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**NEW CHALLENGES IN INTERNATIONAL HUMANITARIAN LAW
CONFERENCE REPORT**

Canadian Red Cross International Services

June 4, 1997 (Ottawa)

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Conference Report

New Challenges in International Humanitarian Law

June 4, 1997

SPONSORED BY:

1. The Canadian Red Cross, International Services
2. The Department of Foreign Affairs and International Trade (Legal and Consular Affairs Branch)
3. University of Ottawa, Civil Law Section, Faculty of Law

LOCATION AND TIME:

The Conference took place in the Cadieux Auditorium of the Lester B. Pearson Building 125 Sussex Drive, Ottawa, Ontario K1A 0G2 from 9 am to 4 pm.

Following the conference, the Department of Foreign Affairs and International Trade hosted a reception. The International Services section of the Canadian Red Cross hosted a dinner at the Château Laurier for speakers and panellists.

OBJECTIVES:

1. Exposing participants to the basic rules and concepts of International Humanitarian Law and the international role of the Red Cross in assisting victims of conflicts.
2. Examining the impact of internal conflicts with respect to International Humanitarian Law and the victims of conflict.
3. Encouraging participants to promote respect for and compliance with the rules of International Humanitarian Law.

AUDIENCE:

1. The conference was expressly designed for the diplomatic community in Canada with the aims of:
 - providing an overview of International Humanitarian Law, and
 - helping them to understand the responsibilities of States.

The goal was to influence the participants to promote respect for International Humanitarian Law in an immediate sense for conflicts now being fought (especially internal conflicts) and in possible future conflicts. Thus when participants who may be in key policy and decision-making positions return to their capital cities, they may exercise influence in favour of respecting International Humanitarian Law. In the future they may face internal conflicts in their own countries or in neighbouring countries and could be in a position to actually save lives through compliance with International Humanitarian Law. The conference organizers would like them to convey to their governments the idea that International Humanitarian Law is a strong humanitarian tool and should be actively supported.

2. A message such as this one - to promote respect for International Humanitarian Law in order to save lives and limit suffering in conflicts - comes from the unified stance of the three co-sponsors and should have a powerful affect on participants.

3. More than 85 representatives attended from the various missions, embassies and high commission in Ottawa or accredited to Canada.

4. In addition, a smaller number of representatives from the Department of Foreign Affairs and International Trade, Canadian International Development Agency, Department of National Defence, Red Cross, University of Ottawa and other institutions have attended. Approximately 45 people from this category attended.

5. More than 130 people attended the conference.

PROGRAM:

The program concentrated on:

- the basics of International Humanitarian Law,
- the role of the Red Cross in conflicts,
- the dangerous phenomenon of internal conflicts in which combatants are not under state control and do not respect the rule of International Humanitarian Law.

The conference brought together the diplomatic community, government representatives, non-governmental organizations and university representatives to examine three related issues in the broader context of International Humanitarian Law:

- a. The primary goal of International Humanitarian Law to limit suffering caused by conflict and to provide protection to vulnerable groups,
- b. The special role of the Red Cross in conflicts,
- c. The crisis in International Humanitarian Law created by internal conflicts (case studies and first-hand perspectives).

The aim of International Humanitarian Law is to limit the suffering caused by war and to guarantee assistance and protection to specific vulnerable groups such as wounded combatants, prisoners of war, civilians, military medical personnel and field personnel of humanitarian organizations.

The international rules of war contained in International Humanitarian Law are primarily based on the Geneva Convention of 1949 and the Additional Protocols of 1977. A total of 188 countries have signed the Geneva Conventions, of which 147 signed the First Protocol and 139 the Second Protocol, making them the most widely adopted treaties in history.

Participants had the opportunity to consider the responsibilities of States under International Humanitarian Law and the changing nature of conflict in the modern world. In this sense, internal conflicts have now become a major cause of humanitarian crises. Combatants in such conflicts often do not follow the rules of war as set out in International Humanitarian Law and as a result much needless suffering occurs. While public attention is drawn to only several of these violent conflicts at any given time, there are scores of such conflicts in the world today. Every state in the world and every international organization is to some degree affected by the growing phenomenon of internal conflicts.

For additional information on the program, please refer to the attached documents.

