

**UNIVERSAL MEETING OF NATIONAL COMMITTEES
AND SIMILAR BODIES ON INTERNATIONAL
HUMANITARIAN LAW**

ENHANCING PROTECTION IN ARMED CONFLICT THROUGH DOMESTIC LAW AND POLICY

CONFERENCE OVERVIEW

**GENEVA, SWITZERLAND
30 NOVEMBER – 2 DECEMBER 2016**

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**Opening session – The Universal Meeting of National Committees and Similar Bodies on IHL:
Enhancing Protection in Armed Conflict Through Domestic Law and Policy**

I. INTRODUCTION

The meeting of national committees and similar bodies on international humanitarian law (IHL) took place from 30 November to 2 December 2016 in Geneva, Switzerland. It was convened by the International Committee of the Red Cross (ICRC), through its Advisory Service on IHL, and organized with the support of the Swiss Federal Department of Foreign Affairs and the involvement of the Swiss Interdepartmental Committee for IHL and the Swiss Red Cross.

The event was the fourth universal meeting of these bodies and continued the constructive discussions that took place during the previous events, held in March 2002, March 2007 and October 2010. In all, 281 people participated in the meeting, representing 133 States and 93 national IHL committees, or similar bodies. In addition, 16 international and regional organizations with expertise in the field of IHL attended the meeting, as did a number of individual experts, members of National Red Cross and Red Crescent Societies and ICRC staff. The active participation of all attendees contributed greatly to the success of the meeting.

This document provides an overview of the discussions held and general outcomes.

II. OBJECTIVES

With a view to strengthening the implementation of and respect for IHL, the theme of this meeting was “enhancing protection in armed conflict through domestic law and policy”. The overall objective was to give national committees and similar bodies on IHL (there are currently more than 100)¹ a platform for peer-to-peer exchanges and forward-looking discussions on their activities, experiences and achievements. The meeting focused on practical issues relating to the implementation of IHL at national level and to national mechanisms and processes for facilitating respect for IHL, in particular the role of national IHL committees and similar bodies. Its specific objectives were:

- to provide representatives of national IHL committees and other government experts with an opportunity to discuss the mandate, working methods, achievements and challenges associated with the work of these committees, and to identify their needs in terms of capacity building and other support;
- to provide further support for the establishment and functioning of national IHL committees, as appropriate, and to discuss, in a forward-looking manner, the continued relevance of national bodies that are assigned – formally or informally – the task of promoting IHL and its domestic implementation, the evolving role of these bodies, and ways to increase their effectiveness;
- to discuss the role and contribution of these bodies in developing domestic laws, policies, strategies and action plans on certain issues of particular relevance to protection in armed conflict and to the implementation of States’ obligations under IHL; and
- to discuss and identify ways to further the domestic implementation of the outcomes – resolutions/pledges – of the 32nd International Conference of the Red Cross and Red Crescent.

To encourage the attendees to participate actively in the discussions and share their experiences simultaneously interpreting was provided throughout the meeting in five languages (Arabic, English, French, Russian and Spanish).

III. WORK SCHEDULE AND ELEMENTS EMERGING FROM THE DISCUSSIONS

The meeting agenda is enclosed. The opening session, which representatives of permanent missions to the UN in Geneva could also attend, was moderated by Dr Helen Durham, director of international law and policy at the ICRC. It featured keynote speeches by the ICRC vice-president, Ms Christine Beerli, and the permanent representative of Switzerland to the UN, Ambassador Valentin Zellweger. Ms Beerli invited the audience, in particular national committees and similar bodies on IHL, to share the many ways in which they help enhance protection in armed conflict and to reflect on how they could increase their contribution within the global system of ensuring respect for IHL. Ambassador Zellweger underlined the crucial role national IHL committees can play in advising States on questions relating to IHL and in coordinating its implementation and dissemination. He also recommended concrete actions such entities could take regarding the topics discussed during the meeting. The head of the ICRC’s Advisory Service on IHL, Ms Cristina Pellandini, then introduced the background, objectives and structure of the meeting (working groups/workshops and plenary sessions) before the first working session of the meeting commenced.

¹ For more information on existing national committees and similar bodies on IHL, see the table of national committees and other similar bodies on IHL at: <https://www.icrc.org/en/document/table-national-committees-and-other-national-bodies-international-humanitarian-law>.

A. ROLE AND WORK OF NATIONAL COMMITTEES AND SIMILAR BODIES ON IHL: ACHIEVEMENTS, CHALLENGES AND PROSPECTS FOR THE FUTURE

The aim of the first session was to assess the role, functioning and work of national committees and similar bodies on IHL in general. Representatives from national committees and similar bodies on IHL discussed their respective mandates and working procedures, their achievements and the challenges associated with their work, the benefits to a State of such bodies, and what is required for them to be efficient. They also explored different opportunities to provide support, including those offered by their peers.

The session consisted of an introductory panel discussion followed by parallel discussions in three working groups. A set of guiding questions had been identified before the meeting to facilitate exchanges between the participants in the groups. The following morning, the participants reconvened in plenary to listen to and discuss the reports of each working group.

During the introductory panel discussion, representatives of the national committees on IHL of Iraq, Peru and Belgium, described the distinct set-up, roles and experiences of their committees. The Belarus justice minister and the vice-minister for justice of the United Arab Emirates complemented the introduction by reporting on the models and characteristics of their respective national IHL committees, which they chair.

The **Iraqi national committee on IHL** is an example of a new committee established in a country that has faced a series of conflicts since it ratified the Geneva Conventions. The committee was created in 2013 by a prime-ministerial decision. The invasion by the Islamic State group in June the following year pushed the Iraqi Government to expedite the process of establishing the committee in view of the expected increased involvement against the armed group, and subsequent insecurity and likelihood of military clashes. The structure of the committee was set and its mandate activated by ministerial decree (Diwani Order No. 10 of 2015), which executed the prime minister's decision. The main reason for this was to call into play the Geneva Conventions and the obligations of the State of Iraq thereunder. The chairman of the committee also serves in the General Secretariat of the Council of Ministers, the executive branch of the Government of Iraq. Other members represent the ministries of defence, foreign affairs, the interior, health, displaced and migration, education and scientific research, as well as the Iraqi High Commission for Human Rights. According to the speaker, the fact that both political and military authorities are represented on the committee means it can influence law-making, policy-making and even military operations. Furthermore, the presence of high-ranking Iraqi officials among the committee's members facilitates efficient decision-making. Examples of processes in which the committee has been involved include: the revision of a draft law on Private Military Security Companies (PMSCs), which is in the process of being issued by the parliament; the development of a bill on the protection of cultural property in the event of armed conflict, which is governed by IHL under the Hague Convention of 1954; and supporting the adoption of a headquarters agreement with the ICRC.

The **Peruvian national committee on IHL** has a very special place in the governmental structure of the country. Created in 2001, it was gradually incorporated into the executive branch and, since 2013, it has had the status of formal advisory body to the executive power on IHL-related issues. In addition to member ministries (justice, foreign affairs, defence, the interior and education), institutions like the Peruvian parliament, civilian associations, the Ombudsman's Office and the ICRC participate in the committee as observers. The committee provides a platform for discussion, among different ministries, of various actions and public policies related to the implementation of IHL. Recent important activities have included promoting the ratification of IHL treaties and providing technical advice on Peruvian policies and regulations related to IHL and international standards of IHRL regarding the use of force in situations of violence. The pledges made by the Peruvian State within the framework of the International Conference of the Red Cross and Red Crescent are also discussed by the committee.

The **Belgian national IHL committee** was founded in 1987 and so is one of the oldest committees on IHL. Over the years, it has developed into a technical expert committee on IHL and permanent governmental advisory body that actively contributes to Belgium's IHL agenda and humanitarian diplomacy. The national committee functions mainly through working groups that deal with specific issues identified by the committee. The tasks of these working groups include determining what legal or practical measures need to be taken at the domestic level and by whom for the country to meet its obligations under the Geneva Conventions, their Additional Protocols and other IHL instruments. There are working groups on legislation, communication, international conferences, cultural property and the national information bureau, and each working group is responsible for updating the lists of necessary measures within its area of responsibility. All relevant branches of the government are represented on the committee and this inter-ministerial structure, which allows the committee to draw objective and independent conclusions, is considered an asset. Its effectiveness is further enhanced by the fact it holds regular meetings (once every three months) and may convene additional meetings whenever necessary. However, the committee does not have its own budget, so it is unable to organize events, or publish informational literature.

THE FOLLOWING ELEMENTS EMERGED FROM THE PANEL AND GROUP DISCUSSIONS:

- Most national committees and similar bodies on IHL, in terms of **status, structure, functions and powers**, were created by decree, many of them in the 1990s.
- As far as the **set-up and composition** of the committees are concerned there is no one standard model, as the specific needs and political environment of each State must be taken into account in each case. Generally, national committees on IHL are composed of representatives from different ministries, and some include members from parliament, the judiciary, National Red Cross or Red Crescent Societies, universities, or non-governmental organizations. In some cases, the ICRC and/or National Societies are observer members. Having high-level members on a committee is seen as an advantage, on the one hand, to ensure committee decisions and recommendations are followed up, and as a disadvantage, on the other, because of the difficulty of ensuring regular meetings. The groups also found that the efficiency of national committees on IHL is improved by limiting rotations of committee members and by including members from academia and civil society, as well as experts, motivated by the desire to promote and disseminate IHL.
- Regarding the **role and mandate** of these bodies, many participants said their committees or similar bodies on IHL play an advisory role to government. While some committees or similar bodies reported a strong advisory relationship with their government, others were less likely to be – or less frequently – called upon for advice – especially those in countries where the government itself has a high level of expertise in IHL. It was also highlighted that the mandate of national committees on IHL should be flexible enough to enable them to respond to urgent context-specific needs and concerns, when necessary. Furthermore, participants stressed the importance of having autonomy – administrative and financial – to ensure independent advice. Some also highlighted the support national committees can provide in preparing their respective countries' participation in the International Conference of the Red Cross and Red Crescent.
- In terms of **recent achievements and working procedures** the main issues cited by participants related to accession to IHL treaties and recommendations to modify legislation in line with IHL commitments, as well as IHL dissemination. More specific thematic issues included protection of cultural property in times of armed conflict, protection of the red cross, red crescent and red crystal emblems, responses to the consequences of disappearances, criminal prosecution of violations of IHL and the implementation of the ICC statute. Country-specific concerns included anti-personnel mines (Tajikistan), refugees (Swaziland), and piracy (Mauritius). Annual work plans and regular activity reports, as well as the division of tasks among individual working groups or sub-committees, were all hailed as measures to improve the efficiency of national committees and similar bodies on IHL.
- A **common challenge** cited by many committees or similar bodies was how to increase the interest of government agencies in the committees and their work, and in IHL more generally. Some participants noted that, in their countries, insufficient understanding on the part of government agencies of the distinction between IHL and human rights had resulted in matters involving IHL being wrongly assigned to human rights bodies instead of the national committee or similar body on IHL. Lack of resources, such as earmarked funding, or a dedicated secretariat, as well as appropriate premises, was another general concern. Some committees or similar bodies said they also lacked technical expertise. Another recurring issue was how to ensure continuity of work in the face of constant changes in membership brought about by, for example, changes of government.
- All working groups considered **building relations between the committees and national stakeholders** as a key issue.

- Extended membership/broader composition of the national committees or similar bodies was thought to be one way to ensure a wider level of support from relevant stakeholders, and thus strengthen the role of national committees on IHL. In this regard, the necessary link between the committees or similar bodies, which often propose or develop laws, and the legislative power, which passes them, has to be considered.
- Lastly, the groups felt their work could benefit greatly from **international and regional cooperation and exchange among national committees and similar bodies on IHL**, including the establishment of a network of national committees or similar bodies on IHL. Similarly, it was felt that establishing regional networks – like the network of national committees on IHL of States in the Indian Ocean – and convening regional meetings of national committees and similar bodies on IHL would strengthen the role and impact of these bodies at the domestic level and beyond. Participating committees and similar bodies also welcomed the opportunity to meet at a universal level and requested that such meetings be convened more frequently. Many participants called for a platform, or mechanism for sharing best practices and lessons learned, and exchanging experiences on a global level. They stressed the important role which the ICRC could continue to play in securing and supporting such cooperation

B. SPECIFIC ISSUES: WHAT ROLE CAN NATIONAL COMMITTEES AND SIMILAR BODIES ON IHL PLAY?

While the first session was a general discussion of the role and work of national IHL committees, the second session provided participants with an opportunity to examine the role national IHL committees play – or could play – with regard to three specific issues of protection in armed conflict: the preservation and protection of cultural property in the event of armed conflict; the protection of the provision of health care in armed conflicts and other emergencies; and the protection of internally displaced persons and migrants in armed conflict. All three subjects were introduced in plenary, before participants chose which thematic workshop to attend. The workshops provided for informal discussion and sharing of experiences based on a set of guiding questions identified beforehand to facilitate the exchanges.

1. PRESERVATION AND PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT: WHAT CAN NATIONAL COMMITTEES AND SIMILAR BODIES ON IHL DO TO IMPLEMENT THE RELATED NORMATIVE FRAMEWORK?



Violence against cultural property has become a prominent feature of recent conflicts. Given their interdisciplinary nature and the specific role they play within the administrative sphere, national committees and similar bodies on IHL can contribute to enhancing the preservation and protection of cultural property.

The topic was introduced in plenary by a UNESCO representative and complemented by remarks from both the UN Special Rapporteur in the field of cultural rights and the chairperson of the Intergovernmental Committee for the Protection of Cultural Property in the Event of Armed Conflict.²

The UNESCO representative underlined that the destruction and unprecedented looting of cultural property in different parts of the world over the last five years constitutes a “war on culture” aimed at erasing the memory and cultural heritage of people. Protecting cultural heritage is therefore considered by UNESCO to be more important than ever and part of the promotion of cultural diversity, social cohesion and reconciliation. The representative reminded the audience that States are the primary actors in this regard and that their responsibilities are defined in a number of international treaties (which are still to be ratified by many States, despite the fact that some of their provisions have already become part of international customary law), in

² Established in 1999 by the Second Protocol to the Hague Convention of 1954.

particular, the Hague Convention of 1954 and its Protocols. After underlining the importance of implementing comprehensive protection measures in peacetime, the representative noted that criminalizing deliberate destruction of cultural property in national legislation is equally crucial in ensuring its protection. He also cited relevant training for military personnel as a key tool to enhance protection of cultural property in the event of armed conflict. He informed the participants that UNESCO is already working on all of these issues and is ready to help its member States do likewise by providing technical assistance – possibly in cooperation with national committees on IHL (where such bodies exist).

The UN Special Rapporteur in the field of cultural rights highlighted the human rights angle of the intentional destruction of cultural heritage. She emphasized that, as an important pillar of international human rights law, the right of access to and enjoyment of cultural heritage deserves greater attention from States. Indeed, acts of deliberate destruction of cultural property are often accompanied by other grave assaults on human dignity and rights. She also underlined the importance of preserving and restoring cultural heritage in reconciliation and peace-building processes in post-conflict situations. As for how to put a stop to intentional destruction of property the Special Rapporteur stressed the need for long-term holistic approaches, focusing on both prevention and punishment.

The chairperson of the Intergovernmental Committee for the Protection of Cultural Property in the Event of Armed Conflict – hereafter referred to as “the Committee” – then introduced the main features of the Second Protocol of 1999 to the Hague Convention of 1954 and touched on the ever-evolving role of the Committee with regard to monitoring its implementation and managing the system of enhanced protection.

During the workshop, the chairperson of the Committee explained more about the various support measures that the Committee can provide to States party to the Second Protocol, and encouraged their use. A colonel from the Austrian armed forces presented the practical and tactical training activities provided by the Austrian army to liaison officers responsible for promoting knowledge of and respect for the rules applicable to the protection of cultural property in armed conflict and other emergencies. Another creative way of addressing the protection of cultural property was illustrated by a current member of the Organization of American States’ (OAS) Inter-American Juridical Committee, who shared her experience of that body’s drafting and adoption of a model law on the protection of cultural property in the event of armed conflict, which was subsequently transmitted to all OAS member states.

During the discussions that followed, participants shared experiences of how national committees and similar bodies on IHL, given their interdisciplinary nature and the specific role they play within the administrative sphere, can contribute to enhancing the protection of cultural property. Many participants highlighted their role in implementing the preventive measures set out in the Hague Convention of 1954 and its Second Protocol – generally regarded as the standard-setting legal instruments in this field. National committees and similar bodies on IHL shared their experiences of drafting legislation, identifying, registering and marking cultural sites with the blue shield, or even, in some cases, with national emblems created for this very purpose. They also talked about raising awareness of the protection offered by international law among the general population, government services, armed forces and law enforcement agencies.

Other examples of good practice included the creation of refuges (or safe havens) for national and foreign cultural property, easily accessible online databases and smartphone applications, as well as the publication of manuals and practical guidelines.

In an effort to ensure a more coherent approach to the proactive protection of cultural property at both national and international levels, the workshop moderator invited the participating national committees and similar bodies on IHL to take action in the following two ways:

- Set up permanent working groups (or similar bodies) specifically tasked with implementing the Hague Convention of 1954 and its Protocols (as encouraged by the ICRC and the Intergovernmental Committee for the Protection of Cultural Property in the Event of Armed Conflict, in a joint letter sent in 2014 to all national committees and similar bodies on IHL).
- Improve synergies between the systems set up by the Hague Convention of 1954 and its Protocols and other relevant conventions on culture, in particular the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage.

OVERALL, THE VIEWS EXPRESSED AT THE WORKSHOP CONVERGED ON THE FOLLOWING POINTS:

- National committees and similar bodies on IHL have, or can at least develop, the ability and the expertise required to carry out the tasks (mostly preventive measures that must be implemented in peacetime) arising from the applicable international legal framework, in particular the Hague Convention of 1954 and its Protocols;
- Given their interdisciplinary approach and the nature of their mandate, they can play an important role in setting up those policies, strategies and action plans that are required at national level to protect cultural property (including ratification of/accession to relevant international instruments and enactment of comprehensive domestic legislation/regulations);
- Peer-to-peer exchanges between national committees and similar bodies on IHL should be strongly encouraged, as they are one of the most effective ways generally to enhance the capacity of such committees by sharing valuable expertise, advice and resources (including financial).

2. THE PROTECTION OF THE PROVISION OF HEALTH CARE IN ARMED CONFLICTS AND OTHER EMERGENCIES: WHAT CAN NATIONAL COMMITTEES AND SIMILAR BODIES ON IHL DO TO IMPLEMENT THE RELATED NORMATIVE FRAMEWORK?

Violence – both actual and threatened – against health-care personnel, facilities and medical transports during armed conflicts and other emergencies, affects individuals, families and entire communities. The interdisciplinary nature and advisory capacity of national committees and similar bodies on IHL place them in a good position to address this issue.

The topic was introduced by a senior adviser on Health Care in Danger from the Norwegian Red Cross Society. Pointing out that 47 per cent of ambulance personnel in Norway had been threatened or assaulted in the previous 12 months he stressed that the lack of respect for health services is a global issue, and not only in situations of armed conflict. Since preparation for war is best done in times of peace, national committees and similar bodies on IHL can play an important role in addressing this issue by focusing on the protection offered

by national normative frameworks. In that regard, the speaker reminded the participants of the importance and relevance of the recommendations developed during the 2014 Brussels workshop³ on this topic.

These include assessing the existing domestic legal framework, examining how better to integrate IHL into domestic legislation, introducing measures to prevent the misuse of the emblems, giving advice when establishing the required data-collection mechanisms, and setting up interdisciplinary bodies that can bring together the necessary expertise to develop holistic responses to this complex issue.

Based on the recommendations of the Brussels workshop the ICRC developed a practical tool to help State authorities develop effective (for their particular domestic context) legal frameworks, implementation measures and appropriate sanctions in light of their international obligations for protecting the provision of health care in armed conflicts and other emergencies.

The implementation of rules protecting the provision of health care in armed conflicts and other emergencies: A guidance tool | International Committee of the Red Cross

<https://www.icrc.org/en/publication/4215-domestic-normative-frameworks-protection-health-care>.

The speaker also recognized that while the absence of appropriate legislation to deal with violations and lack of State capacity to enforce the relevant provisions remained challenges in practice, national committees and similar bodies on IHL can at least have an impact on legislation and regulation. To guide their reflections on practical ways in which they could work on this issue, he concluded by asking participants the following questions:

1. How many of these recommendations were implemented at the national level to improve respect for and access to health-care services?
2. Have the tools that came out of the Brussels workshop been used?
3. What challenges were encountered on the way and how did you overcome them?

During the discussion in the workshop, the subject arose of growing awareness within the international community of the devastating effects of this form of violence in armed conflicts and other emergencies, as illustrated by the recent adoption of the following instruments:

- UNSC Resolution 2286 on the protection of civilians in armed conflict, with particular focus on protection of medical care in armed conflict;⁴
- Resolution 4, on health care in danger, of the 32nd International Conference of the Red Cross and Red Crescent;⁵ and
- Relevant WHO resolutions, including the Global Strategy on Human Resources for Health: Workforce 2030 Strategy.⁶

It was also noted that the recommendations of the aforementioned Brussels workshop and the guidance tool⁷ that was subsequently developed by the ICRC constitute some of the most comprehensive tools available to national IHL committees for improving the protection of health care by strengthening the normative framework, and participants were encouraged to use them.

³ See: ICRC, *Domestic Normative Frameworks for the Protection of Health Care: Report of the Brussels Workshop, 29–31 January 2014* – <https://www.icrc.org/en/publication/4215-domestic-normative-frameworks-protection-health-care>.

⁴ See United Nations Security Council Resolutions: <http://www.un.org/en/sc/documents/resolutions/2016.shtml>.

⁵ See Red Cross and Red Crescent statutory meetings: <http://rcrcconference.org/international-conference/documents/>.

⁶ See WHO, *Global strategy on human resources for health: Workforce 2030*, Geneva, 2016: http://www.who.int/hrh/resources/pub_globstrathrh-2030/en/.

⁷ See the ICRC legal factsheet, *The implementation of rules protecting the provision of health care in armed conflicts and other emergencies*: <https://www.icrc.org/en/document/implementation-rules-protecting-provision-health-care-armed-conflicts-and-other-emergencies>.

Participants also recognized that this cross-cutting issue needs to be addressed through multidisciplinary approaches. In this regard, they stressed the importance of connecting the dots between the national, international and regional levels and all relevant stakeholders (e.g. military medicine, legal experts, legislators, National Societies, emergency services, armed and security forces, as well as international organizations and NGOs).

Some participants shared their country's good practice. One participant described how his country created its own emblem for all personnel involved in medical activities, which has worked well in the context of its internal conflicts. Other participants discussed the dialogue they have engaged in with their militaries on targeting practices and the need to create, or improve operational guidelines. Advocacy – of measures both to prevent and suppress violence against health care – was also mentioned as an important activity for national committees and similar bodies on IHL, as was encouraging the production of helpful tools (e.g. the Swiss pocket guide to the rules of IHL that apply to medical personnel).

In this context, too, the value of exchanging good practice between national committees and similar bodies on IHL engaging in peer-to-peer support was emphasized.

Participants also identified challenges, such as the difficulty of collecting relevant data on violations affecting the medical mission for the purposes of better understanding the scope and nature of the issue and setting up adequate strategies to address it. While the importance of collecting such data was universally acknowledged, so was the practical difficulty of doing so unless the following questions had been settled: Who should be tasked with such data collection, ideally – an independent national observer, the ministry of health, other national authorities, or health-care practitioners? What role, if any, should national IHL committees play? What is the purpose of collecting the data: to ensure the perpetrators of acts of violence against health care are held accountable, or to provide a basis for devising strategies and practical measures to address the issue, or both? How should the issue of respect for data confidentiality and protection be dealt with?

OVERALL, THE FOLLOWING ELEMENTS EMERGED FROM THE WORKSHOP:

- The recommendations of the 2014 Brussels workshop and associated tools for addressing violence against health care through normative frameworks were recognized as valuable tools for national committees and similar bodies on IHL in this field. Consequently, these committees and similar bodies were encouraged to consult the report from the Brussels workshop and consider how best to implement the recommendations most relevant to their own context;
- The interdisciplinary nature and advisory capacity of national committees and similar bodies on IHL place them in a good position to address the issue of violence against health care in armed conflict and other emergencies, as most of the preventive measures involved require a holistic approach by a variety of interested parties. To that end, national committees and similar bodies on IHL can serve either as an existing platform for coordination, or as a driver for creating such a platform;
- The value of engaging in peer-to-peer exchanges to share views and experiences on how best to address violence against health care at national level is crucial.

