



XII Seminar for Legal Advisors of the Armed Forces

Geneva, Switzerland – 18-21 June 2019

Co-organized with the Geneva Centre for Security Policy (GCSP),
with the support of the Swiss Federal Department of Defence, Civil Protection and Sport (DDPS), the
Swiss Federal Department of Foreign Affairs (FDFA) and the Swiss Group of the ISMLLW

PROGRAM

ISMLLW 1000 N E 3

“The Law of Armed Non-State Actors 70 Years after the Geneva Conventions”

TUESDAY 18 June

13:00 – 21:00 Registration of Participants at the Geneva Centre for Security Policy (GCSP)

13:30 – 15:30 **Meeting of the ISMLLW Managing Board**

16:00 – 18:00 **Meeting of the ISMLLW Board of Directors**

18:00 – 21:00 **Official Opening Reception**

WEDNESDAY 19 June

09:00 – 09:30 **Opening ceremony**

09:30 – 10:30 **Keynote speech**

11:00 – 12:30 **1st Working session**

**70 Years of International Law Applied to Non-State Armed Groups: From
Common Article 3 to the Equivalence of IAC and NIAC Law?**

Topics

- Identifying Non-State Armed Groups and Their Members: Direct Participation in Hostilities, Continuous Combat Function, Unlawful Combatants, Terrorists and Freedom Fighters
- Human Rights Obligations of Non-State Armed Groups in Non-International Armed Conflicts: Can Non-State Actors commit Violations of International Law?
- Upsides and Downsides of the Expansion of NIAC Law: Is the Equivalence Between IHL of IAC and NIAC a Desirable Outcome?

12:30 – 14:00 **Lunch break**

1400 – 15:30 **2nd Working session**

Losing Clarity regarding the Use of Force? From Targeted Strikes to Permanent War

Topics

- Unwilling or Unable Doctrine: New Customary Norm or Dangerous Breach of the *Jus Ad Bellum*?
- Hybrid Warfare: Unconventional Methods With and Against Non-State Armed Groups
- New Issues in Targeting

16:00 – 17:30 **3rd Working session**

The Role of the Military Legal Advisor in Non-International Armed Conflicts

Topics and Speakers tbd with DDPS

THURSDAY 20 June

09:00 – 10:30 **4th Working session**

Three Questions on Detention in Non-International Armed Conflicts: Legal Basis, Grounds for Detention and Procedural Safeguards

Topics

- The Legal Basis to Detain during Non-International Armed Conflicts: Is the Question Still Open?
- Detention by Non-State Armed Groups: Does the Same Legal Framework of State Armed Forces Apply?
- Guaranteeing Humane Treatment to Detainees in Non-International Armed Conflicts: The Bedrock of Common Article 3 and the Detailed Safeguards of Additional Protocol II

11:00 – 12:30 **5th Working session**

Making Justice in Non-International Armed Conflicts: Missing Link or Overlapping Jurisdiction?

Topics

- Ensuring Accountability of Armed Forces Through Military Justice
- Best Practices in Investigations
- The Exercise of Criminal Jurisdiction by Armed Groups: Benefits or Simply Risks?

12:30 – 14:00 **Lunch break**

14:00 – 17:00 **Excursion: Visit to the 'Palais des Nations' and to the Museum of the International Committee of the Red Cross**

19:00 – 22:00 **Official dinner**

FRIDAY 21 June

09:00 – 10:30 **6th Working session**

The Evolution of Peace Operations: From Buffer Force between States to Robust Mandates and Active Protection of Civilians against Non-State Armed Groups

Topics

- The Contribution of the Leuven Manual on the International Law Applicable to Peace Operations
- The Risk of Becoming a Party to the Armed Conflicts
- The Security of Peace Forces Involved in Robust Peace Operations

11:00 – 12:30 **7th Working session**

Bringing Private Military and Security Companies under International Law: Do We Need Clear Hard Law or Effective Soft Law?

Topics

- The Impact of Private Military and Security Companies on Contemporary Armed Conflicts: Where Do They Fit and Which Legal Framework Applies to Them?
- The Risk of Direct Participation in Hostilities by Private Military and Security Companies under Existing Law
- Compliance with the Montreux Document on Private Military and Security Companies

12:30 – 14:00 **Lunch break**

14:00 – 15:30 **8th Working session**

Future Challenges in Non-International Armed Conflicts: Conducting Operations in Complex Environments

Topics

- Conduct of Hostilities in Urban Environments: How Does the Law Change?
- Counter-Terrorism Operations: Stretching the Law Home and Abroad
- Ensuring Compliance with International Humanitarian Law by Non-State Armed Groups

16:00 – 17:00 **Closing Ceremony**