

WEBVTT

NOTE duration:"00:58:15"

NOTE recognizability:0.858

NOTE language:en-us

NOTE Confidence: 0.90177927875

00:00:06.220 --> 00:00:08.444 I want to introduce our next speaker please.

NOTE Confidence: 0.90177927875

00:00:08.450 --> 00:00:11.562 And our next speaker is Andrew Heinrich.

NOTE Confidence: 0.90177927875

00:00:11.562 --> 00:00:15.049 And Andrew is actually a mutual friend

NOTE Confidence: 0.90177927875

00:00:15.049 --> 00:00:17.527 of of Jacob Lindenthal and mine.

NOTE Confidence: 0.90177927875

00:00:17.530 --> 00:00:19.273 So Jacob said if you're doing something

NOTE Confidence: 0.90177927875

00:00:19.273 --> 00:00:21.486 like this you should really speak to Andrew.

NOTE Confidence: 0.90177927875

00:00:21.490 --> 00:00:23.242 And I spoke to Andrew before we did

NOTE Confidence: 0.90177927875

00:00:23.242 --> 00:00:25.291 this the first time and he helped me

NOTE Confidence: 0.90177927875

00:00:25.291 --> 00:00:26.937 organize some things and find some

NOTE Confidence: 0.90177927875

00:00:26.937 --> 00:00:28.876 superb speakers last year and this year.

NOTE Confidence: 0.90177927875

00:00:28.880 --> 00:00:30.890 And so we kind of plan a lot of this

NOTE Confidence: 0.90177927875

00:00:30.950 --> 00:00:32.880 stuff together and you're currently

NOTE Confidence: 0.90177927875

00:00:32.880 --> 00:00:34.810 works for the federal government.

NOTE Confidence: 0.90177927875

00:00:34.810 --> 00:00:36.147 And so before we say anything else,
NOTE Confidence: 0.90177927875

00:00:36.150 --> 00:00:36.820 you have to say that.
NOTE Confidence: 0.90177927875

00:00:36.820 --> 00:00:38.310 Opinions are not necessarily those.
NOTE Confidence: 0.90177927875

00:00:38.310 --> 00:00:39.657 Is there something I'm supposed to say?
NOTE Confidence: 0.90177927875

00:00:39.657 --> 00:00:41.870 The views expressed are his own and do not
NOTE Confidence: 0.90177927875

00:00:41.870 --> 00:00:43.649 reflect the views of the US government.
NOTE Confidence: 0.90177927875

00:00:43.650 --> 00:00:44.868 So, Andrew, you just to be clear,
NOTE Confidence: 0.90177927875

00:00:44.870 --> 00:00:45.998 you do not speak for the
NOTE Confidence: 0.90177927875

00:00:45.998 --> 00:00:46.562 United States government
NOTE Confidence: 0.854421848333333

00:00:46.580 --> 00:00:49.958 here. All right, we got that. OK. I'm Andrew
NOTE Confidence: 0.65057092125

00:00:49.970 --> 00:00:52.906 as a as a remarkably Andrew Heinrich JD,
NOTE Confidence: 0.65057092125

00:00:52.910 --> 00:00:55.758 a Master of philosophy.
NOTE Confidence: 0.65057092125

00:00:55.760 --> 00:00:58.110 Is currently the special policy and Projects
NOTE Confidence: 0.65057092125

00:00:58.110 --> 00:01:00.120 Coordinator at the office of Senator
NOTE Confidence: 0.65057092125

00:01:00.120 --> 00:01:01.945 Robert Menendez and he's the founder
NOTE Confidence: 0.65057092125

00:01:01.945 --> 00:01:03.895 of something called Project Rousseau.

NOTE Confidence: 0.65057092125

00:01:03.900 --> 00:01:05.715 And this is a US based charity that

NOTE Confidence: 0.65057092125

00:01:05.715 --> 00:01:07.640 empowers youth and communities with the

NOTE Confidence: 0.65057092125

00:01:07.640 --> 00:01:10.028 greatest need to reach their full potential

NOTE Confidence: 0.65057092125

00:01:10.028 --> 00:01:12.450 and pursue and excel in higher education.

NOTE Confidence: 0.65057092125

00:01:12.450 --> 00:01:14.522 Since then, he's gone on to expand his

NOTE Confidence: 0.65057092125

00:01:14.522 --> 00:01:16.092 portfolio with an emphasis on improving

NOTE Confidence: 0.65057092125

00:01:16.092 --> 00:01:18.330 the lives of others in the greatest need,

NOTE Confidence: 0.65057092125

00:01:18.330 --> 00:01:20.154 focusing on refugees,

NOTE Confidence: 0.65057092125

00:01:20.154 --> 00:01:23.194 Native Americans and homeless youth.

NOTE Confidence: 0.65057092125

00:01:23.200 --> 00:01:25.260 Andrews areas of research include

NOTE Confidence: 0.65057092125

00:01:25.260 --> 00:01:26.496 post conflict reconstruction,

NOTE Confidence: 0.65057092125

00:01:26.500 --> 00:01:28.078 public international law

NOTE Confidence: 0.65057092125

00:01:28.078 --> 00:01:29.656 and regulatory affairs.

NOTE Confidence: 0.65057092125

00:01:29.660 --> 00:01:30.990 His work has been published

NOTE Confidence: 0.65057092125

00:01:30.990 --> 00:01:32.320 by Oxford University of Press,

NOTE Confidence: 0.65057092125

00:01:32.320 --> 00:01:34.264 Foreign Affairs and the New England
NOTE Confidence: 0.65057092125

00:01:34.264 --> 00:01:35.940 Journal of Medicine, among others.
NOTE Confidence: 0.65057092125

00:01:35.940 --> 00:01:38.390 Andrew received his JD from Harvard Law
NOTE Confidence: 0.65057092125

00:01:38.390 --> 00:01:41.003 School in his M Phil and international
NOTE Confidence: 0.65057092125

00:01:41.003 --> 00:01:43.120 relationships at the University of Oxford,
NOTE Confidence: 0.65057092125

00:01:43.120 --> 00:01:45.838 and his bachelor's degree is from
NOTE Confidence: 0.65057092125

00:01:45.840 --> 00:01:48.910 my alma mater, Columbia University.
NOTE Confidence: 0.65057092125

00:01:48.910 --> 00:01:50.955 It's a pleasure to have you here, Andrew.
NOTE Confidence: 0.65057092125

00:01:50.955 --> 00:01:53.730 The our symposium, as you've seen,
NOTE Confidence: 0.65057092125

00:01:53.730 --> 00:01:55.086 as you saw from the agenda,
NOTE Confidence: 0.65057092125

00:01:55.090 --> 00:01:57.141 we want to address issues related to
NOTE Confidence: 0.65057092125

00:01:57.141 --> 00:01:59.488 physicians in the Holocaust of the Nazi era.
NOTE Confidence: 0.65057092125

00:01:59.490 --> 00:02:02.190 But of course we we look beyond that as well.
NOTE Confidence: 0.65057092125

00:02:02.190 --> 00:02:04.452 And so Andrew's talk is entitled
NOTE Confidence: 0.65057092125

00:02:04.452 --> 00:02:05.960 healthcare professionals in conflict
NOTE Confidence: 0.65057092125

00:02:06.017 --> 00:02:07.929 zones and humanitarian emergencies.

NOTE Confidence: 0.65057092125

00:02:07.930 --> 00:02:08.980 Welcome, Andrew Heineman.

NOTE Confidence: 0.882388412222222

00:02:11.350 --> 00:02:12.298 Thank you mark.

NOTE Confidence: 0.882388412222222

00:02:12.298 --> 00:02:14.194 Such a pleasure to be here.

NOTE Confidence: 0.882388412222222

00:02:14.200 --> 00:02:16.146 You do a phenomenal job with this

NOTE Confidence: 0.882388412222222

00:02:16.146 --> 00:02:18.247 every year and so fortunate to call

NOTE Confidence: 0.882388412222222

00:02:18.247 --> 00:02:20.053 you a friend and and colleague.

NOTE Confidence: 0.882388412222222

00:02:20.060 --> 00:02:21.550 Thank you also to Karen.

NOTE Confidence: 0.882388412222222

00:02:21.550 --> 00:02:23.620 I think we all need to Karen in our lives.

NOTE Confidence: 0.882388412222222

00:02:23.620 --> 00:02:25.270 Karen has been an amazing organizer

NOTE Confidence: 0.882388412222222

00:02:25.270 --> 00:02:27.689 of this and and has put up with my

NOTE Confidence: 0.882388412222222

00:02:27.689 --> 00:02:29.659 frenetic emails and I'm sure many others.

NOTE Confidence: 0.882388412222222

00:02:29.660 --> 00:02:32.460 So many Many thanks to her as well.

NOTE Confidence: 0.882388412222222

00:02:32.460 --> 00:02:33.876 Thanks to Ruth for joining us.

NOTE Confidence: 0.882388412222222

00:02:33.880 --> 00:02:36.157 A good friend of mine for over a decade

NOTE Confidence: 0.882388412222222

00:02:36.157 --> 00:02:38.180 now who I know taught me so much.

NOTE Confidence: 0.882388412222222

00:02:38.180 --> 00:02:39.550 The stopper Steiner was something
NOTE Confidence: 0.882388412222222

00:02:39.550 --> 00:02:40.920 I learned about through personal.
NOTE Confidence: 0.882388412222222

00:02:40.920 --> 00:02:42.588 Narrative first with my own family,
NOTE Confidence: 0.882388412222222

00:02:42.590 --> 00:02:44.067 so it's been great to learn about
NOTE Confidence: 0.882388412222222

00:02:44.067 --> 00:02:45.830 it from a scholarly perspective.
NOTE Confidence: 0.882388412222222

00:02:45.830 --> 00:02:47.366 You already heard the views of my own,
NOTE Confidence: 0.882388412222222

00:02:47.370 --> 00:02:48.847 so I don't have to repeat it,
NOTE Confidence: 0.882388412222222

00:02:48.850 --> 00:02:50.238 but I just did.
NOTE Confidence: 0.882388412222222

00:02:50.238 --> 00:02:52.320 And those are informed by the
NOTE Confidence: 0.882388412222222

00:02:52.399 --> 00:02:54.023 amazing Teaching, scholarship,
NOTE Confidence: 0.882388412222222

00:02:54.023 --> 00:02:55.588 mentorship of so many people,
NOTE Confidence: 0.882388412222222

00:02:55.590 --> 00:02:58.586 but especially Gabby Bloom and Ben Saul,
NOTE Confidence: 0.882388412222222

00:02:58.590 --> 00:03:00.715 who have really shaped my
NOTE Confidence: 0.882388412222222

00:03:00.715 --> 00:03:02.415 thinking in this space.
NOTE Confidence: 0.882388412222222

00:03:02.420 --> 00:03:04.850 Medical ethics during times of war
NOTE Confidence: 0.882388412222222

00:03:04.850 --> 00:03:07.289 are approximately 200 years in the

NOTE Confidence: 0.882388412222222
00:03:07.289 --> 00:03:09.154 making in their formal existence,
NOTE Confidence: 0.882388412222222
00:03:09.160 --> 00:03:10.300 though, as we'll talk about,
NOTE Confidence: 0.882388412222222
00:03:10.300 --> 00:03:11.748 they have informal routes
NOTE Confidence: 0.882388412222222
00:03:11.748 --> 00:03:13.558 that go back much further.
NOTE Confidence: 0.882388412222222
00:03:13.560 --> 00:03:15.030 I think it's important to look at
NOTE Confidence: 0.882388412222222
00:03:15.030 --> 00:03:16.547 some of the earliest antecedents to
NOTE Confidence: 0.882388412222222
00:03:16.547 --> 00:03:18.507 what we have today to understand the
NOTE Confidence: 0.882388412222222
00:03:18.553 --> 00:03:20.173 evolution to where we stand currently
NOTE Confidence: 0.882388412222222
00:03:20.173 --> 00:03:22.024 with what's on paper currently,
NOTE Confidence: 0.882388412222222
00:03:22.024 --> 00:03:25.080 what's normatively accepted currently,
NOTE Confidence: 0.882388412222222
00:03:25.080 --> 00:03:26.718 but also to ask ourselves some
NOTE Confidence: 0.882388412222222
00:03:26.718 --> 00:03:28.192 of the questions about what's
NOTE Confidence: 0.882388412222222
00:03:28.192 --> 00:03:30.142 changed since and how maybe current
NOTE Confidence: 0.882388412222222
00:03:30.142 --> 00:03:31.839 realities might pose questions to.
NOTE Confidence: 0.882388412222222
00:03:31.840 --> 00:03:34.324 Health care providers that are more
NOTE Confidence: 0.882388412222222

00:03:34.324 --> 00:03:37.000 difficult than some of our existing
NOTE Confidence: 0.882388412222222

00:03:37.000 --> 00:03:39.350 frameworks suggest they might be.
NOTE Confidence: 0.882388412222222

00:03:39.350 --> 00:03:41.303 And I think that the Second World
NOTE Confidence: 0.882388412222222

00:03:41.303 --> 00:03:43.439 War is a very obvious inflection
NOTE Confidence: 0.882388412222222

00:03:43.439 --> 00:03:45.905 point that existed at for codifying
NOTE Confidence: 0.882388412222222

00:03:45.905 --> 00:03:48.449 in international humanitarian law,
NOTE Confidence: 0.882388412222222

00:03:48.450 --> 00:03:50.210 as we call it today.
NOTE Confidence: 0.882388412222222

00:03:50.210 --> 00:03:52.667 But it's possible that we could argue
NOTE Confidence: 0.882388412222222

00:03:52.667 --> 00:03:55.570 that both 911 and what Caldor likes
NOTE Confidence: 0.882388412222222

00:03:55.570 --> 00:03:58.270 called the emergence of new wars,
NOTE Confidence: 0.882388412222222

00:03:58.270 --> 00:03:59.880 wars that are fought very
NOTE Confidence: 0.882388412222222

00:03:59.880 --> 00:04:01.168 differently than one army,
NOTE Confidence: 0.882388412222222

00:04:01.170 --> 00:04:02.120 lines up on one side,
NOTE Confidence: 0.882388412222222

00:04:02.120 --> 00:04:03.128 the other lines up on the other
NOTE Confidence: 0.882388412222222

00:04:03.128 --> 00:04:04.000 side of the battlefield.
NOTE Confidence: 0.882388412222222

00:04:04.000 --> 00:04:05.869 They run at each other and instead

NOTE Confidence: 0.882388412222222
00:04:05.869 --> 00:04:07.698 we have wars fought in cities,
NOTE Confidence: 0.882388412222222
00:04:07.700 --> 00:04:10.316 Wars fought in densely populated areas,
NOTE Confidence: 0.882388412222222
00:04:10.320 --> 00:04:12.592 wars fought with folks who might not be
NOTE Confidence: 0.882388412222222
00:04:12.592 --> 00:04:14.755 in formal militaries where we have to
NOTE Confidence: 0.882388412222222
00:04:14.755 --> 00:04:16.884 problematize a lot of the question or
NOTE Confidence: 0.882388412222222
00:04:16.884 --> 00:04:19.770 a lot of the norms that we've come to accept.
NOTE Confidence: 0.882388412222222
00:04:19.770 --> 00:04:22.020 So I'll proceed in four parts,
NOTE Confidence: 0.882388412222222
00:04:22.020 --> 00:04:24.690 and 1st I want to run us through some of
NOTE Confidence: 0.882388412222222
00:04:24.762 --> 00:04:27.367 the history of international mandarins,
NOTE Confidence: 0.882388412222222
00:04:27.370 --> 00:04:27.803 laws,
NOTE Confidence: 0.882388412222222
00:04:27.803 --> 00:04:28.236 antecedents,
NOTE Confidence: 0.882388412222222
00:04:28.236 --> 00:04:31.700 and how some of the questions around law
NOTE Confidence: 0.882388412222222
00:04:31.780 --> 00:04:34.496 of war and medical ethics during war.
NOTE Confidence: 0.882388412222222
00:04:34.500 --> 00:04:35.222 Evolved from,
NOTE Confidence: 0.882388412222222
00:04:35.222 --> 00:04:37.388 let's call it the earliest times
NOTE Confidence: 0.882388412222222

00:04:37.388 --> 00:04:38.911 of recorded history through
NOTE Confidence: 0.882388412222222

00:04:38.911 --> 00:04:41.107 the middle of the 19th century.
NOTE Confidence: 0.882388412222222

00:04:41.110 --> 00:04:42.910 Then I'll talk a little bit about some
NOTE Confidence: 0.882388412222222

00:04:42.910 --> 00:04:45.306 of the inflection points in the 19th century.
NOTE Confidence: 0.882388412222222

00:04:45.310 --> 00:04:47.495 I'll bring a secondly towards
NOTE Confidence: 0.882388412222222

00:04:47.495 --> 00:04:49.243 World War Two itself,
NOTE Confidence: 0.882388412222222

00:04:49.250 --> 00:04:50.870 running through some of the ways
NOTE Confidence: 0.882388412222222

00:04:50.870 --> 00:04:52.620 in which the progress that had
NOTE Confidence: 0.882388412222222

00:04:52.620 --> 00:04:54.480 been made in the 19th century
NOTE Confidence: 0.882388412222222

00:04:54.480 --> 00:04:55.100 regressed significantly
NOTE Confidence: 0.868349282758621

00:04:55.150 --> 00:04:56.730 and what that prompted the
NOTE Confidence: 0.868349282758621

00:04:56.730 --> 00:04:57.994 international community to do,
NOTE Confidence: 0.868349282758621

00:04:58.000 --> 00:05:01.168 namely the Geneva Conventions.
NOTE Confidence: 0.868349282758621

00:05:01.168 --> 00:05:05.776 3rd I want to discuss about some of the
NOTE Confidence: 0.868349282758621

00:05:05.776 --> 00:05:08.376 conventions themselves and the way that I,
NOTE Confidence: 0.868349282758621

00:05:08.380 --> 00:05:10.676 HL, formed in medical ethics formed as a

NOTE Confidence: 0.868349282758621
00:05:10.676 --> 00:05:13.280 body right after World War Two, which is.
NOTE Confidence: 0.868349282758621
00:05:13.280 --> 00:05:15.380 Functionally the latest and most
NOTE Confidence: 0.868349282758621
00:05:15.380 --> 00:05:17.189 recent normative framework we have,
NOTE Confidence: 0.868349282758621
00:05:17.190 --> 00:05:20.249 on paper at least. And then finally,
NOTE Confidence: 0.868349282758621
00:05:20.250 --> 00:05:22.110 I'll pose those contemporary questions,
NOTE Confidence: 0.868349282758621
00:05:22.110 --> 00:05:23.944 questions that might be practical for some
NOTE Confidence: 0.868349282758621
00:05:23.944 --> 00:05:26.450 of you in the room as healthcare providers,
NOTE Confidence: 0.868349282758621
00:05:26.450 --> 00:05:29.607 about ways that the post 9/11 world,
NOTE Confidence: 0.868349282758621
00:05:29.610 --> 00:05:31.548 the way that new wars are
NOTE Confidence: 0.868349282758621
00:05:31.548 --> 00:05:33.540 challenging some of those doctrines.
NOTE Confidence: 0.868349282758621
00:05:33.540 --> 00:05:34.468 Some of those norms.
NOTE Confidence: 0.868349282758621
00:05:34.468 --> 00:05:36.457 And the way that we might think about
NOTE Confidence: 0.868349282758621
00:05:36.457 --> 00:05:38.361 some of the things that are currently
NOTE Confidence: 0.868349282758621
00:05:38.361 --> 00:05:40.010 both normally normatively accepted
NOTE Confidence: 0.868349282758621
00:05:40.010 --> 00:05:41.770 in our international community,
NOTE Confidence: 0.868349282758621

00:05:41.770 --> 00:05:45.245 such as counterterrorism law and
NOTE Confidence: 0.868349282758621

00:05:45.245 --> 00:05:47.330 international Unitarian law,
NOTE Confidence: 0.868349282758621

00:05:47.330 --> 00:05:48.520 and how they conflict and how we
NOTE Confidence: 0.868349282758621

00:05:48.520 --> 00:05:51.230 may or may not want to. Resolve it.
NOTE Confidence: 0.868349282758621

00:05:51.230 --> 00:05:52.840 So first a little bit on the
NOTE Confidence: 0.868349282758621

00:05:52.840 --> 00:05:54.606 origins of the idea of law of war.
NOTE Confidence: 0.868349282758621

00:05:54.610 --> 00:05:58.830 And you know I think that war as we know
NOTE Confidence: 0.868349282758621

00:05:58.830 --> 00:06:01.245 since the beginning of human history has
NOTE Confidence: 0.868349282758621

00:06:01.245 --> 00:06:03.429 largely until recently been indiscriminate.
NOTE Confidence: 0.868349282758621

00:06:03.430 --> 00:06:05.626 It was a very much you know as many
NOTE Confidence: 0.868349282758621

00:06:05.626 --> 00:06:07.315 thinkers of nationalism would tell you
NOTE Confidence: 0.868349282758621

00:06:07.315 --> 00:06:09.561 in the 19th and 20th century it was
NOTE Confidence: 0.868349282758621

00:06:09.561 --> 00:06:11.643 very much an US against the other concept.
NOTE Confidence: 0.868349282758621

00:06:11.643 --> 00:06:13.560 So anyone on the other side was an other,
NOTE Confidence: 0.868349282758621

00:06:13.560 --> 00:06:15.450 be it a civilian or non civilian.
NOTE Confidence: 0.868349282758621

00:06:15.450 --> 00:06:18.194 The idea of of of distinction meaning

NOTE Confidence: 0.868349282758621
00:06:18.194 --> 00:06:20.129 you distinguish between a civilian
NOTE Confidence: 0.868349282758621
00:06:20.129 --> 00:06:21.170 and a combatant.
NOTE Confidence: 0.868349282758621
00:06:21.170 --> 00:06:23.350 There's not really done.
NOTE Confidence: 0.868349282758621
00:06:23.350 --> 00:06:26.620 But there were areas of law,
NOTE Confidence: 0.868349282758621
00:06:26.620 --> 00:06:29.260 of religious teaching where that's
NOTE Confidence: 0.868349282758621
00:06:29.260 --> 00:06:31.080 where you see some of the the
NOTE Confidence: 0.868349282758621
00:06:31.080 --> 00:06:33.520 bubbling up of antecedents of today's
NOTE Confidence: 0.868349282758621
00:06:33.520 --> 00:06:35.116 international humanitarian law,
NOTE Confidence: 0.868349282758621
00:06:35.120 --> 00:06:36.476 the Mahabharata says.
NOTE Confidence: 0.868349282758621
00:06:36.476 --> 00:06:39.640 And I I love how it's framed.
NOTE Confidence: 0.868349282758621
00:06:39.640 --> 00:06:42.097 One should not assail someone in distress,
NOTE Confidence: 0.868349282758621
00:06:42.100 --> 00:06:45.060 neither to scare him nor to defeat him.
NOTE Confidence: 0.868349282758621
00:06:45.060 --> 00:06:46.818 We should be war should be
NOTE Confidence: 0.868349282758621
00:06:46.818 --> 00:06:48.840 waged for the sake of conquest.
NOTE Confidence: 0.868349282758621
00:06:48.840 --> 00:06:51.536 One should not be enraged toward an enemy.
NOTE Confidence: 0.868349282758621

