



2021 Economic and Social Council (ECOSOC) Humanitarian Affairs Segment (HAS) Side-event report

Implementing International Humanitarian Law: Innovative Programming and Best Practices in the Age of COVID-19

Event organized by Center for Civilians in Conflict (CIVIC) and co-sponsored by the Swiss Confederation, the Federal Republic of Germany, and the Kingdom of the Netherlands.

Friday 25 June from 8:30 to 10:00am (Geneva time)

Objectives:

The side-event invited experts from various backgrounds and countries, including actors from the field, civil society, community groups, and the military, to share practical, field-tested recommendations, solutions, and best practices to respond to civilian harm. The goal was to raise awareness on possible changes of policies and practices available to national and local actors to better implement International Humanitarian Law (IHL) and potentially lead to a significant reduction of civilian harm. Since conflict contexts have not been spared by COVID-19, this side-event discussed the specific protection threats posed by the pandemic, and shared examples of the creative ways communities, militaries, and NGOs found to overcome additional challenges.

It also aimed at linking discussions on civilian harm mitigation between the New York-based Protection of Civilians (POC) week and the Geneva-based ECOSOC HAS.

This side-event answered four main questions:

- What are the best practices and innovative approaches to civilian harm mitigation, and how can they be further adapted and replicated in other contexts?
- How do large-scale outbreaks impact the national implementation of IHL by Member States, and what are the best practices/lessons we can learn from the COVID-19 crisis and previous epidemics?
- How can Member States, through their representation in Geneva and New York, support these national level approaches, and what synergies could be explored across Geneva and New York?
- What should civil society participation in national-level implementation look like in practice?

Panel Members

Moderation:

- Anne de Riedmatten-Patiño Mayer, Head of Office, Humanitarian Affairs, Permanent Mission of Switzerland to the United Nations Office and other international organizations in Geneva

Introductory remarks:

- H.E. Dr. Hans-Peter Jugel, Ambassador, Deputy Permanent Representative, Permanent Mission of the Federal Republic of Germany in Geneva
- Ms. Wafaa Saeed, Director of OCHA's Coordination Division

Speakers:

- Colonel Karpov, Head of CIMIC, Joint Forces Command, Armed Forces of Ukraine (AFU)



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- Caroline Baudot, Adviser on the protection of civilians in the conduct of hostilities, International Committee of the Red Cross (ICRC)
- Sayed Ashraf Sadat, Head of the Community Protection Working Group of Herat facilitated by Center for Civilians in Conflict (CIVIC)
- Major Samantha Laplante, Canadian Armed Forces (CAF) Dallaire Centre of Excellence (COE) for Peace and Security
- Emily Knowles, Civil-Military Advisor

Concluding remarks:

- H.E. Dr. Nasdir Ahmad Andisha, Ambassador Extraordinary and Plenipotentiary of the Islamic Republic of Afghanistan to the UN in Geneva

Main points:

- ***Fostering IHL implementation and accountability for IHL violations – H.E. Dr. Hans-Peter Jugel***

Indiscriminate attacks on and deliberate targeting of civilian populations and infrastructures, hospitals, and healthcare workers, as well as sexual attacks and gender-based violence, persists in many conflicts and leads to an unacceptable number of civilian deaths. Promoting respect of IHL and accountability is a priority for Germany, who is using all international forum to advance this issue:

- o During Germany's membership at the UN Security Council (2019-2020), Germany has constantly pushed for accountability when violations of IHL were reported.
- o In Geneva, at the Human Rights Council, Germany has supported investigative mechanisms and preserved evidence on violations of international humanitarian and human rights law in contexts such as in Syria and in Myanmar.
- o Germany and France launched the Call for Humanitarian Action in 2019 as a concrete contribution to strengthening respect for IHL and principled humanitarian action. This call has already been endorsed by 48 states and the European Union and is a helpful tool to share examples and exchange good practices on the national implementation of IHL.

