Under Secretary-General and Emergency Relief Coordinator, Mark Lowcock remarks at Chatham House on Contemporary Armed Conflicts: Humanitarian Action and the Laws of War

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As delivered

Thank you for having me – especially Lord Owen; Prince Hassan bin Talal; Baroness D'Souza, and Lord Malloch-Brown.

Who is partly to blame for me being in this job, since he recommended me to Antonio Guterres. So, a special thanks to Mark.

I am particularly pleased to be here in commemoration of Zia Rizvi and the important work he did as part of the Independent Commission on International Humanitarian Issues.

I am also delighted to be back in London. I had the opportunity yesterday to meet with Penny Mordaunt, the new International Development Secretary, who is really terrific, and who I think will do an outstanding job at DFID, in particular on humanitarian issues.

On my first day in this job, ten long weeks ago, I told my staff at OCHA that when, however many years from now, I look back on my tenure I would like to see the world dealing better with three big challenges:

- o avoiding protracted food security crises deteriorating into famines,
- o finding better and faster solutions to refugee and displacement crises,
- o and, the arguably biggest problem of all, the deteriorating behavior of combatants in conflict.

Today, I want to focus my remarks on the third of these challenges.

Everywhere I have gone since starting this job – to Niger, to north-eastern Nigeria, to Bangladesh on the Rohingya crisis and most recently to Yemen – I have met victims of atrocities committed by armed men and the armed forces of States that fail to adequately protect civilians.

Like one of my predecessors in this job, and the former Deputy Secretary-General, Jan Eliasson I like to describe myself as 'an optimist, who worries a lot'.

In my thirty years of working on development and humanitarian response I have seen great progress in many countries. Deadly diseases all but eradicated. Once war-torn countries make peace and thrive. The international community coming together to agree on solutions to global problems.

So, despite the gravity of the challenges we face, I am optimistic that we can find better ways to tackle the challenges humanitarians face in conflict zones.

Today, I will outline how the complexity of modern conflict poses particular challenges for humanitarians.

I want to say something on the progress we have made in developing a normative framework to protect civilians in conflict.

And set out three areas where I would like to see more action to reduce civilian suffering:

- how to change the behaviour of belligerents;
- how we hold perpetrators to account and end impunity; and
- how to ensure that humanitarians can stay and deliver where they are needed, even as fighting continues around them.

Let me first turn to some of the underlying dynamics that are shaping today's conflicts.

Let us not pretend that there was ever a 'golden age' of respect for international humanitarian law.

Digital technology and social media mean we are probably more aware of violations now than we were in the past. But it feels to me as if there has been a spike in the number and extremity of abuses in recent years.

21st conflicts have specific characteristics that create distinct challenges for humanitarians.

Most of today's conflicts are protracted. Overwhelming military victories or negotiated peace deals are becoming less common.

As the 'War Economy' becomes lucrative for fighters, peace becomes a less attractive proposition.

The NGO Saferworld has just released a report on the conflict in Syria, in which they describe the war as a system of profit, exploitation and protection in which both the Government and non-State groups extract considerable economic benefit from prolonging the conflict.

As conflicts endure, fighting parties become increasingly factionalized, creating an intricate web of groups with whom access must be negotiated.

A recent World Bank-UN study shows how in the 1950s there was an average of eight armed groups in a civil war. By 2010 the figure had jumped to 14. By 2014 in Syria alone there were over 1000 armed groups.

Many modern conflicts appear to be internal or civil wars, but in almost every case they are fueled by other States pursuing their own political and economic interests.

External actors are less concerned about the human and economic costs of prolonged conflict, and their incentive to reach a peace deal is much lower.

The internationalization of conflicts also makes mediation harder.

From Maiduguri to Homs, conflicts increasingly play out in urban settings, with many civilian casualties and enormous destruction of civilian infrastructure. Urban conflicts currently affect 50 million people. Trends suggest that more wars in the future will be fought in densely populated cities.

We see record levels of forced displacement, most of it internal.

And while the international community has a well-established body of law, and a clear policy approach to help refugees, how we support IDPs is not so clear-cut, and our approach remains inadequate.

The systematic use of rape and other sexual abuse continues at a horrifying level with near total impunity.

We also see a rising threat of hunger and famine linked to conflict. Fighting drives people from their homes; prevents them from reaping their harvests; causes food prices to rise; and disrupts commercial trade. We have seen the impact this year in north-eastern Nigeria, Somalia, South Sudan and Yemen, where more than 20 million people faced the risk of famine.

The barbaric, medieval practice of siege and starvation have increasingly become crude, weapons of war.

On my recent visit to Cox's Bazaar in Bangladesh, I saw severely malnourished children who had fled the violence in Rakhine State. It was clear that they had been literally starved out of their homes.

And, the big new challenge of the last 20 years, growing all the time, is the mushrooming and globalization of terrorism – the hardest challenge to deal with, because most of its perpetrators accept none of the values or norms of the rest of the world.

