

Please stand by.

Please stand by.

>>Hi, everyone joining!

We are just going to be starting in one or two minutes.

Welcome, everyone!

We are going to get started in about one minute.

For those of you that are just looking at enjoining us,
my name is Karyn.

I am part of the International Humanitarian Law team at
the Canadian Red Cross.

Just before we get started, I would like to note that
today's event will have simultaneous English and French
translation as well as close captioning.

I'm going to invite my colleague, Fatima, To just
explain in French how to switch to French
interpretation.

Hello, everyone. My name is Fatima. I'm the Canadian
coordinator of the Red Cross, and I'm going to explain
to you how to use the interpretation feature.

In order to listen to French, please click on the globe
icon at the bottom of the menu bar, and you can choose
either English or French.

Now, I also want to note that we have close captioning,
so please note the links that I am posting in the chat
right now.

To follow along with close captioning, choose your
preferred language and you will be able to see the
close captioning live.

Now, everyone, thank you so much. Welcome all.

My name is Karyn.

I'm with the Canadian Red Cross. I will ask Fatima to
stopsharing now. But if you have questions about how to

have the interpretation in French, let us know in the chat.

I to provide welcoming remarks.

>> Good afternoon, good morning, wherever you are.

It is an absolute pleasure to welcome you to our International Humanitarian Law conference, hosted in partnership with the University of Saskatchewan, Department of political studies in the College of Law.

This conference is held annually.

It's an opportunity to engage the public in Saskatchewan beyond our important humanitarian issues.

As we gather here today, I want to acknowledge that the University of Saskatchewan sits on Treaty Six Territory and as the homeland of the Métis people.

We give our respect to the first nation and Métis ancestors of this land, and we affirm our relationship with As for myself, I bring greetings to you all from Regina, Saskatchewan, which sits on treaty for territory.

including the Canadian Red Cross is disseminating information about this. We hope that you will come away today with a deeper understanding of IHL and its importance in protecting victims of armed conflict, including children and generations to come.

Armed conflict has long-term consequences that can persist for generations.

For instance, the destruction of schools can deprive children of a certain age cohort of education for years. Methods of war and destroy the environment, leaving toxic remnants that harm communities and their unborn children.

A recent ICRC report found that out of the 20 most

vulnerable countries To climate change, most of them are at war. While we do not have all the answers, we know that it is important to ensure protections are in place to reduce suffering, including ensuring compliance with IHL. I really look forward to discussing issues with you today.

We are a proud partner With the University of Saskatchewan.

We are proud to deliver this event to our community. I would like to thank everyone who has played a part in organizing this event, including Dr. Kirsten Fisher, who is our faculty rep for this conference.

I would also like to thank all speakers and panelists for sharing your expertise and thoughts.

Finally, I would like to thank you, the audience, for joining us to share in conversation about this topic.

Looking forward to it.

>> Thank you so much.

Now, I would like to pass the floor over to today's moderator, but before I do this, I would like to draw your attention to the question and answer box located at the bottom menu bar of your screen.

You can ask questions at any time during the webinar.

However, we will hold questions until after the presentations, during the designated Q and A. Could any questions for panelists or speakers into the Q and a box.

You will also notice a chat function. Feel free to use the chat.

If you experience any technical issues or would like to share any comments. If you do share technical issue in the chat, we will try our best to solve the problem as

soon as we can.

So I want to thank everyone for joining us and pass the floor over to today's moderator, Dr. Kirsten Fisher.

Dr. Fisher is an assistant professor in political studies at the University of Saskatchewan. She works across disciplines and subfields and works on issues of global governance, human rights, international criminal law, politics and the International Criminal Ct., Justice and post-conflict social reconstruction. Dr. Fisher, thank you so much for moderating our event today. I pass the virtual floor over to you.

>> Thank you very much.

Welcome to everybody as well.

Thank you very much for joining us today.

As Luc suggested, we have an interesting day lined up.

I'm looking forward to it myself.

I want to extend a welcome to our participants, the audience members on behalf of the University of Saskatchewan. This is cohosted with the Canadian Red Cross, the Department of political studies at the University of Saskatchewan as well as the faculty of Law.

We are pleased to be able to partner with Red Cross yet again this year for an annual event that we put on together.

Each year, we pick a different topic that we think will be of interest. Two people in the area of International Humanitarian Law.

I think we picked a really interesting one this year with the concern for future generations. I also want to thank Luc for doing the acknowledgement. I will reiterate that.

I think at this point, I will introduce Sophie Rondeau, who will introduce the work of the Canadian Red Cross, the Red Cross internationally, and international humanitarian law in general.

Dr. Sophie Rondeau is the current senior legal advisor, International Humanitarian Law, at the Canadian Red Cross.

She is a lawyer with the Québec bar and the OQCA.

I won't attempt to mangle that. She is an associate there. She will the legal doctorate from the University of Laval.

Over the years, she has worked in the field of International Humanitarian Law, international justice and human rights in institutions such as rights and democracy, the Canadian Red Cross, the Jean-Pictet Competition and the ICTY. she is also a lecturer at the University of Sherbrooke.

So thank you very much, Sophie, for joining us today.

>> Thank you very much, Dr. Fisher. Thank you everybody for attending the seminar. This is a privilege to be able to talk to you around the issue of IHL.

I want to thank Luc for being part of this event and your opening remarks.

As a national society, it's always a pleasure to discuss IHL.

I want to take a few seconds to a knowledge that I'm speaking to you from Montréal.

It is located on Indigenous land and it is a Mohawk nation that is recognized as the custodian of those lands and waters on which I live. Montréal is historically known as a gathering place for many first Nations. Today, it is home to a diverse population, and

I do want to show my respect for the continued connection with the past, with the present but also with the future of our ongoing relationship with Indigenous people and also other people in the Montréal community that I have the chance to call my home.

In the next 25 minutes, I will give you an overview of the body of law which I call IHL. If I do a good job, you will have many questions because that is just a teaser.

I'm giving you points of reference that we can have a discussion with our excellent panelists that you will have after the break.

I will be happy to address those questions.

Keep in mind, this is the start of a dialogue, this is a way to engage with IHL and open up those questions around the specific body of law that applies in armed conflict.

If you are like me, we learn by reading, by listening, and sometimes by interacting.

I want to start by sharing with you a short video that was made by the International Committee of the Red Cross.

It is five minutes long and it covers the same subject that I will be addressing in a PowerPoint presentation afterward.

So without further ado, you can share the screen and share the video, if you are ready.

It is called Rules of War.

> Since the beginning, humans have resorted to violence as a way to settle disagreements.

Yet, through the ages, people from around the world have tried to limit the brutality of war.

It was this humanitarian spirit that led to the first Geneva Convention of 1864 and to the birth of modern International Humanitarian Law.

setting the basic limits on how wars can be fought, they protect those not fighting as well as those no longer able to.

To do this, a distinction must be made between who or what may be attacked and who or what must be spared or protected.

Most important, civilians can never be targeted.

To do so is a war crime.

>> When they drove into our village, they shouted that they were going to kill everyone.

I was so scared.

I ran to hide in the bush.

I heard my mother screaming. I thought I would never see her again.

>> Every possible care must be taken to avoid harming civilians or destroying things essential for their survival.

They have a right to receive the help they need.

[dripping water]

> The conditions prisoners lived in never used to bother me.

People like him were the reason my brother was dead.

He was the enemy and was nothing to me.

But then I realize that behind bars, he was no longer a threat to me or my family.

>> The laws of war prohibit torture and other ill-treatment of detainees, whatever their past.

They must be given food and water and allowed to communicate with loved ones.

This preserves their dignity and keeps them alive.

[bird chirping]

[machine beeping]

medical workers save lives, sometimes in the most dangerous conditions.

>> Fighters from both sides were wounded in a deadly battle. We were taking them to the nearest hospital.

At the checkpoint, a soldier threatened us to treat his men only.

We were running out of time and I was afraid that now all of them were going to die.

> Medical workers must always be allowed to do their job and the Red Cross or red Crescent must not be attacked. The sick or wounded to have a right to be cared for, regardless of whose side they are on.

Advances in weapons technology have meant that the rules of war have also had to adapt.

Because some weapons and methods of warfare don't distinguish between fighters and civilians, limits on the use have been agreed.

In the future, wars may be fought with fully autonomous robots.

But will such robots ever have the ability to distinguish between a military target and someone who must never be attacked?

No matter how sophisticated weapons become, it is essential that they are in line with the rules of war.

International Humanitarian Law is all about making choices that preserve a minimum of human dignity in times of war and make sure that living together again as possible once the last bullet has been shot.

>> Thank you very much to have shared this video.

Now we can unpack this a little.

It contains everything around IHL. IHL is simple in its formulation, very complex and its application.

We can make a five-minute video out of it, or we can make a career out of 20, 30, 40 years of applying it in the field, doing research in academic settings and doing the dissemination that we do with international society.

