

[Report from NY]

UN Security Council Open Debate & Side Events on the Protection of Civilians in Armed Conflict

Open Debate

On May 22, 2018, the Security Council held a ministerial-level open debate on the protection of civilians in armed conflict at the United Nations headquarters in New York. The debate was convened and chaired by Poland, the Council president for the month of May.

[António Guterres, Secretary-General of the United Nations]

In his opening remarks, Guterres said that prevention and resolution of conflict and peacebuilding would remain the highest priorities of the entire United Nations system. He said that last year alone, the UN recorded the death and injury of more than 26,000 civilians in just six countries affected by conflict: Afghanistan, Central African Republic, Democratic Republic of the Congo, Iraq, Somalia and Yemen. In addition to deaths and injuries caused by the bombing and shelling of towns and cities, as seen in Syria for example, he expressed concern over civilians being subject to conflict-driven famine and serious violations of human rights such as sexual violence.

Guterres also raised the issue of medical facilities and personnel being attacked in armed conflict. “In some cases,” he said, “caring for the wounded and sick – the most basic acts of humanity – can lead to criminal proceedings against health workers.”

While a countless number of violations of international humanitarian law (IHL) are being committed around the world, Guterres highlighted some positive cases in which parties to conflict and Member States have moved forward to enhance respect for the law and improve the protection of civilians. In Afghanistan, a national policy was adopted to prevent civilians casualties, and a communiqué on protecting civilians from the use of explosive weapons was adopted in 19 African nations (S/2018/462). In closing, Guterres urged international actors to do everything in their power to protect the millions of civilians caught up in conflict around the world.

[Yves Daccord, Director-General of the ICRC]

Mr. Daccord said that the focuses of the ICRC on the issue, as always, are the best ways to respond to the terrible suffering of civilians in armed conflict, to prevent reoccurrences of violations, and to close the gap between words and action. He continued that the most effective way to reduce suffering in war is to uphold the fundamental principle of humanity, and the most important tool to achieve that is IHL.

Mr. Daccord reiterated that primary responsibility for respecting IHL falls to states. As a reminder to states claiming that they are fighting against “terrorists”, he noted that IHL is applicable under any circumstances. He also noted that a general trend of denials of responsibility for IHL violations only increases the climate of impunity and causes more suffering. Moreover, Mr. Daccord urged states not to support belligerents with weapons, financing, training or partnered operations without compliance with the law. Expressing concern over the impact on civilians of the use of heavy explosive weapons in populated areas, Mr. Daccord called on

states and parties to armed conflict to reassess and adapt their choice of weapons in urban warfare as well as to avoid the use of explosive weapons that have wide area effects in densely populated areas.

Although SC resolution 2286 was a significant first step towards better implementation of existing IHL on medical care in armed conflict, the ICRC has recorded over 1,200 incidents of obstruction and violence against health care workers since its adoption in May 2016. These incidents include: health workers killed, threatened, and kidnapped; ambulances obstructed; medical supplies destroyed or prevented from crossing front line; and hospitals bombed or looted.

To bridge the gap between words and action, Mr. Daccord urged states to take the following five priority measures:

1. Review their military doctrine, procedures, planning and practice to protect the provision of medical care in the conduct military operations.
2. Ensure their domestic legislation enables health care professionals to carry out their work impartially and safely, in line with IHL and medical ethics.
3. Ensure conflict-specific training and support for health care professionals, and capacity-building and preparedness of health care systems.
4. Gather good quality data to develop better tools to prevent violence from happening and to mitigate its consequences when it does.
5. Support behavioral change initiatives and other means of awareness-raising aimed at increasing respect for health care workers in general so that they can work in safety even under the most difficult circumstances.

[Hanaa Edwar, Iraqi Al-Amal Association]

As a civil society representative, Ms. Edwar spoke for Iraqi people who have endured armed conflict entailing crimes of genocide, crimes against humanity, and war crimes for more than three decades without protection. Concerning the recent liberation of Mosul, she said that the fighting in densely populated areas with constant bombardments turned the city into an open cemetery. The numbers of dead are unknown, and “bodies are appearing in the rivers around Mosul,” she said. In the aftermath of liberation, voluntary civil society initiatives and young people were the ones who collected bodies to prevent the spread of epidemics and collected and delivered medicine to the wounded. Ms. Edwar noted that one room in an old house in the city was found with 150 stacked bodies, all killed by shots to the head. At one point, 3,000 civilians had been reported missing in the old city. Calling on national authorities, United Nations agencies, and the international community to support and work with local actors, she stressed that humanitarian action and long-term assistance must be conflict- and gender-sensitive.

[The Permanent Observer for the State of Palestine]

The representative of Palestine emphasized the suffering of its people due to the ongoing occupation and the use of armed force by Israel. Addressing the recent killings of peaceful protesters on the Gaza-Israel border by Israeli troops, he said that under international law, an occupying power could not claim the right to security at the expense of the right to security, protection and well-being of the occupied people.

The debate continued throughout the day, and more than 80 speakers delivered statements. Briefings on statements delivered by Member States are available below.