3. THE PROTECTION OF INTERNALLY DISPLACED PERSONS AND MIGRANTS IN ARMED CONFLICT: WHAT ROLE CAN NATIONAL COMMITTEES AND SIMILAR BODIES ON IHL PLAY IN THIS REGARD?



Whether within or across borders, the displacement of people remains a pressing humanitarian concern. There is great potential for national committees and similar bodies on IHL to contribute to the institutional response required to address the specific needs and vulnerabilities of IDPs and migrants caught up in armed conflicts.

Introducing the topic, the former UN Special Rapporteur on the human rights of internally displaced persons (IDPs) spoke about protection and assistance for IDPs and migrants in armed conflict.

The former Special Rapporteur highlighted that a coercive element is essential to displacement, which, in an armed conflict, has different causes. He stressed that the vulnerabilities of both IDPs and migrants caught up in armed conflict are acute and that States need to take various measures to protect and assist them. He emphasized the importance of including the protection and assistance provided for under IHL in comprehensive domestic normative and policy frameworks, pointing out that national committees and similar bodies on IHL are uniquely placed to support this endeavour.

Interesting and robust discussions continued during the workshop on the role of national committees and similar bodies on IHL with regard to the protection of IDPs and migrants in armed conflict. Participants shared many examples of good practice in relation to support services for IDPs and migrants. However, some key concerns were also raised, including: the scale of the problem of displacement – particularly in relation to the population of the country in question as a whole – and its serious humanitarian consequences; the strong links between internal displacement and armed conflict, as well as the need to recognize the problems other than armed conflict that contribute to displacement or migration, such as internal (gang-related) violence and discrimination; and the vulnerability of IDPs and migrants with differing needs according to their particular situation.

A number of participants reported that their country had already ratified key instruments, such as the Kampala Convention,⁸ and implemented them into domestic legislation, or were in the process of doing so.

It also emerged from the discussions that national committees on IHL are often not included in processes to develop domestic normative and policy frameworks to protect and assist IDPs and migrants, with other national bodies taking the lead instead.

In this regard, it was highlighted that national committees on IHL could be part of monitoring and accountability mechanisms designed to protect people from becoming displaced, as well as during and after displacement. For example, national committees on IHL could play a role in establishing and monitoring conditions that allow IDPs to find durable solutions that ensure their safety and dignity, and in monitoring accountability for displacement. The Kampala Convention⁹ provides guidance in this regard.

OVERALL, THE FOLLOWING ELEMENTS EMERGED FROM THE DISCUSSIONS:

- Participants recognized that the workshop offered an interesting opportunity for national committees and similar bodies on IHL to realize the extent to which they could potentially get involved – not only in preventing violations of the rights of IDPs and migrants as part of the civilian population but also in working to adopt legislation to suppress serious violations of IHL against them.
- The expertise and inter-agency composition of national committees and similar bodies on IHL make them suitable bodies to contribute to the design and implementation of solutions to the problems of IDPs and migrants in situations of armed conflict.
- Importantly, there is great potential for national committees and similar bodies on IHL to contribute to the institutional response required to address the specific needs and vulnerabilities of IDPs and migrants in such situations.

In 2016, the ICRC carried out a **stocktaking exercise** in 25 African countries to identify how States could best meet their obligations to displaced people. A report was subsequently published, summarizing the findings and offering recommendations on how to translate the Kampala Convention into practice to benefit current and future internally displaced people. The recommendations contained in the report also draw on the United Nations Guiding Principles on Internal Displacement and can be used to support the development of domestic normative and policy frameworks in other regions. <https://www.icrc.org/en/publication/4287-translating-kampala-convention-practice>

For more information on the rules pertaining to internal displacement and the protection of IDPs under IHL, see the **ICRC factsheet** entitled **Internally Displaced Persons and International Humanitarian Law**: <https://www.icrc.org/en/document/internally-displaced-persons-and-international-humanitarian-law-factsheet>

⁸ African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), 2009.

⁹ *Ibid.*

C. RECENT AND CURRENT DEVELOPMENTS IN IHL RELATING TO PROTECTION ISSUES IN ARMED CONFLICT AND TO THE IMPLEMENTATION OF IHL

The third session was dedicated to sharing information about recent developments in IHL relating to protection issues in armed conflict and to the implementation of IHL, and it featured presentations by various representatives of the ICRC. One of these focused on **information and tools on IHL that have been made available to the public by the ICRC** and which could be useful for the work of national committees on IHL. All these resources are available online.¹⁰

Next to be discussed were **developments in IHL treaties on weapons** and related positions of the ICRC, and particularly: **explosive weapons in populated areas (EWPA)**¹¹, **new developments regarding efforts to prohibit and eliminate nuclear weapons**, in particular the UN General Assembly Resolution A/RES/71/258 to reconvene negotiations in 2017 on “a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination”¹², and the **Arms Trade Treaty (ATT)**.¹³ The role and contribution of national committees and similar bodies on IHL in this area were emphasized, particularly with regard to universal ratification and implementation of weapons-related instruments.

Lastly, participants were informed about **current IHL challenges relating to detention and the conduct of hostilities**.

With regard to **detention**, it was pointed out that the ICRC is visiting more and more detainees (up from 500,000 in 2011 to 900,000 to 2015) and often witnesses disastrous humanitarian situations – inadequate infrastructure, absence of basic services, arbitrary detention and a lack of respect for fundamental rights. The speaker explained that the causes range from insufficient resources to a lack of training or (political) will. In some cases, especially in non-international armed conflicts, the inadequacy of the applicable law is also partly to blame. While the Geneva Conventions and Additional Protocol I contain more than 150 provisions protecting prisoners of war and civilian detainees in international armed conflict, there are only four provisions protecting detainees in non-international armed conflict (Article 3 common to the Geneva Conventions and Articles 4, 5 and 6 of Additional Protocol II).

The ICRC consulted with States on this issue between 2011 and 2015, and presented the results of this process to the 32nd International Conference. In the form of Resolution 1 the Conference recommended further in-depth work on strengthening IHL to protect people deprived of their liberty in relation to armed conflict, particularly non-international armed conflict, with the aim of producing one or more concrete, implementable and non-legally binding outcomes, which can take any relevant or appropriate form. In addition, the ICRC was invited to facilitate the work of States and to contribute its humanitarian and legal expertise to this process.¹⁴ The speaker expressed the ICRC’s conviction that national committees and similar bodies on IHL have a role to play in this regard, e.g. by ensuring that the subject is regularly on the agenda, suggesting suitable

¹⁰ For general information, see www.icrc.org; for the law and policy blog, see www.icrc.org/lp-newsletter. The IHL databases are available at <https://ihl-databases.icrc.org/ihl>; more specifically, the customary law database is at <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>; and the database on national implementation of IHL is at <https://ihl-databases.icrc.org/ihl-nat>. A “Manual of domestic implementation of IHL”, which includes information on treaties and their implementation, ratification kits and model laws, is available on the general ICRC website at: <https://www.icrc.org/en/war-and-law/ihl-domestic-law>, and the ICRC offices in countries where the organization is present.

¹¹ See the factsheet on explosive weapons in populated areas at <https://www.icrc.org/en/document/explosive-weapons-populated-areas-factsheet>.

¹² See: <https://www.icrc.org/en/war-and-law/weapons/nuclear-weapons>.

¹³ See the ICRC video entitled *The Arms Trade Treaty: Keeping the Promise*, at: <https://www.icrc.org/en/document/arms-trade-treaty-keeping-promise>; see also the ICRC factsheet *2013 Arms Trade Treaty* at: <https://www.icrc.org/en/document/2013-arms-trade-treaty-factsheet>.

¹⁴ For information on this process, see: <https://www.icrc.org/en/document/detention-non-international-armed-conflict-icrcs-work-strengthening-legal-protection-0>.

State representatives to take part in the process, collecting examples of good State practice with regard to the topics discussed and, perhaps, by discussing the reports of the meetings held within the framework of this process.

On the subject of the **conduct of hostilities**, the speaker recalled that the existing rules in this regard are designed to keep a fragile balance between military necessities and humanitarian concerns and, as such, are considered still fit for purpose. The challenges relate to how the rules are implemented in practice. He stressed that it depends on how they are interpreted, using the principle of proportionality as an example. The speaker went on to explain that the ICRC follows and contributes to discussions about the interpretation of rules concerning the conduct of hostilities and their applicability in the face of new technologies, like cyber warfare and the militarization of outer space. He underlined that national committees on IHL can contribute in this regard by making sure that the protection afforded by IHL is not weakened by national legislation or other instruments, like military manuals. They can also contribute to discussions within the State, e.g. on whether to develop or acquire new technologies.

D. SIDE EVENTS

In addition to the formal agenda three side events provided participants with a platform for discussing and exchanging views and experiences on the **role of National Red Cross and Red Crescent Societies in national committees and similar bodies on IHL**, the **Montreux Document on private military security companies**¹⁵ and the **legal review of new weapons, and new means and methods of warfare**.¹⁶

The meeting also hosted a panel discussion on “War in cities: Addressing the humanitarian challenges”, which launched the 2017 War in Cities conference cycle organized by the ICRC.¹⁷

¹⁵ For the Montreux Document and related information and resources, see <http://www.mdforum.ch/en> and <https://www.icrc.org/en/war-and-law/contemporary-challenges-for-ihl/privatization-war>. See also: <http://www.mdforum.ch/pdf/The-Montreux-Document-in-a-Nutshell.pdf>. The legislative guidance tool can be found at: <http://mdforum.ch/pdf/Legislative-Guidance-Toolkit.pdf>, and the commentary on the Montreux Document is at: <https://www.icrc.org/en/international-review/article/commentary-part-i-montreux-document-pertinent-international-legal>.

¹⁶ See: <https://www.icrc.org/en/war-and-law/weapons/new-weapons>.

¹⁷ For more information on the War in Cities conference cycle, see: <https://www.icrc.org/en/document/war-cities-what-stake>

IV. CONCLUDING OBSERVATIONS

Concluding observations were delivered by an independent expert who had observed the meeting and the chair of one of the participating national committees on IHL.

The **independent expert speaker** addressed a number of the key messages that had emerged from the discussions, including the following:

- The law is of central importance both nationally and internationally – it is not just a technical matter for legal experts. It is a fundamental component of a just and peaceful society. IHL remains a critical tool for protecting lives and dignity. The evolution of some forms of violence does not make this body of law less relevant. Creating the conditions for respect of IHL is therefore crucial.
- The national committees and similar bodies on IHL continue to play an important role in a variety of circumstances, whether a country is at peace, involved in armed conflict, emerging from conflict, or still affected by historical conflict. The establishment of such committees should therefore be encouraged. The Universal Meeting is essential for supporting the work of these committees.
- It is very important that national committees and similar bodies on IHL connect with as many stakeholders as possible, at all levels and across all fields. They must work to gain recognition as a national focal (and reference) point on IHL and support global and regional initiatives aimed at developing and strengthening IHL. The role and contribution of National Red Cross and Red Crescent Societies in this regard were acknowledged.
- Sovereignty of States entails responsibility, and responsibility includes accountability. Accountability is vital in all its forms, including as a way of dealing with the past, addressing the needs of victims and creating a basis for sustainable peace.
- Ideas and passion must be translated into action if committees and similar bodies are to make a difference on the ground. National committees and similar bodies on IHL are well placed to support efforts to enhance protection in armed conflict, as the many experiences shared and suggestions made in the meeting workshops illustrate.

Speaking on behalf of the participants the **chair of the national IHL committee of the Kingdom of Morocco** highlighted the success of the meeting, in particular as an opportunity to assess the performance of national committees and similar bodies on IHL and to evaluate their achievements and ways in which they had overcome constraints.

- She underlined that while national committees and similar bodies on IHL do not follow a single model in terms of their composition and tasks, they all have an important role with regard to the implementation of IHL.
- She called on States to better distinguish between human rights and IHL, to refrain from assigning matters involving IHL to national human rights bodies and to establish committees specialized in IHL.

- She identified as the main challenges facing national committees and similar bodies on IHL the lack of an independent budget and administration, differing degrees of expertise, or limited availability of national expertise, and constant changes in membership.
- The advisory nature of national committees and similar bodies on IHL means their authority is limited, said the speaker, so she called on States to involve national committees and similar bodies in governmental consultations and to strengthen their role.
- Furthermore, she stressed that cooperation and partnership among committees, including regular regional, sub-regional and universal meetings, should be encouraged.

V. OUTCOMES AND THE WAY FORWARD

The Universal Meeting achieved its stated objectives of providing a safe space for discussions on IHL implementation and respect, and a truly global platform for the exchange of information, perspectives and the development of networks and peer-to-peer exchanges among national IHL committees and other governmental experts with responsibilities related to IHL.

In addition, the meeting stimulated and supported the interest of States that have not yet established a national IHL committee to consider doing so – the USA, Pakistan, Tanzania and Ethiopia, for example – and encouraged existing committees that have not been operational lately to reactivate themselves.

The ICRC, as well as assessing the recommendations that resulted from the meeting with a view to following them up in the coming months, plans to produce a new guidance tool on the role and functioning of national IHL committees. The request by many of the participants for a digital platform for national IHL committees to facilitate peer-to-peer exchanges between these bodies will also be considered.

ANNEXES

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- II. BACKGROUND PAPER
- III. LIST OF PARTICIPANTS
- IV. OPENING SPEECHES
- V. CONCLUDING OBSERVATIONS

ANNEX 1: AGENDA

WEDNESDAY, 30 NOVEMBER

- 08:30 - 09:30** **Arrival and registration (CICG)**
- 09:30 - 10:30** **Opening Session**
Moderator:
Dr Helen Durham, Director of International Law and Policy, ICRC
Keynote speakers:
Ms Christine Beerli, Vice-President, ICRC;
H.E. Valentin Zellweger, Permanent Representative of Switzerland to the United Nations, Geneva
- 10:30 - 11:00** **Coffee break**
- 11:00 - 11:15** **Introduction**
 Background, objectives and structure of the meeting
Ms Cristina Pellandini, Head of the Advisory Service on IHL, ICRC
- 11:15 - 12:45** **First session (plenary)**
 Role and work of national committees on IHL: achievements, challenges and prospects for the future
 Introductory panel discussion with representatives of national committees on IHL
Moderator:
Mr Charles Sabga, Legal Adviser, Advisory Service on IHL, ICRC
Speakers:
Mr Hugo Torres Armas, National Committee on IHL, Peru;
Dr Abedulzaman Majeed Al-Rubaye Basim, National Committee on IHL, Iraq;
Ms Lieve Pellens, Chairwoman, National Committee on IHL, Belgium
- 12:45 - 14:00** **Lunch/**
- 13:00 - 14:00** **Side event**
 The contribution of National Red Cross and Red Crescent Societies to national committees on IHL
- 14:00 - 17:00** **First session (continued) (includes coffee break)**
 Peer-to-peer exchanges and discussion
Group 1: English, French, Russian
 Moderator: *Ms Mateja Grasek, National Committee on IHL, Slovenia*
Group 2: English, French, Arabic
 Moderator: *Mr Pitso David Montwedi, National Committee on IHL, South Africa*
Group 3: English, French, Spanish
 Moderator: *Mr Sergio Estrada Rojas, National Committee on IHL, Mexico*
- 17:30 - 19:30** **Cocktail reception at the CICG**
 Hosted by the Swiss Government and its national committee on IHL and the Swiss Red Cross

THURSDAY, 1 DECEMBER

- 09:00 - 10:30** **First session (plenary) (continued)**
Reports from working groups followed by discussion
- 10:30 - 11:00** **Coffee break**
- 11:00 - 12:45** **Second session (plenary)**
Specific issues: What role can national committees and similar bodies on IHL play?
Introductory panel discussion with experts and representatives of national committees on IHL
Moderator:
H.E. Jürg Lindenmann, Chairman, National Committee on IHL, Switzerland
Speaker on preservation and protection of cultural property in the event of armed conflict:
Mr Jan Hladík, Head of Cultural Heritage Protection Treaties Section, UNESCO
Speaker on protection of the provision of health care in armed conflicts and other emergencies:
Mr Frederik Siem, Senior Adviser for Health Care in Danger, Norwegian Red Cross
Speaker on protection of internally displaced persons and migrants in armed conflict:
Prof. Chaloka Beyani, Professor of International Law, London School of Economics, former UN Special Rapporteur on the Human Rights of Internally Displaced Persons
- 12:45 - 14:00** **Lunch /**
- 13:00 - 14:00** **Side events**
Regulating Private Military and Security Companies: What can national IHL committees do?
Legal review of new weapons and of new means and methods of warfare
- 14:00 - 17:00** **Second session (continued) (includes coffee break)**
Workshop 1 on the preservation and protection of cultural property in the event of armed conflict: What can national committees and similar bodies on IHL do to implement the related normative framework?
Moderator: *Mr Benjamin Goes, National Committee on IHL, Belgium*
Workshop 2 on the protection of the provision of health care in armed conflicts and other emergencies: What can national committees and similar bodies on IHL do to implement the related normative framework?
Moderator: *Mr. Geoffrey Skillen, Chairman, National Committee on IHL, Australia*
Workshop 3 on the protection of internally displaced persons and migrants in armed conflict: What role can national committees and similar bodies on IHL play in this regard?
Moderator: *Ms Ivonne Gonzalez, National Committee on IHL, Colombia*
- 17:30 - 19:00** **War in cities: Addressing the humanitarian challenges – panel discussion**
- 20:00** **Dinner hosted by the ICRC, Restaurant “Parc des Bastions”**

FRIDAY, 2 DECEMBER

- 09:00 - 10:30** **Second session (plenary) (continued)**
Reports from workshops followed by discussion
Moderator:
H.E. Jürg Lindenmann, Chairman, National Committee on IHL, Switzerland
- 10:30 - 11:00** **Coffee break**
- 11:00 - 13:00** **Third session (plenary)**
Recent and current developments in IHL relating to protection issues in armed conflict and to the implementation of IHL
Moderator:
Dr Knut Dörmann, Chief Legal Officer, Head of the Legal Division, ICRC
Speakers on new tools:
Ms Julie Tenenbaum, Regional Legal Adviser for Europe, ICRC;
Mr Vincent Bernard, Head of the Law and Policy Forum, ICRC
Speaker on key developments in IHL treaties on weapons:
Ms Kathleen Lawand, Head of the Arms Unit, ICRC
Speaker on current IHL challenges related to detention and conduct of hostilities:
Dr Jean-François Quéguiner, Head of the Thematic Legal Advisers Unit, ICRC
- 13:00 - 13:30** **Closing session**
General conclusions and closing remarks
Moderator: *Dr Helen Durham, Director of International Law and Policy, ICRC*
- 13:30 - 14:30** **Light lunch**
- Afternoon** **Visit to the International Red Cross and Red Crescent Museum (optional)**

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I. NATIONAL COMMITTEES AND SIMILAR BODIES ON INTERNATIONAL HUMANITARIAN LAW

HOW CAN THEY CONTRIBUTE TO ENHANCING PROTECTION IN ARMED CONFLICT THROUGH DOMESTIC LAW AND POLICY?

International humanitarian law (IHL) has, since the adoption of the original Geneva Convention in 1864, become a complex and steadily developing body of international law. Its conventions, protocols and customary rules encompass a large range of subjects, from the protection of the sick and wounded, civilians, civilian objects, prisoners of war and cultural property to the restrictions on or prohibitions against specific types of weapons and methods of warfare. All parties to a conflict are bound by applicable IHL, including armed groups involved in non-international armed conflict.

The 1949 Geneva Conventions are universally accepted today; their Additional Protocols and other IHL-related treaties¹ also enjoy increasingly widespread acceptance. States' ratification of or accession to the relevant instruments is a vital first step. For the rules of IHL to be effective and afford protection in situations of armed conflict, however, they have to be complied with and enforced. States have the primary responsibility for ensuring full compliance with IHL. This responsibility is set out prominently in Article 1 common to the four Geneva Conventions, which requires States Parties to "respect and to ensure respect for the present Convention in all circumstances". The obligation to respect and ensure respect for IHL also exists under customary international law.

Broadly speaking, the universal meeting aims to identify ways to increase respect for IHL and other legal frameworks as relevant, particularly through domestic laws and policies, in order to enhance various kinds of protection in armed conflict. More specifically, it seeks to determine the role national committees and similar bodies on IHL can play in this regard, and how such bodies can strengthen their contribution to increasing respect for IHL domestically and beyond.

OBJECTIVES AND EXPECTED OUTCOME

The objective of this meeting is similar to that of the previous universal meetings: to give national IHL committees a platform for peer-to-peer exchanges and for forward-looking discussions on their activities and experiences.

The meeting will focus on practical issues relating to the implementation of IHL at the national level and to mechanisms and processes for facilitating respect for IHL. Its specific objectives are:

- to provide representatives of national IHL committees and other government experts with an opportunity to discuss the mandate, working methods, achievements and challenges associated with the work of these committees, and to identify their needs in terms of capacity building and other support;
- to provide further support for the establishment and functioning of national IHL committees, as appropriate, and to discuss, in a forward-looking manner, the continued relevance of national bodies that are assigned – formally or informally – the task of promoting IHL and its domestic implementation, the evolving role of these bodies, and ways to increase their effectiveness;
- to discuss the role and contribution of these bodies in developing domestic laws, policies, strategies and action plans on certain issues of particular relevance to protection in armed conflict and to the implementation of States' obligations under IHL; and
- to discuss and identify ways to further the domestic implementation of the outcomes – resolutions/pledges – of the 32nd International Conference of the Red Cross and Red Crescent.

¹ See table of States party to IHL and other related treaties at: <https://ihl-databases.icrc.org/ihl-nat>.

We expect that the meeting will identify – through open discussion and the sharing of experiences – good practices and methods of operation for bringing about better protection in armed conflict and for making national bodies on IHL more effective in helping to generate greater respect for this body of law.

We also hope that the meeting will strengthen peer-to-peer cooperation between national IHL committees from different countries and regions.

The ICRC will publish the outcomes of the meeting a few months later.

PARTICIPANTS

The meeting will be attended primarily by representatives of national committees or similar bodies on IHL, of which there are now more than 100 worldwide. In addition, States without a specific body devoted to IHL, and that are interested in setting up one, will attend as observers. Selected representatives of relevant international and regional organizations with expertise in IHL, and individual experts, will also take part, and share their views and experiences. Representatives of the ICRC and of selected National Red Cross or Red Crescent Societies will attend the meeting as well.

Participants will be asked to contribute practical suggestions for achieving the meeting's objectives, and to that end, to reflect on relevant methods, resources and tools and to share good practices. They are therefore urged to consider the issues outlined in this document and to prepare for the meeting with a view to contributing actively to discussions. They are also invited to be prepared to share, as appropriate, information about the laws and regulations their countries may have adopted on the subjects under discussion.

PROCEEDINGS

The meeting will last two and a half days and will be divided into three working sessions. It will include panel discussions among selected panellists in plenary sessions, as well as discussions in working groups. While participants attending the working groups in the first session will all discuss the same topic, participants will be invited to participate in one of three thematic workshops for the second session.

Simultaneous interpreting in Arabic, English, French, Russian and Spanish will be provided throughout the meeting.

30 November 2016

II. MEETING'S SESSIONS

A. FIRST SESSION: ROLE AND WORK OF NATIONAL COMMITTEES AND SIMILAR BODIES ON IHL: ACHIEVEMENTS, CHALLENGES AND PROSPECTS FOR THE FUTURE

1. Fostering respect for international humanitarian law (IHL)

Implementing IHL at the domestic level

Armed conflicts in progress in many parts of the world continue to cause immense suffering and large-scale destruction, despite the existence of a well-developed body of law designed specifically to limit the effects of war. In this regard, it bears remembering that IHL places the primary responsibility for respecting and ensuring respect for it, in all circumstances, on States; this also includes the duty to implement IHL.

For the rules of IHL to be effective and afford protection in armed conflict, they need to be recognized, known and complied with when and where they apply. States' acceptance of the relevant instruments, by ratifying or acceding to them, is a vital first step. In addition, a number of other actions needs to be carried out domestically, beginning in peacetime, to create an environment conducive to compliance with the law. These actions relate notably to States' obligation to: disseminate IHL; adopt legislative, executive and other implementation measures; incorporate IHL in all aspects of the doctrine, training, education, equipment use

and sanctions of operational forces; and suppress, by criminalizing them, all serious violations of IHL. To create a national system that will ensure that the law is complied with when and where it applies, and that violations are dealt with appropriately, coordination among different government agencies and sectors, the armed forces and civil society is essential.

