



# Security Council

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## Protection of civilians in armed conflict

### Report of the Secretary-General

#### I. Introduction

1. The present report is submitted pursuant to the request contained in the statement by the President of the Security Council of 21 September 2018 ([S/PRST/2018/18](#)). It also responds to the Council's requests for reporting on the protection of medical care and on conflict and food insecurity, contained in resolutions [2286 \(2016\)](#) and [2417 \(2018\)](#), respectively.

2. The year 2019 marks the seventieth anniversary of the four Geneva Conventions, a cornerstone of international humanitarian law. Their adoption in the aftermath of the Second World War firmly established that those who are not or no longer taking a direct part in hostilities – the wounded and sick, prisoners of war and civilians, including civilians living under occupation – must be protected and their life and dignity upheld without adverse distinction.

3. 2019 also marks the twentieth anniversary of the adoption of resolution [1265 \(1999\)](#) and the Security Council's inclusion of the protection of civilians as an item in its agenda – a decision motivated, inter alia, by the Council's "deep concern" at the erosion of respect for international humanitarian law during armed conflict (resolution [1265 \(1999\)](#)). Since then, the protection of civilians has become "one of the core issues" on the Council's agenda ([S/PRST/2015/23](#)). It has permeated the situation-specific deliberations and decisions of the Council and resulted in practical actions intended to strengthen the protection of civilian women, girls, boys and men affected by armed conflict. It has contributed to building and consolidating a culture of awareness within the Council and among Member States and the broader international community of the need to prevent and respond to violations and other protection concerns.

4. It is the cause of considerable concern, then, that the state of the protection of civilians today is tragically similar to that of 20 years ago. In September 2018, the Security Council expressed "outrage" that civilians continue to account for the vast majority of casualties in conflict; and at the short- and long-term impact of conflict on civilians, including forced displacement; the use of starvation as a method of warfare; unlawful denial of humanitarian access; attacks on humanitarian and medical personnel, hospitals, and other medical facilities; sexual and gender-based violence; and intentional damage and unlawful destruction of civilian infrastructure, property and livelihoods ([S/PRST/2018/18](#)) – to which I would add other damage and



destruction of civilian infrastructure, property and livelihoods which may not necessarily be intentional or unlawful but the consequences of which are equally devastating for civilians.

5. Such acts have been inflicted upon millions of conflict-affected civilians every day throughout, and prior to, the past 20 years. They will continue for another 20 years, and beyond, without urgent action to grapple with the central challenge of enhancing and ensuring respect for international humanitarian law and international human rights law, in particular in the conduct of hostilities. The failure of parties to take constant care to spare civilians in the conduct of military operations and to take all feasible precautions to avoid, and in any event minimize, civilian casualties initiates a downward spiral characterized by the death, injury and maiming of hundreds of civilians in conflicts every month, and by the displacement of thousands more, forced to flee their homes, communities and livelihoods towards a very uncertain and tragic fate.

6. As requested by the Council, the present report, in section II, provides a summary of achievements and challenges to the United Nations work on protecting civilians over the past 20 years. Section III reviews the current state of the protection of civilians and emphasizes the enduring relevance of the protection agenda 20 years on. Section IV focuses on the central challenge of enhancing respect for the law – the first of three protection priorities identified in my report of 2017 (S/2017/414) and discussed in my report of 2018 (S/2018/462) – with a particular focus on the conduct of hostilities. Section V discusses how the Council and Member States can rise to meet this challenge and, moreover, strengthen the practical impact of the protection agenda in the years ahead.

## II. Twenty years of protection of civilians: achievements and challenges<sup>1</sup>

7. On 12 February 1999, the Security Council held its first open debate on the protection of civilians in armed conflict, motivated by the brutality of the conflict in Sierra Leone, ethnic cleansing in the Balkans and genocide and displacement in the Great Lakes region. At the end of the debate, the Council adopted a presidential statement in which it expressed grave concern at the growing civilian toll of armed conflict (S/PRST/1999/6). It noted that civilians account for the vast majority of casualties and are increasingly targeted by combatants. It acknowledged the relevance of the issue to the Council and affirmed the need for the international community to assist and protect civilians affected by armed conflict.

8. In the statement the Council also requested the Secretary-General to submit a report with recommendations for improving the protection of civilians. To date, the Council has considered 14 such reports. These have covered a broad range of issues underlining that protecting civilians is not an exclusively humanitarian task but requires action in the peacekeeping, human rights, rule of law, political, security, development and disarmament domains. The reports have underlined that efforts to strengthen protection cannot substitute for political processes aimed at preventing or ending conflict and building sustainable peace which, as I have emphasized before, remain the most effective way to protect civilians. The reports contain more than 200 recommendations, addressing such issues as conduct of hostilities, forced displacement, sexual violence, humanitarian access, engagement with non-State

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<sup>1</sup> For a detailed account of the achievements and some of challenges of the past 20 years, see also Office for the Coordination of Humanitarian Affairs, *Building a Culture of Protection: 20 Years of Security Council Engagement on the Protection of Civilians* (forthcoming).

armed groups, accountability for violations, and the protection role of peacekeeping missions and regional organizations.

## A. Further developing and consolidating the normative framework

9. Several of these issues have been reflected in landmark resolutions on the protection of civilians (1265 (1999), 1296 (2000), 1674 (2006), 1738 (2006), 1894 (2009), 2175 (2014), 2222 (2015), 2286 (2016) and 2417 (2018)), as well as in an increasing number of situation-specific resolutions and peacekeeping mandates. Through those resolutions, the Security Council has been instrumental in further developing and consolidating the normative framework for the protection of civilians by reaffirming and reinforcing existing standards and strengthening their implementation. Over time, the Council's language on protection of civilians has become increasingly specific, detailed and prescriptive, and more attuned to and supportive of international humanitarian and human rights law.

