

**Security Council**

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**Letter dated 3 June 2019 from the Permanent Representative of
Kuwait to the United Nations addressed to the Secretary-General**

The Permanent Mission of the State of Kuwait to the United Nations, in its capacity as President of the Security Council for the month of June 2019, will convene a briefing on the subject of “Missing persons in armed conflict” under the item “Protection of civilians in armed conflict”, to be held on Tuesday, 11 June 2019.

In order to help guide the briefing, the State of Kuwait has prepared the attached concept note (see annex). I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Mansour A. **Alotaibi**

Ambassador

Permanent Representative of the State of Kuwait
to the United Nations



Annex to the letter dated 3 June 2019 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General

Concept note for the Security Council briefing on the subject “Missing persons in armed conflict”

I. Background

The State of Kuwait has scheduled a briefing, under the item on protection of civilians in armed conflict, on the issue of missing persons as a result of armed conflict. The world still faces numerous challenges resulting from armed conflicts or internal violence that have negative repercussions on civilians, particularly children, women, the elderly and people with special needs, most salient among which is the issue of missing persons in armed conflict, where numerous families suffer when their loved ones go missing, and try by all means to know their fate, and oftentimes their efforts are in vain.

International humanitarian law and international human rights law, specifically the four Geneva Conventions of 1949 and their two additional protocols of 1977, include numerous rules and provisions that aim to limit the fallout from armed conflicts and prevent the disappearance of persons, as well as to tackle the impact of their disappearance.

In the majority of cases, the issue of missing persons is one of the last outstanding issues considered in conflict situations, peace processes and national reconciliation frameworks, wherein this issue is usually dealt with after an armed conflict ends, which in turn, further complicates it, due to the loss of critical information on their whereabouts and their fate. Therefore, addressing this issue in earnest at the outbreak of conflict or as soon as possible thereafter helps in confidence-building between parties to conflict and in enhancing the scope of reconciliation between them, their future relations, as well as making the parties to the conflict and non-State armed groups aware of their commitments, according to international humanitarian law, and of their responsibilities for any failure to adhere to its relevant provisions.

By putting forward this issue at the Security Council, we seek to raise awareness of the necessity of having the issue of missing persons in armed conflict, and to be among the first issues that the parties to the conflict agree on discussing and taking whatever measures necessary in this regard, from the onset of the conflict, in order to facilitate the process of identifying the fate of missing persons, their whereabouts and the whereabouts of their remains, as well as protecting evidence and witnesses, enabling all those who work in the field of the search for and excavation of missing persons, particularly those who specialize in the field of medical and legal forensics, to perform their duties.

II. The motive behind putting forward the issue of missing persons in armed conflict at the Council

The Security Council has a basic role in fostering and ensuring respect for the rules and principles of international humanitarian law, according to the responsibility accorded to it by the Charter of the United Nations in the maintenance of international peace and security, in addition to its acknowledgement of the importance of the

humanitarian dimension of this issue through its consideration of numerous humanitarian issues related to the protection of civilians in armed conflict.

For long, the Council has been looking into the issue of missing persons in armed conflict, in the context of country-specific conflicts, some of which are still under its consideration, such as the situation in Cyprus, the situation between Iraq and Kuwait, and the situation between Djibouti and Eritrea. As of late, the issue of missing persons related to ongoing armed conflict was raised in resolution [2449 \(2018\)](#) concerning the Syrian Arab Republic, and in resolution [2367 \(2017\)](#) concerning Iraq; therefore the State of Kuwait believes it is time that the issue is discussed holistically and that the Council adopts a set of norms and best practices in this regard.

This attention also coincides with increased focus by the Secretary-General on the issue of missing persons during the past three years, as demonstrated in the context of his annual report to the Security Council on the protection of civilians in armed conflict, in which he usually expresses his growing concern with regard to the huge increase in the number of persons reported to have disappeared in armed conflict since 2014. This is in addition to the reference to the specific mandate enjoyed by the International Committee of the Red Cross, in what relates to the Geneva Conventions of 1949 and their two additional protocols of 1977, the Statutes of the International Red Cross and Red Crescent Movement, the relevant rules in international humanitarian law, and the statements of the Committee in the Security Council in late years.

By looking at the current conflicts, whether armed or resulting from internal violence, they all have negative repercussions on civilians, especially women, children, the elderly and those with special needs, and we will see that there is an urgent need to encourage the parties to the conflict to make concrete arrangements founded, in particular, on international humanitarian law, which can prevent the disappearance of persons during armed conflict or can facilitate clarifying their fate.

III. Briefers

We encourage member States of the Security Council to participate actively at the highest possible level in the briefing. The President of the International Committee of the Red Cross, Peter Maurer, and a representative of the Office for the Coordination of Humanitarian Affairs will be the main briefers.

A product of the Council is envisioned.
