CENTRE FOR ADVANCED STUDY IN INTERNATIONAL HUMANITARIAN LAW

EVENT REPORT: 3-day certificate course on International Humanitarian Law
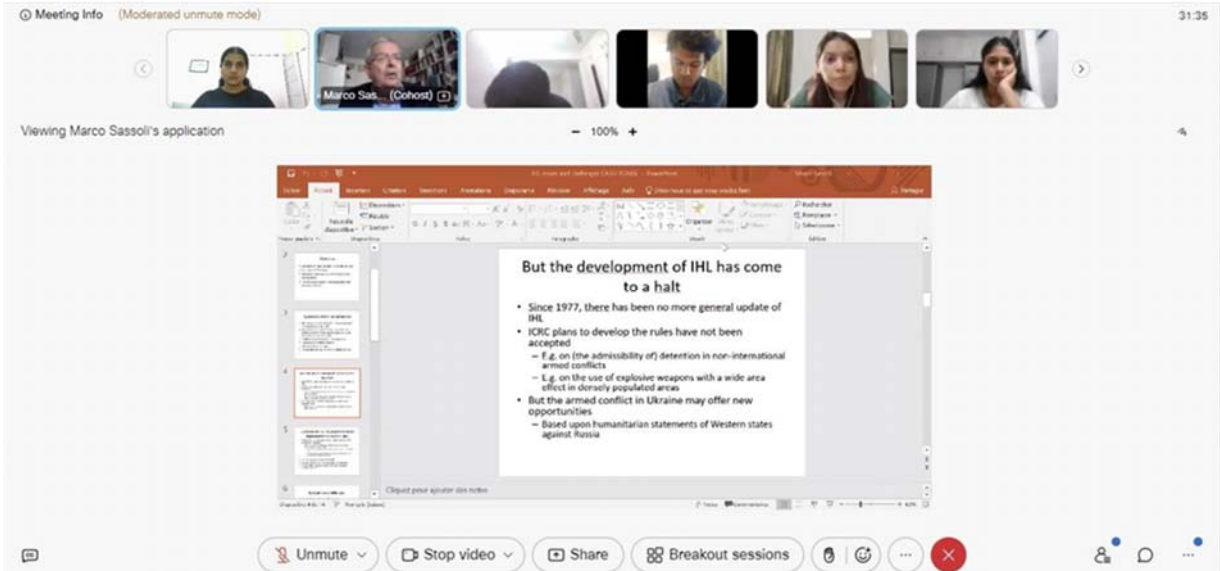
on

'Relevance of International Humanitarian Law in the contemporary world:

Issues and Challenges'

Guest Speaker: Professor Marco Sassòli, Professor at Faculty of Law of the University of Geneva, Switzerland.

The Center for Advanced Study in International Humanitarian Law (CASH), Rajiv Gandhi National University of Law organised a 3-day international certificate course on the, '*Relevance of International Humanitarian Law in the contemporary world: Issues and Challenges*'. The event was a huge success with more than 350 participants including academicians, scholars and students from various law universities from across the country. The course covered the triumphs, substantive obstacles, and the development of new, more appropriate norms and methods with respect to International Humanitarian law, in the chronological order.

Day 1

He began the session by discussion the accomplishments of international humanitarian law before reflecting on its recent growth, the impact of human rights on the area, and efforts by the International Committee of the Red Cross to interpret and explain IHL rules. He also emphasised the subject's stagnation, notably the lack of a comprehensive update since 1977, as a result of the widening rift in the international sphere. When the Cold War first broke out in 1949, leaders including Joseph Stalin, Harry Truman, and the colonial powers agreed to develop a set of norms that would apply to the situation. However, throughout time, the need for and goals of international humanitarian law increased.

Professor Sassòli went on to discuss the significance of the Russia-Ukraine conflict as a turning moment in our understanding of international humanitarian law. He underlined that IHL is not merely theoretical but rather related to practical learning as he explained the dimensions of its implementation. He illustrated the need for both the attacker and the defender, regardless of their circumstances, to safeguard and enforce international humanitarian law with the aid of Amnesty International's report denouncing Ukraine in the ongoing battle. However, the defence cannot utilise the citizens as human shields because the attacker has a higher duty to ensure their safety.

The use of drones, terrorism, and the applicability threshold were some of the significant difficulties encountered while applying international humanitarian law. There are many different interpretations of the application of IHL due to two key issues: over classification and under classification.

