law has had a significant benefit in reducing serious violations of this law. Therefore, its dissemination should continue to achieve better results, by using the most important methods that consolidate its provisions and the obligation of the individuals addressed by it to respect them, in view of its noble and humanitarian objectives.

What confirms the importance of disseminating international humanitarian law is that it is considered one of the most important obligations incumbents upon States that have ratified the four Geneva Conventions and their two Additional Protocols. Such dissemination would reduce the serious violations of international humanitarian law committed during armed conflicts, especially if it is directed toward the groups concerned with applying this law, foremost among them members of the armed forces of various ranks, as well as medical and media personnel.

Keywords: *Dissemination Of International Humanitarian Law; Combatants; Doctors; Journalists.*

Introduction:

The famous principle that prevention is better than cure finds a wide scope of application in international humanitarian law. Considering that violations of this law have consequences that affect human life and property, it is therefore better to prevent such violations from occurring than to seek later to repair the damage resulting from them, because such reparation can never restore the situation to what it was before. Hence, the dissemination of international humanitarian law, through introducing its provisions and simplifying them for those to whom they are addressed, is an urgent necessity that will prevent undesirable consequences.

Moreover, the legal rule found in all legal systems, which states that ignorance of the law is no excuse, leads us to raise the following question: Why is there an obligation upon States to disseminate international humanitarian law in particular, although it is a branch of law and this rule applies to it?

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This is because ignorance of international humanitarian law entails serious risks. Violations of this law lead to major humanitarian disasters and losses of human life that could have been avoided if the law prohibiting them had been known and implemented. In addition, lack of knowledge of this law leads to the commission of serious violations of it, which exposes the perpetrators of such violations to criminal prosecution. Accordingly, this study aims to demonstrate the importance of disseminating international humanitarian law in reducing the destructive effects of armed conflicts, as well as the proper way such dissemination should be carried out to achieve its intended objectives.

Based on the foregoing, we raise the following problematic question: What is the basis of the obligation of States to disseminate the provisions of international humanitarian law, and which groups should this dissemination target, and by what method, in order to preserve lives and property in the event of the outbreak of armed conflicts?

This study relied on the analytical method to demonstrate the extent of the legal obligation of States to disseminate international humanitarian law, and on the descriptive method to clarify the most important methods that should be followed in disseminating it and the expected benefits thereof.

The study was divided into two main sections: the first shows that the dissemination of international humanitarian law is a legal obligation with noble benefits and objectives, while the second is devoted to the groups targeted by this dissemination.

The first topic:

The dissemination of international humanitarian law is a legal obligation with noble objectives.

The mandatory dissemination of the provisions of international humanitarian law has been stipulated in many international conventions, foremost among them the four Geneva Conventions of 1949, which constitute an important source of international humanitarian law. Undoubtedly, such dissemination will yield clear benefits.

First requirement: The Basis of States' Obligation to Disseminate the Provisions of International Humanitarian Law

This obligation was stipulated in common Articles 47, 48, 127, and 144, respectively, of the four Geneva Conventions of 1949, which provide that: The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof, if possible, in their programmes of military and civil instruction, so that the

principles thereof may become known to the entire population, in particular to the armed forces, medical personnel, and religious personnel.

This obligation was also mentioned in Article 83, paragraph 1, of Additional Protocol I of 1977, relating to international armed conflicts, which provides that: 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 civilian population to study them, so that those instruments may become known to the armed forces and to the civilian population.

It is noticeable that the four Geneva Conventions, in the articles, provided for the inclusion of their study in military education programs if possible, whereas Article 83, paragraph 1, of Additional Protocol I did not contain this phrase.

This confirms that the teaching of international humanitarian law, which is one of the forms of disseminating this law, has become mandatory for all States that have ratified Additional Protocol I, after this obligation had previously been linked to the availability of the means to teach it for States that had ratified the four Geneva Conventions without the first Additional Protocol.

Article 87 of Additional Protocol I, in its second paragraph, provides that: The High Contracting Parties and the Parties to the conflict shall require military commanders, with respect to members of the armed forces under their command and other persons under their control, to ensure that they are aware of their obligations under the Conventions and this Protocol, with the aim of preventing violations.