National committees and similar bodies on IHL:

A collective effort to facilitate domestic implementation of IHL

To facilitate the domestic implementation of IHL, many States – currently more than 100 (see the table listed in “Suggested background reading” below) – have established a body or group of experts for the specific purpose of dealing with matters pertaining to IHL; this is often called the national committee for the implementation of IHL, and more States are contemplating the creation of such an entity. The example of many successful national IHL committees shows that if they function efficiently and have the required capacities, they can be of considerable help to States in implementing their commitments under IHL and achieving policy objectives in this area.

The structure, mandate and working procedures of these committees vary from one State to another. The diversity of committees reflects the diversity of States, and each committee is adapted to its country’s specificities. Most however act as inter-ministerial and multidisciplinary advisory bodies on IHL-related issues for political and military authorities and decision-makers. Their role has generally included promoting, advising on and coordinating all matters relating to the ratification of or accession to relevant international instruments and the implementation of IHL at the national level. They also work to promote knowledge of IHL and compliance with it by, for example, supporting its incorporation in educational programmes and operational frameworks, and the adoption of related State policies and strategies; they also provide support for the development of IHL.

National IHL committees, being aware of the degree to which their States currently accept and implement IHL and related treaties, are particularly well placed to: evaluate existing domestic legislation, judicial decisions, administrative provisions and governmental policies in the light of the obligations stemming from the various IHL instruments; submit advisory opinions to the national authorities on issues relating to IHL; and formulate recommendations and proposals in this regard. In many instances, the role of a national IHL committee, and its influence, has evolved over time. Some of them have gradually become part of the structure of their country’s government and acquired a recognized advisory function for all issues linked to IHL, or have proved their value as a platform for intra-governmental exchange of information and coordination. Others have been entrusted with additional tasks, for example helping their States to meet their obligations with respect to existing reporting mechanisms.

Every country and every national IHL committee or similar body has its distinct characteristics. However, to be effective and to make an impact, they all require the fulfillment of certain conditions, such as: a formal status and a strong yet flexible mandate that includes a right for the committee to submit advisory opinions to the relevant national authorities and to formulate recommendations, including a right of initiative in this regard; and the composition, resources and operating structure that enable them to perform their duties and that ensure the continuity of their work. National IHL committees also benefit from the setting of clear objectives and the use of effective working methods, and can gain visibility by implementing an appropriate communication strategy. National IHL committees can also add to their effectiveness by preparing progress reports on the state of domestic IHL implementation.

Over the years, several national IHL committees have drawn attention to the usefulness of establishing and maintaining regular contact with their counterparts, in their geographic region and beyond. The ICRC has observed a steady increase in international cooperation arrangements, which have been extremely useful in facilitating the exchange of information and knowledge.

The role of national IHL committees and operating models for such bodies were first discussed within the framework of an experts' meeting convened by the ICRC in 1996. Three meetings of representatives from such bodies were held in 2002, 2007 and 2010. Drawing on the discussions at these meetings, and on best practices of existing national committees, the ICRC's Advisory Service on IHL has developed the following tools to facilitate the work of the committees and relations between them: *Guiding Principles Concerning the Status and Methods of Operation of National Bodies for the Implementation of International Humanitarian Law* and *Practical Advice to Facilitate the Work of National Committees on International Humanitarian Law* (see "Suggested background reading" below).

2. How can national committees and similar bodies on IHL further contribute to enhancing respect for IHL?

The session is devoted to assessing the role, functioning and work of national committees and similar bodies on IHL in general. It will build on discussions and outcomes related to this subject at previous meetings of the kind – in particular, on the third universal meeting of national committees and similar bodies on IHL (Geneva, October 2010), and on regional peer-to-peer exchanges.

Representatives from national committees and similar bodies on IHL will have an opportunity to engage in dialogue on the mandate and working methods of these bodies, their achievements, and the challenges associated with their work. They will be invited to describe their successes and explain the reasons for them, and the challenges they have had to deal with. Participants will also be able to learn about the forms of support available to them, including that of their peers, and to identify others that would be of use to them, such as capacity building and networking.

Participants will also be asked to reflect on the continuing relevance of national bodies – formal or informal – that are assigned the specific task of promoting IHL and its domestic implementation, the evolving role of such bodies, and ways to make them more effective. Prospects for strengthening the role of such entities in the future, both at the domestic level and in contributing to enhancing respect for IHL more generally, will also be discussed. These discussions may allow for proposals to be made in this connection.

Participants from countries that have not yet established an IHL committee or similar body will be able to learn how these bodies work, their role – both what they do and what they can do – and the support available for establishing them.

Discussions should allow to identify elements for the formulation of additional guidance on the role of national IHL committees and similar bodies.

3. How will the strengthened role and contribution of national committees and similar bodies on IHL be discussed?

The session will consist of an introductory panel discussion followed by discussions in three parallel working-groups which will give participants a forum for informal discussion and interactive exchange of views and experiences. Representatives of various national IHL committees will be on the panel; they will describe the set-up and role of their committees, and the achievements and challenges of the past five years. The working groups will feature a moderator, who will be supported by a rapporteur. Participants will reconvene in plenary the following morning: one rapporteur from each working group will report on the group's discussions and conclusions. The floor will then be thrown open for questions and comments.

In order to enable active participation and enrich the discussions, participants are invited to consider the guiding questions provided below when preparing for the session.

4. Guiding questions

Please note that the expressions “national IHL committee” or “committee” have been used only for the sake of simplicity: representatives from similar bodies on IHL are also invited to reflect upon and discuss these questions.

I. STATUS, STRUCTURE, FUNCTIONS AND POWERS OF THE NATIONAL IHL COMMITTEE

1. What is the structure and status of your national IHL committee, and what are its functions and powers? What characteristics of your national IHL committee have proven to be instrumental in its achievements? What are the main opportunities created by these characteristics?
2. What characteristics hamper your committee’s effectiveness? What challenges has your committee faced in carrying out its functions and exercising its powers? What is needed to overcome these challenges?

II. WORKING METHODS OF NATIONAL IHL COMMITTEES AND RECENT ACHIEVEMENTS AND CHALLENGES

1. What have been your committee’s main achievements since 2010?
2. What are its working methods? How does it set its priorities and objectives? How does it ensure its visibility?
3. What challenges has your committee faced? What does it need to overcome these challenges and be more effective? What kind of support would be useful?

III. RELATIONS WITH NATIONAL STAKEHOLDERS AND INTERNATIONAL COOPERATION

1. What are the connections between your national IHL committee and other national stakeholders, including legislators, the judiciary, other intra-governmental agencies (e.g. the national human rights commission, if there is one), the armed forces, the security forces, the National Red Cross or Red Crescent Society, and civil society?
2. Has your committee established ties with other national IHL committees and maintained exchange of information, best practices, and so on with them? If so, how was this done and what role, if any, have global or regional organizations played in this regard? Has the ICRC played a part? Are there obstacles to establishing and maintaining such exchanges? If so, what can be done to assist in developing or enhancing dialogue between national IHL committees on a regional or global level?

IV. A STRENGTHENED ROLE FOR NATIONAL IHL COMMITTEES AT THE DOMESTIC LEVEL AND BEYOND

1. Does your national IHL committee play a role in any of the following?
 - assessing existing legislation, judicial decisions, and your State’s policies on obligations deriving from IHL instruments to which it is party, and related developments;
 - reporting such assessments publicly;
 - preparing and/or following up resolutions, pledges or action plans adopted under the auspices of the International Conference of the Red Cross and the Red Crescent;
 - preparing and/or following up resolutions, commitments or reports adopted under the auspices of international organizations at global or regional level and relating to specific international treaties (for examples of relevant reporting obligations, see “Regular Reporting Requirements under International Humanitarian Law and Other Relevant Instruments”, listed in “Suggested background reading” below).
2. Besides the typical functions and powers usually assigned to national IHL committees, does your national IHL committee carry out other activities to further strengthen respect for IHL, including outside your country? If not, would it be possible to do so? In answering this question, please take into account the activities enumerated in the previous question.

5. Suggested background reading

- ICRC factsheet, *National Committees for the Implementation of International Humanitarian Law*, January 2003: <https://www.icrc.org/en/document/national-committees-implementation-international-humanitarian-law-0>
- ICRC, *Guiding Principles Concerning the Status and Methods of Operation of National Bodies for the Implementation of International Humanitarian Law*, May 1998: https://www.icrc.org/eng/resources/documents/misc/guiding_principles_national_committees.htm
- ICRC, *Practical Advice to Facilitate the Work of National Committees on International Humanitarian Law*, June 2003: <https://www.icrc.org/en/document/practical-advice-facilitate-work-national-committees-international-humanitarian-law>
- ICRC, “Role and Impact of National Committees for the Implementation of IHL” in *Preventing and Repressing International Crimes: Towards an “Integrated” Approach Based in Domestic Practice – Report of the Third Universal Meeting of National Committees for the Implementation of International Humanitarian Law*, February 2014: <https://www.icrc.org/en/publication/4138-preventing-and-repressing-international-crimes-towards-integrated-approach-based>
- ICRC factsheet, *Implementing International Humanitarian Law: From Law to Action*, June 2002: <https://www.icrc.org/en/document/implementing-international-humanitarian-law-law-action>
- ICRC, *Table of National Committees and other National Bodies on International Humanitarian Law*, last updated in June 2016: <https://www.icrc.org/en/document/table-national-committees-and-other-national-bodies-international-humanitarian-law>

Further suggested background reading

- ICRC database on national implementation of IHL: <https://ihl-databases.icrc.org/ihl-nat>
- ICRC documents on national implementation of IHL: <https://www.icrc.org/en/war-and-law/ihl-domestic-law/documentation>
- ICRC, “Regular Reporting Requirements under International Humanitarian Law and Other Relevant Instruments” in *Preparatory Discussion in view of the Third Meeting of States on Strengthening Compliance with IHL of mid-2014 – Reporting and Thematic Discussions on IHL and Overview of a Meeting of States: Background Document*, November 2013: <https://www.icrc.org/eng/assets/files/2014/2013-12-preparatory-discussion-strengthening-ihl-meeting-2014-icrc.pdf>
- Cristina Pellandini, “Ensuring national compliance with IHL: The role and impact of national IHL Committees”, *International Review of the Red Cross*, Vol. 96, Nos 895/896, December 2014, pp. 1043 – 1048: <https://www.icrc.org/en/international-review/article/ensuring-national-compliance-ihl-role-and-impact-national-ihl>
- Mariana Salazar Albornoz, “The work of Mexico’s Inter-ministerial Committee on international humanitarian law”, *International Review of the Red Cross*, Vol. 96, Nos 895/896, December 2014, pp. 1049 – 1059: <https://www.icrc.org/en/international-review/article/work-mexicos-interministerial-committee-international-humanitarian-law>
- Tania Elizabeth Arzapalo Villón, “Peru’s National Committee for the Study and Implementation of International Humanitarian Law”, *International Review of the Red Cross*, Vol. 96, Nos 895/896, December 2014, pp. 1061 – 1073: <https://www.icrc.org/en/international-review/article/perus-national-committee-study-and-implementation-international>
- Frédéric Casier and Alix Janssens, “Belgium’s Interministerial Commission for Humanitarian Law: Playing a key role in the implementation and promotion of IHL”, *International Review of the Red Cross*, Vol. 96, Nos 895/896, December 2014, pp. 1075 – 1091: <https://www.icrc.org/en/international-review/article/belgiums-interministerial-commission-humanitarian-law-playing-key-role>

1 December 2016

B. SECOND SESSION: SPECIFIC ISSUES: WHAT ROLE CAN NATIONAL COMMITTEES AND SIMILAR BODIES ON INTERNATIONAL HUMANITARIAN LAW (IHL) PLAY?

1. Preservation and protection of cultural property in the event of armed conflict: What can national committees and similar bodies on IHL do to implement the related normative framework?

a) The humanitarian issue

Violence against cultural property has become a prominent feature of recent conflicts. It takes various forms: deliberate attacks against cultural or historic monuments with no military value as a tactic of war; military operations against important pieces of cultural property that have turned into military objectives; and even the destruction of objects as incidental damage or as acts of sheer vandalism.

Protecting people's lives will always remain the highest priority, but respect for a people's dignity is also a crucial consideration during armed conflict. Recent examples have demonstrated that the deliberate destruction of cultural property has often been a precursor to the commission of abuses against civilians. Protecting objects, places and monuments that have an important cultural value for a people is, in many cases, an integral part of the entire humanitarian operation aimed at protecting the lives and dignity of that population, as both are intrinsically linked.

The rules governing the protection of cultural property in the event of armed conflict are well established in both treaty and customary international law, but their application by States is far from universal. More States need to ratify or accede to the relevant binding international instruments; but those that have ratified or acceded to these treaties can often do more to implement them domestically.

Because of the specific nature of their mandate and the multidisciplinary character of their composition, national IHL committees can play an important role in this regard. Not only can they urge their own State authorities to ratify or accede to the relevant international legal instruments, they can also provide concrete advice to them for implementing the broad range of protective practical measures that have to be considered already in peacetime, including the adoption of adequate domestic legislation and regulations.

b) The international legal framework²

IHL seeks, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not, or are no longer, directly participating in hostilities, and imposes limits on the means and methods of warfare. It therefore provides States and parties to armed conflict with obligations and fundamental guarantees guiding the conduct of hostilities. These obligations include those aimed at protecting civilian objects in general.

Under IHL, cultural property is protected in two ways during armed conflict. Because it is normally civilian in nature, the general provisions protecting civilian objects apply. In addition, in recognition of the particular importance of protecting cultural property, States have adopted a number of treaties that specifically address this concern.

The cornerstone of the international legal framework protecting cultural property in armed conflict is the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict (1954 Hague Convention). It contains a definition of cultural property that covers both movable and immovable property, creates a specific emblem to identify protected cultural property – the blue shield – and provides for a system of both “general” and “special protection” for cultural property. The First Protocol to the 1954 Hague

² A complete review of the international legal framework protection of cultural property during armed conflict, including the ICRC factsheet, *1954 Convention on the Protection of Cultural Property in the Event of Armed Conflict and its Protocols* (November 2014), is available at: <https://www.icrc.org/en/war-and-law/conduct-hostilities/cultural-property>

Convention deals exclusively with the protection of cultural property in situations of occupation; one of the main features of the Second Protocol of 1999 is the creation of a system of “enhanced protection” for cultural heritage that is of the greatest importance for humanity,³ in reaction to the limited success of the system of “special protection”.

In addition to its protection under the 1954 Hague Convention and its two Protocols of 1954 and 1999, cultural property is also specifically protected by the two Protocols of 8 June 1977 additional to the Geneva Conventions of 1949 (Additional Protocols I and II).⁴

Specific protection of the cultural heritage of all peoples is also part of customary international law.⁵

Safeguarding cultural property in peacetime against consequences of armed conflict

The 1954 Hague Convention and its Protocols of 1954 and 1999 include some measures and mechanisms for promoting their implementation and for ensuring that their provisions are respected. More specifically, pursuant to Article 3 of the 1954 Convention, States must undertake to make preparations in peacetime to safeguard cultural property against the foreseeable consequences of an armed conflict by “taking such measures as they consider appropriate”, without giving more details as to what those measures could be. The 1999 Second Protocol provides more guidance in this respect and specific examples of the concrete measures to be taken in peacetime.⁶ These include: the preparation of inventories; the planning of emergency measures for protection against fire or structural collapse; preparations for the removal of movable cultural property or the provision of adequate protection *in situ* of such property; and the designation of competent authorities responsible for safeguarding cultural property. All these measures are of practical importance for protecting cultural property in the event of armed conflict and may also prove very useful in the event of other emergencies, such as natural disasters. Dissemination of knowledge of the relevant instruments and the rules they contain is another important measure required by the Convention and its Protocols.

Criminal repression

High Contracting Parties to the Geneva Conventions of 1949 have the responsibility to respect and ensure respect for the Conventions in all circumstances.⁷ This obligation also exists under customary IHL.⁸ Under the 1949 Geneva Conventions and Additional Protocol I, this includes the obligation to implement domestic laws to repress “grave breaches”.⁹ States Parties must also take measures necessary for the suppression of all acts contrary to the Conventions other than grave breaches. Furthermore, a rule of customary IHL can be identified in both international and non-international armed conflicts relating to the prosecution of perpetrators of war crimes.¹⁰ In particular, States have the primary responsibility for investigating allegations and

³ See Art. 10 of the 1999 Second Protocol to the 1954 Hague Convention. To benefit from enhanced protection, a piece of cultural property must, in addition to its great cultural value, also be protected by adequate domestic legal and administrative measures that recognize its exceptional cultural and historic value and ensure the highest level of protection; and it must also not be used for military purposes or to shield military sites.

⁴ See Additional Protocol I, Art. 53 and Additional Protocol II, Art. 16.

⁵ See Rules 38–41 of the ICRC’s study on customary IHL.

⁶ See Art. 5 of the 1999 Second Protocol to the 1954 Hague Convention.

⁷ See the section on Article 1 common to the four Geneva Conventions of 1949, in ICRC, *Commentary on the First Geneva Convention: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, 2nd ed., 2016; available at: <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/365?OpenDocument>. See also, Dörmann and Serralvo, “Common Article 1 to the Geneva Conventions and the obligation to prevent international humanitarian law violations”, *International Review of the Red Cross*, Vol. 96, Nos 895/896, December 2014, pp. 707–736.

⁸ See Rule 139 of the ICRC’s study on customary IHL.

⁹ See: Articles 49–51 GC I, Articles 50–51 GC II, Articles 129–130 GC III and Articles 146–147 GC IV; Rule 158 of the ICRC’s study on customary IHL: <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>; Commentaries on Articles 49–51 GC I (2nd ed., March 2016): <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/365?OpenDocument>; and the ICRC Advisory Service’s factsheet, *Penal Repression: Punishing War Crimes* (March 2014): <https://www.icrc.org/en/document/penal-repression-punishing-war-crimes>.

¹⁰ See Rule 158 of the ICRC’s study on customary IHL. See also Rules 156 and 157: <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>.

prosecuting alleged perpetrators of serious violations of IHL.¹¹ This obligation requires States to develop clear normative frameworks, strong judicial mechanisms and effective measures to ensure accountability in order to prevent serious violations of IHL and punish those found guilty of committing them. Similar obligations also exist under other IHL-related treaties, for example those relating to the protection of cultural property in the event of armed conflict. In addition, the principle of complementarity – as enshrined in the Statute of the International Criminal Court (ICC Statute) – underlines the fundamental importance of effective domestic legislation and mechanisms to repress war crimes, including those defined in Article 8 of the ICC Statute.¹²

It was at the 2010 Universal Meeting of Committees and Similar Bodies on International Humanitarian Law – the theme of which was “Repression of Serious Violations of IHL: Towards an ‘integrated’ approach” – that participants discussed the merits of using an “integrated” approach to the establishment of mechanisms to prevent and repress serious violations of IHL at the national level.¹³ Discussions at the meeting focused on the possibility of harmonizing, clearly and coherently, legal obligations derived from all sources of IHL (treaty and customary law for international and non-international armed conflicts alike) with those derived from domestic law in order to provide the most comprehensive legal basis for the repression of and response to serious IHL violations. Regardless of the approach taken to incorporate IHL obligations in domestic law, national committees on IHL have an essential role to play in developing and implementing normative frameworks and related mechanisms to prevent and repress serious violations of IHL at the national level.

Concerning cultural property more specifically, Article 28 of the 1954 Hague Convention obliges States Parties to “take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, of whatever nationality, who commit or order to be committed a breach of the (...) Convention”. This provision does not list the violations that require a criminal sanction, but Article 15 of the Second Protocol to the 1954 Hague Convention builds on Additional Protocol I and the ICC Statute,¹⁴ by defining five acts that constitute “serious violations” requiring a criminal sanction, if committed intentionally and in violation of the 1954 Hague Convention or its Second Protocol.¹⁵

In addition to implementation obligations under the 1954 Hague Convention, States party to the Second Protocol must therefore ensure that the offences outlined under Article 15 are incorporated in domestic law. In particular, each State Party must ensure that its legislation establishes jurisdiction when the offence is committed in its territory, when the alleged offender is a national of that State, and – in relation to the offences outlined in Article 15 (1) (a) to (c) – when he or she is present in its territory. These instruments therefore vest some form of universal jurisdiction in their courts over the serious violations of the rules contained in them, which should be reflected accordingly in implementing legislation.¹⁶ Any implementation approach should be an integrated one, taking into account existing treaty and customary international law obligations.

11 See the ICRC Advisory Service’s factsheets: *Penal Repression: Punishing War Crimes* (March 2014): <https://www.icrc.org/en/document/penal-repression-punishing-war-crimes>; and *War Crimes under the Rome Statute of the International Criminal Court and their Sources in International Humanitarian Law*: <https://www.icrc.org/en/document/war-crimes-under-rome-statute-international-criminal-court-and-their-source-international>.

12 See the ICRC Advisory Service’s factsheet, *Statute of the International Criminal Court*: <https://www.icrc.org/en/document/statute-international-criminal-court>.

13 See *Preventing and Repressing International Crimes: Towards an «Integrated» Approach Based in Domestic Practice – Report of the Third Universal Meeting of National Committees for the Implementation of International Humanitarian Law*, 2013; available at: <https://www.icrc.org/en/publication/4138-preventing-and-repressing-international-crimes-towards-integrated-approach-based>.

14 Art. 8(2)(e)(iv) of the ICC Statute states that “intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives” constitutes a war crime, regardless of the classification of the conflict. On 27 October 2016, the ICC convicted Ahmad Al Faqi Al Mahdi of war crimes related to the destruction of protected cultural heritage in Mali under article 8(2)(e)(iv) of the ICC Statute. He was sentenced to nine years of imprisonment. This was the first case on the destruction of cultural heritage handled by the ICC.

15 See the ICRC factsheet, *1954 Convention on the Protection of Cultural Property in the Event of Armed Conflict and its Protocols* (November 2014).

16 See: Articles 49–51 GC I; Rule 158 of the ICRC’s study on customary IHL; and Commentaries on the First Geneva Convention (2nd ed., March 2016). See also the ICRC Advisory Service’s factsheet, *Universal Jurisdiction over War Crimes* (March 2014).

The role of UNESCO under the 1954 Hague Convention and its two Protocols¹⁷

The United Nations Educational, Scientific and Cultural Organization (UNESCO) acts as depository and secretariat for the 1954 Hague Convention and its two Protocols. In particular, the organization assists in promoting and implementing the Convention and its two Protocols. It provides technical assistance for organizing the protection of cultural property upon the request of the High Contracting Parties or of the States party to the Second Protocol. UNESCO may, on its own initiative, make proposals in relation to any problem arising from the application of the Convention and its Second Protocol. It also acts as secretariat of the Committee for the Protection of Cultural Property in the Event of Armed Conflicts and is responsible for implementing the Committee's decisions.

The role of the ICRC in supporting the protection of cultural property during armed conflict

The International Committee of the Red Cross (ICRC) has, through its Advisory Service on IHL, been supporting the efforts of States and national IHL committees to implement IHL and other legal frameworks throughout the world. These efforts include promoting ratification/accession and implementation of instruments for the protection of cultural property in the event of armed conflict. In October 2000, the ICRC's Advisory Service convened a meeting of experts, during which participants discussed the relevance and the variety of national implementation activities in this regard.¹⁸ One of the main outcomes of that meeting of experts was the publication of *Practical Advice for the Protection of Cultural Property in the Event of Armed Conflict*.¹⁹ This document lists all the measures that States must take to ensure that cultural property is safeguarded and respected, based on the requirements of the 1954 Hague Convention and its Protocols; it also sets out practical recommendations for implementing these measures effectively. In addition to that meeting of experts, the ICRC also organized several regional and national technical workshops in various parts of the world, often with the cooperation of UNESCO. The ICRC's Advisory Service also developed numerous technical documents for the benefit of States, experts and the general public. Those documents include a factsheet on the 1954 Hague Convention and its Protocols, a ratification kit for the 1954 Hague Convention and its Protocols and a model law on the protection of cultural property in the event of armed conflict.

In 2014, the ICRC and the Inter-Governmental Committee for the Protection of Cultural Property in the Event of Armed Conflict sent a joint letter to all national IHL committees and similar bodies, encouraging them to create – in addition to the mechanisms and systems already in place to protect cultural property – standing working groups (or similar bodies) for the specific purpose of implementing the 1954 Hague Convention and its Protocols. As the letter explained, the main idea behind this proposal was to avoid duplication of resources, as the composition and terms of reference of the groups would be largely consistent with those assigned to the national IHL committees.

