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# 4<sup>TH</sup> COMMONWEALTH RED CROSS AND RED CRESCENT CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW

20-23 JULY

2015

CANBERRA  
AUSTRALIA

**IHL AND OUR RESPONSE TO HUMANITARIAN NEEDS:  
A COMMONWEALTH PERSPECTIVE**

WITH THE SUPPORT OF



BritishRedCross



The Commonwealth

REPORT

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This Report was prepared with the assistance of Ms Netta Goussac, Ms Sarah Swart, Mr Charles Sabga, Ms Kelisiana Thynne, and Ms Kirsty Welch of the ICRC. The ICRC is grateful to the Government of Australia, Australian Red Cross and the British Red Cross for participating in the preparation and review of the Report.

## EXPLANATION OF TERMS

AALCO	Asian-African Legal Consultative Organisation
APMC	Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (1997)
ATT	Arms Trade Treaty (2013)
CCM	Convention on Cluster Munitions (2008)
CCW	Convention on the Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (1980)
CHOGM	Commonwealth Heads of Government Meeting
G8	Group of Eight
HCID	Health Care in Danger
HE	His/ Her Excellency
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the Former Yugoslavia
IDRL	International disaster response law
IFRC	International Federation of Red Cross and Red Crescent Societies
IHL	International humanitarian law
IHRL	International human rights law
LOAC	Law of armed conflict
Montreux Document	Montreux Document on pertinent legal obligations and good practices for States related to operations of private military and security companies during armed conflict
MOU	Memorandum of Understanding
Movement	International Red Cross and Red Crescent Movement

NPT	Treaty on the Non-Proliferation of Nuclear Weapons (1968)
PMSC	Private military and Security Companies
Rome Statute	Rome Statute of the International Criminal Court (1998)
SGBV	Sexual and gender based violence
UK	United Kingdom of Great Britain and Northern Ireland
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNSC	United Nations Security Council
US	United States of America
WHO	World Health Organisation



## **FOREWORD BY DR HELEN DURHAM**

**DIRECTOR OF INTERNATIONAL LAW AND POLICY, ICRC**

The International Committee of the Red Cross (ICRC) was delighted to co-host the Fourth Commonwealth Conference on International Humanitarian Law (IHL) in Canberra, with the Government of Australia and Australian Red Cross. As with previous Commonwealth Conferences on IHL, the ICRC is also grateful to the British Red Cross and Commonwealth Secretariat for their support in making this event possible.

Drawing on the shared history and legal traditions of the Commonwealth, the Fourth Commonwealth Conference brought together government officials and National Red Cross and Red Crescent Societies from more than 35 Commonwealth States to discuss developments and current issues related to IHL. It was also an opportunity to share information and experiences on national implementation of IHL.

The complexity and volatility of modern armed conflicts has increased, leading to constantly shifting challenges for IHL. The use of new means and methods of warfare, fragmentation of armed groups and increased humanitarian needs as a result of sexual violence in armed conflict and attacks on health care were some of the issues discussed at the conference. Given the devastating impact of armed conflicts in numerous places around the world, this event served as an important opportunity for States to recall and reinforce the value of IHL and principled humanitarian action.

Even in war, there must be limits. Such limits are outlined in IHL. However, a lack of respect for IHL is a principal cause of suffering in today's armed conflicts. The need to respect - and to ensure respect for IHL - is urgent and of paramount importance. The Commonwealth Conference therefore sought to highlight such issues and create a platform for meaningful exchange.

The conference also served as a useful opportunity for Commonwealth States and National Societies to discuss and share perspectives on various topics and themes which will feature on the agenda of the 32nd International Conference of the Red Cross and Red Crescent, which will take place in December 2015.

It is my hope that this Report would serve as an accurate synthesis of the rich dialogue and debate which took place during the Fourth Commonwealth Conference on IHL. While the event brought together participants from States and National Red Cross and Red Crescent Societies of the Commonwealth, the issues discussed are of relevance to us all – by virtue of our Humanity.



## **FOREWORD BY MS KATRINA COOPER**

**SENIOR LEGAL ADVISER, DEPARTMENT OF FOREIGN AFFAIRS  
AND TRADE, AUSTRALIA**

The Australian Government was honoured to co-host the Fourth Commonwealth Conference on IHL in Canberra, Australia from 20-23 July 2015. The Australian Government acknowledges the outstanding contributions of both Australian Red Cross and the ICRC in co-hosting the Conference and extends special thanks to the British Red Cross and the Commonwealth Secretariat for their support of the event.

The Commonwealth Conference brought together a range of participants and observers demonstrative of the vibrant and diverse nature of the modern Commonwealth.

The Commonwealth Conference provided a timely opportunity to exchange experiences on a range of present and future challenges to the IHL framework and to discuss options for addressing these issues. The constructive engagement and collaborative spirit of participants reinforced the mutual commitment of the International Red Cross and Red Crescent Movement and Governments to respect and ensure respect for the Geneva Conventions and their Additional Protocols.

The Australian Government looks forward to many of these issues being progressed further at the forthcoming 32<sup>nd</sup> International Conference of the Red Cross Red Crescent to be held in Geneva, Switzerland from 8 to 10 December 2015. The Australian Government will continue to work side-by-side with two of our closest humanitarian partners - Australian Red Cross and the ICRC - in the pursuit of ongoing dialogue and positive action to achieve our common humanitarian goals at the 32<sup>nd</sup> International Conference.

The Commonwealth Conference Report captures the thoughtful contributions made by keynote speakers, chairs, panelists, working group facilitators and delegates. The Australian Government extends its gratitude to all the participants for the considerable devotion of time and expertise which contributed to the success of the Fourth Commonwealth Conference on IHL.



## **FOREWORD BY DR PHOEBE WYNN-POPE**

**DIRECTOR OF IHL, AUSTRALIAN RED CROSS**

Australian Red Cross had the pleasure of co-hosting the Fourth Commonwealth Conference on IHL in Canberra, with the Australian Government and the ICRC. The Conference proved a welcome opportunity for Commonwealth Governments and National Societies to connect over their shared legal heritage and to work towards addressing important issues in contemporary IHL.

Participants heard from experts and had an opportunity to understand and debate matters that will feature at the 32<sup>nd</sup> International Conference of the Red Cross and Red Crescent in December 2015. These included topics such as sexual violence and, the protection of healthcare workers in armed conflict and addressing compliance with IHL. We hope that these discussions and presentations will serve as a useful basis for shared preparations by National Societies and Governments ahead of the International Conference in December.

The meetings also provided an opportunity to share ideas more broadly in the area of IHL implementation and dissemination, responsibility for which falls not only to Governments, but also to National Societies as auxiliary to their public authorities in the humanitarian field. While Governments and National Societies face a variety of challenges relating to the implementation and dissemination of IHL around the world, participants will no doubt utilise the knowledge and contacts gathered during the meetings to strengthen their work for many years to come.

Australian Red Cross would like to extend its most sincere thanks to the Australian Government, the ICRC, British Red Cross, the Commonwealth Secretariat and to participants, for helping to make the event such a success. We would also like to thank the 30 wonderful Australian Red Cross volunteers who dedicated their time to make the event possible through a multitude of tasks; including recording and preparing summaries of each session of the Conference which has helped to inform this final report.

We hope this report is a valuable resource in ensuring the content of the meetings continues to be useful to participants. With our collective commitment to IHL in our minds and our shared humanity in our hearts, we look forward to continuing these discussions with our Commonwealth colleagues into the future.





## **FOREWORD BY MR MICHAEL MEYER OBE**

**HEAD OF INTERNATIONAL LAW, BRITISH RED CROSS**

The British Red Cross was very pleased to be able to support the holding of the 4<sup>th</sup> Commonwealth Red Cross and Red Crescent Conference on IHL. Our National Society had the honour of co-hosting, with the United Kingdom Foreign and Commonwealth Office, the first such conference in London in 2003. It was a recommendation of that initial conference, based on a wide appreciation of the value of that event, that the conference should become institutionalised. It is thus a particular pleasure for us to see that the conference has continued to be held, before each successive International Conference of the Red Cross and Red Crescent.

The Commonwealth Red Cross and Red Crescent IHL conference is quite special. It has the same composition as the International Conference of the Red Cross and Red Crescent: States and their National Red Cross or National Red Crescent Society, but within the framework of the Commonwealth. Representatives of the ICRC and the International Federation of Red Cross and Red Crescent Societies also attend, together with observers from relevant international and regional organisations. The common language and legal tradition of the Commonwealth, the shared values of commitment to dignity, humanity, the rule of law and mutual assistance, provide an ideal basis for discussion of IHL, the developing area of Disaster Laws, and related humanitarian issues of common interest and concern. The Commonwealth spans most regions of the world and different cultures and religions. The friendly atmosphere, mutual understanding, and constructive outcomes of Commonwealth meetings make them a model of partnership and a safe testing ground for new ideas and proposals.

As mentioned in other forewords, and as seen in the report, the most pressing humanitarian law topics were addressed at this conference in Canberra, including those to be considered at the 32<sup>nd</sup> International Conference of the Red Cross and Red Crescent, to be held near the end of 2015. Focus was given to those matters of particular concern to Commonwealth Governments and National Societies including sexual violence and armed conflict, international disaster response laws, and the protection of cultural property in armed conflict. The emerging issue of gender-based violence in natural disasters was discussed, and it was also noted that there continues to be a need to increase understanding of the importance and value of the National Society humanitarian auxiliary role to their public authorities.

The quadrennial Commonwealth Red Cross and Red Crescent IHL conference is only one manifestation of the Commonwealth's work on IHL, and is complementary to the deliberations of other fora, including the periodic meetings of Commonwealth Law Ministers and Senior Law Officials, and of Commonwealth National IHL Committees. It is hoped that, following the sharing of experiences and views in Canberra, Commonwealth Governments and Commonwealth National Societies will continue to feel encouraged to work together in the lead up to the 32<sup>nd</sup> International Conference, and in the four years before the next International Conference. Together all of us can contribute to giving greater priority to our shared work in promoting, applying and developing IHL and meeting other pressing humanitarian needs.



## **FOREWORD BY MS KATALAINA SAPOLU**

**DIRECTOR, RULE OF LAW DIVISION, COMMONWEALTH SECRETARIAT**

The Commonwealth Secretariat was honoured to have been invited to deliver the keynote address at the 4<sup>th</sup> Commonwealth Red Cross and Red Crescent Conference on IHL. The Commonwealth shares with the Red Cross and Red Crescent Movement, principles and values of humanity, dignity and the rule of law. Based on these fundamental values, the Commonwealth Heads of Government have expressed support for the promotion of IHL and have denounced sexual violence in armed conflict as a dehumanising and cowardly weapon of war.

The Conference underscored the importance and need for continued vigilance and advocacy for the promotion of respect for IHL. The face and nature of armed conflict have changed in recent years and they demand coordinated responses and cooperation at all levels; internationally, regionally, and nationally.

The Commonwealth Secretariat has mandates from Law Ministers and Heads of Government to develop programs of assistance to member states through training, capacity building and the development of model laws and legal policy to promote IHL. The interlinkages between radicalisation and violent extremism, the use of conventional arms by terrorists, the criminal use of the internet for insightful messages and the recruitment of foreign fighters, have increased the scope for sharp and appropriate responses and solutions to address challenges to IHL.

The Commonwealth values its close cooperation with the British Red Cross with which it has a Memorandum of Understanding and looks forward to exploring mutual areas of interest and cooperation with the Red Cross and Red Crescent Movement and the ICRC to promote respect for IHL.

# INTRODUCTION

From 20 to 23 July 2015, representatives from 39 Commonwealth Member States and National Red Cross and Red Crescent Societies gathered in Canberra, Australia for the Fourth Commonwealth Red Cross and Red Crescent Conference on IHL. The event was co-hosted by the ICRC, the Australian Government and Australian Red Cross, with the support of the British Red Cross and the Commonwealth Secretariat.

The aim of the Conference was to bring together representatives of Commonwealth Member States and Commonwealth National Red Cross and Red Crescent Societies to discuss developments and current issues in IHL. Previous Commonwealth Conferences have been held in London, UK (2003), Wellington, New Zealand (2007) and Kuala Lumpur, Malaysia (2011).

The objectives of the Conference were to:

1. Use the framework of the Commonwealth to discuss IHL issues of particular interest to Commonwealth Member States, as well as new developments and current issues in the law;
2. Share information and experiences in the national implementation of IHL;
3. Serve as an informal preparatory meeting for the 32nd International Conference of the Red Cross and Red Crescent, which shall take place in Geneva, from 8 to 10 December 2015; and
4. Encourage the special partnership between Commonwealth States and Commonwealth National Red Cross and Red Crescent Societies, in particular, with respect to IHL promotion.

Guided by Mr Charles Sabga (Legal Adviser, ICRC) as the Master of Ceremonies, participants shared experiences and perspectives on current issues related to IHL and humanitarian action, with specific sessions on the changing nature of armed conflict, the prevention of and response to sexual violence in armed conflict, ensuring respect for health care delivery in armed conflict and other emergencies, protection of cultural property and the implementation of IHL, among other issues. This Report summarises the presentations and discussions which took place during the Conference.

