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Provisional

President: Mr. Maas (Germany)

Members:

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United States of America	Mr. Cohen

Agenda

The promotion and strengthening of the rule of law in the maintenance of international peace and security

International humanitarian law

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The meeting was called to order at 3.05 p.m.

Expression of thanks to the outgoing President

The President: I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. François Delattre, Permanent Representative of France, for his service as President of the Council for the month of March. I am sure I speak for all the members of the Council in expressing our deep appreciation to Ambassador Delattre and his team for the great diplomatic skill with which they conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

The promotion and strengthening of the rule of law in the maintenance of international peace and security

International humanitarian law

The President: I wish to warmly welcome the Ministers and other representatives present in the Security Council Chamber. Their presence today underscores the importance of the subject matter under discussion.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Mr. Mark Lowcock, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. Peter Maurer, President of the International Committee of the Red Cross, and Ms. Naz Modirzadeh, Professor of Practice, Harvard Law School.

The Security Council will now begin its consideration of the item on its agenda.

This is the first meeting that Germany is presiding over under our twin presidencies with France. We have agreed on an ambitious programme of work and are grateful for Council members' support.

(spoke in French)

I would like to thank Jean-Yves Le Drian for his kind cooperation in the preparation of today's meeting. Our twin programmes send a strong message about the unique cooperation between our two countries. As always, it is a pleasure.

(spoke in English)

Before giving the floor to our briefers, I would like to make a few short remarks. Today we have chosen a solution-oriented approach that does not focus on a situation in a specific country. The multitude of complex and fragmented conflicts around the world calls for a discussion about what we as States Members of the United Nations can do to counter violence against humanitarian personnel, civilians and medical missions. When we provide humanitarian assistance, it should be demand-driven and based on humanitarian principles, and safeguarding the humanitarian space must be a guiding concern.

I now give the floor to Mr. Lowcock.

Mr. Lowcock: Though we sometimes forget this, the last 70 years have in fact been relatively peaceful. The late Hans Rosling pointed out that one reason for that is that except for reasons of self-defence, war between States became illegal, thanks to the Charter of the United Nations. But where conflict persists, it is civilians who now bear the brunt. Wars have forced nearly 70 million people to flee their homes. As combatants in recent times have increasingly resorted to siege and starvation as weapons of war, and as conflict has prevented farmers from reaping their harvests, destroyed vital infrastructure and disrupted commercial trade, hunger levels have once again increased after decades of decline. Some 60 per cent of people affected by food crises now live in conflict-affected countries.

Today's conflicts are marked by more direct attacks on humanitarian workers, and on medical workers and their facilities, than used to be the case. The Aid Worker Security Database reported 317 attacks on aid workers last year, which resulted in 113 deaths. The World Health Organization reported 388 attacks on health personnel or facilities in 2018, resulting in the deaths of more than 300 people and injuries to 400 more. In some places, medical workers also now face criminal prosecution simply for doing their job of treating sick or wounded fighters. Increasingly, we see the deliberate and organized use of rape as a weapon of war. One in five displaced women who are asked say that they have experienced sexual violence. Children are being recruited into armed groups, forced into early marriage or used as suicide bombers. They are being barred from education as their schools are attacked or taken over. The United Nations verified more than 21,000 grave

violations of children's rights in 2017. In towns and cities, belligerents use explosive weapons designed for open battlefields, resulting in mass civilian casualties, enormous destruction of infrastructure and long-term disruption of essential services. All of these things have a big impact on humanitarian operations.

First, protracted conflicts and chronic crises have caused humanitarian needs to spiral. This year, 139 million people are in acute humanitarian need, most of them because of armed conflict. That is three times as many as a decade ago. Combatants deliberately hinder humanitarian operations, slowing them down, driving up costs and blocking aid from reaching the people most in need. Violence against humanitarian workers, including killing, maiming, kidnapping and abduction, also obstructs humanitarian operations.

International humanitarian law is designed to minimize human suffering in war, including by safeguarding humanitarian activities, and therefore ensuring greater respect for international humanitarian law is one of the most effective ways to safeguard the humanitarian space. This year we mark the seventieth anniversary of the Geneva Conventions, which are complemented in important ways by their Additional Protocols. Many countries have also signed treaties prohibiting or restricting weapons and enshrining international criminal law. And this year marks the twentieth anniversary of the protection of civilians in the Security Council.

The Council has taken practical steps to safeguard humanitarian action in the past. The United Nations peace operations mandated by the Security Council support and enable humanitarian access and apply sanctions to those who obstruct it. Resolution 2286 (2016) covers the protection of medical personnel and facilities in armed conflict. We therefore have a strong legal framework for safeguarding humanitarian activity in conflict. The problem is that the fighting parties and their backers do not always follow it, and this has grave consequences. I therefore want to offer proposals in five areas that could generate greater respect for international humanitarian law and safeguard the humanitarian space.

First, we should promote policies and practices to strengthen adherence to international humanitarian law. That includes endorsing such political commitments as the Safe Schools Declaration or the French declaration on the protection of medical and

humanitarian personnel. The Council could seek much wider endorsement for such commitments. Related efforts also include developing policy frameworks that establish the authorities that are responsible for the protection of civilians, as well as reviewing policies and practical measures for implementing international humanitarian law. Examples of that include establishing civilian-casualty mitigation measures, developing policies to avoid the use of explosive weapons with wide-area effects in populated areas and making arms exports conditional on respect for international humanitarian law.

Secondly, we should broaden and deepen the understanding and acceptance of existing rules, including the Geneva Conventions and their Additional Protocols. I am sure that Peter Maurer will touch on this point, but experience has shown that fighting parties often have an incomplete understanding of international humanitarian law. Providing training for armed forces and members of non-State armed groups on how to respect humanitarian law can help, and Member States should assist humanitarian organizations in spreading such knowledge.

Thirdly, we should enable humanitarian and medical activities. All parties should adopt clear and simplified procedures to facilitate humanitarian access. They should establish civil-military coordination platforms or humanitarian notification systems to facilitate parties' respect for humanitarian operations. Council members and other Member States could do more to advocate for rapid and unimpeded access to people in need, including by adopting clear, simple, expedited procedures and by supporting humanitarian organizations to engage with armed groups for humanitarian purposes. States can also take practical measures to minimize the impact of sanctions and counter-terrorism measures on humanitarian action. The Council is about to hear a very important presentation on that by Professor Modirzadeh. In addition, States can adopt measures to protect medical care, in line with the Secretary-General's recommendations on resolution 2286 (2016). Those recommendations include, for example, ensuring legal protection for medical personnel when they are acting in line with medical ethics and adopting preventative measures to minimize the impact of hostilities on medical care.

Fourthly, with regard to compliance, States and the Security Council could promote the universalization of international humanitarian law and human rights

treaties. The right kinds of incentives and penalties can boost compliance. For example, sanctions imposed by the Security Council can be a powerful tool to promote compliance and States can exert their diplomatic, political and economic influence over parties to a conflict in order to strengthen compliance.

Finally, regarding accountability, States certainly need to do much better in holding individuals to account when they commit serious violations of international humanitarian law. For example, by adopting legislation that encompasses the full range of international crimes and jurisdiction over them and by strengthening the national capacity to carry out impartial, independent investigations into allegations of war crimes and, crucially, to prosecute suspects when the evidence justifies such a step. Where national accountability systems are insufficient, there should be more support for international or hybrid accountability mechanisms, including the International Criminal Court. Supporting, financially or otherwise, the systematic collection, analysis and documentation of evidence of violations of international humanitarian law is very important as part of that process.

Lastly, let us never forget that accountability for serious violations of international humanitarian law is required by law.

The President: I thank Mr. Lowcock for his briefing.

I now give the floor to Mr. Maurer.

Mr. Maurer: I am grateful for the opportunity to address the Security Council today.

The shape of conflict has undergone rapid transformation in recent years and the result is a heavy price being paid by tens of millions of women, men and children around the world. They suffer the immediate impact, namely, death, injury and displacement, and often the invisible harms, such as psychological trauma, sexual violence and the loss of missing family members. In today's wars, a vast array of armed forces, special forces, armed groups, terrorist groups and criminal gangs now fight directly or by proxy and openly or secretly. Conflicts and protagonists cross State borders. Battles are fought in populated areas, risking thousands of civilian lives and destroying critical infrastructure. Wars often involve partners and allies, leading to a dilution of responsibility, the fragmentation of command chains and an unchecked

flow of weapons. That only increases the climate of impunity and, ultimately, causes yet more suffering.

With the absence of political solutions, wars are increasingly protracted, with year after year of violence and turmoil, embedding resentments and deepening fragility. When I speak with families who are living through the realities of war and violence today, they often asked why this has happened and how this has been allowed to happen. Humanitarian action is often desperately needed in such miserable situations.

Throughout the operations of the International Committee of the Red Cross (ICRC), we see that neutral, independent and impartial humanitarian action has the best chance of reaching those most in need. It is also a tried and tested formula to prevent humanitarian action being appropriated for larger and more controversial political agendas.

Yet in many places across the world, the space for impartial humanitarian action is under threat. Human dignity is disregarded, the applicability of the law is questioned, and humanitarian aid is politicized and deliberately hijacked for political gain or the control of populations. Terrorist attacks, indiscriminate by nature, are destroying the very notion of proportionality, precaution and distinction, which are at the core of behaviour in combat.

Moreover, neutral and impartial humanitarian action is hindered by complex sanctions regimes and counter-terrorism measures. Humanitarian organizations are increasingly placed under pressure as both States and non-State armed groups hold civilian populations and humanitarian actors to ransom in order to achieve their goals.

But humanitarian organizations do not exist to endorse, to legitimize or to help the authorities further their political objectives. The ICRC works to help States live up to the obligations to which they have signed up, not to help them circumnavigate them. When the principles of impartiality are breached and humanitarian action is curtailed, families such as the ones I meet go hungry, fall sick and are left vulnerable to abuse. It is no wonder that they are asking why.

Today we are also witnessing a shift in the perception of international humanitarian law and protection work. International humanitarian law does not rely on reciprocity. It applies even if an opponent fails to comply. It relies on a consensual understanding

among belligerents that there are limits to war and that there must be a neutral and impartial humanitarian space in which those not participating in hostilities are protected. Those who deny the space deny the very essence of the law.