You can start sharing the PowerPoint and I will walk you through some of the notions that we saw. Then we can move on to the question period, if you have any.

You can move directly to the second slide.

IHL from the video and the comments that we made, what is it? It is the body of international law that applies in situations of armed conflict.

It's part of public international law, meaning that it's law that's developed by the state, they are the party that have the obligation and duties and rights under the body of international law.

Those rules will be applied to individuals, but it's really the state that makes up the rules. International law has a special place in international public law, first because it tackles the most violent situations that you can find in society.

It also applies to state but also nonstate actors.

We will unpack that later. But in terms of international armed conflict, parties are not distinct so that law applies to it.

But all the other bodies of law we find, human rights, refugee law, environmental law, they interact. That is the big picture.

Some notions will apply.

I will come back to this, torture, ill-treatment, determination, in times of war and peace, it never is okay or legal.

You don't need to be a lawyer to know that.

We deal with the intricacies of the application of the body of law, But basic human rights are always protected.

What we will look at during this event is the law that specifically applies to armed conflict, but most of the rules that we look at apply generally.

We can move on to the next slide.

I did mention to you that IHL was simple in its formulation and complex in its application. Another definition, my definition, IHL is about finding the right balance between humanitarian considerations, protecting life, but also finding a good balance with military necessity.

It applies in a situation where there is already an armed conflict, a situation of violence, and a notion of military necessity needs to be taken into account.

If we don't do that, then it is going to be irrelevant for the actors in the field.

It's not going to be able to say, we don't want any civilian casualties.

We don't want any violence.

You will see that something we deal with in the UN charter, but once we have a breach of that international peace, we need to have rules that protect the people that are caught between fire that also protects the people that are combatants.

In other words, there are limits that can be imposed in the waging of war, And there is a humane way to do it.

Next slide.

Let's dig a little bit deeper.

I'm starting off with very legalistic. Already with the Latin maxims.

These are the only two I am going to use.

You will have to forgive me.

Jus ad bellum versus jus in bello.

Lawyers are not great technicians so sometimes the slides have not been created perfectly.

Jus ad bellum means the right to prohibition of going to war.

Wars prohibited in itself.

The UN charter said you can't declare war.

But there are exceptions. If you have siblings or kids, you know that in a fight, it's really hard to pinpoint who started the fight, who infringe the right of going to war.

You do have a right to self defence but it is hard to identify who attacked first and who is doing self defence.

You can also engage in armed conflict if it's authorized by the Security Council, or if it's a threat to international peace.

But one thing for sure is when you have a IHL that applies, one of the parties did infringe on international law.

It broke the treaty that is the UN charter.

That's jus ad bellum. Once you have in armed conflict, the whole of IHL would be called jus in bello, the law that applies inside the armed conflict.

It applies to all parties. We don't distinguish between them.

Why?

It's essential to preserve humanity within that context.

We need to have basic rules that protect the population and protect the combatants. That's why we have two separate bodies.

Is it a just war? That's important but it's dealt with in jus ad bellum.

Jus in bello is more for urgent context of predicting human life in dire conditions.

That's why say that IHL is a pessimistic body of law but also realistic.

That's the way that it can work in the field and you can actually protect human life is to have that balance that I mentioned in the earlier slides between military necessity and humanitarian consideration.

We can move on to the next slide.

What are the sources of IHL? If you took your first class in IHL, you are familiar with article 38 of the statute of the International Court of Justice.

All international rules of law come from treaties, customary law and general principle of international law.

We IHL lawyers love the Geneva Convention.

We always have a copy with us.

That's the main body of law that we have.

The Geneva Convention, I'll give you the details later, but there are four.

They were adopted in 1949 and they have the advantage of being universally ratified. There is 197 states that are party to the Geneva Convention, the exact same number of state parties in the United Nations.

We do have that tool that all of the international community came together and adopted rules of law that needed to apply in times of armed conflict.

The reason why? 1949, we were right after the second world war.

The momentum for the international community to come together and actually address the atrocities that had been committed on an international scale was there, so we managed to have the Geneva Convention.

I want to point to you that that body of law has been integrated into Canadian law.

It has an impact within Canada.

We have a Geneva Convention act. We also have an act allowing us, and the Canadian Red Cross act, and there is also crimes against humanity and war crimes act, these are recent publications, especially crimes against humanity.

I'll come back to this when we talk about implementation.

Next slide, please.

The Geneva Convention, 1949.

We have four Geneva Conventions.

First, maybe you noticed in the video, it started out in the battlefield. The first idea behind the Red Cross movement and the Geneva Convention was to ameliorate the conditions of the wounded and the sick, the combatants that were in the field or at sea, how we can deal with reducing their suffering after the combat has happened.

That is Geneva one. Geneva two is for his sake at field and at sea.

We have the third convention that applies to prisoners

of war.

We remind ourselves that it's 1949 to the treatment of civilians in camps was a dire situation, but also the treatment of prisoners of war, combatants detained by the opposing party were mistreated, so really lengthy convention has been drafted for the treatment of prisoners of war.

The fourth Geneva Convention talks about protection of civilian persons in times of war.

That whole aspect is covered by the four Geneva Conventions. It's a big success.

These four conventions apply to all the states in the world.

The bad news is that they only apply to international armed conflict.

Those are the type of conflict where one state fights against another state. We are well aware that currently about 90% of conflicts are not international conflicts.

There you have a states and nonstate armed groups.

The four Geneva Conventions do not apply to non-international armed conflict except for one article.

One article to which we are attached. Common article 3.

It's in the fourth Geneva Convention.

It's a mini convention that states the general rules that should be respected in non-international armed conflict. We can move on to the next slide now.

So in 1977, there were two additional protocols that were adopted to flesh out the rules in the Geneva Convention. I refer you to the dates.

1949, post-world war, and 1977. What happened?

The Vietnam War, the decolonization efforts, the war of

liberation.

The international community said that they needed to address those new realities and actually bring forward new rules that would complement what we currently have in the Geneva Convention, so that gave us protocol 1 which is rules that protect the victim in international armed conflict and addresses the situation of war of liberation in other areas.

We also have protocol to, which addresses the protection of victims in those non-international armed conflicts that I mentioned, which are the ones that are more prevalent these days, since the end of the 20th century.

We have 1/3 additional protocol which is more specific for the Red Cross movement, An additional emblem was adopted in 2005.

We already have the cross, the Crescent.

Although there is no religious connotation to use of the emblem, it was problematic in some areas.

Efforts were put forward to put forward something neutral. What is more neutral than a square?

The crystal was born and that is the additional emblem that we have. So coming back to those two additional protocols, there's good news and bad news. They are not universally ratified.

They are only ratified by two thirds of the states, a big success, but many states were did not ratify this document.

But we do have a very solid body of law with those Geneva Conventions and with the additional protocols.

We can move on to the next slide.

So one is there an armed conflict? I'm giving you a

lecture.

Let's look at the Tadic case. It's the founding case.

It's not law per se but it is a really useful reference.

In armed conflict will exist when there is a resort to armed forces between states or protracted armed violence between government authorities and organized armed groups or between such groups within a state.

That is a basic element.

I will show you in the next slides also another way of engaging, of seeing what is in armed conflict. One main thing is international, crossing of the border, mobilization of national armies.

It's pretty straightforward.

When it's not the state, it's harder to tackle.

Always keeping in mind that in all those situations, basic human rights are always protected.

We have a little animation.

That's the visual that I want to share.

Will click again and we will have non-international conflicts appearing.

The first one is international, crossing the border.

The second is not international. Within one state, you have different parties waging war.

That's why you see that the line is dotted.

And then there are other situations of violence not regulated by IHL. But human rights apply.

If we move on to the next slide, we have the best example of simple in its application, complex in its formulation.

You have non-international armed conflict with the state against the nonstate group. You don't have to

understand the slide completely, but maybe one example I can give is the current situation in Syria where this was happening.

Different groups fighting in different areas, the northern area of Syria is not the same as when you go into the centre of the country and so on.

You do have the qualifications and when you apply them that is where the fun part kicks in for us IHL lawyers.

You can move on to the next slide.

A quick recap.

A situation of violence other than an armed conflict, at all times will have international human rights law and also national law will always apply.

When engaging in international conflict you will have the UN charter and when you are in an armed conflict, the IHL will be in full application.

We can move on to the next slide please.

A quick overview, I know I'm limited on time so I will go a little bit faster on this slide so that we do not overlap with the fantastic panel that we have. Maybe a few minutes on your break, but I will try not to do that too much. In IHL you have two bodies of law.

You have Geneva law that you recognize and then you have state law.

Geneva laws are the laws that protect person and the rules that regulate the use of force or the conduct of hostilities is what we call Haight law.

Who are the persons who can afford protections?

Will this protection for civilians including men, women, and children and there's a specific prohibition of recruitment and use of children in armed conflict.

So, child soldiers, but it also encompasses active

participation that is beyond that.