# PROGRAMME

## DAY 1: MONDAY 20 JULY 2015

### WORKING TOGETHER TO ENSURE RESPECT FOR IHL

07:45 – 08:20	<b>Registration</b>	13:30 – 15:00	<b>The Changing Nature of Armed Conflict: New Frontiers, New Actors and New Weapons</b>  <i>Chair: Ms. Anna Segall, Director, Legal Division, United Nations Educational, Scientific and Cultural Organisation (UNESCO)</i>  Brigadier Juliet Bartlett, Director - Operational Law, Ministry of Defence, United Kingdom <i>New weapons and legal reviews (TBC)</i>  Dr. Knut Dörmann, Head of Legal Division and Chief Legal Officer, ICRC <i>IHL and the Challenges of Contemporary Armed Conflict</i>  Mr. Rob McLaughlin, Co-Director, Centre for Military and Security Law, College of Law, Australian National University <i>New Actors in Armed Conflict</i>
08:30 – 09:30	<b>Welcome Remarks</b>  The Hon. Steven Ciobo MP, Parliamentary Secretary to the Minister for Foreign Affairs, Australia  Mr. Robert Tickner, Chief Executive Officer, Australian Red Cross  Mr. Leonard Blazeby, Head of Mission in Australia, ICRC	15:00 – 15:30	<b>Break</b>
09:30 – 10:00	<b>Welcome to Country</b>	15:30 – 16:30	<b>Working Groups</b> <b>The Shared Work of Governments, National Societies and the ICRC</b>  <b>Working Group 1:</b> The Distinctive Emblems: Legislation and Protection Mechanisms <i>Chair: Mr. Samuel Kofi Addo, Ghana Red Cross</i>  <b>Working Group 2:</b> Innovation in IHL Dissemination and Outreach <i>Chair: Ms. Yvette Zegenhagen, National Manager – International Humanitarian Law, Movement Relations &amp; Advocacy, Australian Red Cross</i>  <b>Working Group 3:</b> Armed forces and the Respect for IHL <i>Chair: Air Commodore Chris Hanna, Head of Australian Defence Force Legal Services</i>
10:00 – 10:30	<b>Keynote Address</b>  Ms. Katalaina Sapolu, Director, Rule of Law Division, The Commonwealth Secretariat <i>IHL and Our Response to Humanitarian Need: A Commonwealth Perspective</i>	16:30 – 17:30	<b>Report to Plenary</b> <i>Chair: Mr. Richard Rowe, Australia</i>
10:30 – 10:45	<b>Official Photograph</b>	18:00 – 20:00	<b>Welcome Reception at Hotel Realm</b>
10:45 – 11:00	<b>Break</b>		
11:00 – 12:30	<b>The 32<sup>nd</sup> International Conference of the Red Cross and Red Crescent: Challenges of Contemporary Armed Conflict</b>  <i>Chair: TBC</i>  Dr. Phoebe Wynn-Pope, Director of IHL and Movement Relations, Australian Red Cross <i>The Role of States and National Societies in the International Conference</i>  H.E. Ambassador Nicolas Lang, Commissioner of 32 <sup>nd</sup> International Conference of the Red Cross and the Red Crescent, Switzerland <i>The Role of the International Conference in Promoting IHL and Strengthening Its Position on the International Humanitarian Agenda</i>  Dr. Knut Dörmann, Head of Legal Division and Chief Legal Officer, ICRC <i>Challenges of Contemporary Armed Conflict</i>		
12:30 – 13:30	<b>Lunch</b>		

## DAY 2: TUESDAY 21 JULY 2015

### STRENGTHENING IHL AND REPRESSING VIOLATIONS

08:15 – 09:00	<b>Strengthening Legal Protection for Victims of Armed Conflict: detention and compliance</b>  Dr. Helen Durham, Director of International Law and Policy, ICRC <i>Strengthening Compliance with IHL</i>  Dr. Knut Dörmann, Head of Legal Division and Chief Legal Officer, ICRC <i>Detention in Non-International Armed Conflict</i>	12:00 – 14:00	<b>Lunch and bus tour of Canberra</b>
09:00 – 09:15	<b>Statement by Senator the Hon George Brandis QC, Attorney-General, Australia</b>	14:00 – 15:00	<b>Working Groups Weapons and IHL</b>  <b>Working Group 4:</b> The Arms Trade Treaty <i>Chair: Mrs. Rosolyn Rodgers-Cezaire, Senior Assistant Secretary, Ministry of Foreign Affairs and Immigration, The Bahamas.</i>  <b>Working Group 5:</b> The Anti-Personnel Mine Ban Convention: Mine Awareness and Eradication <i>Chair: Mr. Suzgo Lungu, Chief Legal Officer, Ministry of Foreign Affairs, Malawi</i>  <b>Working Group 6:</b> Nuclear Weapons <i>Chair: Ms. Netta Goussac, Regional Legal Adviser for the Pacific, ICRC</i>
09:15 – 10:00	<b>Strengthening Legal Protection for Victims of Armed Conflict: detention and compliance</b>  Discussion	15:00 – 16:00	<b>Report to Plenary</b>  <i>Chair: Mr. Robert Tickner, Chief Executive Officer, Australian Red Cross</i>
10:00 – 10:30	<b>Break</b>	16:00 – 16:30	<b>Break</b>
10:30 – 12:00	<b>Sexual Violence and Armed Conflict: A Multi-faceted Response to the Humanitarian Needs of Victims</b>  <i>Chair: Commander Hugh Cameron, Australian Department of Defence</i>  Dr. Helen Durham, Director of International Law and Policy, ICRC <i>Protection challenges, needs and the ICRC's response</i>  Mr. Faiyaz Murshid Kazi, Director, United Nations and Human Rights Wing, Ministry of Foreign Affairs, Government of Bangladesh <i>Responding to the Humanitarian Needs of Victims of Sexual Violence in Post-Conflict Settings</i>  Her Excellency Menna Rawlings CMG, British High Commissioner to Australia <i>The United Kingdom's 'Preventing Sexual Violence in Conflict' initiative and the role for Commonwealth States</i>	16:30 – 18:00	<b>Repression of IHL Violations: Opportunities and Challenges</b> <i>Chair: TBC</i>  Lieutenant-Colonel Stephen Strickey, Assistant Deputy Judge Advocate General Operations, Office of the Judge Advocate General, National Defence, Canada <i>Military and civil jurisdictions in the repression of violations of IHL</i>  Mr. Leonard Blazeby, Head of Mission in Australia, ICRC <i>The use of Universal Jurisdiction in repressing IHL violations</i>  Dr. Sarah Williams, University of New South Wales, Australia

## DAY 3: WEDNESDAY 22 JULY 2015

### CIVILIANS AND CIVILIAN OBJECTS: PROTECTION AND ASSISTANCE

#### 09:00 – 10:30 **Respecting and Protecting Health Care in Armed Conflict and Other Emergencies**

*Chair: Mr. Geoff Skillen, Australian Red Cross*

Ms. Louise McCosker, Health Care in Danger Project, ICRC  
*Update on the Health Care in Danger project*

Dr. Asha Mohammed Abdulrahim, Deputy Secretary-General, Kenya Red Cross  
*The National Society, Security and Humanitarian Access*

Mr. André Coore, Legal Officer, Ministry of Foreign Affairs and Foreign Trade, Jamaica  
*The role of States in respecting and protecting Health Care in Armed Conflict and Other Emergencies*

#### 10:30 – 11:00 **Break**

#### 11:00 – 12:30 **Protection of Cultural Property in Armed Conflict**

*Chair: Mr. Paul Cronan, Principal Legal Officer, Office of International Law, Attorney-General's Department, Australia*

Ms. Anna Segall, Director, Legal Division, UNESCO  
*The Role of Legal Frameworks In Addressing Recent Developments and Challenges*

Ms. Natalie Pierce, Legal Adviser (International Law), Ministry of Foreign Affairs and Trade, New Zealand  
*New Zealand's legislative implementation of cultural property protections in armed conflict*

Dr. Zainah Ibrahim, Commissioner of Heritage, Malaysia  
*Conservation of Heritage and Cultural Property in Malaysia*

#### 12:30 – 13:30 **Lunchtime Seminar: Sexual and Gender Based Violence in Natural Disasters**

*Introduction: Ms. Yvette Zegenhagen, Manager, IHL, Movement Relations & Advocacy, Australian Red Cross*

Mrs. Tautala Maua, Secretary-General, Samoa Red Cross Society  
*Research from Samoa on Sexual and Gender Based Violence in Disasters*

Ms. May Maloney, Gender and Diversity Adviser, Asia Pacific Zone, International Federation of the Red Cross and Red Crescent  
*Priorities for Action*

#### 13:30 – 14:30 **Working Groups Protection of Civilians and Civilian Objects in Armed Conflict**

**Working Group 7:** Children in armed conflict

*Chair: Ms. Kelisiana Thynne, ICRC  
Regional Legal Adviser for South East Asia*

**Working Group 8:** The protection of journalists in armed conflict

*Chair: Mrs. Antoinette Ifeanyi Obe, Deputy Director, Federal Ministry of Justice, Nigeria*

**Working Group 9:** Internally Displaced Persons and Refugees

*Chair: Mr. Thomas Albrecht, Regional Representative for the Pacific, UN High Commissioner for Refugees*

#### 14:30 – 15:30 **Report to Plenary**

*Chair: Dr. Michael Carrel, Australia*

#### 15:30 – 16:00 **Break**

#### 16:00 – 17:30 **International Disaster Response Laws: Preparations for the 32nd International Conference**

*Chair: Ms. Finau Heuifanga Limulua, Humanitarian Diplomacy Delegate, International Federation of Red Cross and Red Crescent Societies*

Ms. Gabrielle Emery, Disaster Law Programme Coordinator, International Federation of Red Cross and Red Crescent Societies

Mr. Ahmed Idris, Head of Policy, Kenya Red Cross Society

Mr. Sione Sisifa, Solicitor-General, Tonga

Mr. Rajendra Thapa, Under Secretary (Legal), Ministry of Foreign Affairs, Nepal

#### 18:30 – 22:00 **Dinner at the National Gallery of Australia**

## DAY 4: THURSDAY 23 JULY 2015

### CHARTING THE COURSE FOR THE 32ND INTERNATIONAL CONFERENCE

09:00 – 10:30	<b>The Fundamental Principles and National Societies' Auxiliary Role</b>  <i>Chair: Ms. Khadeeja Najeeha, Director-General, Ministry of Foreign Affairs, Maldives</i>  Ms. Maryann Njau-Kimani, Senior Deputy Solicitor-General, Kenya <i>Government Perspective on the Auxiliary Role</i>  Ms. Delia Chatoor, Trinidad and Tobago Red Cross <i>Acceptance, security and access to people in need: operational challenges and good practices.</i>  Ms. Marnie Lloyd, New Zealand Red Cross <i>Reflections on the Auxiliary Role from a National Society</i>	12:30 – 13:00	<b>Adoption of Outcome Statement and other matters</b>  <b>Close of Conference</b>  <i>Chair: Mr. Leonard Blazeby, Head of Mission in Australia, ICRC</i>  <b>Closing remarks</b>  Ms. Katrina Cooper, Senior Legal Advisor, Department of Foreign Affairs and Trade, Australia
10:30 – 11:00	<b>Break</b>	13:00	<b>Lunch</b>
11:00 – 12:30	<b>The 32nd International Conference and the Four-Year Action Plan for the Implementation of IHL</b>  <i>Chair: Mr. Greg Vickery AO, Chair, Standing Commission of the Red Cross and Red Crescent</i>  Mr. Saiful Izan Bin Nordin, Manager IHL, Legal and International Relations, Malaysian Red Crescent <i>IHL Dissemination and Implementation: The Role of National IHL Committees</i>  Dr. Greg French, Assistant Secretary, International Law Branch, Department of Foreign Affairs and Trade, Australia <i>From Words to Actions: Giving Effect to the Four Year Action Plan on Implementation of IHL</i>  Ms. Sarah Swart, Regional Legal Adviser for the Central and Southern African region, ICRC <i>Enhancing specific protections for vulnerable persons</i>		

# DAY 1: WORKING TOGETHER TO ENSURE RESPECT FOR IHL

## OPENING CEREMONY

<b>The Hon Steven Ciobo MP</b>	Parliamentary Secretary to the Minister for Foreign Affairs, Australia
<b>Mr Robert Tickner</b>	Chief Executive Officer, Australian Red Cross
<b>Mr Leonard Blazeby</b>	Head of Mission in Australia, ICRC
<b>Mr C A H M Wijeratne</b>	Director-General (Legal), Ministry of Foreign Affairs, Sri Lanka

**The Hon Stephen Ciobo MP** delivered remarks on behalf of the Australian Government and welcomed all participants who travelled to Canberra and recognised the efforts of the co-hosts, Australian Red Cross and the ICRC. He noted that, today, the world faces the largest number of simultaneous security and humanitarian crises with a broader impact on more people, than at any time since the Second World War. He stressed that armed conflicts are more protracted, violent and complex, with greater spillover effects and the involvement of non-state armed groups.

Mr Ciobo referred to the high incidence and severity of sexual violence in armed conflict. Addressing sexual violence in conflict must remain a priority as long as women, men and children continue to be victims of sexual violence in conflict-related settings.

He also referred to the United Nations Security Council Resolution 1325, which formally acknowledged the changing nature of warfare, the relative lack of women participating in peace processes and the pivotal role women should and do play in conflict management, conflict resolution, and sustainable peace.

He also acknowledged the shared responsibility in stopping weapons from reaching “terrorists”, criminals, insurgents and human rights abusers and also in preventing them from undermining the stability of nations and regions, causing injury, death and economic and social upheaval. He explained that for this reason, Australia has been a longstanding and strong supporter of the Arms Trade Treaty.

Thereafter, he referred to the issue of emerging technologies, the consequent challenge relating to IHL and the fact that Australia is at the forefront of the debate on how international law applies to States’ conduct in cyberspace.

