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5th COMMONWEALTH RED CROSS AND RED CRESCENT CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW (IHL)

*Celebrating the Geneva Conventions and building respect for IHL:
A Commonwealth perspective*

Report

10–14 June 2019
Kigali Convention Centre
Kimihurura, Kigali, Rwanda

Introduction

From 10 to 14 June 2019, the Republic of Rwanda, the Rwandan Red Cross and the International Committee of the Red Cross (ICRC) jointly hosted, with the support of the British Red Cross and the Commonwealth Secretariat, the **5th Commonwealth Red Cross and Red Crescent Conference on International Humanitarian Law (IHL)** in Kigali, Rwanda.

The Commonwealth Conference provided an opportunity for Commonwealth States and their National Red Cross and Red Crescent Societies to discuss IHL and to prepare for the 33rd International Conference of the Red Cross and Red Crescent. Since 2003, Commonwealth Conferences had been held every four years in various parts of the globe (London, Wellington, Kuala Lumpur and Canberra).

The objectives of the conference were to:

- celebrate the seventieth anniversary of the Geneva Conventions of 12 August 1949.
- celebrate the tenth anniversary of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).
- use the framework of the Commonwealth to discuss IHL issues of interest to Commonwealth States, as well as new developments and current issues in the law.
- share information and experiences relating to the national implementation of IHL.

- serve as an informal preparatory meeting for the [33rd International Conference](#) of the Red Cross and Red Crescent, to be held in Geneva, Switzerland, from 9 to 12 December 2019.
- encourage and strengthen the special partnership between Commonwealth States and Commonwealth National Red Cross and Red Crescent Societies, particularly in respect of IHL.

This report summarizes the presentations, main discussions, plenaries and working group meetings held during a conference that involved extensive, detailed exchanges on a wide range of issues.

MONDAY, 10 JUNE 2019

OPENING CEREMONY

Ms Verity Robson, legal counsellor at the Permanent Mission of the United Kingdom to the United Nations in Geneva, delivered a welcome statement on behalf of His Royal Highness, the Prince of Wales. She recalled the importance of commemorating both the seventieth anniversary of the Geneva Conventions and the twenty-fifth anniversary of the genocide in Rwanda. Highlighting the importance of partnerships to the Commonwealth, she noted that the International Red Cross and Red Crescent Movement (the Movement) also relied on longstanding, close relationships between its Components and with governments around the world. It was heartening that, through the conference, the Commonwealth's established network for discussing legal issues was being utilized to promote and implement IHL.

Mr Apollinaire Karamaga, the secretary-general of the Rwandan Red Cross, Mr Steven Malby, head of the Office of Civil and Criminal Justice Reform at the Commonwealth Secretariat, and Dr Helen Durham, director, Department of International Law and Policy, ICRC, welcomed the Commonwealth States, their National Societies and other participants to the conference.

Mr Karamaga, the secretary-general of the Rwandan Red Cross, welcomed conference participants to Rwanda. The conference coincided with the tenth anniversary of the Kampala Convention, the seventieth anniversary of the Geneva Conventions and the twenty-fifth anniversary of the genocide in Rwanda. The conference provided an opportunity to celebrate important achievements in the implementation of IHL and to identify gaps to be addressed. The Geneva Conventions remained relevant and needed to be respected in contemporary armed conflicts.

Noting the role of the Rwandan Red Cross Society in promoting humanitarian values, he welcomed the efforts of the Movement to preserve the dignity of conflict and disaster affected populations.

In Rwanda, progress made in the implementation of IHL included the establishment of a national committee on IHL with representatives from key ministries, the National Society and the academic community. New legislation to strengthen the legal status of the National Society and to promote respect for the red cross and red crescent emblems had been prioritized ahead of the 33rd International Conference of the Red Cross and Red Crescent, and efforts were underway to enforce 2018 legislation on gender-based violence and to ensure that victims were able to access care.

Mr Malby, speaking on behalf of Ms Katalaina Sapolu, the senior director of the Governance and Peace Directorate of the Commonwealth Secretariat, said that the conference was timely, particularly in view of the fact that the Commonwealth Heads of Government Meeting would be held in Kigali in 2020. Reflecting on Rwanda's experience, he acknowledged and

appreciated the government's efforts in the wake of the genocide. The States of the Commonwealth, through its [Charter of 2012](#), had made a commitment to promote law, peace and justice, in line with the 2030 Agenda for Sustainable Development, especially goal 16 on the rule of law, equality and justice for all. Outlining the role of the Commonwealth Secretariat in the context of contemporary challenges, he mentioned collaboration with the [Small Arms Survey](#) to strengthen cooperation and coordination to tackle the illicit arms trade.

The year 2019 marked the seventieth anniversaries of both the Commonwealth and the Geneva Conventions; the world had changed in seven decades. New challenges had arisen, including with respect to information technology and climate change. Although the majority of Commonwealth countries were not currently involved in a conflict, it was important not to overlook IHL – particularly in respect of prevention and preparation measures.

Dr Durham acknowledged the significance of the current year, which marked the twenty-fifth anniversary of the genocide in Rwanda, the seventieth anniversary of the Geneva Conventions and the tenth anniversary of the Kampala Convention. She thanked the government of the Republic of Rwanda, the Rwandan Red Cross, the Commonwealth Secretariat and the British Red Cross for their support to the conference.

Noting the continued relevance of the topics discussed at the previous Commonwealth Conference in 2015, she stressed Commonwealth States' readiness to protect victims of armed conflict, as demonstrated by the fact that, since 2015, five Commonwealth States had become party to the Convention on Cluster Munitions, adopted in 2008; seven to the Treaty on the Prohibition of Nuclear Weapons, adopted in 2017; and nine to the Arms Trade Treaty, adopted in 2013.

It was important to take measures at the national level to address serious violations of IHL, as well as issues around migration, internally displaced persons and sexual and gender-based violence. The special strength of the Commonwealth lay in its diversity, shared values and concern for vulnerable groups; the conference was an opportunity to share knowledge, strengthen laws and learn from one another.

Keynote speech

Mr Evode Uwizeyimana, minister of State in charge of constitutional and legal affairs of the government of the Republic of Rwanda, emphasized the importance of the conference, particularly as a forum to exchange views and information on IHL and to benefit from the special relationships between Commonwealth States and their National Societies. The government intended to continue its dialogue and cooperation with the Rwandan Red Cross and the ICRC to promote IHL within Rwanda and in the region.

PANEL DISCUSSIONS

Seventy years since the Geneva Conventions: celebrating the achievements and planning for the future.

The panel was chaired by Mr Pascal Cuttat, the head of the ICRC delegation in Kigali. The high-level panellists were: Dr Helen Durham, director, Department of International Law and Policy, ICRC; Mr Jonathan Cuénoud, senior legal adviser on IHL Department of Foreign Affairs, Switzerland; Mr Aimable Havugiyaremye, high commissioner, Rwandan Law Reform Commission; and Marie-Pierre Olivier, legal adviser Governance and Peace Directorate, Commonwealth Secretariat.