The wounded and sick combatants are protected, medical and religious personnel are also protected, and those people were deprived of their liberty.

So POWs in international armed conflict are protected, we can also protect people in international armed conflict, and that is a whole nice technical question that we have in IHL. But, for the understanding that we have today all people that are deprived of their liberty, so detained because because we no longer want him to fight in armed conflict or detained for the security, there's a whole body of law that applies in the situations.

Next slide, please.

Protection of impartial humanitarian action, that is a whole file. That is the movement of the Red Cross.

I tried to something that was a little bit more contemporary and that was in the news. So you have the excerpts from the Security Council resolution 2615 that was adopted in 2021 and it actually adapted the safe and humanitarian access for the UN and for other humanitarian actors.

That is one thing, we need to reach those populations and that is one thing that we can go into. The Canadian Red Cross is involved in Afghanistan as well as the RSC and the situation is dire and the humanitarian needs are high and it was important that the Council listed those sanctions to allow partial humanitarian action.

You can understand that in the current context is more easily said than done, but we need to do it.

That is why we are doing humanitarian aid. It is not always easy, but in this context I wanted to mention to

you that a very recent resolution that captures once again the importance of impartial humanitarian action.

Next slide, please.

Yes, these are my last slides for now.

The limitations of means and methods of warfare.

So, in war there are limits.

Article 22 of the convention, if you remember was means and methods, that is where you find it. It now has a customer value and if you want to dig into customary law, we can do that in the question.

. Although, I think I would need 45 to 50 hours to walk you through this, but I be more than happy to give it a try if you want.

The right of belligerents to adopt means of injuring the enemy is not limited.

So, what are the rules that apply?

I will walk you quickly through those in the next slide.

We can move on to the next one.

One of the rules, you need to distinguish yourself your combatant otherwise you will be able to distinguish between a civilian and a combatant.

So, the uniform and openly bearing arms, not trying to fool the enemy.

The principle of distinction is key in international humanitarian law.

Next slide, please.

Proportionality, he looks up with the definition that I mentioned. You can expect incidental civilian damage.

That is the pessimist and realistic aspect of IHL. You can never directly target citizens but it is possible that they have collateral damage. But, if you do that

you need that every time you conduct an attack, it needs to take into account proportionality. So, the anticipated baggage needs to be balanced with the incidental civilian damage. Next slide, please.

You need to take all the precautionary measures that are needed and you need to make sure that the civilian population evacuate the premises. You need to make sure that if you conduct an attack, you might do and night instead of day to really limit the damages that are being imposed by the attack.

Next slide.

We do want to mention that there is a whole body, it is the prohibition of the use of sexual violence and it is protected in IHL, protected in international law generally.

But in this case we do some specific sections on that.

Next slide.

What happens in cases of breaches of IHL? If the whole body of law.

What do we do when there are violations of IHL?

There are many answers that I can give you.

We have the breaches within the Geneva Convention and the additional protocol. There's also whole body of law that is international criminal law.

Maybe you know of the International criminal Court. It does look at violations of IHL and other violations.

You have national criminal law that comes into play.

All of those areas actually can tackle the question of state responsibility and also individual responsibility that you find in the ICC with his predecessor and with the ad hoc tribunals that we have.

These are all bodies of law that asked to respond to

violations that happened before.

But also, we need to ensure compliance and that is the subject of my next slide.

How do we ensure compliance?

What we're doing right now is part of the prevention.

It is part of the training and part of the education.

Were doing in academia but were all sitting with Armed Forces, with state groups, there is international relations. IHL is legal but it is also highly political and we need to address that as well.

We do some compliance mechanisms integrated in the IHL.

There is criminal justice as I mentioned anymore within the ICC, and international criminal court, they do for reparations mechanism, so civil rights reparations and you have the actions of nongovernmental organizations, civil society and that is you being a part of this conference.

And also, the media.

I know I took a little bit more time, seek and move onto the next slide. All of those components come together for our panelists to talk about.

In the IHL and also the development of weapons and how that that sin into those future generations.

And also the involvement of youth that is part of the society that has been affected by armed conflicts.

Whole evolution of IHL only makes sense when you applied today in our current context and we keep onto the same ideals that have been passed on for millennial's way beyond the Geneva Convention. The habit that should translate today?

I'm very much looking forward to hearing our panelists.

But before, I be more than happy to answer a few

questions for the next eight minutes that we have on that.

I leave the floor to Dr. Fisher.

>> Thank you so much Dr.

Rondeau.

We do some questions in the Q&A section, we can go to all of them but I will read out the first one.

One is very topical.

It is drawn directly from the news.

Yesterday, the US troops attacked a house in the northern part of Syria. They said that the new Leader of Isis was there.

During the operation, Dick's children were killed and according to international humanitarian law, can we say that the US troops committed a war crime?

>> Thank you very much for this question. I saw on the news reading through but I didn't see the analysis and the comments that I making to you are not necessarily the analysis of the Red Cross, but I do want to address it.

That is IHL in action.

Targeting a Leader in itself may or may not be an act that is legal under IHL.

Of course will not conduct a lengthy case study here, but I will give you points and reflection.

You can attack a combatant.

If that Leader, let's say we have a similar situation with Osama bin Laden or even all of the leaders.

If they are considered combatants, they can be the object of an attack.

First, that to be a legal attack under the body of IHL and having collateral damage and then being civilian is

something that could be possible if you respect the precautions, the proportionality and all of these distinctions.

It is really an analysis that is happening in all of these cases. Of course, I haven't looked at the attacked right now so I can qualify it.

That being said, it could qualify as a war crime if all of the precautionary measures were not taken, if there was an attack directly targeting the civilians.

It is something that is possible. Usually, probably, the US troops to conduct an analysis, that you had officers taking care of that aspect.

You can see the problem that we have is how that data is collected.

Waging war is all about opaque city, strategic consideration, and that is why we need strenuous mechanisms of prevention.

This is not just out of good heart, send we need to do training.

It is when the action is actually happening, it is hard afterwards to actually evaluate that.

We can conduct analysis of the aspects we have and to answer our participants, it might be possible that it is considered a war crime, but it is impossible to say that right off just with a few bits of information.

War is complicated, human life is important, so all these aspects that need to be taken into consideration require a very lengthy analysis.

It could be this case that when you have civilian casualties that it is not always constitute a violation of IHL, although it could very well.

That is why we need to educate ourselves and keep in

the loop.

I will stop it there.

>> Another question is that how you know when it is in armed conflict versus a situation of violence?

>> Excellent question.

Usually you know it once the situation of armed conflict is happening.

Usually, in a situation of internal violence it will happen before in armed conflicts.

You can have terrorists, so a terrorist attack in itself does not constitute an armed conflict.

But, it may very well lead up to in armed conflict.

The first question, the easy one, is that when an international Army is mobilized it is clear it is in armed conflict.

Usually these days it is nonstate armed group.

And like you look at the state of command and the type of impacts, that is my own analysis and from my researcher perspective.

When you have something that is a bit more systematic, when you something that is organized and repeated, when you have targeted or air is being mapped, then you see that that is the threshold or in armed conflict and has been reached.

That being said, it is also a technical question.

As I said, if the basic rules of you do not attack civilians, you protect children, you do not use rape as a weapon of war, that applies in situations of internal disturbance and the situations of armed conflict.

There is no gap or no moment where that is okay.

As long as those rules are respected, then would be way better off and I might have to work part time and find

another job. We would not have much to do in IHL!

Those are more technical aspects.

Also, that being said, usually there is international committee of the Red Cross which is active in humanitarian aid in armed conflict, they are there before.

So you can see the situation kind of evolving and we have many situations, as it will have in the front of our mind the Ukraine, it is not currently in armed conflict in Ukraine.

But we can see that happening in the future.

We need to monitor and see what is happening.

It is not one incident, it is looking at the whole thing.

But definitely the chain of command and the systematic attacks happening and also mobilization of national armies of course are a good indicator of that.

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) are less armed than the authorities in the country?

>> That is exactly the kind of question that is complicated in its application.

That is asymmetric warfare which is something we've seen in the 20th century and leading up where both parties don't have the same arsenal and so they might not have the same capacity.

A very quick question, I'm not trying to escape it.

IHL applies equally to both parties for that exact same reason.

You always need to protect the life of the civilian and the combatants in the same way even if that means that

you have are not the same.

So the way that you're conducting the attacks.

It will make it more complicated in the application,
but the rules remain the same for that reason.

Whatever the arsenal that is being used is unequal.

That being said, I know that is not a satisfactory
answer to that very complex question.

What I can offer is that I know there's a break and I
will be there to attend the panel afterwards and I can
be there for the question.

If needed.

I will try to look into may be some resources and I can
share them with the group.

As I said, this is the start of an ongoing discussion
that we will have in IHL, so more than happy to
accompany you in that.

>> Thank you very much.

