

International Humanitarian Law

25th Annual Seminar for Diplomats accredited to the United Nations

**New York School of Law, New York
5 – 6 March 2008**

Objectives & outline of presentations

Objectives of the Seminar

The Seminar on International Humanitarian Law (IHL), organized by the International Committee of the Red Cross (ICRC) and New York University School of Law, is designed for diplomats accredited to the United Nations (UN) and aims to familiarize them with IHL and the ICRC, particularly its mandate and role as promoter of IHL and its relations with the UN. The Seminar will also discuss current challenges facing both IHL and humanitarian action for civilians affected by armed conflict. It will take stock of developments in IHL during the last 25 years and assess the contribution of criminal prosecutions and justice to the development of this body of law and to enhancing respect thereof.

2008 will mark the 25th session of the Seminar, which has been organized every year since 1983. To celebrate this anniversary the agenda includes, in addition to different keynote speakers,

- a keynote lecture (the "Ninth Hauser Lecture") by Dr. Jakob Kellenberger, President of the ICRC, on the afternoon of March 5th, 2008;
- a "Presidents' Panel on the contribution of International and National Criminal Courts to the development of IHL" on the morning of 6 March 2008.

The Seminar is intended to be academic and informal, and we invite participants to engage in a genuine discussion and exchange of views over the issues on the agenda. To this end there will be time allowed for questions and answers from the floor.

Humanitarian issues at the United Nations

5 March 2008 – morning session

As in previous years, we will have the pleasure to count on the presence of the UN Legal Counsel, Mr. Nicolas Michel, who will address the participants on issues related to IHL currently under consideration at the UN. The Legal Counsel will also comment on the UN Secretariat's efforts and activities that aim to enhance respect for the rule of law at the national and international level, as well as for IHL.

The Red Cross and Red Crescent Movement and the United Nations

5 March 2008 – morning session

In this section, participants will also be introduced to the International Movement of the Red Cross and Red Crescent and the respective roles and mandate of the ICRC and the International Federation of Red Cross and Red Crescent Societies (IFRC).

The Head, and respectively the Deputy Head, of the Delegations to the UN of the ICRC (Dominique Buff) and of the IFRC (Michael Schultz) will present the various bodies of the International Red Cross and Red Crescent Movement, their respective approaches to humanitarian issues and their relations with the UN.

Fundamental rules of IHL : A general overview

5 March 2008 – afternoon session

In this section, the ICRC Legal Advisers and the ICRC Senior Delegate to the Armed Forces based at the Regional Delegation for the United States and Canada in Washington D.C., will familiarize participants with the purpose of IHL and its basic principles and rules. Presentations will focus on

- the definition of IHL, its position within public international law, the treaty and customary sources of IHL, its scope of application, its compliance mechanisms
- the protections provided by IHL to certain categories of persons, in particular individuals that are not or no longer taking part in hostilities, such as the wounded and sick, captured combatants and other persons finding themselves in the power of an enemy party and medical and religious personnel; the protections provided to certain objects, such as civilian property, medical facilities or cultural heritage and property
- the basic principles and fundamental rules governing the conduct of hostilities, including the restrictions on means and methods of warfare

The Ninth Hauser Lecture

5 March 2008 – late afternoon (5.30p.m.)

This year's Seminar agenda includes the "Ninth Hauser Lecture" that will be held at the Vanderbilt Hall, Tishman Auditorium of NYU School of Law.

The lecture will be delivered by the President of the ICRC, Dr. Jakob Kellenberger, who will speak about current challenges faced by the ICRC and IHL.

"Enhancing respect for IHL through justice: the contribution of international and national criminal courts to the development of IHL"

6 March 2008 - morning session

No legal system can function effectively without criminal sanctions. Punishment and accountability are therefore also necessary elements of IHL. These topics will be addressed in the frame of a "Presidents' Panel" with participation of the respective Presidents of the International Criminal Court (ICC), the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the Special Court for Sierra Leone (SCSL), as well as the President of the Bosnia and Herzegovina State Court.

The speakers will discuss the contributions of criminal courts to the development and respect of IHL. The Hon. Ted Meron, judge at the ICTY, will moderate the panel.

The International Humanitarian Fact-Finding Commission
6 March 2008 – early afternoon

The 1949 Geneva Conventions, as supplemented by the additional Protocols of 1977, provide for various mechanisms for ensuring the respect for, and faithful implementation of, the provisions they contain. The International Humanitarian Fact-Finding Commission (IHFFC) provided for in article 90 of Additional Protocol I of 1977 constitutes such a mechanism. The idea behind its creation is that ascertaining controversial facts where there are mutual allegations and denials of violations constitutes a useful, even necessary tool for re-establishing respect for IHL. The IHFFC was officially established in 1991 as a permanent international body. It is composed of fifteen individuals serving in their personal capacity and elected by the States that have recognised its competence.

The President of the IHFFC, Professor Michael Bothe, will present the main purpose and role of this specific body, as well as its trigger mechanisms.

1983 – 2008: The transformation of IHL since 1983
6 March 2008 – afternoon

As the promoter of the annual Seminar on IHL that has been organized by the ICRC and NYU School of Law every year since 1983, the Hon. Ted Meron, judge at the ICTY, will recall how this event came into being. He will also take stock of developments that have occurred in IHL over the past 25 years, including the development of treaty law, State practice and jurisprudence.

Current Challenges Facing IHL
6 March 2008 – afternoon

A keynote address, entitled "Current Challenges Facing IHL", will be given by the ICRC Director for International Law and Cooperation within the Movement, Dr. Philip Spoerri.

Some of the issues to be tackled in this section will include: the adequacy of IHL in an environment where the nature of armed conflicts is changing and the distinction between civilians and combatants is increasingly blurred, enforcement of IHL where viable enforcement mechanisms are lacking, the absence of political will to abide by IHL, States' role as guarantors of IHL, and terrorism and IHL.

The speaker will also inform on the outcome of the 30th International Conference of the Red Cross and Red Crescent that was held in Geneva, in November 2007.

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