

Closing Speech by Dr Helen Durham, Director of International Law and Policy at the ICRC

Esteemed speakers, participants and friends,

Let me start by thanking our hosts for the excellent stewardship of this Universal meeting. It has indeed been an intense week of important deliberations which will not only feed into the next Universal Meeting in **2025** but also the 34th International Conference of the Red Cross and Red Crescent which will be held in two years' time in **2023**.

I would like to commend everyone for your active participation. This is the first time we have held an *entirely* virtual universal meeting. YOUR engagement, despite the challenging circumstances, demonstrates your commitment to the work we are all doing, and we thank you for that.

Over the past 4 days, we have discussed various themes (covering domestic implementation of IHL, missing persons, weapons and counterterrorism).

Yet, one common thread underlying all our deliberations is the vital role of National Committees and Similar Entities on IHL in “Bringing IHL Home” and implementing the terms of Resolution 1 from the 33rd International Conference.

We have seen that a lot has *already* been done in Bringing IHL Home. Due to limited time this week, we were not able to be exhaustive in acknowledging every accomplishment – which is a very good sign as it shows *just how much* has been achieved.

[Looking back: Achievements in relation to Resolution 1]

New or revived NCIHL:

Resolution 1 encourages States, that have not yet done so, to consider establishing a national committee or similar entity on IHL. As highlighted by Helen during the opening session, we have had the pleasure of welcoming **14** newly established or revived entities since our last Universal Meeting in 2016, and there are already a few more in the making.

To name just a few examples, we have heard from **Mozambique, Italy** and **Colombia** on the recent steps that they have taken to create or reactivate their National Committees, and their reflections on the process.

This achievement, in expanding our community of active National Committees and similar entities, is a vital first step. All of your other accomplishments, in implementing IHL and ensuring its respect, would not have been possible had it not been for your work in establishing such an entity in the first place.

Ratifications/ Accessions to IHL treaties:

For example, from January 2017 until mid-November 2021, there have been **209 treaty ratifications** across the 5 regions. This is in line with the Resolution which also encourages States to ratify or accede to IHL treaties to which they are not yet party.

Yesterday, a few of you took the floor to explain your experiences in supporting the ratification or accession to weapons treaties. Amongst other points, you highlighted the important role that National Committees can play in coordinating government departments and providing advice on the implementation of treaty obligations. For example, we heard from **Kenya** about efforts to ratify the ATT, and we will continue to support you in these endeavours.

Adoption of necessary legislative, administrative & practical measures

States are further called on to adopt “necessary legislative, administrative, and practical measures at the domestic level to implement IHL”, as per the Resolution. From January 2017 until December 2020, we have seen **at least 85 domestic statutes** which implement IHL and other relevant instruments.

On the separated, the missing and the dead, the importance of States’ preparedness and taking the relevant measures in peace time to prevent people from going missing, clarify their fate and whereabouts when they do and inform families, and to investigate and prosecute, as appropriate, enforced disappearance and other violations leading to persons going missing during an armed conflict was highlighted.

For instance, **Finland** referred to their plans regarding the possible creation of a National Information Bureau. There have been a number of domestic laws passed which address the issue of missing persons, and grant rights to families of the missing, such as the laws in **Croatia, Lebanon, and Peru**. Other States have also explained their ongoing projects in this field such as **Zimbabwe’s** Management of the Dead and Missing Project.

Overall, our speakers highlighted the importance of involving families of missing persons in the drafting process, and the importance of cooperating with different actors in ensuring that laws on the missing can be passed and effectively implemented.

Nevertheless, the adoption of a legal framework is one of many measures which must be taken – **Peru’s** presentation highlighted the importance of adopting other measures such as national plans for the search of missing persons or having relevant databases in place to support the search for missing persons.

On the subject of weapons, we know that many domestic laws have been adopted. For example, **South Africa** spoke about their long-standing Arms Control legislation, whilst **Sri Lanka** told us about the role of their National Committee in helping to draft laws related to cluster munitions and landmines.

Regarding the need to respect IHL and principled humanitarian action while fighting terrorism, we have listened to the efforts undertaken in **Chad, Ethiopia, Philippines, Switzerland & Germany** to exempt neutral and impartial humanitarian action from the scope of counter-terrorism legislation, in order to ensure that the civilian population affected by armed conflicts is able to benefit from humanitarian assistance and protection.

Analysis of areas requiring further domestic implementation:

The Resolution further encourages “States to carry out, with the support of the National Society where possible, an analysis of the areas requiring further domestic implementation”.

We *already* have an inventory of studies which have been conducted across the globe, in order to achieve this objective.

For instance, **Mongolia** has shared with us in writing during the meeting that they have just signed an agreement with the ICRC to start working on an assessment study looking at the harmony of domestic laws with international obligations. We have also seen that a number of compatibility studies have been conducted to help shape a State’s strategy in addressing missing persons. **Niger** highlighted the important role that National Committees could play in following up on the findings.

Promotion & dissemination of IHL amongst different actors

States are encouraged to promote and disseminate IHL to different actors, and we know that your National Committees have an important role to play in this regard.

In our first session, we heard from **Nepal** about their trainings for parliamentarians, from **Ecuador** on their IHL courses for civil servants, and from **Kuwait** on their plan of action to give effect to the regional plan adopted by the Arab States on the implementation of IHL.

