



## Joint statement by humanitarian NGOs on IHL compliance and the protection of humanitarian action

April 1, 2019

As humanitarian organizations working across the globe to protect and assist civilians in conflict, we welcome today's Security Council meeting on International Humanitarian Law (IHL) and the protection of humanitarian space. This year marks 20 years since the Security Council seized protection of civilians as part of its agenda, the 70<sup>th</sup> anniversary of the Geneva Conventions and their additional protocols and 30 years since the adoption of the Convention on the Rights of the Child. Yet, conditions for civilians and humanitarian action continue to deteriorate. We are confronted each day with persistent violations of IHL-- including indiscriminate attacks on civilians, schools, hospitals and civilian infrastructure—which has led to immense human suffering. At the same time, threats to humanitarian action continue to grow, impeding our attempts to protect and assist civilians.

In order to reverse this deadly trend, we collectively call on the Security Council and member states to:

- **Respect and comply fully with your obligations under international humanitarian and human rights law, and ensure that other member states and armed groups do too.** This should include clearly and consistently condemning direct and indiscriminate attacks on civilians, the denial of humanitarian access, deliberate targeting of schools, hospitals and other civilian infrastructure, and the use of explosive weapons in populated areas.
- **Consistently ensure that there are consequences for state and non-state actors who deliberately violate or disregard their obligations, including through accountability mechanisms.** Consistently support the creation of international, independent investigative mechanisms--which are sufficiently resourced and include gender and child rights expertise--in any and all situations of armed conflict, and in appropriate cases referred for prosecution.
- **Address the impact of counterterrorism measures on principled humanitarian action.** Increasingly stringent counterterrorism measures often compromise our ability to assist all civilians in need by rendering operations nearly impossible, for example, due to financial de-risking. In addition, broad interpretations of what constitutes support to terrorism can potentially lead to the sanctioning and criminalization of activities which are exclusively humanitarian and impartial in nature. We urge the Security Council to take steps to prevent or at least mitigate these unintended consequences by ensuring respect for international law in counterterrorism measures and by including clear humanitarian exemptions in sanctions regimes and counterterrorism legislation.
- **Ensure that humanitarian assistance is not used to achieve political and military objectives.** Politicizing humanitarian assistance clearly disregards humanitarian principles and has a devastating impact on our safety and security by encouraging perceptions that we support political agendas. This poses particular risks for national and local organizations and their personnel operating in conflict areas. For example, a clear separation between humanitarian aid and Countering Violent Extremism (CVE) funding, as a measure to address the perceived radicalization risk of a given community, is required to protect principled humanitarian action.



- **Express concern and minimize the militarization of humanitarian assistance.** When humanitarian actors are co-located with security forces or are forced to use military escorts, humanitarian action becomes a target.
- **Protect humanitarian space within the mandates of peace operations.** All too often, peace operations undertake humanitarian activities through quick impact projects or through their participation in or facilitation of the returns of displaced people. This role confusion undermines humanitarian action.
- **Reinforce civil society space.** Throughout the world, civil society space is shrinking, including for humanitarian organizations. All too often national governments- including members of this Council- make negative statements about humanitarian organizations, undermine our principles and promulgate national legislation which limits our ability to operate. We urge the Security Council to call on national governments to refrain from negative and harmful rhetoric about humanitarian organizations. Promoting negative perceptions about humanitarian organizations reduces our acceptance with communities and threatens humanitarian action.
- **Develop concrete solutions to strengthen the protection of humanitarian workers and enable the implementation of UN Security Council Resolution 2175 (2014), by supporting the creation of an independent Special Advisor to the UN Secretary-General in charge of monitoring, reporting, and following-up on incidents against aid workers, with a focus on national personnel.** As local humanitarian actors play an increasingly crucial role in delivery of humanitarian assistance, the Special Advisor could reinforce political support from the UN system for national humanitarian staff and support risk management in line with New Way of Working/Grand Bargain commitments.
- **Ensure that national and local organizations, including women's rights and women-led organizations, are effectively supported and financed to advance the localization of humanitarian assistance in conflict settings, as they face particular risks.** Local humanitarians are often responding in areas that international organizations cannot reach.
- **Finally, the Security Council must ensure accountability for attacks on humanitarian action and should consider sanctions, arms embargoes, and referral into accountability mechanisms in cases where national governments are unable or unwilling to prosecute perpetrators of harm against humanitarian and medical personnel.**