Finally, in February 2016, the ICRC signed a formal partnership agreement with UNESCO. The agreement aims – while fully respecting the working procedures of the two organizations – to further develop the longstanding cooperation between them, by identifying a number of areas where their expertise and field presence could be combined most advantageously. These areas include: promoting ratification of the 1954 Hague Convention and its Protocols; providing technical advice for the domestic implementation of those treaties; conducting awareness-raising sessions and training for actors that are of pertinence to the protection of cultural property; sharing information on cultural property at risk in situations of armed conflict; and cooperating in rescuing such property.

¹⁷ See: UNESCO, Frequently asked questions on Armed Conflict and Heritage, available at: <http://www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/frequently-asked-questions/#c287372>.

¹⁸ ICRC, *Protection of Cultural Property in the Event of Armed Conflict: Report on the Meeting of Experts (Geneva 5–6 October 2000)*, Geneva, February 2002.

¹⁹ *Practical Advice* is an integral part of the report on the meeting of experts.

c) What can national committees on IHL do to implement the rules for preserving and protecting cultural property in the event of armed conflict?

The workshop will build on the discussions that took place at the meeting of experts organised by the ICRC in 2000 and at the regional and national meetings that were subsequently held in various parts of the world, and on the outcomes of those meetings. It will give participants an opportunity to listen to the perspectives of selected experts, and a platform for sharing their experiences and views, and the challenges they face, in connection with the preservation of cultural property.

The specific objectives of this workshop are:

- to discuss action required to implement all applicable treaty and customary international rules on the protection of cultural property in the event of armed conflict, and to identify good practices and possible needs for capacity building and advice, as well as for peer support and other forms of assistance, depending on their availability;
- to gain a better understanding of the involvement of national IHL committees in promoting and developing domestic measures and policy frameworks in this regard, and to enable participating national IHL committees to share pertinent experiences, opportunities and challenges; and
- to learn whether the involvement and role of national IHL committees in this area can be strengthened, for example by their formally assuming the responsibilities assigned by the 1999 Second Protocol to the national committee/mechanisms for implementing it.

d) How will the implementation of rules for preserving and protecting cultural property in the event of armed conflict be discussed?

The subject will be introduced in plenary, together with the subjects of the other two workshops that will be taking place at the same time. After that, participants will choose a workshop to attend. The workshop will provide for an informal discussion and interactive sharing of experiences. It will feature a moderator, who will be supported by an expert or two on the subject and a rapporteur. Participants will reconvene in plenary the next morning: one rapporteur from each workshop will report on the group's discussions and conclusions. The floor will then be thrown open for questions and comments.

In order to enable active participation and enrich the discussions, participants are invited to consider the guiding questions provided below when preparing for the workshop.

e) Guiding questions

Please note that the expressions "national IHL committee" or "committee" have been used only for the sake of simplicity: representatives from similar bodies on IHL are also invited to reflect upon and discuss these questions.

1. Has your national IHL committee been involved in promoting or developing measures relating to the protection of cultural property in the event of an armed conflict?
2. If so, what are/were its main activities in that regard (i.e. legislative or regulatory measures, coordination/practical measures, dissemination measures, and so on)?
3. What were/are the opportunities the work in this field offered/offers your committee? What were the challenges it faced?
4. If your State is a party to the 1999 Second Protocol to the 1954 Hague Convention, has your national IHL committee assumed the responsibility and the tasks assigned by the Protocol to the national body for protecting cultural property (for example, pursuant to the joint ICRC-UNESCO letter that encouraged national IHL committees to consider establishing a standing working group to this end?)
5. Has your committee ever benefited from technical assistance provided by other national IHL committees or other bodies with regard to the protection of cultural property? Has your committee ever provided such assistance to another national IHL committee? More generally, what additional information or technical support would be of use to you/your committee?

6. How is the destruction of cultural property in armed conflict addressed in the domestic legislation of your country? Are sanctions implemented for violations of such legislation? Does your legislation provide for the possibility of extending universal jurisdiction over the perpetrators? Have domestic investigations and prosecutions for alleged war crimes committed against cultural property taken place in your country?

f) Suggested background reading

- ICRC factsheet, *1954 Convention on the Protection of Cultural Property in the Event of Armed Conflict and its Protocols*: <https://www.icrc.org/en/document/1954-convention-protection-cultural-property-event-armed-conflict-and-its-protocols-0>
- ICRC, *Protection of Cultural Property in the Event of Armed Conflict: Report on the Meeting of Experts (Geneva 5–6 October 2000)*, ICRC, Geneva, February 2002: https://www.icrc.org/en/download/file/1041/cultural-property-report-icrc_002_0805.pdf
- ICRC, *Practical Advice for the Protection of Cultural Property in the Event of Armed Conflict*: <https://www.icrc.org/en/document/practical-advice-protection-cultural-property-event-armed-conflict-guidelines#.VN3K8yinG31>
- ICRC, “Cultural property must be protected in times of war – Q&A”, 8 March 2016: <https://www.icrc.org/en/document/cultural-property-protected-in-armed-conflict>
- OAS, “Model legislation on protection of cultural property in the event of armed conflict”, adopted by the Inter-American Juridical Committee in 2013 (available in English and Spanish only): <http://www.oas.org/en/sla/iajc/developments.asp>
- Inter-parliamentary Assembly of Member Nations of the Commonwealth of Independent States (IPA-CIS), *Рекомендации по имплементации Конвенции о защите культурных ценностей в период вооруженных конфликтов и протоколов к ней*, 22 ноября 2012 (22 November 2012): <http://iacis.ru/upload/iblock/107/rik11a.pdf>

Further suggested background reading:

- *International Review of the Red Cross, Protection of Cultural Property in Armed Conflict*, No. 854, June 2004.
- Jean-Marie Henckaerts, “New rules for the protection of cultural property in armed conflict”, *International Review of the Red Cross*, Vol. 81, No. 835, September 1999: <https://www.icrc.org/eng/resources/documents/article/other/57jq37.htm>
- Jan Hladik, “Reporting system under the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict”, *International Review of the Red Cross*, Vol. 82, No. 840, December 2000: <https://www.icrc.org/eng/resources/documents/article/other/57jqtd.htm>
- Roger O’Keefe, *The Protection of Cultural Property in Armed Conflict*, Cambridge University Press, Cambridge, 2006
- Jirí Toman, *Cultural Property in War: Improvement in Protection – Commentary on the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict*, UNESCO, 2009: http://publishing.unesco.org/details.aspx?Code_Livre=4723

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2. **The protection of the provision of health care in armed conflicts and other emergencies: What can national committees and similar bodies on IHL do to implement the related normative framework?**

a) The humanitarian issue

Ensuring respect for and protection of the wounded and sick, health-care personnel and facilities and medical transports has been the motive force for the development of international humanitarian law (IHL) since the adoption of the original Geneva Convention in 1864. Today, however, violence of various kinds continues to disrupt or endanger the provision of health care in many parts of the world. Violence – both actual and threatened – against health-care personnel, facilities and medical transports during armed conflicts and other emergencies affects individuals, families and entire communities. It is probably one of the most serious humanitarian issues before us; the number of people who could potentially be affected by it, and its consequences for our ability to address chronic and acute needs, warrant this conclusion.

The 31st International Conference of the Red Cross and Red Crescent therefore reminded participants of the obligation to respect and protect the wounded and sick, as well as health-care personnel and facilities, and called upon States to fully respect and implement their obligations under the relevant provisions of IHL. Resolution 5 of the 31st International Conference urged all States that have not yet adopted the required domestic implementation measures – based on relevant international legal obligations pertaining to the protection of the wounded and sick and health-care services – to intensify their efforts to do so, including, *inter alia*, through the adoption of legislative, regulatory or practical measures.²⁰

The Health-Care in Danger (HCiD) project was initiated on the basis of Resolution 5. It brought together National Red Cross and Red Crescent Societies (National Societies) and various external stakeholders such as policymakers, government health-sector personnel, military staff, humanitarian agencies and representatives of academic circles in order to identify concrete measures and recommendations that authorities and/or health-care personnel can implement to ensure more respect and protection for the provision of health care. One workshop in a series of consultations with experts focused on domestic normative frameworks for the protection of health care. Participants in this workshop were encouraged to share their countries' experience and particular expertise, with a view to identifying good practices and possible challenges, and to drawing up specific recommendations for implementing the international rules and standards protecting the provision of health care. Based on the extensive discussions and exchanges that took place at the workshop, the International Committee of the Red Cross (ICRC) drew up a list of such recommendations. National committees and similar bodies on IHL, being part of a State's authorities, are encouraged to refer to these recommendations and to consider how the measures proposed can help them discharge their obligations to implement the international legal framework for protecting the provision of health care, and guarantee more effective protection of health-care services. Given, however, that not all countries have implemented their international obligations to the same extent in their domestic legal framework, it is important that State authorities identify the recommendations that are of pertinence to their own contexts and choose appropriate means to implement them.

The 32nd International Conference adopted an even stronger resolution calling for continued cooperation between relevant stakeholders to address the humanitarian consequences of violence against the wounded and sick, health-care personnel, facilities and medical transports in armed conflicts and other emergencies, especially at the national level.²¹ The key practical recommendations identified during the global expert consultation process were confirmed as a basis for continued efforts to promote preparedness to address violence against the delivery of health care. The issues covered by these recommendations included the following:

²⁰ 31st International Conference 2011: Resolution 5 – Health Care in Danger; available at: <http://www.icrc.org/eng/resources/documents/resolution/31-international-conference-resolution-5-2011.htm>.

²¹ Resolution 4 of the 32nd International Conference (2015) can be found at: <http://rcrcconference.org/international-conference/documents/>. Pledges made by participants in the International Conference on this matter are available at <http://rcrcconference.org/international-conference/pledges/>.

domestic legislation; procedures and practices of State armed forces and security forces; enabling stakeholders concerned to have a more contextualized understanding of the nature of violence affecting the delivery of health care, and fostering the sharing of challenges and good practices among them; and broadening understanding, among health-care personnel, of their legal and ethical responsibilities.

In addition, United Nations Security Resolution 2286 (3 May 2016) on the Protection of Civilians reaffirms the relevance of IHL for the protection of medical activities in armed conflict, and urges States and all parties to armed conflicts to develop effective measures to prevent and address violence against health-care delivery through domestic legislation, the collection of data, and the sharing of challenges and good practices. It also reminds all parties concerned that accountability for deliberate attacks against, or impediment of, the delivery of health care is to be ensured by States by fighting impunity for violations of IHL and conducting prompt, thorough, impartial and effective investigations into alleged violations.

b) International legal framework

In times of armed conflict, international or non-international, IHL provides rules for protecting access to health care. These rules bind States and non-State armed groups. In situations that do not reach the threshold of armed conflict, only international human rights law (IHRL) applies. IHRL applies at all times but States may, in exceptional circumstances, derogate from some of its provisions. Though less specific than IHL, IHRL contains several rules protecting access to health care. The protection offered by IHL and IHRL can be divided into four main categories: (1) the protection of the wounded and sick, and of health-care personnel and facilities and medical transports; (2) medical ethics and confidentiality; (3) the use of the distinctive emblems (the red cross, red crescent and red crystal);²² and (4) sanctions.²³

Domestic implementation measures

Based on the recommendations mentioned earlier – for protecting the provision of health care – the ICRC developed a guidance tool for the domestic implementation of the relevant international rules. It contains practical measures that States and their advisory bodies should consider taking to enhance the protection of health-care services. National committees on IHL have an important role to play, together with all other stakeholders at the national level, with regard to the implementation of some of these measures. These measures include the following:

- establishing a list of international rules to be implemented at national level, including rules applicable during armed conflict and other emergencies;
- assessing the existing domestic legal framework and identifying laws that already deal with protection for the provision of health care, laws that might require amendment or updating, and new laws that have to be drafted;
- giving advice to relevant State authorities on enacting domestic legislation for repressing violence against the provision of health care that amounts to a “grave breach” of the Geneva Conventions, and legislation that would allow for suppression of other kinds of interference with health-care delivery; and giving advice also on enacting legislation on the rights and responsibilities of health-care personnel, in line with their ethical duties;
- giving advice on establishing a national data-collection system that could be of use in designing specific protection responses for health-care providers who have been subjected to violence, or have been threatened with it;
- adopting/giving advice on measures to prevent the misuse of the red cross, the red crescent and other symbols and emblems provided for in the Geneva Conventions and their Additional Protocols; and
- giving advice for incorporating the rules protecting the provision of health care and the applicable sanctions in administrative and military programmes and manuals.

²² The red cross, red crescent and red crystal serve the same purpose of identification, and they all do so to the same extent.

²³ For a more detailed summary of the legal framework for the protection of health care, see ICRC, *Domestic Normative Frameworks for the Protection of Health Care: Report of the Brussels Workshop, 29–31 January 2014*, pp. 15–26: <https://www.icrc.org/en/publication/4215-domestic-normative-frameworks-protection-health-care>.

Because of their transversal nature, national IHL committees are also potentially well placed to give advice for creating, or to participate in, multidisciplinary mechanisms for regular exchanges of views between the various stakeholders on the issue of violence against health-care providers. Such a mechanism could involve various ministries, national associations of health-care professionals, National Societies, the ICRC, pertinent non-governmental organizations, and other interested entities. An existing mechanism – one that the national IHL committee liaises with for that purpose, or supervises – could also perform this function.

Criminal repression

High Contracting Parties to the Geneva Conventions of 1949 have the responsibility to respect and ensure respect for the Conventions in all circumstances.²⁴ This obligation also exists under customary IHL.²⁵ Under the 1949 Geneva Conventions and Additional Protocol I, this includes the obligation to implement domestic laws to repress “grave breaches”.²⁶ States Parties must also take measures necessary for the suppression of all acts contrary to the Conventions other than grave breaches. Furthermore, a rule of customary IHL can be identified in both international and non-international armed conflicts relating to the prosecution of perpetrators of war crimes.²⁷ In particular, States have the primary responsibility for investigating allegations and prosecuting alleged perpetrators of serious violations of IHL.²⁸ This obligation requires States to develop clear normative frameworks, strong judicial mechanisms and effective measures to ensure accountability in order to prevent serious violations of IHL and punish those found guilty of committing them. In addition, the principle of complementarity – as enshrined in the Statute of the International Criminal Court (ICC Statute) – underlines the fundamental importance of effective domestic legislation and mechanisms that criminally repress war crimes, including those defined in Article 8 of the ICC Statute.²⁹

It was at the 2010 Universal Meeting of Committees and Similar Bodies on International Humanitarian Law – the theme of which was “Repression of Serious Violations of IHL: Towards an ‘integrated’ approach” – that participants discussed the merits of using an “integrated” approach to the establishment of mechanisms to prevent and repress serious violations of IHL at the national level.³⁰ Discussions at the meeting focused on the possibility of harmonizing, clearly and coherently, legal obligations derived from all sources of IHL (treaty and customary law for international and non-international armed conflicts alike) with those derived from domestic law in order to provide the most comprehensive legal basis for the repression of and response to serious IHL violations. Regardless of the approach taken to incorporate IHL obligations into domestic law, national committees on IHL have an essential role to play in developing and implementing normative frameworks and related mechanisms to prevent and repress serious violations of IHL at the national level.

24 See the section on Article 1 common to the four Geneva Conventions of 1949, in ICRC, *Commentary on the First Geneva Convention: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, 2nd ed., 2016; available at: <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/365?OpenDocument>. See also, Dörmann and Serralvo, “Common Article 1 to the Geneva Conventions and the obligation to prevent international humanitarian law violations”, *International Review of the Red Cross*, Vol. 96, Nos 895/896, December 2014, pp. 707–736.

25 See Rule 139 of the ICRC’s study on customary IHL: <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>.

26 See: Articles 49–51 GC I, Articles 50–51 GC II, 129–130 GC III and 146–147 GC IV; Rule 158 of the ICRC’s study on customary IHL: <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>; Commentaries on Articles 49–51 of the First Geneva Convention (2nd ed., March 2016): <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/365?OpenDocument>; and the ICRC Advisory Service’s factsheet, *Penal Repression: Punishing War Crimes*: <https://www.icrc.org/en/document/penal-repression-punishing-war-crimes>.

27 See Rule 158 of the ICRC’s study on customary IHL. See also: Rules 156 and 157: <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>.

28 See the ICRC Advisory Service’s factsheets: *Penal Repression: Punishing War Crimes*: <https://www.icrc.org/en/document/penal-repression-punishing-war-crimes>; and *War Crimes under the Rome Statute of the International Criminal Court and their Sources in International Humanitarian Law*: <https://www.icrc.org/en/document/war-crimes-under-rome-statute-international-criminal-court-and-their-source-international>.

29 See the ICRC Advisory Service’s factsheet, *Statute of the International Criminal Court*: <https://www.icrc.org/en/document/statute-international-criminal-court>

30 See *Preventing and Repressing International Crimes: Towards an «Integrated» Approach Based in Domestic Practice – report of the Third Universal Meeting of National Committees for the Implementation of International Humanitarian Law*, 2013; available at: <https://www.icrc.org/en/publication/4138-preventing-and-repressing-international-crimes-towards-integrated-approach-based>.

Concerning health-care services more specifically, States are obliged to take meaningful and appropriate legal measures to effectively repress violations of IHL and other norms that protect the provision of health care in armed conflict and other emergencies, and must punish the perpetrators of such acts. States must therefore enact legislation to punish persons who commit “grave breaches”, which correspond to the most serious violations of the Geneva Conventions and Additional Protocol I, and all other war crimes committed against health-care personnel, units and transports.³¹

In this connection, participants in the Workshop on Domestic Normative Frameworks for the Protection of Health Care that was held in Brussels from 29 to 31 January 2014,³² made the following statements:

- “Violence against health care that amounts to a grave breach of the Geneva Conventions must be repressed as such in application of the relevant regime. Where it does not yet exist, such a regime needs to be established in domestic law and must cover both individual and command responsibility.”
- “Domestic legislation should sanction all kinds of undue interference with the provision of health care in armed conflict, including threats against health-care personnel and other undue obstacles to the provision of health-care services.”
- “Domestic legislation should also sanction all kinds of undue interference with the provision of health care in situations that fall short of armed conflict.”³³

c) How can national IHL committees support the protection of health care during armed conflict and other emergencies?

The workshop will consider the recommendations prepared by the ICRC and the measures for national authorities listed above, with a view to establishing which are of most pertinence to national IHL committees and also how they have been implemented by States, so far. One of the objectives of the workshop will be to identify good practices and possible challenges, in order to examine how national IHL committees can best address those challenges. The workshop gives participants a platform to share experiences and views, in connection with the broad scope of action required to ensure domestic implementation of the international rules protecting the provision of health care – some of which has already been taken since the publication of the recommendations. A portion of the discussions will focus on ways to include the protection of health care in the strategies and action plans of national IHL committees.

d) How will the protection of health care during armed conflict and other emergencies be discussed?

The subject will be introduced in plenary, together with the subjects of the other two workshops that will be taking place at the same time. After that, participants will choose a workshop to attend. The workshop will provide for an informal discussion and interactive sharing of experiences. It will feature a moderator, who will be supported by an expert or two on the subject and a rapporteur. Participants will reconvene in plenary the next morning: one rapporteur from each workshop will report on the group’s discussions and conclusions. The floor will then be thrown open for questions and comments.

In order to enable active participation and enrich the discussions, participants are invited to consider the guiding questions provided below when preparing for the workshop.

³¹ See: Articles 49–51 of the First Geneva Convention; Rule 158 of the ICRC’s study on customary IHL; and Commentaries on the First Geneva Convention (2nd ed., March 2016). See also these factsheets issued by the ICRC Advisory Service: *Respecting and Protecting Health Care in Armed Conflicts and in Situations Not Covered by International Humanitarian Law* (March 2012) and *Universal Jurisdiction over War Crimes* (March 2014).

³² See the report mentioned in footnote 23.

³³ See the report mentioned in footnote 23, which lists all the recommendations made by the experts, including on criminal repression issues. See also: ICRC, *The Domestic Implementation of International Humanitarian Law: A Manual*, ICRC, Geneva, December 2015; and, in particular, Annex XIX, “The implementation of rules protecting the provision of health care in armed conflicts and other emergencies: A guidance tool”.

e) Guiding questions

Please note that the expressions “national IHL committee” or “committee” have been used only for the sake of simplicity: representatives from similar bodies on IHL are also invited to reflect upon and discuss these questions.

1. Keeping in mind the recommendations for domestic implementation of international rules protecting the provision of health care, how can national IHL committees and similar bodies contribute to increasing the effectiveness of legal protection for the wounded and sick, health-care personnel and facilities and medical transports?
2. Based on the legal tools available for domestic implementation, what can national IHL committees do to ensure proper use of the distinctive emblems – something that is regulated under international law – and other signs identifying health-care activities?
3. What can national IHL committees do to increase legal protection of health-care practitioners with regard to issues of medical ethics and confidentiality during armed conflict and other emergencies?
4. What can national IHL committees do to ensure effective repression of violations of the rules protecting the provision of health care? (How does domestic legislation in your country address IHL violations against health-care personnel, units and transports? Are sanctions implemented for violations of such legislation? Does your legislation provide for the possibility of extending universal jurisdiction over the perpetrators? Have domestic investigations and prosecutions for alleged war crimes committed against health-care providers and protected objects taken place in your country?)

f) Suggested background reading

- ICRC factsheet, *Respecting and Protecting Health Care in Armed Conflict and in Situations not Covered by International Humanitarian Law*, March 2012: <https://www.icrc.org/en/document/respecting-and-protecting-health-care-armed-conflicts-and-situations-not-covered>
- *Domestic Normative Frameworks for the Protection of Health Care: Report of the Brussels Workshop*, 29–31 January 2014 (with the recommendations for implementation): <https://www.icrc.org/en/publication/4215-domestic-normative-frameworks-protection-health-care>
- “*The implementation of rules protecting the provision of health care in armed conflicts and other emergencies: A guidance tool*”: <https://www.icrc.org/en/document/implementation-rules-protecting-provision-health-care-armed-conflicts-and-other-emergencies>
- For all pertinent information on the HCiD project, the humanitarian issue it addresses and related documents, including the applicable legal framework, visit: www.healthcareindanger.org
- United Nations Security Council Resolution, UN S/RES/2286 (2016): <http://www.un.org/en/sc/documents/resolutions/2016.shtml>

1 December 2016

3) The protection of internally displaced persons and migrants in armed conflict: What role can national committees and similar bodies on IHL play in this regard?

a) The humanitarian issue

The displacement of millions of people within their own countries, owing to armed conflict and other situations of violence became a pressing humanitarian concern in the second half of the twentieth century. The number of internally displaced persons (IDPs) has continued to grow in this new century, with severe humanitarian, social and economic costs.

As of the end of 2015, there were 40.8 million IDPs worldwide, representing two-thirds of the total number of people displaced by armed conflict and other situations of violence.³⁴ Internal displacement has also become more protracted in nature. This reflects the increasingly protracted and chronic nature of armed conflict, as well as the inability to provide durable solutions for hundreds of thousands of IDPs.

During armed conflict, violations of international humanitarian law (IHL) are a major cause of displacement. Without greater respect for IHL and more vigorous efforts to protect civilians during armed conflict, global displacement figures will continue to grow. IDPs are among the most vulnerable of all civilians; however, States, who have the primary responsibility to protect and assist IDPs, often lack the domestic normative and policy frameworks needed to respond to their specific needs and vulnerabilities.

The issue of IDPs and that of people who move into neighbouring countries and beyond, also as a result of armed conflict or other situations of violence, may be linked, as people are driven from their homes by the same or similar circumstances. In some contexts, internal displacement may be a first step leading to further movement across international borders – particularly when no effective protection or durable solution to their needs is available for IDPs in their own country. Where there is a continuum between internal displacement and the movement of persons across international borders, the challenges posed by the two phenomena may be connected and, as such, require a holistic response.

Migrants³⁵ can become vulnerable at many stages along the migratory routes as they travel from their home country, often through other countries, to their intended destination. Many migrants transit through areas of armed conflict, where they can become stranded, which may make them more vulnerable to specific violations.³⁶

In order to address the challenges posed by both issues in situations of armed conflict, it is vital to ensure that appropriate measures are taken at the domestic level to create an environment conducive to responding to the needs of IDPs and migrants in a comprehensive manner.

b) The legal framework

In situations of armed conflict, IHL seeks, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not, or are no longer, directly participating in hostilities, and imposes limits on the means and methods of warfare. IHL thus establishes minimum standards of humanity that must be respected in any situation of armed conflict. These standards aim, among other things, to protect the civilian population and their means of survival.³⁷

IDPs and migrants are part of the civilian population and as such are entitled to the protections afforded to all persons who are not, or are no longer, taking a direct part in hostilities.