00:06:51.540 --> 00:06:53.478 Who is trying to kill him?
NOTE Confidence: 0.868349282758621

00:06:53.480 --> 00:06:55.965 I think you see early principles against
NOTE Confidence: 0.868349282758621

00:06:55.965 --> 00:06:58.357 torture in that perhaps you might
NOTE Confidence: 0.868349282758621

00:06:58.357 --> 00:07:00.457 see other early principles against.
NOTE Confidence: 0.868349282758621

00:07:00.460 --> 00:07:01.540 If you think of when they're,
NOTE Confidence: 0.868349282758621

00:07:01.540 --> 00:07:03.521 they're probably using the concept of the
NOTE Confidence: 0.868349282758621

00:07:03.521 --> 00:07:05.916 term enemy as the broader concept of enemy,
NOTE Confidence: 0.868349282758621

00:07:05.920 --> 00:07:07.600 because distinction hadn't occurred yet.
NOTE Confidence: 0.868349282758621

00:07:07.600 --> 00:07:09.838 So they're probably thinking a little
NOTE Confidence: 0.868349282758621

00:07:09.838 --> 00:07:11.880 bit about non combatants as well.
NOTE Confidence: 0.868349282758621

00:07:11.880 --> 00:07:14.238 And we can look to Torah.
NOTE Confidence: 0.868349282758621

00:07:14.240 --> 00:07:17.078 Deuteronomy 20:19 tells us that when
NOTE Confidence: 0.868349282758621

00:07:17.078 --> 00:07:20.458 you besiege a city for a long time,
NOTE Confidence: 0.868349282758621

00:07:20.460 --> 00:07:22.287 making a war against it in order
NOTE Confidence: 0.868349282758621

00:07:22.287 --> 00:07:23.380 to take it you.
NOTE Confidence: 0.868349282758621

00:07:23.380 --> 00:07:25.918 Shall not destroy its trees by

NOTE Confidence: 0.868349282758621
00:07:25.918 --> 00:07:28.080 wielding an axe against them,
NOTE Confidence: 0.868349282758621
00:07:28.080 --> 00:07:30.936 and many an Amtrak ride can be spent
NOTE Confidence: 0.868349282758621
00:07:30.936 --> 00:07:33.121 looking at Talmudic scriptures and
NOTE Confidence: 0.868349282758621
00:07:33.121 --> 00:07:35.905 trying to help figure this out.
NOTE Confidence: 0.868349282758621
00:07:35.910 --> 00:07:38.269 And what you learn is that there's
NOTE Confidence: 0.868349282758621
00:07:38.269 --> 00:07:40.496 there's an early belief in the
NOTE Confidence: 0.868349282758621
00:07:40.496 --> 00:07:42.788 protection of civilians in this piece,
NOTE Confidence: 0.868349282758621
00:07:42.790 --> 00:07:44.602 the idea that Egyptians would cut
NOTE Confidence: 0.868349282758621
00:07:44.602 --> 00:07:46.480 down trees of their enemies as
NOTE Confidence: 0.868349282758621
00:07:46.480 --> 00:07:47.990 a way to starve civilians,
NOTE Confidence: 0.868349282758621
00:07:47.990 --> 00:07:50.690 trees perhaps more broadly, meaning crops.
NOTE Confidence: 0.868349282758621
00:07:50.690 --> 00:07:52.695 And so Deuteronomy is instructing
NOTE Confidence: 0.868349282758621
00:07:52.695 --> 00:07:54.299 those who follow it.
NOTE Confidence: 0.868349282758621
00:07:54.300 --> 00:07:57.037 To not damage the livelihood of civilians,
NOTE Confidence: 0.84293024
00:07:57.040 --> 00:07:58.280 not to ravage a city,
NOTE Confidence: 0.84293024

00:07:58.280 --> 00:07:59.300 but instead to siege it,
NOTE Confidence: 0.84293024

00:07:59.300 --> 00:08:01.099 to take it for a strategic purpose.
NOTE Confidence: 0.84293024

00:08:01.100 --> 00:08:04.985 So you can see these early attempts
NOTE Confidence: 0.84293024

00:08:04.985 --> 00:08:06.650 at international humanitarian
NOTE Confidence: 0.84293024

00:08:06.744 --> 00:08:09.306 law as we might call it today.
NOTE Confidence: 0.84293024

00:08:09.310 --> 00:08:11.710 Come to the 19th century,
NOTE Confidence: 0.84293024

00:08:11.710 --> 00:08:14.966 we often say in a lot of areas
NOTE Confidence: 0.84293024

00:08:14.966 --> 00:08:17.223 of international law that we we
NOTE Confidence: 0.84293024

00:08:17.223 --> 00:08:19.188 innovated our way to destruction.
NOTE Confidence: 0.84293024

00:08:19.190 --> 00:08:21.073 You know, the the weapons of the
NOTE Confidence: 0.84293024

00:08:21.073 --> 00:08:22.553 19th century and then obviously
NOTE Confidence: 0.84293024

00:08:22.553 --> 00:08:24.395 those of the 20th century and
NOTE Confidence: 0.84293024

00:08:24.395 --> 00:08:26.652 beyond mean that the capacity for
NOTE Confidence: 0.84293024

00:08:26.652 --> 00:08:28.232 destruction got infinitely more
NOTE Confidence: 0.84293024

00:08:28.232 --> 00:08:29.884 industrialized and large scale.
NOTE Confidence: 0.84293024

00:08:29.884 --> 00:08:32.446 And so law and norms had

NOTE Confidence: 0.84293024

00:08:32.446 --> 00:08:34.610 to catch up with that.

NOTE Confidence: 0.84293024

00:08:34.610 --> 00:08:36.206 And I'll give just two brief

NOTE Confidence: 0.84293024

00:08:36.206 --> 00:08:37.850 pre World War Two examples.

NOTE Confidence: 0.84293024

00:08:37.850 --> 00:08:40.028 The first is the Lieber code.

NOTE Confidence: 0.84293024

00:08:40.030 --> 00:08:42.230 It's a very early example.

NOTE Confidence: 0.84293024

00:08:42.230 --> 00:08:43.160 It's from the Civil War,

NOTE Confidence: 0.84293024

00:08:43.160 --> 00:08:45.024 it's in the 1860s, the US Civil War,

NOTE Confidence: 0.84293024

00:08:45.030 --> 00:08:47.470 sorry to the international audience and

NOTE Confidence: 0.84293024

00:08:47.470 --> 00:08:50.270 it was promulgated unilaterally by the Union.

NOTE Confidence: 0.84293024

00:08:50.270 --> 00:08:52.070 So it is not multilateral in any way.

NOTE Confidence: 0.84293024

00:08:52.070 --> 00:08:53.225 No one else is agreeing to this.

NOTE Confidence: 0.84293024

00:08:53.230 --> 00:08:55.526 It's just a rule for Union soldiers

NOTE Confidence: 0.84293024

00:08:55.526 --> 00:08:57.950 and it's set forth certain rules.

NOTE Confidence: 0.84293024

00:08:57.950 --> 00:09:00.830 It protected medical personnel and protected.

NOTE Confidence: 0.84293024

00:09:00.830 --> 00:09:01.586 Non combatants.

NOTE Confidence: 0.84293024

00:09:01.586 --> 00:09:03.098 So we have distinction.
NOTE Confidence: 0.84293024

00:09:03.100 --> 00:09:04.900 And it gave the right to medical care,
NOTE Confidence: 0.84293024

00:09:04.900 --> 00:09:05.988 to prisoners of war.
NOTE Confidence: 0.84293024

00:09:05.988 --> 00:09:07.620 And perhaps this was because there
NOTE Confidence: 0.84293024

00:09:07.673 --> 00:09:09.402 was a realization that if the war
NOTE Confidence: 0.84293024

00:09:09.402 --> 00:09:11.038 resolved the way the Union wanted,
NOTE Confidence: 0.84293024

00:09:11.040 --> 00:09:12.340 which of course it did,
NOTE Confidence: 0.84293024

00:09:12.340 --> 00:09:14.212 these folks might be your fellow
NOTE Confidence: 0.84293024

00:09:14.212 --> 00:09:15.949 citizens if they survived the war.
NOTE Confidence: 0.84293024

00:09:15.950 --> 00:09:18.764 And that is an interesting step
NOTE Confidence: 0.84293024

00:09:18.764 --> 00:09:21.443 in that direction now almost
NOTE Confidence: 0.84293024

00:09:21.443 --> 00:09:23.567 simultaneously in Europe.
NOTE Confidence: 0.84293024

00:09:23.570 --> 00:09:25.210 You have the founding of the Red Cross,
NOTE Confidence: 0.84293024

00:09:25.210 --> 00:09:26.266 as you may know,
NOTE Confidence: 0.84293024

00:09:26.266 --> 00:09:27.058 in the 1860s,
NOTE Confidence: 0.84293024

00:09:27.060 --> 00:09:30.120 but also the first Geneva Convention.

NOTE Confidence: 0.84293024

00:09:30.120 --> 00:09:31.460 And the first Geneva Convention

NOTE Confidence: 0.84293024

00:09:31.460 --> 00:09:32.800 grew out of Alki DuMont,

NOTE Confidence: 0.84293024

00:09:32.800 --> 00:09:35.458 the founder of the Red Cross.

NOTE Confidence: 0.84293024

00:09:35.460 --> 00:09:37.660 Seeing the horrors of Napoleon.

NOTE Confidence: 0.84293024

00:09:37.660 --> 00:09:39.382 The third campaigns in Italy and saying

NOTE Confidence: 0.84293024

00:09:39.382 --> 00:09:40.954 that there are certain things that

NOTE Confidence: 0.84293024

00:09:40.954 --> 00:09:42.774 need to be done to protect civilians,

NOTE Confidence: 0.84293024

00:09:42.780 --> 00:09:45.377 to protect prisoners of war and crucially,

NOTE Confidence: 0.84293024

00:09:45.380 --> 00:09:45.830 crucially,

NOTE Confidence: 0.84293024

00:09:45.830 --> 00:09:48.530 to declare the neutrality of healthcare

NOTE Confidence: 0.84293024

00:09:48.530 --> 00:09:50.620 workers and healthcare facilities.

NOTE Confidence: 0.84293024

00:09:50.620 --> 00:09:53.335 The now seemingly simplistic but

NOTE Confidence: 0.84293024

00:09:53.335 --> 00:09:55.507 then perhaps revolutionary idea

NOTE Confidence: 0.84293024

00:09:55.507 --> 00:09:58.214 that if I participate in war

NOTE Confidence: 0.84293024

00:09:58.214 --> 00:10:00.299 by providing medical care to.

NOTE Confidence: 0.84293024

00:10:00.300 --> 00:10:02.904 Combatants on my side of the war.
NOTE Confidence: 0.84293024

00:10:02.910 --> 00:10:04.770 I am not myself a combatant,
NOTE Confidence: 0.84293024

00:10:04.770 --> 00:10:07.600 and I should be protected.
NOTE Confidence: 0.84293024

00:10:07.600 --> 00:10:09.777 Now many of these norms and these
NOTE Confidence: 0.84293024

00:10:09.777 --> 00:10:11.857 pre norms are those that we've
NOTE Confidence: 0.84293024

00:10:11.857 --> 00:10:14.017 said we've come to accept today.
NOTE Confidence: 0.84293024

00:10:14.020 --> 00:10:15.380 They're part of international
NOTE Confidence: 0.84293024

00:10:15.380 --> 00:10:16.060 humanitarian law,
NOTE Confidence: 0.84293024

00:10:16.060 --> 00:10:18.661 but of course we had quite a bit of
NOTE Confidence: 0.84293024

00:10:18.661 --> 00:10:20.500 backsliding in the Second World War.
NOTE Confidence: 0.84293024

00:10:20.500 --> 00:10:22.775 World War Two was the largest and
NOTE Confidence: 0.84293024

00:10:22.775 --> 00:10:24.942 deadliest war in human history in
NOTE Confidence: 0.84293024

00:10:24.942 --> 00:10:27.192 terms of absolute number of deaths.
NOTE Confidence: 0.84293024

00:10:27.200 --> 00:10:29.704 The battlefields were virtually
NOTE Confidence: 0.84293024

00:10:29.704 --> 00:10:32.834 international and in every continent,
NOTE Confidence: 0.84293024

00:10:32.840 --> 00:10:33.857 almost every continent,

NOTE Confidence: 0.84293024

00:10:33.857 --> 00:10:35.891 and and created an awareness that

NOTE Confidence: 0.84293024

00:10:35.891 --> 00:10:37.516 there were new institutions that

NOTE Confidence: 0.84293024

00:10:37.516 --> 00:10:39.672 were needed and new norms that were

NOTE Confidence: 0.84293024

00:10:39.672 --> 00:10:41.736 needed in order to uphold what is now

NOTE Confidence: 0.84293024

00:10:41.736 --> 00:10:43.812 known as international humanitarian law.

NOTE Confidence: 0.84293024

00:10:43.812 --> 00:10:44.718 Of course,

NOTE Confidence: 0.84293024

00:10:44.720 --> 00:10:46.490 we have many other areas of

NOTE Confidence: 0.84293024

00:10:46.490 --> 00:10:47.670 international law that grow

NOTE Confidence: 0.84293024

00:10:47.727 --> 00:10:49.227 out of the Second World War,

NOTE Confidence: 0.84293024

00:10:49.230 --> 00:10:50.562 like International Criminal law.

NOTE Confidence: 0.84293024

00:10:50.562 --> 00:10:52.560 As many of you may know,

NOTE Confidence: 0.84293024

00:10:52.560 --> 00:10:54.175 the term genocide only occurs

NOTE Confidence: 0.84293024

00:10:54.175 --> 00:10:55.790 or is first used in

NOTE Confidence: 0.834022868461539

00:10:55.856 --> 00:10:57.239 the Nuremberg trials.

NOTE Confidence: 0.834022868461539

00:10:57.240 --> 00:10:59.786 Uh and so we international

NOTE Confidence: 0.834022868461539

00:10:59.786 --> 00:11:01.816 humanitarian law is no exception.
NOTE Confidence: 0.834022868461539

00:11:01.820 --> 00:11:06.008 And I want to just start with one area
NOTE Confidence: 0.834022868461539

00:11:06.008 --> 00:11:08.456 of international Unitarian law from the
NOTE Confidence: 0.834022868461539

00:11:08.456 --> 00:11:10.574 first Geneva Convention from 1864 that
NOTE Confidence: 0.834022868461539

00:11:10.574 --> 00:11:12.910 I think we probably don't need to cite
NOTE Confidence: 0.834022868461539

00:11:12.974 --> 00:11:14.984 examples to show how egregiously it
NOTE Confidence: 0.834022868461539

00:11:14.984 --> 00:11:17.420 was violated in the Second World War.
NOTE Confidence: 0.834022868461539

00:11:17.420 --> 00:11:20.535 It states that wounded or sick combatants,
NOTE Confidence: 0.834022868461539

00:11:20.540 --> 00:11:22.605 and I quote to whatever
NOTE Confidence: 0.834022868461539

00:11:22.605 --> 00:11:24.257 nation they may belong,
NOTE Confidence: 0.834022868461539

00:11:24.260 --> 00:11:26.480 should be collected and cared for.
NOTE Confidence: 0.834022868461539

00:11:26.480 --> 00:11:28.174 I think we all know that didn't
NOTE Confidence: 0.834022868461539

00:11:28.174 --> 00:11:29.878 happen in the Second World War.
NOTE Confidence: 0.834022868461539

00:11:29.880 --> 00:11:32.004 And indeed you can look at pretty much any
NOTE Confidence: 0.834022868461539

00:11:32.004 --> 00:11:34.018 side of the conflict and know that that
NOTE Confidence: 0.834022868461539

00:11:34.018 --> 00:11:36.017 was not obeyed in the Second World War,

NOTE Confidence: 0.834022868461539
00:11:36.020 --> 00:11:38.900 but certainly on the part of the Axis.
NOTE Confidence: 0.834022868461539
00:11:38.900 --> 00:11:41.258 Many prisoners of war were deported
NOTE Confidence: 0.834022868461539
00:11:41.258 --> 00:11:43.340 to concentration camps and killed
NOTE Confidence: 0.834022868461539
00:11:43.340 --> 00:11:45.560 alongside victims of the Holocaust.
NOTE Confidence: 0.834022868461539
00:11:45.560 --> 00:11:46.992 They were often tortured.
NOTE Confidence: 0.834022868461539
00:11:46.992 --> 00:11:49.140 They were given no right to
NOTE Confidence: 0.834022868461539
00:11:49.215 --> 00:11:50.838 medical care whatsoever.
NOTE Confidence: 0.834022868461539
00:11:50.840 --> 00:11:53.804 Again, the Holocaust goes without saying
NOTE Confidence: 0.834022868461539
00:11:53.804 --> 00:11:56.530 as the greatest violation of every.
NOTE Confidence: 0.834022868461539
00:11:56.530 --> 00:11:57.746 Area of international law,
NOTE Confidence: 0.834022868461539
00:11:57.746 --> 00:11:59.266 particularly the fact that there
NOTE Confidence: 0.834022868461539
00:11:59.266 --> 00:12:00.678 was no distinction at all,
NOTE Confidence: 0.834022868461539
00:12:00.680 --> 00:12:02.050 but also civilian casualties on
NOTE Confidence: 0.834022868461539
00:12:02.050 --> 00:12:03.940 the other side of the conflict.
NOTE Confidence: 0.834022868461539
00:12:03.940 --> 00:12:05.004 The Tokyo fire bombings,
NOTE Confidence: 0.834022868461539

00:12:05.004 --> 00:12:05.536 of course,
NOTE Confidence: 0.834022868461539

00:12:05.540 --> 00:12:07.696 the nuclear bombs in Hiroshima and Nagasaki.
NOTE Confidence: 0.834022868461539

00:12:07.700 --> 00:12:09.873 And I always point to Hitchcock's
NOTE Confidence: 0.834022868461539

00:12:09.873 --> 00:12:11.737 book in this space on a bitter Rd.
NOTE Confidence: 0.834022868461539

00:12:11.740 --> 00:12:12.532 to freedom,
NOTE Confidence: 0.834022868461539

00:12:12.532 --> 00:12:14.908 knowing that the way that Europe
NOTE Confidence: 0.834022868461539

00:12:14.908 --> 00:12:17.593 was taken wasn't always respectful
NOTE Confidence: 0.834022868461539

00:12:17.593 --> 00:12:20.117 of civilian rights either.
NOTE Confidence: 0.834022868461539

00:12:20.120 --> 00:12:20.541 And.
NOTE Confidence: 0.834022868461539

00:12:20.541 --> 00:12:23.067 What I think is most striking,
NOTE Confidence: 0.834022868461539

00:12:23.070 --> 00:12:25.068 and I'll just dwell on it for a moment,
NOTE Confidence: 0.834022868461539

00:12:25.070 --> 00:12:25.790 with the Holocaust,
NOTE Confidence: 0.834022868461539

00:12:25.790 --> 00:12:27.470 was also the failure of some of
NOTE Confidence: 0.834022868461539

00:12:27.524 --> 00:12:28.859 the institutions that came out
NOTE Confidence: 0.834022868461539

00:12:28.859 --> 00:12:29.927 of the 19th century.
NOTE Confidence: 0.834022868461539

00:12:29.930 --> 00:12:32.330 I mentioned the Red Cross already,

NOTE Confidence: 0.834022868461539
00:12:32.330 --> 00:12:35.490 and I know there's a I think there should be.
NOTE Confidence: 0.834022868461539
00:12:35.490 --> 00:12:37.332 And there is rightfully much debate
NOTE Confidence: 0.834022868461539
00:12:37.332 --> 00:12:39.093 about the contribution of the Red
NOTE Confidence: 0.834022868461539
00:12:39.093 --> 00:12:40.527 Cross in the Second World War,
NOTE Confidence: 0.834022868461539
00:12:40.530 --> 00:12:42.014 particularly with respect to
NOTE Confidence: 0.834022868461539
00:12:42.014 --> 00:12:43.869 those in the concentration camps.
NOTE Confidence: 0.834022868461539
00:12:43.870 --> 00:12:44.900 I didn't know this before.
NOTE Confidence: 0.834022868461539
00:12:44.900 --> 00:12:46.166 I was preparing for this talk,
NOTE Confidence: 0.834022868461539
00:12:46.170 --> 00:12:47.742 but the ICRC,
NOTE Confidence: 0.834022868461539
00:12:47.742 --> 00:12:49.002 the International Commission
NOTE Confidence: 0.834022868461539
00:12:49.002 --> 00:12:49.850 on the Red Cross,
NOTE Confidence: 0.834022868461539
00:12:49.850 --> 00:12:51.420 is official statement on how
NOTE Confidence: 0.834022868461539
00:12:51.420 --> 00:12:52.990 they aided and proved that.
NOTE Confidence: 0.834022868461539
00:12:52.990 --> 00:12:55.360 Like an aid proved that they
NOTE Confidence: 0.834022868461539
00:12:55.360 --> 00:12:56.884 aided victims of the Holocaust,
NOTE Confidence: 0.834022868461539

00:12:56.884 --> 00:12:58.895 was that they sent food parcels to
NOTE Confidence: 0.834022868461539

00:12:58.895 --> 00:13:00.250 the concentration camps and they
NOTE Confidence: 0.834022868461539

00:13:00.250 --> 00:13:02.180 knew that they were working because,
NOTE Confidence: 0.834022868461539

00:13:02.180 --> 00:13:03.488 and I quote,
NOTE Confidence: 0.834022868461539

00:13:03.488 --> 00:13:05.668 the receipts were countersigned by
NOTE Confidence: 0.834022868461539

00:13:05.668 --> 00:13:08.259 the addresses provided by the access.
NOTE Confidence: 0.834022868461539

00:13:08.260 --> 00:13:10.548 I did not know that until I prepared
NOTE Confidence: 0.834022868461539

00:13:10.548 --> 00:13:13.040 for this and I I must say I found that
NOTE Confidence: 0.834022868461539

00:13:13.040 --> 00:13:15.086 quite alarming and and quite shocking.
NOTE Confidence: 0.90272577125

00:13:18.940 --> 00:13:20.860 So what happened after the Second World War?
NOTE Confidence: 0.90272577125

00:13:20.860 --> 00:13:23.080 There was a realization as the
NOTE Confidence: 0.90272577125

00:13:23.080 --> 00:13:24.560 war across many institutions,
NOTE Confidence: 0.90272577125

00:13:24.560 --> 00:13:26.744 that we needed a new normative structure
NOTE Confidence: 0.90272577125

00:13:26.744 --> 00:13:29.398 and a new legal framework to protect
NOTE Confidence: 0.90272577125

00:13:29.398 --> 00:13:31.911 the rights of those involved and to
NOTE Confidence: 0.90272577125

00:13:31.911 --> 00:13:34.824 guide us into an into a new stage of war

NOTE Confidence: 0.90272577125

00:13:34.824 --> 00:13:37.378 where war was increasingly mechanized,

NOTE Confidence: 0.90272577125

00:13:37.380 --> 00:13:39.165 where we could protect civilians

NOTE Confidence: 0.90272577125

00:13:39.165 --> 00:13:40.236 and protect noncombatants.