Finally, he noted that a further and immense challenge in armed conflicts and other crises is humanitarian access, where more than 110 million people currently rely on humanitarian assistance and protection for survival – with more than 75 per cent of these being women and children. He also explained that displacement continues to be a generational problem.

He concluded by reminding participants that even in armed conflict, there are limits that must not be exceeded and that the Commonwealth is committed to seeing its humanitarian values prevail for the benefit of all people.

**Mr Robert Tickner** mentioned that important commemorations were marked recently within the Movement – namely, the: 150<sup>th</sup> anniversary of the ICRC (in 2013), 150 years since the conclusion of the first Geneva Convention (in 2014) and 50 years of the Fundamental Principles (in 2015), which form the basis of work for the 189 National Red Cross and Red Crescent Societies, the IFRC and the ICRC.



Mr Tickner stressed that the Australian Red Cross remains an independent, auxiliary to the Australian public authorities in the humanitarian field. He reiterated that IHL is the “common property of humankind” and that it is the Movement’s role to promote knowledge of and respect for IHL. He also referred to the commitment of the Australian Red Cross to build knowledge in and disseminate IHL to every state and territory in Australia, with support from the Australian Government and through the National IHL Committee of Australia.

**Mr Leonard Blazeby** delivered a statement by ICRC President **Peter Maurer**. He underlined the combination of the rich diversity of the Commonwealth States and the shared legacy of language, culture and the rule of law; bound together by shared history and tradition; by the respect for all States and peoples; and by shared values, principles and concern for the vulnerable.

He stressed that the changing nature of armed conflict results in different - and in many contexts - greater humanitarian needs. The increase in and severity of natural disasters may have similar humanitarian effects.

He also referred to the coordination of the 32<sup>nd</sup> International Conference of the Red Cross and Red Crescent, which will be an occasion for all States Party to the Geneva Conventions, National Red Cross and Red Crescent Societies, the International Federation of the Red Cross and Red Crescent Societies and the ICRC to gather and take stock of the opportunities seized and challenges encountered since November 2011.

President Maurer’s comments referred to the importance of the International Conference in providing an opportunity to:

- Strengthen the legal protection for victims of armed conflict by taking decisive steps towards the creation of a new compliance system for IHL and laying the foundation towards a future outcome for strengthening the legal protection for persons deprived of their liberty in relation to non-international armed conflict;
- Appreciate progress made since 2011 through our health care in danger campaign and encourage further action in making the delivery of health care safer in armed conflicts or other emergencies;
- Reiterate the absolute prohibition of sexual violence in armed conflict, internal disturbances and tensions and encourage a multi-faceted humanitarian response to this issue; and
- Reflect more broadly on the contemporary and future challenges to IHL.

**Mr Wijeratne** delivered a statement by **His Royal Highness The Prince of Wales**. His Royal Highness noted that 2015 marks the fiftieth anniversary of the Fundamental Principles of the Red Cross and Red Crescent, which have become distinctive features of the Movement, which also help Red Cross and Red Crescent staff and volunteers to undertake much-needed humanitarian assistance in some of the most vulnerable contexts.

HRH also affirmed that all involved actors should do all they can to enhance the legal protection of humanitarian staff and volunteers in armed conflict contexts and expressed his pride to see representatives of Commonwealth Governments and Commonwealth Red Cross and Red Crescent Societies coming together to address urgent humanitarian issues.

## KEYNOTE ADDRESS ON 'IHL AND OUR RESPONSE TO HUMANITARIAN NEEDS: A COMMONWEALTH PERSPECTIVE'

**Ms Katalaina Sapolu**

Director, Rule of Law Division, The Commonwealth Secretariat

Ms Katalaina Sapolu delivered the Keynote Address on behalf of the Commonwealth Secretary-General, Kamallesh Sharma. She highlighted the common values shared by the Commonwealth and the Red Cross and Red Crescent Movement. On referring to the theme of the Conference, she posed two questions: Firstly, how can the framework of the Commonwealth assist in promoting respect and compliance with IHL? Secondly, how is IHL challenged, even stretched, by the evolving nature of armed conflict and how should it be strengthened to address such changes to enable responses to a humanitarian need?

Ms Sapolu also referred to the work of the Commonwealth Secretariat and its promotion of IHL. In particular, reference was made to:

- the presence of IHL issues on numerous agendas of the Meetings of the Commonwealth Law Ministers and Commonwealth Heads of Government Meetings (CHOGM)
- The deployment of the Secretary-General's good offices in post-conflict situations
- the provision of technical assistance, including, through training and capacity building and the development of model laws
- the advocacy role and use of the Commonwealth's convening power, and
- cooperation, through strategic partnerships, with Member States, other international organisations and Commonwealth accredited associations.

Reference was also made to the CHOGM process and its promotion of IHL and IHL related instruments.

On collaboration between the Commonwealth Secretariat and British Red Cross, Ms Sapolu referred to the signing of an MoU between both institutions and the coordination of an event, in April 2015, entitled *"Strengthening International Humanitarian Law: What role for Commonwealth Countries?"*

In addition, Ms Sapolu referred to the consultation process undertaken by the ICRC on strengthening legal protection for victims of armed conflict as a timely and commendable initiative.

Finally, Ms Sapolu referred to the importance of Commonwealth States and National Societies to embrace their diversity, many common values, legal heritage and commitments relating to humanity, dignity and the rule of law – with a view to formulating strategic responses to challenges relating to IHL.

## THE 32ND INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT: CHALLENGES OF CONTEMPORARY ARMED CONFLICT

<b>Ms Marie-Charlotte McKenna</b>	Assistant Director, International Law Section, Department of Foreign Affairs and Trade, Australia	Chairperson
<b>Dr Phoebe Wynn Pope</b>	Director of IHL and Movement Relations, Australian Red Cross	The Role of States and National Societies in the International Conference
<b>HE Ambassador Nicolas Lang</b>	Commissioner of the 32nd International Conference of the Red Cross and Red Crescent, Switzerland	The Role of the International Conference in Promoting IHL and Strengthening its Position on the International Humanitarian Agenda
<b>Dr Knut Dörmann</b>	Head of Legal Division and Chief Legal Officer, ICRC	Challenges of Contemporary Armed Conflict

**Dr Phoebe Wynn Pope** opened the panel with a presentation on the role of States and National Societies at the International Conference. Her paper began by addressing the role of National Societies in the promotion and dissemination of IHL particularly in view of the increasing complexities of the humanitarian landscape and the range of actors that are affected.

Dr Wynn Pope recalled that the dissemination of IHL provides an opportunity to speak to the Fundamental Principles that are core to the work of the Movement. Moreover, the fact that the Conference will provide a forum to report back on the progress made on strengthening IHL domestically was reflected on, as was the International Conference as an opportunity for National Societies to engage governments in dialogue on both global and local concerns.

Finally, she urged all National Societies and delegates to contemplate the following three questions while preparing for the International Conference:

1. How do we attain the best possible humanitarian commitments at the International Conference?
2. How can we ensure local concerns are represented in an international forum?
3. And how do National Societies – in coordination with Governments – work to nurture, strengthen and build the world's largest humanitarian network that is the International Red Cross and Red Crescent Movement?

**HE Ambassador Nicholas Lang** noted that there had been considerable preparatory work undertaken in terms of innovations that will ensure an efficient and effective International Conference of the Red Cross and Red Crescent. For example, he mentioned the following initiatives: reducing the time that will be spent on formal procedures, working to secure better media coverage, reducing the Conference period to three days, ensuring that the Conference is more participatory for humanitarian actors and creating an online platform - 'Voices to Action' - which will assist with Conference preparation and serve as a collaborative workspace during the event. Ambassador Lang explained that such preparations were within his mandate as Commissioner of the Conference, an office that was set up to address any stumbling blocks to State participation.

Ambassador Lang highlighted that the Conference gains its importance from the fact this it is a unique gathering of States and National Societies, where all participate on an equal basis, resulting in tangible IHL developments, such as the evolution of the Geneva Conventions and their Additional Protocols, the ICRC Study on Customary IHL, the recommendation to develop IHL Committees and the recommendation to establish an ICRC Advisory Service. Ambassador Lang noted that it is foreseen that the 32<sup>nd</sup> International Conference will be equally productive, with outcomes expected to include resolutions, pledges, a message to the World Humanitarian Summit and an ideas box.

Developing on the content of the expected conference outcomes, **Dr Knut Dörmann** noted that it has been well documented that the problem facing IHL was not a lack of rules, but rather a lack of respect for those rules. Dr Dörmann explained that Resolution 1 of the 31<sup>st</sup> International Red Cross and Red Crescent Conference had provided the ICRC with a mandate to explore a potential IHL compliance mechanism and the question of whether a lack of legal provisions meant that there is a need for better protection for individuals detained in the course of non-international armed conflicts. As a result, since 2012, two separate consultations processes with States were undertaken with a view towards achieving consensus on an appropriate Conference outcome to address these two issues. Other important themes of the 32<sup>nd</sup> Conference relate to the protection of health care in armed conflict and other emergencies and the prevention of and response to sexual violence in armed conflict, explained Dr Dörmann.

## THE CHANGING NATURE OF ARMED CONFLICT: NEW FRONTIERS, NEW ACTORS AND NEW WEAPONS

<b>Ms Anna Segall</b>	Director, Legal Division, UNESCO	Chairperson
<b>Brigadier Julie Bartlett</b>	Director (Operational Law), Ministry of Defence, United Kingdom	New Weapons and Legal Reviews
<b>Dr Knut Dörmann</b>	Head of Legal Division and Chief Legal Officer, ICRC	IHL and the Challenges of Contemporary Armed Conflict
<b>Associate Professor Rob McLaughlin</b>	Co-Director, Centre for Military and Security Law, College of Law, Australian National University	New Actors in Armed Conflict

**Brigadier Juliet Bartlett** focused her presentation on the review process in relation to all weapons systems required under Article 36 of Additional Protocol I to the Geneva Conventions. A review is required for new weapons, new methods and means and existing weapons that are new to the State concerned. Existing weapons that are subject to upgrade should also be considered for a review if they exploit new technology that applies new characteristics.

She explained that States are required to have effective review procedures. In respect of compliance with treaty obligations regarding weapons, Brigadier Bartlett referred to various criteria, which include (but are not limited to) the likelihood of causing superfluous injury or unnecessary suffering; respect the principle of distinction; would likely have a long term and, widespread impact on the environment and the future trends in the law and any ongoing treaty negotiations.

Finally, she referred to the importance of ensuring that legal reviews are undertaken at the earliest stage of weapons development.

**Dr Knut Dörmann** provided an overview of the ICRC's Report on 'Contemporary Challenges to Armed Conflict', which will be presented at the 32nd International Conference. First, he introduced new features and trends of contemporary armed conflict. In respect of State Actors, the number of foreign interventions in many of the conflicts contributes substantially to the multiplication of actors involved. In terms of the territorial span, the spill-over of conflicts into neighbouring countries, their geographical expanse and their regionalisation also appears to become a distinctive feature of many contemporary armed conflicts – partly as a consequence of foreign interventions. In respect of Non-State Actors, a myriad of fluid, multiplying, fragmenting armed groups often takes part in the fighting.

Dr Dörmann addressed three of the various challenges which will be presented in the Report on 'Contemporary Challenges to Armed Conflict'. The first is related to cases where third-parties intervene in a pre-existing non-international armed conflict (NIAC) by providing support for the armed forces of the State in the territory in which the conflict occurs and which is fighting armed opposition groups. Dr Dörmann explained that this situation has led to examining whether the classic criteria for the existence of a NIAC involving multinational forces could be complemented by a "support-based" approach.

The second challenge addressed by the panelist was the geographical reach of IHL. He asked if, in situations where armed forces of one (or more) States fight alongside and with the consent of a host State against one (or more) organised armed groups, the rules of IHL would also apply on the territory of the intervening forces. He explained that there are cogent legal reasons to believe that IHL applies to the territories of the assisting States in this context. Thus, acts possibly carried out as part of the hostilities, by a non-State party on an assisting State's territory, would have to be assessed based on IHL rules, and may under some circumstances be lawful under IHL. It would also mean that, if members of non-state parties, including returning foreign fighters, were captured and detained, the rules of IHL would also apply to them. Dr Dörmann also explained that the ICRC's position is that NIACs are confined to the territory of each party to the armed conflict.

Finally, Dr Dörmann addressed the issue of the effects of the explosive weapons in populated areas. He mentioned that the use of such weapons in populated areas causes multiple civilian casualties and large-scale damage to vital civilian infrastructure and thus has a significant likelihood of causing indiscriminate effects or extensive immediate or long-term collateral damage. In the absence of an express prohibition, the ICRC has voiced its position that the use of such weapons should be avoided in populated areas. The divergent practice of militaries and contrasting views among experts, demonstrate the need for further clarification on some areas of the applicable law.

**Professor Rob McLaughlin** referred to the influence and effect of Non-State Actors on armed conflict and also provided an overview of the history of States dealing with such entities. He also referred to the increase of such groups in today's armed conflicts and posed two questions, for consideration:

1. How do IHL actors with formal status (States/ICRC) communicate with non-State rebel groups without giving them legitimacy (formal not factual)?
2. How do we address the compliance gap in rebel group activity?

Finally, Dr McLaughlin noted the importance of engaging in humanitarian dialogue with Non-State Actors.

