



33rd International Conference of the Red Cross and Red Crescent 9–12 December 2019, Geneva, Switzerland

SUMMARY REPORT FROM COMMISSION I

INTERNATIONAL HUMANITARIAN LAW: PROTECTING PEOPLE IN ARMED CONFLICT

Context:

Recent years have seen many shocking and egregious violations of international humanitarian law (IHL). The capacity of IHL to protect the victims of today's complex armed conflicts has been questioned by some, and significant challenges lie ahead. Yet, in armed conflicts across the world, many belligerents are fighting by the rules. IHL continues to govern their behaviour, successfully protecting victims and restricting the way hostilities are conducted. Every day, the achievements of IHL – a wounded person allowed through a checkpoint, a child who receives the food they need, detainees able to send a message to their families, and many other examples – may not always be visible to the public. However, in every instance, they prove that IHL is respected. Created for the worst of times, IHL preserves the core of our common humanity. And respecting IHL prevents human suffering that would otherwise be felt not only years but possibly decades after conflicts have ended.

2019 marked the 70th anniversary of the adoption of the 1949 Geneva Conventions, which are universally ratified. The 33rd International Conference of the Red Cross and Red Crescent (International Conference) seized this opportune moment to reaffirm its commitment to IHL and to work towards its full application and implementation, especially at the national level. An entire day was dedicated to IHL through a commission, which included five spotlight sessions, as outlined below. The commission allowed participants to engage in positive and pragmatic discussions, and share, learn, explore, and have a meaningful dialogue about key areas related to respecting and implementing IHL. It set the scene for the subsequent days of discussion at the International Conference, given the connections to some of the International Conference's cross-cutting themes, such as digitalization and new technologies, the challenges of operating in urban contexts, and how different groups of people are vulnerable and impacted in different ways. Many of the topics discussed throughout the commission also stemmed from the quadrennial report by the International Committee of the Red Cross (ICRC) on IHL and the challenges of contemporary armed conflicts.

Overall objectives of the Commission:

The aim of the commission and its spotlight sessions was to foster important and engaging conversations on key issues related to IHL and armed conflicts today, with a focus on the protection of people. An opening plenary set the scene for the day and was followed by five spotlight sessions. A closing plenary session was held at the end of the day, which served to consolidate the discussions and highlight connections with themes to be discussed throughout the rest of the International Conference, and with the broader theme of trust in humanitarian action.

Chair of the Commission: H.E. Ms Carole Lanteri, Ambassador and Permanent Representative of Monaco to the United Nations Office and other international organizations in Geneva

Rapporteur for the Commission: Mr Adriano Iaria, youth representative, Italian Red Cross

Format of the Commission:

The Commission on ‘International humanitarian law: protecting people in armed conflict’ consisted of two main plenaries (opening and closing) and five spotlight sessions on the following topics:

- Influencing behaviour to enhance respect for IHL
- IHL: Different people, different impacts
- Preventing and responding to the consequences of urban warfare
- IHL and new technologies
- Voluntary reporting and sharing of good practices

SUMMARY OF SPOTLIGHT SESSIONS

1. INFLUENCING BEHAVIOUR TO ENHANCE RESPECT FOR IHL

Date and time: Tuesday 10 December, 11:30 am–1:00 pm

Objective of the spotlight session:

- The aim was to showcase some of the International Red Cross and Red Crescent Movement’s latest initiatives aimed at understanding the sources of influence on behaviour, how these sources can be utilized, and how we can measure their effectiveness in promoting respect for IHL.

Summary of key issues identified and any next steps from the spotlight session:

- It was stressed that IHL norms play a vital role in easing suffering caused by armed conflict.
- It is important to reiterate the role and purpose of IHL to the public, and to armed forces and armed groups. Using social references, including popular culture, can improve broad understanding of IHL.
- Various ways to measure different sources of influence on the behaviour of individuals and groups were explained. There is a need to invest more energy in influencing behaviour and in measuring the impact of our strategies or tools of influence.
- The session highlighted how technology, through tools such as virtual reality simulations, offers new potential to promote the uptake and retention of IHL rules.

2. IHL: DIFFERENT PEOPLE, DIFFERENT IMPACTS

Date and time: Tuesday 10 December, 11:30am–1:00pm

Objective of the spotlight session:

The aim was to promote a shared understanding that civilians often experience armed conflict in different ways (sometimes dramatically so) depending on who they are (e.g. that the impact is different for different women, men, girls and boys). These different experiences may in turn have implications for how IHL could be better implemented. Three examples were used to

illustrate this message. The discussion also underlined the need for more in-depth research and analysis across a variety of contexts in order to better understand the different impacts armed conflict can have on men, women, boys and girls.