NOTE Confidence: 0.90272577125

00:13:40.240 --> 00:13:42.010 And that's where the modern

NOTE Confidence: 0.90272577125

00:13:42.010 --> 00:13:42.718 Geneva Conventions,

NOTE Confidence: 0.90272577125

00:13:42.720 --> 00:13:44.672 the ones that are still the,

NOTE Confidence: 0.90272577125

00:13:44.672 --> 00:13:45.832 you know, when someone refers

NOTE Confidence: 0.90272577125

00:13:45.832 --> 00:13:47.040 to the Geneva Conventions today,

NOTE Confidence: 0.90272577125

00:13:47.040 --> 00:13:48.540 these are what they're talking about,

NOTE Confidence: 0.90272577125

00:13:48.540 --> 00:13:50.212 started to get promulgated.

NOTE Confidence: 0.90272577125

00:13:50.212 --> 00:13:52.586 And I, I can go through a few of them,

NOTE Confidence: 0.90272577125

00:13:52.590 --> 00:13:54.831 but I want to highlight some that I think

NOTE Confidence: 0.90272577125

00:13:54.831 --> 00:13:57.101 we're going to problematize in just a few

NOTE Confidence: 0.90272577125

00:13:57.101 --> 00:13:59.109 moments and we'll we'll focus on those.

NOTE Confidence: 0.90272577125

00:13:59.110 --> 00:14:01.042 The first is that in the first

NOTE Confidence: 0.90272577125

00:14:01.042 --> 00:14:02.460 Geneva Convention we focus on
NOTE Confidence: 0.90272577125

00:14:02.460 --> 00:14:03.775 the wounded and the sick.
NOTE Confidence: 0.90272577125

00:14:03.780 --> 00:14:06.204 And Article 3 says that persons
NOTE Confidence: 0.90272577125

00:14:06.204 --> 00:14:08.712 taking no active part in the
NOTE Confidence: 0.90272577125

00:14:08.712 --> 00:14:10.732 hostilities should be cared for
NOTE Confidence: 0.90272577125

00:14:10.732 --> 00:14:13.020 no matter what functionally.
NOTE Confidence: 0.90272577125

00:14:13.020 --> 00:14:14.784 And this is something that we will
NOTE Confidence: 0.90272577125

00:14:14.784 --> 00:14:16.119 problematize because I'm going to ask
NOTE Confidence: 0.90272577125

00:14:16.119 --> 00:14:17.613 you what does it mean to take part
NOTE Confidence: 0.90272577125

00:14:17.613 --> 00:14:19.165 in hostilities in a in a little bit.
NOTE Confidence: 0.90272577125

00:14:19.170 --> 00:14:21.053 And we'll see that maybe with new
NOTE Confidence: 0.90272577125

00:14:21.053 --> 00:14:22.958 wars and with counter terrorism we
NOTE Confidence: 0.90272577125

00:14:22.958 --> 00:14:25.366 might not know exactly what that means.
NOTE Confidence: 0.90272577125

00:14:25.370 --> 00:14:27.776 And then the wounded insect shall
NOTE Confidence: 0.90272577125

00:14:27.776 --> 00:14:29.780 be cared for also can.
NOTE Confidence: 0.873356623636364

00:14:31.830 --> 00:14:34.206 Expand in Article 13 to include

NOTE Confidence: 0.873356623636364
00:14:34.206 --> 00:14:36.770 a number of other categories,
NOTE Confidence: 0.873356623636364
00:14:36.770 --> 00:14:37.990 and that can be militias,
NOTE Confidence: 0.873356623636364
00:14:37.990 --> 00:14:40.120 that can be resistance movements,
NOTE Confidence: 0.873356623636364
00:14:40.120 --> 00:14:42.290 and that can even be volunteer corps
NOTE Confidence: 0.873356623636364
00:14:42.290 --> 00:14:44.398 who enter the the battlefield or
NOTE Confidence: 0.873356623636364
00:14:44.398 --> 00:14:46.146 areas tangential to the battlefield.
NOTE Confidence: 0.873356623636364
00:14:46.146 --> 00:14:47.775 Again, I think it's very important
NOTE Confidence: 0.873356623636364
00:14:47.775 --> 00:14:49.060 to remember that these were
NOTE Confidence: 0.873356623636364
00:14:49.106 --> 00:14:50.954 written with the kind of Napoleonic
NOTE Confidence: 0.873356623636364
00:14:50.954 --> 00:14:52.186 conception of the battlefield,
NOTE Confidence: 0.873356623636364
00:14:52.190 --> 00:14:53.486 that there's a field of grass,
NOTE Confidence: 0.873356623636364
00:14:53.490 --> 00:14:54.940 and that there are militaries
NOTE Confidence: 0.873356623636364
00:14:54.940 --> 00:14:56.390 lined up on either side.
NOTE Confidence: 0.873356623636364
00:14:56.390 --> 00:14:59.206 Article 14 of the of the first conceiving
NOTE Confidence: 0.873356623636364
00:14:59.206 --> 00:15:03.460 of Geneva Convention says that.
NOTE Confidence: 0.873356623636364

00:15:03.460 --> 00:15:05.312 All international law regarding
NOTE Confidence: 0.873356623636364

00:15:05.312 --> 00:15:08.958 prisoners of war must be applied to all
NOTE Confidence: 0.873356623636364

00:15:08.958 --> 00:15:11.716 prisoners taken in war who are combatants,
NOTE Confidence: 0.873356623636364

00:15:11.720 --> 00:15:12.605 including those who are wounded
NOTE Confidence: 0.873356623636364

00:15:12.605 --> 00:15:13.700 and sick of the other side,
NOTE Confidence: 0.873356623636364

00:15:13.700 --> 00:15:15.145 meaning that many would have
NOTE Confidence: 0.873356623636364

00:15:15.145 --> 00:15:16.590 a right to medical care.
NOTE Confidence: 0.820664023684211

00:15:18.670 --> 00:15:21.638 It upholds the idea of medical neutrality
NOTE Confidence: 0.820664023684211

00:15:21.638 --> 00:15:24.327 and so forth and and buildings
NOTE Confidence: 0.820664023684211

00:15:24.327 --> 00:15:26.997 you used to provide medical care.
NOTE Confidence: 0.820664023684211

00:15:27.000 --> 00:15:28.926 The third Geneva Convention is what
NOTE Confidence: 0.820664023684211

00:15:28.926 --> 00:15:31.159 protects the treatment of prisoner of wars,
NOTE Confidence: 0.820664023684211

00:15:31.160 --> 00:15:34.238 the prisoners of war, specifically it,
NOTE Confidence: 0.820664023684211

00:15:34.240 --> 00:15:37.047 you know, does things with respect to
NOTE Confidence: 0.820664023684211

00:15:37.047 --> 00:15:39.498 their their labor as as prisoners,
NOTE Confidence: 0.820664023684211

00:15:39.500 --> 00:15:42.202 other forms of release they have their

NOTE Confidence: 0.820664023684211
00:15:42.202 --> 00:15:44.180 entitlement to judicial proceedings.
NOTE Confidence: 0.820664023684211
00:15:44.180 --> 00:15:48.280 It also establishes that at the end of a war,
NOTE Confidence: 0.820664023684211
00:15:48.280 --> 00:15:50.080 prisoners of war must be released
NOTE Confidence: 0.820664023684211
00:15:50.080 --> 00:15:51.899 immediately and repatriated and that that
NOTE Confidence: 0.820664023684211
00:15:51.899 --> 00:15:53.597 both the repatriating prisoners of war,
NOTE Confidence: 0.820664023684211
00:15:53.600 --> 00:15:55.592 those going back to their home
NOTE Confidence: 0.820664023684211
00:15:55.592 --> 00:15:57.280 country and those helping them.
NOTE Confidence: 0.820664023684211
00:15:57.280 --> 00:16:00.460 Be repatriated are are neutral
NOTE Confidence: 0.820664023684211
00:16:00.460 --> 00:16:03.640 for the purposes of war.
NOTE Confidence: 0.820664023684211
00:16:03.640 --> 00:16:06.020 Now, this all feels probably
NOTE Confidence: 0.820664023684211
00:16:06.020 --> 00:16:08.760 very familiar to many of us,
NOTE Confidence: 0.820664023684211
00:16:08.760 --> 00:16:12.477 and indeed much of it feels aligned
NOTE Confidence: 0.820664023684211
00:16:12.477 --> 00:16:14.670 with medical biomedical ethics
NOTE Confidence: 0.820664023684211
00:16:14.670 --> 00:16:17.220 as they exist most broadly.
NOTE Confidence: 0.820664023684211
00:16:17.220 --> 00:16:19.356 But what I think we're about to do
NOTE Confidence: 0.820664023684211

00:16:19.356 --> 00:16:21.398 is see that some of these norms
NOTE Confidence: 0.820664023684211

00:16:21.398 --> 00:16:23.620 that are held up as if they're,
NOTE Confidence: 0.820664023684211

00:16:23.620 --> 00:16:24.904 you know, they cascaded,
NOTE Confidence: 0.820664023684211

00:16:24.904 --> 00:16:26.838 they're kind of universal now and.
NOTE Confidence: 0.820664023684211

00:16:26.838 --> 00:16:29.134 We might realize that some of them
NOTE Confidence: 0.820664023684211

00:16:29.134 --> 00:16:31.407 currently are being challenged in ways,
NOTE Confidence: 0.820664023684211

00:16:31.410 --> 00:16:33.258 some of which are very explicitly challenged.
NOTE Confidence: 0.820664023684211

00:16:33.260 --> 00:16:35.906 And we realize that many of which I think
NOTE Confidence: 0.820664023684211

00:16:35.906 --> 00:16:38.308 kind of had growth on the other side,
NOTE Confidence: 0.820664023684211

00:16:38.310 --> 00:16:39.634 meaning on the counterterrorism
NOTE Confidence: 0.820664023684211

00:16:39.634 --> 00:16:40.627 side in particular,
NOTE Confidence: 0.820664023684211

00:16:40.630 --> 00:16:42.429 that grew into a direction that maybe
NOTE Confidence: 0.820664023684211

00:16:42.429 --> 00:16:43.910 we didn't realize was happening.
NOTE Confidence: 0.820664023684211

00:16:43.910 --> 00:16:46.214 We being the kind of broad
NOTE Confidence: 0.820664023684211

00:16:46.214 --> 00:16:47.366 personified international community,
NOTE Confidence: 0.820664023684211

00:16:47.370 --> 00:16:49.338 didn't realize was going to run

NOTE Confidence: 0.820664023684211

00:16:49.338 --> 00:16:51.763 into conflict with DHL, but it has.

NOTE Confidence: 0.820664023684211

00:16:51.763 --> 00:16:53.989 And then a question about medical

NOTE Confidence: 0.820664023684211

00:16:53.989 --> 00:16:56.416 neutrality from the perspective of

NOTE Confidence: 0.820664023684211

00:16:56.416 --> 00:16:58.518 healthcare providers, by which I mean.

NOTE Confidence: 0.820664023684211

00:16:58.518 --> 00:17:01.080 What you all might think of as the duty

NOTE Confidence: 0.820664023684211

00:17:01.080 --> 00:17:03.719 of care to anyone who comes into your care,

NOTE Confidence: 0.820664023684211

00:17:03.720 --> 00:17:05.364 regardless of many

NOTE Confidence: 0.820664023684211

00:17:05.364 --> 00:17:07.556 identifying features of them.

NOTE Confidence: 0.820664023684211

00:17:07.560 --> 00:17:10.045 So I'd like to start first with

NOTE Confidence: 0.820664023684211

00:17:10.045 --> 00:17:12.896 the the wrench thrown in the IHL

NOTE Confidence: 0.820664023684211

00:17:12.896 --> 00:17:15.446 framework by IH by counter terrorism.

NOTE Confidence: 0.820664023684211

00:17:15.450 --> 00:17:16.488 After 911,

NOTE Confidence: 0.820664023684211

00:17:16.488 --> 00:17:18.564 the United Nations Security

NOTE Confidence: 0.820664023684211

00:17:18.564 --> 00:17:21.167 Council started to promulgate a

NOTE Confidence: 0.820664023684211

00:17:21.167 --> 00:17:22.939 series of resolutions that.

NOTE Confidence: 0.820664023684211

00:17:22.940 --> 00:17:25.484 Criminalize certain activities related
NOTE Confidence: 0.820664023684211

00:17:25.484 --> 00:17:28.410 to terrorism, and broadly speaking,
NOTE Confidence: 0.820664023684211

00:17:28.410 --> 00:17:31.160 they went in three directions,
NOTE Confidence: 0.820664023684211

00:17:31.160 --> 00:17:32.948 and they encouraged national
NOTE Confidence: 0.820664023684211

00:17:32.948 --> 00:17:34.736 legislation to criminalize terrorist
NOTE Confidence: 0.820664023684211

00:17:34.736 --> 00:17:36.680 activity in three directions.
NOTE Confidence: 0.820664023684211

00:17:36.680 --> 00:17:39.380 1, which I will not address at all today,
NOTE Confidence: 0.820664023684211

00:17:39.380 --> 00:17:40.920 is pre and cohete offenses,
NOTE Confidence: 0.820664023684211

00:17:40.920 --> 00:17:42.804 meaning that if you go backwards
NOTE Confidence: 0.820664023684211

00:17:42.804 --> 00:17:44.340 from the actual terrorist act,
NOTE Confidence: 0.820664023684211

00:17:44.340 --> 00:17:46.470 that preparatory acts towards the
NOTE Confidence: 0.820664023684211

00:17:46.470 --> 00:17:49.280 terrorist act might itself be criminal.
NOTE Confidence: 0.820664023684211

00:17:49.280 --> 00:17:50.000 A second,
NOTE Confidence: 0.820664023684211

00:17:50.000 --> 00:17:51.800 which I will address tangentially,
NOTE Confidence: 0.820664023684211

00:17:51.800 --> 00:17:52.896 is criminalizing.
NOTE Confidence: 0.820664023684211

00:17:52.896 --> 00:17:55.088 Membership in terrorist organizations.

NOTE Confidence: 0.820664023684211
00:17:55.090 --> 00:17:57.022 Because we'll ask a little bit about
NOTE Confidence: 0.820664023684211
00:17:57.022 --> 00:17:58.765 what membership might mean and what
NOTE Confidence: 0.820664023684211
00:17:58.765 --> 00:18:00.620 that might mean for biomedical ethics.
NOTE Confidence: 0.820664023684211
00:18:00.620 --> 00:18:01.674 But third,
NOTE Confidence: 0.820664023684211
00:18:01.674 --> 00:18:05.363 there's this concept of of material support
NOTE Confidence: 0.820664023684211
00:18:05.363 --> 00:18:09.336 that is going to become very central here.
NOTE Confidence: 0.820664023684211
00:18:09.336 --> 00:18:13.224 So the UN Security Council starts
NOTE Confidence: 0.820664023684211
00:18:13.224 --> 00:18:15.798 with Resolution 1617 in 2005,
NOTE Confidence: 0.820664023684211
00:18:15.798 --> 00:18:18.780 and it says that any form of
NOTE Confidence: 0.820664023684211
00:18:18.884 --> 00:18:21.469 activity that supports at that
NOTE Confidence: 0.820664023684211
00:18:21.469 --> 00:18:25.478 point al Qaeda and a lot of these,
NOTE Confidence: 0.820664023684211
00:18:25.480 --> 00:18:29.208 the the terms of 1617 and the general
NOTE Confidence: 0.820664023684211
00:18:29.208 --> 00:18:31.041 counterterrorism regime expand about
NOTE Confidence: 0.820664023684211
00:18:31.041 --> 00:18:33.312 a decade later in response to ISIS
NOTE Confidence: 0.820664023684211
00:18:33.312 --> 00:18:34.860 or ISIL or the Islamic State,
NOTE Confidence: 0.820664023684211

00:18:34.860 --> 00:18:36.860 whatever you might call them,
NOTE Confidence: 0.820664023684211

00:18:36.860 --> 00:18:37.654 and.
NOTE Confidence: 0.820664023684211

00:18:37.654 --> 00:18:38.448 They.
NOTE Confidence: 0.820664023684211

00:18:38.448 --> 00:18:41.624 Criminalize under international law
NOTE Confidence: 0.820664023684211

00:18:41.624 --> 00:18:44.800 and encourage national legislation
NOTE Confidence: 0.871601596363636

00:18:44.904 --> 00:18:48.397 to be created to mirror this on the
NOTE Confidence: 0.871601596363636

00:18:48.397 --> 00:18:51.072 domestic levels that criminalize any form
NOTE Confidence: 0.871601596363636

00:18:51.072 --> 00:18:53.670 of assistance to a terrorist organization.
NOTE Confidence: 0.871601596363636

00:18:53.670 --> 00:18:56.046 Again initially Al Qaeda and then
NOTE Confidence: 0.871601596363636

00:18:56.046 --> 00:18:57.630 and then eventually broadened.
NOTE Confidence: 0.871601596363636

00:18:57.630 --> 00:19:01.918 And what it says and what it creates
NOTE Confidence: 0.871601596363636

00:19:01.918 --> 00:19:05.666 is a regime in which anything that,
NOTE Confidence: 0.871601596363636

00:19:05.666 --> 00:19:07.682 as the US law starts to call
NOTE Confidence: 0.871601596363636

00:19:07.682 --> 00:19:09.110 it material support,
NOTE Confidence: 0.871601596363636

00:19:09.110 --> 00:19:11.145 anything that that is material
NOTE Confidence: 0.871601596363636

00:19:11.145 --> 00:19:13.180 support for a terrorist organization

NOTE Confidence: 0.871601596363636
00:19:13.180 --> 00:19:14.968 would be considered criminal.
NOTE Confidence: 0.871601596363636
00:19:14.968 --> 00:19:18.693 And there have been cases that have focused
NOTE Confidence: 0.871601596363636
00:19:18.693 --> 00:19:21.597 precisely on the question of material
NOTE Confidence: 0.871601596363636
00:19:21.597 --> 00:19:24.726 source support in the form of medical care.
NOTE Confidence: 0.871601596363636
00:19:24.730 --> 00:19:26.710 And I focus on medical care
NOTE Confidence: 0.871601596363636
00:19:26.710 --> 00:19:28.382 rather than medicine because at
NOTE Confidence: 0.871601596363636
00:19:28.382 --> 00:19:29.807 least in the domestic U.S.
NOTE Confidence: 0.871601596363636
00:19:29.810 --> 00:19:32.043 law, there's a carve out that if
NOTE Confidence: 0.871601596363636
00:19:32.043 --> 00:19:34.728 you send medicine to a war zone that
NOTE Confidence: 0.871601596363636
00:19:34.728 --> 00:19:36.388 it might be terrorist controlled.
NOTE Confidence: 0.871601596363636
00:19:36.390 --> 00:19:38.875 The sending of medicine alone
NOTE Confidence: 0.871601596363636
00:19:38.875 --> 00:19:41.120 is not a material support,
NOTE Confidence: 0.871601596363636
00:19:41.120 --> 00:19:43.745 though there actually was such a case
NOTE Confidence: 0.871601596363636
00:19:43.745 --> 00:19:46.206 about someone who sent medicine bought.
NOTE Confidence: 0.871601596363636
00:19:46.210 --> 00:19:47.792 By someone else, the carve out is
NOTE Confidence: 0.871601596363636

00:19:47.792 --> 00:19:49.210 for the purchasing of the medicine,
NOTE Confidence: 0.871601596363636

00:19:49.210 --> 00:19:50.420 not necessarily for the transporting
NOTE Confidence: 0.871601596363636

00:19:50.420 --> 00:19:52.210 of it to the terrorist organization.
NOTE Confidence: 0.871601596363636

00:19:52.210 --> 00:19:52.830 That case,
NOTE Confidence: 0.871601596363636

00:19:52.830 --> 00:19:55.310 I believe is out of Scandinavia and I
NOTE Confidence: 0.871601596363636

00:19:55.378 --> 00:19:58.054 think Sweden specifically that that that
NOTE Confidence: 0.871601596363636

00:19:58.054 --> 00:20:00.419 asks that important question as well.
NOTE Confidence: 0.871601596363636

00:20:00.420 --> 00:20:07.550 There was a case in Peru in the 90s of a.
NOTE Confidence: 0.871601596363636

00:20:07.550 --> 00:20:09.454 Of of a member of the Proving
NOTE Confidence: 0.871601596363636

00:20:09.454 --> 00:20:11.031 Communist Party who was convicted
NOTE Confidence: 0.871601596363636

00:20:11.031 --> 00:20:13.119 under a similar statute before 9/11,
NOTE Confidence: 0.871601596363636

00:20:13.120 --> 00:20:15.490 of course because he provided medicines
NOTE Confidence: 0.871601596363636

00:20:15.490 --> 00:20:18.161 and medical instruments and care to those
NOTE Confidence: 0.871601596363636

00:20:18.161 --> 00:20:20.555 who the Peruvians consider to be terrorists.
NOTE Confidence: 0.871601596363636

00:20:20.560 --> 00:20:21.676 And more recently,
NOTE Confidence: 0.871601596363636

00:20:21.676 --> 00:20:24.280 and I think this is a phenomenal

NOTE Confidence: 0.871601596363636
00:20:24.356 --> 00:20:27.506 case from the US that we can use to
NOTE Confidence: 0.871601596363636
00:20:27.506 --> 00:20:29.557 problematize and and motivate some
NOTE Confidence: 0.871601596363636
00:20:29.557 --> 00:20:34.228 of our discussion is US versus severe.
NOTE Confidence: 0.871601596363636
00:20:34.230 --> 00:20:37.002 The the accused I should say at
NOTE Confidence: 0.871601596363636
00:20:37.002 --> 00:20:38.520 the outset were I,
NOTE Confidence: 0.871601596363636
00:20:38.520 --> 00:20:39.240 I believe,
NOTE Confidence: 0.871601596363636
00:20:39.240 --> 00:20:39.960 self stated,
NOTE Confidence: 0.871601596363636
00:20:39.960 --> 00:20:42.333 but certainly found to be in court
NOTE Confidence: 0.871601596363636
00:20:42.333 --> 00:20:44.668 to be jihadist in their ideology.
NOTE Confidence: 0.871601596363636
00:20:44.670 --> 00:20:45.267 But.
NOTE Confidence: 0.871601596363636
00:20:45.267 --> 00:20:48.252 The legal rationale of their
NOTE Confidence: 0.871601596363636
00:20:48.252 --> 00:20:50.886 conviction was purely done in
NOTE Confidence: 0.871601596363636
00:20:50.886 --> 00:20:53.940 the Senate under the logic that.
NOTE Confidence: 0.871601596363636
00:20:53.940 --> 00:20:56.856 Providing medical support to known jihadists.
NOTE Confidence: 0.871601596363636
00:20:56.860 --> 00:20:59.765 Medical care to known jihadists is material
NOTE Confidence: 0.871601596363636

00:20:59.765 --> 00:21:02.789 support of a terrorist organization.
NOTE Confidence: 0.871601596363636

00:21:02.790 --> 00:21:04.014 And the case.
NOTE Confidence: 0.871601596363636

00:21:04.014 --> 00:21:06.870 Is very narrow in that it thinks
NOTE Confidence: 0.871601596363636