The obligation to disseminate international humanitarian law was also mentioned in Article 19 of Additional Protocol II, relating to non-international armed conflicts of 1977, which states that: This Protocol shall be disseminated as widely as possible. Thus, the obligation of dissemination expanded to include non-international armed conflicts, after it had been limited only to international armed conflicts. This is important because non-international armed conflicts have become more widespread and are characterized by greater severity than other conflicts, which confirms the necessity of dissemination in relation to them.

It is noticeable from the wording of the Article 19 that it requires dissemination to the greatest extent possible, while leaving the choice of the means capable of achieving this to the contracting parties or the parties to the conflict. It also leaves States a wide margin to determine the scope of the dissemination obligation to which they have committed themselves.

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However, this does not mean that the wording of Article 19 diminishes the obligation of States to disseminate it.

Article 25 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 also provides for this obligation, stating: *The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate the text of the present Convention and the Regulations for its execution as widely as possible in their respective countries. They undertake to include the study thereof, if possible, in their programs of military and civil instruction, so that its principles are made known to the whole population, especially the armed forces and personnel engaged in the protection of cultural property.*

Second requirement: The Objective of Disseminating International Humanitarian Law

The implementation of international humanitarian law requires knowledge of its provisions. Therefore, action must be taken in times of peace and even in times of war to ensure the dissemination of awareness and understanding of these rules. This cannot be achieved except through the efforts of each State to disseminate the rules of the conventions that constitute this law, introduce people to them, and train its armed forces in their provisions¹.

Common Articles 47, 48, 127, and 144, respectively, of the four Geneva Conventions, Article 83, paragraph 1, of Additional Protocol I, and Article 25 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict provide that dissemination shall take place in times of peace and during armed conflict.

First Section: The Objective of Disseminating International Humanitarian Law in Time of Peace:

This is achieved by raising awareness of the dangers of war and instilling a spirit of peace among all people to avoid losses that cannot be remedied. This is considered the most important stage in which dissemination achieves its desired results, as we should not wait for the outbreak of armed action before beginning dissemination.

There is no doubt that the State's ability to achieve dissemination in time of peace is better than in time of armed conflict, since hostile operations may prevent or hinder it from fulfilling this obligation.

Second Section: The Objective of Disseminating International Humanitarian Law in Time of Armed Conflict:

Although dissemination during this stage is difficult, it is not impossible if it is well planned. Various media outlets, such as television and radio, through what they broadcast, as well as appeals made through newspapers

and in public places, can remind the public of the humanitarian values found in their religions or civilizations, which play a major role in stopping the conflict.

In this case, those responsible for dissemination must exert the utmost efforts to support respect for the minimum level of humanitarian principles. During the armed conflict that took place in the former Yugoslavia, the International Committee of the Red Cross took all possible measures to disseminate the principles of international humanitarian law. It established a group of delegates and local staff specialized in dissemination, television advertising, and radio programmes. It also issued publications and made appeals in newspapers, among other means, to raise public awareness. The best way to disseminate humanitarian principles and values during this period consists in providing relief supplies without any discrimination or distinction².

The Second Topic:

The Groups Targeted by the Dissemination of International Humanitarian Law

No benefit can be expected from the provisions of international humanitarian law if they are not known to the groups required to apply them. The Twenty-Fourth International Conference of the Red Cross, held in Manila in 1981, identified these groups as members of the armed forces, academic circles, and the population in general. It is certain that the first group to which the dissemination of international humanitarian law should initially be directed is the armed forces, as well as civilians of different categories, particularly senior State officials and academic circles.

First requirement: The Dissemination of International Humanitarian Law Among the Armed Forces

Members of the armed forces are among the most important persons to whom dissemination should be directed, since they are directly responsible for applying the rules of international humanitarian law in times of armed conflict. They may be divided into two categories: military personnel and police officers.

Military personnel are primarily concerned with learning the provisions of international humanitarian law, whether commanders, who must know that the plans prepared for combat must respect the rules of international humanitarian law and must not include treachery against the enemy, since treachery is prohibited under international humanitarian law, or soldiers and other holders of lower military ranks present on the battlefield.

The second category consists of police officers and security services in general that are not affiliated with the Ministry of Defence, which the authorities may resort to and rely upon, particularly in non-international

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armed conflicts³.

Two elements will be addressed: the first concerns the method followed in disseminating the provisions of international humanitarian law among members of the armed forces, and the second explains the degree of knowledge of the rules of international humanitarian law required from members of the armed forces.

