



International Institute of Humanitarian Law
Institut International de Droit Humanitaire
Istituto Internazionale di Diritto Umanitario

in co-operation with



INTERNATIONAL COMMITTEE OF THE RED CROSS
COMITÉ INTERNATIONAL DE LA CROIX-ROUGE
COMITATO INTERNAZIONALE DELLA CROCE ROSSA

***42nd ROUND TABLE ON CURRENT ISSUES
OF INTERNATIONAL HUMANITARIAN LAW***

On the 70th anniversary of the Geneva Conventions

***“Whither the human in armed conflict?
IHL implications of new technology in warfare”***

SANREMO, 4-6 SEPTEMBER 2019

UNDER THE PATRONAGE OF THE ITALIAN MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION

DRAFT PROGRAMME

as of 13 May 2019

Wednesday, 4 September

09.00 – 12.00 REGISTRATION
13.00 – 14.30 REGISTRATION

**OPENING SESSION
15.00-16.30**

WELCOME ADDRESS

- Alberto Biancheri, Mayor of Sanremo

INTRODUCTORY REMARKS

- Fausto Pocar, President, International Institute of Humanitarian Law (IIHL)
- Helen Durham, Director of International Law and Policy, International Committee of the Red Cross (ICRC)
- Representative of the Ministry of Foreign Affairs and International Cooperation, Italy

CONFERENCE HIGHLIGHTS

Video message by Peter Maurer, President of the ICRC (TBC)

KEYNOTE ADDRESS

IHL, Humanity and New Technology 70 years after the adoption of the four Geneva Conventions: Is IHL still ‘fit for purpose’?

SESSION I
17.00-18.30

**ADRESSING EMERGING CHALLENGES:
THE GENEVA CONVENTIONS ON THEIR 70th ANNIVERSARY**

The 2019 Sanremo Round Table will address the subject of 'IHL, Humanity and New Technology – 70 years on from the Geneva Conventions'. The objective of the Round Table is to examine the impact that new technologies have on international humanitarian law (IHL), how IHL responds to technological developments, and what the enduring role of the human is in a time in which new technologies increasingly assist or even replace the human in warfare. The question of how IHL addresses changing realities, in particular, those related to technological developments, is not new to this field of law: while a century ago wars were primarily fought on land and at sea, soon air strikes became a defining feature of many armed conflicts. War moved from the country side to cities. New weapons have been developed continuously. And while in the first half of the 20th century the vast majority of armed conflicts were international in nature and only a minority non-international, this ratio has inverted. As legal obligations are normally codified in an abstract and rather general manner, they are designed to address evolving realities. Indeed, IHL makes it clear, and it is generally recognized that this body of law applies to existing and future means and methods of warfare. In light of recurring calls to address technological changes through new law and on the occasion of the 70th anniversary of the signing of the four Geneva Conventions, the first panel will discuss how changes in warfare have been addressed by IHL in the past century. The objective of this session is to examine how IHL has addressed past challenges, and which lessons can be drawn from this experience.

- *From land, to sea, to air – from the trenches to the city: IHL and the changing realities in the conduct of hostilities during the past century*
- *From International to Non-International Armed Conflicts: IHL and the changing realities in the nature of armed conflicts*
- *A legacy of responding to new means and methods of warfare: the regulation of new weapons under international law*

Thursday, 5 September

SESSION II
09.00 – 10:30

IHL AND THE CHALLENGES RELATED TO CYBER WARFARE

Recently, some States and non-State armed groups stated publicly that they were using cyber technology in contemporary armed conflicts. Indeed, it is estimated that between 20 and 30 States either have, or are building, offensive capabilities in cyber space. While it is widely recognized, especially in expert circles, that IHL applies to and restricts the use of cyber capabilities as means and methods of warfare during armed conflicts, debates continue on how IHL is to be interpreted in the cyber realm. Indeed, clarifying how IHL applies to cyber warfare would help shed light on whether its rules are sufficiently clear in view of the specific characteristics and foreseeable humanitarian impact of cyber warfare. Session II will first look at the technical angle of cyber operations and the potential human cost of cyber operations. Subsequently, experts will provide insights on how militaries use cyber technology in contemporary armed conflict and which developments are anticipated. Based on the technological and military realities, experts will then inquire whether IHL provides adequate and sufficient rules to govern the use of cyber technology in warfare.