10. Protection issues have also been addressed in the Council's work on children and armed conflict and women and peace and security. The adoption of resolution 1612 (2005), the establishment of the Working Group on Children and Armed Conflict and the monitoring, reporting and listing mechanism, the work of my Special Representative, and the development of action plans to end and prevent grave violations against children, have contributed to important advances in child protection in conflict. In its resolutions on women and peace and security, beginning with resolution 1325 (2000), the Council has called upon parties to conflict to respect international law applicable to the rights and protection of women and girls and to protect them from gender-based and all other forms of violence in conflict situations. The adoption of resolution 1820 (2008) and the subsequent establishment of the mandate of the Special Representative of the Secretary-General on Sexual Violence in Conflict, pursuant to resolution 1888 (2009), signalled the Council's commitment to address sexual violence, which has been strengthened through such initiatives as the Team of Experts on the Rule of Law and Sexual Violence in Conflict (resolution 1888 (2009)) and the monitoring, analysis and reporting arrangements (resolution 1960 (2010)).

11. The proven utility of the monitoring and reporting mechanisms for children and armed conflict and conflict-related sexual violence, as well as that undertaken by the human rights components of United Nations peace operations, underlines the importance of effective and systematic monitoring and reporting on the protection of civilians more broadly, as also called for by the Council (S/PRST/2018/18). In particular, and as reflected in my Agenda for Disarmament, *Securing Our Common Future*,<sup>2</sup> greater attention should be given where relevant and feasible to instituting the recording of casualties, such as that undertaken by the United Nations Assistance Mission in Afghanistan. This is crucial for supporting evidence-based advocacy with parties to conflict and identifying factors that contribute to civilian casualties which can inform adjustments to ongoing and future operations.

12. In addition to the focus on children and sexual violence, the Council has adopted resolutions in which it expressly condemned and called upon parties to conflict to end attacks against humanitarian workers, medical and humanitarian personnel exclusively engaged in medical duties, and journalists, and to ensure their protection. It has addressed the link between conflict and food insecurity, and the impact on civilians of the illicit transfer, excessive accumulation and misuse of small arms and light weapons. While such focus on specific issues can lead to more targeted and

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<sup>2</sup> United Nations publication, Sales No. E.18.IX.6; also available at [www.un.org/disarmament/sg-agenda/en/](http://www.un.org/disarmament/sg-agenda/en/).

potentially successful outcomes, I urge the Council to maintain a comprehensive approach to the protection of all civilians and ensure that other pressing and emerging issues – such as urban warfare and conduct of hostilities – are fully addressed.

13. The Council has adopted 13 presidential statements on the protection of civilians. In these it has underlined the standing of protection of civilians as “one of the core issues” on the Council’s agenda ([S/PRST/2015/23](#) and [S/PRST/2018/18](#)). The statements have also provided the vehicle for issuing the Council’s aide-memoire on the protection of civilians and its regular updates. The aide-memoire identifies key protection concerns and, on the basis of past practice, actions the Council could take to respond in its resolutions and presidential statements.

14. In January 2009, the Security Council informal expert group on the protection of civilians, the establishment of which was recommended in 2007 (see [S/2007/643](#)) to mainstream protection into the Council’s actions, was convened for the first time. It has since met around 100 times and remains an important forum for humanitarian and other actors to brief Council members with a view to ensuring that protection concerns are addressed in the Council’s decisions. The Council should continue to make full use of the informal expert group and, through it, implement the aide-memoire and the wealth of good practice developed over the past 20 years.

## **B. Implementation**

15. Important though it has been to further develop and consolidate the normative framework, the Security Council’s efforts must translate into tangible improvements in the protection of civilians on the ground or contribute to efforts to this end by United Nations and other humanitarian and human rights organizations. The Council has implemented several actions to this end.

### **Role of peace operations**

16. The inclusion and prioritization of protection of civilians in the mandates of a number of peace operations, beginning with the United Nations Mission in Sierra Leone in 1999, is among the most significant Council actions in this regard. The prioritization of the protection of civilians in peace operations, and its role as a yardstick to measure mission performance, are now firmly established and a significant body of policy and guidance has been developed, including specific guidelines for uniformed components. The operational approach to protecting civilians has been clarified and tools and systems developed to make protection in peacekeeping more effective, such as joint protection teams and community alert networks. Protection activities have expanded to include, for example, the facilitation of local peace and ceasefire agreements in conflict areas in the Central African Republic that are monitored by civilian and uniformed components. In South Sudan, nearly 200,000 internally displaced persons are sheltered at protection of civilians sites. The Council’s regular inclusion of the human rights due diligence policy on United Nations support to non-United Nations security forces in relevant peacekeeping mandates has provided important leverage to the efforts of peacekeeping missions to influence compliance with international humanitarian, human rights and refugee law by certain parties to conflict.

17. Looking forward, the nature of conflict and the nature of peacekeeping are changing and we must continually evolve and adapt. The mandating of certain peacekeeping missions to participate in or conduct military operations against armed groups, or to otherwise conduct joint operations with non-United Nations forces in specific contexts, has generated important challenges for the performance of other mandated activities, including the protection of civilians. The commitments under

Action for Peacekeeping provide a foundation to tackle some of those challenges and further strengthen the protective role of peacekeepers. This requires a collective endeavour, including Member States and the Secretariat, to adapt to changing environments by capturing good practices and providing relevant training, with an emphasis on pre-deployment training by troop- and police-contributing countries. Member States must also commit themselves to ensuring that peacekeeping missions are properly resourced, while troop contributors must provide contingents that are up to the task and include more women. Finally, protection of civilians requires the commitment of Member States to find consensus around the language and implications of peacekeeping tasks, including clarity on the expectations of peacekeepers and recognition of those situations that may be beyond their capacity to respond.