00:21:06.964 --> 00:21:10.072 only of a member of the organization
NOTE Confidence: 0.871601596363636

00:21:10.072 --> 00:21:13.270 or a adherent of the organization.
NOTE Confidence: 0.871601596363636

00:21:13.270 --> 00:21:15.676 She had this ideology providing care
NOTE Confidence: 0.871601596363636

00:21:15.676 --> 00:21:18.140 to advance that ideology with that
NOTE Confidence: 0.871601596363636

00:21:18.140 --> 00:21:21.280 stated purpose to people who they know
NOTE Confidence: 0.871601596363636

00:21:21.280 --> 00:21:23.630 are actively engaging in activities
NOTE Confidence: 0.871601596363636

00:21:23.630 --> 00:21:25.202 of that jihadist organization
NOTE Confidence: 0.871601596363636

00:21:25.202 --> 00:21:27.560 with the goal of advancing that
NOTE Confidence: 0.871601596363636

00:21:27.629 --> 00:21:30.221 ideology and that their wounds came
NOTE Confidence: 0.871601596363636

00:21:30.221 --> 00:21:31.949 from those specific activities.
NOTE Confidence: 0.871601596363636

00:21:31.950 --> 00:21:35.348 So it's very narrowly written. Umm.
NOTE Confidence: 0.871601596363636

00:21:35.348 --> 00:21:38.636 What isn't addressed by the case?
NOTE Confidence: 0.871601596363636

00:21:38.640 --> 00:21:42.600 Is when if medical care were

NOTE Confidence: 0.871601596363636
00:21:42.600 --> 00:21:45.240 given to a perpetrator,
NOTE Confidence: 0.871601596363636
00:21:45.240 --> 00:21:47.907 let's say in a way that is
NOTE Confidence: 0.871601596363636
00:21:47.907 --> 00:21:49.660 compatible with medical ethics.
NOTE Confidence: 0.871601596363636
00:21:49.660 --> 00:21:50.944 So let's envision,
NOTE Confidence: 0.871601596363636
00:21:50.944 --> 00:21:51.800 heaven forbid,
NOTE Confidence: 0.871601596363636
00:21:51.800 --> 00:21:53.522 a terrorist attack in a place
NOTE Confidence: 0.871601596363636
00:21:53.522 --> 00:21:55.497 where most people who were victims
NOTE Confidence: 0.871601596363636
00:21:55.497 --> 00:21:57.795 might not be affiliated with the
NOTE Confidence: 0.871601596363636
00:21:57.795 --> 00:21:59.238 terrorist organization in any way.
NOTE Confidence: 0.871601596363636
00:21:59.240 --> 00:22:01.564 Say even it happened near a hospital
NOTE Confidence: 0.871601596363636
00:22:01.564 --> 00:22:04.183 in a country where some of you may
NOTE Confidence: 0.871601596363636
00:22:04.183 --> 00:22:06.367 work and the injured are brought
NOTE Confidence: 0.871601596363636
00:22:06.367 --> 00:22:08.587 to the hospital indiscriminately.
NOTE Confidence: 0.871601596363636
00:22:08.590 --> 00:22:09.526 Would it be criminal?
NOTE Confidence: 0.871601596363636
00:22:09.526 --> 00:22:10.228 Would it be,
NOTE Confidence: 0.871601596363636

00:22:10.230 --> 00:22:12.115 would it be material support
NOTE Confidence: 0.871601596363636

00:22:12.115 --> 00:22:12.869 of terrorism
NOTE Confidence: 0.89167663

00:22:12.870 --> 00:22:16.566 if you provided medical care to that person?
NOTE Confidence: 0.89167663

00:22:16.570 --> 00:22:18.490 I actually was thinking in this moment of,
NOTE Confidence: 0.89167663

00:22:18.490 --> 00:22:20.218 for example, those who care for
NOTE Confidence: 0.89167663

00:22:20.218 --> 00:22:22.529 and I I don't know their names,
NOTE Confidence: 0.89167663

00:22:22.530 --> 00:22:23.934 but those who conducted,
NOTE Confidence: 0.89167663

00:22:23.934 --> 00:22:26.516 I guess only one survived the the
NOTE Confidence: 0.89167663

00:22:26.516 --> 00:22:28.964 terrorist attacks at the Boston Marathon
NOTE Confidence: 0.89167663

00:22:28.970 --> 00:22:31.231 and I assume that person was wounded
NOTE Confidence: 0.89167663

00:22:31.231 --> 00:22:33.210 before that person was apprehended.
NOTE Confidence: 0.89167663

00:22:33.210 --> 00:22:35.009 I I don't know the exact story,
NOTE Confidence: 0.89167663

00:22:35.010 --> 00:22:36.792 but would caring for that person
NOTE Confidence: 0.89167663

00:22:36.792 --> 00:22:38.580 be material support of terrorism?
NOTE Confidence: 0.89167663

00:22:38.580 --> 00:22:39.820 In a way that's compatible.
NOTE Confidence: 0.89167663

00:22:39.820 --> 00:22:42.196 Now, there was no such prosecution.

NOTE Confidence: 0.89167663

00:22:42.200 --> 00:22:43.400 It's a hypothetical,

NOTE Confidence: 0.89167663

00:22:43.400 --> 00:22:46.200 but the way that the the precedent

NOTE Confidence: 0.89167663

00:22:46.277 --> 00:22:48.678 is set suggests that it would be.

NOTE Confidence: 0.89167663

00:22:48.680 --> 00:22:50.800 In fact, and I'll get to this a bit later,

NOTE Confidence: 0.89167663

00:22:50.800 --> 00:22:52.366 the US Supreme Court has has

NOTE Confidence: 0.89167663

00:22:52.366 --> 00:22:53.980 thought about this and has posited

NOTE Confidence: 0.89167663

00:22:53.980 --> 00:22:55.516 that that would be the case,

NOTE Confidence: 0.89167663

00:22:55.520 --> 00:22:57.164 particularly under international law,

NOTE Confidence: 0.89167663

00:22:57.164 --> 00:22:59.940 maybe more so than US domestic law,

NOTE Confidence: 0.89167663

00:22:59.940 --> 00:23:01.556 which is no less a problem for us,

NOTE Confidence: 0.89167663

00:23:01.560 --> 00:23:03.016 even if many of us are American,

NOTE Confidence: 0.89167663

00:23:03.020 --> 00:23:04.898 because of course it's the international

NOTE Confidence: 0.89167663

00:23:04.898 --> 00:23:06.824 norms that maybe contribute to U.S. law.

NOTE Confidence: 0.89167663

00:23:06.824 --> 00:23:08.886 That's a bigger debate, but certainly.

NOTE Confidence: 0.89167663

00:23:08.886 --> 00:23:11.424 Contribute to those around the world.

NOTE Confidence: 0.89167663

00:23:11.430 --> 00:23:12.558 So my question to you is,
NOTE Confidence: 0.89167663

00:23:12.560 --> 00:23:14.152 what is material support?
NOTE Confidence: 0.89167663

00:23:14.152 --> 00:23:16.142 What is material support of
NOTE Confidence: 0.89167663

00:23:16.142 --> 00:23:18.279 a terrorist organization?
NOTE Confidence: 0.89167663

00:23:18.280 --> 00:23:19.198 As I said,
NOTE Confidence: 0.89167663

00:23:19.198 --> 00:23:21.034 medicine itself is excluded as a
NOTE Confidence: 0.89167663

00:23:21.034 --> 00:23:23.058 matter of parenthetical statement.
NOTE Confidence: 0.89167663

00:23:23.060 --> 00:23:24.604 So are religious materials.
NOTE Confidence: 0.89167663

00:23:24.604 --> 00:23:26.534 So you could send religious
NOTE Confidence: 0.89167663

00:23:26.534 --> 00:23:27.460 materials as well,
NOTE Confidence: 0.89167663

00:23:27.460 --> 00:23:31.156 but you couldn't even provide expert advice.
NOTE Confidence: 0.89167663

00:23:31.160 --> 00:23:33.136 So I know that with the advent of
NOTE Confidence: 0.89167663

00:23:33.136 --> 00:23:34.781 zoom and other things that were
NOTE Confidence: 0.89167663

00:23:34.781 --> 00:23:37.060 how I lived my life for two years,
NOTE Confidence: 0.89167663

00:23:37.060 --> 00:23:38.500 and you probably all did too,
NOTE Confidence: 0.89167663

00:23:38.500 --> 00:23:41.115 that there are many consultations

NOTE Confidence: 0.89167663

00:23:41.115 --> 00:23:43.207 that occur via zoom.

NOTE Confidence: 0.89167663

00:23:43.210 --> 00:23:45.940 And so if a doctor in location

NOTE Confidence: 0.89167663

00:23:45.940 --> 00:23:49.116 X needs to seek the advice of

NOTE Confidence: 0.89167663

00:23:49.116 --> 00:23:51.496 a specialist in New Haven.

NOTE Confidence: 0.89167663

00:23:51.500 --> 00:23:54.440 And they have a zoom call and

NOTE Confidence: 0.89167663

00:23:54.440 --> 00:23:56.180 that specialist provides expert

NOTE Confidence: 0.89167663

00:23:56.180 --> 00:23:58.190 advice on how to handle.

NOTE Confidence: 0.89167663

00:23:58.190 --> 00:24:01.486 The whatever the case may be of the

NOTE Confidence: 0.89167663

00:24:01.486 --> 00:24:04.285 diagnosis of the patient, of the person,

NOTE Confidence: 0.89167663

00:24:04.285 --> 00:24:06.570 and of the foot doctor and location act.

NOTE Confidence: 0.89167663

00:24:06.570 --> 00:24:08.345 That would be material support

NOTE Confidence: 0.89167663

00:24:08.345 --> 00:24:09.410 under the Statute,

NOTE Confidence: 0.89167663

00:24:09.410 --> 00:24:11.246 under the US code, under U.S.

NOTE Confidence: 0.89167663

00:24:11.250 --> 00:24:12.082 Federal law.

NOTE Confidence: 0.89167663

00:24:12.082 --> 00:24:13.958 The question is, of course,

NOTE Confidence: 0.89167663

00:24:13.958 --> 00:24:14.586 prosecutorial discretion,
NOTE Confidence: 0.89167663

00:24:14.586 --> 00:24:16.670 would it be prosecuted in the US?
NOTE Confidence: 0.89167663

00:24:16.670 --> 00:24:19.351 But I think there's a more fundamental
NOTE Confidence: 0.89167663

00:24:19.351 --> 00:24:21.888 ethical question of do we want it to be?
NOTE Confidence: 0.89167663

00:24:21.890 --> 00:24:24.426 Is that a criminal activity in our eyes?
NOTE Confidence: 0.89167663

00:24:24.430 --> 00:24:26.386 Is that material support of terrorism,
NOTE Confidence: 0.89167663

00:24:26.390 --> 00:24:28.090 as you might define it?
NOTE Confidence: 0.89167663

00:24:28.090 --> 00:24:30.394 Is that in line with other
NOTE Confidence: 0.89167663

00:24:30.394 --> 00:24:31.546 biomedical ethical considerations
NOTE Confidence: 0.89167663

00:24:31.546 --> 00:24:33.529 that you all make in your work,
NOTE Confidence: 0.89167663

00:24:33.530 --> 00:24:35.168 in your clinical work, and in,
NOTE Confidence: 0.89167663

00:24:35.170 --> 00:24:35.838 in, in,
NOTE Confidence: 0.89167663

00:24:35.838 --> 00:24:37.508 day in and day out?
NOTE Confidence: 0.89167663

00:24:37.510 --> 00:24:39.330 I imagine there are people who many
NOTE Confidence: 0.89167663

00:24:39.330 --> 00:24:40.980 folks here have had to care for,
NOTE Confidence: 0.89167663

00:24:40.980 --> 00:24:42.480 and I'm sure if we had,

NOTE Confidence: 0.89167663

00:24:42.480 --> 00:24:43.700 we might have emergency medicine

NOTE Confidence: 0.89167663

00:24:43.700 --> 00:24:44.676 specialists in the room.

NOTE Confidence: 0.89167663

00:24:44.680 --> 00:24:45.640 But I bet you if we had more,

NOTE Confidence: 0.89167663

00:24:45.640 --> 00:24:48.056 I'm sure many may even have known that

NOTE Confidence: 0.89167663

00:24:48.056 --> 00:24:50.197 someone coming into their emergency room

NOTE Confidence: 0.89167663

00:24:50.197 --> 00:24:52.417 had just some done something egregious,

NOTE Confidence: 0.89167663

00:24:52.420 --> 00:24:54.286 maybe even done something that today

NOTE Confidence: 0.89167663

00:24:54.286 --> 00:24:56.100 might be called domestic terrorism,

NOTE Confidence: 0.89167663

00:24:56.100 --> 00:24:58.200 and that person was cared for.

NOTE Confidence: 0.89167663

00:24:58.200 --> 00:24:59.620 Is that what we want?

NOTE Confidence: 0.908978988333333

00:24:59.620 --> 00:25:01.882 Should medical care be treated differently

NOTE Confidence: 0.908978988333333

00:25:01.882 --> 00:25:04.489 than other forms of material support?

NOTE Confidence: 0.908978988333333

00:25:04.490 --> 00:25:07.180 If person A sends a wire of a large sum

NOTE Confidence: 0.908978988333333

00:25:07.258 --> 00:25:10.065 of money to a terrorist organization and

NOTE Confidence: 0.908978988333333

00:25:10.065 --> 00:25:12.258 person B provides expert consultations

NOTE Confidence: 0.908978988333333

00:25:12.258 --> 00:25:15.006 for folks who have been injured,
NOTE Confidence: 0.908978988333333

00:25:15.010 --> 00:25:15.930 are those the same?
NOTE Confidence: 0.908978988333333

00:25:15.930 --> 00:25:17.606 Are those do we want them to
NOTE Confidence: 0.908978988333333

00:25:17.606 --> 00:25:18.550 be treated the same?
NOTE Confidence: 0.908978988333333

00:25:18.550 --> 00:25:20.230 Do we normatively and ethically
NOTE Confidence: 0.908978988333333

00:25:20.230 --> 00:25:21.574 think they're the same?
NOTE Confidence: 0.908978988333333

00:25:21.580 --> 00:25:23.086 Now I think there's a counter
NOTE Confidence: 0.908978988333333

00:25:23.086 --> 00:25:24.979 argument to be had to show I'm not.
NOTE Confidence: 0.908978988333333

00:25:24.980 --> 00:25:27.020 Giving only one answer that maybe
NOTE Confidence: 0.908978988333333

00:25:27.020 --> 00:25:28.847 even medical that providing medical
NOTE Confidence: 0.908978988333333

00:25:28.847 --> 00:25:30.483 assistance isn't more egregious
NOTE Confidence: 0.908978988333333

00:25:30.483 --> 00:25:32.119 than just providing money.
NOTE Confidence: 0.908978988333333

00:25:32.120 --> 00:25:34.556 Because of course the health and
NOTE Confidence: 0.908978988333333

00:25:34.556 --> 00:25:38.194 ability to fight of the terrorists in a
NOTE Confidence: 0.908978988333333

00:25:38.194 --> 00:25:40.614 terrorist organization is the lifeblood
NOTE Confidence: 0.908978988333333

00:25:40.614 --> 00:25:44.297 by which they conduct terrorist activities.

NOTE Confidence: 0.908978988333333
00:25:44.300 --> 00:25:46.320 So perhaps it's even more
NOTE Confidence: 0.908978988333333
00:25:46.320 --> 00:25:47.936 essential than financial support.
NOTE Confidence: 0.908978988333333
00:25:47.940 --> 00:25:50.460 But I think it's a question
NOTE Confidence: 0.908978988333333
00:25:50.460 --> 00:25:51.720 that's worth asking.
NOTE Confidence: 0.908978988333333
00:25:51.720 --> 00:25:54.730 The idea that medical care
NOTE Confidence: 0.908978988333333
00:25:54.730 --> 00:25:57.740 being provided to an enemy,
NOTE Confidence: 0.908978988333333
00:25:57.740 --> 00:26:00.140 and specifically I say enemy.
NOTE Confidence: 0.908978988333333
00:26:00.140 --> 00:26:02.220 Is not profoundly new that
NOTE Confidence: 0.908978988333333
00:26:02.220 --> 00:26:03.884 it should be criminalized.
NOTE Confidence: 0.908978988333333
00:26:03.890 --> 00:26:04.952 The idea that it should be
NOTE Confidence: 0.908978988333333
00:26:04.952 --> 00:26:05.660 criminalized is not new.
NOTE Confidence: 0.908978988333333
00:26:05.660 --> 00:26:07.844 And in fact we know this because
NOTE Confidence: 0.908978988333333
00:26:07.844 --> 00:26:10.252 in our code of treason in the
NOTE Confidence: 0.908978988333333
00:26:10.252 --> 00:26:12.298 US our our federal code that
NOTE Confidence: 0.908978988333333
00:26:12.298 --> 00:26:13.560 that criminalizes treason,
NOTE Confidence: 0.908978988333333

00:26:13.560 --> 00:26:15.660 there is language that is quite
NOTE Confidence: 0.908978988333333

00:26:15.660 --> 00:26:17.807 broad about providing aid and comfort
NOTE Confidence: 0.908978988333333

00:26:17.807 --> 00:26:19.835 to enemies of the United States.
NOTE Confidence: 0.908978988333333

00:26:19.840 --> 00:26:20.869 Aid and comfort,
NOTE Confidence: 0.908978988333333

00:26:20.869 --> 00:26:22.927 I think could safely be considered
NOTE Confidence: 0.908978988333333

00:26:22.927 --> 00:26:24.869 medical care or to medical care
NOTE Confidence: 0.908978988333333

00:26:24.869 --> 00:26:26.409 could safely be considered to
NOTE Confidence: 0.908978988333333

00:26:26.468 --> 00:26:27.978 be included in that space,
NOTE Confidence: 0.908978988333333

00:26:27.980 --> 00:26:29.800 in that in that definition.
NOTE Confidence: 0.908978988333333

00:26:29.800 --> 00:26:33.510 And that would that would suggest that
NOTE Confidence: 0.908978988333333

00:26:33.510 --> 00:26:36.068 we already find this to be treasonous
NOTE Confidence: 0.908978988333333

00:26:36.068 --> 00:26:38.158 against the United States in some way.
NOTE Confidence: 0.908978988333333

00:26:38.160 --> 00:26:40.800 When of course the terrorist organization
NOTE Confidence: 0.908978988333333

00:26:40.800 --> 00:26:44.198 is a stated enemy of the United States,
NOTE Confidence: 0.908978988333333

00:26:44.200 --> 00:26:45.520 which in some cases they are,
NOTE Confidence: 0.908978988333333

00:26:45.520 --> 00:26:46.480 in some cases they aren't.

NOTE Confidence: 0.908978988333333
00:26:46.480 --> 00:26:48.200 We'll get to that in a little bit.
NOTE Confidence: 0.910816813636363
00:26:50.700 --> 00:26:53.410 I think, though, the question
NOTE Confidence: 0.910816813636363
00:26:53.410 --> 00:26:56.530 we need to ask ourselves is.
NOTE Confidence: 0.910816813636363
00:26:56.530 --> 00:26:59.422 What is unique about
NOTE Confidence: 0.910816813636363
00:26:59.422 --> 00:27:00.868 counterterrorism specifically,
NOTE Confidence: 0.910816813636363
00:27:00.870 --> 00:27:02.980 that might raise challenges with
NOTE Confidence: 0.910816813636363
00:27:02.980 --> 00:27:04.668 drawing that direct analogy?
NOTE Confidence: 0.910816813636363
00:27:04.670 --> 00:27:07.570 Indeed, I've already proposed some,
NOTE Confidence: 0.910816813636363
00:27:07.570 --> 00:27:10.720 because we have seen that there are
NOTE Confidence: 0.910816813636363
00:27:10.720 --> 00:27:13.365 some criminal offenses in the in
NOTE Confidence: 0.910816813636363
00:27:13.365 --> 00:27:15.560 the space of counterterrorism that
NOTE Confidence: 0.910816813636363
00:27:15.633 --> 00:27:17.895 are that go well beyond treason.
NOTE Confidence: 0.910816813636363
00:27:17.900 --> 00:27:21.533 But I'd like to give us three
NOTE Confidence: 0.910816813636363
00:27:21.533 --> 00:27:24.218 questions to consider to see if.
NOTE Confidence: 0.910816813636363
00:27:24.220 --> 00:27:25.558 We think that they're that different.
NOTE Confidence: 0.85695966375

00:27:27.840 --> 00:27:31.835 The first is about aid to the citizenry, so.
NOTE Confidence: 0.85695966375

00:27:31.835 --> 00:27:33.910 There's a hypothetical in the
NOTE Confidence: 0.85695966375

00:27:33.910 --> 00:27:36.519 Supreme Court case that I'd like to,
NOTE Confidence: 0.85695966375

00:27:36.520 --> 00:27:38.890 as it, were anonymized and abstract
NOTE Confidence: 0.85695966375

00:27:38.890 --> 00:27:41.120 because it's it could be politically
NOTE Confidence: 0.85695966375

00:27:41.120 --> 00:27:42.880 charged for other reasons.
NOTE Confidence: 0.85695966375

00:27:42.880 --> 00:27:45.064 So I'm instead just going to
NOTE Confidence: 0.85695966375

00:27:45.064 --> 00:27:47.660 say that in this hypothetical,
NOTE Confidence: 0.85695966375

00:27:47.660 --> 00:27:49.220 which is the same hypothetical as
NOTE Confidence: 0.85695966375

00:27:49.220 --> 00:27:51.279 the one used by the Supreme Court,
NOTE Confidence: 0.85695966375

00:27:51.280 --> 00:27:55.380 suppose that nation A.
NOTE Confidence: 0.85695966375

00:27:55.380 --> 00:27:58.492 Conducts a military strike
NOTE Confidence: 0.85695966375

00:27:58.492 --> 00:28:01.604 against terrorist organization B.
NOTE Confidence: 0.85695966375

00:28:01.610 --> 00:28:05.288 And. As a result of the strike,
NOTE Confidence: 0.85695966375

00:28:05.290 --> 00:28:08.727 there are a number of wounded people.
NOTE Confidence: 0.85695966375

00:28:08.730 --> 00:28:09.364 These people,

NOTE Confidence: 0.85695966375

00:28:09.364 --> 00:28:11.266 and I call them people purposely,

NOTE Confidence: 0.85695966375

00:28:11.270 --> 00:28:13.772 are probably some combination of known

NOTE Confidence: 0.85695966375

00:28:13.772 --> 00:28:16.300 combatants for this terrorist organization,

NOTE Confidence: 0.85695966375

00:28:16.300 --> 00:28:18.492 presumed combatants for this

NOTE Confidence: 0.85695966375

00:28:18.492 --> 00:28:19.588 terrorist organization,

NOTE Confidence: 0.85695966375

00:28:19.590 --> 00:28:21.618 terrorist affiliated noncombatants of

NOTE Confidence: 0.85695966375

00:28:21.618 --> 00:28:24.153 the of the terrorist organization,

NOTE Confidence: 0.85695966375

00:28:24.160 --> 00:28:25.882 meaning perhaps a cook who cooks

NOTE Confidence: 0.85695966375

00:28:25.882 --> 00:28:26.743 for the terrorists,

NOTE Confidence: 0.85695966375

00:28:26.750 --> 00:28:29.840 or whatever the case may be, a driver.

