

THEMATIC WORKSHOP ON EFFECTIVE IMPLEMENTATION OF IHL: CHALLENGES AND OPPORTUNITIES AT NATIONAL AND INTERNATIONAL LEVELS

Geneva, Switzerland
2-3 May 2019

AGENDA*

Lack of compliance remains a profound challenge for IHL. While the focus is often on responses to violations, not least through criminal proceedings, prevention of violations in the first place is essential. Using a holistic approach, this workshop takes stock of implementation mechanisms and processes and how they work in practice.

Along with a critical exploration of relevant challenges, this workshop aims to uncover opportunities to use and further strengthen existing mechanisms, as part of protection of civilians efforts. It is designed to look at both IHL-specific mechanisms and other means of implementation, before hostilities break out as well as during armed conflict. In doing so, the workshop will look at how a stronger focus on prevention is complementary to pursuing more effective responses to violations.

Sessions will cover topics such as training of armed forces, the use of domestic judicial proceedings (both criminal and civil), and human rights protection mechanisms, as well as innovative approaches to induce compliance by armed groups. Covering local and national approaches as well as international mechanisms and strategies, participants will explore possibilities for humanitarian actors and others to engage and contribute to a better respect of rules during armed conflict.

THURSDAY, 2 MAY

8:30 – 9:00	Welcome coffee and registration
9:00 – 9:30	Welcome, introduction, and overview
9:30 – 10:15	The various dimensions of implementation: Beyond sanctions <ul style="list-style-type: none">– Implementation broader than compliance and includes prevention, control, repression– Implementation in peace time and in times of war– From State level to individual soldier– Solutions to improve implementation require considering all facets
10:15 – 11:00	Inherent challenges to the implementation of IHL <ul style="list-style-type: none">– Challenges related to the situation of armed conflict– Lack of use of IHL specific mechanisms / ICRC-Swiss initiative– Challenges specific to IHL norms applicable in NIAC
11:00 – 11:15	Coffee break
11:15 – 12:30	Contemporary challenges <ul style="list-style-type: none">– Asymmetric warfare– Challenges related to engaging with NSAG and State's domestic legislation in NIACs
12:30 – 13:30	Lunch
13:30 – 14:15	Prevention through training and other measures in peace time

* Provisional agenda as of 21 February 2019; subject to modification.

14:15 – 15:00	Engaging with armed groups to improve compliance with IHL
15:00 – 15:15	Coffee break
15:15 – 15:45	Better implementation through the obligation of States to investigate <ul style="list-style-type: none">– Legal basis to investigate under IHL– Standards and conditions of the investigation– Findings and measures adopted
15:45 – 17:15	Exercise on identifying ways to improve implementation: The case of the MSF Kunduz hospital <ul style="list-style-type: none">– Violations of IHL vs mistakes and errors– Measures taken before (MSF hospital coordinates shared with US, no strike list)– Investigation identifying failures– Measures taken
17:15 – 17:30	Wrap-up/Q&A

FRIDAY, 3 MAY

8:30 – 9:00	Welcome coffee
9:00 – 9:30	Review of previous day
9:30 – 10:30	The use of domestic courts and other mechanisms to address IHL violations <ul style="list-style-type: none">– Criminal/civil proceedings– Universal jurisdiction– Administrative and disciplinary measures
10:30 – 10:45	Coffee break
10:45 – 11:45	International criminal prosecutions of war crimes: Opportunities and limits
11:45 – 12:30	The use of IHRL mechanisms
12:30 – 13:30	Lunch
13:30 – 14:45	Implementation through humanitarian policy and advocacy: The role of humanitarian actors to strengthen PoC
14:45 – 15:00	Coffee break
15:00 – 17:00	Case study
17:00 – 17:30	Final wrap-up and Q&A