CONCEPT NOTE

French-German twin presidencies of the UN Security Council

Arria-formula Meeting on Protecting Humanitarian and Medical personnel

April 1st 2019, 9.30 am to 11.30 am

1. **Background**

According to the United Nations Secretary General report published in September 2018 on the safety of humanitarian personnel and the protection of United Nations personnel, 530 NGO humanitarian personnel were subject to a variety of attacks and violence between 1 January 2017 and 30 June 2018, of which 60 lost their lives, 96 were injured and 113 were kidnapped. The number of deaths and injuries increased compared to the previous period. Local personnel, which represent 90% of those present on the ground, are most often affected by such attacks.

Furthermore, according to the WHO database, there have been some 740 attacks on medical infrastructure or personnel since January 2018 (causing 170 deaths and 911 injuries). Such politically or criminally motivated attacks directly targeting medical infrastructure or personnel breach some of the basic principles of international humanitarian law. In certain circumstances, they are part of a systematic strategy to constrain local populations by depriving them of emergency assistance and hindering the longer-term recovery of societies affected by conflicts. Despite these conditions which are often extreme, humanitarian personnel do everything they can to continue their work, especially local personnel who are often the frontline responders and are therefore more exposed to the risks. In addition, even though there is no incompatibility between fighting against terrorism and providing impartial humanitarian assistance, humanitarian and medical personnel face a growing risk of criminalization of their activities.

However, in theory, humanitarian organizations have legal instruments at their disposal to ensure their missions and members are protected. The Four Geneva Conventions and their Additional Protocols stipulate that relief personnel shall be respected and protected in international as well as in non-international armed conflicts. In response to the insufficient application of these fundamental rules, the UN stepped up its efforts. Since 1997, the UN General Assembly has continuously adopted a resolution on the safety and security of humanitarian personnel and the protection of UN personnel, which calls for the protection of humanitarian personnel and compliance with international humanitarian law. The UN Security Council has also tackled this issue through:

- Resolution 2175 (2014) covering the protection of humanitarian personnel and UN and associated personnel in armed conflict, which condemns all forms of violence against humanitarian personnel, and recalls that intentionally directed attacks against personnel involved in humanitarian assistance is a serious breach of international humanitarian law and underlines States’ obligation to fight against the impunity of those responsible for war crimes;
- Resolution 2286 (2016) covering protection of medical personnel and facilities in armed conflict.
2. **Method and objectives**

Rather than adding new pieces of legislation, these resolutions must be abided by. In this regard, France and Germany will support better implementation of existing regulations. In this perspective, France and Germany are also attached to promote the universalization of relevant treaties, such as the Protocols Additional to the Geneva Conventions, the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict, the Arms Trade Treaty, the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies, the Rome Statute of the International Criminal Court, the Convention on Cluster Munitions, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

Implementing existing legislation should also be achieved thanks to concrete and operational measures. In this regard, States should identify, share and discuss best practices and seek to coordinate their efforts concerning respect of international humanitarian law, in particular regarding training on IHL of armed forces and armed groups, systematically collecting data on attacks on humanitarian or health personnel and setting up procedures for violations of IHL to be punished.

3. **Programme**

   a. **Introduction (9h30-9h50):**
      - 09h30-09h35: intervention of French Minister Jean-Yves LE DRIAN
      - 09h35-09h40: intervention of German Minister Heiko MAAS
      - 09h40-09h45: remarks by Mark LOWCOCK, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator
      - 09h45-09h50: remarks by Peter MAURER, President of the International Committee of the Red Cross (ICRC)

   b. **Panelists (9h50-10h10 / 5 min per speaker):**
      - intervention of CAR Minister of health
      - intervention of the Permanent Representative of Afghanistan
      - intervention of the General Director of International Rescue Committee
      - intervention of the General Director of Humanity & Inclusion (former Handicap International)

   c. **Q&A (10h10-11h25)**
- floor open to SC members, necessity to insist on having questions to the panellists (members of the Security Council are strongly encouraged to intervene only during the formal meeting of the Security Council) and floor open to NGO and UN agencies but necessity to have concrete recommendations / inputs from the ground.

d. Closing remarks by the two ministers (11h25-11h30).