Dr Durham explained that, during the Second World War, existing treaty law had protected the wounded, the sick and the shipwrecked, as well as prisoners of war. After the end of the war, a new treaty had been proposed to protect civilians. During the process of updating all four Geneva Conventions, the ICRC had suggested introducing protection in non-international armed conflict, leading to the adoption of Common Article 3. The new legislation had taken just four months to negotiate. The Geneva Conventions currently counted among the few treaties that had been universally ratified. However, they were not universally respected, raising certain questions regarding the relevance of IHL today. Dr Durham shared examples of the [Geneva Conventions in action](#) and noted that much had been achieved in the space of seventy years. Cautioning against a negative discourse focused exclusively on violations, she emphasized the need to identify and recognize positive, lawful practices. She concluded by calling on States to accept and respect the Conventions, to reassert their protective power and to participate in global engagements to mark their seventieth anniversary.

Mr Cuénoud said that respect for IHL was a key principle of Swiss foreign policy. The Geneva Conventions were effective, remained as relevant as ever, and constituted one of the greatest successes of multilateral efforts. Criticism claiming that IHL was ineffective, inapplicable or irrelevant was refuted by events such as the conference. The First Additional Protocol of 1977 to the Geneva Conventions had created the International Humanitarian Fact-Finding Commission and led to greater participation by States in developing the Additional Protocols, including Commonwealth States. An intergovernmental process to strengthen IHL following the 31st International Conference of the Red Cross and Red Crescent had recently concluded, and the Swiss government would subsequently submit a report thereon to the 33rd International Conference. He also drew attention to the Montreux Document on Private Military and Security Companies, which reaffirmed IHL and was supported by Switzerland and the ICRC. Finally, commending the fact that over 100 national committees on IHL had been established to date, he noted that the seventieth anniversary of the Geneva Conventions provided a perfect opportunity to establish more such committees.

Mr Havugiyaremye, describing Rwanda's efforts to secure justice for survivors of the 1994 genocide, said that key challenges had included: the traumatic impact on Rwandan society of dealing with more than one million dead bodies; the problem of 23 million refugees hosted in neighbouring countries; mass arrests; a shortage of judges and prosecutors; a lack of money to pay public servants; and nearly 200,000 people in prison.

The government's efforts focused on the social fabric of the nation and the rule of law as a foundation for the future. The introduction of fast track training programmes had led to the qualification of a large number of judges over a six month period. While the court system handled cases involving offenders in positions of authority or accused of particularly egregious crimes, other cases were tried by traditional, conciliatory, Gacaca courts. From their inception until 2012, when such courts had been closed, Gacaca courts had processed 2 million cases at a cost of 5.2 million US dollars per year.

Ms Olivier commended the cooperation between the Commonwealth Secretariat, the British Red Cross and the ICRC. All 53 Commonwealth States had ratified the Geneva Conventions and almost half had established national committees on IHL. Gender equality, the rule of law and international peace and security were priorities for the Commonwealth, as they were essential to progress and prosperity for all. In 2018, arms control had been discussed in Commonwealth forums, particularly in relation to strengthening cooperation among States. The Commonwealth Cyber Declaration of 2018 had acknowledged the link between IHL and cyberspace. The Commonwealth Secretariat had produced model legislation as guidance for States and created a web-based platform to share best practices and examples of domestic implementing legislation. Looking ahead, the Commonwealth could further support IHL

implementation by, among other things, drafting implementing legislation, providing advice on criminal justice reform, organizing training for prosecutors, implementing awareness-raising campaigns, focusing sessions on key thematic areas and continuing its cooperation with the International Red Cross and Red Crescent Movement.

The subsequent discussion focused on contemporary challenges of modern warfare, with an emphasis on cyber and autonomous weapons, private military and security companies and the protection of children. Emphasis was placed on cooperation within the Movement, among governments and between governments and their National Societies.

Addressing serious violations of IHL: national measures

The panel was chaired by Ms Yvette Zegenhagen, IHL national manager, Australian Red Cross. The panellists were: Mr Hillary Kiboro Muchiri, legal adviser, ICRC Nairobi; Mr Erick Sullivan, deputy director, International Humanitarian and Criminal Law Clinic at the University of Laval, Canada; Mr Akbar Khan, secretary-general, Commonwealth Parliamentary Association; and Dr Ken Mutuma, Faculty of Law, University of Nairobi, Kenya.

Mr Muchiri gave a presentation that showcased *The Roots of Restraint in War*, an ICRC study from 2018 to demonstrate that respect for IHL was not necessarily achieved by appealing to obligations under international treaties. Creating links to traditional practices and norms promoting restraint in conflict could allow communities to develop greater ownership of and affinity with IHL, which was not an arbitrary collection of rules, but a reflection of common, longstanding practices.

He highlighted some examples from the ICRC's 2009 publication, *Under the protection of the palm: Wars of dignity in the Pacific*, which compared traditional practices in the Pacific with core norms and principles of IHL. For example, in Vanuatu, the frond of the lycas palm served as an emblem of protection and immunity in times of traditional warfare, much like the protective Red Cross, Crescent and Crystal emblems. In Ghana, the IHL requirement to warn civilians could be likened to the practice of beating drums prior to an attack. It was important for the ICRC to consider how the message on common shared concepts relating to IHL could be incorporated into the organization's awareness-raising and training activities, particularly with non-State actors.

Dr Sullivan recalled that IHL obliged States to repress specific violations and granted them universal jurisdiction to prosecute perpetrators of such crimes. Providing an overview of the [Canadian Partnership for International Justice](#), he highlighted the Partnership's view that the repression of war crimes was not only a matter of criminal law, but also required a holistic approach to issues such as human rights, migration, reparations and guarantees of non-recurrence. The repression of IHL violations should be a task for not only organizations working on criminal law, but also for other institutions, including United Nations human rights bodies. As an example of efforts to repress war crimes in national jurisdictions, a project had been implemented in Mali, in cooperation with the Truth and Reconciliation Commission, to map alleged war crimes.

One of the challenges that States faced at the domestic level in their efforts to repress war crimes was communicating with non-governmental organizations (NGOs) that often brought evidence to the authorities. Since the authorities had an obligation to protect the victims of war crimes, they tended not to disclose information to the public, leading to the perception that they were doing nothing. Dr Sullivan proposed creating a mechanism enabling the authorities to share information with civil society, subject to appropriate safeguards and respecting the principles of anonymity and confidentiality. Academics and legal clinics had a role to play in

repressing crimes through innovative arguments relating to IHL, awareness-raising efforts and measures to reach out to communities on legal issues.

Mr Khan said that parliamentarians were rarely involved in IHL discussions and meetings, despite their crucial role as decision-makers. They played a key role in the ratification process, by scrutinizing declarations or reservations; at the implementation stage, they passed legislation or other measures; and they ensured compliance through parliamentary processes and committees. In most contexts, they were also able to submit private members' bills to ensure IHL remained on the agenda. Moreover, parliamentarians had a role to play in ensuring that appropriate institutions and legal frameworks existed to support the prosecution, investigation and enforcement processes.

Members of parliament also voted on budgets and had an impact on ensuring to availability of adequate resources for awareness-raising, training and enforcement measures. To support IHL, parliamentarians could promote the establishment of national committees on IHL, which could then undertake to assess national implementation efforts, for example. A number of tools were available to parliamentarians, including the [International Parliamentary Union's handbook on IHL for parliamentarians](#) and the ICRC Advisory Service's [factsheets](#). Moreover, a new [handbook had been drafted by the Commonwealth Parliamentary Association](#), developed together with the British Red Cross, to be published in September 2019.

