

‘Current Issues in Armed Conflicts’

29 – 30 June 2017

Auditoire Jacques Freymond, Geneva, Switzerland

Concept Note and Programme

On 29 and 30 June, the Geneva Academy of International Humanitarian Law and Human Rights, and the University of Essex Human Rights Centre will hold a conference on contemporary issues in armed conflict. The questions to be addressed during the conference are drawn from the topics that were covered in [the War Report 2016](#). The question of qualification of conflicts draws on the online database on Rule of Law in Armed Conflicts (www.rulac.org).

Background

The 2016 edition of the War Report is different from the 2012, 13 and 14 ones. The preceding versions of the War Report, published by Oxford University Press, contained a third section, which enclosed a series of academic papers, in addition to the theoretical introduction (Part I) and the description of the conflicts that had taken place during the year examined in the Report (Part II). The 2016 edition only includes the first and second parts (focusing on selected armed conflicts) and has been published by the Geneva Academy. The rationale of these changes has to do with the excessive length of the delay of the publication (approximately 7 months), which makes the War Report almost out dated by the time it is published.

The 2016 edition was published in March 2017. As explained, it contains only two parts and it was decided that instead of the traditional third part of the book, a conference would be held addressing the main issues that have been covered by the report during the year 2016 and extending to 2017.

Findings of the War Report 2016

In 2016, 49 situations of armed violence amounted to armed conflicts according to international humanitarian law and international criminal law. The vast majority are non-

international armed conflicts, as in preceding years. The 2016 edition highlights key developments in selected armed conflicts: Syria, Nagorno-Karabakh, Western Sahara, the military occupation of Cyprus by Turkey, Afghanistan, Colombia, Egypt, Iraq, Mali, South Sudan, Turkey, Ukraine and Yemen.

At least two trends have been observed from the research: increased international interventions in conflicts and the heavy toll of current armed conflicts on civilians. The War Report also addressed the Peace treaty with the FARC in Colombia, the latest developments in international criminal law in Mali and Ukraine, as well as general topics of qualification of armed conflicts. These findings have informed the programme of the conference and choice of topics.

RULAC Online Portal

A second building block for the conference is the Rule of Law in Armed Conflicts (RULAC) project, a unique online portal that identifies and classifies situations of armed conflict (www.rulac.org). The project is supported by the Human Rights Centre at the University of Essex. Based on open source information, the project uses international humanitarian law to classify situations of armed violence and to identify parties to a conflict. The RULAC project illustrates how the legal principles apply in practice by determining whether a situation of armed violence in the world qualifies as an armed conflict under international humanitarian law. Such qualifications are often fraught with difficulties, including due to ongoing controversies about some of the principles governing the qualification of conflicts. The topic chosen for the qualification of conflicts panel is based on the research for the RULAC project, both for the methodology and specific situations.

Programme

Day 1 - Thursday 29 June

- 14:00 – 14:30 Welcome Coffee and Registration of the Participants
- 14:30 – 14:45** **Introductory Words**
Professor Robert Roth, Geneva Academy and Dr Clara Sandoval, University of Essex
- 14:45 – 15:45** **Keynote Presentation**
Professor Marco Sassòli, University of Geneva
- 15:45 – 16:00 Coffee Break
- 16:00 – 17:30** **Current Issues on Qualification of Armed Conflicts**

This panel explores issues surrounding the question of consent in the qualification of armed conflicts, both from a theoretical point of view and in light of contemporary situations of armed conflict. The role played by consent in the qualification of armed conflict is crucial, but also controversial, in particular when consent is absent or ambiguous or when the legitimacy of the authorities providing consent is contested. For instance, while it is widely accepted that when one or more foreign states intervene with the consent of the territorial state in an ongoing non-international armed conflict, the conflict remains non-international. Yet the consequences for qualification remain controversial in cases of an intervention directed against non-state armed groups without the consent of the territorial state, such as for example in Syria. In addition, some situations, such as Yemen or Libya, raise the question of who is representing the state and hence capable of giving such consent.

Moderator

- Dr Sandra Krähenmann, Research Fellow, Geneva Academy

Speakers

- Jelena Aparac, Lecturer in International Humanitarian Law, University Paris Ouest Nanterre La Defense
- Dr Krisztina Huszti-Orban, Senior Research Officer, Human Rights Centre, University of Essex

18:00 – 19:30 Special Panel on Libya (in collaboration with GCSP)

Domestic and international corruption, crime, smuggling, external intervention, the destabilizing role of militias and human rights violations are among the complex causes of instability in Libya as explained in the latest report of June 2017 issued by the UN Libya Experts Panel set up by United Nations Security Council in 2011. With the integration of Ansar al-Sharia in the Islamic State (IS) and the advent of IS in the conflict, the year 2016 witnessed the beginning of another round of armed violence. This Special Panel on Libya, part of the [Geneva Academy IHL Talks series](#) and organised in collaboration with the Geneva Centre for Security Policy (GCSP), will discuss what are the legal and political challenges faced by the country, including the issue of the protection of migrants and the role that the different actors play in terrorism networks.