The Geneva Conventions are not up for negotiation. They reflect, in normative language, the tested practice of societies over time. They are customary law and must guide practical action. They are a tool and a reliable basis on which to facilitate trust and dialogue, allowing for consensus-building among belligerents. For example, agreements have been brokered with regard to those who have gone missing during war, bringing news to traumatized families on each side, or exchanging the remains of the dead. Such agreements, facilitated throughout a neutral and independent space, can be the first steps in building trust and in forming other arrangements to lessen people's suffering, such as the exchange of detainees, family contacts across front lines and others.

With political actors increasingly occupying the humanitarian space, humanitarians must find practical ways to fulfil our mission in today's more complex environment. Front-line humanitarian negotiators are rapidly becoming more critical in building support for humanitarian action. Through the Centre of Competence on Humanitarian Negotiation, the ICRC has been building systematic knowledge and networks of professional negotiators to develop more adaptive strategies and practices in field operations today.

It is the task of the international community to fiercely defend and protect principled humanitarian action. We ask that States take the following very practical steps, that is, that they fight any attempt to instrumentalize, manipulate or politicize principled humanitarian action. Humanitarian access must not be unlawfully denied or withheld, especially when people's basic needs are going unmet. While neutral and impartial organizations, such as the ICRC, in accordance with the Geneva Conventions, have the right to propose humanitarian action to States, States have an obligation to facilitate such action unless constrained by valid security concerns.

We ask that States fight the double standards that delegitimize law and weaken its protective force. Politics is about the different priorities of States, and we well understand how difficult it is in today's international arena to harmonize their positions. The humanitarian

space is about respecting the law to which they have already agreed consensually, not about abusing the law to make a political point. We ask, therefore, that States lead by example and steadfastly respect their obligations under international humanitarian law. Individually or in partnered military operations, this means using their positive influence to ensure the proper application of the rules on the conduct of hostilities, the protection of civilians and medical facilities, and the humane treatment of detainees. We ask that States train and instruct their own troops and the troops of their partners so that they know the law and how to respect it, that they vet and oversee with appropriate structures, processes and mechanisms the combat operations in which they and their partners are involved, and that they put in place accountability mechanisms that ensure respect for the law.

With regard to the proliferation of arms, we urge that States ensure that safeguards and precautions are in place and that no weapon is transferred if there is a clear risk that it would be used to violate international humanitarian law. We ask that hostilities be conducted in a manner that protects civilians and with respect for the basic principles of distinction, precaution and proportionality and that their operational guidance and those of their partners concretize these principles for combat operations. Of particular concern is the use of explosive weapons. The ICRC sees the enormous civilian cost of bombing and shelling, including death and physical injury, but also long-term damage to critical civilian infrastructure.

We ask all parties to an armed conflict to refrain from using explosive weapons with wide-area effects in populated areas owing to the significant likelihood of indiscriminate effects. To support these efforts of leadership on international humanitarian law, the ICRC is preparing an international humanitarian law road map, to be adopted at the International Conference of the Red Cross and Red Crescent in November. We are looking forward to working with States and national societies on pledges for the respect and implementation of international humanitarian law.

The noose is tightening on humanitarian action. We have seen some positive steps, including consistent increases in humanitarian funding levels and the recognition that counter-terrorism measures must be compliant with international humanitarian law obligations. The recent resolution 2462 (2019) is a case in point. Its implementation at the domestic level will

be a crucial step towards preserving a humanitarian space in domestic counter-terrorism regulations.

But our license to operate should not be up for debate. It has already been guaranteed. The mission to protect and aid civilians during times of armed conflict was universally agreed 70 years ago, in the Geneva Conventions. We call on States to step forward and reaffirm this mission, not only in words but through urgent and concrete actions.

The President: I now give the floor to Ms. Modirzadeh.

Ms. Modirzadeh: I appreciate the opportunity to share some of my reflections on the intersections between international humanitarian law and counter-terrorism measures. My primary objective here is to raise key considerations to help inform this afternoon's discussion. I will focus on the importance of ensuring that counter-terrorism measures, including measures adopted by the Security Council, do not inhibit the principled humanitarian action foreseen in, or required by, international humanitarian law. I will also focus on steps that the Council can take to further safeguard humanitarian action and strengthen compliance with international humanitarian law.

In short, I am concerned that counter-terrorism measures may be interpreted and applied in ways that might ultimately diminish commitments to principled humanitarian action. I urge the Council to build on a recently adopted resolution by taking more robust and more concrete steps to ensure implementation of the extensive and vital international humanitarian law protections for principled humanitarian action. In this regard, settings where counter-terrorism measures may overlap with situations of armed conflict warrant particular attention.

The common story about the relationships between counter-terrorism frameworks and international humanitarian law presents these regimes as sharing a unitary purpose. This story tells us that these frameworks are alternative sets of norms created to solve the same problems. Under this narrative, which I believe misapprehends the fundamental purposes of these frameworks, any divergences between these regimes can be managed merely by technical or legal solutions. I ask the Council to consider an alternative approach — namely, that the challenges that I discuss here may require political solutions crafted by Member States. Let me explain.

International humanitarian law is a body of treaty and customary rules, drafted and ratified over the course of more than a century. States have developed international humanitarian law as the primary legal framework designed to regulate the exceptional situation of armed conflict. Under international humanitarian law, some forms of violence, irrespective of who undertakes them or for what purposes they are undertaken, are not unlawful in themselves so long as the conduct comports with the applicable rules. International humanitarian law regulates means and methods of warfare in respect of all parties to armed conflict. It also permits — and even demands — that principled humanitarian action be undertaken in armed conflict. These rules are designed, first and foremost, to protect civilians and other non-combatants.

In comparison, counter-terrorism measures aim to prevent, suppress and punish acts characterized as terrorism. Building on sectoral conventions and regional treaties, since 2001 the Security Council has taken the lead in regulating terrorism globally. But that is only part of the picture. As several recent reports have detailed, the increasingly complex web of counter-terrorism measures encompasses an ever-growing range of laws, policies and prevention initiatives. This framework contrasts with the relatively narrow and specific purview of international humanitarian law.

When these two regimes come into contact with one another, tensions may emerge between them. For instance, international humanitarian law foresees that humanitarian actors may provide impartial medical care to wounded fighters hors de combat as well as provide life-saving goods and services to civilian populations under the de facto control of non-State parties to armed conflict. Yet under several counter-terrorism frameworks, these same activities are characterized as illegitimate and unlawful.

Where principled humanitarian action is considered to constitute a type of illegitimate support for terrorism, counter-terrorism measures may inhibit, or even impede, the work of humanitarian actors in wide-ranging and consequential ways.

Those actors may thus experience difficulties in providing relief and protection in line with humanitarian principles. Humanitarian actors may become understandably wary of engaging in conduct that they believe can expose them to legal liability, and they might accordingly limit or halt their operations.

Nevertheless, to maintain operations where needs are greatest, humanitarian actors have taken diverse steps and invested extensive resources in seeking to comply with counter-terrorism requirements while adhering to humanitarian principles.

For their part, researchers have gathered evidence of the impact of counter-terrorism measures. For example, in 2017 the Harvard Law School Program on International Law and Armed Conflict carried out a pilot empirical survey study. The study represented an initial attempt to gather concrete data regarding these matters. Sixty-nine per cent of survey respondents indicated that counter-terrorism measures had curtailed their work. In my view, the question is not whether counter-terrorism measures might adversely affect principled humanitarian action, but the scope and scale of that impact.

Alongside other bodies, the Security Council itself has increasingly recognized some of these possibilities and the imperative to safeguard principled humanitarian action in counter-terrorism contexts. For example, in 2010 the Council established a limited sectoral humanitarian exemption in relation to the Somalia sanctions regime. The General Assembly, in the Global Counter-Terrorism Strategy Review — first in 2016 and again in 2018 — urged States to guard against counter-terrorism risks to humanitarian and medical activities.

Furthermore, four days ago, the Security Council adopted resolution 2462 (2019), on counter-terrorism financing. That resolution directs Member States to ensure that their domestic laws and regulations establish “serious criminal offenses” related to the provision of certain kinds of financial support to terrorist organizations or individual terrorists. The resolution also demands that Member States ensure that all measures taken to counter terrorism comply with their obligations under international law, including international humanitarian law.

On the one hand, the adoption of the resolution reaffirms the Council’s commitment to the centrality of international humanitarian law as a matter of international peace and security. Yet, on the other hand, the Council is in a position to do much more. For example, consider the generic references by the Council to complying with international humanitarian law and other applicable rules of international law while combating terrorism. While important in principle, those references do not sufficiently comprehend and

address the diverse and consequential ways that counter-terrorism measures and international humanitarian law protections for principled humanitarian action may conflict in practice.

In conclusion, I wish to urge the Security Council to expand upon and prioritize its efforts to safeguard principled humanitarian action. As the many Government officials and policymakers in the Chamber today will know from first-hand experience, counter-terrorism measures may prove very difficult to amend once they have been instituted. Any tension with the agreed norms of international humanitarian law should be of urgent concern to the Council. Consequently, it is imperative to ensure that counter-terrorism measures at all levels are crafted and implemented in ways that respect principled humanitarian action and do not degrade it. I therefore urge the Council to take several steps.

First, the Council may wish to guard against overly broad and vague notions of what constitutes unlawful support to terrorism, including in its own practice concerning designated individuals and entities.

Secondly, the Council and its subsidiary bodies may wish to ensure that none of the activities that underlie principled humanitarian action form part or all of the basis for subjecting individuals or entities to sanctions or other restrictive regimes.

Thirdly, the Council may wish to urgently consider comprehensive exemptions for principled humanitarian action that are grounded in a steadfast commitment to international humanitarian law.

Fourthly, and above all, the Council may wish to uphold and ensure respect for hard-won legal protections for principled humanitarian action amid the tumult of war. Far too much is at stake for the millions of people suffering in armed conflict for it to pursue anything else.

The President: I thank Ms. Modirzadeh for her briefing.

I shall now give the floor to the members of the Council who wish to make statements.

I call on the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait.