First Section: The Method Followed in Disseminating the Provisions of International Humanitarian Law Among Members of the Armed Forces

The method followed in teaching international humanitarian law to members of the armed forces is through delivering lectures suited to each military rank, using audiovisual means such as films, and asking questions and providing answers. However, the most effective method is practical training, through military manoeuvres that are conducted periodically⁴.

There is no doubt that assigning members of the armed forces to apply what they have studied concerning the application of international humanitarian law will make those lessons more firmly established in their minds and will enable them to apply this law better than if the study were only theoretical.

The effectiveness of the application of international humanitarian law by members of the armed forces depends on the necessary awareness being present at all levels of command and execution that international humanitarian law does not in any way limit their ability to carry out the mission entrusted to them by the nation in defending the homeland against its enemies.

A combatant must not only know how to carry a weapon and how to use it; he must also understand the rules governing its use, and respect for humanitarian principles and values must remain before his eyes while he carries out military operations⁵.

Even if international humanitarian law is taught to members of the armed forces, such teaching will have a limited effect under the immense pressures of combat conditions, where the conduct of the combatant is an expression of the automatic reactions he has acquired during training. Hence, the importance appears of ensuring that training includes the incorporation of respect for the rules of international humanitarian law into the behaviour of military personnel and their automatic reactions, whether individual or collective.

Indeed, reaching this stage is difficult, but it is possible if it is adopted for members of the armed forces from the beginning of their enlistment and continues until they acquire these skills.

Second Section: The Degree of Knowledge of the Rules of International

Humanitarian Law Required from Members of the Armed Forces

Some distinguish between the degree of knowledge of the rules of international humanitarian law required from members of the armed forces. An ordinary combatant only needs to know some basic rules, such as how to deal with civilians or with an enemy who surrenders. This knowledge must increase with the rise in military rank, so that senior officers are familiar with all the restrictions imposed on them by international humanitarian law regarding the conduct of military operations⁶.

Another view, however, maintains that members of the armed forces at all levels need to know all the major themes of international humanitarian law. It may even be said that soldiers are the category most in need of being fully imbued with these provisions, because they are always present on the battlefield. The matter is simply that the dissemination strategy must differ according to the ranks of the persons addressed. In other words, each category must be addressed according to its level.

The second opinion is difficult to apply, because the educational level of soldiers does not allow them to comprehend all the major themes of international humanitarian law and become more deeply imbued with them than commanders.

The first opinion is therefore the more correct one, since senior officers must be familiar with all the restrictions imposed by international humanitarian law on the conduct of military operations. This is necessary because commanders are the ones who issue orders, and the issuance of any order involving a serious violation of the provisions of this law may result in heavy losses of life and property. By contrast, the level of knowledge of the rules of international humanitarian law required from soldiers must be compatible with their qualifications and the extent of the responsibility placed upon them during combat.

In Algeria, pursuant to Decision No. 20/95 EM-ANP/B1, dated March 21, 1995, concerning the approval of human rights programmes in armed conflicts addressed to trainee officers, relating to lectures on command, staff command, and the improvement of programmes in various military schools, these programmes aim to consolidate precise knowledge of the rules of humanitarian law applicable in armed conflicts. This programme includes the rules relating to the law of war, in addition to the four Geneva Conventions and their two Additional Protocols⁷.

Given the importance of disseminating international humanitarian law among the armed forces, many resolutions of regional and international conferences have called for it. Among these is the Ninetieth Inter-Parliamentary Conference, held in Canberra, Australia, from September

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13 to 18, 1993, which called upon governments to familiarize members of the armed forces with international humanitarian law in a better manner.

The United Nations Commission on Human Rights, in its Resolution No. 1990/66 on human rights in armed conflicts, dated March 7, 1990, also called upon all governments to pay special attention to teaching security personnel and members of the armed forces the international rules relating to human rights and international humanitarian law applicable in situations of armed conflict. The Commission also requested all governments to provide information on the importance they attach to the education provided to the armed forces and police personnel⁸.

The dissemination of international humanitarian law among members of the armed forces is very important, but this does not mean that they are the only category concerned with dissemination. Civilians are also concerned with this matter, because whoever is a civilian today may become a soldier or a bearer of arms tomorrow.

Second requirement: The Dissemination of International Humanitarian Law Among Civilians

The legal texts concerning dissemination among civilians were general and did not require the adoption of a specific method to fulfil this obligation. The issue of dissemination among civilians, to whom dissemination must be directed, raises greater difficulties than in the case of military personnel. While members of the armed forces differ in rank, civilians differ even more in their levels and circumstances.

