Tymur Korotkyi - Adviser to the President of the Red Cross Society of Ukraine on International Humanitarian Law. Tymur holds a Ph.D. in Law and is Head of the Department of International Law and Comparative Law at the National Aviation University (Kyiv, Ukraine). He has more than 15 years of experience in leading academic, analytical, and coaching activities in the field of International Humanitarian Law.


UNITED IN THE NAME OF HUMANITY:
THE EXPERIENCE OF TEACHING INTERNATIONAL HUMANITARIAN LAW TO MILITARY CHAPLAINS

International Humanitarian Law (IHL) is much more than law, it is the embodiment of mercy in the face of inhumanity and cruelty. Ensuring compliance with IHL in armed conflict situations remains a major challenge, however, and relying purely on knowledge of the law in the absence of effective regulation and accountability mechanisms is insufficient for its implementation.

Beyond the letter of the law, combatants must believe in IHL’s inviolability as the boundary between barbarism and humanity, and the role of an IHL trainer is to convert combatants to this point of view.

It is such belief and conviction that drove Henri Dunant when he was helping the wounded and dying at the Battle of Solferino and later writing the book about this experience which became the catalyst for the emergence of IHL and the creation of the Red Cross and Red Crescent Movement.

Who better to convert people to IHL than a cleric who preaches to people for a living? It was on that premise that the authors of the article believed that it was appropriate to cooperate with military chaplains to better disseminate IHL. Naturally, there were also doubts about acceptance, finding a common language, and the interest of military chaplains in the secular legal arena of IHL.

The second reason for broadening the scope of IHL dissemination was the search for the most authoritative leaders in the military environment. In situations of
personal, psychological and social crisis caused by armed conflict, when there are reasonable doubts about the possibility to «teach people how to become human and remain human even when they are combatants»\(^1\), spirituality often comes first and military chaplains are an important authority on moral values in the military in a way that is different from that of a combat commander.

**RELIGION & INTERNATIONAL HUMANITARIAN LAW**

Wars are not by nature humane, and religious wars are no exception. Indeed, religion has contributed to causing wars throughout history, and continues to do so today\(^2\)\(^3\).

Conversely, however, religion has also played a crucial role in limiting violence and assisting victims at times of war. In many ways, the first written restrictions on violence during warfare were associated with religious taboos, and these prohibitions found their way into the sacred texts of many religions\(^4\). Subsequently, religious appeals and the writings of theologians had a direct influence on the formation of IHL. These long traditions and the charisma of many religious leaders have a great potential for the dissemination and acceptance of IHL.\(^5\)

---

Today, religion plays a major role in the promotion and implementation of IHL, as is evident in the active dialogue of the ICRC with religious leaders\(^6\), clergy\(^7\) and believers\(^8\). Similarly, the military chaplains who provide direct support to combatants and directly influence their compliance with the religious and legal rules of engagement, should also be engaged.

The common moral foundation of the major world religions and IHL provides fertile ground for mutual interaction and dissemination of the rules of IHL\(^9\). Both religion and IHL, highlight in their own ways the need to distinguish between combatants and civilians, and abide by the principle of proportionality and provide assistance to victims.\(^10\)

While the role of religious leaders in contemporary armed conflicts varies, as does their influence on the behaviour of the parties to a conflict, their ability to contribute positively to the observance of IHL, especially with regard to religious State or non-State armed groups, is unquestionable\(^11\).

The past and present role of religious organizations in humanitarian activities, including during armed conflict, is also highly relevant. In contrast to secular organizations, humanitarian action – to help the poor and the excluded, for example – is also an expression of their faith, and this has always been a strong motivator. A thesis by Elizabeth Ferris emphasizes the conceptual closeness and unity of religious and humanitarian organizations which provides a solid platform for cooperation in the humanitarian field, including dissemination of IHL\(^12\).

---


\(^7\) Roland Beagler. Dissemination of international humanitarian law in Colombia. Dissemination of IHL should be the responsibility of everyone: the practical experience of the ICRC delegate P. 75-76.


MILITARY CHAPLAINS AND HUMANITARIAN ACTIVITIES

It is the need to reach the heart of the combatant in disseminating knowledge of IHL that we see the importance of cooperating with military chaplains, such that religion can underline the preservation of humanity even in the inhumane conditions of war.

In the classic publication on IHL «Principles of International Humanitarian Law» Eric David uses literature to explode the monstrous platitudes behind armed conflict. He contrasts the cold and distant tone of purely legal arguments with excerpts from classical literary works and testimonies from war survivors to illustrate the inhumanity of war and the significance of IHL as the last island of mercy. These descriptions are not to savour the horrors of war, but simply to show that they are real and cannot be allowed to be obscured by any theoretical construct, even the most sophisticated. Thus, the book appeals simultaneously to the mind and heart of the reader\textsuperscript{13}. It is this need to appeal to the mind and heart of the combatant, that has inspired us to enhance respect for IHL by engagement with military chaplains.

Military chaplains have special status under IHL. According to the Geneva Conventions of 12 August 1949 (I, II, III LCD) and the Additional Protocol of 8 June 1977, military chaplains (spiritual personnel) are subject to respect and protection in all circumstances (art. 24 LC I, Rule 27 of Customary International Humanitarian Law). They are entitled to perform special functions during an armed conflict (art. 28 LC I, etc.), which in itself makes it necessary to teach IHL to military chaplains so that they understand their rights and obligations. States have an obligation to include IHL in the curricula of military and civilian education in order to make their principles known, including to military chaplains (Art. 47 of LCD I, art. 48 of LCD II).