Sheikh Al Sabah (Kuwait) (*spoke in Arabic*): Allow me to begin, Mr. President, by congratulating you and the Federal Republic of Germany on assuming

the presidency of the Security Council for the month of April. I would also like to congratulate and thank His Excellency Mr. Jean-Yves Le Drian and the friendly Republic of France for the able stewardship of the Council in March. I also thank today's briefers — Mr. Peter Maurer, Mr. Mark Lowcock and Ms. Naz Modirzadeh — for their comprehensive and enlightening briefings on what could be considered one of the most important current issues, namely, promoting the rule of law and providing humanitarian protection in line with international humanitarian law.

As members know, the year 2019 marks the seventieth anniversary of the 1949 Geneva Conventions. In the light of the current international situation, with ongoing armed conflicts in several regions of the world, the issue of promoting the rule of law, in particular international humanitarian law, has become more important than ever before. The four Geneva Conventions and their Protocols Additional thereto provide the legal framework for humanitarian protection in wars and armed conflicts. However, it is also important to realize that, although the Conventions have been universally ratified, regrettably they are not adhered to or respected as required. The world has continued to witness neglect and blatant disregard concerning the texts of those Conventions in recent times.

Amid fighting and bloodshed, which have regrettably become the headlines of many of today's conflicts, we are witnessing record levels of humanitarian suffering. As we heard earlier in the briefing made on behalf of the Office for the Coordination of Humanitarian Affairs, international humanitarian needs have reached record levels. For example, as we meet today, more than 130 million people throughout the world are in need of humanitarian assistance and protection.

The Israeli occupation of the Arab territories, including Palestinian land, which has lasted for more than five decades, is considered a blatant violation of international norms and conventions. Israel's practices and policies are a blatant violation of international law. They include the expansion of existing settlements and an unprecedented level of construction of new ones. Such prolonged occupation has had a permanent negative impact on the daily lives of the Palestinian people for decades, in violation of the principles of international law and the relevant Security Council resolutions. That was clearly stated in the conclusions of the independent international commission of inquiry on the protests in

the occupied Palestinian territory, which found that Israeli soldiers committed violations of international humanitarian law and international human rights law during the demonstrations in connection with the Great March of Return. As confirmed by the commission, some of those violations are tantamount to war crimes and crimes against humanity.

In Syria, where the crisis is entering its ninth year, we have witnessed the most reprehensible violations of international humanitarian law, through the continued and deliberate targeting of civilians and their property, as well as public facilities. Moreover, we have witnessed the ongoing obstruction of the efforts of humanitarian agencies and organizations delivering aid to those who need it regularly. How can we end those violations and alleviate the considerable humanitarian suffering in conflict areas? The answer to that question is the essence of today's discussion, namely, we need to promote the rule of law and respect humanitarian principles during armed conflict. However, the more important question is, how will we achieve that?

First of all, the United Nations, in general, and the Security Council, in particular, have an important and pivotal role to play in guaranteeing adherence to international humanitarian law and in promoting the rule of law. That is accomplished by ensuring the full implementation of the relevant Security Council resolutions, especially in the context of protecting civilians in armed conflict, and by adherence to international humanitarian law on the part of parties to a conflict and the international organizations working on the ground. Moreover, United Nations peacekeeping forces have a responsibility to protect civilians by taking the necessary measures to guarantee such protection within their mandated tasks for camps of internally displaced persons and ensure medical evacuation for the wounded, as well as strengthening the capabilities of national police forces to enable them to perform their duties.

The perilous security environment in which some United Nations forces operate may require that they use force in self-defence. It is therefore important for United Nations forces to abide by all the relevant international rules, including international humanitarian law where applicable. Furthermore, parties to a conflict and international organizations working in the field must respect international humanitarian law. It is also important to guarantee accountability for war crimes, genocide and crimes against humanity. We must

condemn all human rights violations by any party to conflict and ensure that those who target civilians in any way are held accountable. Unfortunately, impunity is one of the main features of today's conflicts, which has served to encourage the commission of the most blatant violations of every basic principle of international humanitarian law, international human rights law and the relevant General Assembly and Security Council resolutions.

We nevertheless commend the efforts of the General Assembly and the Security Council in adopting the measures necessary to ensure accountability with regard to many of the items on the Security Council's agenda, including the establishment of the Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. The State of Kuwait was one of the sponsors of General Assembly resolution 71/248, which established the Mechanism. We also support the establishment of an independent mechanism to hold accountable those who have committed crimes against the Muslim Rohingya minority in Myanmar. In addition, we commend the unanimous adoption by the Security Council of resolution 2379 (2017), which calls for the establishment of an independent team to investigate the crimes perpetrated by the group known as Da'esh and hold it accountable for the heinous acts it committed in Iraq. Those and similar mechanisms are important to guarantee an end to impunity. Ensuring accountability and prosecuting persons having violated human rights and international humanitarian law are key to achieving sustainable peace.

This morning's discussions at the Arria Formula meeting on the protection of humanitarian and medical personnel, which you convened, Mr. President, demonstrate the importance of adhering to international law. As Member States, we shoulder the responsibility of implementing them more comprehensively by adopting specific and pragmatic measures, including the exchange of expertise and best practices among States and the coordination of efforts in terms of adhering to international humanitarian law. In that regard, we note that the State of Kuwait supports the political declaration proposed by the Republic of France on the protection of medical personnel in conflict zones.

At the national level, the State of Kuwait carries out a number of capacity-building and training activities in

the area of international humanitarian law. We recently hosted the eighth regional workshop on international humanitarian law for Arab judges, in collaboration with the Kuwait Institute for Judicial and Legal Studies and the International Committee of the Red Cross. The State of Kuwait will continue its close cooperation with interested stakeholders to spread the culture of respect for, and the implementation of, international humanitarian law.

The Charter of the United Nations aims

“to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind”.

Unfortunately today, seven decades after its signing, the scourge of war continues to cause sadness and sorrow throughout many of the world's societies and States. We must never forget the Preamble of Charter, which states that the peoples of the United Nations are determined

“[t]o ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest”.

In conclusion, I reaffirm that the State of Kuwait stands fully ready to work towards ensuring accountability and justice, as well as our commitment to the basic principles of international law, especially international humanitarian law.

The President: I now call on the Minister for Europe and Foreign Affairs of France.

Mr. Le Drian (France) (*spoke in French*): First of all, I to express to you, Sir, my support for the German presidency, wish it every success and underscore the powerful, as well as operational, symbolism represented by the consecutive French and German presidencies. For together with our friend Mr. Heiko Maas, we wanted for the Security Council to act so as to safeguard what we refer to as humanitarian space, or the ability of humanitarian workers to carry out their work safely and effectively in accordance with the principles of impartiality, flexibility and independence.

The first condition necessary for ensuring the sustainability of that space is respect for international humanitarian law. The 1949 Geneva Conventions, whose seventieth anniversary we will commemorate on 12 August, bear the mark of the history of our two countries — France and Germany — and the tragedies that have punctuated our shared history and that of our

continent. As Mr. Maurer, President of the International Committee of the Red Cross (ICRC), mentioned earlier, the Geneva Conventions and their Protocols Additional, of which we call for the universal ratification, are today violated in many conflicts. Certain parties go so far as to intentionally integrate their violation into their military strategies. Humanitarian workers and medical infrastructure are being deliberately attacked to deprive people of any relief and to secure their surrender. That was the topic of the Arria Formula meeting that we convened this morning. We are also witnessing the use of starvation and sexual violence as weapons of war, as well as the recruitment of child soldiers, which is intended to achieve the same goal — to win faster by maximizing the human cost of the conflict.

Improved compliance with international humanitarian law requires in particular three types of action to which the Security Council can contribute: first, ensuring access for humanitarian aid to populations in need; secondly, developing preventive measures; and, lastly, combating impunity.

First, humanitarian personnel must have access to civilians, which means that they must be protected from all forms of violence and threats. It is unacceptable that in South Sudan and the Central African Republic, for example, humanitarian workers and aid convoys are targeted. We must also take measures to ensure that humanitarian personnel are not unduly prosecuted for activities conducted in strict compliance with humanitarian principles. That is a key element with regard to the credibility of our collective commitment to combating terrorism.

Secondly, the Council shoulders the responsibility for preventing violations of international humanitarian law. That is what we do when we place the protection of civilians, including women and children, at the core of peacekeeping missions, such as the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, the United Nations Multidimensional Integrated Stabilization Mission in Mali and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic. Sanctions are a deterrent tool that must be used more systematically against violations of international humanitarian law, in particular against those responsible for sexual violence. Moreover, France stands particularly ready to make attacks against humanitarian personnel a designation criterion in

sanctions regimes, such as is now the case concerning the Central African Republic.

I had an opportunity to remind the Council of the imperative of protecting children associated with armed forces and groups. I am pleased that the Dominican Republic and Djibouti have endorsed the Paris Principles and the Paris Commitments since the call for their universalization at the open debate of the Security Council in October 2017 (see S/PV.8082). The Security Council must also ensure that the non-United Nations forces it supports conduct their operations in strict compliance with international humanitarian law, which, for example, is made possible by the human rights compliance framework of the Joint Force of the Group of Five for the Sahel, which the Security Council has supported with the goal of limiting the impact of the Force's operations on civilians.

It is also up to States to lead the way. With regard to France, international humanitarian law is the rule of conduct for all its operations, and it is integrated as soon as the planning phase, as currently illustrated by Operation Barkhane in the Sahel, where we maintain close dialogue with the ICRC. International humanitarian law is an integral part of our security and defence cooperation, in particular through the training provided to military and civilian staff in national regional schools in Africa, including in conjunction with the ICRC.

I take this opportunity to pay tribute to the International Red Cross and Red Crescent Movement and the International Committee of the Red Cross, which, as guarantors of the Geneva Conventions, play an essential role in the fight for the dissemination and implementation of international humanitarian law.

Thirdly, let me address the fight against impunity. We must do everything we can to strengthen national capacities and ensure systematic, impartial and independent investigations and, where national mechanisms are insufficient or inadequate, support the use of international mechanisms. In that regard, France reiterates its call for the universalization of the Rome Statute of the International Criminal Court and congratulates Malaysia on its recent accession.

