

## **Opening Speech by Dr Helen Durham, Director of International Law and Policy at the ICRC**

Your excellencies, esteemed speakers, chairs, panellists, participants and friends.

On behalf of the International Committee of the Red Cross, I warmly welcome you to the 5th Universal Meeting of National IHL Committees and Similar Entities on IHL.

I am delighted to be opening this event and to see many of you online with us today. We have had the pleasure of receiving over 280 registered participants, from the 118 National Committees or Similar Entities, additional governments present as observers, and international or regional organisations. We are extremely pleased with these numbers.

Because of ongoing restrictions related to the pandemic, we opted for a lighter, online programme than usual.

This did not make scheduling easy, but we sincerely hope that by offering different times each day, all of you will be able to join several sessions that fall within our work hours.

We also decided to organize this universal meeting online because we thought this was an excellent moment to take stock of all the impressive work done by national IHL committees across the world. Five years have indeed passed since we all convened for the 4th Universal Meeting of National Committees and Similar Entities on IHL here in Geneva.

In addition, we are currently mid-way between the 33rd and the 34th International Conferences of the Red Cross and Red Crescent. The 33rd edition, through the Bringing IHL Home resolution, strongly promoted the work of NCIHL.

In order to showcase what has been done since this resolution, or since the last Universal Meeting, and plan for the coming years, we have selected 4 key issues to discuss during this meeting, which I will present in a minute.

Nevertheless, we still remain committed to gathering in person in future years, hoping to host the next Universal Meeting here in Geneva.

[Welcome new and revived National Committees on IHL]

Though let's not forget that many of our concrete achievements in strengthening respect for IHL, would not have been possible had it not been for those of you amongst us today, who had taken the initiative of creating National Committees in the first place.

Today, we have the pleasure of welcoming 9 National Committees or similar entities on IHL which have established themselves since our last Universal Meeting of 2016, and which sit in the following territories:

1. Bulgaria,
2. Cyprus,

3. Kiribati,
4. Niger,
5. Oman,
6. Palestine,
7. Papua New Guinea,
8. The Netherlands, and
9. Vanuatu.

I would also like to welcome 4 National Committees on IHL which have re-established themselves since our last meeting, and which sit in the following territories:

1. Cote d'Ivoire,
2. Italy,
3. Japan, and
4. The Gambia

This brings us to a total of 118 national IHL committees across the globe today. On behalf of the ICRC, I would like to congratulate each of you on these achievements, and I invite everyone to join me in virtually welcoming the representatives of these committees.

[A few remarks about the topics to be discussed during this Meeting]

Over these next four days, we will be hearing from many of you on your concrete outcomes in generating greater respect for IHL.

[Bringing IHL Home and voluntary reporting]

The first item tabled for discussion is a follow-up to the 33rd International Conference of the Red Cross and Red Crescent, which took place in December 2019.

During this International Conference, the Members adopted Resolution 1 entitled "Bringing IHL Home: a roadmap for better national implementation of international humanitarian law". The Resolution recognizes the central role played by national committees in strengthening national implementation. That session will be the occasion to highlight some of YOUR achievements.

While we'll hear many more examples of good practices in a few minutes, let me already mention a few very concrete achievements that directly relate to the asks of the Resolution:

- From January 2017 until mid-November 2021, there have been 209 treaty ratifications across the 5 continents.
- From January 2017 until December 2020, there have been at least 85 domestic statutes which implement IHL and other relevant instruments.

Many of you will remember that in 2019, following the 33rd International Conference, we had launched our online community for national committees on IHL. We currently have 30 members on this community page, and there have already been some exchanges on developments at the domestic level in relation to IHL.

We hope that many more of you will join us on this platform, and please feel free to reach out to us bilaterally if you have any questions about this.

[Missing persons and their families]

Looking ahead to tomorrow, we will be reflecting on the steps that can be taken at the domestic level to protect missing persons and their families. This topic is pertinent across the globe, as hundreds of thousands of people are missing worldwide due to armed conflict, other situations of violence, disasters and migration.

Many never return and are never heard from again. Behind every missing person, there are countless more people suffering from the anguish and uncertainty of not knowing the fate and whereabouts of their loved ones and struggling with the multiple consequences that this has on their lives. Along with the terrible pain that only grows as years go by without answers, they often face numerous psycho-social, administrative, legal and economic difficulties.

