



## Presentation Club Suisse de la Presse, 23.10.2019

### “Everything’s not Awesome: An International Campaign for Awesomeness?”

- According to the **War Report of the Geneva Academy of International Humanitarian Law and Human Rights**, in 2018 there were at least **69 armed conflicts** taking place on the **territory of 30 states**. Of these, at least **51 were non-international armed conflicts**, in **22 states**.
- In these conflicts, there are **more than 400 armed non-State actors or armed groups or involved in the fighting**. I will particularly develop on this aspect.
- For the record: I’m **not a lawyer**. I’m a **political scientist**, so even if I did study international law, I **mainly have a political perspective on the world**.
- **Still, my organization Fight for Humanity and I are committed to the promotion of human rights and international humanitarian law (IHL)**, not just for the promotion of the law itself, but as a **tool for achieving an objective, which is the respect for the rights and the protection of people, by conflict actors**.
- To do this we sometimes decide to stay several days **with armed non-State actors in order to discuss with them and provide in-depth IHL training**. On at least one occasion, while **lying in a camouflage tent at a rebel camp**, my colleagues and I realized that we were in that moment **legitimate collateral damage**. We tried not to think about that but kept on listening for helicopters and drones all night.
- It has also been **much less dramatic than that**, for example when **discussing the measures to protect civilians with rebel leaders next to a swimming pool in Havana**.

In my presentation I’ll focus on **4 main aspects to contribute to an answer to the question of today’s discussion “Are the Geneva Convention still respected?”**:

1. **The main qualities of IHL**
2. **Some main challenges to IHL**
3. **Possible work to promote the Geneva Conventions and**
4. **Possible work to *protect* the Geneva Conventions**

#### On the main qualities of IHL:

- The **Geneva Conventions were adopted 70 years ago**, and they are **amongst the most universally accepted treaties**.
- They **remain widely supported amongst States, at least verbally**. Also, **many armed non-State actors are recognizing IHL as a valid framework, and make references to it in their codes of conducts and other documents**.

- The Geneva Conventions are **the incarnation of thousands of years of experiences of humanity**. As such, they are the **evidence of our suffering, but also our learning**, in introducing **new conventions to respond to new identified needs**.
- Although measuring the exact **impact** is difficult, the Geneva Conventions have no doubt **helped reduce the suffering of millions of the people by promoting restraint, and by allowing thousands of hardworking humanitarian professionals and volunteers** - ICRC and other actors - **the space to work to alleviate the situation in conflict-affected areas**.
- IHL can **also play a central role in limiting atrocities and in this way facilitate for peace and reconciliation**.
- For this reason, the Geneva Conventions are **more than just a tool for protection**: they are an **expression of our common humanity and standards**.
- Even, in our opinion, **UNESCO should declare the Geneva Conventions as part of the world “immaterial” or “intangible” cultural heritage**.

#### On some main challenges to IHL:

- In terms of the question - **are they STILL being respected** - the counter-question is **if they were ever respected?**
- To our mind, **they are not being fully respected**. This is the **feedback you get when you meet with victims in conflict-affected areas**, where the respect for IHL and human rights is the most needed.
- These days that almost everyone has a **smart phone with a camera**, **violations** are more easily recorded, **but this doesn't mean that there are more violations**.

As the **Swedish public health expert Hans Rosling** would say, **there is no need to be nostalgic about a rosy past, most likely the present is better than the past, and the future can be still better**. For example, what was **accepted or a non-issue yesterday**, will be **barely tolerated today and unacceptable tomorrow**. For example: the use of **child soldiers**.

- As I listened to the **UN debate on the 70<sup>th</sup> anniversary of the Geneva Conventions** this August, it was **interesting** to hear that **all intervening States from all over the globe (including the P5) agreed on the importance of the Geneva Conventions** and that the problem is the **incomplete implementation, the lack of respect, understanding, of course, the lack of respect by others**. But, as they say, you need to lead by example.
- Secondly, as we know, there are **no universally functional mechanisms of accountability, including for persecutions of the perpetrators**. This remains highly political.
- Thirdly, **the Geneva Conventions are still largely unknown by civil society organizations** across the globe, who **mostly focus on human rights compliance by States**. Often they don't know the rules, or even, that there are rules for war.
- The fact that the Geneva Conventions are **technical and non-absolute probably doesn't help**. The **flexibility** of being “non-absolute” **has allowed the conventions to exist; after all, we're talking about regulating, not prohibiting, war**. But the lack of “absolutes” and the need to **apply the principles of “distinction”, “proportionality” and “precaution”** often allows for **loopholes and interpretations**.

I remember **in various trainings with civil society**, they would **just say that no attacks were allowed, because there were too many unknowns and factors that could not be controlled**. It was **sometimes the same with armed groups**, where you somehow awkwardly had to tell

them **that it was not unlawful to attack**, but that they could of course take a more cautious decision....