The protection of IDPs

IHL contains various provisions that seek to prevent displacement of civilians in the first place and to ensure their protection when they are displaced and during their displacement. These are contained mainly in the Fourth Geneva Convention of 1949, Protocols I and II of 1977 additional to the Geneva Conventions (Additional Protocols I and II), and rules of customary IHL. Notably, IHL expressly prohibits parties to armed conflict from displacing civilians in both international and non-international armed conflicts, unless the

³⁴ Internal Displacement Monitoring Centre (IDMC), *Global Report on Internal Displacement*, 2016, p. 27.

³⁵ The ICRC – and the other components of the International Red Cross and Red Crescent Movement – describe “migrants” as “persons who leave or flee their habitual residence to go to new places – usually abroad – to seek opportunities or safer and better prospects”. This description includes all types of migrant regardless of their legal status, while recognizing the special protection granted to refugees and asylum seekers. See: International Federation of Red Cross and Red Crescent Societies, “Policy on migration”, 2009: http://www.ifrc.org/PageFiles/89395/Migration%20Policy_EN.pdf.

³⁶ For more information on ICRC activities for migrants, see: ICRC, *Activities for Migrants*, February 2016, available at: <https://www.icrc.org/en/publication/4246-activities-migrants>.

³⁷ See the ICRC Advisory Service’s factsheet, *What is International Humanitarian Law?* available at: <https://www.icrc.org/en/document/what-international-humanitarian-law>.

security of the civilians involved or imperative military reasons so demand.³⁸ States have the responsibility to implement these obligations in their domestic legal framework.³⁹

IDPs are also protected by various other bodies of law, including, most notably, human rights law and domestic law. There is no universal instrument that specifically addresses the plight of IDPs, but in 1998 the United Nations (UN) General Assembly and the UN Commission on Human Rights adopted a resolution taking note of the UN Guiding Principles on Internal Displacement.⁴⁰ The Guiding Principles are not legally binding in themselves, but they contain numerous rules that are part of existing international law and therefore legally binding. Furthermore, the Guiding Principles have received strong support from the international community, and have been incorporated in the internal legal systems of numerous States.

At the regional level, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)⁴¹ is the first legally binding international instrument for protecting and assisting IDPs. Given the scale of the problem in Africa, the Kampala Convention is a significant and necessary reaffirmation of the rights of IDPs. It details the obligations of States, non-State armed groups and international organizations in connection with preventing displacement and protecting and assisting IDPs; it does so by building substantially on existing standards of international human rights law and IHL. The Convention provides comprehensive guidance for African States on adopting domestic normative and policy frameworks, and practical measures, to deal with internal displacement.⁴²

The protection of migrants

As previously mentioned, migrants who find themselves in a situation of armed conflict are protected as civilians and benefit from the general protection afforded to all persons who are not, or are no longer, taking a direct part in hostilities. Furthermore, in international armed conflicts, migrants benefit from the protections afforded by the Fourth Geneva Convention to aliens in the territory of a party to armed conflict, provided that they are considered “protected persons” under Article 4 of the same Convention.⁴³

Criminal repression

High Contracting Parties to the Geneva Conventions of 1949 have the responsibility to respect and ensure respect for the Conventions in all circumstances.⁴⁴ This obligation also exists under customary IHL.⁴⁵ Under the 1949 Geneva Conventions and Additional Protocol I, this includes the obligation to implement domestic

³⁸ See Fourth Geneva Convention, Art. 49 and Additional Protocol II, Art. 17.

³⁹ For more detailed information on the rules pertaining to internal displacement and the protection of IDPs under IHL and other relevant legal frameworks, see ICRC factsheet, *Internally Displaced Persons and International Humanitarian Law*; available at: <https://www.icrc.org/en/document/internally-displaced-persons-and-international-humanitarian-law-factsheet>; see also: ICRC, “Comparative table: Internally displaced persons: Comparison of relevant legal instruments and frameworks”, in ICRC, *Translating the Kampala Convention into Practice: A Stocktaking Exercise*, Geneva, 2016.

⁴⁰ *United Nations, Guiding Principles on Internal Displacement*, E/CN.4/1998/53/Add. 2, 11 February 1998; available at: <https://daccess-ods.un.org/TMP/86040.1801764965.html>.

⁴¹ African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, Kampala, 2009: <http://www.internal-displacement.org/assets/publications/Tools-and-Frameworks/200910-training-KC-AU-Convention-on-IDPs-Eng.pdf>. The Great Lakes Pact is another regional instrument that addresses the issue of internal displacement. For more information, see: International Conference on the Great Lakes Region (ICGLR) Protocol on the Protection and Assistance to Internally Displaced Persons, Nairobi, 2006: <http://www.refworld.org/pdfid/52384fe44.pdf>.

⁴² The Kampala Convention goes even further than IHL treaties in some aspects— for example, in the rules it contains on safe and voluntary return and on access to compensation or other forms of reparation.

⁴³ See, in particular, the Fourth Geneva Convention, Arts 4, 35–46 and 70. See also Additional Protocol I, Art. 73.

⁴⁴ See the section on Article 1 common to the four Geneva Conventions of 1949, in ICRC, *Commentary on the First Geneva Convention: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, 2nd ed., 2016; available at: <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/365?OpenDocument>. See also, Dörmann and Serralvo, “Common Article 1 to the Geneva Conventions and the obligation to prevent international humanitarian law violations”, *International Review of the Red Cross*, Vol. 96, Nos 895/896, December 2014, pp. 707–736.

⁴⁵ See Rule 139 of the ICRC’s study on customary IHL: <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>

laws to repress “grave breaches”.⁴⁶ States Parties must also take measures necessary for the suppression of all acts contrary to the Conventions other than grave breaches. Furthermore, a rule of customary IHL can be identified in both international and non-international armed conflicts relating to the prosecution of perpetrators of war crimes.⁴⁷ In particular, States have the primary responsibility for investigating allegations and prosecuting alleged perpetrators of serious violations of IHL.⁴⁸ This obligation requires States to develop clear normative frameworks, strong judicial mechanisms and effective measures to ensure accountability in order to prevent serious violations of IHL and punish those found guilty of committing them. In addition, the principle of complementarity – as enshrined in the Statute of the International Criminal Court (ICC Statute) – underlines the fundamental importance of effective domestic legislation and mechanisms which repress war crimes, including those defined in Article 8 of the ICC Statute.⁴⁹

It was at the 2010 Universal Meeting of Committees and Similar Bodies on International Humanitarian Law – the theme of which was “Repression of Serious Violations of IHL: Towards an ‘integrated’ approach” – that participants discussed the merits of using an “integrated” approach to the establishment of mechanisms to prevent and repress serious violations of IHL at the national level.⁵⁰ Discussions at the meeting focused on the possibility of harmonizing, clearly and coherently, legal obligations derived from all sources of IHL (treaty and customary law for international and non-international armed conflicts alike) with those derived from domestic law in order to provide the most comprehensive legal basis for the repression of and response to serious IHL violations. Regardless of the approach taken to incorporate IHL obligations into domestic law, national committees on IHL have an essential role to play in developing and implementing normative frameworks and related mechanisms to prevent and repress serious violations of IHL at the national level.

The obligations mentioned above also cover serious violations of IHL relating to the protection of civilians. States must provide effective penal sanctions, accordingly.⁵¹

IHL provides States and parties to armed conflict with a clear legal framework regarding forced displacement. Under IHL, the forced displacement of the civilian population by parties to armed conflict is prohibited, be it within or across borders.⁵²

⁴⁶ See: Articles 49–51 GC I, Articles 50–51 GC II, Articles 129–130 GC III and Articles 146–147 GC IV; Rule 158 of the ICRC’s study on customary IHL: <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>; Commentaries on Articles 49–51 of the First Geneva Convention (2nd ed., March 2016): <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/365?OpenDocument>; and the ICRC Advisory Service’s factsheet, *Penal Repression: Punishing War Crimes*: <https://www.icrc.org/en/document/penal-repression-punishing-war-crimes>.

⁴⁷ See Rule 158 of the ICRC’s study on customary IHL. See also: Rules 156 and 157: <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>.

⁴⁸ See the ICRC Advisory Service’s factsheets: *Penal Repression: Punishing War Crimes*: <https://www.icrc.org/en/document/penal-repression-punishing-war-crimes>; and *War Crimes under the Rome Statute of the International Criminal Court and their Sources in International Humanitarian Law*: <https://www.icrc.org/en/document/war-crimes-under-rome-statute-international-criminal-court-and-their-source-international>.

⁴⁹ See the ICRC Advisory Service’s factsheet, *Statute of the International Criminal Court*: <https://www.icrc.org/en/document/statute-international-criminal-court>.

⁵⁰ See *Preventing and Repressing International Crimes: Towards an «Integrated» Approach Based in Domestic Practice – report of the Third Universal Meeting of National Committees for the Implementation of International Humanitarian Law*, 2013; available at: <https://www.icrc.org/en/publication/4138-preventing-and-repressing-international-crimes-towards-integrated-approach-based>.

⁵¹ See Articles 49–51 GC I, 50–51 GC II, 129–130 GC III and 146–147 GC IV; Rule 158 of the Customary IHL Study, <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>; Commentaries on Articles 49–51 of the First Geneva Convention (2nd ed., March 2016) available at <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/365?OpenDocument>; and the ICRC Advisory Service factsheet *Penal Repression: Punishing War Crimes* (March 2014), <https://www.icrc.org/en/document/penal-repression-punishing-war-crimes>.

⁵² See Rule 129 of the ICRC’s study on customary IHL: <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>.

More specifically, the prohibition on deporting or forcibly transferring the civilian population of an occupied territory, unless the security of the civilians involved or imperative military reasons so demand, is a grave breach according to the Fourth Geneva Convention and Additional Protocol I.⁵³ In addition, the forced displacement of the civilian population is a war crime in both international and non-international armed conflicts under the ICC Statute.⁵⁴

The adoption of domestic normative and policy frameworks

When adopting domestic normative and policy frameworks to implement international obligations and standards, States must also ensure the creation of comprehensive frameworks that take into account all relevant aspects in preventing and responding to internal displacement, as well as in protecting civilians, including IDPs and migrants, affected by armed conflict.

These comprehensive frameworks should be created when adopting domestic normative and policy frameworks:

- to implement IHL;
- based on, or in line with, international standards such as the UN Guiding Principles on internal displacement; and
- to implement regional instruments such as the Kampala Convention, or the Protocol on the Protection and Assistance of Internally Displaced Persons of the International Conference on the Great Lakes Region

The role of the International Committee of the Red Cross (ICRC) to support the adoption of domestic normative and policy frameworks

The ICRC has been supporting the efforts of States and national committees on IHL to implement IHL and other legal frameworks all over the world. For example, since the adoption of the Kampala Convention, the ICRC has been working closely with the African Union Commission and African States to encourage and support ratification, domestic implementation and operationalization of the Kampala Convention. To this end, the ICRC has offered legal advice to States for adopting the Convention and strengthening domestic normative frameworks to implement it. More recently, the ICRC carried out a stocktaking exercise in around 30 African countries (some of them party to the Kampala Convention); its aims were to identify lessons learnt, good practices and key challenges in implementing obligations related to protecting and assisting IDPs, as provided in the Kampala Convention, and to offer a set of recommendations on the way forward.⁵⁵

c) How can national committees on IHL contribute to the work of protecting IDPs and migrants during armed conflict?

Most national committees on IHL and similar bodies have played a role in supporting the adoption of domestic normative and policy frameworks to address internal displacement during armed conflict. The guiding questions for this workshop will therefore focus mainly on the protection of IDPs. Participants are also invited to present their own experiences in relation to the adoption of domestic normative and policy frameworks to protect and assist migrants.

The general objective of this workshop will be to explore what national committees on IHL and similar bodies have done, or could do, to help design and adopt domestic normative and policy frameworks to protect and assist IDPs during armed conflict, while also contributing to ensuring greater respect for IHL.

⁵³ See Fourth Geneva Convention, Art. 49 and Additional Protocol I, Art. 85(4)(a).

⁵⁴ See ICC Statute, Art. 8(2)(a)(vii) and Art. 8(2)(e)(viii), for offences in international and non-international armed conflicts, respectively.

⁵⁵ The findings of the stocktaking exercise were published in a report that was launched by the president of the ICRC on 19 October at the headquarters of the African Union. The executive summary and the 25 recommendations contained in the report will be distributed during this workshop.

The workshop aims to be a means of understanding the diverse experiences of States in order to go beyond implementation in the abstract and ensure effective application of relevant domestic normative and policy frameworks that can have an impact on protection and assistance for IDPs.

The specific objectives of the workshop are to:

- gain a better understanding of how national committees on IHL have been involved in the development and adoption of domestic normative and policy frameworks to assist and protect IDPs;
- gain a better understanding of how national committees on IHL can contribute to the development of appropriate domestic laws, policies and other measures required in this regard; and
- gain a better understanding of how protection and assistance for IDPs during armed conflicts can be enhanced through domestic normative and policy frameworks, and how national committees on IHL can contribute to this end.

d) How will the protection of IDPs and migrants in armed conflict be discussed?

The subject will be introduced in plenary, together with the subjects of the other two workshops that will be taking place at the same time. After that, participants will choose a workshop to attend. The workshop will provide for an informal discussion and interactive sharing of experiences. It will feature a moderator, who will be supported by an expert or two on the subject and a rapporteur. Participants will reconvene in plenary the next morning: one rapporteur from each workshop will report on the group's discussions and conclusions. The floor will then be thrown open for questions and comments.

In order to enable active participation and enrich the discussions, participants are invited to consider the guiding questions provided below when preparing for the workshop.

e) Guiding questions

Please note that the expressions “national IHL committee” or “committee” have been used only for the sake of simplicity: representatives from similar bodies on IHL are also invited to reflect upon and discuss these questions.

1. Have national committees on IHL been involved in addressing protection and assistance for IDPs through, for example, the design of normative and policy frameworks based on IHL, the Guiding Principles and/or the Kampala Convention, as applicable?
2. If so, what are/were the main activities of the committees with regard to the subject under discussion (legislative or regulatory measures, coordination/practical and/or dissemination measures)?
3. What were/are the main opportunities and the challenges for the committees in connection with this subject?
4. Are any opportunities forthcoming for the committees to strengthen/expand their involvement in connection with the subject? If there are, what are they and how should the committees go about taking them?
5. How does domestic legislation in your country address war crimes, particularly those committed against civilians? Does it provide for the possibility of extending universal jurisdiction over the perpetrators? Have domestic investigations and prosecutions for alleged war crimes committed against civilians and, in particular, against IDPs and/or migrants as part of the civilian population, taken place in your country?

f) Suggested background reading

- ICRC factsheet, *Internally Displaced Persons and International Humanitarian Law*, March 2010: <https://www.icrc.org/en/document/internally-displaced-persons-and-international-humanitarian-law-factsheet>
- ICRC, *Activities for Migrants*, February 2016: <https://www.icrc.org/en/publication/4246-activities-migrants>
- IDMC, NRC, UNHCR, *Regulatory Frameworks on Internal Displacement: Global, Regional and National Developments*, 2016: <http://reliefweb.int/report/world/regulatory-frameworks-internal-displacement-global-regional-and-national-developments>
- International Red Cross and Red Crescent Movement, “Policy on Migration”, November 2009: <https://www.icrc.org/en/document/migration-policy-red-cross-and-red-crescent-movement>
- International Red Cross and Red Crescent Movement, Resolution 5 of the 2009 Council of Delegates, “Movement policy on internal displacement”, December 2015: <https://www.icrc.org/en/publication/1124-movement-policy-internal-displacement-resolution-no-5-2009-council-delegates>
- United Nations Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, *Report A/HRC/26/33*, United Nations General Assembly, April 2014: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/26/33 (Sections III and IV in particular)

Further suggested background reading

- ICRC, “Policy on immigration detention”, April 2016: <https://www.icrc.org/en/document/migrant-detainees-icrc-policy>
- IDMC, “Capacity-building on law and policy-making on internal displacement”, January 2016: <http://www.internal-displacement.org/publications/2016/capacity-building-on->
- IDMC, *Kampala Convention: From Ratification to Domestication and Operationalisation – Workshop Report*, April 2016: <http://www.internal-displacement.org/publications/2016/workshop-report->
- IDMC, “From Kampala to Istanbul: Advancing global accountability for IDPs through law and policy making”, May 2016: <http://www.internal-displacement.org/publications/2016/from-kampala-to-istanbul-advancing-global-accountability-for-idps-through-law-and-policy-making>
- IOM, Migration Law Database: http://imldb.iom.int/_layouts/15/IML.Portal/AppPages/Home.aspx
- MICIC, *Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster*, June 2016: <https://micicinitiative.iom.int/repository-practices>
- Nils Melzer, *International Humanitarian Law: A Comprehensive Introduction*, ICRC, Geneva, August 2016: <https://shop.icrc.org/international-humanitarian-law-a-comprehensive-introduction-2391.html>
- Resolution 3 of the 31st International Conference of the Red Cross and Red Crescent, “Migration: Ensuring access, dignity, respect for diversity and social inclusion”: <https://www.icrc.org/eng/resources/documents/resolution/31-international-conference-resolution-3-2011.htm>

2 December 2016

C. THIRD SESSION: INFORMATION ON RECENT AND CURRENT DEVELOPMENTS IN IHL RELATING TO PROTECTION ISSUES IN ARMED CONFLICT AND TO THE IMPLEMENTATION OF IHL

The third working session of the meeting will be devoted to discussing recent developments in IHL. It will feature presentations by the ICRC on selected topics, such as developments in weapons-related law and IHL-related initiatives. The session will also include a presentation on new tools that have been made available to States’ authorities and other interested parties to advance their understanding of IHL and of activities in connection with IHL implementation. The hope is that all this will result in participants returning to their home countries better informed about contemporary IHL issues.

This will be followed by the closing session. The meeting is expected to end by 1.30 p.m.

III. ADDITIONAL ACTIVITIES ORGANIZED ON THE FRINGES OF THE MEETING

In addition to the formal agenda, the following side-events will take place.⁵⁶

30 November 2016: 1–2pm

The contribution of National Red Cross and Red Crescent Societies to national committees and similar bodies on international humanitarian law: Good practices, opportunities and challenges

(Organized jointly by the ICRC and selected National Red Cross and Red Crescent Societies; simultaneous interpretation will be provided in Arabic, English, French, Russian and Spanish.)

1 December 2016: 1–2pm

Legal review of new weapons, and of new means and methods of warfare

(Organized by the Swiss Federal Department of Foreign Affairs and the ICRC; English only.)

Regulating private military and security companies – what can national IHL committees do?

(Organized by the Swiss Federal Department of Foreign Affairs and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) with the ICRC's cooperation; simultaneous interpreting will be provided in Arabic, English, French, Russian and Spanish.)

1 December 2016: 5.30–7pm

War in cities: Addressing the humanitarian challenges – panel discussion

(Organized by the ICRC; simultaneous interpreting will be provided in Arabic, English, French, Russian and Spanish.)

⁵⁶ More details will be provided in separate documents.

ANNEX 3: LIST OF PARTICIPANTS

COUNTRY/TERRITORY	TITLE (MR/MS), NAME, FIRST NAME	FUNCTION	INSTITUTION REPRESENTED
Algeria	Mr SOUALEM Lazhar	Director of Human Rights, Social Development, and Cultural, Technical and Scientific Affairs, Ministry of Foreign Affairs	National Committee on International Humanitarian Law
Angola	Mr PITTA GROS Tuvvira	Third Secretary, Ministry of Foreign Affairs	
Argentina	Mr DOBRY Demian	Secretary, Office of Legal Counsel, Ministry of Foreign Relations, International Trade and Worship	Committee for the Implementation of International Humanitarian Law
Argentina	Ms MICHA Luciana	Head of International Humanitarian Law, Office for Human Rights and International Humanitarian Law, Ministry of Defence	Committee for the Implementation of International Humanitarian Law
Argentina	Ms SARMIENTO Romina	Federal Director of Civil Culture in Human Rights, Department of Human Rights and Cultural Pluralism	Committee for the Implementation of International Humanitarian Law
Armenia	Mr ARAMYAN Aram	Expert, Department of International Treaties, Ministry of Justice	
Armenia	Ms SIMONYAN Hasmik	Minister Plenipotentiary, Deputy Permanent Representative, Permanent Mission of the Republic of Armenia, Geneva	
Australia	Mr BLISS Michael	Assistant Secretary, International Legal Branch, Department of Foreign Affairs and Trade	Australian Red Cross National Committee on International Humanitarian Law
Australia	Ms OUATES MERCIER Léonie	Humanitarian Adviser, Department of Foreign Affairs and Trade	Australian Red Cross National Committee on International Humanitarian Law
Australia	Mr SKILLEN Geoffrey	Chair, Australian National IHL Committee, Australian Red Cross	Australian Red Cross National Committee on International Humanitarian Law
Austria	Ms DROBESCH Elisabeth	Adviser, Permanent Mission of Austria, Geneva	National Commission for the Implementation of International Humanitarian Law
Austria	Mr THALLINGER Gerhard	Counsellor, Permanent Mission of Austria	
Austria	Mr K. MATTES Wolfgang	Colonel and National Defence Academic, Vienna	

COUNTRY/TERRITORY	TITLE (MR/MS), NAME, FIRST NAME	FUNCTION	INSTITUTION REPRESENTED
Azerbaijan	Mr ASADOV Ismayil	Deputy Head, International Law and Treaties Dept., Ministry of Foreign Affairs	
Bahrain	Mr ALHAJERI Ahmed A. Alharmassi	Ambassador, Director of Arab Affairs and Acting Director of Legal Affairs, Ministry of Foreign Affairs	National Committee for International Humanitarian Law
Bahrain	Mr AMIN Fawzi	Secretary-General, Bahrain Red Crescent Society	National Committee for International Humanitarian Law
Bangladesh	Ms MONICA Shahanara	Director (UN), Ministry of Foreign Affairs	National Committee for International Humanitarian Law
Belarus	Ms DYNOVSKAYA Anna	Deputy Head of the International Law Division, Ministry of Justice	National Committee for the Implementation of International Humanitarian Law
Belarus	Mr SLIZHEVSKY Oleg	Minister of Justice of the Republic of Belarus, and Head of the National IHL Committee	National Committee for the Implementation of International Humanitarian Law
Belarus	Ms SMOTRENKO Aksana	Deputy Head of the Department of Historical and Cultural Heritage Protection and Restoration, Ministry of Culture	National Committee for the Implementation of International Humanitarian Law
Belgium	Mr DE MAYER Erik	Counsellor, Permanent Mission of Belgium, Geneva	
Belgium	Mr GOES Benjamin	Adviser, Chancellery of the Prime Minister, and Chairman of the “cultural property” and “communication” working groups, Interministerial Committee on Humanitarian Law	Interministerial Committee on Humanitarian Law
Belgium	Mr GOLDMAN Alexis	Adviser, Ministry of Foreign Affairs, and Secretary, Interministerial Committee on Humanitarian Law	Interministerial Committee on Humanitarian Law
Belgium	Ms PELLENS Lieve	Federal Prosecutor, Chairwoman, Interministerial Committee on Humanitarian Law	Interministerial Committee on Humanitarian Law
Bhutan	Mr NORBU Thinlay	Third Secretary, Ministry of Foreign Affairs	
Bolivia	Ms UREÑA MENACHO Maysa	Ministry of Foreign Affairs	National Standing Committee for the Implementation of International Humanitarian Law
Bosnia and Herzegovina	Ms STOLICA Mirjana	Counsellor, Permanent Mission of Bosnia and Herzegovina	
Botswana	Ms CHINGAPANE Benetia	Director of Multilateral Affairs Ministry of International Affairs and Cooperation, Government of Botswana	Inter-Ministerial Committee on Treaties, Conventions and Protocols

