INTRODUCTION

The book you now have in your hands cannot be understood without a prior explanation of the context in which it was forged. It is true that it is, above all, a Homage to Professor Juan Antonio Carrillo-Salcedo, my teacher, to mark his retirement from active university life. But it is also the sixth edition of a dream which the Professor and I began in 1988 in the University of Seville and later continued in the University of Huelva where I currently offer my services.

When I arrived at the University of Huelva in 1996 the international desert I discovered was vaster than the very Atlantic Ocean which washes against our shores. There were hardly any books or journals, nor young doctors or international presence in general. Accordingly I set myself three objectives: to fill the Library with books and journals regarding International Law; to create a quality research team; and finally, to incorporate Huelva in the international scientific circuits within my areas of responsibility.

Today I can vouch that the International Law library is among the best in Spain, and the research team has five doctors trained here and various more on the way.

A few years ago when the Provincial Government of Huelva, (here I must mention José Cejudo, Juan Fernández, Roque Jiménez and José Fernández) proposed that I co-ordinate a Seminar of International Studies here at the University with the aim of demonstrating that it is a University of the province but not a ‘provincial’ university, I did not hesitate to accept, despite the heartaches which any human endeavour involves, especially if it involves responsibility.

Our institutions are interested in what occurs in the rest of the world and sometimes the world is equally interested in what occurs in Huelva. To corroborate what I have just said, allow me to mention some data regarding our activities in the modest ambit of international studies which we are responsible for.

Ours was the first European University to propose a debate regarding the Advisory Opinion of the International Court of Justice on the legality of the use of nuclear weapons. We were accompanied by academics from the Universities of Paris and Geneva, NATO Generals and United Nation Inspectors in Iraq (so much in the public eye not so long ago). Its results are recognised today by the scientific community.

We were also the first University in Spain to be selected by the Ministry of the Economy for the informative campaign regarding the Euro.
contributing with improvements to the Law on the Introduction of the Euro.

In 2001 the United Nations invited us to celebrate jointly with the United Nations High Commission for Refugees the 50th anniversary of the 1951 Convention relating to the Status of Refugees, which was solemnly celebrated on this campus with Her Majesty the Queen as Honorary President and the presence of European, North American and Spanish Academics of the highest level, as well as Ambassadors and high-ranking representatives of the United Nations, the European Union and national ministries. The Niebla Declaration served as the basis for the elaboration of the document signed by the Foreign Affairs Ministers of more than 150 states in Geneva on 13 December 2001. Its results, now distributed throughout the world, today constitute a reference point for the areas dealt with.

I do not mention the many other events, research projects or publications carried out. It is my intention solely to give a profile of the University which, though small, is ‘of a certain standard of quality’ as our beloved vice-chancellor would say.

We now present the results of the 6th Conference on International Humanitarian Law, which is dedicated to a scientific reflection on “the new challenges of Humanitarian Law in Armed Conflicts”. This occasion also serves as a sincere homage to a true Spanish internationalist, Professor Dr. Juan Antonio Carrillo-Salcedo, who has contributed so much to our activities, in particular the development, analysis and study of our discipline.

Now is not the time to describe his scientific or university career, for I have enlisted the help of numerous illustrious figures for this purpose, whose texts are also included in this book. However, I do consider it necessary to say here that the University of Huelva is deeply indebted to Prof. Carrillo-Salcedo, who has never even once refused to participate in all that has been asked of him. Over so many years I cannot recall a single negative, nor even a doubt regarding what we have asked of him. His constant presence has not only enriched our activities but has also been a huge stimulus to continue with them. For these reasons he has been granted the doctorate Honoris Causa by this University.

I also admit that I am moved on this occasion for a number of reasons. Professor Carrillo Salcedo has been and continues to be my university professor. As his disciple I have never aspired to be among the qualities which he may have attributed to me: loved one, teacher’s pet, or genius. My only quality is that I have always wanted to be among his most faithful disciples, a quality which is purely voluntary.

For all of the above, as a faithful disciple committed to his teachings, it was only fitting for this Conference to also be a homage to this figure the very month in which he celebrates his 70th birthday.
The Symposium on International Humanitarian Law was conceived in the University of Seville in 1988 under the auspices of the Spanish Red Cross. It was directed by Prof. Dr. Juan Antonio Carrillo-Salcedo and organised by the Prosecutor Olayo González-Soler, now Deputy Prosecutor of the Spanish Constitutional Court, and myself. Since its 3rd edition the Conference has addressed specific themes: “The Right to Intervention for Humanitarian Reasons”, “The Legality of the Use of Nuclear Weapons in Armed Conflicts” (IV) and “The Revitalisation of the Protection of Refugees” (V).

All its editions have been published and distributed throughout the world, today constituting an important source for this branch of the law. We have been fortunate enough to receive the support and collaboration of the UN, the UNHRC, the European Union, the International Committee of the Red Cross, the Spanish Ministries of Foreign Affairs and Defence and the Royal Family, among others.

Since 1997 the Conference has been held in the University of Huelva and under my direction. The line-up for 2004 is worthy of constituting a benchmark for years to come.

We have constituted a Committee of Honour, presided over by Boutros Boutros Ghali, former Secretary-General of the United Nations, although he assumes this title as President of the Curatorium of the Academie de Droit International. Its other members consist of the Presidents of Institutions with which Professor Carrillo is associated.

Over these three days we have been accompanied by international figures of the highest level, which has only been possible due to the valuable contribution of the Provincial Government and the efforts of its Vice-president Doña Manuela Parralo and its President, Don José Cejudo. We know that without them, without the Defence Ministry, through the Institute for Strategic Studies, the BBVA Foundation and the Andalusian Regional Government, none of this would have been possible. Thanks to all of the above, we have a conference worthy of any prestigious university.

This edition, we have focused on an analysis and reflection regarding the new challenges of Humanitarian Law in armed conflicts. As can be seen in a large part of this book, all the most controversial issues in this branch of Public International Law are present.

We have been able to reflect on the jurisprudential dimension not only of the International Court of Justice, but also all the different legal bodies, including the ad hoc tribunals created by the United Nations. We have also observed the purely doctrinal dimension of general aspects such as the solutions to world disorder in this field, the relationship between jus in bello and jus ad bellum, the principles of universal and international jurisdiction, and the notion of justice and peace. More concrete aspects include
the situation of foreigners and journalists in armed conflicts, terrorist acts in terms of International Humanitarian Law and sexual violence as a war crime.

But together with the contributions by guest speakers, we have also been able to make a selection of papers sent, which due to their rigour and suitability of theme we have deemed worthy of including in the publication. Despite the range of themes addressed, they are all linked with the essential theme of the book, *The New Challenges of Humanitarian Law in Armed Conflicts*.

All that remains is to give my sincere thanks to his Excellency the Vice-Chancellor and to the President of the Provincial Government of Huelva, who have always been open to our proposals and given them their full attention. A special thank you also to my work team, Rosa, Nuria, Charo, Margarita and Juan Francisco. Without them things would not be the same.

But above all, I wish to thank Professor Carrillo-Salcedo for allowing us to render this homage in these times when recognition is normally only granted when those being recognised are no longer among us. This is, once again, proof of the loyalty we feel towards you.

Thank you very much for the good I have learned from you.

I hope that you deem this book worthy of you, and above all, that this University senses within it the same striving for excellence which you have taught me.

Thank you very much.

Huelva – 21 October 2004

Pablo Antonio Fernández-Sánchez