As is always the case, a big part of the answer to those humanitarian problems lies in ensuring adequate legal protection at the domestic level. We know that many important steps have already been taken by national committees to put in place domestic legal and policy frameworks, including the relevant mechanisms and processes. We look forward to hearing your work in this area and your ideas on how the ICRC could further support you.

This session will also be the occasion to highlight the work of the Central Tracing Agency, which has reunited millions of separated people with their families through two world wars and in countless conflicts and disasters since.

We will explain how we are transforming the CTA to ensure that our response is adapted to today and tomorrow's challenges and that we have the capacity to properly support States who bear the primary responsibility to protect missing persons and their families.

[Weapons, new technologies and arms transfers]

For the ICRC, the application of IHL to weapons of all types is key, whether that be new technologies or those that have been around for 70 years or more. However, today, the international community faces significant challenges which will be the topic of our discussion on Wednesday.

We are witnessing the increased use of existing weapons which have otherwise been prohibited, such as nuclear weapons, chemical weapons, cluster munitions and anti-personnel mines.

We know that there are a number of treaties regulating these weapons, yet, we face challenges in encouraging states to ratify these instruments, and in ensuring that the treaty terms are met. YOUR role, as National Committees on IHL, is very important in this regard.

We would like to hear from you on what you are doing, or can do, to make sure that IHL, as a whole, is implemented effectively at the domestic level, and this includes the implementation of relevant weapons treaties.

Following advances in science and technology, we are witnessing the rapid, and often unconstrained, development and use of new means and methods of warfare. We know that

many of you are engaged in discussions on the use of new technologies, cyber operations, and autonomous weapons, as well as the challenges posed by these developments. The aim of this session is to hear from you, on how national IHL committees can further participate in these discussions, support states in responding to these developments, to ensure the continued application of IHL.

Across the world, we have great humanitarian concerns about the acute suffering brought about by the widespread availability and transfer of weapons, as well as their misuse. In many cases, this is due to inadequate controls. National IHL committees and similar entities possess a vital role in encouraging states to regulate and limit the use of arms, including conducting reviews to ensure that they and their use comply with IHL.

[Counter-terrorism and the facilitation of humanitarian action]

Our final thematic session of the week will be on counterterrorism and the facilitation of humanitarian action.

While recognizing that States shall protect their citizens from the threat of terrorism, the ICRC is concerned about the impact that some counterterrorism measures are having on humanitarian action across the world.

In some contexts, counterterrorism measures have impeded neutral and impartial humanitarian relief and protection from reaching those most in need, such as the civilian population living in areas controlled by armed groups designated as “terrorists”. Such measures are incompatible with the letter and spirit of IHL.

It is therefore imperative that States adopt humanitarian exemption clauses in their counterterrorism legislation, in order to ensure that humanitarian assistance and protection can reach those in need.

This is one of the main ways in which national committees on IHL and similar entities can help. The focus of this discussion will be on concrete examples of humanitarian exemption clauses, which many of you have been instrumental in attaining, and the sharing of good practices in this regard.

Furthermore, the ICRC is concerned about the misperception that IHL does not apply to counter-terrorism operations. Some States have developed a discourse according to which the exceptional threat posed by non State armed groups designated as “terrorists” would require an exceptional response, in which IHL would not apply, in spite of the existence of an armed conflict.

The ICRC stresses that IHL always applies to situations of armed conflict, and we seek your support in encouraging states to comply with IHL, even in relation to a person or armed group designated as terrorist.

[Finally]

During these 4 sessions, the vast majority of the time will be dedicated to YOUR experiences and YOUR work. It is indeed YOUR meeting – this is the moment to share your good practices,

to ask questions to your peers on how they have overcome challenges that you may face yourselves, to create synergies and partnerships across the different regions. The domestic implementation of IHL is a continuous process – there is always more that can be done. We hope that this 5th edition will provide you with concrete ideas of what more your national IHL committee can do.

With that, I would like to warmly thank all of the representatives of national committees on IHL which have agreed to share stories of their work on each of these themes. Thank you to all of our colleagues across the world who were involved in organising this event, and to each of you for taking the time to join us today.

As I conclude, I also would like to acknowledge the presence of several ICRC legal advisers from across the world in this meeting. We are indeed committed to continue supporting you and our colleagues will be ready to follow up bilaterally with each of you after this important meeting.

Whilst we would have loved to have deliberated with you all face-to-face, we must make the best out of this situation, and I'm convinced that we will have many stimulating discussions. I welcome you once again, and I wish you all a fruitful week.