Day dedicated to the victims of armed conflicts in commemoration of the 150th anniversary of the first Geneva Convention

24 June 2014 Maison de la Paix, Geneva

Mrs Vice-President,

Excellencies,

Ladies and Gentlemen,

It is my pleasure to welcome you all here today in the Maison de la Paix, on the day dedicated to the victims of armed conflict.

This year, we are celebrating 150 years of the adoption of the first Geneva Convention. The Convention was the first multilateral instrument establishing rules applicable to international armed conflicts. It is considered to be the first treaty of modern international humanitarian law. The convention protected wounded soldiers and introduced the obligation that everyone should receive medical care, regardless of which party to the conflict he belongs to. It also established the protection of the medical mission and its protective emblem, the Red Cross.

For IHL, 1864 was the starting point of a long multilateral codification process that aimed at humanising warfare to the extent possible. For the city of Geneva, it was the beginning of its role as

- a center for dialog on IHL,
- a hub for humanitarian action,
- and later as a forum for disarmament as well as
- a host for multilateral institutions like the United Nations.
During the codification process, at the end of the 19th Century and the beginning of the 20th Century, governments and the International Committee of the Red Cross were already discussing the idea whether certain types of weapons could be used in accordance with the laws and customs of war or whether they should be outlawed.

At the time, new technologies like planes, Zeppelins and submarines caused great concern, as did the development of gas as a weapon. Discussions took place to determine whether it is possible to use these technologies while respecting the fundamental principles of IHL.

Subsequently, some – but only few – weapons were prohibited preventively, before having been used on the battlefield. This was the case for exploding bullets and blinding laser weapons. Over time, other weapons were banned, after their horrendous consequences on civilians as well as combatants were witnessed: For example, biological and chemical weapons, expanding bullets - also known as dum-dum bullets - incendiary weapons, anti-personnel mines and cluster munition.

Today, we are confronting the same questions with regard to increasingly automated and autonomous weapon systems, but also with regard to nanotechnologies or cyber warfare. Will it be possible to use these technologies in full respect of IHL?

With decreasing human control – or, as they say, with less “human in the loop” - will new weapons have the capacity to distinguish between civilians and combatants? Distinguish a fighting combatant from one who surrenders? Can they function according to the principle of proportionality?

Should certain new technologies or their use be preemptively prohibited, depending on the answers to these questions? In addition, the issue of accountability has to be raised: Who will be responsible or criminally liable if these weapons lead to violations of IHL? The soldier, the commander, the technician responsible for maintenance, the company having developed the weapon system or the government having acquired the weapon?

Each State has the responsibility to face these questions. States are the first filter for the assessment of the legality of new weapons. Article 36 of the First Additional Protocol to
the Geneva Conventions, provides specifically that States are under an obligation to undertake this assessment. It is key that Art. 36 AP I is properly implemented, particularly in the absence of explicit regulations or prohibitions of certain weapons.

In general, IHL has proven flexible enough to deal with the emergence of new weapons. But there is clearly a need to discuss these issues on an international level with a view to achieving common understandings and positions.

But, despite the questions and challenges, we also have to consider the opportunities these technological developments may offer. They could allow the creation of weapons which are more precise and which will increasingly limit collateral damages and, more in general, effects of hostilities on the civilian population.

Furthermore, an autonomous weapon system will not experience human feelings of anger or a desire for revenge and cruelty, a frequent source of violations of IHL.

New technologies can not only be used to develop new weapon systems, they can also be used for civilian purposes, including humanitarian purposes. For example, drones can obtain precise information on the situation of populations affected by armed conflict.

This can be particularly helpful in cases where the direct access for humanitarian actors is difficult, if not impossible.

In order to develop a balanced approach to the new technologies, we will have to carefully weigh their advantages and disadvantages.

Ladies and Gentlemen,

I am pleased to welcome you tonight for a discussion on all these issues.

Geneva is the ideal place to hold such an exchange of views, as many different actors and a lot of expertise are present here.

I would like to thank the Geneva Academy and the ICRC for organizing this event on this day dedicated to the victims of armed conflict.
The technologies used in warfare may be new, but the goal of protecting all persons affected by armed conflict has not changed since the adoption of the first Geneva Convention in 1864.

I wish you all a fruitful and inspiring discussion.