A unit has been set up in France that is specifically responsible for war crimes and crimes against humanity. International cooperation, in particular among European judicial authorities, the Commission of Inquiry and the International, Impartial and

Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, led to the arrest in February of three former members of the Syrian intelligence services, as part of a Franco-German investigation, and the issuance of international arrest warrants against senior officials of the repressive Syrian apparatus. It must be possible to systematize that type of cooperation.

Our discussions today prove the need for international mobilization to safeguard and strengthen the humanitarian space. That is why Mr. Heiko Maas and I have decided today to launch a call for international mobilization for humanitarian action, to be known as the Humanitarian Call for Action, which we hope will lead to the adoption of a declaration of commitment by States on the margins of General Assembly at its next session.

Conflicts are becoming increasingly long and complex, while their impact on civilian populations is as severe as in the era of major global conflicts. In the face of that situation, international humanitarian law constitutes a remedy, and sometimes the last resort, against arbitrariness. It is up to us to remind ourselves that its application is not a moral option, but a legal obligation.

The President: I now call on the Minister for Foreign Affairs of Poland.

Mr. Czaputowicz (Poland): I would like to begin by thanking the French delegation for its leadership in March and congratulate it on its successful presidency. I wish every success to Germany during the month of April. Let me also thank our briefers for their insightful introductory remarks.

Today's meeting is of particular importance for Poland. Poland has pursued its membership in the Security Council with three main priorities — first, strengthening international law; secondly, promoting the protection of civilians in armed conflict; and, thirdly, advocating for the peaceful settlement of disputes. Poland had the privilege of presiding over the Security Council's work in May of last year. We organized two high-level open debates — on upholding international law within the context of the maintenance of international peace and security (see S/PV.8262) and on the protection of civilians in armed conflicts

(S/PV.8264). Both debates focused on international humanitarian law.

Today's briefing constitutes the continuation of the Council's efforts to talk about the situation of those affected by conflicts and work out ways to relieve their suffering. Allow me to share a few comments regarding my country's perspective on three challenges for international humanitarian law — implementation, development and partnership.

First, Poland strongly supports the implementation of international humanitarian law, in particular regarding the strengthening of the protection of civilians. The goal of minimizing the suffering of the victims of wars and conflicts cannot be reached without safeguarding humanitarian aid. International humanitarian law serves those who are affected by atrocities. It must also be an effective tool for those who provide humanitarian assistance. For that reason, we decided to join the political declaration on the protection of humanitarian and health workers in conflict. We will continue our efforts to enhance the protection of humanitarian and medical personnel.

As we all know, international humanitarian law is one of the areas of international public law with the greatest number of multilateral treaties. The great codifications that emerged in the nineteenth and twentieth centuries in the form of The Hague and Geneva Conventions were among the most significant law-making initiatives in modern international law. It is said that each new Geneva convention appears one war too late. Newer and newer conflicts proved that there were a number of gaps and inconsistencies relating to the Conventions, which forced a natural regulatory reflex — the need to engage in codification efforts after the end of each conflict to amend and supplement existing treaty regulations.

While respecting the heritage of treaties, we need to think progressively. For example, the Kigali Principles on the Protection of Civilians have set out a framework for all Member States to improve the capacity of peace operations to protect civilians and could be considered a code of conduct to be followed by all involved in peacekeeping operations.

We believe that a comprehensive awareness of basic rules flowing from international humanitarian law, such as the protection of civilians in armed conflicts, should be spread among all State and non-State actors. Awareness-raising activities in that regard are therefore

essential at both the national and international levels. Activities in the areas of education, training and media, including social media, are particularly important in today's world.

Secondly, when it comes to the development of international humanitarian law, Poland is strongly committed to the strengthening of international humanitarian law, as reflected in our activities. Since the beginning of the intergovernmental process to strengthen respect for international humanitarian law eight years ago, Poland has supported the establishment of a stand-alone forum of States to enable a discussion on international humanitarian law on a regular basis and the sharing of best practices among States in its implementation and dissemination. Despite the commitment of numerous States, consensus on that new international humanitarian law compliance mechanism has not been reached. We call on all States to support that initiative.

Thirdly, close cooperation with the International Committee of the Red Cross (ICRC) provides a good example of partnership in the service of international humanitarian law. Poland signed a memorandum of understanding with the ICRC in the area of humanitarian assistance and international humanitarian law. At the national level, we have been engaged in a partnership with the Polish Red Cross, including in the field of education. Every year, Polish authorities organize a five-day annual course with the Polish school of international humanitarian law. The course is intended for different groups of recipients — students, professional commissioned officers and members and volunteers of the Polish Red Cross and other non-governmental organizations. The Professor Remigiusz Bierzanek competition, another Polish initiative, grants awards to the best papers on international humanitarian law and provides students and graduates in law, international relations and similar disciplines an opportunity to present their work to a wider community of specialists. And, next June, we will organize the Warsaw Humanitarian Expo 2019. We hope to have all stakeholders on board while coordinating efforts with a view to achieving the worldwide observation of humanitarian law. The Expo's Humanitarian City will be a platform for representatives of non-governmental organizations, international institutions and academia to explore issues related to the legal obligations of humanitarian actors.

In conclusion, I want to reiterate that upholding and strengthening the principles of international humanitarian law remain core obligations of the United Nations and its Member States. Poland will continue its engagement in that regard for the remainder of its membership in the Security Council and beyond.

Mr. Ma Zhaoxu (China) (*spoke in Chinese*): I would first like to congratulate you, Mr. President, as your country assumes the presidency of the Council for the month of April, and to welcome you to New York as you preside over this open meeting. I would also like to congratulate France on its outstanding presidency last month. We very much appreciated the excellent work that was accomplished. Lastly, I want to thank the President of the International Committee of the Red Cross, Mr. Maurer; Under-Secretary-General Lowcock; and Professor Modirzadeh for their briefings.

At present the international and regional security landscape remains grim. Armed conflicts persist in various regions, with civilians bearing the brunt as the chief victims. It is therefore very important to ensure compliance with international humanitarian law, especially with regard to the protection of civilians in armed conflict. In that connection, the existing provisions of international humanitarian law, including the 1949 Geneva Conventions and their two Additional Protocols of 1977, are sufficient. The international community has maintained a strong focus on them and has abided by them. That said, the implementation of international humanitarian law is still fraught with multiple challenges, and today I would like to focus on the following points.

First, we must stay committed to resolving disputes through peaceful means and addressing the protection of civilians at the source of the problems. The fundamental purpose of compliance with international humanitarian law is to ensure the protection of civilians, and effectively preventing armed conflict represents the best possible protection for civilians. The Security Council should actively encourage preventive diplomacy and political mediation in order to promote the use of peaceful means, such as dialogue and negotiations, to overcome differences among the parties, with a view to seeking political solutions while preventing and de-escalating tensions, thereby protecting civilians from the scourge of war.

Secondly, we must abide by the purposes and principles of the Charter of the United Nations, as well as

the guiding principles for United Nations humanitarian assistance. No country should use humanitarian pretexts to undermine another's sovereignty, independence and territorial integrity. When carrying out humanitarian relief operations, it is crucial to follow the principles of humanity, justice, neutrality and independence, emphasize the humanitarian character and professionalism of such efforts and avoid being drawn into a conflict or interfering in the domestic affairs of the countries concerned. China commends the International Committee of the Red Cross for its conduct. All humanitarian agencies should work to observe international humanitarian law and related principles effectively and refrain from using the delivery of humanitarian assistance for political, military or other purposes.

Thirdly, the international community should work in concert to promote and strengthen international humanitarian law. Governments bear the primary responsibility for protecting their own civilians, and the international community should provide constructive assistance only at the request of the countries concerned. All parties to a conflict should understand and abide by international humanitarian law, implement Council resolutions on the protection of civilians in armed conflict, fulfil their obligations to protect civilians and ensure humanitarian access. United Nations peacekeeping operations should make greater efforts to promote and publicize international humanitarian law and Security Council resolutions, and the Council should work on preventing sanctions from adversely affecting humanitarian relief operations.

Fourthly, the Governments of the States concerned and the parties to a conflict have a duty to protect the safety and security of medical personnel and facilities. Medical personnel and humanitarian workers who risk their lives to deliver life-saving goods and services are the people who make humanitarian operations possible, and the Governments concerned should take effective measures to strengthen their protection of such personnel and facilities. All the parties to a conflict should abide by international humanitarian law and fulfil their obligations to protect medical personnel and facilities. In the event of attacks, threats or acts of violence against medical personnel and facilities in armed conflict, the countries concerned should conduct investigations with a view to bringing the perpetrators to justice in accordance with the law. The international

community should provide support and assistance on a basis of full consultations with the countries concerned.

As an important participant in and contributor to the international humanitarian law regime, China has played an active role in international humanitarian relief efforts led by the United Nations and has scaled up its assistance every year to the extent it is able. We have continually formulated and refined the relevant regulations in the various mechanisms for implementing the provisions of international humanitarian law. China's naval escort squadrons have cooperated with many countries in carrying out international humanitarian relief activities. We attach importance to strengthening cooperation on humanitarian assistance with United Nations agencies and civil-society organizations and stand ready to continue to play a constructive role in that field.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): We welcome you, Sir, and Germany, in your capacity as President of the Council, and we thank France for a very productive presidency in March. We are also grateful to our briefers, Mr. Lowcock, Mr. Maurer and Ms. Modirzadeh, for their very interesting comments.

The formulation of a body of rules relating to international humanitarian law is one of the major accomplishments of the twentieth century. Humanity, including in armed conflict — indeed, on the battlefield — is a hallmark of civilized behaviour. Unfortunately, in the almost 74 years since the end of the Second World War, the Security Council has had to address the issue of strengthening the institutions of international humanitarian law again and again. It is our job to make sure that the authority of international humanitarian law is not undermined, and in order to do that it is essential to refrain from adopting selective approaches or double standards in which some parties' violations are flagged and the crimes of others are passed over in silence. Incidentally, the President of the International Committee of the Red Cross (ICRC) addressed that issue very eloquently.