### **Protection of specific groups**

18. Within the peacekeeping context, the Security Council has taken important steps to improve protection for specific groups. Women and children were identified in the first report of the Secretary-General as requiring special protection measures. These included ensuring that their needs were addressed by peacekeeping missions which, in turn, deployed women and child protection advisers, and/or gender advisers, in several missions, mainstreaming these issues across missions and reinforcing the work of humanitarian agencies in the respective fields.

19. The Council has also sought to enhance protection for refugees and internally displaced persons by mandating peacekeeping missions to protect camps and sites from armed attacks and to maintain their civilian and humanitarian character by supporting the disarmament and separation of combatants. It has also promoted durable solutions for refugees and internally displaced persons that are safe, voluntary and dignified while also mandating peacekeeping missions to support the voluntary and informed return of refugees and displaced persons through the creation of secure environments.

### **Enhancing accountability**

20. The Security Council's efforts to give practical meaning to the protection agenda are also evident in its efforts to enhance accountability for serious violations of international humanitarian and human rights law. The Council has, for example, promoted and encouraged support for accountability at the national level, emphasizing the responsibility of States to investigate, prosecute and punish perpetrators of serious violations. It has also taken measures aimed at repatriating and preventing the deployment of personnel implicated in serious human rights violations involving sexual exploitation and abuse.

21. The Council has also taken more direct steps. Following its earlier, historical establishment of the International Tribunal for the Former Yugoslavia in 1993 and the International Criminal Tribunal for Rwanda in 1994, the Council has requested the establishment of commissions of inquiry, on Darfur in 2004 and the Central African Republic in 2013, as well as mechanisms to identify to the greatest extent feasible those involved in the use of chemicals as weapons in the Syrian Arab Republic, in 2015; and, in 2017, an investigative team to collect, preserve and store evidence in Iraq of serious international crimes committed there by the terrorist group Islamic State in Iraq and the Levant (ISIL). These efforts constitute important advances towards accountability for serious crimes under international law.

22. In 2005, on the basis of the findings of the International Commission of Inquiry on Darfur, the Council took the unprecedented step of referring the situation to the Prosecutor of the International Criminal Court; this was followed in 2011 by the

referral of the situation in Libya. To date, no other situations have been referred by the Council to the Prosecutor.

#### **Targeted measures as a response to violations**

23. The Council has increasingly used targeted sanctions - asset freezes and travel bans – to address issues related to the protection of civilians. In the case of eight current sanctions regimes,<sup>3</sup> designation criteria for the imposition of sanctions measures against individuals and entities may include violations of international humanitarian law and human rights law; obstructing humanitarian aid; recruiting or using children in armed conflict; targeting civilians, including killing and maiming and sexual and gender-based violence. In addition, seven monitoring groups, teams and panels that support the work of the sanctions committees include specific humanitarian or international humanitarian experts who report on protection issues throughout their mandate. Beyond these measures, the Council has also imposed arms embargoes in relation to several conflicts to stem the illicit flow of weapons and ammunition which further undermine peace and stability. It is essential that Member States take the necessary steps to implement such measures.

### **III. Enduring relevance of the protection of civilians in an era of asymmetric and urban warfare**

24. There is no doubt that the Security Council's actions over the past 20 years have strengthened the framework for the protection of civilians in armed conflict and saved countless lives. However, a review of the state of the protection of civilians from 1 January to 31 December 2018 demonstrates that civilians continue to account for the vast majority of casualties, and are targeted and victims of indiscriminate attacks and other violations and harm by parties to conflict. Twenty years on, the protection agenda is as relevant and pressing as ever.

25. The reason for this lies in part in the nature of contemporary conflicts. These are characterized by the proliferation and fragmentation of non-State armed groups, which has contributed to the increasingly asymmetric nature of conflict. The impact on civilians has been profoundly negative, as some armed groups have sought to overcome their military inferiority by using strategies that are contrary to international law, including attacks against civilians.

26. The impact on civilians is further compounded by the fact that conflict takes place increasingly in urban centres, which provide non-State armed groups with an opportunity to further alter the balance of power between themselves and conventional armed forces. Today, more than 50 million people are affected by conflict in urban areas.

27. The risks for civilians in such situations increase further as conventional armed forces respond with methods and means of warfare that result in, or otherwise contribute to, a widespread pattern of immediate and long-term harm, of which civilians again bear the brunt and which may, in some cases, breach their obligations under international humanitarian law. In addition, direct and indirect third-party support for parties to conflict fuels the violence and protracted nature of many of today's conflicts, while also increasing the risk of their spreading to neighbouring States.

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<sup>3</sup> With respect to the Central African Republic, the Democratic Republic of the Congo, Libya, Mali Somalia, South Sudan, the Sudan and Yemen.

## A. The state of the protection of civilians

### Widespread civilian deaths and injuries and impact on civilian objects

28. It is both tragic and appalling that, throughout 2018, tens of thousands of civilians were killed, injured or maimed as a result of direct or indiscriminate attacks by parties to conflicts affecting Afghanistan, the Central African Republic, Chad, the Democratic Republic of the Congo, Iraq, Libya, Mali, Myanmar, the Niger, Nigeria, South Sudan, Somalia, the Syrian Arab Republic, Ukraine, Yemen and elsewhere. In 2018, the United Nations recorded the death and injury of more than 22,800 civilians in attacks in six of these situations: almost 11,000 civilians in Afghanistan; more than 2,600 in Iraq; 1,300 in Mali; 1,500 in Somalia; 3,700 in South Sudan, including more than 1,400 women; and 2,700 in Yemen. These figures are almost certainly underestimates of the full number of civilian deaths and injuries.

29. The toll of deaths and injuries, combined with testimony from victims and witnesses and the perpetual stream of media and other reports of harm to civilians, reinforces the long-standing concern that parties are failing, deliberately or otherwise, to take constant care to spare the civilian population and civilian objects in the conduct of military operations, as required by international humanitarian law. The reported ongoing use of chemical weapons in the Syrian Arab Republic in 2018 was of grave concern and continues to pose a serious challenge to the global and long-standing prohibition of those weapons which cannot be tolerated.