COUNTRY/TERRITORY	TITLE (MR/MS), NAME, FIRST NAME	FUNCTION	INSTITUTION REPRESENTED
Botswana	Mr NASHA Madoda	Ministry of Defence, Justice and Security	Inter-Ministerial Committee on Treaties, Conventions and Protocols
Brazil	Mr ALDO SALONE Roberto	First Secretary of the National IHL Committee, Ministry of Foreign Affairs	National Commission for the Dissemination and Implementation of International Humanitarian Law in Brazil
Brazil	Mr ELIAS RICHE Flavio	First Secretary of the United Nations Division, Ministry of Foreign Affairs	National Commission for the Dissemination and Implementation of International Humanitarian Law in Brazil
Bulgaria	Ms ARGIROVA Boryana	Second Secretary, Permanent Mission of Bulgaria, Geneva	
Bulgaria	Ms MIHAYLOVA Yana	Expert in IHL, Legal Adviser, Bulgarian Red Cross	Bulgarian Red Cross
Burkina Faso	Mr DABONE Zakaria	Permanent Secretary, Interministerial Committee for Human Rights and International Humanitarian Law	Interministerial Committee for Human Rights and International Humanitarian Law
Burkina Faso	Mr YARGA Larba	Member of the Board and Legal Adviser, Burkinabé Red Cross Society	Burkinabé Red Cross Society
Cabo Verde	Mr SOUSA SANCHES Arlindo	Legal Advisor, National Commission for Human Rights and Citizenship	National Commission for Human Rights and Citizenship
Cambodia	Mr SOVANNAROM Dim	Vice-President, Cambodian Human Rights Committee	
Cameroon	Mr DABOULÉ Aristide Guy Aimé	Legal Adviser, Cameroon Red Cross Society	Cameroon Red Cross Society
Canada	Ms ANDERSON Lorraine	First Secretary, Legal Affairs, Permanent Mission of Canada, Geneva	
Canada	Mr FROST Paul	Director of International Law, Canadian Armed Forces JAG	Canadian National Committee for Humanitarian Law
Canada	Ms GRIBBIN Catherine	Senior Legal Adviser, IHL, Canadian Red Cross	Canadian National Committee for Humanitarian Law
Chile	Ms NUNO BALMACEDA Paula	Lawyer, Legal Affairs, Ministry of Foreign Affairs	Comisión Nacional de Derechos Humanos
Central African Republic	Ms NINGA-WONG M Rachel	Chairwoman of the Committee on Population, Gender and Development of Human Rights and International Humanitarian Law, National Assembly	
Central African Republic	Mr Perks-Buwamba WILFRIED EMERY	Government official, Ambassador and Director-General of Legal and Administrative Affairs, Ministry of Foreign Affairs, African Integration and Francophone Affairs	
China	Mr HU Bin	Public International Law & Related Policy, Department of Treaty & Law, Ministry of Foreign Affairs	National Committee on International Humanitarian Law

COUNTRY/TERRITORY	TITLE (MR/MS), NAME, FIRST NAME	FUNCTION	INSTITUTION REPRESENTED
China	Ms LONG Yi	External Liaison Dept., Red Cross Society of China	National Committee on International Humanitarian Law
Colombia	Mr BLANCO LOZANO Rafael	International Affairs Coordinator, Presidential Advisory Office on Human Rights	Technical Working Group on International Humanitarian Law and Armed Conflict
Colombia	Mr CASTILLO VELASCO Marco Antonio	Director for Human Rights and International Humanitarian Law, Ministry of Defence	Technical Working Group on International Humanitarian Law and Armed Conflict
Colombia	Ms GONZÁLEZ RODRÍGUEZ Jonnatha IVONNE	Director for Human Rights, Ministry of the Interior	Technical Working Group on International Humanitarian Law and Armed Conflict
Colombia	Ms LONDOÑO Beatriz	Ambassador Permanent Mission of Colombia	
Colombia	Mr MORENO Juan Carlos	Second Secretary, Permanent Mission of Colombia	
Colombia	Ms VARON Angelica	Trainee Lawyer Permanent Mission of Colombia	
Comoros	Mr MOHAMED DJITHADI Faiçoil	Investigating Judge, Moroni Court of First Instance, Ministry of Justice	National Committee on International Humanitarian Law
Costa Rica	Mr SOLIS RANGEL Oscar	Adviser, Department of Treaties, Ministry of Foreign Affairs and Worship	Costa Rican Committee on International Humanitarian Law
Costa Rica	Ms TINOCO Roxana	Adviser, Human Rights and International Humanitarian Law, Ministry of Foreign Affairs and Worship	Costa Rican Committee on International Humanitarian Law
Croatia	Ms ARLOVIC Branka	Legal Adviser, Executive President's Office, Croatian Red Cross	Croatian National Committee on International Humanitarian Law
Croatia	Ms KUZMANIC OLUIC Romana	Minister Counsellor, Division for Human Rights and Regional International Organizations and Initiatives, Ministry of Foreign and European Affairs	Croatian National Committee on International Humanitarian Law
Cuba	Mr RODRIGUEZ H. Jairo	Specialist in Multilateral Affairs and International Law, Ministry of Foreign Affairs	
Czech Republic	Ms HORNACKOVA Kristina	Lawyer, Ministry of Foreign Affairs	National Committee for the Implementation of International Humanitarian Law
Democratic Republic of the Congo	Mr MWAMBA TSHIBANGU Jean-Sebastien	Legal and Administrative Adviser to the Minister, Ministry of Foreign Affairs and International Cooperation	

COUNTRY/TERRITORY	TITLE (MR/MS), NAME, FIRST NAME	FUNCTION	INSTITUTION REPRESENTED
Denmark	Ms GOTTFREDSSEN Sara Birgitte	Head of Section, International Law and Human Rights, Ministry of Foreign Affairs	Governmental Red Cross Committee
Denmark	Ms ISHOY Rikke	Chief Adviser, Danish Red Cross	Governmental Red Cross Committee
Djibouti	Mr NOUR D.JIBRIL Mahamoud	Member of the IHL Working Group and Lawyer with the Ministry of Youth	
Dominican Republic	Mr EZER VIDAL RODRIGUEZ Valerio	Department of Internal Affairs, Privileges and Immunities, and International Humanitarian Law, Ministry of Foreign Affairs	National Standing Committee for the Implementation of International Humanitarian Law
Ecuador	Ms MARTINEZ ACOSTA Eva	Specialist, Ministry of Foreign Affairs and Human Mobility	National Committee for the Implementation of International Humanitarian Law
Egypt	Mr MUTLAQ Alaa	Counsellor, Head of the Legal Dept.	League of Arab States
Egypt	Mr FAHMY YOUSSEF AHMED Zuzan Abdel	Assistant, Department of Human Rights, Ministry of Justice	National Committee on International Humanitarian Law
Egypt	Mr SABRY YOUSEF Mohamed Ahmed	Judge, Department of Human Rights, Ministry of Justice	National Committee on International Humanitarian Law
El Salvador	Mr ESCALANTE HASBUN Ruben	Minister Counsellor, Permanent Mission of El Salvador	
El Salvador	Mr JIMENEZ Jorge	Director-General of Social Development, Ministry of Foreign Affairs	Comité Interinstitucional de Derecho Internacional Humanitario
El Salvador	Mr MAZA MARTELLI Joaquin	Ambassador, Permanent Mission of El Salvador	
El Salvador	Ms VILLALTA VIZCARRA Ana Elizabeth	Expert and Member, Inter-American Juridical Committee	Expert
Ethiopia	Mr KASSAYE Yoseph	Minister Counsellor, Permanent Mission of Ethiopia	
Fiji	Ms KUMAR Radika	Deputy Permanent Representative of Fiji, Geneva	
Finland	Ms ESKO Anna	Counsellor, Ministry for Foreign Affairs	Finnish National Committee for International Humanitarian Law
Finland	Mr LEINO Jani	Legal Adviser, Finnish Red Cross	Finnish National Committee for International Humanitarian Law
France	Mr HLADIK Jan	Chief Cultural Heritage Protection Treaties Section	UNESCO
France	Ms COULON Morgane	Legal Adviser	National Advisory Commission on Human Rights

COUNTRY/TERRITORY	TITLE (MR/MS), NAME, FIRST NAME	FUNCTION	INSTITUTION REPRESENTED
France	Ms RIOU - BATISTA Cécile	Deputy General Secretary	National Advisory Commission on Human Rights
France	Ms HRABALOVA Barbora	Advocacy Adviser	World Medical Association
Gabon	Mr BOUBINDJI Armez	Director-General Gabonese Red Cross Society	National Red Cross Society
Gabon	Ms MOUCHETOU-MROU Nadège	Adviser on Legal Issues and Human Rights, Permanent Mission of Gabon, Geneva	
Gambia	Mr MENDY Anthony Jr.	State Counsel Attorney General's Office, Chamber Ministry of Justice	Interministerial Committee on International Humanitarian Law
Georgia	Ms SARAJISHVILI Ketevan	Acting Head of the Public International Law Department, Ministry of Justice	National Inter-Agency Commission on the Implementation of International Humanitarian Law
Georgia	Ms VARDZELASHVILI Teona	Senior Specialist, Department of International Relations, Ministry of IDPs from the Occupied Territories, Accommodation and Refugees	National Inter-Agency Commission on the Implementation of International Humanitarian Law
Germany	Mr BAUER-SAVAGE Timo	Desk Officer Division for Public International Law, Federal Foreign Office	National Committee on International Humanitarian Law
Germany	Ms SPIEKER Heike	Representative, German Red Cross	National Societies European Legal Support Group
Germany	Mr THILO Maruhn	Professor of Public and International Law at the University of Giessen, Chair of German National Committee on IHL	National Committee on International Humanitarian Law
Greece	Ms PAPATHANASSIOU Artemis	Senior Legal Adviser, Legal Dept., Ministry of Foreign Affairs, Intergovernmental Committee on the 2nd Protocol to the Hague Convention of 1954	Expert
Guatemala	Ms CACEREZ VALDEZ Cecilia	Trade Representative, Permanent Mission of Guatemala	
Guatemala	Mr ESPINOZA Eric Francisco	Director, Human Rights and International Humanitarian Law, Ministry of National Defence	Guatemalan Committee for the Implementation of International Humanitarian Law
Guatemala	Mr ORELLANA ZABALZA Gabriel	First Secretary, Permanent Mission of Guatemala	
Guinea-Bissau	Mr SANHA Clêche	Member, Director of the Legal Affairs and Treaties Service, Ministry of Foreign Affairs	National Commission for Human Rights, Technical Group on IHL

COUNTRY/TERRITORY	TITLE (MR/MS), NAME, FIRST NAME	FUNCTION	INSTITUTION REPRESENTED
Honduras	Ms CALIX MEJIA Suyapa Magdalena	Multilateral Political Analyst, Department of Foreign Affairs, Government Centre	Honduran Interministerial Committee on International Humanitarian Law
Honduras	Ms JUAREZ Lilian	First Secretary Permanent Mission of Honduras, Geneva	
Hungary	Mr HEGEDŰS Zoltán	Head, International Law Section, Legal Department, Ministry of Defence	National Committee for the Dissemination and Implementation of International Humanitarian Law
Hungary	Ms VARGA Réka	Head, International Law Department Ministry of Foreign Affairs and Trade	National Committee for the Dissemination and Implementation of International Humanitarian Law
Iceland	Ms SVERRISDÓTHIR Hrafnhildur	Project Manager, IHL National Committee on IHL	Icelandic National Committee on International Humanitarian Law
India	Mr SUDHAKARA REDDY Annepureddy	Counsellor (Legal), Permanent Mission of India	
Indonesia	Ms FEBRIANI Susi Liza	Head, Humanitarian Law Section, Ministry of Law and Human Rights	Permanent Committee on the Implementation and Research of International Humanitarian Law
Indonesia	Mr RAMELAN Rachmadi	Deputy Director of International Law, Ministry of Law and Human Rights	Permanent Committee on the Implementation and Research of International Humanitarian Law
Indonesia	Ms SUKESIH Raden Roro Rahayu Lestari	Legal Analyst, Ministry of Law and Human Rights	Permanent Committee on the Implementation and Research of International Humanitarian Law
Indonesia	Ms SURYANDARII Cahyani	Deputy Director/Head of Sub-Directorate for Drafting Laws and Regulations, Ministry of Law and Human Rights	Permanent Committee on the Implementation and Research of International Humanitarian Law
Iran (Islamic Republic of)	Mr ESHRAGHI Mehrad	Iranian Red Crescent Society, Head, Secretariat of National Committee of Humanitarian Law	Iranian National Committee on Humanitarian Law
Iran (Islamic Republic of)	Mr RAEESALSADATI Seyed Ali	Ministry of Justice, Secretariat, Iranian Red Crescent Society	Iranian National Committee on Humanitarian Law
Iraq	Mr AUSAMA Al-Hussona	The General Secretariat for the Council of Ministers, Secretary of the National Committees on International Humanitarian Law	National Committee on International Humanitarian Law
Iraq	Mr BASIM Al-Rubaye	General Secretariat for the Council of Ministers, Chairman of the National Committee on International Humanitarian Law	National Committee on International Humanitarian Law

COUNTRY/TERRITORY	TITLE (MR/MS), NAME, FIRST NAME	FUNCTION	INSTITUTION REPRESENTED
Iraq	Mr MUATAZ Al-Abbasi	Adviser, Commission for Integrity	National Committee on International Humanitarian Law
Ireland	Mr SWYTH Declan	Deputy Legal Adviser, Ministry of Foreign Affairs, Chairman, National Committee	National Committee on International Humanitarian Law
Israel	Mr FRENKEL Brian	HR and Humanitarian Affairs Officer, Permanent Mission of Israel, Geneva	
Israel	Mr KREMER Orit	Legal Adviser, Permanent Mission of Israel, Geneva	
Japan	Mr KENTARO Nagazumi	Director, Planning and Coordination Division, International Dept., Japanese Red Cross Society	National Committee on International Humanitarian Law
Japan	Mr TAKAZAKURA Shinpei	Second Secretary, Permanent Mission of Japan, Geneva	National Committee on International Humanitarian Law
Jordan	Mr KHASAWNEH Mamoun	Chairman, Jordanian National Commission for International Humanitarian Law	National Commission for the Implementation of International Humanitarian Law
Kazakhstan	Ms ZHUNUSSOVA Rimma	Organization of Cooperation with Intational Organizations, including the ICRC, Ministry of Foreign Affairs	Interdepartmental Commission on International Law and the International Human Rights Treaties
Kenya	Ms HAYANGA-FREGONI Lulu	State Counsel, Office of the Attorney General & Department of Justice	National Committee for the Implementation of International Humanitarian Law
Kenya	Mr ABDULSAMED Farah	Regional Economic Community	Intergovernmental Authority on Development Organization, IGAD
Kyrgyzstan	Mr IMINOV Makhamadzhan	Deputy Minister of Justice, Coordination of Issues related to the Development and Expertise of Legislative Bills, Ministry of Justice	Interdepartmental Commission on the Implementation of International Humanitarian Law
Lebanon	Ms KHAYRIE MAYSSAM Noueiri	Judge, Directorate General, Ministry of Justice	Lebanese National International Humanitarian Law Committee
Lebanon	Mr YASSER Mostafa	Deputy Director, Human Rights and Humanitarian Law, Ministry of Foreign Affairs	Lebanese National International Humanitarian Law Committee
Lebanon	Mr ZOGHBI Tanios	Head, International Affairs Department, Lebanese Red Cross	Lebanese National International Humanitarian Law Committee

COUNTRY/TERRITORY	TITLE (MR/MS), NAME, FIRST NAME	FUNCTION	INSTITUTION REPRESENTED
Lesotho	Mr SELLO Mantso Zacharia	Legal Officer, Lesotho Defence Force, Ministry of Defence and National Security	Lesotho National Committee for International Humanitarian Law
Liberia	Mr KANNEH Boakai N	Chairman, Liberian Law Reform Commission	Liberia International Humanitarian Law Committee
Lithuania	Ms VITKAUSKAITE-MEURICE Dalia	Legal Adviser, Ministry of National Defence	Commission on the Implementation of International Humanitarian Law
Luxembourg	Ms MERENS Sandra	Legal Adviser, Ministry of Foreign and European Affairs	
Madagascar	Ms ADRIANARJEMISA Princess Lilia	Head, Human Rights and Juridical Affairs Service, Ministry of Foreign Affairs	National Committee on International Humanitarian Law
Madagascar	Ms RAVOKATRASOLOFO Harivola Mirana	Attaché, Permanent Mission of Madagascar, Geneva	
Malawi	Mr MAKAWA Ernest Mungosauka	Controller of Legal Services, Ministry of Foreign Affairs, Secretariat and Coordinator of National International Humanitarian Law Committee	Malawi National Committee on International Humanitarian Law
Malaysia	Ms AHMAD TERMIZI Maryam Masyitah	Second Secretary, Permanent Mission of Malaysia, Geneva	
Maldives	Mr IBRAHIM Abdul Majeed	Army (in government), Maldives National Defence Force	
Maldives	Mr HUSSAIN SHIHAB Hassan	Director, UN Division, Ministry of Foreign Affairs	
Mali	Ms SANGARE ÉPOUSE COULIBALY Kadidia	Lawyer and Chairwoman of the National Committee for Human Rights	
Malta	Mr VEUTHEY Michel	Deputy Permanent Observer, Permanent Mission of Malta, Geneva	
Mauritius	Mr GOPAUL Devendre	Deputy Permanent Secretary Home Affairs Division, Prime Minister's Office	National Humanitarian Law Committee of Mauritius
Mauritius	Mr JHUGROO Premhans	Secretary for Home Affairs, Home Affairs Division, Prime Minister's Office	National Humanitarian Law Committee of Mauritius
Mexico	Mr ESTRADA ROJAS Sergio	Director, International Law III/Legal Advisory Service, Department of Foreign Affairs	Interdepartmental Committee on International Humanitarian Law
Mexico	Mr OCAMPO GARCIA Fernando	Director on Human Rights, Legal Unit Department of the Navy	Interdepartmental Committee on International Humanitarian Law
Moldova	Mr BZOVII Vasile	Deputy Head, Legal Department, Ministry of Defence	National Commission on Implementation of International Humanitarian Law

COUNTRY/TERRITORY	TITLE (MR/MS), NAME, FIRST NAME	FUNCTION	INSTITUTION REPRESENTED
Moldova	Ms FILATOVA Tatiana	Head of the Drafting of Normative Division, Ministry of Justice	National Commission on Implementation of International Humanitarian Law
Mongolia	Mr MUNKHTUSHIG Lkhanaajav	Deputy Director, Consular Department, Ministry of Foreign Affairs	National Committee on International Humanitarian Law
Montenegro	Ms ROGAC Anelka	First Secretary, Permanent Mission of Montenegro, Geneva	Permanent Mission of Montenegro, Geneva
Montenegro	Mr SCEPANOVIC Milorad	N/A	National Committee on International Humanitarian Law
Morocco	Ms ACHMAKH Mariam	Chargée des affaires (Legal)	National Committee on International Humanitarian Law
Morocco	Ms EL KHAMLICHI Farida	Chair, National Council on IHL	National Committee on International Humanitarian Law
Morocco	Ms KAAB Mina		National Committee on International Humanitarian Law
Myanmar	Ms SWE Ngu War	Counsellor, Permanent Mission of the Republic of the Union of Myanmar	
Namibia	Mr HARRIS Christian	Senior Legal Officer, Ministry of Justice	Interministerial Technical Committee on Human Rights and Humanitarian Law
Nepal	Mr DAHAL Bijay Kumar	Nepal Red Cross Society	Asia-Pacific Legal Network of National Red Cross and Red Crescent Societies
Nepal	Mr SAPKOTA Sadhu Ram	Joint Secretary, Ministry of Law, Justice and Parliamentary Affairs	National Committee for the Implementation of International Humanitarian Law
Netherlands	Ms HOUCK Anna	Humanitarian Affairs Officer, Permanent Mission of the Netherlands, Geneva	
Netherlands	Ms JONES-SCHAPER Karin	First Secretary, Permanent Mission of the Netherlands, Geneva	
Netherlands	Ms PLAMENAC Jelena	Situation Analyst, Jurisdiction, Complementarity & Cooperation Division	Office of the Prosecutor, International Criminal Court, Office of the Prosecutor (ICC-OTP)
New Zealand	Mr CLYNE Jarrod	New Zealand Permanent Mission, Geneva	New Zealand International Humanitarian Law Committee
Nicaragua	Ms VARGAS IDIAQUEZ Nohelia Carolina	First Secretary, Permanent Mission of Nicaragua, Geneva	National Committee for the Implementation of International Humanitarian Law
Nicaragua	Mr VARGAS ROJAS Luis-Alberto	Deputy Representative, Permanent Mission of Nicaragua	National Committee for the Implementation of International Humanitarian Law

COUNTRY/TERRITORY	TITLE (MR/MS), NAME, FIRST NAME	FUNCTION	INSTITUTION REPRESENTED
Niger	Mr ALICHINA Kourguéni Amadou	Judge, Secretary-General, National Commission on Human Rights	
Nigeria	Ms BRAHIM KUCHI Hauwa	Assistant Chief State Counsel, Federal Ministry of Justice	National Committee on International Humanitarian Law
Nigeria	Ms OCHE-OBE Antoinette	Deputy-Director, International Law Department, Federal Ministry of Justice	National Committee on International Humanitarian Law
Nigeria	Mr EKLU Daniel	Director, Humanitarian and Social Affairs	Economic Community of West African States, ECOWAS
Norway	Mr SIEM Frederik	Senior Adviser for Health Care in Danger	National Committee on Humanitarian Law
Oman	Mr AL-SAIDY Saif Saim	Professor Law General Assistant, Sultan Qabook University, Oman	
Pakistan	Mr AKRAM SHAH Bilal	First Secretary, Permanent Mission of Pakistan, Geneva	
Palestine	Ms ALLABADI Haya	Legal Assistant to the Multilateral Department, Ministry of Foreign Affairs of Palestine	
Palestine	Mr HUJAZI Ammar	Ambassador, Deputy Assistant Minister for Bilateral Affairs, Ministry of Foreign Affairs of Palestine	
Panama	Ms MEJIA Aileem	International Relations Analyst, Ministry of Foreign Affairs	National Standing Commission for the Implementation of International Humanitarian Law
Panama	Ms MIRONES Siurania	Professor, Permanent Mission of Panama, Geneva	
Papa New Guinea	Ms GWAIBO Roselyn	Department of Justice & Attorney General	
Paraguay	Mr MIRANDA ACOSTA Roberto Manuel	General Director of Legal Affairs, HR and IHL, Ministry of National Defence	Interministerial Committee for the Study and Implementation of International Humanitarian Law
Peru	Ms SOTO Maya	Ministry of Foreign Affairs of Peru, Deputy Director of Human Rights and International Humanitarian Law	Comisión Nacional de Estudio y Aplicación del Derecho Internacional Humanitario
Peru	Mr TORRES ARMAS Hugo	Technical Department of the National Committee for the Study and Implementation of International Humanitarian Law, Ministry of Justice and Human Rights	National Committee for the Study and Implementation of International Humanitarian Law
Philippines	Ms AGDUMA Sharon	Third Secretary & Vice Consul, Permanent Mission of the Philippines, Geneva	
Poland	Mr RÓZYCKI, Lukasz	Second Secretary, Permanent Mission of Poland, Geneva	

COUNTRY/TERRITORY	TITLE (MR/MS), NAME, FIRST NAME	FUNCTION	INSTITUTION REPRESENTED
Poland	Ms EWA Malys	Minister Counsellor, Legal and Treaty Department, Ministry of Foreign Affairs	Commission for International Humanitarian Law Affairs
Portugal	Mr CABRAL Nuno	First Secretary, Permanent Mission of Portugal, Geneva	
Qatar	Mr AL-ABDULLA Abdulatif	Manager, International Health Relations, Ministry of Public Health	National Commission for International Humanitarian Law
Qatar	Mr AL-MOHANNADI Abdulla Saqr	Vice-President of the National Committee on International Humanitarian Law Ministry of Interior	National Committee on International Humanitarian Law
Qatar	Mr AL-OBAYDILY Khalid Mohammad	Deputy Director, Ministry of Justice, Rapporteur, National Committee on IHL	National Committee on International Humanitarian Law
Qatar	Mr AL-SOWAIDI Abdulla	Third Secretary, Permanent Mission of the State of Qatar, Geneva	
Republic of Korea	Ms CHO Hana	Treaties Division, Ministry of Foreign Affairs	Korean National Committee for International Humanitarian Law
Republic of Korea	Ms KIM Soohyun	Legal Adviser and Head of the International Law Institute	Korean National Committee for International Humanitarian Law
Republic of Korea	Mr SUNG Jaeho	Legal Adviser	Korean National Committee for International Humanitarian Law
Romania	Mr HAGIMA Lorin	Legal Adviser with the Status of a judge/prosecutor, Ministry of Justice, Representative in the National Commission on IHL	National Commission on International Humanitarian Law
Russian Federation	Mr BOGATYREV Arsen	Permanent Mission of the Russian Federation, Geneva	
Russian Federation	Ms LAPIKHIINA Ekaterina	Legal Department, Ministry of Foreign Affairs, Russia	
Russian Federation	Mr KHOLIKOV Ivan	Legal Adviser, International Committee of Military Medicine	
Russian Federation	Ms VLADIMIRIVA Evgenia	Counsellor, Interparliamentary Assembly of Member Nations of CIS	Interparliamentary Assembly, CIS
Rwanda	Mr RUAEMA Moses	First Counsellor, Permanent Mission of the Republic of Rwanda, Geneva	
Samoa	Mr KIRIM-SOLOJ Esekia Junio	State Solicitor, Attorney General's Office	National Committee on International Humanitarian Law
Saudi Arabia	Mr ALI YOUSEF Fayiz	Saudi Red Crescent Authority, Vice-President of National Committee on IHL	National Committee on International Humanitarian Law
Saudi Arabia	Mr NASER AL DHOYAN Abdulaziz	Saudi Red Crescent Authority, Secretary of National Committee on IHL	National Committee on International Humanitarian Law
Saudi Arabia	Mr GRABUS Halim	Counsellor, Permanent Delegation of the Organization of Islamic Cooperation, Geneva	