Summary of key issues identified and any next steps from the spotlight session:

- IHL stipulates that the wounded and sick must receive the medical care required by their condition without adverse distinction. In different ways in different contexts, gender may influence how women, men, girls and boys access health care. The discussion highlighted the need to understand different barriers to access, and to ensure everyone receives the care they require.
- Boys and girls can have different experiences of being recruited and used by armed forces and armed groups, depending on the context (for example, girls might be used for domestic or sexual purposes while boys are recruited as “fighters”). Consequently, what they need to reintegrate into the community can also be different (e.g. boys and girls can face different stigmas). Participants discussed States’ obligation to support the reintegration of children associated with armed groups, and how States could implement these obligations in different ways depending on the needs of the boy or girl.
- Another key point was that evidence suggests that algorithms can sometimes be more inaccurate when they deal with darker shades of skin, and with women. The implications for machines that use such algorithms in armed conflict need to be carefully considered.

3. PREVENTING AND RESPONDING TO THE CONSEQUENCES OF URBAN WARFARE

Date and time: Tuesday 10 December, 11:30am–1:00pm

Objective of the spotlight session:

- The overarching aim of this session was to highlight the need to address the causes and consequences of urban warfare. It sought to raise awareness of the direct and indirect humanitarian consequences of urban warfare and provide an overview of the key causes of civilian harm.

Summary of key issues identified and any next steps from the spotlight session:

- The discussions centred on the fact that armed conflicts are increasingly fought in urban areas, and thus have devastating effects on the civilian population. When war is waged in urban areas, respect for IHL is all the more challenging, and critical, owing to the blurring of the civilian population and military objectives. In particular, the use of explosive weapons with wide area effects, especially in cities, results in a high number of civilian casualties and entails a high risk of indiscriminate effects.
- It was also emphasized that, because cities are dependent on a complex web of interconnected services, when critical infrastructure is damaged, the resulting disruption in essential services can trigger a domino effect causing even more suffering to the civilian population.
- The issue of weapon contamination was also highlighted (i.e. landmines, improvised explosive devices, unexploded and abandoned ordnance). It endangers civilian populations and hinders humanitarian operations during hostilities and after they have ended.
- Challenges related to displacement were also discussed: people displaced due to the effects of urban warfare are often exposed to harsh living conditions and to additional or heightened risks.

- The Movement's humanitarian activities to protect and assist urban populations are often hampered by parties to conflict denying access, the lack of safety for staff and volunteers, and the lack of adequate resources to address the increasing needs of the population.
- These issues and the issue of capacities need to be addressed. The suggestion was made to focus on strengthening National Societies' operational capacity to respond to the humanitarian consequences of urban warfare.

4. IHL AND NEW TECHNOLOGIES

Date and time: Tuesday 10 December, 2:30–4:00 pm

Objective of the spotlight session:

- This session sought to build awareness among the International Conference participants of the range of legal, ethical, societal and policy challenges posed by new technologies of warfare.
- It also aimed at identifying key concepts that can help States and other participants address these technologies in ways that reduce potential human suffering and ensure compliance with and respect for the rules and principles of IHL.

Summary of key issues identified and any next steps from the spotlight session:

- New technologies of warfare are constantly changing the way armed conflicts are fought. This introduces new types of risks for civilians and civilian infrastructure, raises novel questions about how existing rules of IHL apply and whether new ones are needed, and, in many instances asks profound ethical questions for society and for humanity.
- Cyber warfare, autonomous weapon systems and military applications of artificial intelligence and machine learning create the potential, among other things, for increasingly remote warfare, new vulnerabilities and unpredictable consequences for civilians and civilian infrastructure, decreasing space for human control and judgement, and increasing the speed of warfare. The potential human costs and the way IHL regulates these digital technologies when used as means and methods in armed conflict must continue to be discussed.
- New digital technologies can also help limit human suffering in situations of armed conflict.

5. VOLUNTARY REPORTING AND SHARING OF GOOD PRACTICES

Date and time: Tuesday 10 December, 2:30–4:00pm

Objective of the spotlight session:

- The aim of this session was to share examples, inspiration, practical support and tools to help States start or improve their voluntary reporting on IHL obligations and to encourage more voluntary reporting from States and regional organizations.

Summary of key issues identified and any next steps from the spotlight session:

- It was explained that voluntary reporting is undertaken internally by a State and can be presented internally or made public. It may be done through a national IHL committee or cross-government involvement, and the National Red Cross or Red Crescent Society may be involved or provide support.

- Participants learned about the process for drafting voluntary reports and about the resources within government that are necessary for a comprehensive report.
- The session emphasized that voluntary reporting is a tool through which States can assess their legislation implementing IHL, for example on war crimes, marking protected sites, protecting health-care facilities and workers, and protecting the emblem. It is also an opportunity for States to identify the gaps that it can fill with better implementation (for example, through legislation, administrative procedures, military manuals or training or awareness-raising).
- The voluntary reporting process may also be seen as an opportunity to strengthen the relationship between the government and the Movement through cooperation. National Societies and their governments were encouraged to begin by discussing their collaboration on voluntary reports.
- States were encouraged to then consider whether it would be best to report individually or as a regional group to ensure that good practices on IHL implementation were shared.
- During the session, States and regional organizations presented the voluntary reports they had already produced and shared their experience on why they draft them. Participants created pitches for their governments on why voluntary reporting on IHL should be prioritized, with the aim of using them when promoting or advancing this work later on.
- The ICRC and the panellists from States, National Societies and regional organizations offered their assistance to those wishing to draft their own report.