30. There were also widespread reports in 2018 of attacks affecting civilian objects, which may include houses, schools, hospitals, markets, camps for refugees and internally displaced persons, places of worship and infrastructure on which civilians depend for their survival. In the Central African Republic, for example, at least 112 civilians were killed and 27 injured in an attack on a camp for internally displaced persons in Alindao in November. In the Syrian Arab Republic, a United Nations assessment mission to Raqqah in April 2018 found that nearly 70 per cent of buildings in the city were destroyed or damaged and that essential services, such as water, electricity and health care were absent or severely limited.

31. Raqqah is only one example of the acute impact on civilians and civilian objects of fighting when it takes place in populated areas and involves explosive weapons. I have repeatedly called on parties to conflict to avoid the use of explosive weapons with wide-area effects in populated areas, owing to the immediate and cumulative, complex and long-term harm resulting from such use. In 2018, an estimated 20,384 civilians were killed and injured by explosive weapons in populated areas.<sup>4</sup> In Afghanistan, for example, the United Nations recorded more than 5,800 civilian casualties in 2018 resulting from improvised explosive devices, indirect fire and air-launched weapons. The majority were attributed to the actions of anti-government elements. However, civilian casualties resulting from the use of air-launched weapons increased by 61 per cent on the previous year – the highest number in a single year since the United Nations began documenting civilian casualties in 2009. In Yemen, more than 17,000 conflict-related incidents were reported in 2018, including the widespread use of explosive weapons, resulting in deaths and injuries and damage to, or destruction of, irrigation systems, agricultural sites, schools, hospitals and water points. Explosive remnants of war posed an ongoing threat to civilians while also delaying the restoration of services and reconstruction. In the Syrian Arab Republic, for example, the presence of explosive remnants of war was reported in 1,980 communities across the country. Explosive remnants of war and landmines killed and injured 119 civilians in Ukraine and 227 children in Yemen in 2018.

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<sup>4</sup> Figures from Action on Armed Violence, *Explosive Violence Monitor 2018* (forthcoming).

32. As reported separately, conflict-related sexual violence persists in many armed conflicts, often as part of a broader strategy. In 2018, it was used to displace communities in South Sudan, targeting children, the elderly and pregnant women; as a means of repression, terror and control in the Democratic Republic of the Congo and the Syrian Arab Republic; and to help finance conflict in Libya and Nigeria, where sexual slavery and human trafficking raised revenue for the activities of armed actors. I welcome ongoing efforts to strengthen the response to sexual violence, including the forthcoming joint Norway-United Nations international pledging conference in Oslo in May, and encourage Member States to support such initiatives. I also welcome efforts within the United Nations and by Member States to prevent sexual exploitation and abuse, including putting the people who suffer from this first; ending impunity for perpetrators; engaging civil society and external partners; and ensuring better education and transparency.

33. Conflict continued to have a devastating impact on children throughout 2018. Afghanistan, the Syrian Arab Republic and Yemen accounted for the highest numbers of children killed and maimed, mainly through airstrikes and ground operations. Attacks on, and the military use of, schools and hospitals increased in 2018 in such places as Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Libya, Mali, Myanmar, Nigeria, Somalia, South Sudan, the Syrian Arab Republic and Yemen. In Yemen, for example, some 2,000 schools are inoperable because of the conflict, including 256 that were destroyed by air strikes or shelling and 1,520 that were damaged. In many cases, attacks on schools had a particularly negative impact on girls' access to education.

34. Conflict continued to take its toll on journalists in 2018, and killings, injuries and threats were reported in Afghanistan, the Central African Republic, Libya, the Occupied Palestinian Territory, Somalia, the Syrian Arab Republic and Yemen. Such incidents are of grave concern and seriously impact independent reporting which is essential for exposing human suffering, restraining belligerents and building pressure for political solutions and accountability.

### **Forced displacement**

35. Forced displacement remained a defining feature of conflict in 2018, affecting the Central African Republic, the Democratic Republic of the Congo, Nigeria, Somalia, South Sudan, the Sudan, the Syrian Arab Republic, Yemen and elsewhere. By mid-2018, some 1.4 million people were newly displaced across international borders while a further 5.2 million were displaced internally. Overall, according to available data, 40 million people were estimated to be internally displaced in their own country as a result of conflict and violence, while the Office of the United Nations High Commissioner for Refugees (UNHCR) reported a total of 28.5 million refugees and asylum seekers. The refugee population from the Syrian Arab Republic remained the largest, reaching 6.5 million by mid-year with a further 6.2 million people internally displaced. By mid-2018, large populations of internally displaced persons were reported in Somalia (2.6 million), Yemen (2.1 million), Afghanistan, Iraq and the Sudan (2 million each), Nigeria (1.9 million), South Sudan (1.8 million) and Ukraine (1.5 million).

36. Many of those displaced, the majority of whom are women, face significant protection and assistance concerns while the families and communities hosting them, in urban and other areas, are under increasing stress. The majority will remain displaced for years, without durable solutions that require national leadership and a long-term commitment to address human rights, humanitarian, development, peacebuilding and disaster-risk challenges. More efforts are urgently needed in this regard, including consultation and joint planning with the internally displaced and



affected communities themselves, as well as the active involvement of local authorities.

37. In 2018 the General Assembly affirmed the global compact on refugees, marking an important step towards more equitable and predictable burden-sharing in the response to refugees, including those displaced by conflict. Member States are encouraged to implement it fully. At the same time, the anniversaries in 2019 of the African Union conventions on refugees and on internally displaced persons are important opportunities to galvanize solutions to displacement in Africa. The ongoing implementation of the Plan of Action launched in April 2018 by the Special Rapporteur on the human rights of internally displaced persons, the Office for the Coordination of Humanitarian Affairs and UNHCR, to mark the twentieth anniversary of the Guiding Principles on Internal Displacement, has brought a number of displacement-affected States, United Nations and other actors together to exchange good practice and strengthen the response to internal displacement.