NOTE Confidence: 0.85695966375

00:28:29.840 --> 00:28:31.740 And civilians.

NOTE Confidence: 0.85695966375

00:28:31.740 --> 00:28:35.112 And presume that it's known or

NOTE Confidence: 0.85695966375

00:28:35.112 --> 00:28:38.696 informed publicly or by nation A.

NOTE Confidence: 0.85695966375

00:28:38.696 --> 00:28:41.152 That the existing medical

NOTE Confidence: 0.85695966375

00:28:41.152 --> 00:28:44.150 infrastructure at the location of.

NOTE Confidence: 0.85695966375

00:28:44.150 --> 00:28:47.474 The victims in location B is
NOTE Confidence: 0.85695966375

00:28:47.474 --> 00:28:50.618 insufficient to care for everybody there.
NOTE Confidence: 0.85695966375

00:28:50.620 --> 00:28:53.964 And so pick your favorite NGO that does
NOTE Confidence: 0.85695966375

00:28:53.964 --> 00:28:56.977 medical work in this type of situation.
NOTE Confidence: 0.85695966375

00:28:56.980 --> 00:28:59.514 That NGO runs in, saves the day,
NOTE Confidence: 0.85695966375

00:28:59.520 --> 00:29:01.744 and provides emergency medical
NOTE Confidence: 0.85695966375

00:29:01.744 --> 00:29:04.524 medical care in that space.
NOTE Confidence: 0.85695966375

00:29:04.530 --> 00:29:07.505 Now, given the location of the attack,
NOTE Confidence: 0.85695966375

00:29:07.510 --> 00:29:10.672 it would be fairly obvious to
NOTE Confidence: 0.85695966375

00:29:10.672 --> 00:29:13.160 that NGO that many of the victims,
NOTE Confidence: 0.85695966375

00:29:13.160 --> 00:29:16.628 the wounded individuals at location B,
NOTE Confidence: 0.85695966375

00:29:16.630 --> 00:29:18.832 are terrorist combatants or are very
NOTE Confidence: 0.85695966375

00:29:18.832 --> 00:29:20.775 likely to be terrorist combatants
NOTE Confidence: 0.85695966375

00:29:20.775 --> 00:29:23.229 or terrorist members in other ways,
NOTE Confidence: 0.85695966375

00:29:23.230 --> 00:29:26.056 and the Supreme Court asks itself
NOTE Confidence: 0.85695966375

00:29:26.056 --> 00:29:27.469 under international law.

NOTE Confidence: 0.85695966375

00:29:27.470 --> 00:29:28.643 Or under U.S.

NOTE Confidence: 0.85695966375

00:29:28.643 --> 00:29:29.034 law,

NOTE Confidence: 0.85695966375

00:29:29.034 --> 00:29:31.380 would that violate our concept of

NOTE Confidence: 0.85695966375

00:29:31.459 --> 00:29:33.867 prohibiting military material support

NOTE Confidence: 0.85695966375

00:29:33.867 --> 00:29:36.877 to terrorist organizations and the

NOTE Confidence: 0.85695966375

00:29:36.877 --> 00:29:40.186 Supreme Court says under international law,

NOTE Confidence: 0.85695966375

00:29:40.190 --> 00:29:40.776 absolutely,

NOTE Confidence: 0.85695966375

00:29:40.776 --> 00:29:43.706 that would violate international law.

NOTE Confidence: 0.85695966375

00:29:43.710 --> 00:29:46.010 The idea that the organization,

NOTE Confidence: 0.85695966375

00:29:46.010 --> 00:29:47.914 the NGO, would know.

NOTE Confidence: 0.85695966375

00:29:47.914 --> 00:29:51.328 That it was providing medical care to

NOTE Confidence: 0.85695966375

00:29:51.328 --> 00:29:53.904 terrorists ahead of time would violate

NOTE Confidence: 0.85695966375

00:29:53.904 --> 00:29:55.664 the UN Security Council resolutions

NOTE Confidence: 0.85695966375

00:29:55.664 --> 00:29:57.619 to which I've referred today.

NOTE Confidence: 0.85695966375

00:29:57.620 --> 00:30:00.012 It was not as convinced that it would

NOTE Confidence: 0.85695966375

00:30:00.012 --> 00:30:02.829 be a violation of material support.
NOTE Confidence: 0.85695966375

00:30:02.830 --> 00:30:04.222 But the question has been left
NOTE Confidence: 0.85695966375

00:30:04.222 --> 00:30:05.530 open in other areas of U.S.
NOTE Confidence: 0.85695966375

00:30:05.530 --> 00:30:05.695 law.
NOTE Confidence: 0.85695966375

00:30:05.695 --> 00:30:07.479 And it this was a dictum, it wasn't a
NOTE Confidence: 0.85695966375

00:30:07.479 --> 00:30:09.790 holding as a central area of this ruling.
NOTE Confidence: 0.85695966375

00:30:09.790 --> 00:30:11.010 But the Supreme Court put,
NOTE Confidence: 0.85695966375

00:30:11.010 --> 00:30:13.632 the US Supreme Court put this
NOTE Confidence: 0.85695966375

00:30:13.632 --> 00:30:14.943 important question forward.
NOTE Confidence: 0.85695966375

00:30:14.950 --> 00:30:17.235 This scenario might sound abstract
NOTE Confidence: 0.85695966375

00:30:17.235 --> 00:30:19.910 because I've used A's and B's,
NOTE Confidence: 0.85695966375

00:30:19.910 --> 00:30:21.654 but it's not abstract.
NOTE Confidence: 0.85695966375

00:30:21.654 --> 00:30:22.090 Indeed,
NOTE Confidence: 0.85695966375

00:30:22.090 --> 00:30:24.268 as many of you probably know,
NOTE Confidence: 0.85695966375

00:30:24.270 --> 00:30:26.970 this is this is a very common scenario for
NOTE Confidence: 0.85695966375

00:30:26.970 --> 00:30:29.630 how terrorist organizations are struck.

NOTE Confidence: 0.85695966375

00:30:29.630 --> 00:30:32.402 So it's a question that's very

NOTE Confidence: 0.85695966375

00:30:32.402 --> 00:30:35.214 lively and should be treated as

NOTE Confidence: 0.85695966375

00:30:35.214 --> 00:30:38.259 an urgent one to address both for

NOTE Confidence: 0.85695966375

00:30:38.259 --> 00:30:41.081 the sake of understanding where

NOTE Confidence: 0.85695966375

00:30:41.081 --> 00:30:43.198 our ethics should delineate.

NOTE Confidence: 0.85695966375

00:30:43.198 --> 00:30:45.618 The distinction between that which

NOTE Confidence: 0.85695966375

00:30:45.618 --> 00:30:48.176 is material support and that which

NOTE Confidence: 0.85695966375

00:30:48.176 --> 00:30:50.240 is not so the ethical question,

NOTE Confidence: 0.85695966375

00:30:50.240 --> 00:30:52.100 but of course the practical question,

NOTE Confidence: 0.85695966375

00:30:52.100 --> 00:30:54.230 because there are injured people and

NOTE Confidence: 0.85695966375

00:30:54.230 --> 00:30:56.979 people whose lives are at stake in question,

NOTE Confidence: 0.85695966375

00:30:56.980 --> 00:31:00.103 some of which we may morally wish to see.

NOTE Confidence: 0.69816656

00:31:03.060 --> 00:31:04.615 Protected and their medical rights

NOTE Confidence: 0.69816656

00:31:04.615 --> 00:31:06.842 to medical care upheld, and others

NOTE Confidence: 0.69816656

00:31:06.842 --> 00:31:09.788 where we may have differing opinions.

NOTE Confidence: 0.69816656

00:31:09.790 --> 00:31:12.622 This scenario will be increasingly likely
NOTE Confidence: 0.69816656

00:31:12.622 --> 00:31:15.628 as urban warfare continues to grow indeed,
NOTE Confidence: 0.69816656

00:31:15.630 --> 00:31:17.940 and some of these have been declassified
NOTE Confidence: 0.69816656

00:31:17.940 --> 00:31:20.002 and released where you you can see
NOTE Confidence: 0.69816656

00:31:20.002 --> 00:31:21.937 videos from the Iraq war that are
NOTE Confidence: 0.69816656

00:31:21.937 --> 00:31:23.757 often quite gruesome and harrowing.
NOTE Confidence: 0.69816656

00:31:23.760 --> 00:31:25.244 Where these calculations are
NOTE Confidence: 0.69816656

00:31:25.244 --> 00:31:27.012 made quite regularly, you know,
NOTE Confidence: 0.69816656

00:31:27.012 --> 00:31:29.294 are those injured people over there enemies,
NOTE Confidence: 0.69816656

00:31:29.300 --> 00:31:29.882 not enemies.
NOTE Confidence: 0.69816656

00:31:29.882 --> 00:31:31.919 And that's a that's a difficult question.
NOTE Confidence: 0.69816656

00:31:31.920 --> 00:31:34.089 When there was a strike on a building in
NOTE Confidence: 0.69816656

00:31:34.089 --> 00:31:36.358 a crowded complex near Baghdad in a way
NOTE Confidence: 0.69816656

00:31:36.358 --> 00:31:39.014 that it may not have been a difficult
NOTE Confidence: 0.69816656

00:31:39.014 --> 00:31:40.764 question when two aircraft carriers
NOTE Confidence: 0.69816656

00:31:40.770 --> 00:31:43.082 were approaching each other or, you know,

NOTE Confidence: 0.69816656

00:31:43.082 --> 00:31:45.608 battleships in in a different time.

NOTE Confidence: 0.69816656

00:31:45.610 --> 00:31:49.586 So that's our our our first question is.

NOTE Confidence: 0.69816656

00:31:49.590 --> 00:31:52.920 Does this expansion of our

NOTE Confidence: 0.69816656

00:31:52.920 --> 00:31:56.250 restrictions of our ability to?

NOTE Confidence: 0.69816656

00:31:56.250 --> 00:31:57.894 Provide medical care to,

NOTE Confidence: 0.69816656

00:31:57.894 --> 00:32:01.620 in this case, terrorist enemies.

NOTE Confidence: 0.69816656

00:32:01.620 --> 00:32:03.243 Unnecessarily and unfortunately,

NOTE Confidence: 0.69816656

00:32:03.243 --> 00:32:05.948 restrict our ability to provide

NOTE Confidence: 0.69816656

00:32:05.948 --> 00:32:08.918 care to citizens who are nearby,

NOTE Confidence: 0.69816656

00:32:08.920 --> 00:32:10.560 who are hapless victims.

NOTE Confidence: 0.9281232333333333

00:32:13.050 --> 00:32:15.399 The second question.

NOTE Confidence: 0.9281232333333333

00:32:15.400 --> 00:32:17.178 Is the membership one I raised earlier,

NOTE Confidence: 0.9281232333333333

00:32:17.180 --> 00:32:18.668 who is a terrorist?

NOTE Confidence: 0.9281232333333333

00:32:18.668 --> 00:32:20.156 UN Security Council resolutions

NOTE Confidence: 0.9281232333333333

00:32:20.156 --> 00:32:22.070 have been very firm on this.

NOTE Confidence: 0.9281232333333333

00:32:22.070 --> 00:32:23.678 You are a terrorist if you are a
NOTE Confidence: 0.9281232333333333

00:32:23.678 --> 00:32:25.388 member of the organization by doing
NOTE Confidence: 0.9281232333333333

00:32:25.388 --> 00:32:26.963 whatever it is the organization
NOTE Confidence: 0.9281232333333333

00:32:26.963 --> 00:32:28.524 requires you to do to be a member.
NOTE Confidence: 0.9281232333333333

00:32:28.530 --> 00:32:30.303 If you need to sign up for a card,
NOTE Confidence: 0.9281232333333333

00:32:30.310 --> 00:32:31.630 signing up for that membership
NOTE Confidence: 0.9281232333333333

00:32:31.630 --> 00:32:32.950 card makes you a terrorist.
NOTE Confidence: 0.9281232333333333

00:32:32.950 --> 00:32:34.532 If you need to pledge some sort
NOTE Confidence: 0.9281232333333333

00:32:34.532 --> 00:32:36.140 of allegiance, pledging that
NOTE Confidence: 0.9281232333333333

00:32:36.140 --> 00:32:39.015 allegiance makes you a terrorist.
NOTE Confidence: 0.9281232333333333

00:32:39.020 --> 00:32:43.346 And the question I think should be.
NOTE Confidence: 0.9281232333333333

00:32:43.350 --> 00:32:44.316 To compare that.
NOTE Confidence: 0.9281232333333333

00:32:44.316 --> 00:32:46.570 To what we think of when we
NOTE Confidence: 0.9281232333333333

00:32:46.646 --> 00:32:48.770 think of traditional warfare.
NOTE Confidence: 0.9281232333333333

00:32:48.770 --> 00:32:54.206 A cook in a barracks who cooks for his
NOTE Confidence: 0.9281232333333333

00:32:54.210 --> 00:32:56.886 soldiers is not an enemy combatant.

NOTE Confidence: 0.9281232333333333
00:32:56.890 --> 00:32:59.368 In fact he's a non combatant.
NOTE Confidence: 0.9281232333333333
00:32:59.370 --> 00:33:00.710 But as a cook for,
NOTE Confidence: 0.9281232333333333
00:33:00.710 --> 00:33:01.781 say, al Qaeda,
NOTE Confidence: 0.9281232333333333
00:33:01.781 --> 00:33:03.923 who makes the pledge because perhaps
NOTE Confidence: 0.9281232333333333
00:33:03.923 --> 00:33:06.523 he has to in order to join Al Qaeda.
NOTE Confidence: 0.9281232333333333
00:33:06.530 --> 00:33:08.468 Is he an enemy combatant who's
NOTE Confidence: 0.9281232333333333
00:33:08.468 --> 00:33:10.120 not entitled to medical care?
NOTE Confidence: 0.9281232333333333
00:33:10.120 --> 00:33:14.130 Is a set of citizens.
NOTE Confidence: 0.9281232333333333
00:33:14.130 --> 00:33:16.338 Of a certain country or a certain region
NOTE Confidence: 0.9281232333333333
00:33:16.338 --> 00:33:18.921 of a country where that terrorist
NOTE Confidence: 0.9281232333333333
00:33:18.921 --> 00:33:20.885 organization has effective control.
NOTE Confidence: 0.9281232333333333
00:33:20.890 --> 00:33:22.590 Thinks perhaps of Kandahar province,
NOTE Confidence: 0.9281232333333333
00:33:22.590 --> 00:33:25.380 even before the tragic events in
NOTE Confidence: 0.9281232333333333
00:33:25.380 --> 00:33:28.538 Afghanistan a little over a year ago.
NOTE Confidence: 0.9281232333333333
00:33:28.540 --> 00:33:30.860 Are they terrorists who aren't
NOTE Confidence: 0.9281232333333333

00:33:30.860 --> 00:33:32.716 entitled to medical care?
NOTE Confidence: 0.9281232333333333

00:33:32.720 --> 00:33:34.136 Our NGO's not allowed to provide
NOTE Confidence: 0.9281232333333333

00:33:34.136 --> 00:33:35.696 service because it would be material
NOTE Confidence: 0.9281232333333333

00:33:35.696 --> 00:33:37.116 support to a terrorist organization.
NOTE Confidence: 0.869134998666667

00:33:39.250 --> 00:33:42.194 I want to give two hypotheticals that I
NOTE Confidence: 0.869134998666667

00:33:42.194 --> 00:33:45.370 think will push this envelope even further.
NOTE Confidence: 0.869134998666667

00:33:45.370 --> 00:33:49.302 The first. Imagine something that exists.
NOTE Confidence: 0.869134998666667

00:33:49.302 --> 00:33:53.857 A refugee camp or a camp or a detention site,
NOTE Confidence: 0.869134998666667

00:33:53.860 --> 00:33:56.060 depending on your politics.
NOTE Confidence: 0.869134998666667

00:33:56.060 --> 00:33:58.810 Of women who are colloquially
NOTE Confidence: 0.869134998666667

00:33:58.810 --> 00:34:00.949 referred to as ISIS brides.
NOTE Confidence: 0.869134998666667

00:34:00.950 --> 00:34:02.090 Let's call that, you know,
NOTE Confidence: 0.869134998666667

00:34:02.090 --> 00:34:02.730 broadly speaking,
NOTE Confidence: 0.869134998666667

00:34:02.730 --> 00:34:04.650 Europeans and N Americans and many,
NOTE Confidence: 0.869134998666667

00:34:04.650 --> 00:34:07.887 probably many other nationalities who moved
NOTE Confidence: 0.869134998666667

00:34:07.887 --> 00:34:11.943 illegally to Syria during the peak of ISIS,

NOTE Confidence: 0.869134998666667
00:34:11.950 --> 00:34:13.490 married an ISIS fighter,
NOTE Confidence: 0.869134998666667
00:34:13.490 --> 00:34:16.574 had perhaps a child with ISIS and that
NOTE Confidence: 0.869134998666667
00:34:16.574 --> 00:34:19.017 bride and any such children that she
NOTE Confidence: 0.869134998666667
00:34:19.017 --> 00:34:21.414 may have had with the ISIS fighter
NOTE Confidence: 0.869134998666667
00:34:21.414 --> 00:34:25.210 are now in this detention camp.
NOTE Confidence: 0.869134998666667
00:34:25.210 --> 00:34:27.217 These are, as many of you may know there.
NOTE Confidence: 0.869134998666667
00:34:27.220 --> 00:34:29.047 There's a great many of them run
NOTE Confidence: 0.869134998666667
00:34:29.047 --> 00:34:31.465 by the Kurds at the moment in
NOTE Confidence: 0.869134998666667
00:34:31.465 --> 00:34:33.033 predominantly Kurdish held territory.
NOTE Confidence: 0.869134998666667
00:34:33.040 --> 00:34:34.396 And there is great public debate
NOTE Confidence: 0.869134998666667
00:34:34.396 --> 00:34:36.114 about what to do, especially about
NOTE Confidence: 0.869134998666667
00:34:36.114 --> 00:34:38.149 repatriating because many of them,
NOTE Confidence: 0.869134998666667
00:34:38.150 --> 00:34:41.222 because the mothers are often citizens
NOTE Confidence: 0.869134998666667
00:34:41.222 --> 00:34:42.860 of countries other than Syria.
NOTE Confidence: 0.869134998666667
00:34:42.860 --> 00:34:44.564 And the children, of course, if they,
NOTE Confidence: 0.869134998666667

00:34:44.564 --> 00:34:45.860 the mothers are from a country,
NOTE Confidence: 0.869134998666667

00:34:45.860 --> 00:34:47.024 say the United States,
NOTE Confidence: 0.869134998666667

00:34:47.024 --> 00:34:48.770 the child is entitled to US
NOTE Confidence: 0.869134998666667

00:34:48.834 --> 00:34:49.998 citizenship as well.
NOTE Confidence: 0.869134998666667

00:34:50.000 --> 00:34:51.410 So the question of repatriating
NOTE Confidence: 0.869134998666667

00:34:51.410 --> 00:34:53.298 these folks is, is 1 very,
NOTE Confidence: 0.869134998666667

00:34:53.298 --> 00:34:54.336 very large question,
NOTE Confidence: 0.869134998666667

00:34:54.340 --> 00:34:55.754 but I'm going to create a different.
NOTE Confidence: 0.869134998666667

00:34:55.760 --> 00:34:56.102 Pathetical,
NOTE Confidence: 0.869134998666667

00:34:56.102 --> 00:34:59.180 which is say that you are on the board
NOTE Confidence: 0.869134998666667

00:34:59.250 --> 00:35:01.930 of an NGO that has been approached by
NOTE Confidence: 0.869134998666667

00:35:01.930 --> 00:35:04.419 the Kurdish authorities and asked to
NOTE Confidence: 0.869134998666667

00:35:04.419 --> 00:35:07.041 provide medical care in this situation,
NOTE Confidence: 0.869134998666667

00:35:07.050 --> 00:35:08.634 and you're in a situation where
NOTE Confidence: 0.869134998666667

00:35:08.634 --> 00:35:09.890 you're board is voting on.
NOTE Confidence: 0.869134998666667

00:35:09.890 --> 00:35:11.426 Do you want to allocate funds,

NOTE Confidence: 0.869134998666667
00:35:11.430 --> 00:35:11.765 volunteers,
NOTE Confidence: 0.869134998666667
00:35:11.765 --> 00:35:13.775 all the other resources you need
NOTE Confidence: 0.869134998666667
00:35:13.775 --> 00:35:15.980 in order to make this possible?
NOTE Confidence: 0.869134998666667
00:35:15.980 --> 00:35:18.655 And you ask your organization's
NOTE Confidence: 0.869134998666667
00:35:18.655 --> 00:35:21.930 general counsel to consider any risk
NOTE Confidence: 0.869134998666667
00:35:21.930 --> 00:35:23.979 for liability under either material
NOTE Confidence: 0.869134998666667
00:35:23.979 --> 00:35:26.380 support doctrine if you're an American NGO,
NOTE Confidence: 0.869134998666667
00:35:26.380 --> 00:35:27.408 international law if you're
NOTE Confidence: 0.869134998666667
00:35:27.408 --> 00:35:28.436 anywhere in the world,
NOTE Confidence: 0.869134998666667
00:35:28.440 --> 00:35:30.666 or the equivalent statutes in your
NOTE Confidence: 0.869134998666667
00:35:30.666 --> 00:35:33.620 country if you are not an American NGO.
NOTE Confidence: 0.869134998666667
00:35:33.620 --> 00:35:36.777 Would you find that you have liability
NOTE Confidence: 0.869134998666667
00:35:36.777 --> 00:35:38.130 under those counterterrorism
NOTE Confidence: 0.869134998666667
00:35:38.205 --> 00:35:39.929 statutes and under international
NOTE Confidence: 0.869134998666667
00:35:39.929 --> 00:35:42.515 law because the ISIS brides are
NOTE Confidence: 0.869134998666667

00:35:42.587 --> 00:35:44.642 members of an organization that
NOTE Confidence: 0.869134998666667

00:35:44.642 --> 00:35:46.697 is still recognized to exist,
NOTE Confidence: 0.869134998666667

00:35:46.700 --> 00:35:49.452 though we don't talk about it in the
NOTE Confidence: 0.869134998666667

00:35:49.452 --> 00:35:52.370 same way in the public media anymore?
NOTE Confidence: 0.869134998666667

00:35:52.370 --> 00:35:52.697 And.
NOTE Confidence: 0.869134998666667

00:35:52.697 --> 00:35:53.024 Alright,
NOTE Confidence: 0.869134998666667

00:35:53.024 --> 00:35:55.640 do you treat the mothers who made a
NOTE Confidence: 0.869134998666667

00:35:55.716 --> 00:35:58.656 conscious decision differently than a child?
NOTE Confidence: 0.869134998666667

00:35:58.660 --> 00:36:00.996 Do you treat a child who did take
NOTE Confidence: 0.869134998666667