Dr Mutuma, examining the role of national courts in the repression of IHL violations, noted that the Charter of the United Nations (article 2(7)) and many international adjudicatory mechanisms had recognized the primacy of national jurisdiction; indeed the very idea of incorporating IHL into domestic law was based on the assumption that national courts would play an important role. National courts in particular were able to promote a greater sense of ownership of IHL among the population, were better placed to manage issues relating to cost and expediency, and were better able to reach witnesses. He urged conference participants to consider how domestic courts could play a greater role in the development and implementation of IHL.

The rule of law, as recognized in the Charter of the Commonwealth, involved restricting arbitrary power. That role was of the utmost importance in the context of armed conflict – one of the most extreme situations imaginable. In those circumstances, national courts needed to be seen to embody the rule of law to counter the abuse of power. Measures to strengthen the capacity of the domestic courts should not only focus on the judicial system, but also encourage viable civil society organizations to take on public interest litigation.

During the discussion, participants noted the need to highlight the fact that IHL provided for the criminalization and punishment of violations, and emphasized the need to make courts and the judiciary more aware of existing laws. They also noted that the prosecution of war crimes was often a political issue. The complementarity principle applied by the International Criminal Court gave primacy to national systems.

Explaining the 33rd International Conference of the Red Cross and Red Crescent

The panel was chaired by Raja Dato' Nazrin bin Raja Tan Sri Aznam, chairman of the IHL committee, Malaysian Red Crescent Society. The panellists were: Ms Lucia Cipullo, head of project for Movement meetings, ICRC; Ms Anca Zaharia, coordinator for the International Conference and Council of Delegates, International Federation of Red Cross and Red Crescent Societies (IFRC), and Dr Helen Durham, director, Department of International Law and Policy, ICRC.

Raja Dato' Nazrin noted that the International Conference of the Red Cross and Red Crescent continued the work begun in 1863 and was the supreme deliberative body of the Movement.

The International Conference had provided a forum for pioneering work on issues including the prohibition of landmines, disaster response law and efforts to combat sexual and gender-based violence.

Ms Cipullo and **Ms Zaharia** provided an overview of the history of the International Conference and its unique structure. The central pillars of the forthcoming International Conference were: respect for and implementation of IHL, focusing on domestic implementation of IHL and challenges in contemporary armed conflict; trust and accountability in humanitarian action, including the preservation of humanitarian space; shifting vulnerabilities, including the humanitarian consequences of climate change; and digital transformation and its impact on humanitarian work, migration, health and urban challenges (including urban warfare).

The proposed resolutions (zero draft) for the International Conference had been uploaded on Friday 8 June 2019 to the [International Conference website](#). Consultation and feedback were welcomed and encouraged.

With regard to the pledge process, the speakers noted that many thematic pledges would be received from States and National Societies. Those were voluntary commitments by members of the International Conference as well as observers (private sector organizations, academics, international organizations, NGOs). Model pledges offer States and National Societies a chance to tailor them to their specific needs and capacities. The Movement encourages joint pledges by States and National Societies. Ideally, pledges will be agreed before the International Conference, but the International Conference itself might inspire other pledges. Reporting guidelines on pledges were available at the International Conference website.

Dr Durham noted the longstanding links between the International Conference and developments in IHL. The International Conference created the framework for IHL negotiations in the future and had a rich history of generating new ideas. The 32nd International Conference had provided a platform for significant exchanges regarding initiatives on compliance and detention. She mentioned that the resolution on IHL to be adopted at the 33rd International Conference entitled *Bringing IHL home: A road map for better national implementation of international humanitarian law*, largely reaffirmed existing obligations and opportunities to implement IHL. She encouraged States and National Societies to support the resolution.

The subsequent discussions focused on the possibility of a Commonwealth pledge, gender equality in the Movement and the lack of financial resources for small island States to attend the International Conference. In that context, funding challenges were acknowledged.

Welcome reception

Professor Chaloka Beyani spoke on the history and the adoption of the Kampala Convention. The Convention contained innovative provisions that departed from using exclusively State-centric language, and emphasized the roles of the African Union and impartial humanitarian actors, among others. Noting that the adoption of the Convention had involved some controversy, he recognized the tenacity of the United Nations, the ICRC and civil society to make it a reality. The Kampala Convention depended on establishing effective national implementation structures to bring the Convention “home”. Professor Beyani shared his experiences as the former United Nations Special Rapporteur on the human rights of internally displaced persons and noted that the Kampala Convention could provide inspiration for efforts to protect internally displaced persons beyond the African continent.

TUESDAY, 11 JUNE 2019

People on the move

The panel was chaired by Professor Chaloka Beyani, associate professor of international law, London School of Economics and former United Nations Special Rapporteur on human rights of internally displaced persons. The panellists were: Professor Dr Kennedy Gastorn, secretary-general of the Asian-African Legal Consultative Organization and Dr Lindsey Cameron, head of the Thematic Legal Advice Unit, ICRC Geneva.

Dr Gastorn drew attention to the global prevalence of violent armed conflicts, as well as increased military expenditure. The proposal put forward to the Asian-African Legal Consultative Organization in 1985 by the Thailand on safe zones for internally displaced people should be reconsidered. Individuals within the zone should have the opportunity to seek asylum in other countries and internally displaced people should be given the help necessary to return home. Given potential tensions relating to the concept of safe zones and the issue of sovereignty, he stressed the importance of respect for the principle of *non-refoulement*.

Safe zones, inspired by IHL, had only been used on occasion and, in practice, were often established without the consent of the parties involved and not properly demilitarized. The international community needed to examine the issue of safe zones once again, and to consider comparable zones for internally displaced persons. His organization was committed to providing a platform for consultation on that topic, and to promoting IHL more generally.

Dr Cameron, focusing on migration and the issue of *non-refoulement*, said that there was no universally accepted legal definition of the term “migrant”. The 2009 migration policy of the IFRC defined “migrants” as people who left, or fled from, their countries in order to go seek opportunities for a better life abroad, whether voluntarily or involuntarily. The term “migration” thus included regular and irregular international migrants, stateless persons, refugees (subject to an established, specific legal definition) and asylum seekers. It did not, however, include internally displaced persons, who might have similar vulnerabilities but had not crossed an international border.

The principle of *non-refoulement* prohibited the transfer of persons from one authority to another in cases where there were substantial grounds for believing that the person would be subjected to violations of certain fundamental rights, including by means of torture, ill treatment, cruel, inhumane or degrading treatment, persecution or arbitrary deprivation of life. The concept was found in IHL, international human rights law and refugee law. Persons who were not refugees could still be protected by the principle of *non-refoulement*.

In accordance with the principle of *non-refoulement*, States must assess carefully and in good faith whether, if transferred, the person concerned would be at risk of a violation of his or her fundamental rights. Although individuals had a right to seek asylum, States had no corresponding obligation to grant it. Where there was a risk of violation upon transfer, other options must be considered, such as transfer to another, safe third country or temporary protection *in situ*.