Antonio Guterres is making a major speech on countering terrorism tomorrow at SOAS, but it is the backdrop to a lot of what I am saying here. Acts of terrorism are a clear violation of IHL and Human Rights Law. It's impact on civilians is devastating. Humanitarians should condemn acts of terror in no uncertain terms.

Although terrorism in London, New York, Barcelona and Brussels grabs the international headlines, we all know that most victims of terrorism are the poor and the vulnerable in places like Mogadishu, Baghdad and Kabul.

In 2016, seventy-one percent of deaths from terrorism were concentrated in just five countries: Iraq, Afghanistan, Syria, Nigeria and Somalia – all of which have huge numbers of people who need humanitarian assistance.

One of my predecessors, Sergio Viera de Mello, was of course, tragically killed in a terrorist attack in Iraq. And attacks on humanitarian workers in conflict zones continue to take place with almost total impunity.

So far, this year, 97 aid workers have been killed in deliberate acts of violence.

So, what do all these trends add up to?

A spiraling of humanitarian needs. This year, our global humanitarian appeal called for an unprecedented 24 billion dollars to help 145 million crisis-affected people. Even with donors giving 11 billion dollars so far, the funding gap remains wide.

This year's appeal is four times the amount we asked for a decade ago, while the number of people in need has risen more than fivefold.

I will be launching our global humanitarian overview for 2018 in Geneva on 1 December and while we are still crunching the numbers, I'm not expecting to report significant improvement.

So, what has been achieved in recent times to address these problems?

Firstly, we have a growing body of international law that aims to protect civilians in conflict.

Many countries have, since the Second World War, signed up to the Geneva Conventions in 1949 and later their Additional Protocols in 1977 to protect civilians in conflict.

The last 20 years has seen impressive progress.

Look at the adoption of the Mine Ban Treaty, with 162 parties.

It has changed the behaviour of at least some belligerents, including some non-State armed groups that are not party to it, and States that have not joined.

More than 100 countries are party to the Cluster Munitions Convention.

In 2014 the Arms Trade Treaty came into force, and now has 92 State parties.

Since the Security Council recognized the link between protection of civilians and international peace and security in 1999, it has built a strong normative framework.

And we have seen the Security Council taking action to enhance civilian protection on the ground, by prioritizing this in peacekeeping operations, establishing international tribunals, undertaking missions of inquiry and adopting sanctions against perpetrators.

Last year, the Council passed Resolution 2286, on the protection of the wounded and sick, as well as medical facilities and personnel. Eleven Governments, including France, recently pledged to take practical steps to enhance this protection.

This is all good news. But is it making a difference?

Kevin Watkins, CEO of Save the Children, recently argued that we are in the midst of a "crisis of compliance".

We have a strong legal framework to protect civilians in conflict, but too many don't feel compelled to follow it.

Better compliance means first changing the behaviour of parties to conflict, both States and non-state armed groups.

Appealing to a moral framework we all share does not help if those whose behaviour we are trying to change do not buy into that framework.

Fortunately, there is an emerging body of knowledge on effective ways to change the behaviour of combatants.

We are learning that some fighters are more likely to commit these crimes if they think that they either won't be seen, or won't be caught or won't be punished.

Feelings of victimization, vengeance and moral disengagement, also play an important role.

Sometimes violations occur just because fighting parties don't know the basics of international humanitarian law.

Research by the NGO Geneva Call, indicates that many armed groups do not have enough knowledge of IHL to meaningfully negotiate humanitarian access with aid groups.

The ICRC and Geneva Call have shown that encouraging armed groups to adopt internal codes of conduct, or to make unilateral declarations committing to agreed behaviour, can have a powerful self-disciplining effect.

Those negotiating with belligerents need to use the right kinds of carrots, including showing the benefits of compliance, such as legitimacy or a seat at the negotiating table.

And the right kinds of sticks, be they sanctions, the threat of tribunals, or other measures.

Helping belligerents understand how complying with the rules of war can be strategically advantageous to them sometimes works too, as case studies in Colombia and the Philippines have shown.

Then there are the measures to change the weapons and tactics of war.

When weapons with wide-area effects are used in urban settings, 92 per cent of the casualties are civilians, according to a report by Action on Armed Violence.

But there are some instances where we see progress. For example, in Afghanistan, the International Security Assistance Force (ISAF) and US military have been trying to reduce impacts on civilians by changing the choice of weapons used, military tactics and improving casualty tracking. This has had positive results.

In the battle to re-take eastern Mosul, effective engagement with the Iraqi authorities and coalition partners helped put civilian protection at the centre of the military operation, which undoubtedly saved lives.

But we need more militaries and security forces to recognize that failing to protect civilians in counter-insurgency or counter-terrorism operations is the first step to a strategic failure. Hearts and minds will immediately be lost. Not to mention the catastrophic human costs.

Scrutiny and publicity can also have an effect.