A State may consist of a number of social groups that differ in religion, race, and culture. Therefore, each group needs a method different from that used with other groups in order for the dissemination of international humanitarian law to be accepted by it.

This requires determining the civilian circles to which dissemination should be directed. This was done by the resolution concerning the dissemination of international humanitarian law applicable in armed conflicts, issued by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, held in Geneva from 1974 to 1977, which identified them as follows:

- Senior State officials.
- Primary and secondary school circles.
- University circles.

The importance of dissemination among each of these groups will be addressed successively, followed by Algeria's efforts to disseminate the provisions of international humanitarian law.

First Section: Senior State Officials:

Senior State officials here particularly refer to officials of the Presidency of the Republic and the Ministries of Defence, Foreign Affairs, Justice, Health, Information, Higher Education, and Scientific Research. These officials are at the forefront of the bodies concerned with the dissemination of international humanitarian law, since they are primarily responsible for implementing this law in times of armed conflict and for taking the necessary measures to that end. They are the ones who formulate the policy for disseminating knowledge of this law and work to implement it⁹.

Second Section: Primary and Secondary Schools:

The importance of disseminating international humanitarian law among young people was emphasized by the Twenty-Third International Conference of the Red Cross, held in Bucharest in October 1977. The Conference requested the societies to strengthen their efforts to participate with their governments in the field of disseminating international humanitarian law among young people by teaching it in primary and secondary schools¹⁰.

Since the involvement of children in armed conflicts is a reality, it is better for them to enter combat while knowing the provisions of international humanitarian law than to be ignorant of them. They must also be reminded of the danger of mines, as they are among their first victims¹¹.

In order for dissemination to be effective among this group, it must address them in their own language, that is, in a manner appropriate to the level of schoolchildren. Illustrated booklets, video films, and plays are considered the best means of disseminating international humanitarian law among this group. For this purpose, the Group of Intergovernmental Experts recommended that States make additional efforts to prepare specialized educational programmes and materials to introduce school pupils of all ages to the principles of international humanitarian law.

Third Section: University Circles

The importance of dissemination in university circles stems from the fact that this group, by virtue of its high educational level, is more capable than other civilian circles of understanding the provisions of international humanitarian law. Undoubtedly, among these university students there will be those who will assume prestigious positions in the State, enabling them to take decisive decisions regarding the development and application of this law.

International law in general, and international humanitarian law in particular, should not be taught merely because they provide training in legal reasoning and an understanding of legal mechanisms. Rather, they

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deserve to be studied because of their content, as international humanitarian law enables students to understand a world characterized by armed conflicts¹².

Students need to know the principles of international humanitarian law, even if they live in a peaceful environment, because armed conflict may break out at any moment and they will need the protection provided by this law. They will not be able to claim such protection unless they are aware of it. They may also find themselves, whether as citizens, lawyers, or simply human beings, facing asylum seekers coming from conflict zones. If they are ignorant of the basics of international humanitarian law, they will not be able to provide them with the necessary assistance¹³.

Considering that the professional path of students has not yet become clear, learning international humanitarian law may be necessary for them in the future. For students who will become officers in the armed forces, studying this law will enable them to perform their work in the best possible manner.

The report prepared on the meeting of university curriculum officials on international humanitarian law, held in Beirut on September 6 and 7, 2005, concluded that the faculties in which international humanitarian law should be included in their curricula are:

- Faculty of Law.*
- Faculty of Sharia and Law.*
- Faculty of Media.*
- Faculty of Political Science.*

The participants in the meeting considered this to be the minimum level for teaching international humanitarian law, because of the connection between theoretical study and practical reality after students graduate from these faculties¹⁴.

Law students come to the forefront of students who must study the provisions of international humanitarian law, since among them there will be future lawyers and judges who will need to know the provisions of this law to prosecute or defend those accused of violating it.

As for media students, among whom there will be future broadcasters, writers, and press correspondents, their knowledge of international humanitarian law is necessary. Through the programmes they present, they can introduce the general principles of this law, clarify the severe consequences resulting from its violation, explain the positive results of respecting it, and report events objectively as they are. The importance of dissemination among this group increases because the influence of the media on society is evident to everyone.

