

Global Conference
Reclaiming the Protection of Civilians Under International Humanitarian Law
Oslo, 23-24 May 2013

Setting the Scene: Main Challenges for Civilians in Conflict

Ms. Kyung-wha Kang
United Nations Deputy Emergency Relief Coordinator and
Assistant-Secretary-General for Humanitarian Affairs

•

Excellencies,
Ladies and gentlemen,

It is indeed a great pleasure and honor to be here with you today. I would like to thank Norway and the host countries of the regional meetings for pursuing this timely and vitally important initiative on Reclaiming the Protection of Civilians. I welcome its focus on finding practical ways to strengthen compliance with international humanitarian law and human rights law in situations of conflict.

Building on the rich discussions at the four regional consultations, the goal of this global gathering should be to seek a shared direction and renewed drive to bridge the glaring gap between what the law demands of parties to conflict, and the reality of what we see on the ground.

And that gap is enormous indeed. No doubt Syria preoccupies our minds and hearts these days, where civilians have been subjected to unrelenting and brutal violence for over two years, with no end in sight. But they are not alone in their suffering. In Afghanistan, the Democratic Republic of the Congo, the occupied Palestinian territory, Mali, Somalia, Sudan and many other countries around the world, civilians continue to be caught up in conflict that rages with little regard for their lives and welfare, dignity and human rights.

Ladies and gentlemen,

The challenges that confront civilians caught up in conflict are profoundly disturbing. They are routinely killed or injured in targeted or indiscriminate attacks. In Syria, for example, tens of thousands of people have been killed since March 2011, many as a direct result of attacks by Government forces or armed groups.

In Afghanistan, the United Nations Assistance Mission – UNAMA – reports that more than 7,500 civilians were killed or injured in 2012 as a result of conflict-related violence. More than four out of five of these deaths and injuries

were attributed to anti-Government forces. The figure was 12 per cent lower than in 2011, but the number of women and children killed or injured increased.

In Afghanistan and elsewhere, women and children are disproportionately affected by armed conflict, and particularly by the sexual violence that often accompanies it. Sexual violence destroys lives, families and communities, and the victims – who can include boys and men – are left with horrific physical and psychological scars that last a lifetime.

Children suffer in many other ways during conflict, with disturbing regularity. They can be maimed or abducted, or forcibly recruited into armed groups. Their education is disrupted when schools and teachers are attacked. And for girls, this all too often means falling out of the education system altogether.

Healthcare facilities are given special protection under international humanitarian law. But the reality of noncompliance is shocking, as the International Committee of the Red Cross has documented in its *Health Care in Danger* campaign, as already mentioned by Vice President Beerli. Not surprisingly, the weapons that cause most injuries and damage in attacks on healthcare facilities are explosives like artillery shells, missiles and bombs dropped from aircraft.

The use of such explosive weapons in populated areas is a major and growing concern. These weapons are by nature indiscriminate, and they kill and injure civilians both directly and indirectly when they cause buildings to collapse. The use of these weapons can cause severe damage to electricity, water and sanitation systems – services that are crucial to ensure people's basic rights.

The UN's Office for the Coordination of Humanitarian Affairs (OCHA), which I had the privilege of joining one and a half months ago, will convene a meeting of experts later this year to discuss the humanitarian impact of explosive weapons in populated areas, and to identify measures that might strengthen the protection of civilians from their effects.

Ladies and gentlemen,

Displacement within and across borders is a defining feature of conflict, as people are forced from their homes as a result of violence and the breakdown of social and economic structures.

According to the Norwegian Refugee Council's Internal Displacement Monitoring Centre, 28.8 million people were internally displaced by armed

conflict and generalised violence worldwide at the end of last year – an increase of 2.4 million on the previous year. Around 6.5 million of these were newly displaced, almost double the number during 2011, mainly due to the conflicts in Syria and the Democratic Republic of the Congo.

Displacement is traumatic and potentially fatal. Becoming displaced can mark the beginning of a daily struggle for survival in the face of insecurity, because of the high risk of repeated displacement, attacks on camps; and exposure to gender-based violence and forced recruitment. Displacement can lead to physical and mental illness. Even when humanitarian agencies succeed in reaching displaced people, the assistance they bring can erode the dignity of the recipients as they become reliant on outside help.

But in many cases, humanitarian agencies cannot reach people affected by conflict. We know there are people right now in desperate need in parts of Syria and in the Sudanese States of South Kordofan and Blue Nile, but we do not have access to them because of insecurity, bureaucratic obstacles or restrictions on entry and movement. In these cases, we are forced to consider other options for gaining access, including across borders from neighbouring countries.

Elsewhere, humanitarian aid is hindered by counter-terrorism measures that have the effect of constraining our engagement with non-State armed groups designated as terrorist. But engagement with all armed groups, including those designated as terrorists, is crucial to our ability to deliver aid in a safe and sustained manner – and also to urging their compliance with international humanitarian law.

We must also address the particular dangers faced by journalists and other media professionals, who are at risk of being killed, arbitrarily arrested and persecuted simply for doing their jobs in countries including Syria and Somalia. There is widespread impunity for such violations. Migrant workers are another group who are particularly vulnerable and can become trapped in conflict zones, as we have seen in Cote d'Ivoire, Libya and today, in Syria.

Ladies and gentlemen,

It is clear that many of the challenges we face in protecting civilians during armed conflict stem from the increasingly asymmetric nature of warfare and the proliferation and fragmentation of non-State armed groups.

Some non-State armed groups try to overcome their military weakness by using strategies that flagrantly violate international humanitarian law, including deliberate attacks on civilians.

And government forces fighting an enemy that is difficult to identify may respond with methods that violate the principles of distinction and proportionality, including the use of explosive weapons in populated areas.

In both cases, strengthening compliance with international humanitarian and human rights law is fundamental to the way forward for greater protection of civilians. But how can this be achieved? Allow me to offer just a few suggestions from the viewpoint of the humanitarian imperative.

First, States should recognize the need for consistent engagement by humanitarian actors with all relevant State and non-State actors. This is essential both to seek improved compliance with the law, as well as to gain safe access to people in need.

Second, the relevant authorities should facilitate rapid and unimpeded access to people in need of protection and assistance. They should speed up administrative, visa, travel and customs procedures, including in the context of cross-border operations, if necessary.

Third, the Security Council should take a more systematic approach to implementing the commitments in its resolutions on the protection of civilians. The Council should demonstrate greater consistency in condemning violations by all parties to conflict, and in demanding compliance with legal obligations.

Fourth, States, international organizations and civil society should intensify discussions on how to reduce the use of explosive weapons in populated areas.

And fifth, there is an overwhelming need for effective and independent national judicial systems and regional and international mechanisms to ensure accountability for violations. Fact-finding missions and commissions of inquiry can play a crucial role here. And the Security Council should be able to use objective criteria when deciding whether to refer situations to the ICC.

Finally, and of immediate relevance, I would add my voice to that of Foreign Minister Eide and ICRC Vice-President Beerli and urge States to come to New York on 3 June to sign the Arms Trade Treaty that was adopted earlier this year. This treaty is an historic advance in the protection of civilians, which we hope will reduce the devastation resulting from the poorly regulated arms trade.

With these suggestions, may I conclude with the hope that our global conference will yield further practical, concrete recommendations.

As daunting as the challenges are on the ground, let us redouble our collective efforts to reclaim and strengthen the imperative of protecting civilians in conflict.

Thank you.