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

Closing words

Fausto POCAR
President, IIHL

Thank you, Helen, for your closing words on the achievements of this round table, as well as and for your kind words addressed to me as president of the Institute. Let me say, in turn, that it has always been a pleasure, over these last years, to share with the ICRC as an institution the annual round table and in particular to share personally with you its concluding words, as well as to identify, at the preparation stage of the round tables, in perfect tune with you the issues we were going to choose on each occasion and the way we were going to deal with them. We have always been a good and efficient team and I am grateful to you for the high level of friendly partnership we were able to reach in the interest not only of our respective institutions, but, even more, of humanitarian law and of the human beings who benefit from its progressive implementation.

At this late hour, I will not take more time to go through the program and comment over all the issues we discussed in the sessions of the round table. How IHL responds to the challenges of new technologies has been and will always be a theme for provisional conclusions, especially because new technologies develop quickly and bring about new challenges for the full application of the basic principles of IHL – distinction, proportionality, precaution and humanity – which must always be at the core of our attention. One point which was made at the beginning of the round table was that, whatever the view about a need for adaptation of the law to new
technologies, the basic principles of IHL remain valid and must be respected, with the consequence that, should new technologies not allow for their respect, they would entail violations of international law.

Indeed, on one hand technologies may show advantages in the application of the said basic principles, but, on the other hand, they may entail disadvantages, shortcomings and problems. We heard, also today, that technology may contribute positively to the missions for the assessment of violations of IHL and may assist in that assessment, even in courts. However, new technology or parallel technology may also contribute to hiding violations and make their assessment more difficult, so that accountability for crimes might become less easy to establish in a court of law, be it an international court or a domestic jurisdiction.

But it is not the right moment now to go into details of the round table and to discuss again to what extent IHL may succeed in facing all the challenges raised by new technologies. It is also doubtful that a discussion on the role of the human resolves the problem. The problem is that, while it is difficult to ensure that new technologies respect the afore-mentioned principles, it is even more difficult to make sure that the human behave correctly and to avoid their making mistakes, intentionally or unintentionally, both in the application of traditional and new technology. Education and training on IHL as national military academies are mandated to carry out is essential in this regard. However, I wish to stress that, if lessons can be drawn from the use of new technologies in modern warfare, where military operational decisions may be taken far from the actual battlefield, or perhaps the battlefield has become global, it has become more and more imperative that dissemination and education on IHL reaches not only the military, but any person involved in armed conflicts, including at the political level, and, especially in light of the frequent of non-international conflicts, the population at large. The San Remo Institute has been at the forefront in the dissemination and training of IHL as of its foundation. Thousands of persons, military and non-military, have participated it its activities, in its courses, in its round tables, and have been trained on its manuals elaborated by competent and independent academic as well as operative international experts. The San Remo Institute will continue to play a significant role in this regard in the years to come, and the annual round table will remain an important gathering of experts to discuss the developments of IHL and its implementation.

This round table has been very productive in terms of exchange of ideas in thorough and competent discussions. I am confident that it will be the same in the future. Next year will be a turning point for the Institute, as it will
celebrate its 50th anniversary. The next round table will certainly be devoted to an assessment of the achievements reached in half a century of active life, and at the same time it should look at the future and discuss where IHL is going and where the focus of our endeavors should be put. We will try to organize a memorable round table for the 50th anniversary and I hope to welcome you all in Sanremo again, even if I will do it in a different capacity.

Once more, I would like to express my gratitude to the panelists and the moderators who conducted the various sessions. Admittedly, it was not easy to find the most appropriate speakers, mostly because experts in technology are very busy and were not easily available to join us, and I wish to thank all of them for having come to Sanremo in these days to give their excellent contribution to the round table. A special thank goes to all those who participated in the debate and to the interpreters for their important contribution to our works. Finally, let me thank again the staff of the Institute and of the ICRC whose work has made this round table a great success; all of you have my deep gratitude for your efforts.

It remains for me to wish all the participants a safe journey back to their homes in the hope of seeing all of them here again in Sanremo next year.