As you said, there's a question-and-answer and if we
can get all the questions, maybe we can get to some of
these as well.

At this point, we will move to our break.

We will go on to our break at this point and we will
reconvene at 12 noon Saskatoon time which is in 13
minutes.

Go get a coffee and stretch your legs.

Then settle back down for really interesting panel
after the break.

Thank you.

Hi everyone, we're going to get started in a couple of
minutes. We are currently on break and will begin the
panel discussion right at 12 PM Saskatchewan local
time.

For those of you joining us, there are instructions live available on your screen now to join in listening to the French live interpretation.

Just follow the directions live on your screen and we also have closed captioning and you're able to follow along in English or French.

I'm going to post these links in the chat.

Please click on the link that I will be posting the chat.

I like to welcome you all to the international human law conference.

For those of you are just joining us, our conference topic for this year is armed conflict and the protection of future generations.

I'm Kirsten Fisher and I'm in the faculty political studies men went to moderate this panel that is happening.

I'm pleased to be able at this moment to introduce our speakers today.

These individuals were doing really incredible work in the area of international humanitarian law and who can speak to us today about some of the ways in which their activities are working to protect future generations from the scourges of war. Our first speaker is Nidhi Kapur and she speaks about a sector of people particularly vulnerable in armed conflicts and that his children.

Children are our future generations and they need protection from the violence and the atrocities of war.

And if we're going to have healthy future generations and ones were sensitive to and aware of humanitarian values, then we need to commit to a focus on these

vulnerable populations.

Ms.

Kapur is an inclusion specialist whose work for a number of international organizations including the British Red Cross, save the children, were child UK and right to play in countries such as Liberia, South Sudan, the Democratic Republic of Congo as well as Israel and the occupied Palestinian territories.

She is also the author of the 2019 save the children report entitled gender, age, and conflict, addressing the different needs of children.

Her more complete bio as well as the more complete bios of each of our panels today can be found on the Canadian Red Cross website.

I would encourage you to go and read those, these are incredible people that we have speaking for us today.

Our next speaker is Jonathan Horowitz, he is the legal advisor for the international committee of the Red Cross is currently based in the US we focus on the kind of done facilities and support relationships.

He has managed teams of investigators that have investigated human rights and internationally even more investigation in France, Sudan and for non-governmental organizations and defence teams. In his talk today, Mr. Horowitz will look at the impact of technological developments and how future generations will be affected by them.

In terms of protections granted to civilians as well as from a combatants perspective, as new means and methods of warfare are being developed and used in the battlefield.

It is sometimes a far cry from what existed at the time

of the Geneva conventions and when they're being drafted.

He will demonstrate the international humanitarian law as it currently stands provides solid and legally some basis to regulate new weapons technologies.

To conclude our panel today and to open the door on a practical and right now perspective of international humanitarian law, we have Nourhan Moustafa and will present to us a view of human law that is active today in 2022 from the perspective of the members of society involved in armed conflict.

She will tell the story of how international humanitarian law is perceived and integrated in the lives of younger generations, the teenagers and the young adults living in a country or territory or region affected by armed conflict.

Ms.

Moustafa is a Dir. of international military and law unit at MAAT which is the development for human rights in Egypt, she is of element for the International criminal Court to enhance the capacity of people to understand international mechanisms and the institution of the statute in the Middle East. It is my great pleasure to welcome all three of these individuals today. I'm looking forward to learning a lot from each of them.

I will not turn over the stage to our first panelist,

Ms.

Nidhi Kapur.

>> Thank you so much and a big hello to everyone here.

Thank you so much for welcoming me.

I'm going to talk about the centrality of children in

the protection when it comes to armed conflict.

If you can help me to post the slides, Karyn, thank you so much.

Let me start off by saying that of the many human rights and human terrain law violations that manifest in conflict and crisis, the failure to protect children in there for future generations is the most concerning.

While the impact on conflict on children it can be unintentional, it can also be targeted. Next slide, please.

Let's start by establishing the scale of the problem.

We know that at least 450 million children worldwide today and double that of the early 1990s are living in conflict affected areas. This represents a 5% increase between 2019 and 2020.

Globally, we have one in every six children living in a conflict zone.

In Africa, it is one in every four children.

Why the focus on Africa you might ask?

One of the particular verities of the continent is a size that child population.

Some countries such as Molly or the DRC, half the population is under 15 years old and since 2017, sub-Saharan Africa has had the highest number of births worldwide and is predicted that this trend will persist for the rest of the century.

In just 30 years from now, Africa will have 1 billion children and young people, more than the entire population of Europe today. One in every three children will reside in sub-Saharan Africa making it the region with the single greatest number of under 18-year-olds globally.

Well some of an estimated 10% of the under 14 population worldwide has disabilities. In conflict affected areas however, this proportion of children with physical, intellectual, or compound disabilities is estimated to be even higher.

In recent years, we see the confluence of COVID-19 and complex.

Within the number of armed groups including children has risen from 85 210 between 2019 and 2020.

We've seen a correlated 10% increase in verified cases of recruitment and use of children despite an ongoing pandemic and the UN's call for global cease-fire.

We also have evidence of an upward trend in violations of children's rights in conflict settings.

Of the United Nations six grave violations against children in conflict, for them including recruitment and use of children, abductions, sexual violence, and attacks on schools and hospitals have actually increased in 2020.

Only the violation of killing and maiming children has fallen for the second successive year.

Next slide, please.

The way that children experience conflict is distinct from adults.

Not only are they physiologically weaker, the long-term cognitive development and psychological outcomes are at stake.

They have less agency and autonomy than adults.

Historically however, children have often been viewed as a homogenous group.

Little attention has been paid to the intersection of age, gender, and disability.

The risks faced by girls and boys will be distinct and fragmented.

And they will also vary with age.

Younger children, preadolescent and adolescent children will all experience the immediate and long-lasting consequences of conflict in different ways.

Children of diverse sexual orientations, gender identities, or sex characteristics, particularly those that are or perceived to be nonconforming or non-heteronormative will also confront other risks.

Disability can be an important factor should be understood as an umbrella term encompassing a range of conditions and impairments, many of which can influence children's experiences in conflict.

Yet, children with disabilities.

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Next slide, please, Karyn.

Yet, children with disabilities are often left to be seen or heard.

They are often excluded from data collection exercises and invisible in mainstream policy and practice.

Children with disabilities are likely to face increased vulnerability to violations.

During conflict related displacement, total disabilities have been left behind or abandoned during armed attacks.

They are therefore some of the first fatalities.

And in some countries they make up a disproportionate amount of unaccompanied and separated minors.

There are also indications that they can be deliberately targeted for recruitment and use as armed

actors.

Iraqi based wing of Al Qaeda called birds of Paradise used children under age 14 including those with mental disabilities to carry out suicide attacks, for example.

The vulnerability and experiences of children can be determined also by their gender and by the type and severity of their disability.

For example, girls with hearing impairments have been found to be four times more likely to be targeted for sexual violence than their peers and in some contexts, boys with disabilities may be able to enjoy the same freedoms and access according to their gender, such as being able to play outside or go and play with other children while female counterparts may face far stricter limitations impacting their degree of marginalization.

Many of the challenges faced by children with disabilities intensify as they approach adolescence.

Exposure to violations can exacerbate existing disabilities or trigger secondary disabilities.

For example, untreated wounds or injuries sustained during recruitment and use of children or PTSD, post medic stress disorder, HIV or fistula after sexual violence.

When the provision of immunizations is interrupted, children are also increasingly exposed to preventable childhood disorders.

This impedes access to health, education and other services.

It can render children, especially older adolescents, vulnerable. We know the proof of age or the absence of documentation can have long-lasting implications for the

determination of refugee status, for judicial decision-making as well as access to special witness protection.

Age determination is a key element in the legal immunity of children that have been forced to commit crimes during wartime.

Again, one of the other consequences of conflict has been a significant rise in the number of child brides and child grooms.

This can happen for common reasons, including the misconception of child marriage as protection for girls. Boys too can be subjected to early marriage, like in... 28% of boys were found to be married.

Conflicts typically also create localized conditions that perpetuate a culture of impunity, characterized by the normalization of violence and a breakdown of protective services and community.

Next slide, please.

So what does the legislative and normative landscape look like?

Some of you may be familiar with these frameworks, but for those that are not, some of the key ones that have evolved over the years include, apart from International Humanitarian Law, we have also the United Nations convention on the rights of the child and its optional protocol on the involvement of children in armed conflict, often referred to as OPAC.

These provide a strong legislative and normative foundation, one that is complemented by regional frameworks such as the African children's charter, but also by a tapestry of soft law standards that have incrementally multiplied or diversified over time.

We have the 2007 Paris principles and guidelines on children associated with armed forces or armed groups.

We have the 2015 safe schools declaration and accompanying guidelines for protecting schools and universities for military use during armed conflict.

More recently, we have the 2020 Vancouver principles on peacekeeping and the prevention of the recruitment and use of child soldiers.