CONCLUDING REMARKS:

The concluding remarks were presented by Lieutenant-Colonel Kim Carter from the Department of National Defence and Nadia Senyk, Corporate Secretary and General Counsel of the Red Cross.

Problems and reasons for International Humanitarian Law to be observed were well-defined with the following points:

- Education of International Humanitarian Law is essential. However, priority needs to be given to training in times of peace rather than relying on tracking conflicts. Dissemination of International Humanitarian Law should be done as a preventative measure, not only when conflicts arise. This would make it possible to move forward in a more productive way.

- International Humanitarian Law needs to be respected at all times and in all circumstances. However, having the knowledge of the Fundamental Principles of International Humanitarian Law is not enough. It must become integrated into the deepest roots of people's lives. We need to move beyond the text of the law and have it assimilated by societies.

- An improvement in healthy respect and practical cooperation between communities, organizations, and States is required. All parties should be involved. We need to put the human imperative first in order to achieve this.

- Responsibilities of the States will need to be further discussed.

- As Nadia Senyk underlines, it is important for the members of the diplomatic community to be made aware of the need to:

- 1) educate,
- 2) create humanitarian space,
- 3) address its responsibility to Article I.

Many benefits exist for governments to promote International Humanitarian Law such as limiting the suffering, lower costs of reconstruction and rehabilitation after conflicts.

In general, there is no clear, simple solution. We need to work together at all levels and realize that this is just the beginning of a long process. The audience nevertheless demonstrated a commitment on the part of governments to support International Humanitarian Law.

EVALUATION RESULTS:

A total of 31 evaluation forms were received. In general, most people felt that the conference met well their expectations or needs. Many comments are available. Refer to attached quotes.

1. Did the conference meet your expectations or needs?

11- Entirely 17- Well 2 - Partly

FOLLOW-UP:

A. Would you like to have more information on International Humanitarian Law?

Most people felt that a good selection of documents was available. They are interested, nevertheless, in having other documents regarding International Humanitarian Law in the future. The video compilation was successful.

B. If "yes" what type of follow-up support from the Red Cross on these topics would you prefer to have?

Written materials, seminars, presentation, books and workshops are all appreciated.

Audience Quotes

Citations des participants

"Congratulation on a splendid initiative. Education is the key to develop a real sense of International Humanitarian Law."

"Its people covered a wide range of International Humanitarian Law and related subjects."

"My sense is that one of the main objectives and 'worth' of the conference is not necessarily to 'advance the debates' but rather to "educate the audience." This was accomplished on both fronts. My only regret is that the members of the diplomatic community present were not more present as the day went on."

"Quality of presentations was superb. Choice of issues/topics/panels also excellent."

"Nadia Senyk's conclusions were very pertinent as concluding remarks and it is important for the members of the diplomatic community to be made aware of the need to 1) educate, 2) create humanitarian space, 3) address its responsibility to Article I."

"Justice is a male phenomenon. The all-male panels illustrate this. Women panellists would bring a welcome balance. However, it was appropriate and appreciated that the closing remarks were given by two women."

"International Humanitarian Law is only one component of a larger problem of security/safety for aid workers. Somewhere International Humanitarian Law must be married up with the other sub-disciplines re: Professionalization of aid workers, intelligence, academia, media, educators, etc.; dissemination of International Humanitarian Law through multiple sources - aid workers, development workers, business and artistic community, HR, etc.; but it must be all done in a coherent and coordinated manner."

"Problems were well-defined. Recognizing that solutions are very difficult it would have been interesting to have heard a proposal which might have engendered more debate."

"Pour autant qu'on planifie un suivi car des incertitudes de conception, d'approche, de terminologie... demeurent. Après le cadre 'légaliste' avoir plus d'exemples de terrain pour construire des 'mesures de conformité d'exécution' du DIH."

"Could have used a little gender diversity in the resource people."

"L'étude de cas concrets (Rwanda, Palestine, Bosnie-Herzégovine, etc.) aurait permis d'illustrer davantage les exposés."

"La Conférence a entièrement répondu aux attentes concernant les conflits d'ordre interne ou international, mais n'a pas 'pas du tout' parlé de cataclysmes naturels ou les actions faites et prévues ne sont que 'partiellement' satisfaisantes = on aurait dû en parler pour améliorer les choses."

"Good selection of documents available at the Conference."