## WORKING GROUPS: THE SHARED WORK OF GOVERNMENTS, NATIONAL SOCIETIES AND THE ICRC

<b>Mr Richard Rowe</b>	Australia	Chairperson of restitution session
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### Working Group 1: The Distinctive Emblems: Legislation and Protection Mechanisms

<b>Ms Delia Chatoor</b>	Director, International Relations, Trinidad and Tobago Red Cross Society	Chairperson
<b>Guiding Questions</b>		
<ol style="list-style-type: none"><li>1. What are the principal legal, regulatory and/or practical measures to be undertaken by States in order to ensure respect for the emblems and their designations?</li><li>2. How does your legislation address misuse of the emblem? Which national authority/authorities is/are primarily concerned with monitoring and ensuring respect for the emblem? What are the difficulties faced in the enforcement of these protections?</li><li>3. What other actors or mechanisms could help to address instances of misuse and/or increase awareness about the emblem (e.g. National IHL Committees, where existing)? What is the role played by your National Society in this field?</li></ol>		

The discussions of this Working Group focused on the question of appropriate legal and practical measures that can be adopted in order to ensure respect for the emblems of the Movement. It was agreed that National Societies had a role to play in protecting the emblem, but the main challenge was to persuade governments to take their legal obligation to do so seriously, particularly in cases where the Government itself was misusing the emblem.

This challenge was evidenced through the existence of a general consensus that in many Commonwealth States, emblem protection legislation was outdated, and as a consequence, could no longer adequately protect the emblems. However, examples were cited of Governments that had recognised this problem and which were taking action through the National IHL committee or the national Law Reform Commission.

In respect of non-legal protective measures, it was agreed that effective dissemination sessions were essential. Examples of handbooks for parliamentarians containing information to raise awareness about the issue were cited. Moreover, it was agreed that National IHL Committees had a key role to play in protection, as did forums where national societies could come together to share information and tools.

## Working Group 2: Innovation in IHL Dissemination and Outreach

<b>Ms Yvette Zegenhagen</b>	National Manager – IHL, Movement Relations and Advocacy, Australian Red Cross	Chairperson
<b>Guiding Questions</b> <ol style="list-style-type: none"> <li>1. How do you communicate about IHL today, and has this evolved over the years?</li> <li>2. What are the current approaches and tools that you use to disseminate IHL e.g. outreach, training, teaching, research and debate?</li> <li>3. What are the objectives of IHL dissemination for Commonwealth States, National Red Cross and Red Crescent Societies and the ICRC? Do the Movement's objectives correspond with the expectations and needs of the target publics? Are we properly utilising new technologies and tools?</li> <li>4. Which new actors do we have in the field of IHL training today? What approaches do they follow? Which tools do they use? How popular are they, and why? What opportunities are there for possible collaboration with them?</li> </ol>		

The Working Group began by discussing the obligation to disseminate IHL, which applies both in times of armed conflict and in peacetime. National Societies agree to comply with this obligation as a condition of recognition as a National Society. However, the obligation does not prescribe *how* National Societies should disseminate IHL.

Participants were then divided into groups to discuss innovative approaches to IHL dissemination in their own countries. The following initiatives were discussed:

- Production of local IHL Handbooks for Parliamentarians;
- Training of armed forces, including pre-deployment training of peacekeeping personnel and personnel undergoing compulsory service;
- Provision of strategic advice to key stakeholders through National IHL Committees;
- Regular promotion of IHL across all parts of the country through media ;
- Support the inclusion of IHL in national school curricula and clubs, using prizes as incentives;
- Support universities in delivering IHL education;
- Outreach by youth sections of National Societies to other youth and school students;
- Use of social media, particularly Twitter and Facebook, to promote IHL;
- Inclusion of IHL education as part of inductions for new National Society staff;
- Sharing of resources and publications between National Societies; and
- Use of train the trainer courses to improve effectiveness of National Society dissemination.

Some best practices that were shared included a television public awareness program reaching populations in remote areas, use of radio talk shows, use of IHL textbooks in schools, flash mobs in public settings to provoke conversations on IHL-related issues and the presence of psychologists at IHL education sessions to respond to trauma.

The group also discussed some challenges relating to IHL dissemination, which included assessment of the impact of dissemination; proving causal links between dissemination and observed changes in behavior; promoting understanding of the distinction between IHL and IHRL; working with the media to ensure that reporting incorporates promotion of compliance and respect for IHL; and demonstrating the relevance of IHL in countries at peace.

### Working Group 3: Armed Forces and Respect for IHL

<b>Air Commodore Chris Hanna</b>	Head of Australian Defence Force Legal Services	Chairperson
<b>Guiding Questions</b> <ol style="list-style-type: none"> <li>1. Which legislation, if any, addresses IHL in your country?</li> <li>2. What is the value in having an IHL (LOAC) Manual? Does your country's armed forces have their own Manual? If not, does it use another country's manual as a reference? If your country wished to develop its own IHL Manual, what are the sources you can draw upon?</li> </ol>		

Participants discussed the different processes of domesticating IHL norms and the challenges related thereto. While the importance of domesticating IHL obligations is clear, States face numerous challenges in the IHL implementation process. These include demonstrating that IHL is a priority, amidst other legislative and policy priorities. In sum, it was agreed that it is often a combination of common law and specific, stand-alone legislation that together provide a consolidate framework for the implementation of IHL at the national level.

The Working Group also discussed about the value of domestic LOAC manuals. It appeared, from discussions, that there are two types of manuals: those that are essentially a statement of government interpretation of the law (which practitioners can confidently implement on the ground) and those that operate more as guides for commanders (and are not a reflection of government policy, as such).

Many States represented in the room noted that they do not have their own manuals, whether for reasons of lack of necessary expertise or lack of capacity, but rather refer to existing manuals in other States for guidance. While this seems to be common practice, it can be challenging to use a LOAC manual that is not adapted for use in a specific context. Participants also mentioned the value of precedents such as the San Remo Manual, and asked whether the ICRC would consider producing a template for a LOAC manual.

A challenge identified in some countries is that there is an 'expertise gap' left by the original drafters of manuals. Another challenge is that manuals need to be updated relatively regularly, as remaining current is a constant challenge. This can be more of a challenge where the manual is specifically intended for use by commanders, as opposed to a re-statement of applicable law. A final challenge mentioned was the lack of clarification within national manuals on the interaction between IHL and IHRL.



## DAY 2: STRENGTHENING IHL AND REPRESSING VIOLATIONS

### STRENGTHENING LEGAL PROTECTION FOR VICTIMS OF ARMED CONFLICT: DETENTION AND COMPLIANCE

<b>Dr Helen Durham</b>	Director of International Law and Policy, ICRC	Strengthening Compliance with IHL
<b>Dr Knut Dörmann</b>	Head of Legal Division and Chief Legal Officer, ICRC	Detention in Non-International Armed Conflict

**Dr Helen Durham** opened the session by stating that the ICRC considers that finding ways to ensure greater respect for IHL is one of the most pressing humanitarian challenges today. Over the last four years, States have made very good progress in discussing the possibility of a new IHL compliance system (as part of the ICRC/Swiss-led consultations, established by Resolution 1 of the 31<sup>st</sup> International Conference in 2011).

Dr Durham summarised some of the issues relating to a potential new compliance system, drawn from the consultations with States:

- Any new compliance system should be non-political and non-contextual, providing States with an opportunity to exchange good practice rather than point fingers;
- States have indicated they are not supportive of developing a new treaty or amending the Geneva Conventions;
- States have indicated that a new compliance mechanism should include a regular meeting of States. This central component would foster dialogue and cooperation among States and create awareness of IHL issues;
- The role of non-State armed groups in such a meeting is an important issue that must be decided by the future meeting of States;
- Many States have expressed support for the participation of observers in the future meeting of States, including participation of the Movement, and also international organisations involved in IHL and civil society actors;
- There should be linkages and synergies between the International Conference and any future compliance mechanism, but no hierarchical relationship;
- Many States support the future compliance system including basic reporting obligations on States (updated every four to five years), with the possibility of an additional thematic report every two years;
- Thematic discussions could help States keep better informed of current and emerging issues in IHL;
- Some States consider that the compliance mechanisms should include a fact-finding function, but this remains a controversial issue for others; and
- Different views exist on how a future compliance mechanism should be established, whether it be by a resolution of the International Conference or through a decision of States Parties to the Geneva Convention. The ICRC proposes a hybrid option whereby the International Conference endorses the establishment of a meeting of States, and calls on Switzerland (the depository of the Geneva Conventions) to convene such a meeting.

The draft elements of a Resolution on strengthening compliance with IHL for the 32<sup>nd</sup> International Conference have been circulated and reflect such elements. The ICRC invites responses from all States and National Societies and continues to hold consultations in advance of the 32<sup>nd</sup> International Conference.

**Dr Knut Dörmann** provided an update on the ICRC's major consultation process on strengthening legal protection for persons deprived of their liberty in relation to a non-international armed conflict. The ultimate aim of the initiative is to produce an outcome instrument that would clarify and strengthen the standards applicable in detention in NIAC. Dr Dörmann's presentation focused on the main conclusions of the ICRC's Concluding Report on the consultation process.

The consultations have confirmed that the four issues of humanitarian concern identified by the ICRC (conditions of detention, vulnerable groups, grounds and procedures in internment, and transfers) are the correct issues on which to focus. States considered that existing IHL applicable in IAC to be the first point of reference for the types of protections that might be appropriate for an outcome document applicable to NIAC. The substantive content of human rights law and internationally recognised detention standards might also be valuable sources of reference.

Overall, there was a lot of convergence around the importance of developing more detailed guidance on conditions of detention and on vulnerable groups of detainees, but issues of grounds and procedures for internment and transfers were somewhat more complex and saw a greater range of views, which were outlined by Dr Dörmann. During this process, States have also voiced different opinions with regard to detention by non-State parties to armed conflict, but States generally agreed that they must find a way to address these groups without granting them any legitimacy.

As for an ultimate outcome to the process, States generally favoured a concrete outcome, including a resolution mandating the ICRC to continue facilitating discussions in 2016, towards the development of a non-binding outcome instrument addressing the four areas of concern identified during the consultations. The ICRC has circulated the draft elements of a possible resolution on strengthening IHL protecting persons deprived of their liberty and are seeking feedback from all members of the International Conference.

## SEXUAL VIOLENCE AND ARMED CONFLICT: A MULTI-FACETED RESPONSE TO THE HUMANITARIAN NEEDS OF VICTIMS

<b>Commander Hugh Cameron</b>	Australian Department of Defence	Chairperson
<b>Dr Helen Durham</b>	Director of International Law and Policy, ICRC	Protection challenges, needs and the ICRC's response
<b>Mrs Anuradha Bakshi</b>	Principal Legal Officer, Asian-African Legal Consultative Organisation	
<b>HE Menna Rawlings CMG</b>	British High Commissioner to Australia	The United Kingdom's 'Preventing Sexual Violence in Conflict' initiative and the role for Commonwealth States

**Dr Helen Durham** stressed that sexual violence occurs widely against women, girls, boys and men. It is perpetrated against civilian combatants and those detained as prisoners of war. It is committed as a tactic or a strategy of conflict or as opportunistic measure due to destruction of infrastructure. No single explanation

exists for its horrific prevalence, but it is certain that acts of sexual violence can destroy individuals, families and communities.

Dr Durham explained that sexual violence amounts to a violation which entails individual criminal responsibility and States are obliged to criminalise, investigate and prosecute such violations. In the last 20 years, we have seen dramatic progression in the treatment of sexual violence under international law – it can now be considered as a crime against humanity, genocide and/or a war crime. The international community has spent a long time on prosecution mechanisms but a lot of work needs to be done in terms of responding to victims' needs.

Dr Durham highlighted that humanitarian actors have important roles in preventing sexual violence and providing holistic responses to victims. In 2013, the ICRC made a four year commitment to intensify its legal and operational response to sexual violence. The aim was to improve delivery of impartial holistic and effective response to victims and to strengthen prevention and protection – not just physical, but psychological and psychosocial assistance. Dr Durham mentioned several initiatives are geared towards the entire community, with a view to increasing support provided to victims and to prevent stigmatisation.

Finally, she mentioned that the upcoming International Conference will address issues relating to the prevention and repression of sexual violence in armed conflict and gender-based violence in natural disasters and the draft elements of a resolution have been circulated. The resolution, drafted jointly by the ICRC and the IFRC, is based on the understanding that the persistence of sexual violence in armed conflict, internal disturbances and tensions needs to have a multi-faceted approach in order to respond to the needs.

**Mrs Anuradha Bakshi** noted that the AALCO has a long-standing relationship with the ICRC and formal cooperation was established in December 2002 when a formal cooperative agreement was signed. A key element of the agreement is the promotion of IHL. AALCO convenes special meetings and training programs on IHL for officials of Member States. AALCO members are concerned by the issue of sexual violence. Mrs Bakshi noted that the legal gamut is wide enough to include not only women.

**HE Menna Rawlings CMG** gave an overview of activities the UK is taking to campaign against sexual violence in armed conflict. In May 2012, the United Kingdom's Foreign and Commonwealth Office and UNHCR Special Envoy Angelina Jolie-Pitt launched the Preventing Sexual Violence in Conflict initiative to look at what governments, international organisations and humanitarian organisations can do to address sexual violence in armed conflict. Since the launch, the UK has led the issue in the G8, the UNSC and the UNGA. Over two thirds of Member States (155 Member States) have endorsed a Declaration to end sexual violence in armed conflict. The Commonwealth has committed to take action – there was a statement of intent from 2013 CHOGM in the form of a communiqué.

She mentioned that in 2014, the UK held an important summit on this issue, which brought together organisations and survivors. The UK also developed an international protocol to document and investigate sexual violence in armed conflict ('International Protocol on the documentation and investigation of sexual violence in conflict'). The UK is now delivering trainings on the use of this Protocol.