Although they are not legally binding, these developments nevertheless constitute an essential reference point for standards for protection of children in conflict situations.

In reality, children are not lacking in rights but rather we are faced with a crisis of compliance.

Accountability might be understood from a dual perspective, both in terms of complementarity with legislative and normative frameworks, accountability mechanisms can shift the conduct of parties to conflict as well as other perpetrators of violations of children's rights and conflict.

There are a number of accountability mechanisms. Some of you may be more or are less familiar with these. We have the monitoring and reporting mechanism which monitors the violation of the six great violations... We have the International Criminal Court, which was the first institution of international law to charge and convict on the grounds of recruitment of children into armed conflict.

In 2006 they developed a policy on children designed to enhance their work on violations of children's rights and conflict.

We've had ad hoc courts in Rwanda and the former

Yugoslavia But more recently in the Central African Republic, as well as other mechanisms and missions such as the international, impartial and independent mechanism in Syria, the group of eminent experts on Yemen, the independent fact-finding mission when mar, as well as sanctions regimes.

Despite all of these, there is a limited opportunity for judicial redress and accountability for children.

It is actually striking how rarely prosecutions take place. Especially one that involves crimes against children

in the scarce instances of successful prosecutions committed against children worldwide. Many of these frameworks focus primarily on primary victims and do not capture the secondary harms experienced by children in conflict.

Furthermore, crimes against girls especially have often almost exclusively focus on sexual crimes, limiting attention to the multitude of other violations that experience.

Such a narrow focus on sexual violence ignores girls the totality of their experiences and limits their access to appropriate services, justice and reparations.

Next slide, please.

In reality, the protection risks that children face tend to intersect and compound one another. In policy it for children must always consider the multidimensional involving way in which children, including girls, boys and children of diverse gender with and without disabilities experience conflict.

So what can be done by the international community?

To offer up specific recommendations, I believe there is a possibility to achieve normative shifts and set standards by championing the use of age, gender, disability language across the board, being careful not to conflate women, boys and men or to treat children as a homogenous group. Understand that girls or boys have a specific set of protections and provisions under law, and they have distinct needs from adults.

We can advocate for children to be at the centre of mandates, of all future investigations and inquiries conducted on behalf of the International Criminal Court.

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. Other national tribunals or international fact-finding commissions.

And we can make sure that those fact-finding mechanisms have adequate financial resources including local expertise and the capacity to undertake safe, ethical and responsible investigations involving children.

And because empirical data is still the bedrock of advocacy, policy and programming, I also recommend that we consistently and comprehensively desegregate data by age, gender and disability.

Finally, to link all of this documentation to action, I recommend promoting child friendly disability is sensitive and gender transformed action to mitigate against both immediate violations and long-term secondary harms experienced by children in conflict.

I will leave it there for now. To leave time to my fellow panelists. Thank you so much.

> Thank you so much.

Next we have Jonathan Horowitz.

If you have questions, feel free to type out your question in the Q and a section.

Thank you.

>> Thank you. I hope everyone can hear me. It is a pleasure to be with you on this panel. Thank you to the Canadian Red Cross and the faculty of political studies in the College of Law at the University of Saskatchewan for giving me this invitation to talk today about harm, conflict and the protection of future generations, as Kirsten mentioned specifically, in relation to new technologies of warfare.

For those unfamiliar of the ICRC, we have been around since 1863 and we have a mandate to promote respect for International Humanitarian Law or IHL and to provide assistance in situations of armed conflict and violence.

For over 150 years, the ICRC has seen new weapons, means and methods of warfare emerge onto the battlefield.

And we have seen how they shape how armed conflicts are fought.

Today is no different.

Just as in the past, as it requires us to reaffirm that International Humanitarian Law which places limits on warfare, how it applied in the past to new emerging technologies, it also applies today to new emerging technologies.

In its advisory opinion on nuclear weapons, the International Court of Justice made this clear, recalling that the established principles and rules of International Humanitarian Law are applicable in armed conflict, and they apply "To all forms of warfare and

do all kinds of weapons," including, quote those of the future."

This calls us to ask perplexing questions. What technology--I'm sorry, what direction is technology bring us towards?

What will future battlefields look like and perhaps most thought-provoking way, what do we want them to look like?

What do all of you want those battlefields to look like?

Part of that requires us to clarify that International Humanitarian Law applies to new technologies of warfare but also requires, where needed, for us to provide operations on how specific rules of International Humanitarian Law apply to specific technologies.

I will tell you that I'm not averse to say that it is impossible for me to keep up with the developments of new technologies, not only because some of the advancements are classified but also because of their sheer quantity of what's being developed and their intended military uses, as well as what their humanitarian consequences might be alongside a cascading list of questions about how a new technologies design or use or forms may or may not conform to International Humanitarian Law.

To be more specific, the ICRC has identified several specific areas the focus when it comes to new technologies of warfare.

They include the use of cyber capabilities, a autonomous weapon systems, and artificial intelligence and machine learning.

Those are the topics and presentation will focus on

today.

The ICRC has also written a position paper on International Humanitarian Law and the use of weapons in outer space.

And taking into account the digital contours of the landscape, we produce guidance on how humanitarian actors can and should responsibly collect and process data and we are also increasing our understandings around the impact that misinformation and disinformation and hate speech can have on conflicts, especially now that it can be generated and spread at new speeds and quantities never seen before.

First turning to cyber capabilities.

By our estimation, there are over 100 states that are using or developing military cyber capabilities and some have already publicly disclosed that they have used them in armed conflict, and the something that we expect to see increase over time.

What's the legal antimilitary and significance of cyber being part of today's warfare and future warfare?

We know that we are living in an increasingly digital interconnected world where the infrastructure we rely on daily in the physical world, like electricity grids, water supplies, hospitals and medical services, is relying on information technologies and communications that are susceptible to disruptions through cyberspace that could result in devastating effects and consequences.

We also see that the digital world intermingles military services with civilian services, and this means that when a military objective is identified in cyberspace as being a lawful target under the rules of

International Humanitarian Law, there remains the potential risk that attacking such a target can nonetheless cause significant incidental civilian harm.

We also know cyberspace provides a space where the victim of a cyber incident may not know or fully understand the intent behind that event or who the responsible actor was.

Such an environment of the kind I just described heightens chances for misunderstanding between states or other actors and provides high potential risks for conflict escalation.

Given the potential dangers and harms of cyber operations and the harms that they pose in situations of armed conflict, cyber provides an important example of a field where it is both necessary to explain that internationally mandatory law applies and also to clarify how the rules of IHL apply or might apply in the future.

What do I mean by that?

In the past, the term attack, whether with muskets, mortars, field artillery, surface missiles, was a reasonably well understood concept in warfare.

The death, injury, damage and destruction that can result from an attack is one of the most fundamental components of armed conflict.

Unsurprisingly then, in an effort to spare civilians from the dangers of attack, IHL's strongest articulations of the principles of distinction, force analogy and precautionary measures apply only to those military operations that qualify as attack.

IHL defines an attack as an act of violence against the adversary, whether in offense or defense.

This is a seemingly clear and broad definition and it was purposely crafted that way.

The cyber domain creates a host of new and unique questions around what cyber activities rise to the level of an attack and, by extension, how states have to comply with International Humanitarian Law.

Some operations are easier to define as a tax and others, it is widely accepted that cyber operations architected to cause death, injury and physical damage constitute attacks under IHL. In the ICRC's view, the indirect effects of death, injury and physical damage as well.

To give one example, the death of patients in an intensive care unit caused by a cyber operation on an electricity network that results in the cutting off of a hospital's electricity supply would constitute an attack under IHL, if that operation occurs as part of armed conflict.

Beyond this, cyber attacks have the potential to significantly disrupt essential services and therefore be particularly harmful for civilians even if they do not result in physical damage.

Divergent views exist, however, on whether a cyber operation that results in a loss of functionality without causing damage constitute an attack under IHL.

In the ICRC's view, an attack designed to disable a computer or computer network does constitute an attack whether that object is disabled through kinetic or cyber means.

A cyber operation that is expected to make a civilian network or system belonging to a stock exchange, banking system or university dysfunctional, whether done

deliberately or incidentally, should be covered by IHL's most detailed rules of protecting civilians and civilian objects against direct attacks and incidental effects that attacks can cause.

An overly restrictive understanding on the other hand of the notion of attack, One that only refers to operations that cause death, injury or physical damage, would in the ICRC's view at least be difficult to reconcile with IHL's views on the conduct of hostilities.

Autonomous weapon systems, as I mentioned, is of secondary interest to the ICRC and I will focus on that now.

states are increasingly finding ways to interweave autonomous abilities into weapon systems and are increasingly exporting ways to design and use them with greater geographic reach, longer duration against a broader set of targets.

While economy can take many forms and perform many functions, the ICRC is most concerned with autonomous weapons systems or AWS, meaning a system that once activated relaunch, can select its target and apply force without human intervention. So the system is triggered by sensors based on a generalized target profile.