To conclude the session, he invited questions in order to further on the discussion of substantive difficulties on the next day. Due to time constraints, the day's session ended with an interactive round of questions and answers,

Day 2
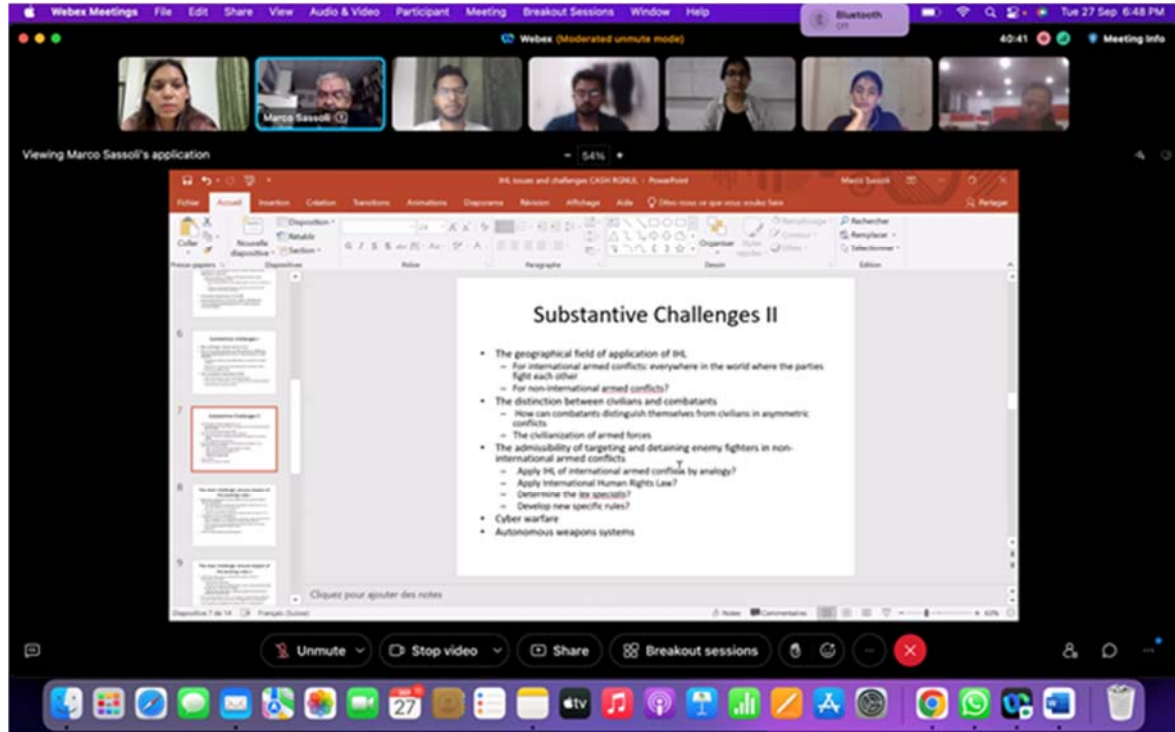
On the second day, Prof. Sassòli focused on the issues like the ICRC's inability to enforce regulations on states, cyber warfare and autonomous weapons systems.

He commenced the session by deliberating upon the geographical aspect in IHL and its application. He discussed the distinction between civilians and combatants and stated why there should be one between them and armed organisations. He used the example of how members of armed organisations could try to disguise their affiliation with those groups while they are actively engaged in hostilities.

While determining whether it is acceptable to target and jail enemy fighters in non-international armed conflicts, civilian contractors in conflict and private armed groups like Wargener, a Russian-based private army, may hold any combatant without court review. To decide who has to be held and for how long, a procedure is needed.

While talking about the Autonomous Weapons Systems, he explained it as a sub area of cyber war. These are deadly machines that have been given the ability by their human

designers to assess their surroundings, identify prospective enemy targets, and select to strike those targets autonomously based on advanced algorithms.

By the end of the session, he humbly opened up the floor for questions with the intention of expanding on the conversation on the substantial difficulties that were presented on the second day. The engaged participants posed a significant number of inquiries over the course of the discussion and the day came to a close with a question-and-answer session.