The subsequent discussion focused on the role of humanitarian action to help persons displaced by factors other than conflict, such as climate and environmental drivers, and economic vulnerabilities. One participant noted that cultural attachment to land could be a strong reason for people not to move, even when it was dangerous to stay behind. Both the Asian-African Legal Consultative Organization and the ICRC focused on displacement by

conflict. However, they also considered, *inter alia*, the impact of climate change on conflict and resulting displacements.

Professor Beyani shared his experiences of investigating climate-induced displacement, which involved environmental mapping, risk assessments and preparation of evacuation/relocation strategies. States had a responsibility to refrain from returning persons to areas affected by climate change. However, most States in that situation were small island nations, which were compelled to explore bilateral agreements with other States in order to relocate populations. That, in turn, raised questions about the status of and responsibility for the relocated populations.

Participants also recalled that immigration detention ought only to be used as a matter of last resort and that diplomatic assurances did not absolve States of responsibilities arising from the principle of *non-refoulement*. The legal position of National Societies that supported irregular migrants was raised and acknowledged as a challenge. One participant contributed his personal story; a former refugee, who had grown up in a safe zone, he appealed to States to continue to support migrants and internally displaced people.

Working groups: Working together to address IHL violations

The plenary divided into working groups. The group on the role of national committees on IHL in upholding international humanitarian law was chaired by Professor Mohammad Bhuian, the chairman of the Bangladesh national committee on IHL; the group on engagement with the judiciary was chaired by Judge Patrick Kiage, judge at the Court of Appeal, Kenya; and the group on engagement with parliamentarians was chaired by Mr Akbar Khan, secretary-general, Commonwealth Parliamentary Association.

Fourteen of the States represented at the meeting of the working group on national committees on IHL had established such committees. In most cases, the National Society was involved, often as the secretariat or in a coordination role. That approach ensured continuity and preserved institutional knowledge, particularly as government representatives changed frequently.

The chairmanship of national committees on IHL rotated between the various ministries involved. At times, the committee was also able to invite ad hoc members to participate in its work. For example, one national committee had recently invited a representative of the national office of climate change to consider issues relating to conflict and climate change. Participants shared examples of the mandated activities of their committees, including detention centre visits and contributions to the ICRC's study on customary IHL.

A number of committees were undertaking activities to mark the seventieth anniversary of the Geneva Conventions, including a project to examine the relationship between the Conventions and Islamic traditions. Several participants noted that the International Conference remained a standing agenda item for national committees, either in terms of reporting on pledges or preparations for the upcoming International Conference. The working group also recognized the benefit of partnerships between national committees and noted the value of the Universal Meeting on national committees on IHL organized by the ICRC in Geneva in 2016.

On engagement with the judiciary, approaching judges and convincing them to prioritize IHL posed certain challenges. In most of the cases examined by the working group, there had been little or no engagement with the judiciary on IHL except where a specific case concerned that body of law. The experience in Uganda was an exception, as that country had an International Crimes Division with jurisdiction over war crimes. In that State, engagement with the judiciary included training and moot courts.

Despite the difficulties involved, it was important to engage with the judiciary, as they ensured the effective enforcement of IHL at the national level. Other issues raised included emerging challenges, such as the implications of anti-terrorism legislation for humanitarian action, and the importance of humanitarian exemption clauses. Suggestions for improving engagement with judges included approaching bar associations and introducing customized training manuals for prosecutors and judges.

Engagement with parliamentarians often took involved written texts, such as IHL handbooks for parliamentarians. In addition, informal outreach (one-to-one) methods were used to contact members of parliament and their staff. Other means of engagement involved outreach to parliamentary committees, such as those on security and human rights, as well as the media.

Parliamentarians were interested in topics of relevance to them, such as internally displaced persons, emblem regulations and international disaster response law. It would be beneficial to encourage parliamentarians to engage with national committees on IHL, and to provide dedicated training on IHL. In order to persuade parliamentarians to support IHL, they needed to be briefed on issues that affected their jurisdiction and political interest.

Implementation of IHL in contemporary contexts

The panel was chaired by Ms Delia Chatoor, vice-president of the Trinidad and Tobago Red Cross Society. The panellists were: Ms Yvette Zegenhagen, national IHL manager, Australian Red Cross; Dr Lindsey Cameron, head of Thematic Legal Advice Unit, ICRC, Geneva; Mr Tural Mustafeyev, associate programme specialist, Culture and Emergencies, UNESCO; and Ms Verity Robson, legal counsellor, Permanent Mission of the United Kingdom to the United Nations, Geneva.

Ms Zegenhagen, speaking on the issue of IHL and counter-terrorism measures, drew attention to: the proliferation of counter-terrorism laws, such as those prohibiting support to terrorist organizations; targeted sanctions against non-State armed groups; and restrictions placed on the operations of humanitarian organizations around the world, especially in the Commonwealth. Counter-terrorism laws could have unintended negative consequences, including for principled humanitarian action and the victims of armed conflict. She stressed the importance of humanitarian principles, namely humanity, neutrality, independence and impartiality, which had been adopted and reaffirmed by the international community.

Although States needed to take legitimate security measures, they must nevertheless meet their obligations. That could be problematic if prohibitions on material support to terrorist organizations did not contain exemptions on humanitarian grounds, or those exemptions were extremely narrow or ill-defined and created ambiguity. National Societies needed to reach out to parliamentarians and public servants, and vice-versa, particularly when legislation on counter-terrorism or related issues was being considered.

Dr Cameron noted that the anniversary of the Geneva Conventions was a cause for celebration; IHL remained relevant, not just through the Geneva Conventions but also their Additional Protocols of 1977 and 2005, and through customary humanitarian law. Conflict had become increasingly complex, because of the greater number and more diverse range of actors, increased urbanization – two-thirds of the world's population would live in cities by 2050 – and the use of new technologies. However, in some respects, current issues were merely a continuation of old problems: the Geneva Conventions themselves had responded to violence affecting cities during the Second World War. The ICRC had embarked on a long-term project to update the commentaries to the Geneva Conventions; two of the revised texts had already been published. The updated Commentaries would help to clarify the interpretation and practical application of the rules and increase their relevance to contemporary warfare.

Dr Cameron concluded by recalling that a key challenge was a lack of respect for the basic rules of conflict. Torture, attacks on health-care staff and facilities, the deliberate killing of civilians, sexual violence, and the devastation of cities continued apace. Arguments persisted that IHL did not bind certain people or did not apply in certain contexts. The ICRC sought to challenge those arguments using, for example, evidence – based on behavioural science – that people who thought that others were rule-abiding were more likely to follow rules themselves.

Mr Mustafeyev presented slides from Mali, Afghanistan and Syria showing the destruction of cultural property. The practice of selling artefacts from archaeological sites was deplorable. Focusing his presentation on the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Second Protocol, he recalled that States must make an official declaration that they would not use a particular site for military purposes, in order to secure its “enhanced protection”.

Protecting cultural heritage entailed safeguarding efforts and respect. Safeguarding required peace-time measures, such as developing inventories and fire protection management plans. Respect involved not using cultural property for military purposes or attacking it directly. He gave an example from Libya in which a mobile radar unit had been destroyed using precision weaponry to avoid damaging a nearby cultural site.