It is also our job to work to constantly strengthen the existing mechanisms in the area of international humanitarian law. We believe there are enough of them at present. That was also confirmed by the outcomes issued two weeks ago, on 15 March, of the intergovernmental process on strengthening compliance with international humanitarian law based on the resolution on the subject adopted at the thirty-second

Conference of the ICRC. We believe that the problems with implementation that we are always hearing about are not because international humanitarian law is weak but because people are not prepared to put its principles and standards into practice.

Against a background of persistent armed conflicts, humanitarian assistance is of primary importance, and protecting humanitarian and medical personnel is one of the most crucial aspects of the issue of the protection of civilians. Every party to a conflict is responsible for their safety. Russia will continue to urge the parties to conflicts to take all necessary measures to ensure the safety of providers of humanitarian and medical assistance.

However, we should point out that we should exercise great precision and caution in discussing the many proposals for involving the Security Council in the architecture of ensuring that the perpetrators of international humanitarian law violations are brought to justice. A number of States have shown recently that they are less and less interested in the reliability of data determining the identity of perpetrators of various evil deeds of one kind or another. What they are interested in is something else entirely.

One of the main prerequisites for the effective protection of workers from humanitarian organizations and medical personnel is their compliance with the guiding principles of international humanitarian assistance, including respect for sovereignty and the humanitarian, impartial and neutral nature of their provision of humanitarian assistance. Medical and humanitarian workers in areas of conflict must abide by the laws of the country they are in. That is a fundamental truth. It is unacceptable for medical and humanitarian organizations to openly provide assistance to terrorists and carry out their inhumane plans, as the White Helmets are doing in Syria. Such pseudo-humanitarian activities, which amount to a manipulation of the topic of medical and humanitarian assistance in armed conflict, will end up undermining the systems of international humanitarian law and will backfire by damaging the authority of genuine humanitarian and medical workers.

Last week, when the Security Council was working on the draft of resolution 2462 (2019) on combating the financing of terrorism — which, incidentally, has produced a big response — one of the main issues discussed was that of ensuring unhindered access

for humanitarian organizations and the provision of medical care in areas of armed conflict and counter-terrorist activity. Through concerted efforts the Council found a balanced way to word it. Protection, according to paragraph 24 of the resolution, is to be given to

“exclusively humanitarian activities, including medical activities, that are carried out by impartial humanitarian actors in a manner consistent with international humanitarian law”.

By the way, we are very grateful to the International Committee of the Red Cross for drawing attention to this whole issue and for its contribution to the process.

Mr. Esono Mbengono (Equatorial Guinea) (*spoke in Spanish*): At the outset, I would like to congratulate France on its impeccable leadership of the Security Council for the month of March. We wish Germany every success in April, and I would like to thank both delegations for organizing this important briefing. We also welcome the presence of the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait and the Ministers for Foreign Affairs of Germany, France and Poland, and acknowledge and appreciate the important briefings by Mr. Maurer, Mr. Lowcock, and Professor Modirzadeh.

The Republic of Equatorial Guinea notes with concern the increasing complexity of armed conflicts and the growing challenge they pose to civilians and to humanitarian assistance for the 139 million people who need it. We thoroughly deplore the persistence of armed conflicts in which civilians are always the worst affected. In that regard, we condemn the attacks on the most vulnerable population groups — children, young people, women, the disabled, refugees and displaced persons. We are also outraged by the increasing attacks on health workers and their facilities.

International humanitarian law recognizes the principle of State sovereignty, which Equatorial Guinea supports. States should play the leading role in providing relief to communities and individuals under their jurisdiction. However, if for any reason their ability to do so is constrained, they can ensure that those affected by the crisis have access to protection and assistance through international humanitarian aid. Respect for international humanitarian law should not necessarily imply a lack of respect for State sovereignty. On the contrary, the two concepts should be perfectly compatible. International humanitarian law and humanitarian principles are clear in that regard. For

that reason, Equatorial Guinea urges the parties to ongoing armed conflicts to comply with international humanitarian law, including the 1949 Geneva Conventions and their two Additional Protocols of 1977, in order to prevent and limit devastating humanitarian situations, the escalation of armed conflicts and the radicalization of their victims, especially young people. In that regard, we call on humanitarian actors to respect the guiding principles of international humanitarian assistance so that they are perceived as neutral, independent and impartial service providers, particularly in politically controversial environments.

At the global level, there has been significant progress in the promotion of international humanitarian law and humanitarian principles. The Security Council has embedded humanitarian principles in several resolutions on armed conflict and starvation, children and armed conflict, Ebola in the Democratic Republic of the Congo and the prevention and combating of the financing of terrorism, among others that Equatorial Guinea is honoured to have supported. The protection of civilians in armed conflict is also integrated into the mandates of many peacekeeping missions and the training of forces participating in them. The Secretary-General's reports on children and the protection of civilians in armed conflict and their corresponding lists are helping to generate greater awareness, traction and results. That is still not enough, however, because armed conflicts continue and their natures change.

Among the most serious challenges to the promotion of international humanitarian law today, three stand out — the politicization of humanitarian activities, the resulting lack of trust in humanitarian organizations and the unidirectional approach to this important task. Humanitarian activities are politicized when there is political pressure on humanitarian organizations and States with regard to the financing and use of humanitarian assistance and, in certain cases, some counter-terrorism measures, owing to the growing nexus between terrorism, armed conflicts and transnational organized crime. As a result, national authorities and non-State armed actors distrust humanitarian assistance and its agents, and increasingly resist the presence of certain humanitarian actors, which leads to the imposition and exploitation of restrictions on humanitarian activity.

The unidirectional approach to promoting respect for international humanitarian law in all regions and States limits their ownership. It is important

to remember that concepts similar to international humanitarian law and many of its principles already exist in many cultures. In Africa, there are Somali war conventions and Fulani customs, among others, that are part of African customary humanitarian law, as described by legal scholars such as Yolande Diallo and Emmanuel Bello, among others. In that connection, efforts to promote, adhere to and ensure compliance with international humanitarian law could be more effective if we built on existing analogous principles in order to encourage their ownership, recognition and defence by local groups. Greater participation and representation on the part of all regions and States in developing and implementing that agenda is important.

In that regard, we also encourage support for the implementation of African initiatives in that field such as the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, the work of the Peace and Security Council of the African Union and the African Union Peace and Security Strategy. We recognize and encourage the increasingly important United Nations-African Union Joint Task Force on Peace and Security as well as the collaboration between the International Committee of the Red Cross and such non-governmental organizations as African Humanitarian Action.

Equatorial Guinea reaffirms that, in order to find lasting solutions to today's urgent humanitarian situations, the root causes of armed conflicts, such as underdevelopment, geostrategic ambitions, illegitimate access to the natural resources of other States, the unjust international order, inequality, marginalization and social exclusion, inter alia, must be addressed. Equatorial Guinea further reaffirms that, at all stages of the humanitarian-assistance process, the politicization of humanitarian assistance must be avoided.

As the interpretation of humanitarian principles is difficult in practice, the need for critical discussion and ongoing debate is essential. In this regard, we believe that the strengthening of international humanitarian law should contribute to respect for the purposes and principles of the Charter of the United Nations and international law in terms of the sovereignty, territorial integrity of States, the self-determination of peoples and non-intervention in the internal affairs of States. Any humanitarian intervention must have the consent of the recipient country.

Mr. Cohen (United States of America): We congratulate Germany on assuming the presidency of the Security Council for the month of April and thank France for its productive presidency during a very busy month of March. We also thank the briefers and welcome the Ministers who are joining us today.

We thank the President and Minister Le Drian for convening this morning's Arria session and this afternoon's briefing on safeguarding humanitarian space. The topic is vital to improving our ability to save lives and ease the suffering of millions of people affected by conflict around the world today. The United States strongly believes that full implementation of international humanitarian law by all parties to a conflict is the best way to provide protection for civilians, including humanitarian personnel. We also believe that additional guidelines and policies should avoid inadvertently diluting principles of humanitarian assistance. Unfortunately, we know that the laws of war are not always universally observed, with grave consequences for civilians in need of protection and humanitarian assistance. Mr. Maurer and Mr. Lowcock know these consequences all too well.

The United States pairs its role as the world's largest single largest humanitarian donor with strong diplomatic efforts to promote respect for humanitarian principles of humanity, neutrality, impartiality and independence. We do this by speaking out against States that impede humanitarian organizations from meeting basic human needs. We have consistently called on the Syrian regime to implement the many Security Council resolutions calling for unimpeded humanitarian access across that country. Nonetheless, the Al-Assad regime continues to obstruct aid to those in need, including in areas under the regime's control. We do this by condemning physical attacks directed against humanitarian personnel. South Sudan has for many years consistently ranked as the most dangerous place in the world for aid workers with blatant disregard for protections that should be afforded to them as civilians by all parties to the armed conflict. Attacks on health facilities and responders, including recent incidents in the Central African Republic and the Democratic Republic of Congo are unacceptable. They must end. We do this by opposing resolution language that would require the "full consent" of affected States for the delivery of humanitarian assistance to people in need. States that use humanitarian access as a cudgel to deny starving women and children of food and water

or prevent desperate people from having access to life-saving medical care cannot be allowed to rely on a resolution by the United Nations to justify their actions. And we do this by correcting outrageous, dangerous and baseless allegations against humanitarian workers like those Russia consistently levels against the heroic White Helmets in Syria.

Many of us are deeply engaged in protecting humanitarian space, but we can all do more. The United States supports efforts to widely disseminate accurate information about international humanitarian law among all parties to conflicts. A thorough understanding of international humanitarian law in principle and practice is fundamental to the training of United States military personnel at all levels. We further integrate international humanitarian law topics and principles into training that we provide to international military partners. For example, international humanitarian law principles are actively addressed in peacekeeping predeployment training that we provide to partner troop and police contributors deploying to United Nations and regional peace operations. The work that the United States has undertaken to ensure that civilians, civilian infrastructure and humanitarian locations and personnel are protected in some of the world's most fraught conflicts is important, but it cannot replace the full adherence to international humanitarian law by all parties to conflict.