As for political science students, some of them may become diplomats in the future, and their knowledge of the provisions of international humanitarian law will enable them to advise their governments on voting choices concerning matters related to this law in international forums, or on the required response toward those who violate it¹⁵.

It is obvious that not all the groups can be enabled to study everything about international humanitarian law. However, such education should provide them with awareness of the existence of this law, knowledge of its fundamentals, and an understanding of its place within public international law and within the legal system of their own country¹⁶.

Third requirement: Algeria's Efforts to Disseminate International Humanitarian Law Among Civilians

We will address scientific conferences and training courses in the field of international humanitarian law, then its teaching.

First Section: The Most Important Scientific Conferences and Seminars in the Field of International Humanitarian Law

- A training course was held for judges during the period from November 27 to December 1, 2008.*
- A study day was held for the members of the National Committee for International Humanitarian Law on December 2, 2008.*
- A training course was held for Algerian journalists from various print, audio, and written media outlets on January 21, 2009.*
- A training course was held for Algerian doctors on May 2, 2009.*
- A day was organized to introduce the National Committee for International Humanitarian Law on the first anniversary of the establishment of the Committee, corresponding to June 8, 2009 (Organization, 2009, p. 41).*
- The Ministry of Justice organized a national conference on International Humanitarian Law and International Criminal Justice on December 25, 2006. The Faculty of Social and Human Sciences at Hadj Lakhdar University in Batna also organized an international conference on Human Rights in Islam and International Humanitarian Law on April 16 and 17, 2008.*
- An international conference was organized at the Faculty of Law and Political Science at the University of Djelfa, entitled Contemporary Challenges of International Humanitarian Law, on June 1, 2023.*

Second Section: Teaching International Humanitarian Law in Algeria

It is taught at the bachelor's level as an independent module at the Faculty of Law of the University of Annaba, within the specialization of International Law and International Relations under the LMD system.

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The study of international humanitarian law was included at the postgraduate level as an independent specialization during the 2006–2007 academic year at both Badji Mokhtar University in Annaba and Hadj Lakhdar University in Batna.

Badji Mokhtar University in Annaba also included the study of this law as an independent specialization within the framework of the doctoral school during the 2008–2009 academic year, and this school included 45 positions.

However, the most important measure that effectively achieves the dissemination of international humanitarian law is its teaching in Algerian universities to all third-year bachelor's students in law, specializing in public law, as one lecture per week throughout the fifth semester, starting from the 2016–2017 academic year until the present.

Conclusion

Considering the state of the armed conflicts we are witnessing today, particularly the civil war in Sudan, which broke out on April 15, 2023, between the Sudanese army forces and the Rapid Support Forces and is still ongoing, as well as the Zionist aggression against Gaza, which ended pursuant to the ceasefire between the Zionist entity and Hamas after both parties accepted the American initiative to stop the fighting on October 9, 2025, following two years of genocide and killing suffered by the population of Gaza.

The large number of victims resulting from these two conflicts, especially the war on Gaza, which left more than 67,000 martyrs and 170,000 injured, not to mention the displaced persons and the civilian objects that were destroyed, including schools, universities, buildings, and civilian homes.

The forces of the Zionist occupation committed horrific violations of international humanitarian law that the world had never witnessed being committed with such clarity. The targeting of civil ambulance crews and aid seekers was often broadcast live on satellite channels.

This enabled the International Criminal Court to succeed easily in collecting evidence that allowed it to issue two international arrest warrants against the Zionist Prime Minister Benjamin Netanyahu and his former Minister of Defence, Yoav Gallant, on November 21, 2024.

All the serious violations of international humanitarian law occurred in the two wars, although both Sudan and Israel have ratified the four Geneva Conventions, which oblige them to disseminate the provisions of international humanitarian law among members of their armed forces.

All these violations call into question the expected benefit of

disseminating international humanitarian law, particularly regarding its effectiveness on the battlefield. Indeed, the violations recently committed in Gaza and Sudan were horrific, but they would have been even more horrific had the dissemination of international humanitarian law been completely excluded. Based on all the foregoing, I propose the following:

- Continuing the efforts made in the field of teaching international humanitarian law at the university level, while generalizing this teaching at the basic education level.*
- Adopting a strategy for teaching international humanitarian law among the armed forces that combines theory and practice, as this would firmly consolidate the acquired knowledge and reduce, as much as possible, the serious violations witnessed in most armed conflicts.*

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