



ICRC | ICRC vice-president's speech at UN Security Council debate on the protection of civilians

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New York, Christine Beerli, ICRC vice-president

Mr President, Your Excellencies, Ladies and Gentlemen,

Thank you for inviting the ICRC to address you on the subject of the protection of civilians – a subject which your Council has put at the centre of many of its resolutions, including on Syria, South Sudan, Yemen, Iraq, the Central African Republic and the Lake Chad basin.

In 2015, ICRC operations reached more than 40 million people, including more civilians than ever before in our history. Regrettably, we see the underlying trend of increasing humanitarian needs as likely to continue over the next year.

International humanitarian law for the protection of civilians in international and non-international armed conflict is clearly established and binding for all parties to armed conflict, State and non-State. The ICRC continues to believe that the current legal framework for the protection of civilians remains relevant and that the main challenge in protecting civilians centres on greater compliance with IHL by all parties to armed conflicts.

For the ICRC, working on the ground with the victims of armed conflict, it is obvious that political action ultimately determines the fate of civilian populations. If there are no political solutions to armed conflicts, then many millions of people will continue to endure the personal tragedy and humanitarian consequences of armed conflict, for years, decades, or even lifetimes.

This year we will mark the fifth anniversary of the Syrian crisis. Syria has in many ways become an emblematic conflict, with immense suffering of the civilian population. It is emblematic in terms of violations of the law, of a restrictive interpretation of the humanitarian space, of illegal use of weapons and of use of illegal weapons, all of which has led to dramatic displacement, in turn putting pressure on neighbouring States' basic services and social fabric.

The link between the suffering and the lack of respect for IHL could not be clearer than when you talk to the severely malnourished people of Madaya, Foua and Kefraya, as my colleagues did over the last weeks. Women, men and children have died, and, unless full compliance with IHL is assured, many more are at risk of death. Today the overwhelming humanitarian needs necessitate that the sieges be lifted immediately. This Council has the possibility to support and practice confidential engagement for the respect of the law, in Syria and elsewhere. On behalf of the civilians that the ICRC serves in armed conflicts around the world, I encourage you to do so.

All this suggests that much more needs to be done to resolve armed conflicts. Here, the emphasis of last year's UN High Level Independent Panel on Peace Operations on "the primacy of politics" and the need for political solutions to be in the driving seat of UN efforts is important, and timely.

The ICRC welcomes the Panel's recognition that "the protection of civilians is a core obligation of the United Nations". We also recognize that the single greatest contribution to ending the suffering of civilians in armed conflict is always the effective prevention and resolution of armed conflict.

With this in mind, the ICRC urges the Council to find consensus, wherever it can, to build the necessary political strategies that will prevent and end armed conflicts.

Where there is no end to an armed conflict and when IHL applies, then compliance with international humanitarian law is critical to ensure the protection of civilians.

The conduct of hostilities - the way armed conflicts are fought - is the key determinant of civilian suffering. The misuse of weapons, direct attacks against civilians and the civilian populations as well as indiscriminate attacks, starvation and displacement that become part of a military strategy and attacks against health care facilities all too often combine to create civilian suffering that involves serious violations of IHL.

In the ICRC's experience, much widespread harm and suffering caused by armed conflict is wrongly seen as an inevitable consequence of war when in fact it is frequently a violation of law. Far too much civilian suffering in this last year has resulted from a failure of the parties to a conflict to take into account the protection of civilians in the conduct of military operations and to strike the appropriate balance between military necessity and humanitarian imperatives, as required by IHL.

Yet violations of IHL occur daily: explosive weapons are used indiscriminately in populated areas. Civilian populations and civilian objects are deliberately targeted. Civilian communities are forcibly displaced and trapped in lengthy sieges, deprived of means of survival. Women and men, girls and boys are regularly the victims of rape and sexual violence. Schools are attacked or used for military purposes, leading to their loss of protection against attack. Detainees are summarily executed, tortured and kept in inhumane conditions and denied due process of law.

Such violations of IHL are well known to you all and often referred to explicitly in the Council's resolutions with an evident determination to end them.

The use of explosive weapons in populated areas is one example that raises serious concern in terms of compliance.

Especially in urban environments these weapons are prone to indiscriminate effects, with often devastating consequences for civilians. Many civilians are killed or injured by such weapons. Critical infrastructure – on which civilians depend for their livelihoods and survival - like power stations, water treatment plants and hospitals can be continuously and cumulatively damaged so that they cease to provide essential services to meet people's basic needs. Precisely for those reasons, the ICRC has urged that the use of explosive weapons with a wide impact area should be avoided in densely populated areas.

To address this humanitarian issue States should make known their policies on the use of such weapons and explain how their use of explosive weapons in populated areas complies with IHL.

We also ask that Habitat III, the upcoming United Nations Summit to develop a "new urban agenda", take account of the risks faced by many millions of people threatened by armed conflict and other situations of violence in today's densely populated and fast growing cities.

The second main aspect of compliance that the ICRC would like to emphasize is the need for States and non-State armed groups to comply with their obligation to meet the basic needs of the population under their control and, if unable to do so, to allow and facilitate rapid and unimpeded passage of relief for civilians in need, subject to their right of control. If these basic needs are not met, parties to armed conflict shall positively respond to offers of services made by impartial humanitarian organization such as the ICRC and shall authorize their humanitarian activities, which include protection and assistance. Humanitarian activities

are all those aimed at preserving life and security or seeking to restore the mental and physical well-being of victims of armed conflict. In this process, a concern to protect the dignity of a person is fundamental.

Questions of humanitarian access necessary to carry out protection and assistance activities, is an aspect of IHL on which the Council has continued to exercise significant concern in 2015. These questions will be particularly relevant in 2016 as States prepare to make new commitments on humanitarian action at the World Humanitarian Summit in Istanbul in May.

At the Summit, the ICRC very much wants to see a significant and practical recommitment by States to their obligations to protect and assist the civilian population in armed conflicts. Clear recognition of the complementary albeit essential and lawful role that impartial humanitarian organizations – local and international - can play in meeting this humanitarian objective also needs to emerge from the Summit.

Practical recommitments to IHL's rules on access, protection and assistance will be particularly important in 2016 because of the unprecedented number of internally displaced people, refugees and vulnerable migrants that are fleeing and moving because of the humanitarian consequences of armed conflict.

The ICRC welcomes the UN's Summit on Large-Scale Movements of Migrants and Refugees due to take place in September this year, and we are committed to play a significant role in its process and debate. At the same time, we ask that a strong focus of the Council's attention remain on the millions of IDPs affected by armed conflict, many of whom die as a result of armed conflict.

The need to respect and ensure compliance with IHL is urgent. States and non-State armed groups must comply with these laws, and close the existing implementation gap.

The mere existence of obligations and prohibitions is not sufficient to prevent and put a stop to suffering, or to deter future violations. IHL rules must be known, understood and implemented by the parties to an armed conflict if its purposes are to be fulfilled. This is a multifaceted process which requires that appropriate action be taken by actors at the national, regional, and international levels.

Mr President,

Thank you for giving the ICRC the opportunity to speak in this important debate.

I hope you have heard us encourage the Council's efforts to protect civilians, and urge all States to find whatever consensus is possible to prevent and resolve armed conflicts as the single best way to protect civilians.

Meanwhile, and as armed conflicts go on, respecting the law is the single most impactful choice States and non-State groups can make to avoid civilian suffering.

Thank You.