- Also, the fact that **the Geneva Conventions don't always give the same obligations and rights** to the parties in non-international armed conflict is also **confusing and not very helpful** when you are discussing with armed groups. They would often **ask why when their fighters are detained they are not seen as prisoners of war.**
- Indeed, if you're called a terrorist regardless of what you do, you may end of behaving like one.

### What can be done to promote the Geneva Conventions?

Several ideas have come up, for example in the UN debate I mentioned. These are all good ideas, but they need to be put in practice:

- **Firstly, "Let's fight against impunity"** – yes, but how, when and where? We have been working for the trial of IS members held in North East Syria. We organized an academic event on this topic with the Academy in May this year. Still, **political considerations made it difficult to progress because the IS members were held by another non-State actor. Now some of those who were detained may be on the run or dead. So, the idea of fighting impunity is good, but we need to be ready to act on it.** The setting-up of **mechanism such as the IIIM** (International, Impartial and Independent Mechanism) **for Syria** could be a good example, but for sure we need **more political willingness.**
- **Secondly, there are arguments linked to increasing the outreach to military and political actors.** Since, to respect the rules, the fighters must know them. This can be done:
  - o Through **humanitarian diplomacy and dissemination amongst all actors involved.**
  - o By "translating the law into **military doctrine, into rules of engagement, etc.**
  - o By pushing States to **set an example when they participate in military coalitions or when they support other States or armed non-State actors.** There needs to be a clear framework for that.
  - o By stressing that **humanitarian actors need to have access, particularly as counter-terrorism measures risk hindering humanitarian work.**
- **Thirdly, ideas linked to increasing the outreach to civilian actors, because they can help to influence armed actors to respect, for example by:**
  - o **Including IHL in school curricula early on."**
  - o **Stimulating more work on IHL also during peace time:** for example, through **national IHL committees.**
  - o **Reaching out to affected populations, with accessible messages.**
- **Fourthly, although this is less developed, there are ideas are linked to showing good practices and examples.** As they say, "**no news is good news**", but unfortunately **good news are usually not news...at all.**
  - o We would need a **better understanding on what works:** there are some examples, such as the very useful study by the **ICRC on "the roots of restraint"**. There is also a project by the **Academy and Geneva Call** on armed non-State actor practices of IHL and selected human rights norms.
  - o We could have **even more interactions between the military and political spheres with civil society, through discussions on good or promising practices.**

- **We should also seriously consider not just sanctions, but the military reward system:** as one member of an armed group once told me, “**Anki, the problem is that no one rewards you for an interrupted attack, only for the number of enemies killed or injured, weapons collected, etc.**” My guess is that in many State military system this is the same. The same applies at an organizational level: what are the rewards for compliance?
- Finally, we also need **stronger monitoring mechanism. Even informal mechanisms** can help give results. I remember in one case, a **report from a big human rights organization** had come out just days before we were supposed to have a **high-level workshop to raise support for an IHL training process** with an armed actor. We thought they would not show up, but instead **all the high-level leaders showed up, very upset** with the report and the fact **that they were being criticized**. The final outcome was that **they committed to the training process and, later on, to develop an IHL compliant code of conduct**.
- The only thing with **these kinds of reports** is that **they should of course document abuses, but also good things** that are being done, not to be counterproductive.
- In still other situations, **armed groups have decided to get rid of certain weapons after receiving training, when they realized how imprecise these weapons were**.
- So, **respect and restraint is possible and is already taken place, but we need to document and promote it!**

**And, what can then be done to protect the Geneva Conventions?**

- These days we have seen a **mobilization of millions of young people to push for action against climate change**. At the same time, **violations committed against the Geneva Conventions are producing millions of victims every year, they are contributing to the radicalization of armed groups, and are preparing the ground for future conflicts**. Still, is not creating the same momentum. Shouldn't this also be **the justification of a new global campaign?**
- As I said, the **Geneva Conventions are still largely unknown by civil society organizations across the globe, especially in affected countries**. It remains largely an “elite” issue. This would need to change; a broader crowd would need to be mobilized. Citizens should not accept that their rights and the rights of others are not being respected, in their own countries or elsewhere.
- **For this we all need to be more courageous and committed**, as experts, activists, journalists, politicians, and fighters, to raise awareness of **the need to protect IHL, the Geneva Conventions and what they stand for**.
- **Because, why can there only be “human rights activists” and no “IHL activists”?** (If you google the first on you get 98 million results, compared to 148'000 for the second, but mostly not correctly referenced).
- I will finish with the best quote I could find in relation to the status of the Geneva Conventions, from the theme song of Lego Movie 2 (if you know it, it means you either have young children or are Lego fans):

**Everything's not awesome**  
**Things can't be awesome all of the time**  
**It's an unrealistic expectation**  
**But that doesn't mean we shouldn't try**  
**To make everything awesome**

**In a less idealistic kind of way  
We should maybe aim for not bad  
'Cause not bad, well that would be real great**

- **As an “International Campaign for Awesomeness”** is not very clear, Fight for Humanity would propose to initiate an “International Campaign to protect the Geneva Conventions”.
- **Thank you.**