00:36:00.996 --> 00:36:03.038 the oath at age 7 differently
NOTE Confidence: 0.869134998666667

00:36:03.038 --> 00:36:04.773 than a child who didn't?
NOTE Confidence: 0.869134998666667

00:36:04.780 --> 00:36:08.110 And you might hear some
NOTE Confidence: 0.869134998666667

00:36:08.110 --> 00:36:12.444 very let's call it ISIS.
NOTE Confidence: 0.869134998666667

00:36:12.444 --> 00:36:16.680 Propagating propaganda in the in the,
NOTE Confidence: 0.869134998666667

00:36:16.680 --> 00:36:18.555 in the camps.
NOTE Confidence: 0.869134998666667

00:36:18.555 --> 00:36:21.055 Particularly preached by mothers,

NOTE Confidence: 0.869134998666667
00:36:21.060 --> 00:36:21.804 ISIS brides.
NOTE Confidence: 0.869134998666667
00:36:21.804 --> 00:36:24.036 And so does that mean that
NOTE Confidence: 0.869134998666667
00:36:24.036 --> 00:36:26.418 you have more reason to know?
NOTE Confidence: 0.869134998666667
00:36:26.420 --> 00:36:30.193 So I think that's our first hypothetical
NOTE Confidence: 0.869134998666667
00:36:30.193 --> 00:36:33.358 and that isolates solely those in
NOTE Confidence: 0.869134998666667
00:36:33.358 --> 00:36:35.048 receipt of potential medical care
NOTE Confidence: 0.869134998666667
00:36:35.048 --> 00:36:37.261 who are known members and who you
NOTE Confidence: 0.869134998666667
00:36:37.261 --> 00:36:38.910 have reason to know, our Members.
NOTE Confidence: 0.869134998666667
00:36:38.910 --> 00:36:40.070 So in criminal law,
NOTE Confidence: 0.869134998666667
00:36:40.070 --> 00:36:41.438 we often talk about the men's
NOTE Confidence: 0.869134998666667
00:36:41.438 --> 00:36:42.700 Rea and the actus Reyes,
NOTE Confidence: 0.869134998666667
00:36:42.700 --> 00:36:44.009 the actus Reyes being what you did,
NOTE Confidence: 0.869134998666667
00:36:44.010 --> 00:36:45.192 the men's Rea being what was
NOTE Confidence: 0.869134998666667
00:36:45.192 --> 00:36:46.499 in your head when you did it.
NOTE Confidence: 0.869134998666667
00:36:46.500 --> 00:36:48.620 That would clearly be probably.
NOTE Confidence: 0.869134998666667

00:36:48.620 --> 00:36:50.272 Purposeful you would not.
NOTE Confidence: 0.869134998666667

00:36:50.272 --> 00:36:52.750 You would be purposely providing medical
NOTE Confidence: 0.83845354

00:36:52.819 --> 00:36:57.330 care to ISIS members of ISIS.
NOTE Confidence: 0.83845354

00:36:57.330 --> 00:37:00.120 Who have not renounced their membership.
NOTE Confidence: 0.83845354

00:37:00.120 --> 00:37:01.720 That might lead you to
NOTE Confidence: 0.83845354

00:37:01.720 --> 00:37:03.000 one set of conclusions.
NOTE Confidence: 0.83845354

00:37:03.000 --> 00:37:05.862 I'd like you to compare your
NOTE Confidence: 0.83845354

00:37:05.862 --> 00:37:09.010 conclusions to the second hypothetical.
NOTE Confidence: 0.83845354

00:37:09.010 --> 00:37:10.818 Same board, same NGO,
NOTE Confidence: 0.83845354

00:37:10.818 --> 00:37:12.626 same international and national
NOTE Confidence: 0.83845354

00:37:12.626 --> 00:37:15.168 laws of your choice applying.
NOTE Confidence: 0.83845354

00:37:15.170 --> 00:37:17.035 And you've been asked to
NOTE Confidence: 0.83845354

00:37:17.035 --> 00:37:18.154 provide medical care.
NOTE Confidence: 0.83845354

00:37:18.160 --> 00:37:20.608 To a refugee camp.
NOTE Confidence: 0.83845354

00:37:20.610 --> 00:37:22.914 Where there are some refugees who
NOTE Confidence: 0.83845354

00:37:22.914 --> 00:37:25.759 are not ISIS brides and some who are.

NOTE Confidence: 0.85381987125

00:37:27.920 --> 00:37:30.760 And you're asked to, in the first instance,

NOTE Confidence: 0.85381987125

00:37:30.760 --> 00:37:32.840 provide medical care to everybody

NOTE Confidence: 0.85381987125

00:37:32.840 --> 00:37:35.400 who needs it in the camp,

NOTE Confidence: 0.85381987125

00:37:35.400 --> 00:37:36.100 indiscriminately, neutrally,

NOTE Confidence: 0.85381987125

00:37:36.100 --> 00:37:38.550 in ways that might be most comfortable

NOTE Confidence: 0.85381987125

00:37:38.550 --> 00:37:40.450 to those of you who are physicians

NOTE Confidence: 0.85381987125

00:37:40.450 --> 00:37:42.350 and have taken the Hippocratic Oath.

NOTE Confidence: 0.85381987125

00:37:42.350 --> 00:37:45.335 Umm. So you at least have

NOTE Confidence: 0.85381987125

00:37:45.335 --> 00:37:46.435 knowledge that they're there.

NOTE Confidence: 0.85381987125

00:37:46.440 --> 00:37:47.840 It might not be purposeful,

NOTE Confidence: 0.85381987125

00:37:47.840 --> 00:37:50.536 but you should know that that's the case.

NOTE Confidence: 0.85381987125

00:37:50.540 --> 00:37:51.710 Very much like the hypothetical

NOTE Confidence: 0.85381987125

00:37:51.710 --> 00:37:52.646 of the Supreme Court,

NOTE Confidence: 0.85381987125

00:37:52.650 --> 00:37:53.734 you're not maybe you,

NOTE Confidence: 0.85381987125

00:37:53.734 --> 00:37:55.360 that NGO that rushed into after

NOTE Confidence: 0.85381987125

00:37:55.415 --> 00:37:56.703 that terrorist attack wasn't
NOTE Confidence: 0.85381987125

00:37:56.703 --> 00:37:58.635 trying to take care of terrorists,
NOTE Confidence: 0.85381987125

00:37:58.640 --> 00:38:01.784 but knew that they likely would if they
NOTE Confidence: 0.85381987125

00:38:01.784 --> 00:38:05.388 took took in everybody who was at the scene.
NOTE Confidence: 0.85381987125

00:38:05.390 --> 00:38:07.420 Or or do you even have liability
NOTE Confidence: 0.85381987125

00:38:07.420 --> 00:38:08.923 if there's something less than
NOTE Confidence: 0.85381987125

00:38:08.923 --> 00:38:10.368 that and there's just that,
NOTE Confidence: 0.85381987125

00:38:10.370 --> 00:38:12.536 that you're being reckless by not
NOTE Confidence: 0.85381987125

00:38:12.536 --> 00:38:14.798 ensuring that there would be no
NOTE Confidence: 0.85381987125

00:38:14.798 --> 00:38:16.306 terrorists receiving your care.
NOTE Confidence: 0.85381987125

00:38:16.310 --> 00:38:17.330 In other words, are we,
NOTE Confidence: 0.85381987125

00:38:17.330 --> 00:38:19.146 should we set the bar even higher and
NOTE Confidence: 0.85381987125

00:38:19.146 --> 00:38:20.689 there's an affirmative obligation
NOTE Confidence: 0.85381987125

00:38:20.690 --> 00:38:22.307 to know almost like a bank has
NOTE Confidence: 0.85381987125

00:38:22.307 --> 00:38:24.393 to do know your customer type and
NOTE Confidence: 0.85381987125

00:38:24.393 --> 00:38:26.058 anti money laundering type things

NOTE Confidence: 0.85381987125

00:38:26.058 --> 00:38:28.302 to ensure that a wire is not being

NOTE Confidence: 0.85381987125

00:38:28.302 --> 00:38:29.810 used to advance terrorist cause

NOTE Confidence: 0.85381987125

00:38:29.810 --> 00:38:31.230 through financing of terrorists.

NOTE Confidence: 0.85381987125

00:38:31.230 --> 00:38:32.952 Are we going to ask medical professionals

NOTE Confidence: 0.85381987125

00:38:32.952 --> 00:38:34.790 to do that now in that situation?

NOTE Confidence: 0.85381987125

00:38:34.790 --> 00:38:35.838 Is that what your?

NOTE Confidence: 0.85381987125

00:38:35.838 --> 00:38:37.410 The board would instruct the general

NOTE Confidence: 0.85381987125

00:38:37.462 --> 00:38:39.034 counsel to consider the bar that

NOTE Confidence: 0.85381987125

00:38:39.034 --> 00:38:40.386 you would suspect your General

NOTE Confidence: 0.85381987125

00:38:40.386 --> 00:38:41.898 Counsel to bring back to you.

NOTE Confidence: 0.85381987125

00:38:41.900 --> 00:38:43.461 So I ask you to think of

NOTE Confidence: 0.85381987125

00:38:43.461 --> 00:38:44.460 those two hypotheticals again,

NOTE Confidence: 0.85381987125

00:38:44.460 --> 00:38:45.328 because they're very real.

NOTE Confidence: 0.85381987125

00:38:45.328 --> 00:38:46.920 Some of you may sit on boards

NOTE Confidence: 0.85381987125

00:38:46.920 --> 00:38:47.876 or may provide care.

NOTE Confidence: 0.85381987125

00:38:47.880 --> 00:38:48.552 In context,
NOTE Confidence: 0.85381987125

00:38:48.552 --> 00:38:50.232 it's very similar to what
NOTE Confidence: 0.85381987125

00:38:50.232 --> 00:38:51.240 I've just described.
NOTE Confidence: 0.85381987125

00:38:51.240 --> 00:38:53.795 Unless we think that this is some
NOTE Confidence: 0.85381987125

00:38:53.795 --> 00:38:55.376 abstract ethical question that
NOTE Confidence: 0.85381987125

00:38:55.376 --> 00:38:57.060 has no practical consequence,
NOTE Confidence: 0.85381987125

00:38:57.060 --> 00:38:59.364 I'll bring the the the constitutional
NOTE Confidence: 0.85381987125

00:38:59.364 --> 00:39:01.801 doctrine to the the concept of
NOTE Confidence: 0.85381987125

00:39:01.801 --> 00:39:03.886 using constitutional law a lot
NOTE Confidence: 0.85381987125

00:39:03.886 --> 00:39:06.270 in US constitutional law to the
NOTE Confidence: 0.85381987125

00:39:06.270 --> 00:39:08.035 forefront of a chilling effect.
NOTE Confidence: 0.85381987125

00:39:08.040 --> 00:39:09.992 And the idea is used often, say,
NOTE Confidence: 0.85381987125

00:39:09.992 --> 00:39:11.984 in the cases of libel cases
NOTE Confidence: 0.85381987125

00:39:11.984 --> 00:39:12.980 or defamation cases,
NOTE Confidence: 0.85381987125

00:39:12.980 --> 00:39:14.284 where maybe the argument
NOTE Confidence: 0.85381987125

00:39:14.284 --> 00:39:15.914 is if you're in doubt,

NOTE Confidence: 0.85381987125

00:39:15.920 --> 00:39:18.528 you're one of the things you'd be worried

NOTE Confidence: 0.85381987125

00:39:18.528 --> 00:39:21.212 about when a newspaper is being sued for,

NOTE Confidence: 0.85381987125

00:39:21.212 --> 00:39:21.940 let's say,

NOTE Confidence: 0.85381987125

00:39:21.940 --> 00:39:23.674 defamation of a of a public

NOTE Confidence: 0.85381987125

00:39:23.674 --> 00:39:25.200 official of of some kind.

NOTE Confidence: 0.85381987125

00:39:25.200 --> 00:39:27.234 You'd be worried that if you

NOTE Confidence: 0.85381987125

00:39:27.234 --> 00:39:28.590 hold newspapers liable to

NOTE Confidence: 0.85381987125

00:39:28.653 --> 00:39:30.598 often that there's this little,

NOTE Confidence: 0.85381987125

00:39:30.600 --> 00:39:31.232 you know,

NOTE Confidence: 0.85381987125

00:39:31.232 --> 00:39:32.812 boundary between what might be

NOTE Confidence: 0.85381987125

00:39:32.812 --> 00:39:35.079 defamation and what might be not defamation.

NOTE Confidence: 0.85381987125

00:39:35.080 --> 00:39:37.978 That might be helpful for the public to know.

NOTE Confidence: 0.85381987125

00:39:37.980 --> 00:39:39.410 And it won't get published,

NOTE Confidence: 0.85381987125

00:39:39.410 --> 00:39:40.577 the theory goes,

NOTE Confidence: 0.85381987125

00:39:40.577 --> 00:39:42.133 because your enforcement of

NOTE Confidence: 0.85381987125

00:39:42.133 --> 00:39:44.422 defamation law in this case creates
NOTE Confidence: 0.85381987125

00:39:44.422 --> 00:39:46.177 a chilling effect that strikes
NOTE Confidence: 0.85381987125

00:39:46.177 --> 00:39:48.835 fear in people who might want to
NOTE Confidence: 0.85381987125

00:39:48.835 --> 00:39:50.720 do something that's not defamation.
NOTE Confidence: 0.85381987125

00:39:50.720 --> 00:39:52.388 But they can't tell.
NOTE Confidence: 0.85381987125

00:39:52.390 --> 00:39:53.951 And that might be something that could
NOTE Confidence: 0.85381987125

00:39:53.951 --> 00:39:55.917 occur here if your rules are too expansive.
NOTE Confidence: 0.87436285

00:39:58.790 --> 00:40:00.698 And, crucially, going back to Article
NOTE Confidence: 0.87436285

00:40:00.698 --> 00:40:02.706 three of the Geneva Convention about
NOTE Confidence: 0.87436285

00:40:02.706 --> 00:40:04.746 the wounded shall be cared for
NOTE Confidence: 0.87436285

00:40:04.746 --> 00:40:06.490 regardless of their nationality.
NOTE Confidence: 0.87436285

00:40:06.490 --> 00:40:07.574 That's clearly not something
NOTE Confidence: 0.87436285

00:40:07.574 --> 00:40:08.929 we believe in this context.
NOTE Confidence: 0.87436285

00:40:08.930 --> 00:40:10.883 And even if it feels morally right
NOTE Confidence: 0.87436285

00:40:10.883 --> 00:40:13.384 to you that someone who's made a
NOTE Confidence: 0.87436285

00:40:13.384 --> 00:40:15.384 statement of affiliation to ISIS

NOTE Confidence: 0.87436285

00:40:15.384 --> 00:40:17.249 disqualifies them from medical care,

NOTE Confidence: 0.87436285

00:40:17.250 --> 00:40:19.090 anyone who feels that's entitled

NOTE Confidence: 0.87436285

00:40:19.090 --> 00:40:20.194 to that view.

NOTE Confidence: 0.87436285

00:40:20.200 --> 00:40:22.180 I I would ask you to to the question

NOTE Confidence: 0.87436285

00:40:22.180 --> 00:40:24.191 of would you want a refugee camp

NOTE Confidence: 0.87436285

00:40:24.191 --> 00:40:26.040 where some people may have made

NOTE Confidence: 0.87436285

00:40:26.040 --> 00:40:27.948 that pledge and many others didn't?

NOTE Confidence: 0.87436285

00:40:27.950 --> 00:40:29.600 Would you want those other people

NOTE Confidence: 0.87436285

00:40:29.600 --> 00:40:31.259 to not be entitled to medical

NOTE Confidence: 0.87436285

00:40:31.259 --> 00:40:33.023 care because of the few who did?

NOTE Confidence: 0.892222288571428

00:40:35.790 --> 00:40:38.070 The third question is who gets labeled as

NOTE Confidence: 0.892222288571428

00:40:38.070 --> 00:40:40.149 a terrorist organization to begin with.

NOTE Confidence: 0.892222288571428

00:40:40.150 --> 00:40:42.265 And the UN Counterterrorism Center

NOTE Confidence: 0.892222288571428

00:40:42.265 --> 00:40:44.887 is one such authority that does

NOTE Confidence: 0.892222288571428

00:40:44.887 --> 00:40:47.027 that on the international level.

NOTE Confidence: 0.892222288571428

00:40:47.030 --> 00:40:49.748 It was founded, as some of you may know,
NOTE Confidence: 0.892222288571428

00:40:49.750 --> 00:40:52.666 by a gift from the Kingdom of Saudi Arabia.
NOTE Confidence: 0.892222288571428

00:40:52.670 --> 00:40:54.600 The Kingdom of Saudi Arabia
NOTE Confidence: 0.892222288571428

00:40:54.600 --> 00:40:56.144 chairs its Advisory Board,
NOTE Confidence: 0.892222288571428

00:40:56.150 --> 00:40:58.050 which puts out advisory documents
NOTE Confidence: 0.892222288571428

00:40:58.050 --> 00:41:00.663 regarding who is and is not a
NOTE Confidence: 0.892222288571428

00:41:00.663 --> 00:41:02.583 terrorist and what should be done
NOTE Confidence: 0.892222288571428

00:41:02.583 --> 00:41:04.629 in terms of counterterrorism.
NOTE Confidence: 0.892222288571428

00:41:04.630 --> 00:41:06.580 Some of you may hold different
NOTE Confidence: 0.892222288571428

00:41:06.580 --> 00:41:08.528 views than the Kingdom of Saudi
NOTE Confidence: 0.892222288571428

00:41:08.528 --> 00:41:10.274 Arabia of who is a terrorist.
NOTE Confidence: 0.892222288571428

00:41:10.280 --> 00:41:12.765 And if you do, that might make
NOTE Confidence: 0.892222288571428

00:41:12.765 --> 00:41:14.939 you question this just the same,
NOTE Confidence: 0.892222288571428

00:41:14.940 --> 00:41:17.230 and I posed the hypothetical.
NOTE Confidence: 0.892222288571428

00:41:17.230 --> 00:41:19.145 Again, I'll anonymize the version
NOTE Confidence: 0.892222288571428

00:41:19.145 --> 00:41:22.283 I have in my notes that let's take

NOTE Confidence: 0.892222288571428
00:41:22.283 --> 00:41:24.964 country A calls ethnic minority B in
NOTE Confidence: 0.892222288571428
00:41:25.037 --> 00:41:27.907 their country a terrorist organization.
NOTE Confidence: 0.892222288571428
00:41:27.910 --> 00:41:30.902 And you are from a country where Group
NOTE Confidence: 0.892222288571428
00:41:30.902 --> 00:41:34.078 B is not really considered anything
NOTE Confidence: 0.892222288571428
00:41:34.078 --> 00:41:37.126 other than an oppressed minority group,
NOTE Confidence: 0.892222288571428
00:41:37.130 --> 00:41:38.852 and maybe you don't even think
NOTE Confidence: 0.892222288571428
00:41:38.852 --> 00:41:40.376 what they're doing should be
NOTE Confidence: 0.892222288571428
00:41:40.376 --> 00:41:41.648 considered terrorist at all,
NOTE Confidence: 0.892222288571428
00:41:41.650 --> 00:41:44.530 such as peaceful demonstrations.
NOTE Confidence: 0.892222288571428
00:41:44.530 --> 00:41:46.930 Would you want a third country to be
NOTE Confidence: 0.892222288571428
00:41:46.930 --> 00:41:49.719 able to consider that material support?
NOTE Confidence: 0.9244872
00:41:53.290 --> 00:41:57.278 Now. The difficulty in caring
NOTE Confidence: 0.9244872
00:41:57.278 --> 00:41:59.630 for the wounded in new wars,
NOTE Confidence: 0.9244872
00:41:59.630 --> 00:42:01.890 including those with terrorist organizations,
NOTE Confidence: 0.9244872
00:42:01.890 --> 00:42:04.066 is not just the fault of the framework.
NOTE Confidence: 0.9244872

00:42:04.070 --> 00:42:05.883 Again, I I probably raised some scenarios
NOTE Confidence: 0.9244872

00:42:05.883 --> 00:42:07.930 where you might not have been that
NOTE Confidence: 0.9244872

00:42:07.930 --> 00:42:09.450 concerned about the ethical implications.
NOTE Confidence: 0.9244872

00:42:09.450 --> 00:42:11.870 Maybe others you were.
NOTE Confidence: 0.9244872

00:42:11.870 --> 00:42:15.262 Much of this also comes from the very
NOTE Confidence: 0.9244872

00:42:15.262 --> 00:42:17.148 urgent concern that the neutrality
NOTE Confidence: 0.9244872

00:42:17.148 --> 00:42:19.224 of healthcare workers is not being
NOTE Confidence: 0.9244872

00:42:19.224 --> 00:42:21.305 respected in the battlefield of new wars.
NOTE Confidence: 0.9244872

00:42:21.310 --> 00:42:23.525 Both because of the practical
NOTE Confidence: 0.9244872

00:42:23.525 --> 00:42:25.740 difficulties that it's harder to
NOTE Confidence: 0.9244872

00:42:25.817 --> 00:42:27.912 differentiate when you know that
NOTE Confidence: 0.9244872

00:42:27.912 --> 00:42:30.042 there is a more urban battlefield
NOTE Confidence: 0.9244872

00:42:30.042 --> 00:42:31.980 or other environments that are more
NOTE Confidence: 0.9244872

00:42:32.037 --> 00:42:34.027 difficult to make differentiation in.
NOTE Confidence: 0.9244872

00:42:34.030 --> 00:42:37.162 And for the reason of course that many folks
NOTE Confidence: 0.9244872

00:42:37.162 --> 00:42:39.347 conducting things that we now call war,

NOTE Confidence: 0.9244872

00:42:39.350 --> 00:42:40.790 even if they're not nation states,

NOTE Confidence: 0.9244872

00:42:40.790 --> 00:42:41.894 particularly non state.

NOTE Confidence: 0.9244872

00:42:41.894 --> 00:42:44.102 Actors have no respect for the

NOTE Confidence: 0.9244872

00:42:44.102 --> 00:42:45.957 Geneva Conventions and will

NOTE Confidence: 0.9244872

00:42:45.957 --> 00:42:47.376 attack healthcare workers.

NOTE Confidence: 0.9244872

00:42:47.380 --> 00:42:48.636 In fact, as some of you may know,

NOTE Confidence: 0.9244872

00:42:48.640 --> 00:42:52.168 some of those captured and killed by

NOTE Confidence: 0.9244872

00:42:52.168 --> 00:42:55.589 ISIS were indeed healthcare workers.

NOTE Confidence: 0.9244872

00:42:55.590 --> 00:42:57.302 So it's not to say that the it's

NOTE Confidence: 0.9244872

00:42:57.302 --> 00:42:59.129 all the norms fault and it's

NOTE Confidence: 0.9244872

00:42:59.129 --> 00:43:00.469 all international laws fault,

NOTE Confidence: 0.9244872

00:43:00.470 --> 00:43:02.598 but that's the side we can discuss

NOTE Confidence: 0.9244872

00:43:02.598 --> 00:43:04.250 and can control reasonably.