#### **Constraints on humanitarian access**

38. Widespread and persistent constraints on humanitarian access jeopardized humanitarian operations in several conflicts in 2018. Besides active hostilities and logistical challenges, bureaucratic impediments and attacks against humanitarian personnel remained the most severe constraints. The former were reported in several conflict situations, including those in the Democratic Republic of the Congo, Iraq, Libya, Myanmar, the Occupied Palestinian Territory, Somalia, South Sudan, the Sudan, the Syrian Arab Republic and Yemen. In the Occupied Palestinian Territory, for example, Israeli-imposed restrictions affecting Gaza entered their twelfth year and additional movement restrictions were introduced, contributing to the further deterioration of the humanitarian situation. In Myanmar, humanitarian access in Kachin and Shan States reached its lowest point in three years: access was denied to active conflict and contested areas and areas hosting displaced and other vulnerable groups. In Rakhine State, significant constraints on access continued, especially in the three northern townships of Rathedaung, Buthidaung and Maungdaw. While many travel authorizations in the central part of Rakhine were approved, reports continued of additional access requirements being imposed by local police and camp authorities.

39. In these and other situations, immediate steps must be taken to facilitate safe, timely and unimpeded humanitarian access to populations in need as well as their access to assistance. Good practice exists in this area which could be replicated, such as exempting or otherwise expediting visa processing and customs clearance for humanitarian personnel, goods and equipment. Third States have also sought to ensure that parties to conflict facilitate humanitarian access as required by the law. At the same time, we need to see greater condemnation and action in respect of cases where consent for humanitarian operations is denied or arbitrarily withheld.

40. Violence against, or the detention or abduction of humanitarian workers, in particular national staff, continued to impede humanitarian operations in Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Mali, Somalia, South Sudan and elsewhere. In Afghanistan, for example, 30 humanitarian workers were killed in 2018 and 53 were injured in attacks and 88 abducted. Somalia saw 130 violent incidents affecting humanitarian workers, including 10 fatalities; while in South Sudan there were 760 security incidents in which 15 humanitarian workers were killed in 2018 and 576 were relocated for security reasons, disrupting the provision of assistance for prolonged periods. In the Central African Republic, 396 security incidents affecting humanitarian workers were recorded in 2018 – an increase of 20 per cent compared to 2017. There were also reports of looting of humanitarian assets in these and other situations. De-confliction arrangements, in which humanitarian organizations share the timing and location of assistance

activities with parties to conflict, can help to protect humanitarian workers and ensure that military operations do not interfere with the delivery of assistance. However, such arrangements do not absolve parties of their obligations under international humanitarian law to protect civilians, including humanitarian workers. Ultimately, attacks against humanitarian workers are unacceptable and may constitute war crimes; such attacks should be investigated and their perpetrators prosecuted.

41. Steps are needed also to limit the impact of counter-terrorism measures on humanitarian action, which have included the criminalization of certain activities necessary for the conduct of humanitarian operations. Aside from their direct impact on humanitarian operations, such measures cause uncertainty and anxiety among humanitarian organizations and their staff with regard to the threat of prosecution or other sanctions for carrying out their work. In resolution [73/174](#), the General Assembly urged all States to ensure that counter-terrorism legislation and measures do not impede humanitarian and medical activities or engagement with all relevant actors as foreseen by international humanitarian law. I welcome current efforts, including by the Security Council, to incorporate safeguards for humanitarian activities as foreseen by international humanitarian law in counter-terrorism measures.

#### **Attacks against and other interference with medical care**

42. In 2018 there was further violence against and other interference with medical care in conflict. Incidents included direct attacks against medical workers and facilities; the removal of medical supplies from humanitarian convoys and warehouses; and the use of medical facilities for military purposes. The World Health Organization recorded 705 attacks against medical facilities and workers in 2018, resulting in 451 deaths and 860 injuries in just eight conflicts: Afghanistan, Iraq, Libya, Mali, Nigeria, the Occupied Palestinian Territory, the Syrian Arab Republic and Yemen. Explosive weapons were used in 38 per cent of those attacks. The long-term impact, in terms of loss of access to medical care, can be devastating for the civilian population more broadly.

43. In Libya, for example, attacks on medical facilities were documented in Tripoli, Benghazi, Darnah and Sabha. In the Occupied Palestinian Territory, medical workers were among those killed and injured as Israel Defense Forces used lethal force to suppress demonstrations that began at the end of March. In the Syrian Arab Republic, 139 attacks on medical facilities were recorded in 2018, resulting in 101 deaths and 189 injuries. In Afghanistan, there were 90 attacks on medical facilities, killing 17 health-care workers. Seven facilities were destroyed in aerial attacks. An estimated 4.1 million people have been directly or indirectly denied medical services as a result of these incidents. I am also concerned at the continued criminalization, in the Syrian Arab Republic and elsewhere, of the provision of medical care to wounded and sick civilians and fighters despite the protection afforded by international humanitarian law.

44. I welcome the efforts of Member States and other actors to implement resolution [2286 \(2016\)](#) and my predecessor's recommendations and the continued attention to the issue, such as the Arria-formula meeting held in December 2018. The launch in 2018 by Geneva Call of the deed of commitment on protecting health care in conflict provides non-State armed groups with an important opportunity to commit themselves to respecting the relevant rules and publicly account for their implementation. However, I would again stress the need for broader and focused efforts to ensure compliance with the law as it relates to the protection of health care; to strengthen data collection; to exchange good practice in implementing resolution [2286 \(2016\)](#), including in capitals and regional forums; and to ensure that protection of health care is included in military doctrine and training and in capacity-building of partner forces.