Moderator

- Dr Annyssa Bellal, Strategic Adviser on International Humanitarian Law, Geneva Academy

Speakers

- Elham Saudi, Director, Lawyers for Justice in Libya and Associate Fellow, Chatham House
- Jean-Paul Rouiller, Associate Fellow, Geneva Centre for Security Policy (GCSP) and Director, Geneva Centre for Training and Analysis of Terrorism

19:30 – 20:30 **Cocktail Reception**

Day 2- Friday 30 June 2017

9:00 – 9:15 Welcome Coffee

9:15 – 10:45 **Current issues in Refugee Law**

While the 1951 Convention relating to the Status of Refugees does not refer to armed conflicts, they remain the primary source for international and internal displacement today. In December 2016, UNHCR issued new guidelines on those fleeing armed conflict so as to provide assistance to its own staff and to decision-makers on refugee status. There are a range of issues arising from the language used in 1951 and the modern experience of those fleeing in the face of armed conflict. On the other hand, there have been numerous calls from the Global North in recent months to establish Safe Zones and Safe Corridors for persons affected by armed conflict so that they do not need to flee – given the dangers surrounding flight, there is some merit in the idea, but what are the criteria for creating them, what conditions must prevail if they are to be ‘safe’, and are they more a disingenuous attempt to avoid having to grant refuge in the Global North?

Moderator

- Dr Clara Sandoval, Acting Director of the Human Rights Centre, University of Essex

Speakers

- Cornelius Wouters, United Nations High Commissioner for Refugees
- Professor Geoff Gilbert, University of Essex

10:45 – 11:00 Coffee Break

11:00 – 12:30 **Current issues in Transitional Justice**

The signature of the Peace Agreement between the Colombian Government and the FARC in 2016 is considered a milestone under international law. Not only it appears to put an end to the oldest non international armed conflict but it also does so without violating key international law standards, including humanitarian law ones. This panel will take stock of the key innovations of the agreement, and in particular of the victims agreement, and consider if they constitute steps forward or backwards under international law. In particular, the issue of amnesties, prosecutions of third party actors and reparations by the FARC will be considered.

Moderator

- Dr Clara Sandoval, Acting Director of the Human Rights Centre, University of Essex

Speakers

- Catalina Diaz, Director of the Transitional Justice Unit, Colombian Ministry of Justice (part of the governments team at the peace table in Havana)
- Professor Sabine Michalowski, School of Law, University of Essex
- Dr Annyssa Bellal, Strategic Adviser on International Humanitarian Law, Geneva Academy

12:30- 14:00 Lunch Break

14:00 – 15:30 Current Issues in International Criminal Law

This panel will comment on the latest developments in international Criminal law (ICL), in particular with regard to the work of the Kosovo Special Chambers, but also at the International Criminal Court (ICC), as well as the recent developments in counter-terrorism and ICL.

Moderator

- Professor Robert Roth, Geneva Academy

Speakers

- Guido Acquaviva, Deputy Register, Kosovo Special Chambers
- Dr Sharon Weill, Swiss National Science Foundation Senior Researcher, CERI-Sciences Po, Paris/CERAH, Geneva

15:30 – 15:45 Coffee Break

15:45 – 17:15 Protection of Civilians

A common feature of several current armed conflicts is the heavy toll on civilians who are often trapped in sieges and battlefields in cities. In addition the use of explosive weapons in populated area, often leading to the destruction of essential civilian infrastructure has a devastating humanitarian impact in many situations of armed conflicts. In Mosul, Iraq, for instance, around 650,000 civilians are trapped in the city since October 2016, when the Iraqi government forces launched the operation to retake the city from control by the Islamic State (IS). In Syria, the battle of Aleppo was one of the longest sieges in modern warfare, leaving an estimated 31,000 people dead, almost a tenth of estimated overall Syrian war casualties. In Yemen, more than 6,800 people were killed and 35,000 injured from March 2015 until August 2016. More than one-third of all Saudi-led multinational coalition raids have hit civilian sites, such as school buildings, hospitals, markets, mosques and economic infrastructure. The panel will discuss how IHL and human rights law address this issue.

Moderator

- Jonathan Cuénoud, Legal officer, Swiss Federal Department of Foreign Affairs

Speakers

- David Tuck, Legal adviser, International Committee of the Red Cross
- Eric Mongelard, Human Rights Officer, United Nations High Commissioner for Human Rights

17:15 – 17:30 **Closing Remarks**

End of Conference