Madame President,

Thank you for the opportunity to brief the Security Council this morning.

I am delivering these remarks from Brazil where I am participating in ceremonies marking the tenth anniversary of the Canal Hotel bombing that killed Sergio Vieira de Mello, one of my predecessors, and twenty-one other colleagues.

I join the Secretary-General and the High Commissioner for Human Rights in remembering colleagues who have lost their lives in support of the humanitarian cause.

Madame President, you have proposed that today’s debate be focused on three of the five core challenges to ensuring the protection of civilians in armed conflict: compliance with international law, access to people in need and accountability for violations.

Since the Secretary-General first identified these challenges in 2009, some important steps have been taken by the Security Council to implement its commitments to protect civilians. Peacekeeping operations have been given more consistent mandates. Situations have been referred to the ICC, which has secured its first conviction. Sanctions have been applied for serious violations, including the deliberate obstruction of humanitarian access. However, there remains a need for this Council to use, more consistently, all of the tools at its disposal to close the gap between the commitments made in this Chamber and the devastating impact of conflict on the lives of civilians.

Madame President,

Humanitarian workers operate in very complex and insecure situations. They do all they can to reach and bring assistance to people in need. But despite their dedication and commitment, and despite an unprecedented array of resources at the national, regional and international levels, millions of people around the world are not receiving the life-saving assistance and protection they need.
The mission of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) is to mobilize and coordinate effective and principled humanitarian action in partnership with national and international actors.

Active hostilities, violence against humanitarian workers, restrictions on the movement of goods and interference in humanitarian activities all restrict access. I will give two different examples.

There is a human tragedy unfolding before our eyes in Syria, where huge and urgent needs remain unmet. I am extremely concerned by the failure to protect civilians in flagrant violation of the most basic rules of international humanitarian law and human rights law. Insecurity, coupled with bureaucratic constraints and limitations on the number of non-governmental humanitarian organizations allowed to operate in Syria, continue to prevent aid reaching all those in need. We need more capacity and humanitarian access must be granted to people trapped in areas under the control of Government forces or opposition groups.

In Sudan, an estimated 900,000 people remain out of reach in areas controlled by armed groups in Jebel Marra, Southern Kordofan and Blue Nile. The safety and living conditions of civilians caught in the midst of the fighting in these areas is reportedly rapidly deteriorating.

Madame President,

There are other factors which limit access and raise protection concerns. People in areas controlled by non-State armed groups designated as terrorist may have no or diminished access to humanitarian assistance and protection because of restrictions imposed by counter-terrorism laws and policies. An independent study on the impact of donor counter-terrorism measures on principled humanitarian action was launched earlier this year. It contains recommendations addressed to the humanitarian community, donors and inter-governmental bodies, including that all relevant actors discuss how to better reconcile counter-terrorism measures and humanitarian action. It also recommends that counter-terrorism laws and measures include appropriate exemptions for humanitarian action and that humanitarian actors be able to engage with groups designated as terrorist in order to negotiate safe and sustained access to civilian populations in need.

We must consider measures to prevent and mitigate the humanitarian impact of the use in populated areas of explosive weapons which are by their nature indiscriminate within their areas of blast and fragmentation. We need to strengthen the protection of civilians from their effects. Discussions on this matter will take place next month.

Madame President,

Ensuring accountability for violations of international humanitarian law and human rights law remains a serious challenge. The primary obligation to investigate and prosecute serious violations lies with national authorities, with international mechanisms playing a subsidiary role. However, the relatively small number of prosecutions at the national level underlines the need for the United Nations and Member States to provide increased financial and technical support to national authorities in conducting investigations and prosecutions. National accountability mechanisms can also be complemented by the more regular and systematic use of commissions of inquiry and fact-finding missions by the Security Council.

Madame President,

There is an important list of basic obligations under international law that must be respected by all parties to conflict. I repeat them here. Parties must not conduct attacks against civilians or civilian objects.

The mission of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) is to mobilize and coordinate effective and principled humanitarian action in partnership with national and international actors.
Relevant authorities must protect and meet the basic needs of persons within their control, and ensure that the necessary conditions, security or otherwise, are in place to allow humanitarian access.

When unable or unwilling to provide adequate assistance, they must allow and facilitate rapid, safe and unimpeded access to people in need, including the immediate free passage of all medical supplies.

Consent for relief operations should never be withheld on arbitrary grounds.

Madame President,

As we have seen in the evolution of situations requiring humanitarian response around the world, it is clear that the concept of arbitrary denial of consent for humanitarian operations requires greater legal development and policy attention, including from this Council.

Parties should also avoid the use of explosive weapons and the establishment of military positions in populated areas.

On this World Humanitarian Day, as we remember our colleagues who have lost their lives in the humanitarian effort, we must do everything in our power to ensure that those who carry on their work can do so in safety. That is why there is a need for greater accountability at the national and international level for those who perpetrate attacks against aid workers and in instances of the deliberate delay or denial of access for humanitarian purposes.

Thank you.