NOTE Confidence: 0.9244872

00:43:04.250 --> 00:43:06.455 And I think that some of the

NOTE Confidence: 0.9244872

00:43:06.455 --> 00:43:08.703 questions we ask today are are

NOTE Confidence: 0.9244872

00:43:08.703 --> 00:43:10.758 quite important towards that end.
NOTE Confidence: 0.9244872

00:43:10.760 --> 00:43:11.812 Counterterrorism notwithstanding,
NOTE Confidence: 0.9244872

00:43:11.812 --> 00:43:16.020 I want to raise one other challenge that
NOTE Confidence: 0.9244872

00:43:16.099 --> 00:43:19.088 we are facing with respect to conventional
NOTE Confidence: 0.9244872

00:43:19.088 --> 00:43:21.510 medical ethics in the modern era.
NOTE Confidence: 0.9244872

00:43:21.510 --> 00:43:22.504 And again,
NOTE Confidence: 0.9244872

00:43:22.504 --> 00:43:24.989 I will anonymize this scenario,
NOTE Confidence: 0.9244872

00:43:24.990 --> 00:43:28.154 a particular NGO that is known for
NOTE Confidence: 0.9244872

00:43:28.154 --> 00:43:30.425 providing medical care to individuals
NOTE Confidence: 0.9244872

00:43:30.425 --> 00:43:33.729 in need in places that they would not
NOTE Confidence: 0.9244872

00:43:33.810 --> 00:43:36.828 have access to medical care otherwise.
NOTE Confidence: 0.9244872

00:43:36.830 --> 00:43:37.430 Uh.
NOTE Confidence: 0.9244872

00:43:37.430 --> 00:43:41.030 Wanted to enter a particular country
NOTE Confidence: 0.9244872

00:43:41.030 --> 00:43:44.600 with a particular healthcare need.
NOTE Confidence: 0.9244872

00:43:44.600 --> 00:43:48.760 And this country said absolutely.
NOTE Confidence: 0.9244872

00:43:48.760 --> 00:43:50.342 On the condition that you only care

NOTE Confidence: 0.9244872

00:43:50.342 --> 00:43:52.110 for people who support the government.

NOTE Confidence: 0.8426446175

00:43:54.650 --> 00:43:55.658 And we'll enforce that.

NOTE Confidence: 0.792061135

00:43:57.720 --> 00:44:03.840 And the NGO said in this particular case.

NOTE Confidence: 0.792061135

00:44:03.840 --> 00:44:09.678 No, we provide medical care to everybody.

NOTE Confidence: 0.792061135

00:44:09.680 --> 00:44:15.750 And. What is interesting is.

NOTE Confidence: 0.792061135

00:44:15.750 --> 00:44:17.230 The country could have said,

NOTE Confidence: 0.792061135

00:44:17.230 --> 00:44:18.475 well, they're terrorists,

NOTE Confidence: 0.792061135

00:44:18.475 --> 00:44:20.550 we've designated them as terrorists.

NOTE Confidence: 0.792061135

00:44:20.550 --> 00:44:21.498 And when you're in our country,

NOTE Confidence: 0.792061135

00:44:21.500 --> 00:44:22.828 you obey domestic law,

NOTE Confidence: 0.792061135

00:44:22.828 --> 00:44:23.824 our criminal statutes,

NOTE Confidence: 0.792061135

00:44:23.830 --> 00:44:24.915 so you can't provide material

NOTE Confidence: 0.792061135

00:44:24.915 --> 00:44:25.566 support to terrorism.

NOTE Confidence: 0.792061135

00:44:25.570 --> 00:44:27.440 They're terrorists.

NOTE Confidence: 0.792061135

00:44:27.440 --> 00:44:30.016 That didn't happen in this particular case,

NOTE Confidence: 0.792061135

00:44:30.020 --> 00:44:30.415 though.

NOTE Confidence: 0.792061135

00:44:30.415 --> 00:44:32.785 There's actually one I'm I'm tangentially,

NOTE Confidence: 0.792061135

00:44:32.790 --> 00:44:33.820 though not personally, aware of,

NOTE Confidence: 0.792061135

00:44:33.820 --> 00:44:37.635 where a very similar conversation took place.

NOTE Confidence: 0.792061135

00:44:37.640 --> 00:44:39.560 And So what you're finding is,

NOTE Confidence: 0.792061135

00:44:39.560 --> 00:44:41.396 as you would expect, NGO's taking

NOTE Confidence: 0.792061135

00:44:41.396 --> 00:44:43.140 different opinions on this question,

NOTE Confidence: 0.792061135

00:44:43.140 --> 00:44:47.322 some saying that the principles of

NOTE Confidence: 0.792061135

00:44:47.322 --> 00:44:50.720 medicine depend on caring for anyone in

NOTE Confidence: 0.792061135

00:44:50.720 --> 00:44:54.289 need when they enter your care facility.

NOTE Confidence: 0.792061135

00:44:54.290 --> 00:44:55.384 Others saying.

NOTE Confidence: 0.792061135

00:44:55.384 --> 00:44:58.119 For any number of reasons,

NOTE Confidence: 0.792061135

00:44:58.120 --> 00:45:00.364 some perhaps machiavellians,

NOTE Confidence: 0.792061135

00:45:00.364 --> 00:45:02.608 some perhaps altruistic.

NOTE Confidence: 0.792061135

00:45:02.610 --> 00:45:04.068 If no one else is going to do this,

NOTE Confidence: 0.792061135

00:45:04.070 --> 00:45:05.740 someone needs to provide medical

NOTE Confidence: 0.792061135

00:45:05.740 --> 00:45:07.770 care to someone in this area,

NOTE Confidence: 0.792061135

00:45:07.770 --> 00:45:09.990 in this territory, in this nation.

NOTE Confidence: 0.792061135

00:45:09.990 --> 00:45:12.587 And better someone cared for than nobody

NOTE Confidence: 0.792061135

00:45:12.587 --> 00:45:15.250 cared for in this given territory.

NOTE Confidence: 0.792061135

00:45:15.250 --> 00:45:17.185 And this dilemma,

NOTE Confidence: 0.792061135

00:45:17.185 --> 00:45:20.410 just like the counterterrorism dilemma,

NOTE Confidence: 0.792061135

00:45:20.410 --> 00:45:23.848 is proliferating at a rapid pace.

NOTE Confidence: 0.792061135

00:45:23.850 --> 00:45:24.850 In fact,

NOTE Confidence: 0.792061135

00:45:24.850 --> 00:45:27.350 there is one very significant

NOTE Confidence: 0.792061135

00:45:27.350 --> 00:45:30.012 emergency situation where I do

NOTE Confidence: 0.792061135

00:45:30.012 --> 00:45:32.228 have direct awareness where.

NOTE Confidence: 0.792061135

00:45:32.230 --> 00:45:35.398 A particular type of medical care.

NOTE Confidence: 0.792061135

00:45:35.400 --> 00:45:37.218 Was not allowed to be provided

NOTE Confidence: 0.792061135

00:45:37.218 --> 00:45:39.260 to those who were perceived to

NOTE Confidence: 0.792061135

00:45:39.260 --> 00:45:41.155 be enemies of the government,

NOTE Confidence: 0.792061135

00:45:41.160 --> 00:45:43.414 but to folks who were non combatants,
NOTE Confidence: 0.792061135

00:45:43.420 --> 00:45:46.130 particularly regarding the care of
NOTE Confidence: 0.792061135

00:45:46.130 --> 00:45:51.180 women and feminine health needs.
NOTE Confidence: 0.792061135

00:45:51.180 --> 00:45:54.022 What does that do to our concept
NOTE Confidence: 0.792061135

00:45:54.022 --> 00:45:55.240 of biomedical ethics?
NOTE Confidence: 0.792061135

00:45:55.240 --> 00:45:56.340 What decision would you make?
NOTE Confidence: 0.792061135

00:45:56.340 --> 00:45:56.550 Again,
NOTE Confidence: 0.792061135

00:45:56.550 --> 00:45:57.810 you're in the boardroom and you
NOTE Confidence: 0.792061135

00:45:57.810 --> 00:45:59.338 have to make a decision about
NOTE Confidence: 0.792061135

00:45:59.338 --> 00:46:00.474 whether your organization moves
NOTE Confidence: 0.792061135

00:46:00.474 --> 00:46:02.005 forward in providing care your your
NOTE Confidence: 0.792061135

00:46:02.005 --> 00:46:03.265 physician maybe on the ground or
NOTE Confidence: 0.792061135

00:46:03.265 --> 00:46:06.315 who wants to be on the ground there?
NOTE Confidence: 0.792061135

00:46:06.320 --> 00:46:08.740 That is challenging how we
NOTE Confidence: 0.792061135

00:46:08.740 --> 00:46:10.676 think about these questions.
NOTE Confidence: 0.792061135

00:46:10.680 --> 00:46:12.288 There has also been.

NOTE Confidence: 0.880562756923077
00:46:14.530 --> 00:46:16.427 One instance I'm aware of it and
NOTE Confidence: 0.880562756923077
00:46:16.427 --> 00:46:18.168 among others that I've read about,
NOTE Confidence: 0.880562756923077
00:46:18.170 --> 00:46:20.702 where a group of internally displaced
NOTE Confidence: 0.880562756923077
00:46:20.702 --> 00:46:23.386 persons and refugees were in a given
NOTE Confidence: 0.880562756923077
00:46:23.386 --> 00:46:25.542 camp and the NGO in question wanted
NOTE Confidence: 0.880562756923077
00:46:25.614 --> 00:46:28.379 to go provide medical care to those
NOTE Confidence: 0.880562756923077
00:46:28.379 --> 00:46:29.918 refugees and internally displaced
NOTE Confidence: 0.880562756923077
00:46:29.918 --> 00:46:32.006 persons and the country said sure,
NOTE Confidence: 0.880562756923077
00:46:32.010 --> 00:46:33.669 you just have to check their documents
NOTE Confidence: 0.880562756923077
00:46:33.669 --> 00:46:35.833 to see they have valid asylum in our
NOTE Confidence: 0.880562756923077
00:46:35.833 --> 00:46:37.520 country before you provide medical care.
NOTE Confidence: 0.880562756923077
00:46:37.520 --> 00:46:39.830 Again, that wouldn't be a principle
NOTE Confidence: 0.880562756923077
00:46:39.830 --> 00:46:41.780 that you would uphold here.
NOTE Confidence: 0.880562756923077
00:46:41.780 --> 00:46:43.876 In fact, as many of you probably know,
NOTE Confidence: 0.880562756923077
00:46:43.880 --> 00:46:47.814 you can apply for state health benefits
NOTE Confidence: 0.880562756923077

00:46:47.820 --> 00:46:49.974 prior to receiving asylum if you
NOTE Confidence: 0.880562756923077

00:46:49.974 --> 00:46:52.762 are a refugee or if you're otherwise
NOTE Confidence: 0.880562756923077

00:46:52.762 --> 00:46:55.737 undocumented in some states in the US.
NOTE Confidence: 0.880562756923077

00:46:55.740 --> 00:46:58.240 And.
NOTE Confidence: 0.880562756923077

00:46:58.240 --> 00:47:00.158 That would be a you would have
NOTE Confidence: 0.880562756923077

00:47:00.158 --> 00:47:01.631 a different experience in these
NOTE Confidence: 0.880562756923077

00:47:01.631 --> 00:47:03.413 countries and your question would be,
NOTE Confidence: 0.880562756923077

00:47:03.420 --> 00:47:06.850 do you obey that principle or not?
NOTE Confidence: 0.880562756923077

00:47:06.850 --> 00:47:09.866 So what I'd like to close with and
NOTE Confidence: 0.880562756923077

00:47:09.870 --> 00:47:13.240 hopefully keeping with my rough
NOTE Confidence: 0.880562756923077

00:47:13.240 --> 00:47:15.238 allotted time from Mark is just
NOTE Confidence: 0.880562756923077

00:47:15.238 --> 00:47:16.963 some conclusions and some questions
NOTE Confidence: 0.880562756923077

00:47:16.963 --> 00:47:18.961 that I hope we've motivated today
NOTE Confidence: 0.880562756923077

00:47:18.961 --> 00:47:21.189 that we might want to think about.
NOTE Confidence: 0.790382427142857

00:47:24.080 --> 00:47:27.640 And we know that international
NOTE Confidence: 0.790382427142857

00:47:27.640 --> 00:47:30.160 humanitarian law, as we now call it,

NOTE Confidence: 0.790382427142857
00:47:30.160 --> 00:47:32.029 laws of war and medical ethics in
NOTE Confidence: 0.790382427142857
00:47:32.029 --> 00:47:34.702 times of war, predate World War Two
NOTE Confidence: 0.790382427142857
00:47:34.702 --> 00:47:37.916 is the instigating event that causes
NOTE Confidence: 0.790382427142857
00:47:37.916 --> 00:47:40.708 a normative cascade globally, the.
NOTE Confidence: 0.790382427142857
00:47:40.708 --> 00:47:42.598 Codification of the Geneva Conventions
NOTE Confidence: 0.790382427142857
00:47:42.598 --> 00:47:46.510 as we know them today, and so forth.
NOTE Confidence: 0.790382427142857
00:47:46.510 --> 00:47:48.100 And they're the norms that we
NOTE Confidence: 0.790382427142857
00:47:48.100 --> 00:47:49.809 hold most sacred in this space.
NOTE Confidence: 0.790382427142857
00:47:49.810 --> 00:47:51.006 That much is clear.
NOTE Confidence: 0.790382427142857
00:47:51.006 --> 00:47:52.800 Care for prisoners of war and
NOTE Confidence: 0.790382427142857
00:47:52.863 --> 00:47:53.838 for the wounded.
NOTE Confidence: 0.790382427142857
00:47:53.840 --> 00:47:55.082 Differentiation, medical neutrality,
NOTE Confidence: 0.790382427142857
00:47:55.082 --> 00:47:57.980 all of these things that are considered
NOTE Confidence: 0.790382427142857
00:47:58.037 --> 00:48:01.000 central to our way of thinking about.
NOTE Confidence: 0.790382427142857
00:48:01.000 --> 00:48:03.200 International military and law.
NOTE Confidence: 0.790382427142857

00:48:03.200 --> 00:48:05.840 But as we've just discussed,
NOTE Confidence: 0.790382427142857

00:48:05.840 --> 00:48:09.050 World War Two may not be a good model for
NOTE Confidence: 0.790382427142857

00:48:09.128 --> 00:48:12.257 the types of conflicts that occur today.
NOTE Confidence: 0.790382427142857

00:48:12.260 --> 00:48:13.204 Both because.
NOTE Confidence: 0.790382427142857

00:48:13.204 --> 00:48:15.092 Counter there are terrorist
NOTE Confidence: 0.790382427142857

00:48:15.092 --> 00:48:17.411 organizations and non state actors
NOTE Confidence: 0.790382427142857

00:48:17.411 --> 00:48:19.583 who engage in things that we
NOTE Confidence: 0.790382427142857

00:48:19.583 --> 00:48:21.662 would have called something like
NOTE Confidence: 0.790382427142857

00:48:21.662 --> 00:48:23.957 war that occurs between nations.
NOTE Confidence: 0.790382427142857

00:48:23.960 --> 00:48:26.792 And because there are questions of
NOTE Confidence: 0.790382427142857

00:48:26.792 --> 00:48:29.555 providing care in contexts that might
NOTE Confidence: 0.790382427142857

00:48:29.555 --> 00:48:32.320 not have been envisioned in the same
NOTE Confidence: 0.790382427142857

00:48:32.320 --> 00:48:35.287 way or might not have been thought of
NOTE Confidence: 0.790382427142857

00:48:35.287 --> 00:48:38.680 as a problem in the same way before,
NOTE Confidence: 0.790382427142857

00:48:38.680 --> 00:48:40.515 before the the new War
NOTE Confidence: 0.790382427142857

00:48:40.515 --> 00:48:42.780 era and the post 911 era.

NOTE Confidence: 0.790382427142857
00:48:42.780 --> 00:48:43.114 Thinking,
NOTE Confidence: 0.790382427142857
00:48:43.114 --> 00:48:43.782 for example,
NOTE Confidence: 0.790382427142857
00:48:43.782 --> 00:48:46.120 of that NGO told they can only
NOTE Confidence: 0.790382427142857
00:48:46.184 --> 00:48:47.914 provide services in a country
NOTE Confidence: 0.790382427142857
00:48:47.914 --> 00:48:50.116 if they only provide them to
NOTE Confidence: 0.790382427142857
00:48:50.116 --> 00:48:51.728 supporters of the government.
NOTE Confidence: 0.790382427142857
00:48:51.730 --> 00:48:52.294 So.
NOTE Confidence: 0.790382427142857
00:48:52.294 --> 00:48:55.114 With these challenges come questions
NOTE Confidence: 0.790382427142857
00:48:55.114 --> 00:48:58.450 of where we'll go from here,
NOTE Confidence: 0.790382427142857
00:48:58.450 --> 00:49:00.220 and we have many unanswered questions
NOTE Confidence: 0.790382427142857
00:49:00.220 --> 00:49:01.989 that will probably want to address.
NOTE Confidence: 0.917719518333333
00:49:04.850 --> 00:49:07.856 Is the way we think of.
NOTE Confidence: 0.917719518333333
00:49:07.860 --> 00:49:09.955 Biomedical ethics and the ethics
NOTE Confidence: 0.917719518333333
00:49:09.955 --> 00:49:12.610 around medical care in times of war.
NOTE Confidence: 0.917719518333333
00:49:12.610 --> 00:49:15.050 Still suitable for today's world?
NOTE Confidence: 0.917719518333333

00:49:15.050 --> 00:49:17.230 Can they handle? Can they?
NOTE Confidence: 0.9177195183333333

00:49:17.230 --> 00:49:19.755 Can they just absorb our
NOTE Confidence: 0.9177195183333333

00:49:19.755 --> 00:49:21.270 counterterrorism law framework?
NOTE Confidence: 0.9177195183333333

00:49:21.270 --> 00:49:23.559 Can they just absorb questions of when
NOTE Confidence: 0.9177195183333333

00:49:23.559 --> 00:49:25.969 a country says you can only provide
NOTE Confidence: 0.9177195183333333

00:49:25.969 --> 00:49:28.450 medical services in our country if you
NOTE Confidence: 0.9177195183333333

00:49:28.450 --> 00:49:30.724 only help supporters of our government?
NOTE Confidence: 0.9177195183333333

00:49:30.730 --> 00:49:33.736 Or do we need something different?
NOTE Confidence: 0.9177195183333333

00:49:33.740 --> 00:49:35.820 Do we need to just?
NOTE Confidence: 0.9177195183333333

00:49:35.820 --> 00:49:39.047 Narrow the scope of of material support.
NOTE Confidence: 0.9177195183333333

00:49:39.050 --> 00:49:41.164 Do we like the scope of material
NOTE Confidence: 0.9177195183333333

00:49:41.164 --> 00:49:42.320 support and counterterrorism law?
NOTE Confidence: 0.9177195183333333

00:49:42.320 --> 00:49:45.328 We wish to keep it as it is.
NOTE Confidence: 0.9177195183333333

00:49:45.330 --> 00:49:47.248 Are if even if we address our
NOTE Confidence: 0.9177195183333333

00:49:47.248 --> 00:49:48.070 material support questions,
NOTE Confidence: 0.9177195183333333

00:49:48.070 --> 00:49:50.723 are there other questions that we still

NOTE Confidence: 0.917719518333333
00:49:50.723 --> 00:49:54.297 need to to address that we're not sure of?
NOTE Confidence: 0.917719518333333
00:49:54.300 --> 00:49:55.113 Is there scope,
NOTE Confidence: 0.917719518333333
00:49:55.113 --> 00:49:57.010 and I think this is an open
NOTE Confidence: 0.917719518333333
00:49:57.075 --> 00:49:58.209 research question,
NOTE Confidence: 0.917719518333333
00:49:58.210 --> 00:50:02.250 for a healthcare version of the R2P doctrine.
NOTE Confidence: 0.917719518333333
00:50:02.250 --> 00:50:04.460 The responsibility to protect doctrine,
NOTE Confidence: 0.917719518333333
00:50:04.460 --> 00:50:07.090 responsibility to protect is a
NOTE Confidence: 0.917719518333333
00:50:07.090 --> 00:50:09.720 international norm that suggests that
NOTE Confidence: 0.917719518333333
00:50:09.798 --> 00:50:12.668 if a government is unwilling or unable
NOTE Confidence: 0.917719518333333
00:50:12.668 --> 00:50:15.599 to protect its own people from harm,
NOTE Confidence: 0.917719518333333
00:50:15.600 --> 00:50:18.108 either because they are.
NOTE Confidence: 0.917719518333333
00:50:18.110 --> 00:50:20.528 Making the harm themselves or because
NOTE Confidence: 0.917719518333333
00:50:20.528 --> 00:50:23.281 there is another entity that is harming
NOTE Confidence: 0.917719518333333
00:50:23.281 --> 00:50:25.423 the citizens of their country and
NOTE Confidence: 0.917719518333333
00:50:25.423 --> 00:50:28.025 they are unable or unwilling to do so.
NOTE Confidence: 0.917719518333333

00:50:28.030 --> 00:50:28.410 Think,
NOTE Confidence: 0.9177195183333333

00:50:28.410 --> 00:50:29.170 for example,
NOTE Confidence: 0.9177195183333333

00:50:29.170 --> 00:50:31.830 of the Assad regime being Bashar al-Assad,
NOTE Confidence: 0.9177195183333333

00:50:31.830 --> 00:50:34.476 the head of state of Syria
NOTE Confidence: 0.9177195183333333

00:50:34.476 --> 00:50:36.240 during the ISIS era.
NOTE Confidence: 0.9177195183333333

00:50:36.240 --> 00:50:39.754 Then there is a then that responsibility
NOTE Confidence: 0.9177195183333333

00:50:39.754 --> 00:50:42.909 from that government is clearly not met.
NOTE Confidence: 0.9177195183333333

00:50:42.910 --> 00:50:45.250 And it entitles intervention by
NOTE Confidence: 0.9177195183333333

00:50:45.250 --> 00:50:47.122 the international community and
NOTE Confidence: 0.9177195183333333

00:50:47.122 --> 00:50:48.850 responsibility to protect came out
NOTE Confidence: 0.9177195183333333

00:50:48.850 --> 00:50:51.016 of a need for an understanding of
NOTE Confidence: 0.9177195183333333

00:50:51.016 --> 00:50:52.852 when it's right to intervene and
NOTE Confidence: 0.9177195183333333

00:50:52.852 --> 00:50:55.633 what might look like a domestic
NOTE Confidence: 0.9177195183333333

00:50:55.633 --> 00:50:58.117 conflict in another country.
NOTE Confidence: 0.9177195183333333

00:50:58.120 --> 00:51:00.776 Is there a scope for some sort of
NOTE Confidence: 0.9177195183333333

00:51:00.776 --> 00:51:02.375 healthcare responsibility to protect that?