Day 3

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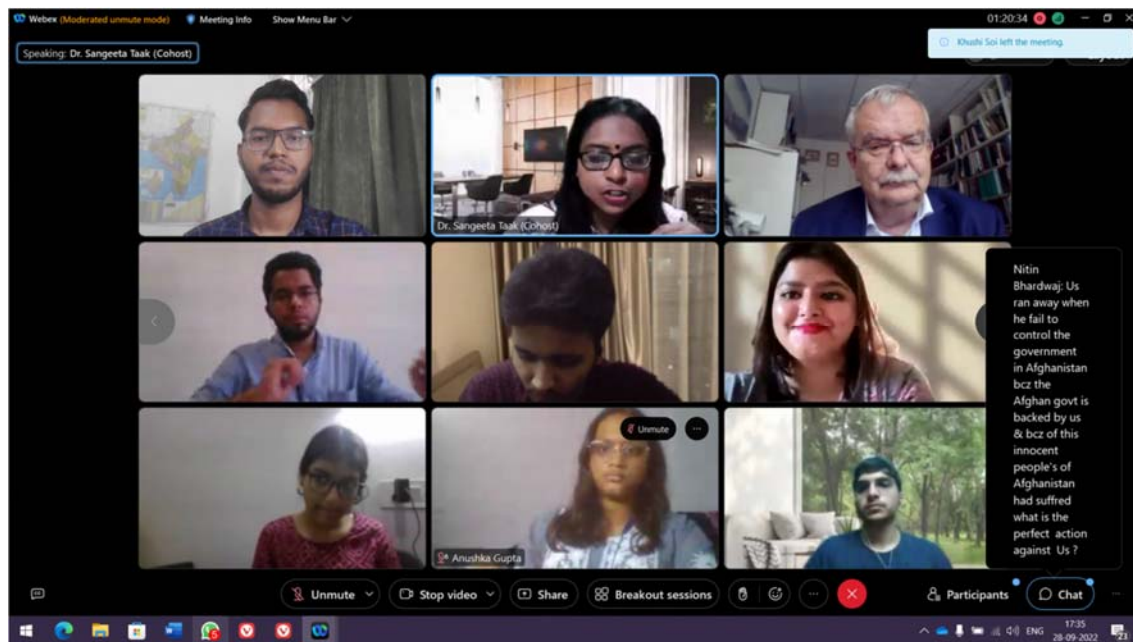
The session began with an explanation by Professor Sassòli on the function of non-state actors in an armed conflict. This includes information describing how non-state actors are not the subject-matter of the scope as such and that the State and its involvement in armed conflict are the main subjects of IHL. However, since non-state actors, particularly armed organisations, have a significant impact on international reality, it is crucial to include them within its purview. He stressed the function played by terrorist organisations in armed organisations and the way that supporting terrorist organisations would legitimise violence. He continued by elaborating on how IHL may be made inclusive of them by considering several approaches.

He talked through the difference between reality and perception. Perception is dangerous since it can mislead people. An instance of the same would be when people give up respecting IHL by listening to media and NGOs report about the violations of IHL. Therefore, there should be significance laid on researching about IHL and understanding its true implications for people to realize the importance of this crucial field of law.

Addressing another important issue, he went on to talk about non-international armed conflicts and their relevance as content under International Humanitarian Law. Though all armed conflicts should be taken and dealt with utmost seriousness and therefore the scope of IHL is not limited to international wars alone. It tends to expand its reach to non-international armed conflicts too. In such cases, the focus should be on rules which are realistic since there could be plenty of practices which are not humanitarian and could lead to terrible consequences.

War crimes are not just committed by states but could also be done by individual actors for which they would hold individual criminal liability. There is no state immunity from war crimes however, necessary evidence is needed to punish these crimes. He went on to explain war crimes in regard to the Russia-Ukraine conflict and also mentioned other conflicts including Afghanistan and Syria.

As a part of the conclusion, Professor Sassoli put forward the view that the role of IHL is

prohibition of unnecessary suffering. The states can have different interpretations of IHL but that should not prevent any state from respecting IHL as well as the challenges it poses so as to make sure these can be overcome and solutions can be discovered.

Concluding the discussion on International Humanitarian Law and its varied aspects and

dimensions, Professor Sassòli opened the floor for questions. Like the first two days, there were a large number of questions on the third day as well. Falling short on time, he tried answering as many questions as possible. The session concluded with this interactive question-answer session and this marked the end of the three day comprehensive course on Relevance of International Humanitarian Law in the contemporary world: Issues and Challenges'

The 3-day credit course came to a successful end with Dr. Sangeeta Taak (Faculty Coordinator, CASH) offering a vote of thanks to Prof. Sassòli.