- *Casualties caused through computer network attacks? The potential human costs of cyber warfare*
- *The contemporary and future use of cyber technology in warfare*
- *The use of cyber technology in warfare: which rules does IHL provide and are they sufficient?*

SESSION III
11.00 – 12.30

DEBATE
**“IHL AND NEW TECHNOLOGY – HOW MUCH HUMAN CONTROL
IS REQUIRED BY EXISTING RULES?”**

For a number of reasons, militaries have a significant interest in increasingly autonomous weapons – those with autonomy in the “critical functions” of selecting and attacking targets – and, indeed, some autonomous weapons are already in use, albeit in a highly constrained manner. While autonomy in targeting functions may entail a number of advantages from a military perspective, others – including the ICRC - have raised concerns about a growing risk that humans will lose control over weapon systems, becoming so far removed from the choice to use force that life-and-death decision-making will effectively be left to sensors and software. In the context of inter-governmental discussions especially on autonomous weapons systems at the CCW, States have agreed on the importance of human control, responsibility and accountability. The central question now is what type and how much human control is required for both compliance with IHL and for ethical acceptability? Session IV will not be a classic expert panel. For this session, two experts will be invited to present contrasting views on the issue. Moderated by a knowledgeable moderator, this format will not only allow for the teasing out of a variety of arguments on both sides but it will also invite questions and views from the audience.

- *Argument that IHL requires significant human control over weapon systems and decisions on the use of force.*
- *Argument that IHL does not require significant human control over weapon systems and decisions on the use of force.*

SESSION IV
14.00 – 15.30

THE USE OF ARTIFICIAL INTELLIGENCE IN WARFARE

The use of artificial intelligence in warfare is in its relatively early stages of development and use – but, as in civilian contexts, its use is expected to proliferate rapidly, with many militaries placing significant emphasis on this for the future. A key challenge is to assess not only potential military advantages but also the possible humanitarian consequences of applications of artificial intelligence technology in warfare. While IHL was certainly not drafted with the challenges posed by artificial intelligence in mind, core IHL rules were designed to be future-proof to an extent, applying not only to means and methods of warfare existing at the time of drafting but also to any future means and methods of warfare. Against this background, session IV will provide participants first with an update on the latest developments on artificial intelligence, machine learning, algorithms, and emerging military applications. Afterwards, experts will dig deeper into the emerging military applications of artificial intelligence, also considering which challenges they see in this context – be they legal, ethical or technical. These practical perspectives will be complemented by an examination of the IHL questions raised by application of artificial intelligence techniques in key aspects of warfare, namely, targeting and deprivation of liberty.

- *Artificial intelligence and machine learning: where do we stand and where do we go from here?*
- *The contemporary use of – and possible limits for – artificial intelligence in warfare: a military perspective*
- *Artificial Intelligence in military decision making: which limits does IHL impose regarding targeting and deprivation of liberty?*

SESSION V
16.00 – 17:30

IHL AND CHALLENGES RELATED TO OUTER SPACE WARFARE

The idea of outer space warfare seems remote for some; however, others anticipate that hostilities involving outer space operations are a likely development in the coming years. In light of this anticipation, for a number of years States have engaged in discussions to prevent an arms race in space. While these discussions continue, experts have started different processes to clarify the legal framework regulating warfare in outer space, examining how existing IHL norms apply in outer space and how these rules interact with other applicable rules of international law. The objective of this session will be to shed light on recent developments in the outer-space realm by examining the following questions: How do militaries use outer space in armed conflict and which developments are anticipated in the coming years? Which limits does outer space law impose for the use of outer space in warfare, and how does this body of rules relate to IHL? How does IHL apply in outer space and which challenges exist for applying existing rules in outer space?