Military chaplains can thus be the bearers of the fundamental principles of IHL through the prism of religious tenets and norms in the military environment. They can enhance knowledge of IHL among combatants by establishing analogies

and linkages between its principles and rules and religious precepts, promoting compliance and creating a climate of zero tolerance for violations.

THE STORY OF AN IDEA

The idea of disseminating knowledge of IHL arose almost immediately after the onset of armed conflict in the territory of Ukraine (2014), which coincided with the birth of the chaplain movement there.

With numerous trainings for various target groups, including journalists, lawyers, volunteers, procurators and military personnel, awareness arose of the need to disseminate knowledge of IHL to the most authoritative and influential leaders in various professional and social groups.

In the military environment, there is no doubt that military chaplains belong to this group. The authority of military chaplains in Ukraine is based not only on a relatively high level of trust in church institutions (represented by several faiths), but also on the very nature of military chaplaincy, which in the early years of the armed conflict existed as an informal initiative based on volunteerism. While it was subsequently institutionalized, it remains to this day more of a volunteer activity which is supported and directed by a number of religious denominations.

Despite some activity in 2016-2018, negotiations with religious denominations to prepare a number of training projects for military chaplains on IHL and related issues were at first not supported. This may have been due to the low level of awareness and demand for knowledge of IHL, and due to the institutionalization of the chaplaincy movement.

During this period our academic experience in teaching IHL was enhanced by training in IHL organized by the Finnish Red Cross for volunteers of the Red Cross

---

https://zakon.rada.gov.ua/laws/show/z0010-17#Text
Society of Ukraine, and by cooperation from the ICRC delegation in Ukraine for dissemination of knowledge on IHL to military personnel\textsuperscript{15}.

With the intensification of efforts to disseminate IHL in the Red Cross Society of Ukraine, new forms and directions of work have begun to emerge in the role of Adviser to the President of the Red Cross Society, one of them was cooperation with military chaplains.

**EXPERIENCE OF THE RED CROSS SOCIETY IN TEACHING INTERNATIONAL HUMANITARIAN LAW TO MILITARY CHAPLAINS**

The cooperation of military chaplains and the Red Cross Society of Ukraine in disseminating knowledge of IHL was initiated by military chaplains with the support of the Red Cross Society of Ukraine, the ICRC and academic IHL experts, first in the form of seminars held in the second half of 2020.\textsuperscript{16,17}

The main purpose of the seminars was to create confidence in the value of IHL, its realism and effectiveness, to familiarize military chaplains with its basic principles as concepts, and to review and comment on the applicability of IHL in the territory of Ukraine.

During the seminars, considerable interest was expressed by the military chaplains with regard to the rules of war, their practical application, the status of the various categories of participants in the war, and the status of military chaplains, as well as the qualification of specific situations and the applicability of rules relating to responsibility for violations.

The possibility of disseminating knowledge of IHL through military chaplains, and their interest in it, can be attributed to the following factors: (1)


\textsuperscript{16} Seminar on international humanitarian law for chaplains of the Armed Forces of Ukraine, organized by the Red Cross Society of Ukraine in cooperation with the Spiritual Department of the Military Priesthood of the Ukrainian Evangelical Church.

\textsuperscript{17} Seminar on international humanitarian law for chaplains of the Armed Forces of Ukraine, organized by the Red Cross Society of Ukraine in cooperation with the Spiritual Department of the Military Priesthood of the Ukrainian Evangelical Church.
Conformity of the content of IHL with the basic religious tenets and values of world religions; (2) The link between the emergence of IHL and religious restrictions on violence in times of war, including Christian theologians; (3) The effectiveness of disseminating IHL by comparison with religious morality and values; (4) The authority of military chaplains in the armed forces; (5) The conformity of the dissemination of IHL with the basic purposes of the chaplaincy service; (6) Lack of sources of knowledge on IHL in the armed forces; (7) Use of knowledge of IHL for the psychological and moral training of combatants; (8) Enhancement of the authority of military chaplains; (9) Keen interest in reducing likelihood of IHL violations.

Central to the training was the question of universal values, the role of religion and law in ensuring and protecting them, the moral nature of the rules of IHL and their relationship to religious precepts.

An important long-term goal of the dissemination of knowledge on IHL by the Red Cross Society of Ukraine is also to prepare for a post-conflict settlement, an integral part of which is transitional justice and the role of the dissemination of IHL in the post-conflict period, drawing on experience from other countries. In our view, the role of religious institutions in general, and of military chaplains in particular, is an essential institutional basis for post-conflict settlement, and training in IHL is one of its components.18

The main focus of cooperation between the Ukrainian Red Cross and military chaplains is the dissemination of knowledge of IHL in the form of seminars, training sessions, summer schools and consultations. Additional sources of information include the publication of a handbook on IHL for military chaplains and the maintenance of an independent information resource (Telegram Channel) for military chaplains on IHL.

Seminars on IHL for military chaplains as a separate task force have become a unique form of dissemination not only for the Red Cross Society of Ukraine, but also unique in international practice.

***

Religious interpretations of international humanitarian law promote respect for IHL by combatants through moral values that effectively complement legal mechanisms, in a mutually enriching interaction.