He also highlighted the work of UNESCO to encourage more States to become a party to the Hague Convention and its Protocols and to engage with military forces on the practical aspects of protecting cultural property.

Ms Robson said that the Government of the United Kingdom had begun reporting voluntarily on its implementation of IHL, demonstrating its accountability to the law. The first implementation report, published on 11 March 2019, covered the national IHL framework, training and legal advice, domestic jurisdiction over violations, protection, means and methods of warfare, and an annex of treaties to which the United Kingdom was a party. [The report](#) had been produced by the national committee on IHL, which monitored the domestic implementation of IHL and comprised representatives from across the civil service and from the British Red Cross.

Producing the implementation report has also helped the government to set out priority law and policy areas, including preventing sexual violence and protecting education in armed conflict. The report would be updated before every subsequent International Conference to reflect the latest developments, and the government of the United Kingdom planned to share its experiences by organizing a workshop at the forthcoming Conference.

During the discussion on voluntary reporting it was noted that national committees on IHL could support such endeavours, and that reporting was not compulsory.

Questions were raised on how National Societies could justify the principle of neutrality in cases where they might be perceived as supporting terrorists if they assisted all parties to an armed conflict.

Ms Zegenhagen stated that, in such situations, it was important to emphasize humanity and to seek to gain acceptance from the State and the population.

Mr Mustafeyev noted that non-State armed groups treated cultural property as collateral damage, something to loot for profit and or as targets to destroy. Although various methods could be adopted to address those problems, it was always important to raise awareness and promote a culture of respect and diversity.

Climate-smart disaster law that leaves no-one behind

The session was chaired by Mr Sefo Ainuu, assistant attorney-general of Samoa. The panellists were: Ms Maria Martinez, programme coordinator, Disaster Law Programme, Africa, IFRC, and Mr Steven Malby, head of the Office of Civil and Criminal Justice Reform, Commonwealth Secretariat.

Mr Ainuu highlighted the risks of climate change and shared the experiences of Pacific Islanders. He noted that climate change and conflict had been discussed at the recently held second Pacific Islands round-table on IHL in Samoa, where participants had concluded that climate change and conflict could make people and communities doubly vulnerable.

Ms Martinez said that climate change would be a key topic at the International Conference, to be covered in two resolutions: a resolution on climate-smart disaster laws and policies and a resolution on how National Societies could support their governments to achieve the Sustainable Development Goals (SDGs). The objectives were to:

- enhance understanding of the humanitarian consequences of climate change.
- overcome silos by understanding the relationship between disaster risk reduction, climate change and the SDGs.
- enhance recognition of the work that National Societies were already doing on climate change.
- increase investment in climate change adaptation at the local level.

The importance of reviewing legal frameworks in the light of the [*Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance*](#) had been recognized at the 30th International Conference and the Checklist on Law and Disaster Risk Reduction had been endorsed as a useful tool by the 32nd International Conference. The IFRC had produced a checklist on domestic disaster preparedness and response, which would be included in the in a draft resolution on climate-smart disaster laws and policies that left no-one behind to be discussed at the 33rd International Conference.

Mr Malby, providing an overview of the work of the Commonwealth Secretariat on legislation relating to disaster risk management, presented the results of the [*INFORM Project*](#), a recent initiative by joint United Nations agencies. The results revealed that Commonwealth countries were more vulnerable to natural hazards than the rest of the world.

While disaster risk management and climate change adaptation were separate fields, both were aimed at building resilient societies and there were certain overlaps. Such overlaps could occur at various levels, for example in relation to policy frameworks, the establishment of institutions or financing mechanisms. Although it was not imperative to develop a single framework, measures should be coordinated and complementary.

Many sectoral laws also provided protection and contained provisions relevant to disaster risk management, for example legislation relating to urban planning and environmental management, agriculture, forestry and fisheries. That plurality could give rise to legal complexity. To address that problem, the Commonwealth Secretariat had developed a law and climate change toolkit, containing a database of laws relating to climate change. Legislative provisions were tagged with keywords. The toolkit could provide examples of provisions from other contexts to address legislative gaps.

In response to a query as to whether National Societies should be advocating for synthesis between disaster risk management and climate change adaptation, the panellists noted that the adoption of a single law or mechanism was a decision for individual governments, in their specific contexts. A number of participants raised the issue of human mobility driven by climate change.

WEDNESDAY, 12 JUNE 2019

Challenges of contemporary armed conflict: Weapons

The session was chaired by Ms Georgia Hinds, regional legal adviser, the ICRC regional delegation in the Pacific. The panellists were: Mr Raja Dato Nazrin, chairman of the national committee on IHL, Malaysian Red Crescent; Mr Philip Ng, principal legal officer, the attorney-general's department, Australia; Ms Marie-Pierre Olivier, legal adviser, Legal Policy, Governance and Peace Directorate, Commonwealth Secretariat, and Mr Gihan Indragupta, director, United Nations and Multilateral Affairs, Ministry of Foreign Affairs, Sri Lanka.

Mr Nazrin said that the risks of nuclear weapons continued beyond the Cold War. No humanitarian response could adequately address the consequences, in terms of human suffering, of a nuclear explosion. Prevention was therefore of paramount importance. The successful adoption of the Treaty on the Prohibition of Nuclear Weapons was a significant step in that regard; he called on States to support the Treaty.

Mr Ng said that cyber warfare posed an increasing security threat. The Australian Government considered that if a cyber operation achieved the same threshold as a kinetic attack (or act of violence) under IHL, the rules governing the conduct of hostilities would apply. International humanitarian law and international human rights law rules could also apply to other cyber operations in an armed conflict, including rules relating to general protection afforded to civilians during military operations. The Government had established a cyber warfare centre to: plan and implement the defensive and the offensive dimensions of cyber warfare, develop doctrine and operational concepts, and identify new capability requirements. It was very important to implement at the national level IHL laws relating to the prevention of cyber crime.

Ms Olivier said that, as acknowledged at the Commonwealth Heads of Government Meeting 2015, the trade in conventional weapons contributed to human rights abuses, breaches of national security and IHL violations. At the Commonwealth Heads of Government Meeting in 2018, States denounced the illegal trade in weapons, had agreed to strengthen cooperation and work to prevent the devastating consequences of the illicit trade in small arms and light weapons. The Conventional Arms Control in the Commonwealth Initiative aimed to strengthen cooperation between Commonwealth countries and to help them to meet international obligations. A web-based platform would allow users to search for legislation within the Commonwealth, and to participate in relevant regional and international instruments.

To date, 28 Commonwealth States had become party to the Arms Trade Treaty. Four Commonwealth countries ranked among the top 25 global exporters of weapons, while seven ranked among the top 40 importers. However, the arms trade often had the biggest impact on neither the arms exporting nor importing States, but rather on countries into which weapons were brought illegally. Forty Commonwealth States had introduced legislation to regulate arms transfers. The diversion of weapons was also a problem for the Commonwealth. Preventing diversion presented a range of different challenges, depending on the context. Such challenges included, and were a consequence of, outdated legislation, restricted police capacity, poor record-keeping and geographical location.