NOTE Confidence: 0.917719518333333
00:51:02.375 --> 00:51:04.580 Maybe you could help that NGO who
NOTE Confidence: 0.917719518333333
00:51:04.580 --> 00:51:07.056 can only help people if they only
NOTE Confidence: 0.917719518333333
00:51:07.056 --> 00:51:08.831 help supporters of the regime
NOTE Confidence: 0.917719518333333
00:51:08.896 --> 00:51:10.996 make the decision that they can,
NOTE Confidence: 0.917719518333333
00:51:11.000 --> 00:51:12.400 can or can't provide healthcare?
NOTE Confidence: 0.917719518333333
00:51:12.400 --> 00:51:14.242 Whichever way the norm would fall
NOTE Confidence: 0.917719518333333
00:51:14.242 --> 00:51:16.147 based on an analysis of whether
NOTE Confidence: 0.917719518333333
00:51:16.147 --> 00:51:17.989 the state is unable or unwilling
NOTE Confidence: 0.917719518333333
00:51:17.989 --> 00:51:19.754 to provide healthcare to people
NOTE Confidence: 0.917719518333333
00:51:19.754 --> 00:51:21.569 in their within their borders.
NOTE Confidence: 0.917719518333333
00:51:21.570 --> 00:51:23.560 Is there another normative framework
NOTE Confidence: 0.917719518333333
00:51:23.560 --> 00:51:26.044 that would be more helpful that
NOTE Confidence: 0.917719518333333
00:51:26.044 --> 00:51:28.164 might be more consistent across
NOTE Confidence: 0.917719518333333
00:51:28.164 --> 00:51:29.860 the situations I'm describing?
NOTE Confidence: 0.917719518333333
00:51:29.860 --> 00:51:32.912 And I leave you with those questions
NOTE Confidence: 0.917719518333333

00:51:32.912 --> 00:51:35.759 knowing that there's no simple solution,
NOTE Confidence: 0.9177195183333333

00:51:35.760 --> 00:51:38.185 particularly in the space of
NOTE Confidence: 0.9177195183333333

00:51:38.185 --> 00:51:39.155 counter terrorism,
NOTE Confidence: 0.9177195183333333

00:51:39.160 --> 00:51:42.100 where obviously there are very
NOTE Confidence: 0.9177195183333333

00:51:42.100 --> 00:51:44.220 significant concerns for safety
NOTE Confidence: 0.9177195183333333

00:51:44.220 --> 00:51:46.770 and well-being with respect to
NOTE Confidence: 0.9177195183333333

00:51:46.770 --> 00:51:48.820 counterterrorism efforts to begin with,
NOTE Confidence: 0.9177195183333333

00:51:48.820 --> 00:51:52.314 but with the realization that the that
NOTE Confidence: 0.9177195183333333

00:51:52.314 --> 00:51:54.198 the consequences of our norms are
NOTE Confidence: 0.9177195183333333

00:51:54.198 --> 00:51:56.187 much more complicated than they may seem.
NOTE Confidence: 0.9177195183333333

00:51:56.190 --> 00:51:57.874 I particularly remember minutes
NOTE Confidence: 0.9177195183333333

00:51:57.874 --> 00:51:59.979 from a UN Security Council.
NOTE Confidence: 0.9177195183333333

00:51:59.980 --> 00:52:01.632 Meeting where a particular,
NOTE Confidence: 0.9177195183333333

00:52:01.632 --> 00:52:04.110 I presume ambassador but might have
NOTE Confidence: 0.9177195183333333

00:52:04.177 --> 00:52:06.415 been another state official from a
NOTE Confidence: 0.9177195183333333

00:52:06.415 --> 00:52:08.317 from a government said something

NOTE Confidence: 0.917719518333333
00:52:08.317 --> 00:52:10.669 about the this very issue of of
NOTE Confidence: 0.917719518333333
00:52:10.670 --> 00:52:12.375 prosecution of of those providing
NOTE Confidence: 0.917719518333333
00:52:12.375 --> 00:52:14.080 medical care and terrorist circumstances
NOTE Confidence: 0.917719518333333
00:52:14.129 --> 00:52:15.788 and said something to the effect of.
NOTE Confidence: 0.917719518333333
00:52:15.790 --> 00:52:17.224 I don't really think we thought
NOTE Confidence: 0.917719518333333
00:52:17.224 --> 00:52:19.090 about that when we were writing this.
NOTE Confidence: 0.917719518333333
00:52:19.090 --> 00:52:20.805 We were thinking more of what you
NOTE Confidence: 0.917719518333333
00:52:20.805 --> 00:52:21.540 might conventionally think
NOTE Confidence: 0.799939052105263
00:52:21.586 --> 00:52:23.464 of as material support to terrorism
NOTE Confidence: 0.799939052105263
00:52:23.464 --> 00:52:24.403 particularly terrorist financing.
NOTE Confidence: 0.799939052105263
00:52:24.410 --> 00:52:26.265 In fact, there's a whole UN Security
NOTE Confidence: 0.799939052105263
00:52:26.265 --> 00:52:27.438 Council resolution about terrorist
NOTE Confidence: 0.799939052105263
00:52:27.438 --> 00:52:28.742 financing specifically because of
NOTE Confidence: 0.799939052105263
00:52:28.742 --> 00:52:30.372 what essential concern this is.
NOTE Confidence: 0.799939052105263
00:52:30.380 --> 00:52:32.540 So I think that between intended
NOTE Confidence: 0.799939052105263

00:52:32.540 --> 00:52:33.980 and unintended tensions between
NOTE Confidence: 0.799939052105263

00:52:34.043 --> 00:52:35.948 these two areas of international
NOTE Confidence: 0.799939052105263

00:52:35.948 --> 00:52:37.472 law and international norms,
NOTE Confidence: 0.799939052105263

00:52:37.480 --> 00:52:39.489 I encourage you to think about how
NOTE Confidence: 0.799939052105263

00:52:39.489 --> 00:52:41.343 this would affect your own decision
NOTE Confidence: 0.799939052105263

00:52:41.343 --> 00:52:43.513 making in a circumstance as any number
NOTE Confidence: 0.799939052105263

00:52:43.568 --> 00:52:45.602 of stakeholders and what you think
NOTE Confidence: 0.799939052105263

00:52:45.602 --> 00:52:47.870 is normatively right as as you and
NOTE Confidence: 0.799939052105263

00:52:47.870 --> 00:52:50.215 continue to ingest the debate that is
NOTE Confidence: 0.799939052105263

00:52:50.215 --> 00:52:52.279 going to continue in public spheres
NOTE Confidence: 0.799939052105263

00:52:52.279 --> 00:52:54.914 about how this should proceed and how
NOTE Confidence: 0.799939052105263

00:52:54.914 --> 00:52:57.024 our norm should proceed moving forward.
NOTE Confidence: 0.799939052105263

00:52:57.024 --> 00:52:59.040 So with that I thank you all once again,
NOTE Confidence: 0.799939052105263

00:52:59.040 --> 00:53:00.340 I think Mark once again.
NOTE Confidence: 0.799939052105263

00:53:00.340 --> 00:53:01.964 Need to take any questions and and thank
NOTE Confidence: 0.799939052105263

00:53:01.964 --> 00:53:03.501 you for for an incredible afternoon

NOTE Confidence: 0.799939052105263
00:53:03.501 --> 00:53:05.127 with amazing other speakers as well.
NOTE Confidence: 0.799939052105263
00:53:05.130 --> 00:53:05.712 Thank you.
NOTE Confidence: 0.799939052105263
00:53:05.712 --> 00:53:07.458 You want me to stay here?
NOTE Confidence: 0.6874765
00:53:10.170 --> 00:53:13.500 So we will, we have to,
NOTE Confidence: 0.769685078
00:53:13.500 --> 00:53:14.850 we can take questions from the audience.
NOTE Confidence: 0.769685078
00:53:14.850 --> 00:53:16.710 We have time for one or two questions before
NOTE Confidence: 0.769685078
00:53:16.710 --> 00:53:19.020 we get to next to David Marbles talk.
NOTE Confidence: 0.769685078
00:53:19.020 --> 00:53:20.516 So if anyone in the office,
NOTE Confidence: 0.769685078
00:53:20.516 --> 00:53:22.238 we have the microphones on each side. Yeah.
NOTE Confidence: 0.769685078
00:53:22.238 --> 00:53:23.670 A gentleman right here, please, Karen.
NOTE Confidence: 0.868155265
00:53:33.470 --> 00:53:35.126 Thank you for the interesting talk.
NOTE Confidence: 0.868155265
00:53:35.130 --> 00:53:38.483 Could you comment on whether there is
NOTE Confidence: 0.868155265
00:53:38.483 --> 00:53:41.517 any international law in dealing with
NOTE Confidence: 0.868155265
00:53:41.517 --> 00:53:44.547 non state terrorist actors for instance?
NOTE Confidence: 0.868155265
00:53:44.550 --> 00:53:48.098 I mean Israel deals with this all the time.
NOTE Confidence: 0.868155265

00:53:48.100 --> 00:53:50.852 There's an ambulance trying to come to a
NOTE Confidence: 0.868155265

00:53:50.852 --> 00:53:53.660 hospital in Jerusalem from the territories,
NOTE Confidence: 0.868155265

00:53:53.660 --> 00:53:55.650 and there's a suicide bomber
NOTE Confidence: 0.868155265

00:53:55.650 --> 00:53:57.640 that's hidden in the ambulance,
NOTE Confidence: 0.868155265

00:53:57.640 --> 00:54:00.944 so there's a delay for that ambulance
NOTE Confidence: 0.868155265

00:54:00.944 --> 00:54:04.632 and there might have been another patient
NOTE Confidence: 0.868155265

00:54:04.632 --> 00:54:08.559 there who suffers some medical poor outcome
NOTE Confidence: 0.868155265

00:54:08.559 --> 00:54:11.997 because ambulances stop for a search.
NOTE Confidence: 0.868155265

00:54:12.000 --> 00:54:14.355 What's the liability of the
NOTE Confidence: 0.868155265

00:54:14.355 --> 00:54:16.239 Israelis in that situation?
NOTE Confidence: 0.868155265

00:54:16.240 --> 00:54:18.100 Or on the other hand?
NOTE Confidence: 0.868155265

00:54:18.100 --> 00:54:21.418 If Islamic Jihad is fighting missiles
NOTE Confidence: 0.868155265

00:54:21.418 --> 00:54:25.787 adjacent to the large hospital in Gaza City,
NOTE Confidence: 0.868155265

00:54:25.790 --> 00:54:29.550 what is Israel's responsibility there?
NOTE Confidence: 0.868155265

00:54:29.550 --> 00:54:30.834 Great, great questions.
NOTE Confidence: 0.868155265

00:54:30.834 --> 00:54:33.830 So I'll take them in reverse order.

NOTE Confidence: 0.868155265

00:54:33.830 --> 00:54:36.290 The question of say you identify

NOTE Confidence: 0.868155265

00:54:36.290 --> 00:54:38.330 your you're part of IDF,

NOTE Confidence: 0.868155265

00:54:38.330 --> 00:54:40.172 you identify a potential target that

NOTE Confidence: 0.868155265

00:54:40.172 --> 00:54:42.469 you want to strike because you know

NOTE Confidence: 0.868155265

00:54:42.469 --> 00:54:44.144 that there's a certain military

NOTE Confidence: 0.868155265

00:54:44.144 --> 00:54:45.830 capacity of that target site.

NOTE Confidence: 0.868155265

00:54:45.830 --> 00:54:47.490 Maybe there's an imminent threat.

NOTE Confidence: 0.868155265

00:54:47.490 --> 00:54:48.960 You have two.

NOTE Confidence: 0.868155265

00:54:48.960 --> 00:54:50.920 Analysis You must conduct,

NOTE Confidence: 0.868155265

00:54:50.920 --> 00:54:53.708 you must do a necessity analysis is

NOTE Confidence: 0.868155265

00:54:53.708 --> 00:54:55.836 it necessary for you to strike this

NOTE Confidence: 0.868155265

00:54:55.836 --> 00:54:57.675 necessary being defined as necessary

NOTE Confidence: 0.868155265

00:54:57.675 --> 00:54:59.515 to advance your national interests,

NOTE Confidence: 0.868155265

00:54:59.520 --> 00:55:01.536 such as the safety of your own citizens?

NOTE Confidence: 0.868155265

00:55:01.540 --> 00:55:04.054 And is any civilian casualty or

NOTE Confidence: 0.868155265

00:55:04.054 --> 00:55:06.293 damage that may occur proportionate

NOTE Confidence: 0.868155265

00:55:06.293 --> 00:55:09.618 to what you are trying to prevent?

NOTE Confidence: 0.868155265

00:55:09.620 --> 00:55:12.833 And the question I think that is

NOTE Confidence: 0.868155265

00:55:12.833 --> 00:55:14.771 under underlying your question

NOTE Confidence: 0.868155265

00:55:14.771 --> 00:55:15.882 is beyond the subjective.

NOTE Confidence: 0.868155265

00:55:15.882 --> 00:55:17.619 How do you know when it's necessary and

NOTE Confidence: 0.868155265

00:55:17.619 --> 00:55:19.033 how do you know when it's proportionate?

NOTE Confidence: 0.868155265

00:55:19.040 --> 00:55:21.952 Is how do you determine both of those

NOTE Confidence: 0.868155265

00:55:21.952 --> 00:55:24.557 things and the idea of international

NOTE Confidence: 0.868155265

00:55:24.557 --> 00:55:28.255 laws approach to that question is one of

NOTE Confidence: 0.868155265

00:55:28.255 --> 00:55:31.045 obligation that scales with your capacity,

NOTE Confidence: 0.868155265

00:55:31.050 --> 00:55:33.110 so.

NOTE Confidence: 0.868155265

00:55:33.110 --> 00:55:35.570 Nation A that is very

NOTE Confidence: 0.868155265

00:55:35.570 --> 00:55:36.554 technologically sophisticated,

NOTE Confidence: 0.868155265

00:55:36.560 --> 00:55:38.429 that has all sorts of heat seeking

NOTE Confidence: 0.868155265

00:55:38.429 --> 00:55:39.797 and other technologies I probably

NOTE Confidence: 0.868155265

00:55:39.797 --> 00:55:41.603 don't know about to help you determine

NOTE Confidence: 0.868155265

00:55:41.603 --> 00:55:43.269 who's standing where and what the

NOTE Confidence: 0.868155265

00:55:43.269 --> 00:55:44.890 probability is that they would get

NOTE Confidence: 0.868155265

00:55:44.890 --> 00:55:46.710 struck by a strike on the site,

NOTE Confidence: 0.868155265

00:55:46.710 --> 00:55:47.640 including secondary damage.

NOTE Confidence: 0.868155265

00:55:47.640 --> 00:55:49.810 So if you know their missiles in

NOTE Confidence: 0.868155265

00:55:49.810 --> 00:55:51.515 there and you bomb the missiles,

NOTE Confidence: 0.868155265

00:55:51.520 --> 00:55:53.038 so not just your bomb explodes,

NOTE Confidence: 0.868155265

00:55:53.040 --> 00:55:54.888 but the missiles you're bombing explode,

NOTE Confidence: 0.868155265

00:55:54.890 --> 00:55:56.528 and you can calculate that because

NOTE Confidence: 0.868155265

00:55:56.528 --> 00:55:58.107 of the technology available to you

NOTE Confidence: 0.868155265

00:55:58.107 --> 00:55:59.427 and the experts available to you,

NOTE Confidence: 0.868155265

00:55:59.430 --> 00:56:01.122 then you do have an affirmative

NOTE Confidence: 0.868155265

00:56:01.122 --> 00:56:03.057 obligation to do that if you do not.

NOTE Confidence: 0.868155265

00:56:03.060 --> 00:56:05.276 But it's still necessary to strike the site,

NOTE Confidence: 0.868155265

00:56:05.280 --> 00:56:06.878 your nation be in this case, you.

NOTE Confidence: 0.868155265

00:56:06.878 --> 00:56:08.684 You have to strike the site as

NOTE Confidence: 0.868155265

00:56:08.684 --> 00:56:09.420 you determine it,

NOTE Confidence: 0.868155265

00:56:09.420 --> 00:56:11.000 and your ability to calculate

NOTE Confidence: 0.868155265

00:56:11.000 --> 00:56:12.580 proportionality is much more limited.

NOTE Confidence: 0.868155265

00:56:12.580 --> 00:56:14.110 International law doesn't obligate you

NOTE Confidence: 0.868155265

00:56:14.110 --> 00:56:16.979 to go out and find a way to get the

NOTE Confidence: 0.868155265

00:56:16.979 --> 00:56:18.660 excellent technology to do that much

NOTE Confidence: 0.868155265

00:56:18.660 --> 00:56:21.005 more sophisticated analysis before you do it.

NOTE Confidence: 0.868155265

00:56:21.010 --> 00:56:21.832 In other words,

NOTE Confidence: 0.868155265

00:56:21.832 --> 00:56:23.476 your obligation is related to your

NOTE Confidence: 0.868155265

00:56:23.476 --> 00:56:25.095 capacity in that moment as the state.

NOTE Confidence: 0.868155265

00:56:25.100 --> 00:56:26.820 So if you couldn't have

NOTE Confidence: 0.868155265

00:56:26.820 --> 00:56:28.196 known for some reason,

NOTE Confidence: 0.868155265

00:56:28.200 --> 00:56:29.700 such As for example civilians

NOTE Confidence: 0.868155265

00:56:29.700 --> 00:56:31.556 let's say are being held prisoner

NOTE Confidence: 0.868155265

00:56:31.556 --> 00:56:33.036 in the in the basement.

NOTE Confidence: 0.868155265

00:56:33.040 --> 00:56:34.590 Of this of this site.

NOTE Confidence: 0.868155265

00:56:34.590 --> 00:56:36.920 And so you're you have no way of knowing that

NOTE Confidence: 0.856202104444445

00:56:36.978 --> 00:56:38.598 because you're maybe it's some sort

NOTE Confidence: 0.856202104444445

00:56:38.598 --> 00:56:40.774 of roof over the basement that your

NOTE Confidence: 0.856202104444445

00:56:40.774 --> 00:56:42.502 technology can't see through then

NOTE Confidence: 0.856202104444445

00:56:42.502 --> 00:56:44.494 you're not obligated to consider the

NOTE Confidence: 0.856202104444445

00:56:44.494 --> 00:56:45.851 proportionality of those hypotheticals

NOTE Confidence: 0.856202104444445

00:56:45.851 --> 00:56:48.007 of what if there's such a basement.

NOTE Confidence: 0.856202104444445

00:56:48.010 --> 00:56:50.242 So that's how you handle the the second

NOTE Confidence: 0.856202104444445

00:56:50.242 --> 00:56:52.299 situation by doing the necessity

NOTE Confidence: 0.856202104444445

00:56:52.299 --> 00:56:53.745 and proportionality considerations

NOTE Confidence: 0.856202104444445

00:56:53.750 --> 00:56:56.694 the the first question of the

NOTE Confidence: 0.856202104444445

00:56:56.694 --> 00:57:00.210 ambulance headed into let's take it

NOTE Confidence: 0.856202104444445

00:57:00.318 --> 00:57:03.918 as the the Home Countries hospital.

NOTE Confidence: 0.856202104444445

00:57:03.920 --> 00:57:06.305 Carrying either someone who needs
NOTE Confidence: 0.856202104444445

00:57:06.305 --> 00:57:08.980 medical care, who is not a combatant,
NOTE Confidence: 0.856202104444445

00:57:08.980 --> 00:57:10.660 maybe someone who needs medical care who is,
NOTE Confidence: 0.856202104444445

00:57:10.660 --> 00:57:12.300 but certainly you're you're
NOTE Confidence: 0.856202104444445

00:57:12.300 --> 00:57:13.940 hypothetical someone who does
NOTE Confidence: 0.856202104444445

00:57:13.940 --> 00:57:15.804 not need medical services at all,
NOTE Confidence: 0.856202104444445

00:57:15.804 --> 00:57:16.848 who's who's a combatant,
NOTE Confidence: 0.856202104444445

00:57:16.850 --> 00:57:19.160 who's trying to use the safety of
NOTE Confidence: 0.856202104444445

00:57:19.160 --> 00:57:21.371 appearing to be a medical service
NOTE Confidence: 0.856202104444445

00:57:21.371 --> 00:57:24.059 provider in order to conduct an attack.
NOTE Confidence: 0.856202104444445

00:57:24.060 --> 00:57:26.322 This actually prompts one of the
NOTE Confidence: 0.856202104444445

00:57:26.322 --> 00:57:28.659 very challenges that I pointed to,
NOTE Confidence: 0.856202104444445

00:57:28.660 --> 00:57:30.040 which is that of course,
NOTE Confidence: 0.856202104444445

00:57:30.040 --> 00:57:32.408 a lot 1 easy rebuttal to the comment
NOTE Confidence: 0.856202104444445

00:57:32.408 --> 00:57:34.319 that the Geneva Conventions.
NOTE Confidence: 0.856202104444445

00:57:34.320 --> 00:57:36.264 Don't hold up in today's world

NOTE Confidence: 0.856202104444445
00:57:36.264 --> 00:57:37.560 is just to say,
NOTE Confidence: 0.856202104444445
00:57:37.560 --> 00:57:39.250 well that's because there's some
NOTE Confidence: 0.856202104444445
00:57:39.250 --> 00:57:40.940 actors who don't respect them.
NOTE Confidence: 0.856202104444445
00:57:40.940 --> 00:57:43.012 And so if the Red Cross symbol from
NOTE Confidence: 0.856202104444445
00:57:43.012 --> 00:57:44.876 the first Geneva Convention on your
NOTE Confidence: 0.856202104444445
00:57:44.876 --> 00:57:47.225 on your armband or on anywhere means
NOTE Confidence: 0.856202104444445
00:57:47.225 --> 00:57:49.000 that you're a medical provider,
NOTE Confidence: 0.856202104444445
00:57:49.000 --> 00:57:51.457 the moment someone starts to abuse that,
NOTE Confidence: 0.856202104444445
00:57:51.460 --> 00:57:53.640 be it a state actor or a non state actor,
NOTE Confidence: 0.856202104444445
00:57:53.640 --> 00:57:55.236 of course the whole system starts
NOTE Confidence: 0.856202104444445
00:57:55.236 --> 00:57:56.034 to break down.
NOTE Confidence: 0.856202104444445
00:57:56.040 --> 00:57:58.407 So I think what that goes to more so
NOTE Confidence: 0.856202104444445
00:57:58.407 --> 00:58:00.806 is that is that potential counter
NOTE Confidence: 0.856202104444445
00:58:00.806 --> 00:58:03.550 argument that second source of problems.
NOTE Confidence: 0.856202104444445
00:58:03.550 --> 00:58:05.428 Thank you for the great questions.
NOTE Confidence: 0.856202104444445

00:58:05.430 --> 00:58:05.682 Thanks.

NOTE Confidence: 0.856202104444445

00:58:05.682 --> 00:58:06.438 Thank you very

NOTE Confidence: 0.726401650526316

00:58:06.450 --> 00:58:07.535 much. Andrew. We're going to

NOTE Confidence: 0.726401650526316

00:58:07.535 --> 00:58:09.062 that's going to have to say that's

NOTE Confidence: 0.726401650526316

00:58:09.062 --> 00:58:10.455 it for this talk in the interest

NOTE Confidence: 0.701749018

00:58:10.470 --> 00:58:11.490 of time. That was terrific.

NOTE Confidence: 0.701749018

00:58:11.490 --> 00:58:15.000 Thank you. Thank you so much.