COUNTRY/TERRITORY	TITLE (MR/MS), NAME, FIRST NAME	FUNCTION	INSTITUTION REPRESENTED
Saudi Arabia	Ms KANE Aissata	Ambassador and Acting Permanent Observer, Organization of Islamic Cooperation, Geneva	
Senegal	Mr SEYE Mouhamadou Moustapha	Judge, Director for Human Rights, Secretary-General of the National Advisory Council, Ministry of Justice, National Human Rights Advisory Council	National Human Rights Advisory Council
Serbia	Ms AVRAM Sasha	IHL Manager, Red Cross of Serbia	National Human Rights Advisory Council
Serbia	Mr CARIC Slavoljub	Ambassador, Head of International Legal Department, Ministry of Foreign Affairs	National Human Rights Advisory Council
Seychelles	Ms LAURENCINE Teresa	Department of Foreign Affairs	National Humanitarian Affairs Committee
Slovakia	Ms TOBIASOVA Lydia	Lawyer, Ministry of Defence	Committee on International Humanitarian Law
Slovakia	Mr VANDERFLIT Andrej	Lawyer, Slovak Armed Forces	Committee on International Humanitarian Law
Slovenia	Ms GRASEK Mateja	Minister Plenipotentiary, International Law Division, Ministry of Foreign Affairs	Permanent Coordination Group for IHL
South Africa	Mr MONTWEDI Pitso	Chief Director, Human Rights and Humanitarian Affairs, Department of International Relations and Cooperation	Inter-Ministerial Committee on International Humanitarian Law
South Africa	Ms MPHO Somhlaba	First Secretary, Permanent Mission of South Africa, Geneva	
Spain	Mr ANTÓN CORTÉS Alberto	Adviser to the International Legal Advisory Department, Ministry of Foreign Affairs and Cooperation	National Committee for the Implementation of International Humanitarian Law
Spain	Mr VEGA MOLINA Gonzalo	Counsellor for Humanitarian Affairs and Migration, Permanent Mission of Spain, Geneva	
Swaziland	Mr DLAMINI Bheki Mithiza	Organ for Conflict Resolution, Ministry of Foreign Affairs	National Committee on International Humanitarian Law
Sweden	Ms BYSTRÖM Karin	Legal Adviser, Ministry of Defence	Swedish Total Defence Council for International Humanitarian Law
Sweden	Ms HEDEGARD Maria	Director-General For Administrative and Legal Affairs, Ministry of Defence	Swedish Total Defence Council for International Humanitarian Law
Switzerland	Ms BERTHOUD Jeanne	Programme Coordinator, UNESCO Section, United Nations and International Organizations Division Federal Department of Foreign Affairs	Interdepartmental Committee on International Humanitarian Law

COUNTRY/TERRITORY	TITLE (MR/MS), NAME, FIRST NAME	FUNCTION	INSTITUTION REPRESENTED
Switzerland	Mr HOEHNE Oliver	First Secretary, Permanent Mission of Switzerland, Geneva	
Switzerland	Mr LINDENMANN Jürg	Deputy Director, Directorate of International Law, Federal Department of Foreign Affairs Chairman, Interdepartmental Committee for International Humanitarian Law	Interdepartmental Committee on International Humanitarian Law
Switzerland	Mr MARCHAND Carl	Senior Legal Adviser, Swiss Armed Forces Department of Defence, Civil Protection and Sport	Interdepartmental Committee on International Humanitarian Law
Switzerland	Mr MELCHIOR Olivier	Federal Office for Civil Protection, Department of Defence, Civil Protection and Sport	Interdepartmental Committee on International Humanitarian Law
Switzerland	Mr PEYER Rochus	Legal Officer, Humanitarian Affairs, Permanent Mission of Switzerland, Geneva	
Switzerland	Mr SIEGRIST Michael	Legal Adviser, Section on IHL and International Criminal Law, Directorate for International Law, Federal Department of Foreign Affairs	Interdepartmental Committee on International Humanitarian Law
Switzerland	Mr WICKI Arno	Deputy Head, Swiss Humanitarian Aid, Federal Department of Foreign Affairs	Interdepartmental Committee on International Humanitarian Law
Switzerland	Mr MICHEL Nicolas	President of the Board of the Geneva Academy on International Humanitarian Law and Human Rights, Professor Emeritus of the Law Faculty at the University of Geneva and the Graduate Institute of International and Development Studies	Expert
Switzerland	Ms PERREN-KLINGLER Gisela	President	International Humanitarian Fact-Finding Commission, IHFFC
Switzerland	Ms DELFOSSE François	“Attacks on Hospitals” Project Officer	Médecins Sans Frontières
Switzerland	Ms MILÈNE Bidault	Human Rights Officer	Office Of The United Nations High Commissioner For Human Rights, OHCHR
Switzerland	Ms LUNGAROTTI Laura	N/A	International Organization for Migration
Switzerland	Ms STAIGER Angela	N/A	International Organization for Migration
Syrian Arab Republic	Mr ALDAHAK Koussey	Director of the International Organizations Department, Ministry of Foreign Affairs	National Committee on International Humanitarian Law

COUNTRY/TERRITORY	TITLE (MR/MS), NAME, FIRST NAME	FUNCTION	INSTITUTION REPRESENTED
Syrian Arab Republic	Mr ZAYJI Amal	IHL Professor, Faculty of Law, University of Damascus Ministry of Higher Education	National Committee on International Humanitarian Law
Syrian Arab Republic	Mr NUQARI Abdulmaola Al	Minister Counsellor	Permanent Mission of the Syrian Arab Republic, Geneva
Tajikistan	Mr KARIMZODA Sharaf	Secretary, Humanitarian Law Commission of the Government of the Republic of Tajikistan	Commission on the Implementation of International Humanitarian Law under the Government of the Republic of Tajikistan
Tanzania	Mr LUVANDA Baraka	Director of Legal Affairs, Ministry of Foreign Affairs	
Tanzania	Mr MATONDO Saganda	Prime Minister's Office	
Thailand	Ms PARDUNGYOTEE Punnapa	Social Division, Department of International Organizations, Ministry of Foreign Affairs	
Thailand	Mr SUCHARIKUL Thirathorn	Treaty Division, Department of Treaty and Legal Affairs, Ministry of Foreign Affairs	
Togo	Mr EGBETONYOO Kossivi	Chief of Staff, Ministry of Justice	Interministerial Committee for the Implementation of International Humanitarian Law
Tunisia	Ms AMMAR Monia	Appellate Court Judge, Ministry of Justice	National Committee on International Humanitarian Law
Turkmenistan	Ms ACHILOVA Maral	Member of State Interagency Committee on Human Rights and Implementation of IHL, Red Crescent Society of Turkmenistan	Interagency Commission on Securing the Implementation of International Obligations of Turkmenistan in the Sphere of Human Rights and International Humanitarian Law Commitments
Ukraine	Ms VORONINA Viktoria	Head of the Minister's Office, Ministry for Temporarily Occupied Territories and IDPs	Interdepartmental Committee for the Implementation of International Humanitarian Law in Ukraine
Ukraine	Mr CHERNYSH Vadym	Minister for Temporarily Occupied Territories and IDPs	Interdepartmental Committee for the Implementation of International Humanitarian Law in Ukraine
Ukraine	Mr ZLAKOMAN Serhii	Deputy Minister, Ministry for Temporarily Occupied Territories and IDPs	Interdepartmental Committee for the Implementation of International Humanitarian Law in Ukraine

COUNTRY/TERRITORY	TITLE (MR/MS), NAME, FIRST NAME	FUNCTION	INSTITUTION REPRESENTED
United Arab Emirates	Mr ALKAMALI Mohamed	UAE Representative on the International Humanitarian Fact-Finding Commission, Geneva	
United Arab Emirates	Ms AL ALI Noura Saif	Attaché, Director of the Cabinet of the Assistant Minister of Legal Affairs and International Organizations, Ministry of Foreign Affairs	National Commission for International Humanitarian Law
United Arab Emirates	Mr AL AWADI Abdul Rahim	Assistant Minister for Legal Affairs and International Organizations, Ministry of Foreign Affairs, Head of the National Commission on International Humanitarian Law	National Commission for International Humanitarian Law
United Arab Emirates	Mr ALKAABI Mohamed	Director, Military Justice Department	National Commission for International Humanitarian Law
United Arab Emirates	Mr FAKHFAKH Abdulatif	Expert in International Organizations, Permanent Mission of the United Arab Emirates, Geneva	
United Kingdom	Mr MEYER Michael	Head of Intl Law, British Red Cross, Interdepartmental Committee on International Humanitarian Law	Interdepartmental Committee on International Humanitarian Law
United Kingdom	Ms PURDASY Margaret	Legal Counsellor, UK Government, Permanent Mission of the UK, Geneva	Interdepartmental Committee on International Humanitarian Law
United Kingdom	Mr BEYANI Chaloka	Professor of International Law Former UN Special Rapporteur on the Human Rights of Internally Displaced Persons, London School of Economics	Expert
Uruguay	Ms GONZALEZ Cristina	Minister Counsellor, Permanent Mission of Uruguay, Geneva	
Uruguay	Ms LESCA Silvana	Deputy Director for Human Rights and Humanitarian Law, Ministry of Foreign Affairs	Comisión Nacional de Derecho Humanitario
USA	Ms EDWARDS Christie	Director International Humanitarian Law, American Red Cross	
USA	Ms GROOVE Kate	Legal Adviser, Permanent Mission of the USA	
USA	Ms BENNOUNE Karima	Special Rapporteur in the field of cultural rights, OHCHR	Expert
USA	Mr TORO Luis	Senior Legal Officer	Organization of American States, OAS
Venezuela	Mr GAVILANES Enzo Bitetto	First Secretary, Office of Multilateral Affairs and Integration, Ministry of Popular Power for Foreign Relations	National Committee on International Humanitarian Law

COUNTRY/TERRITORY	TITLE (MR/MS), NAME, FIRST NAME	FUNCTION	INSTITUTION REPRESENTED
Zambia	Ms NAPANJE Judy Sampa	Economist (Development Cooperation and International Organizations), Ministry of Foreign Affairs	National Committee for the Implementation of International Humanitarian Law
Zambia	Ms SIMBYAKULA Sambwa	Acting Principal Counsel, Ministry of Justice	National Committee for the Implementation of International Humanitarian Law
Zimbabwe	Ms MUGUTI Emily Mutisa	Law officer, Ministry of Justice	Interministerial Committee for Human Rights and Humanitarian Law
ICRC			
Switzerland	Ms DURHAM Helen	Director, Department of International Law & Policy	ICRC Geneva
Switzerland	Mr LOYE Dominique	Deputy Director, Department of International Law & Policy	ICRC Geneva
Switzerland	Mr DÖRMANN Knut	Head and Chief Legal Officer, Legal Division	ICRC Geneva
Switzerland	Ms PELLANDINI Cristina	Head of the Advisory Service on IHL	ICRC Geneva
Switzerland	Mr BERNARD Vincent	Head of Law and Policy Forum Unit, Editor in Chief of the International Review of the Red Cross	ICRC Geneva
Switzerland	Ms LAWAND Kathleen	Head of Arms Unit	ICRC Geneva
Switzerland	Mr QUEGUINER Jean-François	Head of Thematic Legal Advice Unit	ICRC Geneva
Switzerland	Mr ALDAWOODY Ahmed	Legal Adviser, Advisory Service on IHL	ICRC Geneva
Switzerland	Ms BIEHLER Anke Beatrice	Legal Adviser, Advisory Service on IHL	ICRC Geneva
Switzerland	Mr CHARLIER Benjamin	Legal Adviser, Advisory Service on IHL	ICRC Geneva
Switzerland	Ms LONDOÑO Maria Ximena	Legal Adviser, Advisory Service on IHL	ICRC Geneva
Switzerland	Ms RICHARD Emily	Legal Adviser, Advisory Service on IHL	ICRC Geneva
Switzerland	Mr SABGA Charles	Legal Adviser, Advisory Service on IHL	ICRC Geneva
Switzerland	Ms OBREGON GIESEKEN Helen Cecilia	Legal Adviser, Thematic Legal Advice Unit	ICRC Geneva
Switzerland	Mr BREITEGGER Alexander	Legal Adviser, Thematic Legal Advice Unit	ICRC Geneva

COUNTRY/TERRITORY	TITLE (MR/MS), NAME, FIRST NAME	FUNCTION	INSTITUTION REPRESENTED
Switzerland	Mr APERCE Cedric	Associate, Advisory Service on IHL	ICRC Geneva
Switzerland	Ms AESCHIMANN Jacqueline	Assistant, Advisory Service on IHL	ICRC Geneva
Switzerland	Mr ELKHUIZEN MORGADO Amélia	Event Manager's Assistant, Advisory Service on IHL	ICRC Geneva
Australia	Ms GOUSSAC Netta	Regional Legal Adviser	ICRC Canberra
Bosnia and Herzegovina	Ms DOJCINOVIC Neda	Sub-Regional Legal Adviser	ICRC Sarajevo
China	Mr MAYBEE Larry	Regional Legal Adviser	ICRC Beijing
Democratic Republic of the Congo	Ms MUSHOBEKWA KALIMBA Claudine	Regional Legal Adviser	ICRC Kinshasa
Egypt	Mr MEKKY Omar	Regional Legal Coordinator	ICRC Cairo
France	Ms TENENBAUM Julie	Regional Legal Adviser	ICRC Paris
India	Ms WELCH Kirsty	Regional Legal Adviser	ICRC New Delhi
Kenya	Ms MASSINGHAM Eve	Regional Legal Adviser	ICRC Nairobi
Malaysia	Ms THYANNE Keisiana	Regional Legal Adviser	ICRC Kuala Lumpur
Mexico	Mr CAMEN Anton	Regional Legal Adviser	ICRC Mexico
Russian Federation	Ms KUSHLEYKO Anastasia	Regional Legal Adviser	ICRC Moscow
Ivory Coast	Ms TOUGAS Marie-Louise	Regional Legal Adviser	ICRC Abidjan
Brazil	Mr VALLADARES Gabriel	Legal Adviser	ICRC Brasilia
Armenia	Mr IREN Aloyan	Legal Adviser	ICRC Yerevan
Colombia	Mr BRAVO CORAL Juan	Legal Adviser	ICRC Bogotá
France	Mr GONCALVES ALVES Raphael	Legal Adviser	ICRC Paris
Syrian Arab Republic	Ms KHAROUF Rana	Legal Adviser	ICRC Damascus
Syrian Arab Republic	Mr S SIKALI Manas	Adviser to Head of Delegation	ICRC Damascus
Russian Federation	Ms GAVRILOVA Maria	Legal Adviser	ICRC Moscow

ANNEX 4: OPENING SPEECHES

SPEECH GIVEN BY MS CHRISTINE BEERLI VICE-PRESIDENT OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS

30 November 2016, Geneva

Ambassador Zellweger, Excellencies, Distinguished Participants, Ladies and Gentlemen,

On behalf of the International Committee of the Red Cross, I would like to offer you a warm welcome to Geneva and to the Fourth Universal Meeting of National Committees and Similar Bodies on International Humanitarian Law. I am delighted to note that many of the 108 national committees on IHL are in attendance. I am also pleased to see representatives of numerous countries that do not yet have a specific body on IHL, as well as many other stakeholders. Your presence here today shows that there is interest in discussing how to enhance protection in armed conflict through domestic law and policy.

The world desperately needs better protection in armed conflict. Far too many men, women and children are being wounded and killed, and far too many communities ripped apart by armed violence. And these armed conflicts show no signs of abating.

The number of people fleeing fighting and violence has reached unprecedented levels. World heritage sites are being deliberately attacked. Hospitals are being bombed, leaving the wounded and sick without life-saving health care.

These issues are cruel realities that our staff on the ground witness on a daily basis in many places the world over. They resonate with all of us. No country is immune from the possibility of being confronted with any or all of them.

As you know, the ICRC works around the world to assist and protect people affected by armed conflict and other situations of violence. But it also has a mandate to prevent suffering by promoting and strengthening international humanitarian law and humanitarian principles. The ICRC is convinced that a clear framework of rules at the international level – accompanied by the corresponding rules, policies and enforcement at the national level – strongly contributes to saving lives and reducing suffering.

Because of broadly publicized violations of IHL, some commentators have suggested that the law is failing. Yet I would argue the contrary: never has the normative legal framework been so comprehensive and strong; never have there been so many opportunities to build and strengthen mechanisms to review implementation of and compliance with the law. The ICRC is convinced that IHL remains a critical tool and a universally agreed framework for preserving lives and protecting human dignity in armed conflict. Simply put, IHL cannot exist in a vacuum: if its purpose – to establish limits in war – is to be fully achieved, it must be known, understood and implemented by all States, but also respected by all States and all parties to armed conflict. I thus salute your many efforts to increase knowledge and implementation of IHL. An implementation gap remains, however, and more needs to be done.

Ladies and Gentlemen,

Ensuring respect for and protection of the wounded and sick, health-care personnel and facilities and medical transport without discrimination has been at the core of IHL since the adoption of the original Geneva Convention in 1864. And yet, deliberate destruction of hospitals and attacks against health-care workers and

ambulances continue to disrupt health-care services where people need them most, depriving the wounded and sick of life-saving treatment. In many countries, the situation is alarming; the images are harrowing.

In December 2015, the 32nd International Conference of the Red Cross and Red Crescent adopted a robust resolution that calls for continued efforts to protect the delivery of health care and for cooperation to this end between various stakeholders. A few months later, the UN Security Council unanimously adopted the landmark Resolution 2286, which strongly condemns attacks on medical personnel in conflict situations. The resolutions complement efforts at many levels and call for similar action, including developing domestic legal frameworks in line with international law; refraining from attacking the wounded and sick and medical personnel; and ensuring accountability for violations of the law. These resolutions and other efforts must be lauded. But now is the time to take action that will make a difference on the ground.

Internal displacement linked to armed conflict and other situations of violence has reached worrying proportions: by the end of 2015, there were 40.8 million internally displaced people – the highest number on record.

Furthermore, many migrants transit through, and may become stranded in, countries experiencing armed conflict, which may make them more vulnerable. Their vulnerability may arise from not speaking the local language, or from not being allowed access to services such as basic health care and assistance. They may be detained and at risk of being deported, in violation of the principle of *non-refoulement*. Families of migrants in countries of origin and in the diaspora may be desperate to know the fate and whereabouts of their loved ones, in particular when they are caught in a situation of armed conflict.

Internal displacement and migration are defining dynamics of our times – whether in countries facing situations of internal displacement, or countries into which people move, at the UN General Assembly, at conferences of the European Union, or on the agenda of the African Union – and these dynamics continue to shape national and international policies and debates.

Just last month, the president of the ICRC addressed the African Union Peace and Security Council to present a report summarizing the outcome of a stocktaking exercise on the implementation of the AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (also known as the Kampala Convention). The ICRC conducted the exercise, and a variety of stakeholders were consulted, including the AU, its member States, and regional economic communities. The report confirmed the relevance of adopting normative and policy frameworks on internal displacement at regional and domestic levels to help strengthen protection and assistance of internally displaced people (IDPs). This dialogue demonstrates that actors at all levels are concerned by the plight of IDPs, and that there is value in them engaging with each other.

Recent armed conflicts have seen deliberate destruction of archaeological sites and historical monuments in complete disregard of the well-established rules under international law governing the protection of cultural property in armed conflict. Often, this has been a precursor to abuses against civilians.

People are reacting. Last year, the UN General Assembly adopted a resolution on preserving the cultural heritage of Iraq, and stressed the important role many people and organizations have in supporting the establishment of relevant national legal frameworks and policies, as well as the importance of holding perpetrators accountable. The International Criminal Court heard the message. Recently, in a case concerning the destruction of the mausoleums in Timbuktu, it handed down a sentence that will hopefully have a deterrent effect on others tempted to carry out similar acts.

When, in 2013, the national IHL committees of the Americas convened – as national committees regularly do – they shared presentations on the state of play of IHL implementation in their respective countries. Several presentations highlighted the concrete measures taken to protect cultural property from the consequences of possible armed conflicts. The peer exchange was further enriched by discussions with UNESCO and the Organization of the American States, which both highlighted the ways they can support the work of national IHL committees. The OAS, recognizing that its IHL-related efforts were complementary to those of national IHL committees, has continued to include the committees in its IHL-related deliberations.

Ladies and Gentlemen,

Respecting and ensuring respect for IHL, for which States bear the primary responsibility, is a multidimensional obligation. It includes creating the conditions for and an environment conducive to respect for the law, preventing violations thereof and halting them when they occur and punishing the perpetrators of serious violations, which requires adequate criminal legislation to be adopted. In many countries, national IHL committees have played an important role not only in adopting the domestic measures required to address the three topics under discussion but also in implementing their States' obligations under IHL generally, and in contributing to broader efforts, including regional and global initiatives aimed at respect for IHL.

I have noted with enthusiasm that a number of national IHL committees are taking on an evolving role beyond what has been their traditional task of promoting IHL knowledge and domestic implementation. For example, in a country where there was already legislation regulating the use of the red cross, the red crescent and red crystal emblems, the national IHL committee met and discussed allegations that the emblem had been misused. This, while the armed conflict was ongoing. Some committees regularly produce public reports detailing the status of IHL implementation in their country; some support the implementation of their country's reporting obligations under specific international instruments. Others were highly involved in the preparations for, or the follow-up to the International Conference of the Red Cross and the Red Crescent.

Many national IHL committees have reached out to their peers for support, and many have joined forces. Since the last universal meeting in 2010 we have seen a sharp increase in bilateral exchanges and joint activities. For example, national IHL committees from countries in southern Africa recently created a platform to hold annual meetings, and they are holding their first while they are here in Geneva. Two national IHL committees from another region also met in advance of this meeting to get a head start on sharing experiences. I hope it will be the start of a fruitful cooperation.

Ladies and Gentlemen,

Both national and international courts are taking up matters related to protection in armed conflict. Resolutions are being adopted, and discussions are being held in a variety of forums, providing more opportunities to exchange experiences. I am heartened by the numerous efforts and initiatives at all levels to reduce suffering, and enhance respect for the law and the protection under it. We need to build on the complementary nature of the various actions at the domestic, regional, and universal levels.

This collective effort is reflected in what I see as the current global system of respect for IHL, with its strengths and weaknesses, where each player and each mechanism has its purpose and its contribution to make. States are most effective at respecting and ensuring respect for IHL when they act in cooperation with others, or collectively. We therefore need to combine efforts on various fronts to secure better protection for men, women and children from the adverse consequences of armed conflict. Regional and universal initiatives only have teeth when they are implemented at the domestic level; and domestic input helps shape what is discussed and done beyond a country's borders. In short, I am convinced that State authorities and their national IHL committees on the one hand, and regional and global forums on the other, are mutually reinforcing and influencing.

In these difficult times, I find comfort in seeing that a convergence of forces is possible. However, as we speak, cities are burning and millions of people are suffering from the consequences of armed violence. There is an urgent need to step up our efforts. I believe that some elements of the current system of respect for IHL make it fit to address the protection challenges posed by armed conflict. But the current level of suffering and destruction suggests that there is room for further strengthening.