- *The military use of outer space: where do we stand?*
- *Limits imposed by outer space law on military operations in outer space*
- *IHL and outer-space warfare: the legal framework and challenges*
- *Military implications of the use of outer space: a European perspective*

Friday 6 September

SESSION VI
09.00 – 10:30

***NEW TECHNOLOGY AND URBAN WARFARE:
MORE PRECISE OR MORE DESTRUCTIVE?***

Today, the overwhelming majority of armed conflicts take place in cities. In light of an ongoing urbanization, this trend is likely to continue. At the same time, recent conflicts have shown that warfare in urban areas bears high risks for civilians and often results in significant destruction of infrastructure. Against this background, this session aims to analyze the prospects and risks of the use of new technologies in urban warfare. Experts will provide insights and present their views on one or more of the following issues: Which technological developments do militaries anticipate in the coming years and what impact are these changes expected to have on urban warfare? How is new technology currently used in urban warfare, particularly in the planning of urban warfare? Which prospects does the use of new technology have for feasibility of precautions in attack and precautions against attacks? How can new technology be used to protect civilians during urban warfare? Which ‘untapped potentials’ exist today? Which risks could the use of new technology in urban warfare bear? What impact could a possible ‘technical divide’ between modern State militaries and significantly less sophisticated adversaries have on warfare and on the parties’ respect for IHL?

- *Urban warfare in 2035: What realities to expect?*
- *New technology and the preparation of urban warfare: what prospects for active and passive precautions?*
- *Risks in using new technology in urban warfare – and additional steps States should take to avoid civilian casualties*

SESSION VII

11.00 – 12.30

THE PROSPECTS AND PITFALLS OF DIGITAL TECHNOLOGY IN DESIGNING AND DELIVERING EFFECTIVE HUMANITARIAN RESPONSES

Technological advances and digitalization are occurring at an ever-faster pace. Technology is creating profound changes in service delivery. It offers various opportunities in terms of how today's responses to increasing humanitarian needs are organized. At the same time, there is increasing awareness of the digital risks to civilian populations through their use or reliance on digital technologies, and humanitarian actors also need to be aware of the potential negative impacts their digital activities can have on the persons they aim to assist. This panel aims to examine – from a practical perspective – the benefits and prospects of the use of new technologies to support humanitarian assistance for victims of armed conflict. In the context of these reflections, one expert will also address the possible risks for civilian populations that an increasing reliance on digital communication and digital tools by humanitarian organizations may involve for those they aim to assist.

- *The impact of new technology on the ability of organizations to provide humanitarian assistance*
- *The humanitarian metadata problem: 'Doing no harm' in the digital era*
- *The use of new technology in humanitarian action: a challenge for data protection and the principle of independence?*

SESSION VIII

14.00 – 15.30

THE WAY FORWARD? A CONVERSATION ON CONTEMPORARY INITIATIVES TO ADDRESS THE NEW TECHNOLOGY OF WARFARE

This final panel will not be in the classic 'presentation – discussion' format but it will rather be an expert discussion moderated by the chair and with significant participation of the audience. The idea is to have a conversation: no presentations will be made but the chair poses several questions to the participants, who will answer in a concise manner. The chair, panelists and the audience will have the possibility to ask (follow-up) questions and to engage in the discussion. For a successful panel, we will need to invite experienced, outspoken, and exceptionally knowledgeable panelists and a chair who is willing and able to lead such a discussion.

The main themes to be addressed include:

- *Where do contemporary intergovernmental processes stand (UN GGEs on cyber, autonomous weapons, outer-space; the Secretary-General's High-Level Panel on Digital Cooperation, and others)?*
- *Are the existing multinational structures adequate to address contemporary challenges? Is there sufficient collaboration between them? Do they draw sufficiently on technological experts? Are all policy options being explored in a rational way?*
- *What is the role of non-governmental actors in norm interpretation and development? Is it different as regards new technologies compared to other issues? What is and what should be the interaction between States and Tech companies on the development of technologically advanced weapon systems?*
- *Is there a need for new law with regard to the different tech areas or is it a question of interpreting and clarifying existing law?*

CLOSING WORDS

15.30-16.00

- Helen Durham, Director of International Law and Policy, International Committee of the Red Cross
- Fausto Pocar, President, International Institute of Humanitarian Law