We encourage Member States to engage more closely with non-governmental and faith-based humanitarian actors that can provide valuable insights about how to ensure the most vulnerable are protected and receive assistance. We welcome the joint initiative between Switzerland and the International Committee of the Red Cross aimed at strengthening the implementation of international humanitarian law, which included multiple rounds of dialogue designed to allow States to share best practices in a non-politicized, non-country-specific setting. We hope this type of exchange can continue.

Finally, the United States calls on Member States to implement domestic frameworks, including counter-terrorism laws and sanctions, in a manner consistent with their obligations under international law, including international humanitarian law, international human rights law and international refugee law.

Mr. Adom (Côte d'Ivoire) (*spoke in French*): Mr. President, at the beginning of my statement,

I would like to extend to you my best wishes for a successful German presidency of the Security Council and to thank you for organizing this briefing on the challenges of international humanitarian law and the strengthening of international peace and security. I also extend my warm congratulations to France for its outstanding leadership of the Council's work over the past month, and welcome the continuing presence among us of Mr. Jean-Yves Le Drian, Minister for Europe and Foreign Affairs, who has been with us, I believe, for five days, demonstrating the importance of our work here in the Security Council. Finally, allow me to thank the distinguished briefers, whose relevant briefings and recommendations further inform the Council on the correlation between respect for international humanitarian law and the strengthening of international peace and security.

The presence of new entities, in addition to State actors, in crises around the world has fundamentally changed the typology, motivations and thus the very meaning of the notion of "conflict" that prevailed at the time of the creation of the United Nations. These new actors, whose methods of combat pay very little attention to the norms of international law and the values of humanism that underpin our common action, operate outside the agreed codes of the law of war. In this way, the various forms of violence against civilians, schools, hospital infrastructure and humanitarian personnel are nowadays part of the sad range of warfare methods used by parties to some current conflicts. Furthermore, rather than waiting for these horrors to occur before repressing them, the collective conscience of humankind is called upon to promote the preventive dimension of international humanitarian law through the establishment of mechanisms aimed in particular at the prevention of genocide, war crimes and crimes against humanity.

Côte d'Ivoire considers that the recurrent violations of the rules of international humanitarian law now constitute obstacles to the restoration and preservation of international peace and security. Indeed, respect for this legal corpus governing hostilities and reconciling the aims of war with the principle of humanity is today the instrument par excellence for protecting victims against abuses and atrocities committed during armed conflicts. That is why my country is of the opinion that scrupulous respect for the principle of distinction, the cornerstone of international humanitarian law, must be imposed on all belligerents. All parties to an armed

conflict must, at all times and in all places, distinguish between civilian populations and combatants on the one hand, and between military objectives and civilian objects on the other. In the light of the foregoing, Côte d'Ivoire welcomes the decision of the Security Council to make the prevention of armed conflict an integral part of its primary responsibility in the maintenance of international peace and security.

Violations of international humanitarian law in armed conflicts around the world have caused many tragedies to humankind, whose collective conscience still bears the wounds. That is the case particularly in Africa, the Balkans and the Middle East.

In the context of the principle of the responsibility to protect, it is therefore incumbent on States, individually and collectively, to act in order to promote the rule of law and respect for international humanitarian law with a view to maintaining international peace and security. In accordance with that obligation, Côte d'Ivoire has signed all the relevant international legal instruments, in particular the four Geneva Conventions of 1949 and their Additional Protocols.

In implementation of its international commitments, in 1996 Côte d'Ivoire established the national interministerial commission for the implementation of international humanitarian law, which, among other work, is entrusted with the following tasks: to ensure compliance with international humanitarian law and its effective implementation; to consider and develop laws and regulations in areas where national legislation needs to be supplemented or amended and submit them to the Government; to ensure the implementation of international law; and to encourage the promotion, dissemination and teaching of international law.

As part of its peacebuilding strategy, my country has also worked to strengthen the national legal and institutional system for promoting the rule of law through the establishment of the national human rights council, which monitors and supports State action in the area of human rights.

In addition, Côte d'Ivoire pays the greatest attention to the awareness-raising and training of its police and military contingents with a view to their deployment through training modules on human rights and international humanitarian law.

During its term on the Security Council, in partnership with the Kingdom of the Netherlands, Côte

d'Ivoire worked for the adoption of resolution 2417 (2018), which condemns the use of hunger as a weapon of war and calls on all parties to conflict to protect civilian infrastructure, including that which is critical to the delivery of humanitarian aid.

With regard to the action of the international community, my country believes that the inclusion and primacy of international humanitarian law, in particular respect for civilian infrastructure and the protection of humanitarian personnel, in ceasefire and peace agreements should ensure the greater responsibility of their signatories to respect human rights.

Finally, it is incumbent on the Council to ensure the implementation of the principle of accountability in combating human rights violations and mass crimes.

At this point in my remarks allow me to pay a warm tribute to the United Nations specialized agencies, in particular the Office of the United Nations High Commissioner for Refugees, the World Food Programme, the International Committee of the Red Cross and all the other humanitarian agencies around the world.

In conclusion, Côte d'Ivoire would like to recall that the Charter of the United Nations has provided for valuable instruments to strengthen the rule of law, particularly through the powers entrusted to the General Assembly, the Security Council and the International Court of Justice. We therefore encourage all Member States to promote an international order based on multilateralism with a view to ensuring respect for international humanitarian law, which represents the last layer of protection for humankind against barbarism, thereby helping to make this world a haven of peace and security.

Mr. Djani (Indonesia): At the outset, allow me to welcome, Sir, Germany's presidency of the Security Council for this month, to which I look forward. I would like to express our sincere appreciation for the excellent presidency of France last month. Indonesia greatly appreciates your initiative, Mr. President, to convene this very important meeting, which conveys the importance of the humanitarian space in armed conflict. I would also like to thank Mr. Mark Lowcock and Mr. Peter Maurer, as well as Ms. Naz Modirzadeh, for their briefings, which provided us with a great deal of information.

According to the report of the Secretary-General of May 2018 (S/2018/462), active hostilities and logistical challenges continue to impede the delivery of humanitarian aid. Armed conflicts have now become even more protracted and challenging, including interlinkage with counter-terrorism measures. I therefore note that preserving the humanitarian space to facilitate assistance to those in need demands our increased efforts. It requires our sensitivity and engagement with all parties involved in armed conflict. Against that backdrop, allow me to focus on three points.

First, building trust is of crucial importance to ensure prompt and unhindered humanitarian assistance. Without trust all is for nothing. That recalls that the primary responsibility to protect the population throughout its whole territory lies with the national Government. We must therefore respect the sovereignty of the legitimate Government and, of course, gain the trust of the respective Governments and the people, including the affected communities where we are present.

International humanitarian law also offers pragmatic direction that takes into account the sovereignty and security requirements of States. Ensuring the delivery of humanitarian assistance requires engaging with all parties to the conflict, both State and non-State actors. It is critical to manage dialogue and to seek a durable political solution. The message must be clear, namely, that our presence is not to judge but to assist. Humanitarian personnel are there to support the national authorities in showing greater respect for international humanitarian law.

That brings me to my second point, on the importance of our collective efforts to safeguard the humanitarian space, for no single Government can resolve this alone. Together, we can act expeditiously, swiftly and effectively from the very outset to help the affected communities, providing basic needs, life-saving supplies and essential health care.

Together, we should also be flexible in our approach to engagement without sidelining humanitarian principles. It is not easy to deal with certain conflicting parties. Flexibility sometimes becomes part of the success in gaining confidence, thereby preserving the humanitarian space. Indonesia vigilantly upholds the principles of inclusivity and non-discrimination in its consultation with all segments of society, including the military, and in the provision of humanitarian assistance.

My third point concerns the safety and security of humanitarian and medical personnel, since, working directly with communities every day, they often face life-threatening risks in carrying out their mission. Such a situation may also delay, or even disrupt, an effective delivery of humanitarian assistance. Safety and access for peacekeepers are a must and should be honoured by the conflicting parties. We must also ensure that United Nations peacekeepers are well equipped before their deployment to conflict areas. That includes training on international humanitarian law and respect for the core principles of humanity, impartiality, neutrality and independence.

Indonesia will host another regional conference on humanitarian assistance in 2020. That will also be a platform for sharing best practices to better protect humanitarian and medical personnel.

On that note, the Security Council should explore ways to find more sustainable and context-appropriate actions in safeguarding the humanitarian space, in line with resolutions 2175 (2014) and 2286 (2016). There is no one-size-fits-all approach to delivering humanitarian assistance. But it must be delivered.

Let me conclude by emphasizing that we have an obligation to save lives. We need to ensure that humanitarian assistance is provided to fulfil that noble intention.

Mr. Matjila (South Africa): I would like to congratulate you, Mr. President, on Germany's assumption of the Security Council presidency for April. South Africa will support Germany as you lead the Council through the month. We would also like to warmly thank the French presidency for its work in the month of March, including the Council's visit to Mali and Burkina Faso. In addition, I would like to welcome the presence of the Ministers for Foreign Affairs of Kuwait, Poland, France and Germany here among us today.

I would also like to thank the briefers, Mr. Maurer, Mr. Lowcock and Ms. Modirzadeh, for their insightful briefings on such an important topic as the promotion and strengthening of the rule of law, particularly international humanitarian law. We particularly took to heart the issues raised by the President of the International Committee of the Red Cross (ICRC).

The seventieth anniversary of the Geneva Conventions and the Protocols Additional thereto

provides us an opportunity to reassess our commitment to international humanitarian law and humanitarian principles, notably the principles of humanity, neutrality, impartiality and independence.

In this regard, the applicability of international humanitarian law in conflict situations remains relevant in order to preserve humanitarian space in order to facilitate impartial humanitarian action, including the provision of the necessary medical treatment to all parties to conflict and the delivery of life-saving supplies and assistance to the civilian population.

It is for this reason that South Africa considers the attacks on humanitarian workers and medical practitioners in conflict situations to be serious violations of international humanitarian law and encourages States to push back to prevent these incidents from becoming the norm in conflict areas.

To that end, South Africa resolved to embark on a project to champion the cause of "Health care in danger" by creating public awareness in collaboration with the ICRC office in Pretoria. Having witnessed the dangerous conditions under which humanitarian workers and medical practitioners are working in war zones without protection, South Africa wishes to align itself with the efforts and endeavours of the States members of the international community in seeking to address this dire situation.