We have seen advances toward AWS that operate on all domains, land, air, sea, etc.

They are designed to be stationary and mobile and they are being pursued as weapons to target objects and people.

The ICRC is humanitarian, legal and ethical understandings of AWS have matured over the years.

During this time, we have asked and tried to answer foundational legal questions as to what are the implications for an autonomous weapons system used by a commander who does not know who, what, where or when the system might apply force? We have considered fundamental ethical considerations around what it means for a machine to take a human life without there being human control or judgement, and we have examined what humanitarian legal issues might arise for Thomas weapon systems were used in situations that are common to conflicts, such as their use in a densely populated urban environment.

In those cases, when a commander uses and AWS, with a be able to do so in compliance with the rules and principles of IHL, including the principles of distinction and proportionality?

On the one hand, the ICRC has recognized that states have in fact use weaponsSupported by autonomous capabilities in manners and environments that comply with IHL when sufficient limits have been in place.

This observation is significant because it helps us define the recommendations that the ICRC made last year, recommending that they adopt international legally binding rules that would prohibit autonomous weapons systems that are not sufficiently predict double, private AWS the target humans and regulate, that is put certain limitations on, all other autonomous weapons systems, such as limit on types of targets, limitations and geographical use of the system and requirements for human machine interaction.

Now I would like to turn to the third topic, artificial intelligence and machine learning.

Artificial intelligence is the use of computer systems to carry a previously... To carry out tasks previously requiring human intelligence, cognition or reasoning. Machine learning involves AI systems that use large amounts of data to develop their functioning and learning from experience.

In situations of armed conflict, we see states gravitating towards the military use of AI as almost a general-purpose technology.

It might be used as part of an autonomous weapons system or component of a cyber capability. It might be used to increase the speed and scale of information operations, and AI might be used to produce information and human decision makers using their battlefield decision such as potentially targeting situation.

I would just they are Pharisees concerns around autonomous weapon system.

If AI is part of a to B us, we see those concerns increased because AI would bring with it additional levels of on predict ability And the potential inability of a user to know why and Thomas weapon system produce the result it produced.

While it emphasize the importance of human control and judgement in a Thomas weapon system, preserving human control alone may not address the range of legal and ethical questions that AI opposes.

Let me use an example that helps a commander decide whether detainee... Whether to detain someone and who to detain. Is that enough human involvement?

Or do we need to consider whether the commander should also have an awareness of the state of the system and its stage of learning?

What about automation bias, which risks humans over trusting the system?

And data bias, where there is bias built into the information used to help the commander make the decision?

And do we need to consider how AI can create a moral buffer potentially that risks humans transferring the responsibility to the system they are using?

These are some of the types of challenges that are made beyond the presence of control and judgement that the ICRC assessing and we continue to develop our thinking around dialogue, and to continue develop our thinking through dialogue on how to best address those challenges and understand their applications for IHL.

In the remaining time I have, if I could turn briefly to what I would describe as the softer side of new technologies used in armed conflict situation, it is true that artificial intelligence holds the potential for broad used to support managerial actions, such as the type that the ICRC carry out.

Tools are being explored by humanitarian organizations For environmental scanning, monitoring and analysis of public sources of data in specific operational contexts, the idea being that the application of these could help perform assessments of humanitarian needs, such as the type of assistance needed. To be honest, even there, artificial intelligence applications for this action, Unitarian action, brings potential risks as well as raising legal and ethical questions that need to be accounted for with her spec to data protection, privacy, humans rights issues, accountability and ensuring human

involvement is part of the decision, since it has such significant cultural ones for people's lives and livelihoods.

Where does that leave us?

On the downside, we are seeing a battlefield emerge that include high levels of digital interconnectivity that makes civilian services susceptible to military attack, there is anonymity of actors in cyberspace that risk misunderstanding and escalation, and the risk of a battlefield decision where military decision-making occurs at beyond human speeds with a reduction in human control, judgement and knowledge over where and when an attack occurs or who or what gets attacked.

On the upside, I have to state that States do you see this gradual environment and they are turning towards multilateral processes that are important for providing them an opportunity to set norms, to reaffirm the limits that IHL places on new technologies of warfare, to provide clarity and elaborations for how certain rules of IHL apply to new technologies and, if needed, adopt new, binding rules.

Beyond these processes, states are also taking the positive step of articulating their views on these matters and, from the ICRC's perspective, when it comes especially to autonomous weapon systems and artificial intelligence, it will be particularly important for states to take a human centred approach that I've alluded to throughout my remarks, which we find to be essential for IHL compliance, accountability and preserving a measure of humanity in warfare to reduce the human cost of conflict, both now and into the future.

Thank you.

> Thank you, Jonathan.

Now, to round out the panel, we have Nourhan who is joining us from Egypt.

>> Thank you. Greetings from Cairo.

I am so glad to be here today.

Thank you for the nice introduction, and thank you for the IHL department in the Canadian Red Cross for their hard work to organize this conference, also allowing us for this important opportunity to talk about the younger generation.

And thank you for the audience to run yesterday.

We have more than 350 people at the conference, most of them young people.

That makes me happy because it is possible to encourage most of them to think of new mechanisms for promoting IHL.

During this panel, my colleagues spoke about different topics, the introduction to IHL and also the children in conflict and also new technology, I think my colleagues are covered all of that point of the challenges facing IHL and also they should make us think that now the countries think of these conventions and also countries have response abilities in this convention.

Also that we have more violations of IHL with the absence of the voice of the youth.

Also the secretary-general of the UN indicated on many occasions there is a need to involve young people to help countries and implement IHL, to implement international conventions, but we have a gap. A big gap, because young people are more affected by this.

To talk about the overview of this today and also the new voice, about what we are doing to promote this. And also this movement and also to promote IHL. And what we need in the future to promote IHL in 2022. And my colleague Karyn will help me with this PowerPoint.

Next slide, thank you.

I will start to talk with you today about Maat, which is a consulted status with the UN economic and social Council.

And we have another international position and my colleague will put the website of Maat in the chat. And you can look at our website.

It is also an opportunity for youth to use this and our international focus, and my colleague is more responsible for the.

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And looking at international treaties and looking at the environmental goals, supporting youth in active justice and peace.

In 2020, we found that there are different challenges that hinder the achievement of peace in a specific and actually, in the application and implementation of international law in general.

Next, Karyn, thank you.

We at Maat are thinking that we need to focus more at these areas, at the international report at what is happening in the armed conflicts. We have over 60% of armed conflicts that have been going for over 10 years. And also 60% of armed conflicts have been effective and

active, with the privation of nonstate groups leaving slim prospects for the resolution in 2022.

Next.

We found that 21 of 33 active on complex, the number of nonstate armed groups and individuals involved exceeds the number of the groups that are state groups.

Maat found the sounds of guns are louder than the voices of young people.

And also, Maat found that we have a real gap in that the knowledge of young people in areas affected by armed conflicts, specifically in international humanitarian law.

Next.

I will focus on the example of the Middle East and North Africa.

There is a big problem in that we don't have educational courses for the political science and faculties of law but international law. And young people in areas affected by conflict also face great challenges, for example, in access to educational resources to prepare their university research.

And also, we found that more than 80% of university students have not been able to complete that university research, university student research. And according to research of Maat, we found that 70% are interested to learn, but are unable to because the materials are in English.

And most of these young people do not speak English and it is very hard to learn more about IHL.

And also, it makes it very difficult to communicate with different international society to discuss about the real situation in the Middle East.

If we have a different area affected by armed conflict, we need to raise awareness.

But we don't have this access and we need more opportunity to learn more about international humanitarian law.

I'm aware the ICRC and the Red Cross make this big effort to teach to this generation and also translations, but we still need more opportunities to help the new voices in the Middle East.

And the main reason, our organization needs funding to help the students have more training or other different opportunities and actually, that second one, the humanitarian task for ICRC and the Red Cross, we have some of the release to can speak to this topic.

We don't have more access to work.

Next, please.

Thinking in 2020, Maat hope to create a new department for those in the Middle East to get more knowledge in IHL.

Because we have more international possession, makes us more responsible for raising awareness of IHL. And also in these divisions of Maat, we need to promote IHL.

And we need this in the future of conflict.

Next, please.

So, therefore Maat adopted the idea that there should be new voices for young people in the feud to national human law to be trained to create a new type of dialogue between the young people in different countries.

And we are thinking with different universities to make this difference in the training and discuss this.

We have a new project with research papers to work on

the different languages, and thinking about how to implement the IHL in the future.

We think of these in this research, we have students from Egypt and these are students that speak languages in Brazil like Portuguese, but not Arabic.

We did have one that spoken English.

And the students in Brazil have all these materials in IHL and the students are learning more about this in their universities.

In Egypt, they do not have this opportunity to learn about IHL. And as we found, that is more difficult because we aim to work on that and to tell the students how to write a paper of research.