According to HE Rawlings, the appointment of a Special Representative to the Prime Minister in the UK on Preventing Sexual Violence in Conflict, Baroness Anelay, is a clear statement that the British Government wants to keep this issue at the heart of its work in armed conflict and humanitarian areas.

## WORKING GROUPS: WEAPONS AND IHL

<b>Dr Phoebe Wynn Pope</b>	Director of IHL and Movement Relations, Australian Red Cross	Chairperson of restitution session
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### Working Group 4: The Arms Trade Treaty

<b>Mrs Rosolyn Rodgers-Cezaire</b>	Senior Assistant Secretary, Ministry of Foreign Affairs and Immigration, The Bahamas	Chairperson
<b>Guiding Questions</b> <ol style="list-style-type: none"><li>1. Has the rapid entry into force of the ATT helped to change the perspectives of non-States Parties to adhere to the ATT? How can adherence to the ATT be increased?</li><li>2. Does your State have in place the necessary domestic legislation to implement the ATT? In which areas can the Red Cross and Red Crescent Movement assist your State in the implementation of its obligations under the ATT?</li><li>3. How far does your current national control system for arms transfers already meet the requirements of the ATT?</li></ol>		

Participants in the Working Group mentioned that the unchecked trade in arms contributes to insecurity and human rights abuses. Participants discussed various provisions of the ATT and its binding standards for international transfers of conventional arms. The Working Group discussed whether the entry into force of the ATT had encouraged States not party to the Treaty to adhere to the ATT.

Some participants raised the issue of implementation, noting that ratifying the Treaty was not enough. While domestic implementation remains a challenge, there are resources available to support States wishing to implement the national controls required by the Treaty. It was emphasised that regulation of the arms trade is a shared responsibility.



Dr Rain Liivoja, Mr Leonard Blazeby, Dr Sarah Williams and Lieutenant Colonel Stephen Strickey after the panel discussion on 'Repression of IHL Violations'

## Working Group 5: The Anti-Personnel Mine Ban Convention: Mine Awareness and Eradication

<b>Ms Kirsty Welch</b>	Regional Legal Adviser, ICRC	Chairperson
<b>Guiding Questions</b> <ol style="list-style-type: none"> <li>1. There are now three important IHL treaties addressing the problems caused by mines, cluster munitions and explosive remnants of war (the APMC, the CCM and Protocol V to the CCW on Explosive Remnants of War). How can adherence to these treaties be increased?</li> <li>2. Does your State have in place the necessary domestic legislation to implement these treaties, including penal provisions to prevent and suppress violations (a requirement for States Parties to the APMC and the CCM)? If not, which actors and strategies may be of assistance?</li> <li>3. To what extent have Commonwealth States provided assistance to countries affected by mines, cluster munitions and other explosive remnants of war?</li> </ol>		

The Working Group recalled that the various obligations which the APMC places on State Parties, including to prohibit the use, stockpiling, production and transfer of anti-personnel mines, to clear affected areas, to provide assistance to survivors of anti-personnel mines, to develop risk awareness programs and to offer assistance to other States to enable them to meet their obligations under the Convention. These obligations steered the discussions of the Working Group, which benefited from a range of professionals, including government, humanitarian and military personnel.

The first issue discussed within the Working Group was the challenge of securing additional signatories to the Convention. The group exchanged views on potential stumbling blocks, which ranged from the view that anti-personnel mines are an essential element of border control, to the Convention not going far enough to engage Non-State Actors. However, in relation to State Parties, it was generally agreed that there were good levels of compliance. A number of States cited their domestic implementation legislation in this regard. Moreover, a number of States were able to provide examples of assistance they had provided to other State Parties under the framework of the Convention.

The discussion around technical assistance led to a practical discussion of the challenges involved in managing mined areas, both from an operational and diplomatic perspective. Military personnel shared their experiences of 'mine shifting', usually caused by adverse weather conditions, on their ability to delineate risk zones, identify mine coordinates and provide medical assistance to affected populations. The need to share the coordinates of all identified risk areas with affected States was also discussed. An issue that generated much debate was the challenges associated with communicating such coordinates with hostile powers, particularly when there was a state of prolonged military or political conflict. Moreover, it was agreed that this challenge was increased when the opposing force consisted of a non-State armed group.

The Working Group concluded by agreeing that the main challenge to the effectiveness of the APMC came in the form of persuading non-signatories to join. In addition, the importance of engaging Non State Actors on this issue (and other IHL norms) was underscored. In terms of opportunities it was agreed that many States had significant experience in demining operations and thus could be in a position to assist other States.

## Working Group 6: Nuclear Weapons

<b>Ms Netta Goussac</b>	Regional Legal Adviser, ICRC	Chairperson
<b>Guiding Questions</b>		
1. How has the increased focus on the humanitarian consequences of nuclear weapons helped to change the debate about nuclear weapons nationally, regionally and internationally?		
2. How can the prohibition of the use and elimination of nuclear weapons (referred to in the Red Cross Red Crescent Movement's Resolutions) be advanced, in light of the lack of significant progress on nuclear disarmament in recent years?		
3. What activities have National Societies undertaken in their national contexts?		

The Working Group referred to the heightened awareness of humanitarian consequences of the use of nuclear weapons.

The Working Group considered the question of whether the increased focus on humanitarian consequences of nuclear weapons has helped to influence the debate about these weapons nationally, regionally and internationally. Participants noted that there are now more participants in the discussion of nuclear weapons, beyond just nuclear-armed States, civil society was now involved. The role of the humanitarian initiative and the Movement were seen as instrumental in this shift. It was pointed out that scientific communities have exposed the impact of nuclear explosions, and highlighted the need for action on disarmament. Other participants noted that the debate is progressing gradually and will take time. It is important to take stock of important successes to date, such as significant decreases in nuclear stockpiles. Notwithstanding this gradual progress, some participants noted a waning public interest and identified the need for regenerating public support.

With respect to improving the prohibition on the use and elimination of nuclear weapons participants discussed how to give effect to the Council of Delegates 2013 unanimous resolution on nuclear weapons. Participants noted opportunity for increased advocacy and the important role of civil society. Different views were expressed about the option of negotiating a new instrument on nuclear weapons, with some participants expressing support for this idea, while others expressed reservations.

On the final question of the activities of National Societies, representatives from different regions outlined their activities (public events, outreach to students, engagement with survivors), as well as the challenges they face (relevance, need for regional cooperation and coordination).

## REPRESSION OF IHL VIOLATIONS: OPPORTUNITIES AND CHALLENGES

<b>Dr Rain Liivoja</b>	Senior Lecturer and Branco Weiss Fellow, Melbourne Law School	Chairperson
<b>Lieutenant Colonel Stephen Strickey</b>	Assistant Deputy Judge Advocate General Operations, Office of the Judge Advocate General, National Defence, Canada	Military and civil jurisdictions in the repression of IHL violations
<b>Mr Leonard Blazeby</b>	Head of Mission in Australia, ICRC	The use of universal jurisdiction in repressing IHL violations
<b>Dr Sarah Williams</b>	Associate Professor, University of New South Wales	The changing role of non-State influence at the International Criminal Court

**Lieutenant Colonel Stephen Strickey** focused on the importance of legislation to repress violations of IHL. In order to demonstrate this, the panellist took Canada as an example and detailed the implementing legislation that had been adopted and how this legislation interacts with a complementary system of civil and military judicial mechanisms.

Lieutenant Colonel Strickey further discussed the use, made by Canada, of universal jurisdiction provisions that allowed for the prosecution of an individual for alleged involvement in crimes against humanity during World War II and Genocide in Rwanda. The panellist however noted that military tribunals also played an important role in enforcing IHL, making reference to a military tribunal which was convened to court martial a Canadian accused of disgraceful conduct in Somalia. The panellist therefore concluded that military and civilian justice mechanisms offer parallel and complementary responses to IHL violations, both capable of promoting the operational effectiveness of IHL.

Expanding on the effectiveness of universal jurisdiction as a tool to respond to violations of IHL, **Mr Leonard Blazeby** discussed the development of this form of jurisdiction, its uses and its limitations. Initiating the discussion with an explanation of this form of jurisdiction, Mr Blazeby highlighted that while traditionally jurisdiction could be exercised on the basis of territoriality (based on where the crime occurred); active personality (based on the nationality of the perpetrator); passive personality (based on the nationality of the victim) and the protective principle (based on the protection of national interests or security), crimes that attract universal jurisdiction are those that are so grave that they are deemed to affect the international community as a whole and thus jurisdiction is not limited in the traditional manner. The panellist explained that this form of jurisdiction existed by an interpretation of the responsibility of States, under the Geneva Conventions, to search for and try or extradite persons accused of grave breaches of the Conventions. In addition this form of jurisdiction was subsequently expressly referenced in various treaties including the International Convention for the Protection of All Persons from Enforced Disappearance. Moreover, the panellist clarified that the development of customary law on this principle had expanded voluntary universal jurisdiction to all war crimes, irrespective of whether they occur in the context of international or non-international armed conflict.

Mr Blazeby then detailed measures that some States take to reduce frivolous prosecutions, limit costs and increase the effectiveness and predictability of the use of universal jurisdiction, including, adopting a requirement that the alleged perpetrator be present on the territory of the State or a requirement for the Attorney-General to consent to the prosecution. Mr Blazeby concluded by highlighting the support that the

ICRC can offer States on implementing universal jurisdiction provisions, drawing attention to the ICRC Model Law, Commentaries to the Geneva Conventions, National Implementation database, Manual on the Domestic Implementation of IHL and the meetings the ICRC host that enable an exchange of information on the topic.

**Dr Sarah Williams** centred her discussion on the involvement of non-traditional actors in prosecutions by international courts and tribunals. Focusing particularly on the ICTY and the ICC, Dr Williams charted the development of civil society participation in international trials, from the use of *amicus curiae* petitions at the ICTY which led to the tribunal investigating allegations of sexual violence, to the pivotal role that civil society played in the establishment of the ICC and the resulting provisions within the Rome Statute that enable the Prosecutor to instigate investigations based on information received from a range of actors, specifically including nongovernmental organisations. Dr Williams concluded that the development of the Rome Statute had been the high water mark for broad civil society engagement with international criminal proceedings, as subsequent civil society engagement, in her view, had proven more limited than was initially expected. Dr Williams however noted that a range of factors could have influenced levels of engagement, including confidence in the court causing a redirection of limited resources to other forums.



Dr Helen Durham (ICRC) addresses the Conference on the challenges of responding to the needs of victims of sexual violence



## DAY 3: CIVILIANS AND CIVILIAN OBJECTS: PROTECTION AND ASSISTANCE

### RESPECTING AND PROTECTING HEALTH CARE IN ARMED CONFLICT AND OTHER EMERGENCIES

<b>Mr Geoff Skillen</b>	Australian Red Cross	Chairperson
<b>Ms Louise McCosker</b>	Health Care in Danger Project, ICRC	Update on the Health Care in Danger Project
<b>Dr Asha Mohammed Abdulrahim</b>	Deputy Secretary-General, Kenya Red Cross	The National Society, Security and Humanitarian Access
<b>Mr André Coore</b>	Legal Officer, Ministry of Foreign Affairs and Foreign Trade, Jamaica	The role of States in respecting and protecting health care in armed conflict and other emergencies

The session began with an update on the HCID Project by **Ms Louise McCosker**, who noted that since the issue was highlighted in Resolution 5 of the 31<sup>st</sup> International Conference of the Red Cross and Red Crescent, access to health care in times of armed conflict and other emergencies continues to be an issue of serious humanitarian concern globally, and highlighted the importance of continued engagement on the Project. According to Ms McCosker, the successes of the Project includes its wide acceptance and geographical reach. It is a Project implemented and supported by all components of the Movement and has, to date, been discussed in twelve global conferences and workshops and has resulted in partnerships between the Movement and a number of relevant external organisations (including the World Medical Association, the International Committee of Military Medicine, the International Council of Nurses and the International Pharmaceutical Federation). The result of such successes is that the ICRC has extended the Project to the end of 2017, with the aims of encouraging use of the recommendations developed in the thematic workshops and keeping the issue alive as an important humanitarian concern internationally.

Turning to the upcoming 32<sup>nd</sup> International Conference of the Red Cross and Red Crescent, Ms McCosker highlighted various ways in which the Project will be promoted:

- A HCID Resolution that will commend past efforts and highlight areas for future work, including implementation of recommendations from the expert consultations and thematic workshops will be discussed;
- Conference members will have the opportunity to make concrete and context-specific pledges on HCID (model pledges on the Project have been drafted and shared with Conference members and these model pledges relate to partnerships, coordination and advocacy; training and support; and national legislation, policy and military practice); and
- A plenary thematic discussion on HCID that will encourage Conference members to take further action to implement the recommendations emanating from the Project will take place, and
- A HCID exhibition will be displayed at the Conference venue.

**Dr Asha Mohammed Abdulrahim** spoke on the issue of security and humanitarian access. She pointed out that National Societies work in some of the most volatile and insecure environments, and yet, despite these

high risks they continue to provide valuable humanitarian services. During disasters, a significant proportion of the National Society's work is focused on provision of healthcare, which raises concern related to security of National Society staff. The Safer Access Framework, designed by the ICRC and supported by the IFRC, helps National Societies to respond safely in insecure environments. Building trust with authorities and communities through continued action in accordance with the Fundamental Principles is also fundamental to ensuring security of National Society staff. Dr Abdulrahim also shared experiences and concrete examples of the work of the Kenya Red Cross in those contexts. Dr Abdulrahim concluded that National Societies should become more professional and invest more resources when it comes to security of National Society staff and volunteers in the provision of humanitarian assistance.