On the missing, we heard from **Switzerland** on the launching of a Global Alliance which, amongst other objectives, helps to raise awareness of the issue of missing persons and on IHL obligations in this regard.

Iran, Austria and France also spoke about the role that national committees can play in engaging with government authorities on weapons treaties, arms transfers or even on new technologies of warfare.

Looking ahead

What more can be done?

This meeting offers an opportune moment for reflection, as we are currently midway between the previous International Conferences of 2019, and the next one in 2023. We therefore have 2 more years to make further advances.

There is still a long road ahead of us towards the universalization of all IHL-related treaties. As a priority, we note that next year will be the 45th anniversary of the adoption of the 2 Additional Protocols to the Geneva Conventions from 1977, and in that respect, we call on States that have not done so to consider acceding to the APs.

We also received ideas from **UK** and **Burkina Faso** on the possibility to submit a contribution to the report of the UN Secretary-General on the Status of the Additional Protocols. The next report will be issued next year, and we recall the existing template provided by the UK, which was mentioned in the first session, as a good basis for States interested to submit such a contribution.

The resolution also recalls that States may declare that they recognize the competence of the IHFFC.¹ However, the IHFFC, which is present as observer in this meeting, has informed us that since the International Conference in 2019, no new state has recognized the competence of the IHFFC, nor has any state accepted the Commission's numerous offers to use their good offices or fact-finding services.

While they were unable to take the floor due to time constraints, they asked us to mention that the IHFFC would like to encourage states that are drafting voluntary reports on the national implementation of IHL to include a reference to the IHFFC.

Regional conferences scheduled for next year

The resolution further calls for the strengthening of cooperation between national committees on the international, regional and cross-regional levels.

In February this year, National Committees in the Americas met and adopted a declaration with a plan of action. As mentioned during yesterday's session, this year **Slovenia** also organised a meeting of national committees in Europe, contributing to the strengthening of regional cooperation. **Malaysia** also highlighted the importance of regional cooperation on weapons and other IHL treaties.

Subject to the evolution of the global pandemic, there are already plans to host other regional meetings of national Committees next year. As announced by **Kuwait** during the opening session, they hope that it will be possible to hold a regional NCIHL meeting next Spring; there are plans to host a Western European regional meeting in **Vienna** next year, and also a conference of **Eastern European and Central Asian** committees.

Further details on these conferences, including the dates, will be confirmed in due course. We hope that these meetings will be the occasion for States to continue the discussions on concrete actions to be taken and will lead to further advances in the domestic implementation of IHL.

Exchange of good practices

The Resolution also invites States to share examples and exchange good practices of national implementation measures. This meeting was an excellent occasion to share such good practices across the globe. In the session on Monday, we discussed the benefits of voluntary reports, and recalled the many reports that already exist, including for **Poland, UK, Switzerland, Germany, Niger, Burkina Faso, Spain, Costa Rica, Bulgaria, Romania**. Others have expressed willingness to start drafting a voluntary report, including **Italy, Kuwait** and **Syria**.

We urge you to continue exchanging good practices, even after this meeting, including by joining our Online Community for National IHL Committees. This platform is particularly useful, especially during these COVID-19 times, to directly exchange with each other on IHL matters. Via this community, members have shared their voluntary reports, they have

engaged on discussion on terms of reference and plans of action, and they have received updates from ICRC on relevant tools and information.

Thematics

Finally, from this week's sessions, I wish to recall a few short takeaways on each theme.

On the missing, we emphasised the utility of compatibility studies in identifying changes that should be made to domestic frameworks to ensure compliance with IHL. We emphasised the important role of National IHL Committees in encouraging States to implement findings from these studies.

We also concluded that your entities can push for the adoption of domestic laws, policies and structures to account for protected persons, prevent people from going missing, and inform families in armed conflict situations. One of these measures is for instance the establishment of a National Information Bureau in each State.

Regarding weapons, great emphasis was placed on the role that National IHL Committees can play in providing expert advice to governments on arms transfers or cutting-edge new technologies.

On existing weapons, while there is wide consensus that many weapons cause indiscriminate or unnecessary suffering, engagement with parliament or work on legislative drafting arrangements is needed to ensure that international obligations can be applied in each country.

Finally, earlier today, we concluded that it is possible to respond to the terrorist threat while ensuring that humanitarian relief and protection reach those in need. The inclusion of humanitarian exemption clauses in the counter-terrorism legislation represents an important step in this direction.

Whilst we have chosen these thematics for discussion, we note that other areas for which national IHL committees are ideally placed to ensure such areas receive the attention they deserve. For instance, we urge all states to implement the prohibition of sexual violence under IHL into domestic frameworks, and for this, we have produced a legislative checklist that national IHL committees may easily use.

We have also produced Guidelines on the protection of the natural environment in armed conflict, and we are in the process of producing a related checklist. I take this opportunity to also mention the Climate Charter and to note that we now have more than 160 organisations signed up which is a great achievement.

Finally

We commend the great work that you have done, and continue to do, in encouraging compliance with IHL, in order to ultimately ensure that civilians are protected in times of armed conflict.

With that, I encourage you to keep up the good work and I urge you to engage more with us and among yourselves on these issues.

Thank you once again for joining us this week and participating in the discussions.