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## Introductory Seminar on International Humanitarian Law (IHL) Natolin, 19-21 March 2009

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### Tentative Programme

#### Thursday 19 March

8h45 – 9h15     *Registration of participants (in front of the Auditorium A1 – “Stables” Building)*

9h15 – 9h30     *Welcome*

9h30 – 11h0     *Prof. Elzbieta Mikos-Skuza*

#### I.     Introduction to International Humanitarian Law

- A.    Main developments of IHL from the origin to today
- B.    Fundamentals and principles of IHL
- C.    Analysis of the evolution of the relationship between the legality of the use of force (*jus ad bellum*) and the rules to be respected in warfare (*jus in bello*)
- D.    Evolution of the relationship between IHL and Human Rights/Refugee Law
- E.    Application/Applicability of IHL\_(International Armed Conflicts, Non-International Armed Conflicts, Internationalized Non-International Armed Conflicts, difference between Non-International Armed Conflicts and internal disturbances and tensions, etc.)

11h00 – 11h15   *Coffee break*

11h15 – 12h30   *Prof. Elzbieta Mikos-Skuza*

#### II.     Protection of wounded and sick

- A.    Definitions
- B.    Respect, protection and human treatment
- C.    Medical personnel, units and transport
- D.    Protective emblems

#### III.    Protection of Shipwrecked

*Prof. Elzbieta Mikos-Skuza*

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- A. Specificities of naval warfare
- B. Notion and protection, respect and human treatment of shipwrecked
- C. Medical personnel, Hospital ships and other protected medical units and transport

*12h30- 14h00 lunch break*

*14h00 – 15h45 Prof. Yves Sandoz*

**IV. Combatants and direct participation to hostilities**

- F. Status of combatant
- G. Armed forces and other groups having the status of combatant
- H. Notion of direct participation to hostilities
- I. Other persons directly participating in hostilities
  - a. spies
  - b. mercenaries
  - c. private military companies
  - d. Civilians occasionally participating to hostilities
- J. Governmental and dissident armed forces in non international armed conflicts

*15h45-16h00 coffee break*

*16h00 – 17h30 Prof. Yves Sandoz*

**V. Prisoners of war (POW) and other detainees in armed conflicts**

- K. Definition of a POW
- L. Capture, evacuations and registration
- M. Rights in detention
- N. Repatriation
- O. Detention of persons having participating to hostilities without having the status of combatant
- P. Detention of fighters captured in non international armed conflicts
- Q. Specific problem of persons captured in the so-called "war on terror"

*17h30 End of the session*

<b>Friday 20 March</b>
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9h00 – 10h45 (Auditorium A1 – “Stables” Building)

## VI. Protection of Civilians in the hands of the Enemy Power

Prof. Yves Sandoz

- A. Civilians on the territory of the Enemy Power
- B. Occupation
  - a. Definition: beginning and end of occupation
  - b. Prohibition of unilateral annexation
  - c. Rights and duties of the occupying power
  - d. Problems encountered in a long lasting occupation
- C. Civilian internees
- D. Other civilians detained in an armed conflict
- E. Special protection of some persons and objects
  - a. Women
  - b. Children
  - c. Journalists
  - d. Refugees and internally displaced persons
  - e. Missing
  - f. Cultural objects
  - g. Objects indispensable to the survival
  - h. Works and installations containing dangerous forces
- F. Humanitarian Assistance
  - a. Restrictive conditions of the IVth Convention of 1949
  - b. Ameliorations through the Additional Protocols of 1977
  - c. Notion and limits of the “right of humanitarian intervention” (“droit d’ingérence humanitaire”)

10h45-11h00 coffee break

11h00 – 12h30 Prof. Yves Sandoz

## VII. Conduct of hostilities

- A. Methods and means of warfare
  - a. Basic principles
  - b. Definition of military objectives ; problems of dual use objects and of collateral civilian damages
- B. Prohibition or restriction to use certain conventional weapon
- C. Prohibition of weapons of mass destruction

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12h30- 14h00 *lunch break*

14h00-16h00 *Presentations on the political and operational relations of the EU with IHL*

**VIII. CFSP and the implementation of International Humanitarian Law by the European Union - Mr Paul Berman, Cabinet Office Legal Adviser, UK**

- A. The CFSP instruments
- B. The role of the EU
- C. The European Union and the implementation of International Humanitarian Law

**IX. The European Union and crisis management – Mr Eric Chaboureau, General Secretariat of the Council of the EU Legal Service**

- A. The European Security Strategy and the EU's capabilities development
- B. The crisis management operations

16h00-16h30 *coffee break*

16h30-18h00 *Prof. Yves Sandoz*

**X. Presentation on the operations and policies of the International Committee of the Red Cross**

18h00 *End of the session*

<b>Saturday 21 March</b>
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9h00 – 10h45

*Open discussion with Prof. Elzbieta Mikos-Skuza and Yves Sandoz*

**XI. Implementation of International Humanitarian Law and Future Perspectives-**

- A. Implementation of International Humanitarian Law
  - a.Preventive measures
  - b.Means of control
  - c.Repression of violations and development of international justice

10h45 -11h00 *coffee break*

11h00 – 12h15

- B. Future Perspectives

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- a. Possible adaptation of IHL ('asymmetrical wars'; international terrorism; new technologies...)?
- b. What role for IHL to face the 21<sup>st</sup> century main challenges?

*12h30 Distribution of certificates ( Auditorium A1 – “Stables” Building)*

*End of the seminar*

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