The changing nature of armed conflict, from inter-State to intra-State, requires adherence to international humanitarian law by parties to non-international conflict so as to ensure the greater protection of the civilian population. All actors to armed conflict, including foreign troops, in particular during partnered operations or more general partnerships with other States or armed groups to support the conduct of military operations, ought to abide by the provisions of international humanitarian law.

The United Nations could play at least three important roles with respect to the implementation of international humanitarian law.

First, during peacetime, it is important for the United Nations to assist Member States, at their request, in cooperation with the International Committee of the Red Cross, with the dissemination of international humanitarian law instruments and their codification into domestic legislation, and, in cooperation with other United Nations organs and organizations, with the

entrenchment and enhancing of respect for international human rights law.

Secondly, the United Nations should continue to play a vital role in monitoring compliance with, and the prevention, stopping and punishment of violations of, international humanitarian law and applicable international human rights law during times of armed conflict. It is important to note that a proactive approach of dissemination and education should be the primary focus, not a reactive approach where action is taken only following grave breaches of international humanitarian law.

Thirdly, States must adopt, ratify and codify in their national laws the Geneva Conventions and the Protocols Additional thereto. Auditing, improving, reinvigorating and accelerating implementation is equally as crucial.

Given South Africa's active role in peacekeeping and conflict-resolution processes, the Government has made efforts to train, and integrate practical measures for, the armed and security forces, in partnership with humanitarian organizations, to enhance knowledge of and compliance with international humanitarian law. We encourage other States to consider similar measures.

In addition, South Africa, together with the ICRC, co-hosts annually a regional conference at which participants from the Southern African Development Community, the East African Community and the Economic Community of West African States are represented and where the implementation of international humanitarian law by various countries is discussed.

Just as national Governments have the primary responsibility to ensure the safety and protection of their civilians, national courts also have a clear obligation to bring perpetrators of violations of international humanitarian law and international human rights law to justice under national laws that support implementation.

In conclusion, South Africa firmly believes that the full implementation of and respect for international humanitarian law leads to reduced casualties and promotes the protection of the critical civilian infrastructure essential for emergency assistance during conflict as well as part of the long-term recovery of societies affected by conflict. We stand ready to partner with the relevant actors, in particular the ICRC, to commemorate this year's anniversary so as to give prominence to the Geneva Conventions and the

Protocols Additional thereto as they continue to guide the actions of parties during armed conflict.

Mr. Pecsteen de Buystwerve (Belgium) (*spoke in French*): Allow me at the outset to congratulate France on its presidency of the Council over the past month and to assure Germany of our full support for its presidency this month.

As has been recalled, on 12 August we will mark the seventieth anniversary of the Geneva Conventions, four universally ratified treaties with no fewer than 196 States parties, that is, more than the number of States Members of the United Nations.

But the reality is quite different. We all know that the norms of international humanitarian law are being increasingly flouted, as was noted by other speakers this afternoon. The issue of safeguarding the humanitarian space, the topic of our meeting today, shows very clearly the main challenge that we are facing. Humanitarian actors all too frequently have to deal with major obstacles in the framework of their activities in conflict areas.

So how can we strengthen the implementation of international humanitarian law? Belgium would like to share with the Council five good practices.

First of all, we must promote the dissemination of information about the norms of international humanitarian law. National humanitarian law commissions play a key role in that regard by providing advice and assistance to the public authorities. The Belgian national commission was created in 1987, so it is one of the oldest ones around. It is prepared to share its experience with States wishing to establish similar bodies. I would like to also underscore the central role played by the national Red Cross and Red Crescent societies in the dissemination of information about international humanitarian law in their capacities as auxiliaries to the public authorities.

Secondly, it must be ensured that there is adequate training of the armed forces on this issue. We in Belgium make certain that international humanitarian law is part of the curriculum in the training of military personnel. We also invest in training troop-contributing countries on the protection of civilians, including in French.

Thirdly, States that provide support to parties to an armed conflict, be it in the framework of a coalition of States or through support for a non-State armed group, must ensure that they bring pressure to bear on

the combatants so that the latter abide by the norms of international humanitarian law.

Fourthly, we must prohibit measures within the framework of combating terrorism that impede the work of humanitarian organizations, whose activities are neutral, independent and impartial. It is therefore essential to take into account the potentially adverse effects on the humanitarian situation of the policies we adopt against terrorist groups operating in war zones, as well as sanctions measures that could have a negative impact on carrying out humanitarian work in specific contexts.

Fifthly, in line with their obligations under international humanitarian law, it is incumbent upon States to have the necessary means to ensure that the perpetrators of violations are accountable for their actions, thereby serving as a deterrent for committing atrocities. It is for that reason that combating impunity is important. In that regard, I would point out the contribution of the International Criminal Court in combating impunity for the most serious crimes, including war crimes.

The Security Council also has a key role to play. It is in a position to encourage the training of peacekeepers in the field in the area of international humanitarian law, provide adequate space for international humanitarian law in the efforts to rebuild the rule of law in post-conflict situations, inscribe on sanctions lists perpetrators of the most serious crimes and make better use of existing monitoring and investigative mechanisms.

In the face of the hundreds of daily casualties in armed conflict, it is the duty of us all to renew our commitment to respect international humanitarian law. That is why we welcome the initiative announced in that regard by Ministers Le Drian and Maas.

Mr. Allen (United Kingdom): As our briefers made clear, and as we all know, international humanitarian law consists of a comprehensive and universal framework to which all Member States are not only committed but bound. It is important, of course, that we enhance that framework whenever we see an opportunity to do so — and our briefers today mentioned resolution 2462 (2019), adopted just last week at the initiative of the French delegation, on the issue of terrorist financing, which includes important provisions on humanitarian action; as well as resolution 2417 (2018), on starving civilians as a weapon of war. But we do not lack law, we lack enforcement and accountability. Sadly, we are too

regularly used to hearing terrible humanitarian stories around this table. Time and time again, from Syria to South Sudan to Yemen and the Democratic Republic of the Congo — in fact, in every conflict situation on the Council's agenda — we witness the human cost of the lack of respect for humanitarian principles and international humanitarian law.

The most appalling incidents become notorious and are brought not only to our attention by those agencies and operators on the ground, but also often brought to our peoples on their television screens — for example, attacks on aid workers or the bombing of hospitals. But we hear much less about the routine and insidious actions that nevertheless have a human cost in the end. I am talking about such things as the denial of visas for humanitarian staff, the removal of medical items from aid convoys, lengthy procurement and transport processes, the looting and diversion of pre-positioned goods by armed actors or the authorities, taxes and fines on goods and people, the closure of crossings, and the denial of registration to non-governmental organizations (NGOs). There is a long list.

The human cost is clear. People starve, they suffer and they die when the humanitarian space is not respected. And we lose development gains that have taken years to achieve. To give one example from South Sudan, which we have talked a lot about in the Council, an international NGO with an in-country staff of fewer than 200 people estimates that it spends approximately \$350,000 per year in South Sudan on administrative taxes and fees. Those financial costs are primarily paid to official or quasi-official entities. That is all money that should be going to protecting the people that those officials are in place to serve.

As well as documenting attacks on humanitarian personnel or other egregious crimes, we need to gather data on the bureaucratic impediments and the actions that hamper humanitarian access. In that respect, let me commend the work that the Office for the Coordination of Humanitarian Affairs is doing to map out how access constraints relate to the severity of needs and the humanitarian assistance received. Let me also say that the United Kingdom is supporting research to ensure that the nature, frequency, scale and impact of attacks on health care in conflict is better understood to improve data collection analysis, as called for in resolution 2286 (2016). All of that data should be brought to the attention of the Security Council and its subsidiary bodies.

For its part, the United Kingdom is always looking for any innovative ways to promote compliance with international humanitarian law. On 11 March, we published our first voluntary report on the implementation of international humanitarian law at the domestic level. Publishing specific examples of our practice to implement international humanitarian law is intended to help improve understanding of it and encourage informed dialogue on these issues, both at home and abroad. We hope it will encourage other States to publish details of their activities to implement international humanitarian law at the domestic level so as to identify best practices and improve implementation and compliance.

Of course, more can be done by State actors. Mark Lowcock talked about the importance of increasing the understanding and training of some countries' armed forces. But he also spoke about the need to do so with non-State actors — a point made also by Peter Maurer. I think this is an area to which the Security Council could give greater focus. We could look both at education and training and ensuring that commanders are aware of their liabilities under international law, whether those are State or non-State actors, and look at tackling actions of non-State actors through sanctions in particular.

I had not intended to talk today about Syria, which the Council regularly discusses. But the Russian representative today chose to continue his Government's misinformation campaign against the White Helmets. The Russian Government does so to try to deflect attention away from the appalling war crimes committed by the Syrian regime — its attacks on its own people, including by its use of chemical weapons. Therefore, let us not have our attention deflected from the fact that Physicians for Human Rights corroborated 553 attacks on medical facilities in Syria in 2018, of which 498 were committed by the Syrian regime and its allies.

It is very welcome, Mr. President, that you organized this briefing today. All here have reaffirmed their commitments. Good ideas have been shared by our briefers and by colleagues. However, I am struck by the contrast between our willingness to stake out a clear position in the abstract while at the same time not tackling humanitarian violations in country-specific conversations. In addition to today's meeting, I think that we need to do the following.

First, we must ask for, gather and then discuss data about not just the most egregious violations of international humanitarian law but also the bureaucratic impediments and interference with humanitarian assistance, which kill so many of those in most desperate need.

Secondly, we must ensure that the United Nations system is able to support States in spreading understanding of international humanitarian law and training armed forces, and Government officials more broadly.

Thirdly, we should consider how such understanding and training could be expanded to non-State actors and ensure they also are held to account.

Fourthly, we could call out consistently violations of international humanitarian law by all actors in our regular business and our country-specific conversations — whether on South Sudan, Syria, Myanmar or elsewhere.

Fifthly, we could put greater attention on humanitarian violations when designing and implementing sanctions regimes.

And, sixthly, we should push consistently for an accountability mechanism where States cannot, or will not, act.