- ***The Protection of Civilians (POC) in the conduct of hostilities – Wafaa Saeed***

Current armed conflicts continue to be characterized by high levels of civilian deaths, injury, sexual and psychological trauma, and damaged or destroyed homes, schools, markets, hospitals, and other essential civilian infrastructure. Explosive weapons in populated areas (EWIPA) are one of the many factors that are responsible for civilian deaths in conflicts: in 2020, 88% of those killed or injured by EWIPA were civilians. Conflicts have both a direct and indirect impact on civilian harm by destroying essential infrastructures and services. And now, the COVID-19 pandemic is putting additional pressure on already weakened healthcare systems.

To strengthen the protection of civilians in conflict, the UN Secretary General has shared a number of recommendations to Member States to encourage them to develop policy frameworks that build up on good practices and establish clear institutional authorities and responsibilities for the protection of civilians in the conduct of hostilities:

1. Avoid using explosive weapons with wide-area effects in populated areas.
2. Strengthen the identification of civilian objects, including through no-strike lists that can include medical facilities and other essential civilian infrastructures.
3. Establish capabilities to track and learn from allegations of civilian harm.



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4. Establish standard operating procedures for post incident management, including preserving evidence, fact-finding missions, and reports.

- ***Switzerland and IHL – Anne de Riedmatten-Patiño Mayer***

Switzerland is one of the first countries who developed a national POC strategy, and in 2020 published a voluntary report on the implementation of international humanitarian law by Switzerland. Last year, in Geneva, Switzerland also hosted an expert meeting on the protection of the medical mission, which identified a number of good practices to follow. Switzerland's experience highlights the critical role of national IHL committees, who are excellent instruments to assure a whole-of-government approach to the implementation of IHL obligations.

- ***Armed Forces of Ukraine's experience in reducing civilian casualties – Colonel Karpov***

The role of a military commander is not limited to purely military tasks: they are also responsible for protecting civilians from various manifestation of harm (including landmines, unexploded ordinances, and other threats to their safety). Having little experience in mitigating civilian harm at the beginning of the conflict in the east, the Armed Forces of Ukraine (AFU) approached civil society and international organizations to develop such tools and frameworks. The cooperation between the AFU and CIVIC resulted in the creation of the so-called Civilian Casualty Tracking Provisional Group (CCTPG) in 2018, whose function is to collect and analyze data on incidents involving civilians, and also provide recommendations for military commanders to mitigate civilian harm. The creation of the CCTPG was an immediate success: the number of civilians injured or killed went down from 486 in 2017, to 238 in 2018, and 167 in 2019. This is a best practice that should be replicated by all sides of the conflict.

- ***Protection of the medical mission – Caroline Baudot***

Five years on from the adoption of UNSC Resolution 2286 on the protection of medical care in armed conflict, threats and attacks against medical facilities, personnel and patients still persist. Large areas remain off-limits to health workers and humanitarian workers because of blockades, sanctions, and arbitrary boundaries established by states or non-state armed groups that prevent the free movement of health staff, medical supplies, and patients. The lack of health care services have immediate and long-term effects. Evidently, a large number of wounded and sick civilians, combatants, and fighters are unnecessarily suffering or dying. Lack of access to healthcare also drives displacement and destabilizes communities, especially as rebuilding and restoring systems and services after a conflict often takes a very long time. The COVID-19 pandemic has further underscored the importance of protecting the medical mission since new patterns of violence and stigmatization have emerged in the last year at a time when the functioning of the healthcare system is more critical than ever.