Finally, **Mr André Coore** discussed the role of States in respecting and protecting health care in armed conflict and other emergencies. He noted that States have an important role to play in promoting the Project, including through the provision of a legislative framework for the protection of health care. Such legislation should guarantee the right to life and protection from cruel and inhumane treatment, penalise attacks on protected persons and objects, penalise or otherwise sanction misuse of distinctive emblems, support the ethical provision of health care services and protect medical professionals from detention or other sanctions for giving impartial treatment. States should also take practical, non-legislative steps, including the establishment of specialised centres to address the needs of vulnerable groups, development of policies and procedures for providing health care in times of emergencies, training of military and police, provision of support to National Societies to facilitate training, education and dissemination activities and the development of data collection systems to help in the understanding of attacks on health care.

## PROTECTION OF CULTURAL PROPERTY IN ARMED CONFLICT

<b>Mr Paul Cronan</b>	Principal Legal Officer, Office of International Law, Attorney-General's Department, Australia	Chairperson
<b>Ms Anna Segall</b>	Director, International Standards and Legal Affairs, UNESCO	The Role of Legal Frameworks in Addressing Recent Developments and Challenges
<b>Ms Natalie Pierce</b>	Legal Adviser (International Law), Ministry of Foreign Affairs and Trade, New Zealand	New Zealand's legislative implementation of cultural property protections in armed conflict
<b>Dr Zainah Ibrahim</b>	Commissioner of Heritage, Malaysia	Conservation of Heritage and Cultural Property in Malaysia

**Ms Anna Segall** discussed the relevance of legal frameworks in the context of current attacks on cultural property. Ms Segall traced the development of the law from the 'winner takes booty' notion, to today's legal framework, including the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict and its protocols and the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The latter instrument is particularly relevant given that world heritage is being used to finance violent extremism.

In addition to the treaty regime protecting cultural property, principles of IHL operate to protect cultural property from attack and ensure that cultural property does not become a military objective. Nonetheless, cultural property is a direct target in armed conflict today. UNESCO is looking at what can be done, including reframing

the discourse to focus on ownership of cultural property by peoples, and strengthening enforcement and deterrence measures.

**Ms Natalie Pierce** provided an overview of New Zealand's legislative implementation of cultural property protections in armed conflict. Ms Pierce began by stating that what makes us human is culture. Protecting culture in time of peace and otherwise is what we owe to future generations. Ms Pierce outlined the public consultation process initiated in New Zealand in 2007. This process canvassed whether and how NZ should ratify the 1954 Convention and its protocols, including issues such as property ownership and guardianship, the use of the cultural property emblem and how to determine which cultural property deserves enhanced protection. Following widespread support for ratification, steps were taken to enact the necessary legislation. The Ministry for Cultural Heritage would be responsible for dissemination and reporting and the New Zealand Defence Force would be required to incorporate the cultural property rules into its practices.

**Dr Zainah Ibrahim** provided insight into Malaysia's experience in conserving heritage and cultural property and noted that heritage can sometimes be intangible. While Malaysia's cultural property is not endangered by armed conflict, it faces dangers from modernisation and development. Dr Ibrahim outlined the functions and core business of Malaysia's Department of National Heritage, its National Heritage Act of 2005 and concluded by emphasizing that cultural property is vulnerable and irreplaceable, warranting enhanced protection. Policy and legislative mechanisms are essential in achieving this goal, as is engagement with relevant stakeholders.

## LUNCHTIME SEMINAR: SEXUAL AND GENDER BASED VIOLENCE IN NATURAL DISASTERS

<b>Ms Yvette Zegenhagen</b>	National Manager – IHL, Movement Relations and Advocacy, Australian Red Cross	Introduction
<b>Ms May Maloney</b>	Gender and Diversity Adviser, Asia Pacific Zone, IFRC	Priorities for action
<b>Mrs Tautala Mauala</b>	Secretary-General, Samoa Red Cross Society	Research from Samoa on sexual and gender based violence in disasters

**Ms Yvette Zegenhagen** reported about the outcomes of the workshop co-sponsored by the Australian, Canadian, Swedish, and Norwegian Red Cross held during the 2013 Council of Delegates in Sydney. Ms Zegenhagen also mentioned that a resolution that will be submitted at the International Conference has been drafted. This Resolution brings together the issue of sexual violence in armed conflict with SGBV in disaster and emergencies and, while making clear their distinctions, provides practical ways to act to prevent and respond to both situations, including assistance to victims.

**Ms May Maloney** explained that the legal framework for sexual violence in disaster is less detailed than the one for sexual violence in armed conflict. The definition of gender-based violence used by the IFRC is included in the draft resolution to be presented at the 32<sup>nd</sup> International Conference. According to May Maloney, gender-based violence in and of itself constitutes a humanitarian disaster of deep humanitarian concern to the international community, funders, governments, and those interested and working on these issues.

There is a direct correlation between gender equality and gender-based violence which is why many activities are being undertaken to improve gender equality. Disasters and emergencies situations exacerbate gender based violence. Ms Maloney mentioned that Studies have found that the expectation of gender roles following

disasters often become more rigid and transgression of these roles can lead to tension, conflict over resources and lead to breakdowns. Also in disasters there is an increase in incidence of negative coping mechanisms. The total breakdown in health, justice and social services, access to justice, and access to remedies can decrease. Inappropriate aid programs can also exacerbate gender risks. Ms Maloney insisted on the importance of implementing response to prevent and respond gender based violence in disasters and emergencies.

**Mrs Tautala Mauala** spoke about recent researches that have been made recently about gender-based violence in Samoa, which is highly vulnerable to climate change and natural disasters. The study showed that displaced persons are at higher risk of gender based violence, a greater priority must be accorded to most vulnerable groups, increased awareness is needed in communities about available services and accurate data collection and recording are needed to inform future disaster responses.

## WORKING GROUPS: PROTECTION OF CIVILIANS AND CIVILIAN OBJECTS IN ARMED CONFLICT

<b>Dr Michael Carrel</b>	Australia	Chairperson of restitution session
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### Working Group 7: Children in Armed Conflict

<b>Ms Kelisiana Thynne</b>	Regional Legal Adviser, ICRC	Chairperson
<b>Guiding Questions</b> <ol style="list-style-type: none"> <li>1. What are, in the view of participants, currently the most urgent issues relating to children in armed conflict? Child soldiers, detention, sexual violence, assistance, unaccompanied/separated children etc. Here, if they so choose, participants might themselves raise the issue of education in armed conflict/the protection of schools.</li> <li>2. What are, for example, current concerns relating to child soldiers? Do participants have experience in this respect? E.g. as regards disarmament, demobilization and reintegration (DDR)?</li> <li>3. What can NS contribute to the protection of children in armed conflict? What must States do?</li> </ol>		

The Working Group discussed about issues related to children in armed conflict aside from the issue of child soldiers: separation of children from families (whether by violence, voluntarily, or abducted), children in IDP camps, and particular psychological needs of children. The Working Group also discussed about the difficulty of protecting children in armed conflict where armed groups situate themselves in the civilian population.

The participants of the Working Group agreed that one area which deserves some more attention is the recruitment of children by PMSCs in some contexts of armed conflicts. PMSCs, and such practices are often unregulated, particularly where national laws are not adequate or are not able to be implemented. The Montreux Document does not contain any reference to children or the recruitment of children.

It was also discussed that National Societies can contribute to supporting children in armed conflict through education of children in humanitarian principles, and also supporting and educating the community in responding to children's needs. Children can also themselves be good advocates and need to be involved in decision making

processes about their needs. Finally, the importance of increased ratification and implementation of relevant IHL and human rights instruments was discussed.

## Working Group 8: The Protection of Journalists in Armed Conflict

<b>Mrs Antoinette Ifeanyi Obe</b>	Deputy Director, Federal Ministry of Justice, Nigeria	Chairperson
<b>Guiding Questions</b> <ol style="list-style-type: none"> <li>1. Are journalists protected in armed conflict under IHL? If so, how?</li> <li>2. What can journalists contribute in armed conflict situations?</li> <li>3. What can NS do on this topic? What must States do? Are there opportunities for collaboration?</li> </ol>		

The Working Group noted that the number of journalists killed every day in armed conflict contexts increases. Journalists are protected as civilians, but the changing way conflicts are fought, particularly the shift into the civilian space, has resulted in more civilian deaths and suffering. Due to the comprehensive view that journalists try to give the public of what is happening, they are increasingly putting themselves at risk.

The participants of the Working Group also discussed the legal situation of journalists during armed conflict, the different status they can have and how they can lose their protective status. Participants mentioned the ICRC initiative of the 'Press Safety Hotline', designed in 1985. The participants concluded that legally, journalists are very well protected, but that these legal protections have not been understood 'on the ground'. More sensitization with the media is required, so that it can be more knowledgeable of IHL and other responsibilities (and can report on conflicts better), but also with governments and non-state actors, so that they too can understand the independent role of and protections afforded to journalists.



Dr Phoebe Wynn Pope, Dr Knut Dörmann, Ms Marie-Charlotte McKenna, and HE Ambassador Nicolas Lang after the panel discussion on 'The 32nd International Conference of the Red Cross and Red Crescent: Challenges of contemporary armed conflict'.

## Working Group 9: Internally Displaced Persons and Refugees

<b>Mr Thomas Albrecht</b>	Regional Representative for the Pacific, UN High Commissioner for Refugees	Chairperson
<b>Guiding Questions</b> <ol style="list-style-type: none"> <li>What measures have been taken in your country to protect, assist and respond to the practical needs of refugees and IDPs fleeing conflict? For example, what measures have been taken to improve response (e.g. concluding agreements with components of the Red Cross/Red Crescent Movement) and to give effect to existing obligations?</li> <li>What is the connection between violations of IHL and displacement? What measures have been taken in your country to ratify and/or to incorporate into domestic legal frameworks the relevant instruments for the protection and assistance of refugees and IDPs, including: <ol style="list-style-type: none"> <li>1951 Convention and 1967 Protocol Relating to the Status of Refugees</li> <li>1974 Convention governing the specific aspects of refugee problems in Africa</li> <li>1984 Cartagena Declaration on Refugees</li> <li>2001 Bangkok Principles on the Status and Treatment of Refugees</li> <li>1998 Guiding Principles on Internal Displacement</li> <li>2010 African Union Convention for the Protection and Assistance of Internally Displaced (IDPs) Persons in Africa (Kampala Convention)</li> </ol> </li> <li>How can the Movement best support States/national authorities in assuming their responsibilities to protect and meet the basic needs of IDPs, in light of the Movement Policy on Internal Displacement?</li> </ol>		

Participants of the Working Group discussed the measures taken in their countries to assist and respond to refugees and internally displaced persons in conflict. Some participants noted the connection between violations of IHL and displacement. The need for effective protection of displaced persons was emphasised, through domestic legal frameworks, regional frameworks (such as the Kampala Convention) and concerted international action (for example, through the United Nations Security Council).

States were encouraged to adopt and implement the 1951 Refugees Convention. However, it was also noted that – irrespective of adoption of this Convention – States should maintain humanity and hospitality, particularly in light of unprecedented numbers of refugees and internally displaced persons today. When considering the role of the Movement in supporting States or national authorities in assuming their responsibilities in this context, the need for tailored approaches was noted. It was also considered important to provide information about rights and obligations to displaced persons, in addition to material support.

The unique role of National Societies as an auxiliary to authorities was emphasised, as National Societies can provide (if appropriate) durable solutions, as well as return and relocation programs (where safe and voluntary).

## INTERNATIONAL DISASTER RESPONSE LAWS: PREPARATIONS FOR THE 32<sup>ND</sup> INTERNATIONAL CONFERENCE

<b>Ms Finau Heuifanga Limuloa</b>	Humanitarian Diplomacy Delegate, IFRC	Chairperson
<b>Ms Gabrielle Emery</b>	Disaster Law Program Coordinator, IFRC	
<b>Mr Ahmed Idris</b>	Head of Policy, Kenya Red Cross Society	
<b>Mr Sione Sisifa</b>	Solicitor-General, Tonga	
<b>Mr Rajendra Thapa</b>	Under-Secretary (Legal), Ministry of Foreign Affairs, Nepal	

In her opening address, **Ms Gabrielle Emery** noted the need to strengthen legal frameworks governing natural disasters. In recent years, the number of people affected by natural disasters has increased dramatically, resulting in the need to ensure that States have strong processes, laws and regulations in place. It also highlights the need to ensure cooperation between States and National Societies, who should work together in order to provide relief in times of natural disasters. There has also been an increase in the number of actors in the area of disaster response, as well as an increase in global natural and manmade disasters, meaning that there is a need for a clear framework governing disaster response. In this regard, Ms Emery mentioned that the International Law Commission has submitted draft articles related to disaster response, focusing on gaps in international disaster law, which States can comment on.

Ms Emery also raised the issue of disaster risk reduction, which was highlighted in the Kyoto Framework for Action and which is an important development for States and National Societies to be following. In conclusion Ms Emery encouraged governments to work with their National Societies on this topic, particularly in the run up to the 32<sup>nd</sup> International Conference. A Resolution related to IDRL will be presented at the 32<sup>nd</sup> International Conference.

**Mr Ahmed Idris** shared the experiences of Kenya Red Cross in relation to disaster response law. He pointed out that disaster response law cannot be drafted in isolation from other areas of domestic law; that the lower levels of government are often better placed to make decisions on risk reduction; and that National Societies must be willing to cooperate and share resources with all levels of government in the area of disaster response. National Societies therefore need to focus on resource management, risk reduction and cooperation with government. Having a government framework for addressing capacity building and risk management is vital according to Mr Idris.