Side Event

~Protecting Civilians from the Use of Explosive Weapons in Populated Areas~ May 23, 2018

The event was co-convened by the International Network on Explosive Weapons (INEW) and the permanent missions to the United Nations of Austria, Ireland, Mexico, and Mozambique in New York and chaired by Austrian ambassador Jan Kickert.

Even though the use of explosive weapons in populated areas (EWIPA) is clearly prohibited by IHL, it causes 90 percent of casualties of civilians in armed conflict. During the panel, Ms. Anna de Courcy Wheeler, a representative of both Article 36 and INEW, highlighted humanitarian impacts of the use of EWIPA. When explosive weapons are used in a densely populated area, the number of casualties is extremely high. Data suggests that about 40,000 civilians have been killed in Mosul. Ms. Wheeler said that harms and suffering caused by bombing and shelling are profound. It not only causes serious injuries such as damage to organs and the spinal cord, but it also causes serious mental trauma due to the loss of loved ones or elevated levels of chronic disease. Behavioral changes such as depression are said to be common among children.

Ms. Veronique Christory, a representative of the ICRC, focused on the humanitarian consequences of the use of EWIPA. A video clip created by the ICRC showed how damage by explosive weapons to buildings and infrastructure in a city creates a domino effect of harms and causes long-lasting humanitarian consequences. Ms. Christory said, "Direct effects of the use of EWIPA are best seen in indirect parts." She added that the ICRC continues to document humanitarian consequences in the use of EWIPA.

Ms. Sahr Muhammedally, a representative of Center for Civilians in Conflict (CIVIC), shared actual cases in which CIVIC engages government and military personnel for the better protection of civilians. Taking munitions as example, she stressed the need for trainings and awareness raising among soldiers to make them understand that such weapons are not designed to be used in the populated areas. She also recommended that if the use of weapons is illegitimate, putting pressure on the force would help. Sharing a story of how the African Union has faced criticisms from CIVIC and other groups for using direct fire weapons, Ms. Muhammedally said that criticism is a driving force to stop EWIPA. She added that the issue of EWIPA is a major obstacle for sustainable development and peace and should be highlighted more within the UN.

During the Q&A discussion, the speakers and the participants exchanged views and ideas on how the implementation of the ATT would help stop the flow of weapons by third parties. In addition, militaries' lack of information, such as the location of infrastructure on maps was identified as one of the major problems for the issue of EWIPA.

~Data-Driven Protection: How Civilians Casualty Recording and Civilian Harm Tracking Can Strengthen the Protection of Civilians~ May 24, 2018

The event was co-convened by the Permanent Mission of Austria to the United Nations in New York, OHCHR, OCHA, ODA, and CIVIC and chaired by Austrian ambassador Jan Kickert.

In conflicts, knowing what happened and why it happened is crucial for the prevention of further incidents against civilians. Mr. Aurelian Buffler said that reliable data is a tool to analyze trends for policy making and advocacy at the global level. Casualty tracking must be one of the tools, but not the only one, to enhance protection of civilians.

Mr. Michael Spies of ODA also emphasized the importance of casualty recording and tracking. He said that it is useful in minimizing export of arms and demanding that states meet their legal obligations under the ATT or IHL.

Ms. Francesca Marotta, Chief of the Methodology, Education & Training Section of OHCHR, shared OHCHR's experience of data collection and casualty recording in a variety of contexts. As casualty recording is the most effective support for advocacy for the protection of civilians, OHCHR pays special attention to the objectivity and accuracy of data when evaluating each incident. OHCHR obtains data by visiting sites or conducting physical examinations of the victims, recording civilian casualties and losses of services, and publishing lower estimates of the number of casualties.

Ms. Sahr Muhammedally, a representative of CIVIC, said that data is essential to inform actors. In addition to the recordings that are already taking place, tracking must be done by military and government actors. She continued that military commanders need to know where civilians live and must include onsite inspections in their methodology to be able to assess the impact of their operations on civilians. Thus, exchanging information between external actors (NGOs) and internal actors (the military) is an important and necessary process to find root causes, change military tactics and identify gaps. For example, the US opened an investigation in Iraq and Afghanistan because of external information. Ms. Muhammedally suggested that tracking can also be used in peacekeeping missions because identifying impacts on civilians can help peacekeepers to let their mission know how to better patrol or carry out other duties to protect civilians in armed conflict.

A Call for United Action

As an international human rights NGO and a member organization of International Network on Explosive Weapons (INEW), Human Rights Now (HRN) calls on international actors including representatives from states and civil society to take all the accounts mentioned above into consideration and make efforts to end the ongoing serious violations of human rights and IHL in armed conflict around the world. HRN also urges the international community to prevent further human rights and IHL violations by raising alarms and condemning them when they occur, as well as by taking steps towards justice and accountability by creating independent commissions of inquiry and bringing cases before the International Criminal Court (ICC).

Resources

Statements delivered by Member States: <https://www.un.org/press/en/2018/sc13348.doc.htm>

Full statement of UN Secretary-General António Guterres:

<https://www.un.org/press/en/2018/sgsm19047.doc.htm>

Full statement of the ICRC: <https://www.icrc.org/en/document/icrc-statement-un-security-council-open-debate-protection-civilians-armed-conflict>

Report of the Secretary-General on the protection of civilians in armed conflict released on 14 May, 2018: http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2018_462.pdf