

# **2019 Henry Dunant Prize for Research**

**Maison de la Paix, Geneva,**

**25 October 2019**

Dear Marco,

Distinguished Professors,

Dear Students,

Ladies and Gentlemen,

Dear Friends,

Since all of you specialised in international humanitarian law or human rights Law, I am well aware that the figure of Henry Dunant is familiar to all of you. Indeed, he was not only the founder of the Red Cross and Red Crescent Movement, but also the initiator of first Geneva Convention and of contemporary international humanitarian law.

In 2004, the Henry Dunant Society – a historical and cultural association promoting research, conferences, debates and publications on the life and works of Henry Dunant – created, at the initiative of one of its very active members, Mrs Pierrette Mourgue d'Algue, a Foundation with the objective of stimulating historical or legal research in international humanitarian law or other fields of activity of Henry Dunant by rewarding outstanding papers on humanitarian law or other aspects of the moral heritage of Henry Dunant.

Mrs Mourgue d'Algue also made a very generous donation, which constituted the initial capital of the Foundation.

The objective of the Foundation, as stated in its Statutes, is:

**To reward an exceptional academic work which contributes to deepen, spread and renew the ideals of Henry Dunant through law**

The Henry Dunant Prize for Research has been awarded every year since 2005, in close partnership with the Geneva Academy of International Humanitarian Law and Human Rights.

In practice, the Academy makes a preliminary selection of the LLM papers submitted in the current year, in order to identify the best papers in academic terms, that respond to the objectives and criteria of the Henry Dunant Prize.

The papers thus selected are then submitted to a Jury made up of:

- Two professors of the Academy
- One representative of the International Committee of the Red Cross
- Two members of Board of Trustees of the Henry Dunant Prize Foundation.

This year, the members of the Jury received four LLM papers selected by the professors of the Academy, all of them of outstanding quality, and I would like to avail myself of this opportunity to express, on behalf of the Henry Dunant Prize Foundation, our deep gratitude to the Professors of the Academy, who made this preliminary selection.

After having read with due attention the papers submitted to them and taking into account the criteria set up in the Statutes of the Foundation, the members of the Jury unanimously decided to award the 2019 Henry Dunant Prize for research to

## **Mrs Lisaveta Tarasevich**

For her LLM memoir:

### **Participation of Non-State Armed Groups in the Formation of Customary International Humanitarian Law:**

#### **Arising Challenges and Possible Solutions**

The members of the Jury considered that Mrs Lisabeta Tarasevich broached a difficult subject, but also a subject of a burning actuality. Indeed, while studying the question of the possible participation of non-State armed groups in the formation of customary international humanitarian law applicable in non-international armed conflicts, Mrs Tarasevich actually also broached the broader issue of the binding force of international humanitarian law for non-State armed groups, as well as the issue of the respect of humanitarian law in case of non-international armed conflicts, by far the majority of today's armed conflicts

The members of the Jury paid special attention to the innovative and exploratory nature of this memoir, and particularly appreciated the fact that it incorporates concrete proposals.

Indeed, while analysing the practical implications that would derive from the fact of taking into account the practice of non-State armed groups in the formation of customary international humanitarian law, Mrs Tarasevich submitted concrete proposals which might help such armed groups acquire "a form of ownership" of the rules. This, in turn, should induce them to better respect that branch of the law.

The members of the Jury noted that Mrs Tarasevich analysed the advantages and drawbacks of her different proposals without prejudice and in the most objective and scientific manner.

Finally, the members of the Jury noted that the conclusions of Mrs Tarasevich, aiming at taking into account the practice of non-State armed groups in the formation of customary international humanitarian law, go against the dominant trend among governments and public opinion, not only in the West but also in other parts of the world, in particular since the attack of September 11, 2001, against the twin towers of the World Trade Centre in New York, a trend which aims at rejecting non-State armed groups outside the pale of international humanitarian law and human rights law, by lumping together all non-State armed groups, branding them as outlaws and treating them as such.

Experience proves, however, that if States label insurgents and other members of non-State armed groups as terrorists and outlaws and deny them the benefit of international humanitarian law and of human rights law, it is vain to expect that such actors will respect international humanitarian law, since they know that they can expect no protection from this branch of the law in case of capture. If States brand all their enemies as terrorists and outlaws, whatever their motives, whatever their behaviour, and whatever the way they conduct hostilities, States should not be surprised if such enemies behave as outlaws.

This shows the difficulty but also the importance of the subject chosen by Mrs Tarasevich. Despite such difficulties, she dealt with this topic in accordance with high scientific standard.

The link with the moral heritage of Henry Dunant is obvious, since this memoir deals with the sources and the development of

international humanitarian law, the keystone of Henry Dunant's moral heritage.

For all those reasons, the members of the Jury considered that the LLM paper of Mrs Lisabeta Tarasevich is fully in line with the ideals of Henry Dunant and decided, by a unanimous decision, to award to her the 2019 Henry Dunant Prize for Research.

Dear Mrs Tarasevich,

I am pleased to convey to you the warmest congratulations of the members of the Jury and those of the members of the Board of Trustees of the Henry Dunant Prize Foundation.

François Bugnion

Member of the Board of Trustees

Henry Dunant Prize Foundation