



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

in co-operation with the



ICRC

*45<sup>th</sup> ROUND TABLE ON CURRENT ISSUES  
OF INTERNATIONAL HUMANITARIAN LAW*

*“After the conflict before the peace:  
legal military and humanitarian issues during  
the transition”*

*7-9 SEPTEMBER 2022*

## BACKGROUND DOCUMENT

The transition from armed conflict to post-conflict scenarios is permeated by challenges of different nature, including legal issues related to the implementation of a transitional military justice, the reconstruction of a common identity and sense of unity in the local population (particularly in case of NIACs), as well as other crucial issues such as the conduct of disarmament and reintegration programmes, the full restoration of the rule of law and public institutions, and the reconstruction of urban areas and economic environments.

When underestimated or voluntarily overlooked, such issues can seriously jeopardise the whole transition to the detriment of the most vulnerable categories of the civilian population. The multi-layered process towards peace, intended as the absence of armed conflict, thus implies the establishment of long-term cooperation between military and non-military law enforcement bodies, public institutions, civil society organisations, private entities (e.g. financial and economic stakeholders), NGOs and humanitarian actors.

In this complex framework, the basic needs and fundamental rights of the civilian population must be set as a priority by all the players involved, constituting the indisputable baseline of a decent society.

The 45<sup>th</sup> Sanremo Round Table on current issues of IHL will therefore try to shed light on the main military, humanitarian, and legal challenges of the transition from conflict to non-conflict scenarios.

Starting from the **historical analysis of the transition from conflict to non-conflict**, the Round Table will then shift its focus to the legal cruxes of such transition, with particular regard to the issues related to the role and position of regular armed forces, armed non-state actors (ANSAs), humanitarian actors and civilian population.

From the battle of Solferino (1859) on, the issue of the transition from conflict to non-conflict has increasingly become the object of international debates. All the areas of the world have been directly or indirectly affected by transition processes in about one and a half centuries of human history, recording several post-conflict socio-economic and political resettlements, as that in Europe in the aftermath of the First and Second World War, and post-conflict consolidation at the national and sub-regional levels, as the Rwandan and Yugoslavian cases in the 90s and the Kosovo one, still far from being solved. The new millennium also brought to the attention of the international community more than relevant chronicles of reconstruction processes following armed conflicts, as proved by the Iraqi and Afghan recent histories.

Considering the complexity of modern armed conflicts and the deriving issues of responsibility, as well as accountability for crimes against the civilian population in post-conflict environments, the Sanremo Round Table will also address the **role of ANSAs which exercise control over territories in post conflict scenarios**, lingering on the applicability of specific international humanitarian law, human rights law, refugee law and criminal law provisions.

Furthermore, the peculiar aspects of **transitional justice and detention policies** will be also analysed in view of outlining a clear perimeter of the legal framework applicable to categories of **people with special needs** and other **vulnerable groups** (e.g. children, women, the elderly, displaced persons, asylum-seekers, refugees, etc.).

With reference to non-combatants, particular attention will be devoted to the non-combatant **evacuation operations (NEOs)**, through a distinct analysis of the challenges and obstacles incurred by the military personnel while handling such sensitive actions within their deployment objectives.

By deepening the typical condition and legal boundaries in NEOs of particular categories of the population, such as children, as well as the implicit and explicit gender-related aspects of these operations, special emphasis will be laid on the status granted by international law to evacuees in general. Moreover, the humanitarian concerns for the unique condition of asylum-seekers, refugees and displaced persons will be brought to the table as fundamental elements of the debate.

The necessary interactions between the former parties to the conflict and among all the relevant stakeholders (humanitarian and not) will certainly represent a further element to be taken into consideration. Development cooperation plays a crucial role at the local, national and/or international levels, not only by involving public institutions and intergovernmental bodies, but also civil society organisations and NGOs at different extents, focusing on various aspects of the social, cultural, political and economic post-conflict situation and acting within very composite legal frameworks.

Apart from the more refined legal and humanitarian arguments ruling (or not) the several specific shades of the post-conflict scenarios, a thorough and comprehensive debate on the main questions of the “quest for peace” may not disregard, finally, the issues of **remnants of war**, the relevance of effective and extensive **disarmament and arms dismantlement** (not only meaning destruction of small weapons but also, for example, de-mining operations of mined cultivable fields), and of the **implementation of infrastructure reconstruction programmes** (e.g. freshwater facilities). For this reason, the 45<sup>th</sup> Sanremo Round Table will also address the infrastructure and disarmament issues from the military, legal, operational, and humanitarian perspectives within a final thematic session.