Mr Indragupta, speaking on the issue of cluster munitions and land mines, shared his country's recent experiences in disarmament. After decades of conflict, parts of Sri Lanka remained contaminated by anti-personnel mines and explosive remnants of war. The government had signed the Ottawa Treaty and planned to make Sri Lanka a mine-free country

by 2020. Sri Lanka held the presidency of the Ninth Meeting of the States party to the Convention on Cluster Munitions, and chaired a coordination committee that addressed universalization, clearance and risk reduction education, international cooperation and assistance, stockpile destruction and retention, reporting and victim assistance.

IHL and the protection of civilians

The panel was chaired by Colonel Aloyce Laiser (retired), legal adviser, Tanzania Red Cross Society. The panellists were: Ms Margaret Purdasy, assistant legal adviser, Overseas Territories and Maritime Team, Legal Directorate, Foreign and Commonwealth Office, United Kingdom; Commander Patricia Goldman, legal adviser, Office of the Judge Advocate General for the Canadian Forces; Ms Catherine Gribbin, senior legal adviser on IHL, Canadian Red Cross; Dr Elijah Oluwatoyin Okebukola, Faculty of Law, Nasawawa State University, Nigeria, and Mr Abdul Karim Koroma, legal adviser, Sierra Leone Red Cross Society.

Ms Purdasy spoke about the protection of journalists. Journalists were often exposed to great danger during their professional duties. In 2018, 80 journalists had been killed while on assignment and 348 had been injured. She stressed that journalists played a key role in informing the public about the reality of contemporary armed conflicts and therefore made a crucial contribution to ensuring respect for IHL.

With regard to the legal framework, given that journalists, as civilians, were protected against attack unless and for such time as they directly participated in hostilities, armed forces could recruit press officials (as war correspondents) who would then travel with the armed forces, carried identification and were entitled to prisoner of war status upon capture.

During the 30th International Conference, several States had pledged to protect journalists during armed conflicts. At the 31st International Conference, the IHL action plan had included an objective to provide that protection and acknowledge the role of journalists in preventing violations. In 2012, the United Nations had adopted a plan of action on the protection of journalists that covered both conflict and non-conflict situations. The United Nations Security Council had, in resolution 2222 of 2015, expressed deep concern about threats to journalists in their work.

The Commonwealth Charter protected freedom of expression and freedom of the press, and set out principles to ensure respect for journalists. The current conference was an opportunity to reaffirm the importance of protecting journalists in armed conflicts. In that context, she noted that the British Red Cross handbook and field guide for use by legal officers and journalists could be found on the [British Red Cross website](#).

Commander Goldman, speaking on the use of child soldiers in armed conflict, said that the United Nations estimated that in 2016, 40% of children recruited into an armed force were girls. Both girls and boys were forced to fulfil a variety of roles, from active combat to sexual slavery. Children were rarely provided with training on IHL or rules of engagement, and were more likely than adults to be provoked into acts of extreme violence. The presence of children could slow the progression of regular armed forces during operations, as they tried to distinguish between victims and perpetrators.

The 2017 [Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers](#) contained non-binding political commitments designed to highlight the important role of United Nations peacekeepers in preventing the recruitment and use of child soldiers. The principles included early, effective and coordinated action to ensure that protection provisions were appropriately incorporated into peacekeeping mandates and context-specific orientations. The principles had, to date, been endorsed by 88 States and there were plans to publish operational guidance thereon.

Ms Gribbin said that the Canadian Red Cross had been invited to participate in the review of the Vancouver Principles. She had been tasked with reviewing the text through an IHL lens, particularly in relation to the detention, recruitment and protection of civilians. Workshops and discussions had resulted in the drafting of an implementation checklist for each principle. She concluded by noting the importance of engaging parliamentarians on the issue, prior to the deployment of peacekeepers.

Dr Okebukola said that the obligations under IHL for the protection of civilians and children stemmed from the fourth Geneva Convention and its two Additional Protocols of 1977. The implications for parties to an armed conflict were that, *inter alia*, children — as civilians — were protected from attack. It was prohibited to recruit children into armed forces; indeed, the African Charter on the Rights and Welfare of the Child and its optional protocol explicitly forbade the recruitment of children below the age of 18.

There was no single definition of a child under international law. Applying IHL did not exclude turning to international human rights law for the definition of a child. States had a solemn duty to protect children from the impact of armed conflict by complying with existing IHL provisions.

Mr Koroma, raising the problematic issue of the personal accountability of child soldiers, said that 40% of fighters during the Sierra Leone conflict had been children. Should those children be held accountable for crimes committed during the war? Were they victims or perpetrators?

In 2007, the International Criminal Court had first convicted defendants of recruiting children into armed forces. However, it was worth noting that children could, in addition to being victims of conflict, also perpetrate abuses. It was a particularly problematic issue owing to the lack of international consensus on the age of criminal responsibility.

Turning to the situation in Sierra Leone, Mr Koroma said that under domestic law children between the ages of 15 and 18 could be tried for IHL violations, although it was policy to pursue only those who had committed the most serious crimes. However, children who were tried and convicted by the Special Court for Sierra Leone were not sent to prison. Current challenges included the employment of Sierra Leonean children by private military and security companies.

During the question and answer session, State representatives expressed their governments' support for the Vancouver Principles. The discussion then highlighted the interrelated nature of the presentations – journalists using security companies in conflict zones, the protection of children recruited by security companies and armed forces, and the ongoing challenges relating to the accountability of children who committed atrocities, as well as their recruiters.

Working groups on the implementation of protection of civilians and civilian objects in armed conflict

The participants divided into three sub-groups. The working group on cultural property was chaired by Dr Eve Massingham, acting regional legal adviser, ICRC Pretoria. The working group on the protection of the natural environment in times of armed conflict was chaired by Dr Lindsey Cameron, head of Thematic Legal Advice Unit, ICRC Geneva. The working group on the protection of humanitarian workers was chaired by Ms Sarah Cotton, public affairs and policy adviser, ICRC London.

Dr Massingham said that States generally had no single, comprehensive piece of legislation on cultural property because criminal law and other legislation on cultural heritage contained

provisions designed to protect such property. Some participants had noted that in their countries, cultural property laws had been incorporated into military manuals, which was considered good practice. The participants also mentioned the importance of introducing criminal sanctions for the damage or destruction of cultural property, and of registering and publishing information concerning sites of cultural significance.

Dr Cameron updated the working group on the forthcoming ICRC's *Updated Guidelines on the Protection of the Natural Environment in Times of Armed Conflict* (originally published in 1994). Participants were interested in the definition of "the natural environment" to be adopted in the updated Guidelines and noted that the text would take into work by the International Law Commission, among others, on issues of transboundary harm.

Participants then considered the terms of the draft model pledge on protecting the natural environment, drafted by the ICRC for the 33rd International Conference. Concerns were raised regarding the length of the document, although it was noted that the model pledge would be revised several times over the coming months, and that its provisions could be tailored to specific contexts. Participants from countries that already had large protected areas observed that they could have an advantage when seeking support for and implementing the pledge, as they could leverage existing frameworks and mechanisms.