As Mr. Maurer said, upholding international humanitarian law depends on our common acceptance that there are limits to war. We all, therefore, have a stake in upholding and strengthening it for our common humanity.

Mr. Singer Weisinger (Dominican Republic) (*spoke in Spanish*): Allow me, at the outset, to commend you, Mr. President, for having convened this meeting and to congratulate you on assuming your presidency for the month of April. You have the support of the Dominican Republic, just as we extended to France during the month of March, for the same values unite our three countries.

It is more necessary today than ever to address the problems and challenges involved in the protection and defence of our humanity. I am referring to the sentiment that we are, in the end, one single humankind. In the Dominican Republic, our interpretation of that concept is very simple. The suffering of any woman who has fled violence more than once; the desolation felt by any family that is gradually dying of hunger and the

lack of access to medicine; the girl who is forced into marriage as the only way of surviving; the child who has no access to education or the woman who has been raped again and again — we cannot remain indifferent in the face of all this. No human suffering is alien to us.

That was the case when, in the Second World War, the Dominican Republic was one of the few countries to welcome a group of Jewish families who found an oasis of protection and tolerance in our small country. We were no strangers to that principle when we were the first to offer assistance to our brother country Haiti after the devastating earthquake there in 2010. That is why we are here today in the Council to help restore optimism, hope and the desire to build a better future to the millions of people affected by armed conflict or other humanitarian emergencies.

I sincerely thank today's briefers and take this opportunity to express to them and to thousands of humanitarian workers and volunteers our gratitude and admiration for the work they carry out day after day, keeping alive those principles that mobilized and promoted the adoption and subsequent universal ratification of the Geneva Conventions.

Every day, we witness the tragic consequences of multiple and diverse forms of violations of international humanitarian law. In many cases, humanitarians are called on to respond to new and more complex types of violence and forms of warfare. However, far from calling into question the relevancy of the principles contained in the Conventions, we believe that these violations have further deepened the need to defend them and demand compliance with them by the parties to armed conflicts. It is precisely the failure to comply with these rules and principles that has led to a world that is steeped in suffering but has fallen short in its ability to enforce them.

The region of Latin America and the Caribbean has not been unaffected by the consequences of conflicts and other, non-traditional forms of violence. Many of those did not exist at the time of the adoption of the Geneva Conventions and perhaps do not fall within the scope of application of international humanitarian law, but they do have humanitarian consequences and raise important challenges to the protection and alleviation of the suffering of the most vulnerable among us.

The Dominican Republic, despite living in peace, is concerned with the strengthening of humanitarian action at the international, regional and national levels.

It therefore strives to increase the capacities of all humanitarian actors, including their military assets. In that regard, between 2001 and 2019, 34,315 Dominican military personnel have completed 637 courses and training classes in international humanitarian law and human rights in our highest military academy of strategic studies. Of those courses, 50 per cent focus on human rights, the use of force and women and armed conflict, among others. Another 12,836 personnel have been trained in issues related to international humanitarian law and human rights.

We also maintain significant cooperation with our brother countries of Central America in the framework of the Central American Armed Forces Conference (CFAC), comprised of the armies of El Salvador, Honduras, Nicaragua and the Dominican Republic. Through that cooperation, 2,640 military personnel from those nations have been trained in our country in international humanitarian law. CFAC is a regional organization founded, *inter alia*, to promote the strengthening of peace processes, democracy and development in the countries of Central America, coordinate efforts to involve the population in emergency situations, and participate in humanitarian and peacekeeping operations in the framework of the United Nations.

We believe that this is an excellent example of a response to one of the questions posed in the concept note prepared for this meeting, as it meets the need to disseminate understanding of international humanitarian law and humanitarian principles and to create spaces for exchanges and the training of humanitarian actors among the active military personnel of our countries. We hope to expand this programme even further and to create a platform for military and civilian training that will improve the understanding and implementation of international humanitarian law, including the humanitarian principles involved in achieving better and more effective coordination in Latin America and the Caribbean, particularly that aimed at meeting the needs of people affected by natural disasters in the region.

In conclusion, it is our responsibility as States to place people at the centre of all of our actions, as we are all part of a single humankind. This includes those who serve in humanitarian situations. We must seek to establish mechanisms that will allow us to address the new challenges around humanitarian action in urban areas affected by new forms of violence. It is everyone's

responsibility to continue advocating vigorously and tirelessly to ensure that the perpetrators of violations of international humanitarian law pay the consequences of their actions. Impunity is the reflection of indifference, and indifference leads only to more violations, more suffering and greater and worse consequences for the peace and development of our peoples.

Mr. Duclos (Peru) (*spoke in Spanish*): At the outset, we commend last month's French presidency for its efficient work in leading the Council. We wish the German presidency every success and welcome the presence of the German Federal Minister for Foreign Affairs, His Excellency Mr. Heiko Maas, as well as the other high authorities present today.

We also thank the briefers for their informative presentations.

In this year commemorating the seventieth anniversary of the Geneva Conventions, which enshrine the regulation of hostilities and ways to alleviate the devastating consequences of armed conflicts, Peru reaffirms its commitment to international humanitarian law and its proper implementation, as well as to international human rights law. We affirm this in a context in which these legal regimes are violated on a regular basis, which is why we stress the urgent need for the Council to fulfil its legal obligation and primary responsibility to act in unity and put an end to the suffering of millions of people in regions throughout the world. This should be complemented by effective action to promote sustainable peace — that is, activities to prevent, combat the root causes of conflict, strengthen institutions and promote the rule of law.

Peru is a signatory to the foundational international instruments of law of armed conflict, the provisions of which are duly developed and implemented in our domestic legal system, including the ongoing training of national authorities — in particular, our armed forces participating in peace operations — and the generation of measures to improve the protection of civilians. In that regard, we highlight the primary responsibility of every State to protect its population; when this does not occur, the international community has the duty to assume that responsibility, in accordance with the Charter of the United Nations.

Moreover, in accordance with resolution 2286 (2016), we reject all types of attacks against medical facilities and humanitarian workers, which constitute war crimes under customary international law. We

express the same concerns about schools and condemn attacks against them.

Similarly, as we recently said in the Council (see S/PV.8496), any State action in the area of counter-terrorism must consider the effects it could have on humanitarian assistance efforts. As other delegations have said, we believe it is essential to ensure accountability for the commission of atrocity crimes. The universalization of international criminal jurisdiction and the predictability of access to justice will also help to more effectively prevent the suffering of civilians in conflict. In that regard, Peru reiterates the importance of cooperating with the International Criminal Court. We also advocate for the Council to make greater and better use of the institution by referring new situations to it. We reiterate our support for the work of the recently established evidence-gathering mechanisms.

We would like to conclude by highlighting the sacrifice and risky protection efforts of humanitarian agencies and workers assisting civilians in conflict situations. Their sacrifice and efforts must be duly recognized by the international community.

The President: I shall now make a statement in my capacity as the Federal Minister for Foreign Affairs of Germany.

Our discussion has made one thing clear: we are anything but indifferent to human suffering. Action must be taken wherever help is needed. Unfortunately, our discussion has also shown that doing that is becoming increasingly difficult. The humanitarian space is shrinking in many parts of the world. Armed conflicts are more complex today than ever before. They last longer and increasingly take place in urban spaces. A growing number of non-State actors and rebel groups are involved, and not only in Syria, where fragmentation is especially evident. Sadly, attacks on hospitals and medical personnel have become commonplace. Our meeting this morning made that clear too. Instead of being protected, the work of aid workers is becoming more dangerous. Yemen, north-east Nigeria and the Democratic Republic of the Congo are just a few of the areas where that occurs. It is also vital that the Security Council address those tragedies. Talking is not enough. We have to take action. As today's discussion has shown, three points are especially important.

First of all, upholding international humanitarian law and humanitarian principles is vital. Such norms are not an end in themselves. They protect the lives of

aid workers and the people they help. As the second-largest bilateral donor, Germany rejects any kind of political instrumentalization of humanitarian assistance. Humanitarian space can be established only if the neutrality, independence and impartiality of aid workers are not in doubt. Humanitarian aid workers live by those principles every day, often at great risk to themselves. They deserve our thanks and full support for the valuable work they do. Humanitarian space can be established only where rules are in place. Only those familiar with international humanitarian norms can consciously apply them.

Secondly, therefore, we must help humanitarian actors impart the necessary know-how about international humanitarian law. That is all the more important at a time when an increasing number of non-State parties are involved in conflicts. Humanitarian organizations must therefore be able to continue working with such groups. If that is prohibited, the international community will lose influence over a group of players of increasing importance, which is not in our best interest. We also have a responsibility as States. What President Maurer said earlier today is important: we are all bound by international humanitarian law. Therefore, those of us who support parties to conflicts must especially ensure that those parties live up to their obligation to comply unconditionally with international humanitarian law.

Thirdly, the law itself must not become the target of attacks — for instance, through national laws that supposedly take precedence over humanitarian law. We see that ever-more frequently, especially in the case of counter-terrorism laws. It is good that we at the United Nations are now discussing the impact of such laws as well as the consequences of sanctions on humanitarian work. Germany will play its part in

that regard, including within the context of the various sanctions regimes.

Germany and France are determined to advance an exchange on this issue with all Council members. Our aim is to compile concrete recommendations in the coming months in a call to action intended to provide answers to pressing questions. Where and how should we ensure the protection of aid workers and those receiving assistance? Where do we need training and instruction in international humanitarian law? How can we better support compliance with international humanitarian law in conflict regions?

Today's discussion was a start. To mark the seventieth anniversary of the adoption of the Geneva Conventions in August, Poland, our partner in the Weimar Triangle, will follow up on today's exchange. I would like to take this opportunity to thank Minister Jacek Czaputowicz for that. It is important that we all pull in the same direction. We have act where help is needed. That is the task of the Security Council. We should, and will, rise to the challenge.

I now resume my functions as President of the Council.

I would like to thank all participants for their constructive contributions. Today's briefing underlined the importance of a sharp focus on respect for international humanitarian law and on the responsibility of the Security Council in that regard. I am glad we had such eminent briefers with us today. I thank them for being here. Together with France, we will build on today's debate and seek support from all Council members in this endeavour.

The meeting rose at 5.30 p.m.