### Missing persons

45. Alarming numbers of persons remain missing in armed conflicts. For example, more than 10,000 cases of missing persons have been opened by the International Committee of the Red Cross in relation to the conflict in the Syrian Arab Republic, while it has received 13,000 requests from families in Nigeria for support in finding missing relatives. It is incumbent on parties to conflict to respect and ensure respect for international humanitarian law as it relates to missing persons: to prevent enforced disappearance; to take all feasible measures to account for those reported missing; and to uphold the right of their families to receive information on their fate and whereabouts.

## B. Protection of civilians and global issues

46. There are a number of areas where the protection of civilians intersects with issues of global importance, including hunger, the treatment of persons with disabilities and the environment. These all require more focused attention and action from the Security Council and Member States.

### Conflict and hunger

47. Conflict continued to constitute the main driver of hunger. According to the 2018 *Global Report on Food Crises*, 60 per cent of the people affected by food crises were living in conflict-affected countries. Late in 2018, 56 million people were reported to be in urgent need of food and livelihood assistance as a result of protracted conflict in just eight conflict contexts: Afghanistan, the Central African Republic, the Democratic Republic of the Congo, the Lake Chad Basin, Somalia, South Sudan, the Syrian Arab Republic and Yemen. The use of starvation of the civilian population as a method of warfare in several contexts is of grave concern and must cease immediately.

48. In May 2018, the Security Council, in its resolution [2417 \(2018\)](#), recognized the intrinsic link between hunger and conflict and the role of international humanitarian law in preventing and addressing hunger in armed conflict, and reiterated the prohibition on the use of starvation of the civilian population as a method of warfare. The resolution provides the international community with tools for early warning and response to situations of famine and starvation. Member States should ensure greater scrutiny of instances in which relief supplies and access are impeded and higher levels of food insecurity result. All parties to a conflict must ensure the protection of infrastructure critical to the functioning of food systems and markets and the delivery of humanitarian assistance. Through the means of reporting established by the resolution, I will continue to provide the Council with information on situations where these circumstances may exist and that require action by the international community.

### Persons with disabilities

49. Armed conflict has a disproportionate impact on persons with disabilities. According to one recent survey of Syrian refugees, almost 23 per cent of respondents had a disability and 61 per cent of households reported at least one member with a disability.<sup>5</sup> Conflict heightens the risks for persons with disabilities because of destruction and other changes to the physical environment, stress and disruption of essential services. People with disabilities may be unable to flee attacks and are left abandoned and unprotected. Women and girls with disabilities are particularly at risk of violence, exploitation and abuse. In addition, conflict inevitably causes temporary

<sup>5</sup> Humanity and Inclusion, *Removing Barriers: The Path towards Inclusive Access* (2018).

or permanent impairments, in particular from the use of explosive weapons. I welcome the Council's recognition of the issue in resolutions [2217 \(2015\)](#) and [2406 \(2018\)](#). Attention should now focus on a more comprehensive thematic approach across all relevant situations that takes into account the role of conflict in both aggravating existing disabilities and causing new ones, and the need to ensure effective protection and assistance for persons with disabilities.

#### **The environmental impact of conflict**

50. Increased attention is being paid globally and in specific contexts, such as Iraq, the Syrian Arab Republic, Ukraine and Yemen, to the negative environmental impact of conflict and the consequences for human health, in particular for pregnant women, children and older persons. For example, the destruction of industrial facilities can result in pollutants contaminating the air, soil and groundwater. These may give rise to serious health problems for civilians and reduce access to resources vital for their survival. The effects may also extend beyond the area and duration of hostilities. In Iraq, for example, a fire started by ISIL at the Mishraq power plant in October 2016 created a toxic plume that caused more than 1,000 people to be hospitalized with severe respiratory problems. ISIL also ignited oil wells in Qayyarah that burned for several months, posing acute and chronic health risks to local communities. Concerns also exist regarding the possible health risks of the millions of tons of rubble and other debris generated by urban conflict. International humanitarian law contains both general and specific rules relating to the protection of the natural environment in situations of armed conflict which should be implemented accordingly. Furthermore, in December 2017, the United Nations Environment Assembly adopted a resolution (UNEP/EA.3/Res.1) outlining important steps to address conflict-caused pollution that warrant Member State support.

### **IV. Enhancing respect for the law in the conduct of hostilities and accountability for its violation**

51. Among the features common to the situations discussed above is the variable degree of respect by the parties concerned for international humanitarian and human rights law, in particular in the conduct of hostilities. As noted earlier, it is the failure of parties to take constant care to spare the civilian population and civilian objects in the conduct of military operations and to take all feasible precautions to avoid, and in any event minimize, civilian casualties that initiates a downward spiral of civilian death, injury and displacement. Also common to these situations is the absence of accountability for violations of the law which allows violations to thrive. Enhancing and ensuring respect for the law and accountability for its violation are two of the greatest challenges we face in strengthening the protection of civilians.

#### **A. Enhancing respect for the law in the conduct of hostilities**

52. In some cases, respect for the law in the conduct of hostilities is questionable at best. Whether in Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Iraq, the Syrian Arab Republic, Yemen or elsewhere, the allegations and evidence of breaches of obligations under international law continue to mount, detailed in the media and in United Nations reports and those of non-governmental organizations, commissions of inquiry, groups and panels of experts and other bodies. They include serious, credible and documented allegations and evidence of disproportionate and other types of indiscriminate attacks, and of parties failing – deliberately or otherwise – to take all feasible precautions in attack and against the effects of attack. The absence of transparency from the parties concerned in terms of

established procedures or actions taken to ensure respect for the law and the protection of civilians, and to investigate and prosecute alleged serious violations, only reinforces the perception of almost total disregard for the law. It is cases such as these that underscore the urgent need for more effective and robust approaches to ensuring accountability for serious violations (see paras. 61–62 below).