And also, that those students can do research about armed conflict and how to have the use to implement IHL and also the promotion of IHL. We created a space for young people from areas affected by armed conflict to connect and continue with these different countries of the world to discuss the real challenges.

And we have trained more than 100 young people of different nationalities.

That is the positive impact of supporting the voices of young people who are training from Libya, Yemen, Afghanistan and Syria.

We are seeing them promote this in their countries.

In the students now talk with me and say that we make a difference in our society.

And we talk with family about how to protect civilians.

And we talk about the populations or not legal to engage in warfare.

And how to protect these cultures, for example.

Next one.

Also, we think of advocacy for IHL, we need to focus on IHL and the new voices of IHL. Next one.

Next one, sorry.

Yes, we need new voices in IHL.

We have more young people that are joining us.

There are many young people in armed conflict in many of the victims.

And today we have more than 300,000 youth actively involved in armed conflict.

We want to train them correctly about IHL and how to use IHL. And actually, this will help the youth and this will make a difference in their community.

Yes, we need an IHL youth movement.

Actually, in 2018, the youth made that difference and actually, the youth were vocal for this new chance is the need to change, and learning how to use the IHL and using that platform and using media to share about how important the implementing of IHL.

Next slide.

I'm so happy to be one of those in advocacy for these new changes in implementation of IHL.

In this initiative, this is online, this is work to the promotion of IHL and also resources.

And to make these translations in different languages.

And also, we are thinking that because of COVID specifically, and with youth and students, and writing in this topic for your research and for your university to talk and to write about IHL.

And from 2020 specifically, we are happy that we have youth from different regions across Africa and all over the world now can get an overview of these opportunities, can join, can mobilize, can engage in

advocacy for a new future.

Next one.

And also, youth as a new mediator to support the limitation of IHL in 2022.

There is 146 million young people in the Arab region aged between 15 and 35 years old.

It is about 33.6% of the total population of the Arab world.

Therefore, the participation of young people is supported as part of the implantation of the Geneva Convention.

It will help the community to change.

I think in this implementation.

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I will finish now.

You can ask questions.

And I would like to thank Maat for this opportunity and thank you to all my colleagues at Maat or making a difference.

In all of the youth, we all think we can make the change.

And that is our work, thank you!

>> Thank you so much, Nourhan, and thank you Jonathan as well.

I see quite a list of questions here which is fantastic and I will try to get to some of them.

If you have some other pressing questions on your mind, please type them into the Q and A section.

I was going to come back to one that had been left over from Sophie's introductory presentation about Russia and the Ukraine, but I don't see any longer.

I know that Karyn and Fatima are doing some work behind the scenes in typing answers to questions, so maybe it was dealt with that way.

>> If I may intervene, I provided resources about uniform versus civilian, so that is in there.

I did a primer, so I hope it opened up all the areas where IHL can apply.

So we can't reply to all the questions, but I hope some resources that I shared have tackled some questions that have been raised in the last hour.

>> AI develop at issues and cyber attacks encouraging the development of air, and vehicle drones that can identify enemies and fire without human interaction since it is assumed that the network connecting humans would be disrupted? Specifically, where there is the ICRC see a point of entry as to when it would meet basic identity targets, proportionality and respect for protected people and objects as part of the programming in AI development?

>>thanks for that question and to Patrick for posing it.

I also appreciate the time I was allotted when it first appeared, so I've been able to give its impartial consideration.

For those finer points, I think what Patrick is talking about is a concern that if weapon systems are used that are connected to operators through digital connectivity and they basically get hacked, that means that that system is no longer able to function and so militaries are thinking but had to produce weapon systems that can operate in a disconnected world.

I hope that captures Patrick, the nature of your

question.

There are few ways to think about this.

For my remarks, he may not be surprised to me say that the ICRC finds at the human machine connectivity or interaction to be extremely important, fundamental to the application and compliance of international humanitarian law.

If there systems out there that break that relationship, that is a deep concern for us.

The other point I want to make is that just because technology can develop something, doesn't mean that it will comply with IHL. Proof of that is an additional protocol 1 there is article 36 which requires states to perform weapons reviews.

On the one hand, ICRC would say we're calling for states to not require certain regulations or limitations on weapon systems including retaining human machine interaction.

In addition to that, there is also article 36, weapons means and methods review that will be able to test the compliance of that weapon with international humanitarian law.

And the third point that I want to make which is necessarily have to do with international humanitarian law, which is the point of entry, what will commanders think about fielding a weapon system that ultimately would have no control over flying around, floating around, driving around unable to comply.

So this is some answers to that question.

>> I have some questions here about Maat, and that is how much success have you had with implantation and the limitation of humanitarian law and the Israeli occupied

territories and in Syria?

>> Thank you.

At Maat, we consulted with the human rights Council.

And that makes it very easy to communicate with the human rights Council, to focus on an area of armed conflict.

And to see if there is a violation there.

And to raise awareness about the area of armed conflict, as we do in the training also, as I mentioned.

In the use in Syria or in Palestine, in learning the rule of law and how to use this.

The area of armed conflict is difficult and more expertise in dealing with this, and trying to raise awareness.

We know that some of this reporting is crucial in these areas of armed conflict.

I hope that is a good answer.

>> Thank you. Do you see the recruitment of children in armed conflict increasing?

>> Yes.

This is increasing and we've also had quite a lot of success in the framework of these violations and the action plans of various sections and accompanied the tools.

But there have been significant levels of releasing the children, but the numbers are sometimes climbing and recruitment.

We've seen in some instances that children as young as four years old have been recruited and used.

The gravity of the violation is extremely concerning.

>> Thank you.

Nourhan, what advice do you have for children living where there is a war currently?

How can we get involved?

I think this is advice directly to that young person.

>> Thank you for this question, that is important.

In armed conflict, we should have more resources to interact internationally, or of international actors.

We can have these difficult situations to find resources and to study and to get these opportunities.

My advice for all youth, but specifically in areas of armed conflict, if you can today join this conference and get 1% of knowledge, you can make a difference in your country.

You can join that humanitarian organization and be volunteering and see the tools of these organizations.

And to try always to do things like joining this conference and to tell your stories in this area.

I'm very happy if anyone would like to communicate with me, I will try to have you find opportunities and to give you more knowledge about IHL.

If you need anything, I can help you.

>> Thank you.

I have a question here, open to anyone I think, in the case of the country like Haiti which is thinking from crisis to crisis, where armed gangs do not know international humanitarian law, and there are environmental concerns as well such as earthquakes and the country is being held by armed gangs shooting civilians at point blank range, and there's a response by any authority is in place, in these armed gangs attacking civilians in children's are the victims of this, can this be considered a humanitarian crisis in

which international humanitarian law should intervene?

And if so, how might intervene?

Sophie?

>> I'll go ahead and if any other panels have comments on this one, I will provide a general overview.

A humanitarian crisis does not necessarily mean the application of international humanitarian law.

There can be a situation where there is high vulnerability on the high level of violence and is not necessarily qualified as an armed conflict.

In the current situation, I would mobilize, in an analysis, international human rights law which applies in terms of conflict and in times of war as well.

We don't necessarily have the parameters of an armed conflict per se we do have the chain of command and a clear principle of distinction.

That being said, targeting of children or civilians, not the same rules applies in armed conflict, but there some rules do apply.

The complexity also of the two year of operation has to be considered.

In Haiti, I think it is a very poignant example of many different levels of natural disaster, man-made catastrophes, and also a situation of violence.

My analysis of the conflict right now is that it doesn't meet the threshold to actually apply IHL. I will finish though send that that is good news.

You don't necessarily want to apply IHL because it allows combatants to shoot at each other.

It allows a certain level of violence that you do not necessarily want to allow under normal circumstances.

I will limit my comments to that.

If any other panelist has comments, they are more than welcome.

Thank you for the question.

>> Anyone else want to jump in there?

No?

If a country finances of paramilitary group which in turn overthrows the government violently, does the support of country violate any international humanitarian law?

When the US played a role in that whole question of effective control, so does providing training, providing weapons, providing financing to a paramilitary group or any kind of nonstate actor, so what level does where it means that the state is actually involved and you can actually engage a response ability?

That would be a question, that super interesting, but it does not necessarily deal with IHL. But in the conduct of armed conflict, those bodies might engage in violation of IHL. That's more a jus ad bellum, and also the state response ability.

States should not, under the UN charter, engage in an act of war, so they might do it by reaching out and supporting other groups, but that's more political and that's the whole file leading up to war. Once you have an armed conflict, that's not necessarily something that could be looked at.

I do encourage you to maybe look into the Nicaragua case that has been dealt with in... I forget the year, in front of the ICJ, but that the whole contention that navigates between political and legal framework within the international community.

> Thank you.

I think this question is for Jonathan.

It starts off by saying: thank you, it's been an interesting discussion.