We need to nourish the synergies between the different efforts promoting respect for IHL – or, if you prefer, between the existing elements of the system – and seek to enhance the system by actively promoting the addition of complementary elements.

The 32nd International Conference itself can be seen as an element of the global system of respect for IHL. It adopted several resolutions and served as a platform for reflecting on how to further strengthen respect for IHL. Resolution 2, on strengthening compliance with IHL, recommends that States engage in a State-driven inter-governmental process to examine how to enhance the implementation potential of the International Conference and regional forums. It also provides that States should find agreement on the features and functions of a potential forum of States on IHL. In our view, such a forum would be a useful addition to the global system of respect for IHL. The discussion is ongoing, and I invite you to encourage your governments to take an active part in this process with a view to further enhancing the global system of IHL implementation.

Ladies and Gentlemen,

The wealth of expertise and experience in this room should not be underestimated. I hope you will harness this collective knowledge and I invite you to use the coming days to brainstorm how your national IHL committees can enhance their role and contribution within the existing system of respect for IHL.

For example, can you seek and fully utilize a right of initiative to proactively advise your decision-makers?

Can you volunteer your expertise to alert your authorities when you observe potential violations of IHL, or the risk thereof?

Can you increase your level of involvement in your countries' reporting in connection with obligations under IHL and other relevant treaties?

Can you increase cooperation between national IHL committees, in order to solidify the emerging network that has formed through regional meetings and peer-to-peer exchanges?

Can you increase your involvement in the International Conference of the Red Cross and the Red Crescent?

Are you prepared to be more assertive in your role as promoter of IHL implementation and respect in your countries, and be the ambassadors for IHL regional and global initiatives aimed at strengthening IHL respect and protection in armed conflict?

Ladies and Gentlemen,

Let me conclude by asking you to make pragmatic use of this opportunity. The global system of respect for IHL comprises various efforts taking place at numerous levels. Your role in this system is significant. For the sake of the millions of people who are suffering from armed conflict, I urge you to use this meeting to share with each other the many ways in which you already help enhance protection in armed conflict, and to identify ways in which you can strengthen your contribution. The ICRC stands ready to continue to support your efforts and those of your national IHL committees, and all endeavours to alleviate suffering resulting from armed violence.

Thank you.

SPEECH GIVEN BY AMBASSADOR VALENTIN ZELLWEGER, PERMANENT REPRESENTATIVE OF SWITZERLAND TO THE UN, GENEVA

Seul le texte prononcé fait foi

Madame la Vice-Présidente du Comité international de la Croix-Rouge, Excellences, Honorables membres des commissions nationales de droit international humanitaire, Mesdames et Messieurs,

En avril 1962, **Bob Dylan**, aujourd'hui lauréat du Prix Nobel, s'élevait du haut de ses 20 ans contre les ravages de la guerre et demandait dans la chanson *Blowing in the wind*: «how many deaths will it take 'til [w]e know that too many people have died?» La réponse, disait-il, la réponse est *blowing in the wind*.

Bob Dylan n'a pas composé cette chanson pour les Conventions de Genève. Mais il aurait pu. En effet, combien de victimes la guerre devra-t-elle faire avant que l'on comprenne que le droit international humanitaire doit être respecté?

Le fait est que **les guerres et les atrocités qui les accompagnent gagnent du terrain**. La réalité à laquelle nous sommes aujourd'hui confrontés est celle dans laquelle des pays, voire des régions entières, sont ravagés par les conflits armés, la Syrie, le Soudan du Sud, l'Irak, la Libye, le Yémen ou l'Ukraine n'étant que des exemples qui viennent à l'esprit, mais ils ne sont pas seuls. Plus préoccupantes encore sont les nouvelles régulières d'attaques perpétrées au plus grand mépris des normes de protection bien établies en conflit armé.

Force est par ailleurs de constater que les **installations sanitaires** et les professionnels médicaux sont régulièrement attaqués de manière délibérée, ce qui, en plus de provoquer quantité de blessés, de morts et de dommages matériels, prive de grande portions de la population de soins médicaux. Pareilles violations compromettent sérieusement les soins médicaux d'urgence auxquels ont droit les blessés et les malades – mêmes ennemis. Elles entravent également les soins dont ont besoin les victimes les plus vulnérables des conflits armés, et portent directement atteinte à l'un des piliers fondamentaux du droit international humanitaire. En 2016, les attaques continuent, avec des conséquences dévastatrices pour le personnel médical, les patients, les travailleurs humanitaires et la population en général.

Alors que, parmi les horreurs de la guerre, la destruction de biens culturels peut sembler de moindre importance, elle n'en est pas moins blessante. L'objectif souvent est d'effacer la culture et l'histoire de communautés, de détruire leur tissu social. Mais l'héritage culturel est un symbole de notre humanité, du génie humain, l'expression de notre diversité et de nos identités. Sa perte nous concerne tous. Par conséquent, la destruction de biens culturels rend les efforts de paix et de réconciliation post-conflits encore plus difficiles.

Dernier point, et non des moindres, ces violations illustratives du droit international humanitaire sont l'une des causes premières qui **poussent chaque année des millions de personnes à quitter leur foyer** pour échapper à des situations intolérables dans lesquelles leurs droits, leur sécurité et leurs vies sont en danger. L'année passée, plus de 60 millions de personnes, dont plus de la moitié sont des enfants, ont été contraintes de fuir à cause de conflits et de violences, des chiffres sans précédent depuis la Seconde Guerre mondiale.

A l'heure où de telles attaques se produisent chaque jour, **nous ne pouvons pas rester les bras croisés**. Nous ne pouvons pas oublier notre devoir, inscrit dans les Conventions de Genève, de respecter et faire respecter le DIH. Si nous sommes réunis ici aujourd'hui, c'est que nous avons foi dans notre capacité à renforcer la protection dans les conflits armés. Si nous sommes réunis ici aujourd'hui, c'est que nous avons foi dans le rôle que peuvent jouer le droit interne et la politique nationale dans la consolidation de cette protection.

Mesdames et Messieurs,

Il y a une vingtaine d'années, en 1995, une série de conférences et de réunions d'experts consacrées à la protection des victimes de la guerre ont donné naissance à la **recommandation de la 26^e Conférence internationale** de la Croix-Rouge et du Croissant-Rouge, qui **encourage la création de commissions nationales** pour la mise en œuvre du DIH et sa diffusion. Le but était de réfléchir à des moyens concrets de promouvoir le respect des obligations humanitaires en période de conflit armé.

Ce **résultat a été obtenu de haute lutte**: il a fallu plusieurs jours de discussions et de négociations intensives pour aboutir à cette recommandation consensuelle de la Conférence internationale de la Croix-Rouge et du Croissant-Rouge.

C'est grâce à cette recommandation que nous sommes réunis ici aujourd'hui. Nombre de réflexions et de conclusions d'alors sont toujours d'actualité et continuent d'être développées. En 1995 déjà, beaucoup étaient convaincus que les commissions nationales avaient un rôle crucial à jouer pour conseiller et aider les gouvernements à mettre en œuvre et à diffuser le DIH. Certes, leur rôle, leur mode de fonctionnement et leur composition pouvaient varier selon les besoins et les structures des Etats. Toutefois, dès 1995, il était déjà clair à cette époque que ces commissions avaient énormément à apporter, du fait de leur engagement commun en faveur du DIH, de leur rôle de coordination au sein des gouvernements et de leur capacité à mettre l'expertise en commun.

Ladies and gentlemen,

Through this meeting, you are uniquely positioned to carry home **a number of concrete, practical proposals** on how protection in armed conflict could be strengthened through domestic policies or regulation. This meeting will allow us to discuss and compare the roles and functioning of your committees and, always with a view to strengthen national implementation, you may learn from challenges and solutions of your peers. You may also seize this opportunity to knit new forms of cooperation with colleagues or to discuss ways and means to strengthen your role even further in the future.

This opportunity presents itself only now and then. The last meeting of this kind took place six years ago, in 2010.

Against the plight of tens of thousands of victims of armed conflict, there is every reason to make the most out of this opportunity today.

I therefore **invite you to discuss and advance** as much as you possibly can practical measures to strengthen the implementation and respect of IHL. I urge you to pay particular attention to the fate of medical facilities and workers, the preservation of cultural property and the plight of the forcibly displaced – the three focus areas of this meeting. The daily news about attacks on the medical mission, the destruction of cultural property and displacement caused by armed conflict should not only fill us with deep regret. They should also prompt us to action. Allow me to offer **concrete recommendations** that I invite you to consider:

To begin with, in order to achieve the widest possible protection in armed conflict, I ask you to help advance the **universal adherence to IHL instruments**. Next year, we will commemorate the **40-year anniversary of the Additional Protocols I and II** to the Geneva Conventions, which complement and lay down fundamental rules related to, among many others, the protection of the civilian population, the medical mission and of cultural property.

As members of the national IHL committees, you are **particularly well placed** to promote ratifications and to advance their enactment in domestic legislation. I thus call on all of you whose government has not yet adhered to the Additional Protocols to the Geneva Conventions and other relevant instruments of international humanitarian law, such as the 1954 Hague Convention on the Protection of Cultural Property in the Event of

Armed Conflict and its two Protocols, but also to the Rome Statute of the International Criminal Court, to do so at the earliest moment possible. Every new adherence constitutes a vital signal by the international community that the instruments of IHL continue to constitute the bedrock of humanity in armed conflict.

Let there be no mistake, it is not the lack of rules but a lack of observance thereof that is causing the casualties, the destruction of civilian and cultural property or large scale forced displacement in armed conflict and that we need to tackle together. It is true: IHL must **first and foremost be implemented at the national level**. As you all certainly know by experience, creating a culture of respect does not end with the ratification of international treaties. On the contrary, the important work just begins with the ratification: only all the necessary legal, policy and practical measures give meaning to international obligations and create an environment of respect for IHL.

Considering the **number of areas and different interests** the rules of IHL touch upon – I think in particular of defense, justice, foreign affairs, health, culture, child protection or finance that are dealt with different State bodies and institutions – it is apparent why national committees can play a crucial role in advising States on questions related to IHL, and in coordinating its implementation and dissemination.

In relation to the protection of the medical mission, I invite you to closely review the United Nations Security Council Resolution 2286, passed this year. This resolution constitutes a significant achievement at multilateral level, alongside key resolutions of the United Nations General Assembly, the World Health Assembly, the Humanitarian Affairs Segment of ECOSOC, and the International Red Cross and Red Crescent Conference, calling for further efforts and additional measures in the protection of the medical mission. I urge you to advocate for the implementation of these texts that, taken together, reaffirm the continued relevance of international law, including international humanitarian law and international human rights law, and constitute a strong political signal at the highest multilateral levels for its respect. Specifically, resolution 2286 calls for the reporting on national measures to the United Nations Secretary-General. We should not let that call go unheard. I therefore call upon the national IHL committees to advocate for the implementation of the resolution and to strive towards national reporting to the Secretary-General. This would allow to further the exchange of best practices in regard to the protection of the medical mission and to keep traction for the implementation of this important resolution.

In relation to the protection of cultural property there are some encouraging signs. This year, as Ms. Beerli already mentioned, the International Criminal Court condemned attacks against religious and historic buildings in Timbuktu, Mali, as a war crime. But much remains to be done. The General Conference of the UNESCO adopted last year a plan of action that now needs to be implemented. France and the United Arab Emirates have invited to a conference in Abu Dhabi that takes place at the end of this very week. The two countries are calling for the establishment of a network of safe havens for cultural property at risk. A trust fund, established here in Geneva, will help endow this endeavor. I invite you to consider these initiatives. Your committee could be key in encouraging the implementation of the minimal standards for the protection of cultural property/heritage.

In relation to preventing and addressing displacement, this is not simply a responsibility of the State confronted with displacement on its own territory. Other States, such as Switzerland or maybe yours, can still contribute to the protection of internally displaced persons. By making the case for the observance of IHL and human rights, we can help reduce internal displacements in the first place. This is why Switzerland has launched a political appeal in June “to put human rights at the heart of conflict prevention”. The appeal, which is supported by 70 states, aims to strengthen cooperation between the Security Council and the Human Rights Council. I invite you to consider supporting this initiative. Likewise, I invite you to support adherence to the Guiding Principles on Internal Displacement, which constitute an important international framework for the protection of IDPs, and to develop the corresponding national legislation.

There are many more recommendations to consider. For example, more needs to be done to advance regulation of **private military and security companies**. Does your government support the Montreux Document of 2008, which identifies applicable international law and recommends good practices?

Another example is **weapon reviews**. Article 36 of Additional Protocol I foresees that States determine, in the study, development, acquisition or adoption of a new weapon, means or method of warfare, whether or not they are compatible with international law. However, only a handful of States have established procedures in place to conduct weapon reviews.

Last but not least, national committees can also play an important role in advising States on recent developments regarding IHL and following up on decisions or resolutions adopted under the auspices of different international organizations or specific international treaties or conferences. For example, you may play an important role in **following up on the Resolutions adopted by the 32nd International Conference** of the Red Cross and Red Crescent last December. In this regard, I would like to highlight **Resolution 2** on “Strengthening compliance with international humanitarian law”. The intergovernmental process co-facilitated by the ICRC and Switzerland concluded its first meeting yesterday, here in this room. The meeting served to define the next steps in the process of agreeing on a potential forum of States for IHL, and on examining ways of enhancing the role of the International Conference of the Red Cross and Red Crescent and regional fora in the implementation of IHL. The initiative seeks to fill an institutional gap. The Geneva Conventions lack a conference of States Parties to allow for an open, honest and meaningful exchange aimed at furthering respect for IHL. I hope you will be able to also act as ambassadors for this intergovernmental process at home and to help your governments to actively contribute to this important endeavor.

Mesdames, Messieurs,

Il ne me reste plus qu'à vous souhaiter une excellente et fructueuse 4^e Réunion universelle. J'espère que vous la quitterez avec la conviction, pour paraphraser Bob Dylan que « la réponse **n'est pas** soufflée dans le vent », mais bien entre nos mains.

Je vous remercie de votre attention.

ANNEX 5: CONCLUDING OBSERVATIONS

PROFESSOR NICOLAS MICHEL INDEPENDENT EXPERT

It is a great honour and pleasure for me to be invited to submit a few personal concluding observations for your consideration.

Many ideas have been put forward over the last three days. It would be impossible to summarize the full breadth and depth of the discussions, and it is not, in any case, the purpose of these concluding observations to present a summary. I intend to address a number of selected observations grouped under five key message headings.

Key message 1:

The law is of central importance

- Firm belief that the law and its implementation are important in any society.
- The full adequacy of IHL must be emphasized; it remains a critical tool for protecting lives and dignity. The evolution of some forms of violence does not make this body of law less relevant.
- Creating the conditions for respect of IHL remains crucial at all times, therefore.
- IHL does not exist in a vacuum. The law is not just for experts.
- States must be reminded of their responsibility to implement IHL and adopt policies conducive to compliance with it, in peacetime and during armed conflict.

Key message 2:

(a) The establishment of national committees on IHL should be encouraged, as they play an important role

- The benefit of having an interdisciplinary body that is dedicated to dealing with questions relating to IHL and its implementation in law and policy is widely appreciated.
- The work of national committees on IHL is important in a variety of circumstances, whether a country is at peace, or involved in armed conflict, emerging from conflict, or still affected by historical conflict.
- The work and structure of national committees on IHL are incredibly diverse and reflect the circumstances of their respective countries.
- Participants have called on their peers to establish IHL committees or similar bodies in their own countries, and various parties have offered support to colleagues in this endeavour.

(b) The Universal Meeting is essential for supporting the work of the national committees on IHL

- This Universal Meeting is a space in which to exchange experiences, share good practice and develop supportive peer-to-peer networks.
- Many national committees found this forum for exchanges very useful and would like not only to continue but strengthen this cooperation, including outside of formal universal or regional meetings.

Key message 3:***There must be complementarity between the work of national IHL committees at national and international levels***

- National committees on IHL have a role to play in addressing the need to implement international law in national systems (horizontal), and in supporting global and regional initiatives aimed at developing and strengthening IHL (vertical).
- Example: In 2014, the ICRC and the Inter-Governmental Committee for the Protection of Cultural Property in the Event of Armed Conflict (of which UNESCO is the Secretariat) sent a joint letter to all national IHL committees urging them to take action to encourage implementation of the Hague Convention of 1954 and its Protocols.

(a) Horizontal

- Discussions have highlighted the importance of national committees on IHL connecting with as many national stakeholders as possible, and gaining recognition as a national focal (and reference) point on IHL.
- The unique supportive role that National Red Cross and Red Crescent Societies can play in this respect was widely acknowledged.
- Cooperation with parliaments and engagement with non-governmental sectors, such as the media and academia, were also highlighted.
- National committees should have a formal status and a strong, yet flexible mandate that includes the rights to offer their expert advice proactively and to adapt to humanitarian or prevailing needs. These requirements were identified as fundamental by participants and are, in my view, crucial to the work of the committees at a national level.
- Constant effort is required in this respect, given the regular changes in personnel, policies and needs.
- Ideas relating to horizontal complementarity discussed at the Meeting include:
 - developing a community of IHL expertise that can be easily accessed by government agencies, thereby addressing the “knowledge gap” identified by some participants;
 - developing dissemination and implementation tools and resources tailored to the needs of other national parties with IHL-related responsibilities;
 - creating a network of academic institutions devoted to IHL.

(b) Vertical

- The work of national committees on IHL should be shared at the international level, including via the Universal Meeting, as part of our constant effort to refine the practice of implementing IHL.
- Participants also recognized that communication and cooperation between IHL committees and inter-governmental organizations can significantly help efforts to improve implementation of IHL, and we heard specific examples of engagements with the Organization of American States, the Arab League and the Commonwealth of Independent States.

Key message 4:***Sovereignty entails responsibility, responsibility includes accountability***

- States have an obligation to implement IHL, through implementing laws and policies that create an environment conducive to respect of IHL.
- “Implementation” is a broad term that encompasses a range of possible actions.
- National bodies – such as national committees and their members – play a crucial role in IHL implementation.
- Implementation is essential for accountability.
- Accountability is vital in all its forms, including as a way of dealing with the past, addressing the needs of victims and creating a basis for sustainable peace.
- While accountability is not just about individual criminal responsibility, it is worth remembering that there has always been an obligation under IHL to investigate and prosecute alleged violations, irrespective of the developments in international criminal justice of the last century.

Key message 5:***Ideas and passion must be translated into action to make a difference on the ground***

- We must translate our discussions here into action to address the distressing scenes we see on TV (hospitals being bombed, civilians being displaced).
- It is not just armed conflict that has a humanitarian impact; other situations of violence cause immense suffering, too.
- National committees are well placed to support implementation efforts to enhance protection in armed conflict.
- Ideas elaborated during the meeting include:
- *On cultural property*: National Committees can act as the forum for cooperation and coordination among national and international agencies, which are essential for the protection of cultural property in armed conflict;
- *On IDPs*: Participants discussed the need for national committees to be actively involved in the formulation of domestic normative and policy frameworks, and that in seeking such a role they would be in an ideal position to encourage States to adopt measures to enhance protection of and assistance to IDPs and migrants affected by armed conflict.
- *On health care*: Developing normative frameworks to underpin the provision of impartial health services in armed conflict and other emergencies.
- Promoting national collection of data on the protection of health care.

MS. FARIDA EL KHAMLICH, CHAIRPERSON, NATIONAL COMMITTEE ON IHL OF THE KINGDOM OF MOROCCO

As chairperson of the national committee on international humanitarian law of the Kingdom of Morocco, I am delighted to have been asked to contribute to the closing session of the Fourth Universal Meeting of National Committees on International Humanitarian Law. I would like to share some of my observations on what has been achieved.

I would like to begin by thanking the International Committee of the Red Cross for giving the national committees on IHL this opportunity to exchange expertise, experiences and best practice. We have been able to assess the performance of national committees on IHL, applaud their achievements and evaluate the ways in which they managed to overcome constraints.

In the light of what has been discussed at and learnt from the meeting, I can draw the following conclusions:

National committees on IHL do not follow a single model. Some of them consist of members from governmental sectors, while the membership of others is drawn not only from governmental sectors but also from civil-society organizations, national associations and independent experts. Since the composition of the committees has a clear impact on their work, they should endeavour to ensure that their membership is competent, has the necessary level of expertise and is representative of the sectors concerned.

The task of national IHL committees is to disseminate international humanitarian law widely among academics, the military, parliamentarians, the media, the judiciary and other relevant stakeholder groups.

Many national committees on IHL have been successful in their endeavours to harmonize national legislation, and particularly criminal law, with international conventions.

Some committees are active in the field through the presence of their representatives at military operational decision-making centres, while others support national associations by providing staff training.

We should not forget their role in expressing opinions regarding ratification of, or accession to, the relevant conventions and their cooperation with the International Committee of the Red Cross.

What benefit has been derived from this meeting?

The topics discussed during the workshops constituted a roadmap for the work of national IHL committees.

The workshop on the protection of cultural property in the event of armed conflict enabled many national IHL committees to benefit from the trailblazing experiences of others in this field in order to formulate a programme of action to ensure implementation of the Hague Convention of 1954 and its Protocols, in particular: ratification of the Second Protocol of 1999; defining cultural property and drawing up national inventories thereof; training military personnel; and harmonizing national legislation with the aforementioned international instruments. By enabling their national judiciary to prosecute and punish offences committed against their cultural property countries retain jurisdiction over such offences, thus avoiding having to hand it over to the International Criminal Court.

With regard to the protection of health-care delivery, it is imperative to consider what is happening in present-day armed conflicts, to include this topic as a major component of the training programmes conducted by national committees on IHL, particularly in the Middle East region, and to harmonize the rules regulating use of the emblems with the requirements of the Protocols additional to the Geneva Conventions to ensure that medical personnel and medical transport are protected during military operations.

The fact that the issue of internally displaced persons was raised during this meeting provides confirmation that international humanitarian law can evolve and be updated. I was concerned to hear about the difficulties encountered by some committees in their efforts to ensure that IHL instruments and the Kampala Convention are implemented in law and in practice. The national IHL committees should endeavour to prevent internal displacement, formulate a national policy to protect internally displaced persons and harmonize domestic legislation in a manner conducive to the protection of internally displaced persons and refugees.

On challenges

From the discussions, it emerged that the main problems faced by national IHL committees in carrying out the functions assigned to them are as follows:




- lack of an independent budget and an independent administrative team;
- differing degrees of expertise among members;
- difficulty in coordinating among the sectors represented on the committee;
- limited extent of national expertise in the field of international humanitarian law;
- repeated changes in sectoral representatives/membership;
- lack of compliance with, and increasing violations of, the provisions of international humanitarian law and impunity in respect thereof, which adversely affects the work of the national committees;
- Limited authority owing to the advisory rather than decision-making role of the national committees.

Recommendations

- States should be called upon to involve the national committees on IHL in governmental consultations, with a view to supporting initiatives relating to IHL at the regional and international levels.
- Cooperation and partnership among national IHL committees should be encouraged and a mechanism should be established to promote networks through which they would be able to exchange expertise in a systematic and periodic manner.
- States should be required to provide adequate funding, human resources and premises to enable the national committees to function independently and effectively.
- UNESCO's experience should be drawn upon through contact with educational institutions, and a network of such institutions should be established in order to raise awareness of international humanitarian law in educational circles.
- States should be called upon to distinguish between human rights and international humanitarian law, establish committees specialized in international humanitarian law and refrain from assigning matters involving international humanitarian law to national human rights bodies, which are bound by the Paris Principles.

- A regional network of Arab committees should be established, based on the model of the network of national committees in the Indian Ocean, and supported by the establishment of an electronic network for the exchange of information and data among the committees.
- The national committees should be regarded as the official ambassadors of the International Committee of the Red Cross for purposes of implementing international humanitarian law. This would strengthen the role of the national committees on IHL in their relations with their governments and increase their presence and influence at the national level.
- Universal meetings of the national committees should be held on a regular basis, at intervals of not more than four years.
- The idea of holding regional meetings of national committees should be promoted.
- Greater support should be provided to improve the expertise of the national IHL committees.
- A study should be conducted before and after the establishment of national IHL committees in order to assess the extent to which they contribute to the implementation of IHL at the national level and the extent of their members' familiarity with the provisions of this body of law.
- Principles should be drawn up to regulate the procedural and operational practices of the national committees in their capacity as national bodies vested with the widest possible powers, and the extent of their compliance with those principles should be monitored.
- Their advisory functions should be expanded such that they have the authority to advise government, parliament and all other bodies concerned on all matters relating to international humanitarian law and to coordinate and monitor the implementation of international obligations.

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.

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