53. In other cases, parties to conflict assert respect for the law and may implement targeting procedures and other good practices to try to minimize the impact of attacks on civilians, some of which were mentioned in my previous report. Since then, senior government officials in Nigeria have committed to adopting the draft national policy on the protection of civilians and civilian harm mitigation. In Ukraine, the Joint Forces Operations Command formally established a civilian casualties mitigation team, which was launched in January 2019. The United States Congress built on its 2018 National Defense Authorization Act with new provisions on protection of civilians in its 2019 Act. These include the appointment of a senior-level Department of Defense official to develop, coordinate and oversee compliance with the Department's policy on civilian casualties; improvements in the annual report on civilian casualties; and a legal and policy review of missions by the United States military with partner forces. The Department of Defense has appointed a senior official and initiated a process to develop a comprehensive policy on civilian casualties.

54. The efforts of these Member States are welcome. However, the assertions of compliance and the effectiveness of the targeting and other good practices instituted by some parties to conflict are called into question by increasing numbers of civilian casualties, and allegations thereof, and damage to and destruction of civilian objects resulting from their operations.

55. During intergovernmental and other meetings in 2017 and 2018 on the use of explosive weapons in populated areas, some Member States referred to steps they take, through the targeting process in particular, to try to minimize civilian casualties and damage to civilian objects. Such transparency is welcome but concerns remain. For example, there are concerns that parties conducting aerial attacks do not always possess reliable intelligence on which to base targeting decisions. There are examples of attacks resulting in civilian casualties and damage to civilian objects that are later found to be based on inaccurate or misleading intelligence.<sup>6</sup> It is not clear what disciplinary or other remedial steps are taken in such situations, including steps to learn from and avoid their repetition.

56. A critical component of the targeting process for protecting civilians is collateral damage estimation. However, there are concerns, for example, as to the extent to which collateral damage estimation takes into account damage to or destruction of civilian objects resulting from earlier attacks. There are also concerns over the adequacy of existing collateral damage estimation methodology in cases of dynamic (as opposed to deliberate or pre-planned) targeting, where there is less time to gather intelligence, conduct pattern of life analyses, and so on. Post-attack, there are concerns that battle damage assessments, if carried out, do not necessarily go beyond assessing the effect of the attack on the target to also consider the impact on civilians and civilian objects; or do not involve interviewing victims or witnesses but rely on aerial assessments of harm. Such assessments have failed to identify civilian casualties that are later found during ground-led investigations.<sup>7</sup> These may be

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<sup>6</sup> See, for example, Christopher D. Kolenda et al., *The Strategic Costs of Civilian Harm: Applying Lessons from Afghanistan to Current and Future Conflicts* (Open Society Foundations, June 2016), pp. 21–22.

<sup>7</sup> See Emily Knowles and Abigail Watson, *Remote Warfare: Lessons Learned from Contemporary Theatres* (Remote Warfare Programme, Oxford Research Group, June 2018), p. 17.

undertaken in response to allegations of harm by local actors, the United Nations and non-governmental organizations. Finally, few armed forces today employ civilian casualty tracking despite its proven utility in Afghanistan and Somalia for allowing parties to understand the impact of their operations on civilians and take corrective measures. Ultimately, while it is essential that such procedures and practices exist, they must be implemented effectively and their use standardized by all Member State militaries and in all theatres of operation.

57. In relation to this, I welcome ongoing State-led efforts to address the use of explosive weapons in populated areas. These include the talks on explosive weapons in populated areas convened by Germany in June and September 2018; and the joint statement made in the First Committee of the General Assembly on 25 October, in which 50 Member States committed themselves to addressing the humanitarian harm caused by the use of explosive weapons by means of a political declaration. In December 2018, 23 States attending the Latin America and Caribbean regional conference on protecting civilians from the use of explosive weapons in populated areas, convened by Chile, adopted the Santiago Communiqué, in which representatives acknowledged the need to avoid the use of explosive weapons with wide-area effects in populated areas and supported the development of a political declaration. I have repeatedly expressed support for a declaration that would, *inter alia*, commit endorsing States to avoid the use of explosive weapons with wide-area effects in populated areas and develop operational policies based on a presumption against such use. I welcome the decision of Austria to host an international conference in October 2019 to raise awareness of the problem of explosive weapons in populated areas. I would encourage Member States to participate constructively in this and initiate a process to draft a declaration.

58. Possibilities to enhance respect for the law also arise in the context of arms exports and with regard to the behaviour of partner forces, in addition to other spheres of opportunity and influence. Regarding the former, Member States must refrain from exporting conventional arms and ammunition where they are likely to be used to commit or facilitate serious violations of international humanitarian or human rights law. Rigorous due diligence measures should underpin this restraint, including the undertaking of risk assessments before authorizing arms exports and periodic review thereafter. I strongly encourage all States to become parties to the Arms Trade Treaty and similar regional instruments without delay.

59. In my previous report I noted the importance of ensuring respect for the law by State and non-State partner forces. In June 2018, recognizing the increasing significance of partnered arrangements, Group of Seven States committed themselves to use their support to State and non-State parties to conflict to encourage effective implementation of international humanitarian law. This includes assisting partners to incorporate the law into their doctrine, training and rules of engagement, and to ensure that the necessary procedures exist to address their own violations of the law. The commitments expressed in the communiqué are welcome. I would invite G-7 States to share information on their implementation.

60. Opportunities to enhance and ensure respect for the law also arise in the context of coalition operations, such as the international counter-ISIL coalition in Iraq and the Syrian Arab Republic, the Coalition to Support Legitimacy in Yemen and the Joint Force of the Group of Five for the Sahel. In my previous report I referred to the compliance framework developed to prevent and address possible violations of international law by that Joint Force – an important good practice in this area. A recent study provides further useful analysis and recommendations on the protection of

civilians in coalition operations and warrants consideration.<sup>8</sup> Its recommendations include ensuring commitments by the high-level civilian and military leadership of such operations to civilian harm mitigation, and establishing a centralized mechanism for tracking and assessing reports of civilian harm.