The Geneva Conventions comprehensively covered protection and assistance for humanitarian workers. For example, under IHL, parties to an armed conflict were obliged to allow and facilitate impartial humanitarian assistance to persons in need. Most participants were not aware of specific national legislation that reflected IHL provisions on that issue. However, they indicated that similar rules were implemented through military doctrine and training programmes, often with support from the ICRC or national committees on IHL. It was proposed that model legislation should be drafted.

Participants acknowledged that aid had become more politicized and emphasized the need for principled humanitarian action. The politicization of aid could be addressed by: engaging in dialogue with authorities and disseminating information (through volunteers and the media) on the rules governing humanitarian aid; encouraging humanitarian organizations to continue to adopt a principled approach in their work; separating assistance from foreign policy; encouraging donors to provide aid or support to organizations, including National Societies, that undertook principled humanitarian action; and using the media to prevent aid being treated as a political issue.

Multinational operations and IHL

The panel was chaired by Ms Kirsty Welch, regional legal adviser, ICRC Delhi. The panellists were: Dr Eve Massingham, acting regional legal adviser, ICRC Pretoria; Major-General Emmanuel Bayingana, chief executive officer at Zigama Credit and Savings Society and former United Nations peacekeeping commander, Rwanda Defence Forces; Brigadier-General Aziz Mohammed, deputy commander, Fiji Defence Forces, and Brigadier-General Dan Kuwali, chief of legal services, Malawi Defence Forces.

Dr Massingham noted that, from the ICRC's point of view, third party States were obliged under Common Article 1 of the Geneva Conventions to perform due diligence. Indeed, the greater a State's capacity and influence, the greater the scope of the obligation. Examples of due diligence included reporting mechanisms in multinational operations, such as mandatory reporting for child protection and sexual violence issues. Similarly, multinational operations had rejected contributions from armed forces that recruited child soldiers. Looking ahead, the same conditions should be imposed in any transfer of command and control of troops, and

could also be incorporated into joint rules of engagement for multinational forces. There was also potential for partners to support each other through legal training and instruction.

Major-General Bayingana provided an overview of the Kigali Principles on the Protection of Civilians and their impact on the ground. Adopted in 2015, the document contained 18 non-binding principles on the protection of civilians, covering issues such as pre-deployment training, and the equipment and accountability of peacekeeping forces.

Turning to the challenges involved in protecting civilians, it was worth noting that, unlike national militaries, multinational forces rarely had a unified command and there were significant differences in values and cultures between forces. In a peacekeeping mission, for example, countries in Asia, and in Eastern and Northern Africa might contribute armed forces.

Brigadier-General Mohammed traced the evolution of peace operations, from an early focus on traditional concepts of peacekeeping operations, building and enforcement, through to the complex present, with a range of activities including multidimensional peace operations and humanitarian operations.

His country's peacekeeping tradition had started in 1978. In 2019, Fiji had contributed 15% of its total military forces to peacekeeping missions. The government had recognized the need to provide for IHL training for its troops and had integrated that into pre-deployment training. In 2019, with the support of the United Nations, Fiji had begun implementing a new model under which Australian Defence Force personnel were embedded in Fijian military peacekeeping forces deployed in Iraq and Syria. It was hoped that such an approach would enhance the dissemination of IHL and to promote its practical implementation in the field.

Brigadier-General Kuwali said that one of the challenges facing peace operations was the fact that the rules of engagement, which applied across the world, were generally drafted in New York. Differences in language and nuance could therefore lead to difficulties in applying those rules in other parts of the globe. Peacekeeping forces must be adequately equipped, properly trained and appropriately empowered, in line with the specifics of their mandates. Issues related to detention were also a challenge; they were not necessarily fully considered or understood by troops before deployment.

Although ensuring the accountability of peacekeepers had been a challenge in the past, status of forces agreements had been strengthened to outline processes for dealing with such issues. Moreover, as at January 2019, the United Nations Secretary-General's voluntary compact to eliminate sexual exploitation and abuse, had been signed by 101 States.

THURSDAY, 13 JUNE 2019

Sexual and gender-based violence

The panel was chaired by Ms Rebecca Dudley, legal adviser, New Zealand Red Cross. The panellists were: Ms Verity Robson, legal counsellor, Permanent Mission of the United Kingdom to the United Nations, Geneva; Ms Catherine Gribbin, senior legal adviser on IHL, Canadian Red Cross; Ms Angela Veitch, deputy director, Directorate of International Law, Office of the Judge Advocate General for the Canadian Forces, Canada, and Ms Kasia Laitila, protection, gender and inclusion in emergencies adviser, IFRC. Contributions were also made by Delia Chatoor from the Trinidad and Tobago Red Cross Society, Ms Millie Grace Akoth Odhiambo, a member of parliament from Kenya, and Ms Tautala Maua, the secretary-general of the Samoa Red Cross Society.

Ms Dudley, recalling the pledge from the 32nd International Conference on sexual and gender-based violence, invited representatives from Trinidad and Tobago, Kenya and Samoa to provide input and share experiences.

Ms Chatoor said that her organization had developed a code of conduct for all volunteers, staff and members of the board, which must be signed prior to undertaking voluntary service.

Ms Odhiambo spoke about violence following disputed elections in 2007, including sexual violence perpetrated against many women and children. The Kenyan government had recently passed the Sexual Offences Act and the new constitution recognized the rights of women, children and disabled persons. Women and girls no longer had to provide a sexual history as part of the court case and sexual violence against men was recognized as an offence.

Ms Maua described the IFRC case study of Samoa, which had found that sexual violence was an underlying problem in society, including during the response to the 2009 tsunamis and the 2012 cyclone. The study also helped the Samoa Red Cross Society to further examine how to provide and to adapt support, and to ensure that such measures adhered to [SPHERE standards](#).

Ms Robson said that sexual violence was used in armed conflicts to inspire fear and shame among the civilian population, and to alter the demographic makeup of society. The widespread use of sexual violence potentially led to displacement, human trafficking and forced marriage. Preventing sexual violence was a key policy objective of the government of the United Kingdom.

The current focus of the government was the role of law, specifically with regard to the accountability of perpetrators. Although court convictions discouraged potential perpetrators, the system should focus on the needs of survivors rather than simply on punishing offenders.

Outlining the development of international jurisprudence on the use of sexual violence during armed conflicts, Ms Robson discussed the re-traumatization of victims during court processes, which could discourage survivors from coming forward. Victim support measures introduced in the United Kingdom had included screens, video links, private testimony and steps to prevent the cross-examination of survivors by the accused. It was the primary responsibility of States to enforce the law. The courts should be able to prosecute such crimes under domestic law, which should also provide appropriate protection for survivors.

Ms Gribbin and **Ms Veitch** discussed Canada's pledge to disseminate information on the prohibition against sexual and gender-based violence at the 32nd International Conference.

Ms Gribbin described a case study on the Canadian government's implementation of the resolution adopted at the 32nd International Conference through a joint pledge by the Canadian Red Cross and the government to prevent sexual and gender-based violence. The goal was for the pledge to be as practical, implementable and tangible as possible.