It then asks about the ICRC's work with states to pressure their armed proxies and partners to respect International Humanitarian Law, and in quotations, support relationships in armed conflict.

Is this a successful program, they ask?

>> Thanks for the question, Robert.

For those of you who may not be familiar with this project, the ICRC, for a number of years, has engaged in better understanding of how different types of can be provided to parties of an armed conflict, and what the cost benefit, risks challenges are for the supporting actor to provide that support. There are a number of reasons why we have engaged on this.

One is because we see more and more support relationships emerging in conflicts around the world.

Another is that there are legal rules within International Humanitarian Law for parties to ensure respect of internationally military and law, and the ICRC has some deep views on what that fully entails, and there are important policy considerations that supporting parties may want to think about when they engage with a partner and ally when providing support.

I'm going to put in the chat box Q and a and just a second a web link To a wide array of materials that impacts some of this.

I would say that yes, it is a growing and maturing field and relationship the ICRC has been working on.

I would regard it as being successful. There are different ways we can successfully engage on it through discussions about what it means to ensure IHL when working with partners and how to impact that.

It is also been extremely successful on policy engagements with different states about saying: how can you, if you want to act as a policy matter make your partners understand the importance of IHL?

What can you do to do that, to encourage them and promote that?

That is a brief answer, or maybe not so brief answer, to your question, but I hope that provides a landscape about what we are working on and why. Thanks to the question.

>> I have another question that in some ways might piggyback a little bit... But I think there is more to say here.

The question is: can you claim the applicability of International Humanitarian Law to allies of nonstate armed groups?

>> So, in this case, so allies, I think it's an interesting choice of word and I'm inviting anybody to jump in at this point if you have some comments. In terms of IHL, it does apply to state parties.

It may come back, perhaps I'm not understanding the question correctly, you can add additional comments in the Q&A, but IHL applies to parties of conflict. So third parties might be involved as protecting powers.

They might have a duty under the Geneva Convention in terms of supporting the military Armed Forces, I am referring to the answer that I gave you about global control versus affective control.

I think the notion of ally, again, it's very political.

It ally within the UN forum, an institution, so that is something relevant to understanding the dynamic of power in the armed conflict. But when you are looking at the roles of IHL, they apply equally to all parties involved.

Let's say an ally country to a nonstate armed group gets involved the level that they are actually participating and being a part of the activities and cells.

W the rules of IHL apply equal to them.

It is simply stated but difficult to apply because it is highly political and I think it justifies why we separate jus ad bellum and jus ad bello.

We need them to be separated and we need to apply the rules of IHL. The rules apply to an ally if they engage in the armed conflict itself.

If they are to supporting, that would be more within the realm of UN, political decisions, it still is relevant but they might not be under the obligation that they have under the Geneva Convention.

>> I have another question for you, Jonathan, regarding cyber attacks.

His attacking and hacking other party's computer systems analogous to using antimissile missiles to destroy an incoming missile?

>> Okay, thank you for the question. There is a lot to unpack in the question.

It's probably going to be an adequate answer because, I put my legal On, or if I don't take it off, I'm going to want to know exactly what you mean by hacking.

Does that mean you have gone into the computer system

and you are moving around?

You might be seeing what they are doing, you might be taking information, but are you disrupting anything?

Are you damaging anything? Are you changing the content?

Are you affecting the functionality of the system or not?

For the ICRC, we have entered into this big debate around whether there needs to be physical damage for there to be a quote unquote attack for which certain rules of IHL would apply, or is the mere loss of functionality enough to constitute an attack in which those robust rules of International Humanitarian Law would apply?

As I mentioned, the ICRC position is that loss of functionality is enough.

I'm probably not answering your question in full, but that's where my thoughts go to when I start to think about conducting a legal analysis.

The only thing I want to add, and it is a point that Sophie has importantly raised, is I would assume that what you're talking about is a cyber activity associated with an armed conflict.

It is not, International Humanitarian Law does not regulate that behaviour. International Humanitarian Law only regulates the behaviour of actions associated to armed conflict.

Thank you for the question.

>> I think we have time for maybe two more questions.

One will be for Sophie, I think, although anybody else can chime in, and the one is for everybody involved in the panel.

The one that is for everybody, and maybe everybody could start talking a little bit about this, is what do you see is the greatest concern for future generations?

This is directed to all panelists.

Prior to that, Sophie, and anybody else who wants to jump in here, Doug asks, "I have sometimes heard a distinction made between lawful and unlawful combatants.

" He asks, "Is this an actual distinction and what would be the difference?

Can anyone be a combatant in an armed conflict, for example some former Western soldiers joined forces fighting against Isis.

What was their status as far as being combatant?"

>> Thank you for the excellent question. We are going to sound like a broken record.

A lot to unpack it. I will get points of reference and share some references in the chat.

I have been referring a lot to the ICRC casebook.

It's a tool that's very useful to capture information.

A lawful combatant is not a notion you find under IHL.

You are either a combatant or a civilian and that is the principle of distinction.

That came out after the attacks of 9/11, the American policy created that concept to have a grey area where all the rules that I mention, prisoners of war, civilians, detainees, that area was kind of being obscured by a concept that was a combatant but unlawful, so then the third Geneva Convention would not apply.

So then you had all of the experts in IHL who conducted an analysis saying, a little bit like a terrorist, a

terrorist does not exist under IHL, you are combatant or a civilian, but those realities can be addressed within the body of international law.

It's a matter of having a sophisticated analysis.

I don't want to take too much time on that.

Maybe I will... I will into the other question and then I will leave the floor for my colleagues.

My biggest concern, that's really me, is disregard for international law.

In other words, cheating.

What do you do with people that do not want to apply these rules, even though they recognize them?

This question is bigger than you monetary in law, or philosophical, but that would be one of the concerns for me.

If they are completely disregarding and a kind of change of attitude towards the whole body of law because law is what we make as human beings.

These are rules that we decide to bind ourselves to And for me, that would be a big concern of actually not being able to engage on that.

But I will be more than happy to hear my panel is semi-colleagues on the question.

Thank you very much for this questions.

>> Anybody else want to jump in there?

>> I can, to endorse what Sophie is saying.

From my perspective, one of my greatest concerns about this crisis from client, we have done our work, put in all the articles, the additional protocols, the optional protocols.

The landscape and structure are there. What we don't yet have is accountability. That is in terms of both

states as well as in the visuals.

That is very concerning for me because the long-term consequences of children expansion conflict, from my perspective in my work, is sort of the protracted nature, the fact that it becomes... Everything they have known since they were little to the time of their age of maturity, or it becomes intergenerational.

I think that sort of cyclical process can be so harmful, And I really see the impact of that as you have girls who were maybe sexually violated during the current conflict, giving birth to children who are born as a result of conflict related sexual violence, growing up in that world, knowing that that's where they came from, that was their origin, and that the whole new generation.

I see that repeated cycle happening And not a lot happening in terms of bringing perpetrators to account, so that's where I would lay my hat. I will pass it on to Jonathan and Nourhan. Thank you.

>> Okay.

I would... My opinion is that if we work together when the makes to help, countries can make the space for youth to talk and that advocacy and take that chance or take this new step to help promote the international convention, the Genevan convention, child convention, human rights, that it will make a difference in the future. That's all.

>> And, if I may simply supplement what is already been said, I think having a greater understanding, going to points already made especially with regard to children but not children only, about with a longer term consequent is of conflict are and trying to understand

what these consequences are and how to deal with them that strategically and appropriately and caringly is absolutely needed.

And just to promote Nourhan's work about Education of IHL. What is this law about?

What's its purpose, history? This needs to be part of the public discourse.

When people don't understand what the rules are, they are going to break them because they can't care about the significance.

A huge thank you for being able to participate with all the other panelists. Thank you.

>> Thank you, Jonathan.

Thank you to each of you.

I want to say a special thank you to Nidhi Kapur, Jonathan, Nourhan Moustafa, Sophie Rondeau, Karyn Stone, and Fatima, who have been working diligently behind the scenes helping us get this organized.

It's been a fantastic couple of hours here.

I've learned a lot.

Unfortunately it left us with a lot more questions.

Hopefully we will take this information forward and continue thinking about International Humanitarian Law and how it affects our futures and future generations that come after us.

Karyn, you want to say something quickly before we end.

>> I want to send a big thank you to you, Dr. Fisher, for being our partner for many years now, we have been partnering with the University of Saskatchewan, and for moderating today.

It's been a great discussion. I want to flag that when we end the zoom call, you will be prompted to fill out

an evaluation, a short survey.

It gives us really important feedback about our events, what you liked and did not like, so we can do better next time.

Thanks to Dr. Fisher, the panelists and all who attended.

We will see you next time.

I see somebody is asking about the recording.

We will place it on the website.

Or you can reach out to me and I will share it with you.

Everyone else, I'm going to end the call.

If you have follow-up questions, please send me an email.

I think everyone has my email.

Thanks, everyone.