However, protecting healthcare from violence is feasible and well within our reach. In this regard, the ICRC would like to share two positive, replicable experiences:

1. In late 2017, in the aftermath of the five month crisis in Marawi (Philippines) where around 50% of the city's medical facilities were damaged or destroyed, healthcare authorities liaised with the head of the Philippine police in the city to introduce a no-weapons policy. In June 2019, the ICRC brokered a coordination agreement between the local health care authority and the military unit operating in the area to address issues raised by health workers on the ground, such as passage through military checkpoints, the occupation of medical facilities by armed actors, and the disruption of routine healthcare programs during armed flashes.
2. Health workers in the Palestinian refugee camp of Ein El Hilweh (Lebanon), where security duties are shared between 15 armed groups, are often faced with threats from armed actors. The ICRC promoted the signature of a joint declaration between armed groups, health workers, and civilian representatives to safeguard healthcare provision and protect wounded and sick people in the camp.



- ***Successes from the field: the example of civilian protection working groups in Afghanistan –
Sayed Ashraf Sadat***

The Herat civilian protection working group was established in 2018, with CIVIC's support, to mitigate civilian casualties in the area. This initiative rapidly became a success: through dialogue and advocacy, the group was able to reduce the number of civilian casualties at a local level. Activities led by the group involve a mix of press conferences, face-to-face meetings, protest programs, open letters, oath writing, and video clips. These public advocacy efforts sensitize armed actors to the suffering of civilians and foster a culture of accountability within armed groups. For example, the group managed to convince the Afghan armed forces to move military targets away from residential areas. They also proposed that the army establish a civilian protection committee to receive and address civilian concerns and complaints, which was subsequently set up in 2020. It also helps mitigate the indirect effects of conflict on civilians' livelihood: during the harvest season of 2020, fighting resumed in many districts of Herat province, forcing civilians to flee their homes and leave their crops behind. The civilian protection working group opened a dialogue with warring parties and successfully convinced them to fight away from farm fields to allow people were able to harvest and earn their livelihood.

Gender is also a focus of the protection group, as the group is currently composed of 50% women and addresses specific gendered impacts of issues such as displacement and gender-based violence.

- ***Bridging the capability gap with specialized Centers of Excellence – Major Samantha Laplante***

In 2017, Canada launched the Vancouver principles on the prevention of the recruitment and use of children in conflict, which initiated a major shift from a focus on interaction with child soldiers to a focus on prevention. The Dallaire Center of Excellence on Peace and Security (DCoE) helps Canada build expertise on this specific issue and approach this problem space in a more coherent and coordinated way. Its role is twofold:

1. Fill the capacity gap by taking over the role of thinking for other organizations that do not have the capacity or expertise to work on complex peace & security issues.
2. Respond to the strategic and operational training requirements of the Canadian armed forces by providing recommendations on updating their doctrine, trainings, and education.

- ***The impact of COVID-19 on the protection of civilians – Emily Knowles***

Although the pandemic has been truly global, its impact has not been universal. While there is no such thing as a common experience across fragile and conflict-affected states, early analysis suggested that police and militaries enforcing lockdowns and curfews committed serious rights abuses in over 60 countries during the opening stages of the pandemic.

In addition to the direct impacts of COVID-19 on civilian harm in some contexts, there was also indirect harm caused by the disruption and suspension of existing protection activities and programs while levels of violence remained high in many conflict-affected countries. A wide range of security forces became frontline responders during the pandemic, including gendarmes, police, national guards, border forces, and militaries. Strong civil-military relationships at all levels were therefore vital to ensure the protection of civilians during the pandemic. For local communities in many fragile and conflict-affected states, having structures in place to ensure that security providers understood their obligations to protect civilians, received training to reinforce protection behaviors, and were adept at maintaining strong relationships with local communities to ensure that a protection dialogue continued remained crucial to reducing the risks of civilian harm during COVID-19.



- ***Experience, lessons learned, and best practices from Afghanistan – H.E. Dr. Nasdir Ahmad Andisha***

Most conflicts today are intra-state conflicts involving a wide range of non-state actors, which raises specific concerns for the protection of civilians. The asymmetry of the conflict makes it easier for the party that does not respect IHL to get the short term successes, using civilians as human shields for example.