Ms Veitch, outlining the implementation process for the pledge, said that the first step had been to raise awareness of the prohibition of sexual violence within the Canadian armed forces. The subsequent step had been an inventory of all IHL-related training undertaken with the armed forces, in order to improve available training materials and insert IHL information into code of conduct training. The rules were simple, easy to understand and clear: as well as prohibiting sexual and gender-based violence, they also covered the duty to report such acts. The measures taken had contributed to strengthening policy and doctrine, and included a five-year plan on gender equality.

The Canadian armed forces conducted training with other armed forces. Training material had been enhanced and partnerships, including with the ICRC and NATO, were used to maximum advantage. One of the objectives of the Canadian presidency of the G7 in 2018 had been to promote the implementation of IHL. As a result, the armed forces had been ordered to seek

assurances from partners that IHL would be respected in their operations. Finally, the Canadian Red Cross, an important partner, provided advice on how to disseminate information and to keep the government on track with regard to the implementation of its pledge.

Ms Laitila said that the IFRC had made a commitment to respond to sexual and gender-based violence in all contexts, including disasters and emergencies. In line with the organization's pledge, made at the 32nd International Conference, to address sexual and gender-based violence, three country case studies had been undertaken with Ecuador, Nepal and Zimbabwe, as well as a global synthesis report. Reliable data on the problem was rare because of underreporting and lack of police records. The report findings stressed the need to improve the participation of women in disaster management, especially in leadership roles. Although IFRC research had focused on disaster relief, its findings were similar to those relating to sexual violence in conflict. Stigma and shame, as well as fear of retribution, made survivors reluctant to come forward. The IFRC and National Societies were taking action to reduce sexual and gender-based violence, including by improving access to care through new or combined referral pathways, awareness-raising efforts and training programmes.

Working groups on pledges for the International Conference

Three working groups discussed pledges for the 33rd International Conference. The working group on voluntary reporting was chaired by Ms Verity Robson, legal counsellor, Permanent Mission of the United Kingdom to the United Nations, Geneva. The working group on sexual violence considered a draft model pledge and was chaired by Mohammed Bangura, pupil senior counsel, Sierra Leone. The working group on children and access to education was chaired by Catherine Gribbin, senior legal adviser on IHL, Canadian Red Cross.

The working group on voluntary reporting on IHL implementation at the domestic level, brainstormed the challenges facing States and National Societies with regarding to publishing implementation reports. The group concluded that, given their limited resources, National Societies might not prioritize implementation reports and noted that the requirements relating thereto were not clear – a template and guidelines would facilitate reporting. Moreover, better communication, including through video conferences among National Societies, would be useful to share experiences and, ultimately, improve reporting.

The working group on children and education considered whether a voluntary pledge on the protection of children and education in armed conflict should be introduced at the 33rd International Conference. It was suggested that two separate pledges were needed, one on the protection of children in armed conflict and another on children and education. It was thought that two separate pledges would garner more support and encourage States and National Societies to sign up to at least one pledge, depending on the context. Governments might be considerably more open to signing a pledge on children in armed conflict, as opposed to children and education, as there was a limit to the education that the State was able to provide. It was agreed that any such draft pledges needed to be specific and adapted to national circumstances. The working group also noted that there were other initiatives underway that could be highlighted at the 33rd International Conference.

The working group on sexual violence in armed conflict and disasters supported the draft pledge. However, suggestions were made on how to improve indicators, and comments were made on the need for the pledge to be addressed to legislators and militaries. It would be

necessary to garner political will; in that context, the ICRC and IFRC could help National Societies to develop the relevant, key messages, together with States. Collating reliable data to inform the decision-making process remained important to achieving changes in the law.

Mindful of the twenty-fifth anniversary of the genocide in Rwanda, the participants ended the day with a visit to the genocide memorial in Kigali, which brought home the stark reality of conflict and other violence. Conference participants, including representatives of governments, armed forces, National Societies and humanitarian organizations, reflected on their duty to do their part to prevent such events from recurring.

FRIDAY, 14 JUNE 2019

Road map: Bringing IHL home

The final day of the conference was to chart the course to the 33rd International Conference. To that end, working groups considered the draft resolution “[Bringing IHL home: A road map for better national implementation of international humanitarian law](#)”, previously known as the four-year action plan for the implementation of IHL. Generally, participants welcomed the focus on the national implementation of IHL and the move away from thematic issues, which were not universally relevant. Practical suggestions included supporting the work and creation of national committees on IHL (the ICRC’s planned web-based community of national committee on IHL was viewed as an excellent platform to share challenges, opportunities and regular updates on IHL). Participants also suggested: encouraging the sharing of implementation challenges as well as good practices; considering outreach to and engagement with correctional services and young people, and incorporating text on promoting the protection of the emblem, particularly in the digital age.

The 33rd International Conference: Next steps

Ambassador Didier Pfirter, commissioner of the 33rd International Conference, outlined the role of the International Conference. He expressed appreciation for the fact that at no other conference in the world was each country represented by two delegations from both the State and the National Society. The preparatory meeting for the International Conference provided an opportunity for States and National Societies to exchange views on the International Conference and, most importantly, to discuss the proposed draft zero resolutions and to identify potential gaps and areas requiring more attention, as well as to consider pledges and their implementation.

Ms Lucia Cipullo, head of project for Movement meetings, ICRC and **Ms Anca Zaharia**, coordinator for the International Conference and the Council of Delegates, IFRC, reminded participants about pledges, namely the soft commitments emerging from the conference, made by governments and National Societies, either individually or jointly. They reiterated that the conference provided a safe space to discuss humanitarian concerns, to engage in debates and to encourage and facilitate dialogue using different formats.

Adoption of the outcome document and closing ceremony

During the conference, participants had been given the opportunity to share their thoughts on a draft outcome document. Prior to the close of the conference, the [final outcome document](#) had been adopted by consensus.

Ms Marie Jose Uwamamahoro, Board Member of the Rwandan Red Cross, welcomed in her closing speech the fruitful five days of mutual exchange, open discussion and networking. She commended the commitment to IHL on the 25th anniversary of the worst violations of that law in the form of the genocide in Rwanda in 1994. The Kigali Conference served as a reminder that the issues to which the Geneva Conventions had been a response still remained unresolved, and that effective implementation of IHL needed to remain on the global agenda.

Mr Michael Meyer, head of international law, British Red Cross, provided a brief overview of discussions during the conference, whose objectives had been achieved. The special partnership between Commonwealth States and National Societies, particularly with regard to IHL, had been strengthened. Moreover, new relationships had been established and contacts and connections renewed, allowing for further cooperation in the future. Although the world was becoming increasingly polarized and isolationist, life experience and cultural traditions demonstrated that real value and true wisdom came from building relationships.

Ms Olivier, legal adviser, Commonwealth Secretariat, said that the conference was a vital tool for promoting IHL; the Commonwealth should continue to support the implementation of international humanitarian law. She appreciated the fact that participants had made time to attend the conference and welcomed their engagement in discussions, noting how essential such exchanges were to the evolution of the law.

Mr David Tuck, regional legal adviser, ICRC Nairobi, expressed his immense gratitude to the host, the participants and the organizers of the conference. It was difficult to imagine what the forthcoming four years would bring; however IHL would certainly continue to be relevant. Conference participants were encouraged to reflect on measures undertaken to implement IHL and to continue discussions, in order to improve implementation, expand knowledge of and promote enhanced respect for IHL.