## **B. Ensuring accountability**

61. Instrumental to enhancing respect for the law is ensuring accountability for its violation, both of individuals and parties to conflict. Yet efforts to ensure accountability remain overall insufficient. There are some examples of prosecutions and investigations at the national level, such as the prosecution and sentencing in 2018 of South Sudanese soldiers in relation to the attack on the Terrain Hotel in Juba in 2016. There were also further arrests, in Germany and France, of alleged perpetrators of war crimes in the Syrian Arab Republic. At the regional level, the establishment of hybrid courts, such as the Special Criminal Court in the Central African Republic, which held its inaugural session in October 2018, has been a welcome development, as was the establishment of and resort to international mechanisms, such as the International Criminal Court, the continuing use of commissions of inquiry, and the establishment of non-judicial accountability mechanisms to collect, preserve and store evidence of acts that may amount to serious crimes under international law, as in relation to the Syrian Arab Republic, Iraq and, more recently, Myanmar.

62. Such developments are important but fall far short of what is required when, as stated previously, allegations of serious violations massively outweigh their investigation and prosecution. Closing this gap means addressing problems of political will and capacity and resources at the national level, and pursuing and reinforcing initiatives at the regional and global level. Allegations of serious crimes under international law require investigation and prosecution wherever and whenever they occur. Accountability must be systematic and universal. It must also respond to the need for reparations for violations of the law.

## **V. Building on the past to transform the future**

63. It is beyond doubt that, 20 years on, the protection of civilians agenda remains as relevant as ever and the role of the Security Council in its promotion and implementation is fundamental. The challenge for the Council is to build on the significant progress achieved to date and further strengthen and transform the protection of civilians in contemporary conflicts. This requires an approach from the Council that:

(a) Is systematic, comprehensive and consistent (within and across situations) in how protection concerns are addressed, including in the mandates of United Nations peace operations;

(b) Acknowledges the challenges of urban warfare, including the use of explosive weapons, for the protection of civilians and calls for specific protective measures;

(c) Continues to promote the protection of specific groups, such as women and children, refugees, internally displaced persons, and persons with disabilities;

<sup>8</sup> Center for Civilians in Conflict, *The Sum of All Parts: Reducing Civilian Harm in Multinational Coalition Operations* (January 2019).

(d) Promotes an environment that is conducive to humanitarian access by, for example, condemning the arbitrary withholding of consent for relief operations, calling for the safe, rapid and unimpeded passage of humanitarian assistance, the temporary suspension of hostilities to enable relief actions, and the establishment of de-confliction arrangements;

(e) Systematically urges all parties to conflict, including non-State armed groups, to comply with international humanitarian law to safeguard humanitarian activities for persons affected by conflict and recognizes the importance of engagement with such groups, in line with humanitarian principles, to promote respect for the law, without fear of criminal or other sanction;

(f) Is proactive in seeking accountability where progress at the national level is unreasonably slow or non-existent, including referring situations involving war crimes, crimes against humanity and genocide to the International Criminal Court and ensuring Member State cooperation with the Court;

(g) Supports the effective implementation of targeted measures, imposed as a response to violations of the law.

64. While the Security Council has an instrumental role in strengthening the protection of civilians, we must also recognize that enhancing and ensuring compliance with the law, and accountability for its violation, is most needed and will most likely be achieved by pursuing national-level initiatives. More specifically, we need urgent and concrete progress in the implementation of the three actions recommended in my previous report:

**Action 1. Develop national policy frameworks on the protection of civilians**

65. To ensure the effective implementation of international humanitarian and human rights law, Member States should develop a national policy framework that builds upon good practice and establishes clear institutional authorities and responsibilities for the protection of civilians and civilian objects in the conduct of hostilities.

**Action 2. Enhance compliance by non-State armed groups**

66. Enhancing respect for the law requires changing the behaviour and improving the practices of non-State armed groups. Key to this is principled and sustained engagement by humanitarian and other relevant actors that is, moreover, strategic and based on a thorough analysis of the group(s) concerned. Such engagement for purely humanitarian purposes is in line with international humanitarian law and confers no sense of legitimacy on the groups concerned. Rather, it reflects the reality that engagement with such groups is a sine qua non for negotiating humanitarian access, carrying out humanitarian activities and seeking compliance with the law.

**Action 3. Promote compliance through advocacy and accountability**

67. Attention is urgently required to ensure broader accountability for serious violations of the law. That includes much greater political and financial investment in national processes in conflict-affected States and in other Member States too. We need sharing of experiences and good practice, the provision of technical assistance to develop necessary legislation and establish war crimes units and the like. Simultaneously, we need more concerted advocacy in support of the protection of civilians. Member States should use all possible means to ensure respect for the law by parties to conflict, including political dialogue, public statements and targeted measures, and providing or supporting training and capacity-building.



**Moving forward through sustained dialogue and action**

68. As we reflect on 20 years of the protection of civilians, it is important that the Security Council and Member States more broadly reflect on how to build on the progress to date and move the protection of civilians agenda forward in the years to come. That includes following up on the actions and other measures referred to in this and future reports on the protection of civilians. There is a need for ongoing and sustained Member State engagement and dialogue that goes beyond the consideration of the present report at the open debate in May. We must keep the conversation going – for Member States, United Nations actors and civil society to come together and discuss the actions and identify concrete steps for their implementation. For while the current state of the protection of civilians remains bleak, there is considerable scope for concrete improvements in the promotion and implementation of the law for the benefit of all those confronting, now and in the future, the horror, pain and indignity of conflict.

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