Tony Lake, who will shortly complete his term at UNICEF, has argued that shaming should be one of the tools in our arsenal in the fight against impunity. He has noted the effectiveness of the Monitoring and Review Mechanism established for Children in Armed Conflict in changing the behaviour of belligerents.

We have a growing body of law. We have efforts to improve compliance. And the third leg of the stool is to ensure accountability for those who violate the law.

The prospect of justice often feels far off in the middle of conflicts.

Visiting Bosnia as a young official between 1992 and1994 and seeing the impact of the behavior of Slobodan Milosevic, Ratko Mladic, Radovan Karadzic and others certainly left me wondering about accountability and impunity. That didn't change after the

Dayton Accords were signed in Paris in December 1995, bringing the fighting to an end. Lord Owen will remember all that better than I do.

But of course, Mr Milosevic died in a prison cell in 2006, Mr. Mladic went on trial in 2012 and Mr. Karadzic, after nearly a decade of living in The Hague, began his sentence for war crimes and genocide last year.

The international arm of the law may not always move fast, but it turns out to be quite long.

The International Criminal Court, in its pre-trial chambers has publicly indicted 41 people. Seven of them are in detention. Just last week the ICC Prosecutor was authorized to open formal investigations into Burundi, and possibly Afghanistan will follow.

So, it is too early to reach conclusions about accountability and redress in respect of today's conflicts and the wide range and large scale of horrific atrocities they encompass.

In the meantime, there are some important things to be done.

Advocacy, political and economic leverage, high-level UN and multilateral mechanisms, and public denunciation of violations, all resting on a strong evidence base, are important to set the ball rolling.

When allegations of serious violations arise, systematic investigations and careful gathering of evidence and testimony are all important to support future action.

Take the Syria case. While the pursuit of justice has up to now eluded the ICC and the Security Council, others have taken action. The UN General Assembly passed a resolution to collect evidence for eventual prosecutions. The Human Rights Council has established a commission of inquiry to gather evidence of human rights violations. NGOs like the Commission for International Justice and Accountability are also investigating and documenting alleged crimes. While Syrian refugees are pursuing justice for alleged abuses through 3rd party national courts in Germany.

Accountability for serious violations of international humanitarian law is required *by law*. There are powerful and growing constituencies that want to see change and there is progress to build on.

Technology companies have access to an enormous amount of information everywhere.

They have formed important partnerships with human rights groups.
Right now, dozens of groups are collecting evidence of alleged violations against the Rohingya in Myanmar, including satellite images shared by Human Rights Watch, documenting the near-total destruction of 214 Rohingya Muslim villages.

While we must redouble our efforts on compliance and accountability, we have also to deal with the world as it currently is.

Humanitarians will continue to work on crises characterized by violence, complex politics, restricted access and short-term impunity.

So first, we need, to innovate to overcome access restrictions. In Syria, Security Council Resolution 2165 allows the UN to deliver aid across the border from Turkey, Iraq and Jordan. This has helped saved millions of lives in the last three years. We also airdropped food into the town of Deir-Ez-Zor that until recently was besieged by ISIS.

Secondly, we need to build on good examples of civil-military coordination. Like the OCHA supported deconfliction system in Yemen right now, which allows aid convoys to run right across the country with some protection from the risk of bombing or shelling. It also identifies civilian infrastructure which can then be kept safe from targeting.

Third, in protracted conflicts, we need to make more use of remote responses such as mobile money to get help to people round the backs of the combatants. In Somalia three million people have been helped through these systems this year, protecting them from falling into famine.

We also have to acknowledge that working in conflict zones entails serious risks for aid workers.

A few weeks ago, I went to Gwozo, in Borno state in north east Nigeria. It was in 2015 briefly the 'capital' of Boko Haram's so-called Caliphate. The town has been recaptured by the Nigerian armed forces, but in the surrounding hills, only a few hundred meters from the town, armed groups lay in wait.

Criminality is also often a major factor in attacks of aid workers. For example, in the Central African Republic, humanitarians are seen as having access to resources, and given the complete absence of rule of law, often become a target of theft and associated violence.

There are interesting examples in north-eastern Syria of the use of secure monitoring, using "mystery shopper" techniques to ensure aid is not diverted into the hands of armed groups.

Remote satellite monitoring in Yemen to allow us to understand better how projects are being implemented, while not exposing staff to risks.

And the increasing experimental use of drones to deliver packages where it is too dangerous to deliver them by truck.

Before I wrap up, I want to leave you with a final request.

We are all outraged by the images from conflict zones that go viral.

Malnourished children in Yemen.

The little boy – Omran Daqneesh – covered in dust in the back of an ambulance in Aleppo.

Alan Kurdi, washed up on a beach in Turkey.

The Chibok girls.

But beyond outrage, we also need solutions. Better ways to reach those most in need and keep them safe.

We need a multi-disciplinary approach: political scientists, behavioural economists, science and technology experts, military practitioners, lawyers and human rights specialists.

So, my basic plea is let's not be defeated by the obstacles, let's collaborate to surmount them.

Thank you.