**Mr Sione Sisifa** noted that Tonga recently concluded a study on preparedness in facilitating and regulating disaster response. The Report makes two relevant recommendations: current legislation in Tonga is insufficient to address the aftermath of disasters (specifically in regulating international assistance) and there are disparities between the Tongan system of response and international best practices. In December 2012, the Tongan Government approved a review of the domestic disaster response law, in partnership with the Government, the Tonga Red Cross Society and the IFRC. In June 2015, Tonga launched the internal framework report on Disaster Management and Preparedness, which is still under consideration and review.

**Mr Rajendra Thapa** spoke on the recent earthquake in Nepal and noted that previous smaller earthquakes in Nepal had highlighted the need for changes to the disaster response policy and to the level of cooperation between the government and the National Society. In 2014, Nepal drafted a document for responding to disaster management and aid, but the document was still before Parliament at the time the 2015 earthquake struck, meaning it has not yet been implemented. The document was withdrawn from Parliament to be revised in light of experiences in responding to the 2015 earthquake.

## DAY 4: CHARTING THE COURSE FOR THE 32<sup>ND</sup> INTERNATIONAL CONFERENCE

### THE FUNDAMENTAL PRINCIPLES AND NATIONAL SOCIETIES' AUXILIARY ROLE

<b>Ms Khadeeja Najeeha</b>	Director-General, Ministry of Foreign Affairs, Maldives	Chairperson
<b>Ms Maryann Njau-Kimani</b>	Senior Deputy Solicitor-General, Kenya	Government perspective on the auxiliary role
<b>Ms Delia Chatoor</b>	Director, International Relations, Trinidad and Tobago Red Cross Society	Acceptance, security and access to people in need: operational challenges and good practices
<b>Ms Marnie Lloyd</b>	IHL and Policy Manager, New Zealand Red Cross	Reflections on the auxiliary role from a National Society

**Ms Maryann Njau-Kimani** opened her presentation by reflecting on the historical development of the concept of auxiliary service and how this concept was fundamental to the operation of the Kenyan Red Cross Society. The panellist noted that while the national society in Kenya had a basis in law, it was the fundamental principles and concept of auxiliary service that directed its work, ensuring that the trust and confidence of both the government and the people are maintained. The panellist then proceeded to cite examples of projects where the Kenyan Government and Red Cross Society had successfully collaborated, these included initiatives to promote respect for the emblem, improve reproductive health services in times of emergencies, ensure the reach of services to rural areas for the survivors of gender based violence and improve disaster response.

Ms Njau-Kimani concluded her presentation with reference to the International Conference, urging all delegates, prior to it, to reflect on what is meant by auxiliary service and whether there is a need for a realignment of roles between governments and national societies.

**Ms Delia Chatoor**, while recognising the crucial importance and continued relevance of all the Fundamental Principles for securing access to people in need, focused on two principles - in particular, those of neutrality and independence - and used examples to indicate their operation in the Caribbean context. The panellist illustrated the Fundamental Principles and the Movement's mode of operation, and the need of a greater understanding and acceptance from Governments. Subsequently, the panellist discussed the principle of Independence in relation to government funding and the notion of the auxiliary role of national societies in various contexts. The panellist concluded by discussing how humanitarian diplomacy can be utilised to promote supplementary rather than substitutive services by national societies.

The final presentation delved into the operation of auxiliary service in the New Zealand context. **Ms Marnie Lloyd** focused on the need to develop an auxiliary relationship between States and national societies based on trust and dialogue, rather than on submission to government policy. Citing the example of refugee flows, the panellist illustrated how a National Society could work in collaboration with a government to provide humanitarian services, while maintaining its own position on government policy, in this case, on refugee quotas. In order to develop a strong relationship between States and national societies (with a view to ensuring that the auxiliary relationship between State and National Society is understood and effective), the panellist noted that



both the internal and external dimensions of the concept must be fostered. Internally, in terms of constitution and principles of transparency, a National Society must strive to distinguish itself from non-governmental organisations; while externally, national societies must work with States to ensure predictability of service, based on flexibility and the needs of the context.

## THE 32<sup>ND</sup> INTERNATIONAL CONFERENCE AND THE FOUR-YEAR ACTION PLAN FOR THE IMPLEMENTATION OF IHL

<b>Mr Greg Vickery AO</b>	Chair, Standing Commission of the Red Cross and Red Crescent	Chairperson
<b>Mr Saiful Izan Bin Nordin</b>	Manager, IHL, Legal and International Relations, Malaysian Red Crescent	IHL Dissemination and Implementation: the role of National IHL Committees
<b>Dr Greg French</b>	Legal Adviser, International Law Branch, Department of Foreign Affairs and Trade, Australia	From Words to Actions: Giving effect to the Four Year Action Plan on Implementation of IHL
<b>Ms Sarah Swart</b>	Regional Legal Adviser, ICRC	Enhancing specific protections for vulnerable persons

The session began with a presentation by **Mr Saiful Izan Bin Nordin**, who shared the experience of his National Society. He mentioned that it can be worthwhile for a National Society to engage with a regional legal network, such as the Asian Pacific Legal Network, which could support the work of the National Society legal advisors in promoting IHL. Mr Bin Nordin also pointed out challenges for National Societies wishing to engage with National IHL Committees, including a lack of political will in establishing Committees and informal inclusion of the National Society in the membership of the Committee.

In conclusion, Mr Bin Nordin recommended that the importance of the auxiliary role of National Societies to government, including their role in promoting IHL, be highlighted and promoted at the upcoming 32<sup>nd</sup> International Conference of the Red Cross and Red Crescent.

**Dr Greg French** then spoke on the importance of giving effect to the Four Year Action Plan. He noted that the world has a common humanity, and that small countries can make great contributions to the world. All governments have a responsibility to harness progress that has occurred in the conscience of humanity regarding armed conflict and to move from words to actions. He explained that the Four-Year action plan functions as a checklist, enabling and encouraging International Conference members to assess progress in relation to implementation of IHL.

Finally, **Ms Sarah Swart** spoke on a specific objective of the Four Year Action Plan, 'enhancing specific protections for vulnerable persons', which recognises that certain categories of persons (children, women and persons with disabilities) are more vulnerable in times of armed conflicts. She summarised each of these categories, before turning to the implementation of these action points over the past four years since the 31<sup>st</sup> International Conference. Ms Swart mentioned examples of activities conducted by the ICRC to enhance protection of children in armed conflict.

The panelist also explained that on the protection of persons living with disabilities, the ICRC has engaged in a variety of activities. Ms Swart then turned to actions that have been taken by States to implement the objective of the Four Year Action Plan to enhance protection of vulnerable persons, including the adoption of new legislation. She concluded by reminding the participants that States have the opportunity to report on their implementation of the Four Year Action Plan generally, and this objective specifically, in the questionnaire that was sent to all States in preparation for the 32<sup>nd</sup> International Conference of the Red Cross and Red Crescent.

### CLOSING REMARKS

<b>Ms Katrina Cooper</b>	Senior Legal Advisor, Department of Foreign Affairs and Trade, Australia	Closing remarks
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The official Closing Remarks were delivered by **Ms Katrina Cooper**, who – on behalf of the Department of Foreign Affairs and Trade, Australia, thanked the organisers and participants, and noted the importance of the discussions that had taken place over the previous four days.

### OUTCOME STATEMENT

A draft Outcome Statement had been presented to participants at the beginning of the Conference and remained open for comments until Day 3. A revised draft was presented to participants during the final Conference session. A discussion followed, resulting in a number of changes to the draft Outcome Statement, which was then adopted by the room (see **Annex A**).



# LIST OF PARTICIPANTS

## COMMONWEALTH MEMBER COUNTRIES AND NATIONAL RED CROSS AND RED CRESCENT SOCIETIES

### AUSTRALIA

Mrs Emily Arnberg	Senior Legal Officer, Office of International Law	Attorney-General's Department
Mr Paul Cronan	Principal Legal Officer, Office of International Law	Attorney-General's Department
Ms Stephanie Ierino	Principal Legal Officer, Office of International Law	Attorney-General's Department
Ms Elizabeth Mahony	Senior Legal Officer	Attorney-General's Department
Ms Jane McCosker	Senior Legal Officer, Office of International Law	Attorney-General's Department
Mr John Reid	First Assistant Secretary, International Law & Human Rights Division	Attorney-General's Department
Ms Anne Sheehan	Assistant Secretary, Office of International Law	Attorney-General's Department
Mr Hanson Toby	Senior Legal Officer, Office of International Law	Attorney-General's Department
Ms Annaliese Williams	Assistant Director, International Engagement and Strategy	Department of Communications
LT COL Craig Barker	Lawyer, Directorate of Operations and Security Law	Department of Defence
CMDR Hugh Cameron	Legal Adviser, Military Strategic Commitments	Department of Defence
COL Penny Cumming	Director of Operations and Security Law	Department of Defence
Mr Mark Cunliffe	Head of Defence Legal	Department of Defence
AIR CDRE Chris Hanna	Director General, Australian Defence Force Legal Service	Department of Defence
Ms Szabina Horvath	Counsel – International law	Department of Defence
CAPT Letitia Van Stralen	Lawyer, Headquarters Joint Operations Command	Department of Defence
Mr Michael Bliss	Assistant Secretary, International Organisations Branch, Multilateral Policy Division	Department of Foreign Affairs and Trade
Mr Andrew Cong	Legal Officer, International Law Section	Department of Foreign Affairs and Trade
Ms Katrina Cooper	Senior Legal Advisor	Department of Foreign Affairs and Trade
Dr Greg French	Assistant Secretary, International Legal Branch	Department of Foreign Affairs and Trade
Ms Leona Landers	Assistant Director	Department of Foreign Affairs and Trade
Dr Carrie McDougall	Assistant Director, International Law Section	Department of Foreign Affairs and Trade
Ms Marie-Charlotte McKenna	Assistant Director, International Law Section	Department of Foreign Affairs and Trade
Dr Katherine Mimilidis	Senior Humanitarian Officer	Department of Foreign Affairs and Trade
Ms Stacey Nation	Director, International Law Section	Department of Foreign Affairs and Trade
Mr Diwaka Prakash	Legal Officer, International Law Section	Department of Foreign Affairs and Trade
Ms Tara Gutman	Deputy National Manager IHL	Australian Red Cross
Mr Geoff Skillen	Chair, National IHL Committee	Australian Red Cross
Mr Robert Tickner	Chief Executive Officer	Australian Red Cross
Dr Phoebe Wynn-Pope	Director, IHL and Movement Relations	Australian Red Cross
Ms Yvette Zegenhagen	National Manager IHL, Advocacy & Movement Relations	Australian Red Cross

## COMMONWEALTH MEMBER COUNTRIES AND NATIONAL RED CROSS AND RED CRESCENT SOCIETIES

### BAHAMAS

Mrs Rosolyn Rodgers-Cezaire	Senior Assistant Secretary	Ministry of Foreign Affairs and Immigration
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### BANGLADESH

Mr MD Alimuzzaman	Counsellor	Bangladesh Permanent Mission, Geneva
Dr Mohammad Nazmuzzaman Bhuiyan	Legal Advisor	Bangladesh Red Crescent Society
Mr Nazmul Azam Khan	Legal Advisor/Director of Community Development	Bangladesh Red Crescent Society

### BOTSWANA

Ms Benetia Tumelo Chingapane	Deputy Director, Asia & the Pacific Department	Ministry of Foreign Affairs and International Cooperation
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### BRUNEI DARUSSALAM

Mr Haji Mohamad Hilhamd Haji Johari	Branch Director	Brunei Darussalam Red Crescent Society
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### CANADA

Mr Louis-Martin Aumais	Counsellor	Canadian High Commission to Australia
LT COL Stephen Strickey	Assistant Deputy Judge Advocate General Operations	Department of National Defense
CDR Andrew Thomson	Director of Directorate of International and Operational Law	Department of National Defense

### CYPRUS

Ms Nadia Kornioti	Legal Advisor	Cyprus Red Cross Society
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### FIJI

Mr Jonisio Koroibulileka Mara	Deputy Secretary	Ministry of Defence, National Security & Immigration
Mr Soneel Ram	IHL Dissemination and Communications Officer	Fiji Red Cross Society

### GRENADA

Mr Terry Charles	Director General	Grenada Red Cross Society
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### INDIA

Dr Shailandra Sharma	Standing Counsel	Indian Red Cross Society
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### JAMAICA

Mr Andre St. Orvin Cooré	Legal Officer	Ministry of Foreign Affairs and Trade
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### KENYA

Ms Maryann Njau-Kimani	Senior Deputy Solicitor General	Office of the Attorney General and Department of Justice
Mrs Njeri Mwangi Wachira	Chief of State Counsel	Office of the Attorney General and Department of Justice
Dr Asha Mohammed Abdulrahim	Deputy Secretary General	Kenya Red Cross Society
Mr Ahmed Irshad Idris	Head of Policy	Kenya Red Cross Society
Mr Edwine Osiany Okuta	Legal Officer	Kenya Red Cross Society