Since 2009, and following high numbers of civilian casualties due to NATO's operations in Afghanistan, the protection of civilians has consistently been on top of the agenda of the Afghan government to mitigate civilian harm from its own operations and those of NATO. In 2017, Afghanistan adopted the Landmark National Civilian Casualty Mitigation and Prevention Policy, which re-commits the government and the armed forces to mitigate and respond to civilian harm through training, policies, and financial assistance to the victims. It also provides specific guidelines to military forces at three stages: pre-operation, during the operation, and post-operation. Whenever an incident involving civilians is reported, it prompts a thorough investigation which then informs corrective measures to take to change practices and try to reduce civilian harm.

In addition, Afghanistan is also very active in international forums to promote casualty recording mechanisms. In Geneva, Afghanistan sponsored together with Liechtenstein, Croatia, and Costa Rica a joint statement in the Human Rights Council on casualty recordings, and co-sponsored in New-York with Spain a resolution on the victims of terrorism.

Additional points raised during the discussion:

- ***Protecting schools and education during armed conflicts – Jasminka Milanovic***

In November 2019, after extensive advocacy by Save the Children to the Minister of education, the Presidential administration, and the Presidential commissioner for child rights, Ukraine adopted the Safe Schools Declaration (SSD). With the endorsement of the SSD, the Government of Ukraine commits to take very concrete steps to better protect education, including monitoring and reporting attacks on schools, promoting measures that enable safe education to continue during war, preventing the use of educative facilities by armed combatants, etc. Save the Children and their partners started supporting Ukraine in the development of a national implementation plan. Among other things, this includes collaborating with CIVIC on a series of trainings for civil military cooperation officers with the Ministry of Defense. This was carried out very fast, in December 2019, so less than a month after the adoption of the declaration. As of June 2021, nearly 110 officers have been trained on how to protect education during armed conflicts.

- ***Obligations under IHL – Andri Von Mens***

This event provided important contributions on three aspects:

1. Sharing very practical and implementation-oriented approaches to complicated issues, such as the protection of civilians and addressing the root causes of civilian harm.
2. Highlighting the importance of IHL principles when it comes to combatting the COVID pandemic. Curtailing the pandemic is only possible if all people are protected against it, and that includes people in harm's way such as the refugees, migrants, and internally displaced persons. It is not only an obligation under IHL to protect them, but it is also clearly in everybody's interest.
3. Reminding that protecting civilians is an obligation under IHL not only for States but to all warring actors, including non-state actors. This means for example that those controlling a specific territory should ensure access to public health services without discrimination, which is not only a question of international humanitarian law but also basic human rights.

Key messages and outcomes of the side-event:



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A year-and-a-half into the COVID-19 pandemic, better implementation of IHL remains central to improve the protection of conflict-affected populations, as they are faced with the dual challenge of violence and the pandemic. Direct threats to civilians caused by the heavy securitization of the response in some contexts, as well as indirect harm caused by the disruption and suspension of existing protection activities and programs while levels of violence remained high in many conflict-affected countries, call for a reinforced attention at the protection of civilians, better linking health and protection agendas.

While the pandemic was truly global, the most innovative solutions are to be found at the local level. Drawing on the experiences of a variety of initiatives including the creation of an internal Civilian Harm Tracking mechanism by the AFU, Afghanistan's local community protection working groups, ICRC's Health Care in Danger Project, and Canada's Dallaire Center of Excellence for Peace and Security, speakers and participants walked the audience through different ways local actors can better implement IHL through innovative programming, integrated POC approaches, and increased engagement with civil-society and communities. The side-event was meant to be a platform for gathering civil-society, member states, military actors, and field practitioners to share best practices and local experiences, and a catalyst for change to inspire more stakeholders to promote the POC agenda.

Link to the recording on CIVIC's Youtube channel: <https://youtu.be/8KDbd6s1c14>