<b>KIRIBATI</b>		
Mr Titabu Tabane	Attorney General	
Ms Maoto Uriam	President	Kiribati Red Cross Society
<b>MALAWI</b>		
Ms Ethel Kaimila	Secretary General	Malawi Red Cross Society
<b>MALAYSIA</b>		
Dr Zainah Ibrahim	Commissioner of Heritage	Department of National Heritage
Ms Norasiah Bee Mohd Haniff	Director, Legal Division	Federal Department of Town and Country Planning
Mr Saiful Izan Bin Nordin	Manager, IHL, Legal & International Relations	Malaysian Red Crescent
<b>COMMONWEALTH MEMBER COUNTRIES AND NATIONAL RED CROSS AND RED CRESCENT SOCIETIES</b>		
<b>MALDIVES</b>		
Ms Khadeeja Najeeha	Director General	Ministry of Foreign Affairs
Mr Ahmed Nijah	Vice President	Maldivian Red Crescent
<b>MALTA</b>		
Dr Joseph Pirota	Deputy High Commissioner	Malta High Commission in Australia
Ms Marie Paulette Fenech	Director General	Malta Red Cross Society
<b>MAURITIUS</b>		
Mr Rudaralingum Coopamootoo		Mauritius High Commission in Australia
<b>MOZAMBIQUE</b>		
Mr Joaquim Chigogoro Mussassa	Head of Department	Ministry of Foreign Affairs & Cooperation
<b>NAMIBIA</b>		
Mr Christian Harris	Senior Legal Officer	Ministry of Justice
Miss Rosemary Mampi Nalisa	Manager, Humanitarian Diplomacy	Namibia Red Cross Society
<b>NEW ZEALAND</b>		
LT COL Lisa Ferris	Deputy Director Operations Law	New Zealand Defence Force
Ms Natalie Pierce	Legal Adviser, International Law (Specialist)	Ministry of Foreign Affairs and Trade
Ms Marnie Lloyd	IHL and Policy Manager	New Zealand Red Cross
<b>NIGERIA</b>		
Mrs Antoinette Ifeanyi Obe	Deputy Director	Federal Ministry of Justice
Miss Anthonia Ukah	Foreign Service Officer	Ministry of Foreign Affairs
Mr Bashiru Mohammed Salihu	National Legal Adviser	Nigerian Red Cross Society
<b>PAKISTAN</b>		
Brig Muhammad Asghar	Defence Advisor (Australia and New Zealand)	High Commission for Pakistan to Australia
HE Naela Chohan	High Commissioner	High Commission for Pakistan to Australia

**PAPUA NEW GUINEA**

Mr Stanley Kila Pat	Secretary General	Papua New Guinea Red Cross
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**SAMOA**

Mr Sefo Ainuu	Principal State Solicitor, Civil Litigation and Opinion	Office of the Attorney General
Mrs Tautala Nivaga Mauala	Secretary General	Samoa Red Cross Society

**SEYCHELLES**

Mrs Marie-Josée Bonne	Special Advisor (Social Affairs)	Ministry of Social Affairs, Community Development & Sports
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**SINGAPORE**

Ms Mee Lin Hee	Deputy Head (Military Prosecutions)	Ministry of Defence
Miss Terri Lim	State Counsel, International Affairs Division	Attorney General's Chambers

**SOLOMON ISLANDS**

Ms Mirriam Lidimani	Legal Adviser	Ministry of Foreign Affairs & External Trade
Mr Charles Kelly	President	Solomon Islands Red Cross

**SOUTH AFRICA**

Mr Hugo Lambrechts	Deputy Director, Humanitarian Affairs	Department of International Relations and Cooperation
Ms Tamalin Le Roux		South African Red Cross Society

**COMMONWEALTH MEMBER COUNTRIES AND NATIONAL RED CROSS AND RED CRESCENT SOCIETIES****SRI LANKA**

Mr C.A.H.M Wijeratne	Director General (legal)	Ministry of Foreign Affairs
Mr Suni Dissanayake	Vice President	Sri Lanka Red Cross Society

**SWAZILAND**

MAJGEN Mashikilisana Moses Fakudze	Director Legal Services	Umbutfo Swaziland Defence Force
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**TONGA**

Mr Sione Finau Sisifa	Solicitor General	Attorney General's Office
Mr Sione Taumoeofolau	Secretary General	Tonga Red Cross Society

**TRINIDAD AND TOBAGO**

Ms Delia Margaret Chatoor	Director, International Relations	Trinidad and Tobago Red Cross Society
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**TUVALU**

Ms Olioliga Iosua	Secretary General	Tuvalu Red Cross Society
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**UGANDA**

Mr Francis Atoke	Solicitor General	Ministry of Justice and Constitutional Affairs
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**UNITED KINGDOM**

BRIG Juliet Kate Bartlett	Director Operational Law (Army)	British Army
Miss Celia Sommerstein	Desk Officer for International Humanitarian Law	Foreign and Commonwealth Office
Mr Michael Meyer	Head of International Law	British Red Cross

**VANUATU**

Ms Monica Croccolo De Gaillande	Vice President	Vanuatu Red Cross Society
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**ZAMBIA**

Ms Sambwa Simbyakula	Senior Counsel	Ministry of Justice
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**OTHER INVITED STATES AND NATIONAL SOCIETIES****COOK ISLANDS**

Ms Zoë Erin Margaret Genet	Crown Counsel	Crown Law Cook Islands
Ms Fine Tu'itupou-Arnold	Secretary General	Cook Islands Red Cross

**NEPAL**

Mr Rajendra Thapa	Under Secretary (Legal)	Ministry of Foreign Affairs
Mr Dev Ratna Dhakhwa	Secretary General	Nepal Red Cross Society

**SWITZERLAND**

HE Nicolas Lang	Commissioner of the 32nd International Conference of the Red Cross and Red Crescent	
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**OBSERVERS****THE COMMONWEALTH SECRETARIAT**

Ms Katalaina Sapolu	Director, Rule of Law Division	The Commonwealth Secretariat
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**ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANISATION**

Mrs Anuradha Bakshi	Principal Legal Officer	Asian-African Legal Consultative Organisation
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**AUSTRALIAN RED CROSS**

Ms Petra Ball	IHL Coordinator – South Australia	Australian Red Cross
Ms Anna Griffin	IHL Coordinator – New South Wales	Australian Red Cross
Ms Jessica Hazelwood	IHL Coordinator – Victoria	Australian Red Cross
Ms Katarzyna Kremzer-Kozłowska	IHL Coordinator – Tasmania	Australian Red Cross
Ms Fauve Kurnadi	IHL Coordinator – Queensland	Australian Red Cross

**OBSERVERS****AUSTRALIAN RED CROSS**

Ms Eve Massingham	IHL Coordinator – Queensland	Australian Red Cross
Mr Heath McCallum	IHL Coordinator – ACT and Emblem Protection Coordinator	Australian Red Cross
Ms Annabel McConnachie	Volunteer IHL researcher	Australian Red Cross
Mr Thomas Neilson	IHL Coordinator – Northern Territory	Australian Red Cross
Mr Richard Rowe	National IHL Committee	Australian Red Cross
Ms Renata Sivacolundhu	IHL Coordinator – Western Australia	Australian Red Cross

#### INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES

Ms Gabrielle Emery	Disaster Law Programme Coordinator	International Federation of Red Cross and Red Crescent Societies
Ms Finau Heuifanga Limuloa	Regional Humanitarian Diplomacy and Disaster Law Programme Delegate	International Federation of Red Cross and Red Crescent Societies
Ms May Rose Maloney	Gender and Diversity Advisor, Asia-Pacific Zone	International Federation of Red Cross and Red Crescent Societies

#### STANDING COMMISSION OF RED CROSS AND RED CRESCENT

Mr Greg Vickery AO	Chairman, Standing Commission of Red Cross & Red Crescent	
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#### HUMANITARIAN ORGANISATIONS

Mr Jonathan Edwards	Advocacy and Public Affairs Manager	MSF Australia
Ms Laurie Howieson		Australian Council for International Development
Mr Marc Purcell	Executive Director	Australian Council for International Development
Mr Mat Tinkler	Director, Policy and Public Affairs	Save the Children

#### UNITED NATIONS

Ms Anna Segall	Legal Adviser and Director, Office of International Standards and Legal Affairs	UNESCO
Mr Thomas Albrecht	Regional Representative	UNHCR

#### INDEPENDENT

Dr Michael John Carrel		
Mr Shane Simpson		Review of the Protection of Movable Cultural Heritage Act 1986

#### UNIVERSITIES

Dr Anthony Cassimatis	Associate Professor	University of Queensland
Dr Emily Crawford	Director, Sydney Centre for International Law	University of Sydney
Dr David King	Director of the Centre for Disaster Studies	James Cook University
Mr David Letts	Co-Director, Centre for Military and Security Law	Australian National University
Dr Rain Liivoja	Senior Lecturer & Branco Weiss Fellow, Melbourne Law School	University of Melbourne
Dr Rob McLaughlin	Co-Director, Centre for Military and Security Law	Australian National University
Dr Hitoshi Nasu	Co-Director, Centre for Military and Security Law	Australian National University
Dr Lara Pratt	Senior Lecturer in Law	University of Notre Dame
Dr Sarah Williams	Associate Professor	University of New South Wales



**INTERNATIONAL COMMITTEE OF THE RED CROSS**

Mr Leonard Blazeby	Head of Mission in Australia	International Committee of the Red Cross
Ms Lydie Cousseau-Mengel	Administrator	International Committee of the Red Cross
Dr Knut Doermann	Head of the ICRC Legal Division and Chief Legal Officer	International Committee of the Red Cross
Dr Helen Durham	Director of International Law and Policy	International Committee of the Red Cross
Ms Netta Goussac	Regional Legal Adviser	International Committee of the Red Cross
Ms Andrea Lunt	Communications Officer	International Committee of the Red Cross
Ms Louise McCosker	Movement Adviser, Health Care in Danger	International Committee of the Red Cross
Mr Charles Sabga	Legal Adviser	International Committee of the Red Cross
Ms Kate Stevens	Online Communications Officer	International Committee of the Red Cross
Ms Sarah Swart	Regional Legal Adviser	International Committee of the Red Cross
Ms Kelisiana Thynne	Regional Legal Adviser	International Committee of the Red Cross
Ms Kirsty Anne Welch	Regional Legal Adviser	International Committee of the Red Cross
Ms Natalya Wells	Policy and Political Affairs Officer	International Committee of the Red Cross

## ANNEX A: OUTCOME STATEMENT

Participants from Commonwealth States and Commonwealth National Red Cross and Red Crescent Societies attending the Fourth Commonwealth Red Cross and Red Crescent Conference on International Humanitarian Law (IHL),

*Meeting* in Canberra, Australia, from 20 to 23 July 2015;

*Acknowledging* that the strength of the Commonwealth lies in our diversity, respect for all States and peoples and in its shared values, principles and concern for groups in vulnerable situations;

*Noting* the important relationship of co-operation and mutual support between the Commonwealth and the International Red Cross and Red Crescent Movement;

*Recalling* the obligations of Commonwealth States to respect and ensure respect for IHL, which include the prevention and repression of IHL violations;

*Recognising* the common legal heritage of Commonwealth States, which provides a strong basis on which to share experience and expertise and to encourage the adoption of effective national laws and best practices;

*Respecting* the importance of the Fundamental Principles of the International Red Cross and Red Crescent Movement in the response of Red Cross and Red Crescent organisations in carrying out their humanitarian mandate;

*Building upon* the achievements made in the First, Second and Third Commonwealth Red Cross and Red Crescent Conferences on IHL, which were held in London (2003), Wellington (2007) and Kuala Lumpur (2011) respectively and of other meetings of Commonwealth States, National Societies and National IHL Committees;

*Conscious* that the Agenda of this Fourth Commonwealth Conference on IHL provided a valuable platform for dialogue on numerous IHL topics of concern to Commonwealth States and National Red Cross and Red Crescent Societies, some of which will also be addressed at the 32nd International Conference of the Red Cross and Red Crescent, which will take place in Geneva, from 8 to 10 December 2015; and

*Expressing* appreciation to the Government of Australia, Australian Red Cross and the International Committee of the Red Cross (ICRC) for co-hosting this Conference and to the British Red Cross and the Commonwealth Secretariat for their support towards the event;

*Agree to:*

1. Continue to promote IHL amongst Commonwealth Governments, National Societies, armed and security forces, civil society and the general public;
2. Encourage Commonwealth States to adopt necessary legislative frameworks which support the prevention and repression of violations of IHL in national jurisdictions;
3. Continue to support the Strengthening Legal Protection for Victims of Armed Conflicts process initiated by Resolution 1 of the 31st International Conference of the Red Cross and Red Crescent;
4. Develop or enhance legal frameworks and/or other mechanisms which support the prevention of and response to sexual violence in armed conflict and sexual and gender based violence in disasters and other emergencies;
5. Establish or enhance legal frameworks and other mechanisms, where necessary, that respect and protect health care in armed conflict and other emergencies;
6. Continue to promote that means and methods of warfare, in particular the use of weapons, must comply with IHL;
7. Encourage Commonwealth States to strengthen the protection of cultural property in armed conflict including, as appropriate, through the ratification of relevant treaties and the development or enhancement of domestic legal frameworks and other mechanisms;
8. Work towards developing or enhancing legal frameworks or other mechanisms as appropriate that facilitate effective disaster risk reduction, preparedness and response;
9. Review the commitments made at the 31st International Conference of the Red Cross and Red Crescent and prepare effectively for and engage fully in the 32nd International Conference, including through considering support for one or more joint Commonwealth States and Commonwealth National Societies pledges;
10. Maintain and extend contacts and co-operation among Conference participants, including the Commonwealth Secretariat, the International Federation of Red Cross and Red Crescent Societies, the ICRC and National Committees on International Humanitarian Law; and
11. Hold a Fifth Commonwealth Red Cross and Red Crescent International Humanitarian Law Conference, in advance of the 33rd International Conference of the Red Cross and Red Crescent, which is likely to be held in 2019, and strive to ensure that all Commonwealth States, National Societies, the ICRC, the International Federation of Red Cross and Red Crescent Societies and the Commonwealth Secretariat actively support and participate in such a Commonwealth event.

Canberra, Australia  
23 July 2015



