



UN Security Council Open Debate
“Protection of Objects indispensable to the survival of the civilian population”

27 April 2021

Mr. Kevin Rudd, Chair of the IPI Board of Directors

Your Excellencies,

Thank you for inviting the International Peace Institute to brief the Security Council on this crucial issue.

As you will be aware, the International Peace Institute was founded more than 50 years ago in partnership with Secretary-General U Thant and has contributed closely to this matter both here in New York but also on in the field since then.

I also want to acknowledge the particular leadership of Vietnam in convening this debate today.

Your Excellencies, let me be clear: targeting objects indispensable to the survival of the civilian population is prohibited by international law¹. It is an offence to humanity and an insult to the aspirations of the United Nations and the commitment of its members to peace, development and human rights.

This Council has recalled on several occasions the obligation to protect essential civilian infrastructure, including most recently with the adoption of Resolution 2565 on access to COVID-19 vaccines². Nonetheless, deliberate and inadvertent attacks against vital human infrastructure and the natural environment remain a daily reality. That remains a shocking indictment on us all, and it is important that the Security Council – as the leading body for international peace and security – remains seized with it.

Examples include the repeated attacks on medical facilities and water infrastructure in Yemen and the central Sahel, the theft of cattle and destruction of sanitation projects in South Sudan³, the

¹ In particular, see Rule 54, Customary International Law, API of the GC, 1977, Art.54-56, APII Art.15 and IHRL: ICECSR Art.11-12.

² Including in adopting UNSC Resolution 2286 (2016) on the protection of health care in armed conflict, UNSC 2417 (2018) on objects necessary for food production and distribution; and most recently with resolution 2565 (2021) which urges all parties to protect civilian infrastructure which is critical to the delivery of humanitarian aid.

³ Geneva Hub, *A Matter of Survival*, 2016,

cutting of water supplies in Somalia, the detonation of electricity pylons in Afghanistan⁴, the scorching of farmers' fields in Iraq⁵ and Mozambique, attacks against humanitarian actors in northern Nigeria and Niger, and cyber-attacks against hospitals.

However, attacks on essential civilian infrastructure are not confined to a single context or perpetrator. They occur in both international and national conflicts, in urban and rural settings, and occur both intentionally as well as unintentionally.

This is a problem that concerns all parties to armed conflict, and we all have a responsibility to protect objects indispensable to the survival of the civilian population.

Your Excellency, the targeting of vital infrastructure and natural resources impacts us all: men, women, boys and girls.

Most immediately and directly, it disrupts access to essential goods and services. Since the beginning of this year, the World Health Organization has recorded more than 160 attacks against health care – more than an attack a day.⁶ In Yemen, more than 40 attacks between 2018 and 2020 have⁷ damaged water infrastructure, including some run by humanitarian organizations, potentially restricting water supplies for 185,000 households.⁸ Such destruction causes food and water shortages, increases prices⁹, exposes the population, especially children, to preventable disease and the risk of malnutrition¹⁰, forces children out of school, and generates massive displacement.

The impacts of all these examples are still being felt in many places: natural resources and means of subsistence are depleted, and public services suffer. These effects are compounded by climate change and environmental degradation, as well as by public health emergencies – including the ongoing COVID-19 pandemic.

Humanitarian crises turn into development crises, with an urgent need for the reconstruction and rehabilitation of infrastructure. But in places like Afghanistan and Syria, protracted armed violence constrains the scope for rebuilding. In the long term, attacks on vital infrastructure render the Sustainable Development Goals unattainable for millions.

⁴ https://afghanistan.asia-news.com/en_GB/articles/cnmi_st/features/2020/05/18/feature-01

⁵ <https://news.un.org/en/story/2016/10/543902-isils-scorched-earth-policy-creating-environmental-and-health-havoc-mosul-warns> ; <https://www.amnesty.org/en/documents/mde14/9510/2018/en/>

⁶ World Health Organization, 'Surveillance System for Attacks in on Health Care', available at: <https://extranet.who.int/ssa/Index.aspx>

⁷ CIMP, Data from 1 January 2018 to 25 March 2020, cited by Humanity and Inclusion, *Death Sentence to Civilians: the long-term impact of explosive weapons in populated areas in Yemen*, May 2020.

⁸ Humanity and Inclusion, *Death Sentence to Civilians: the long-term impact of explosive weapons in populated areas in Yemen*, May 2020.

⁹ ICRC, *Urban Services During Protracted Armed Conflict*, 2015

¹⁰ World Vision, *The Grave situation of Children Affected by Conflict and Fragility in the Central Sahel*, October 2020, p.4.

The destruction and prolonged deprivation also raise the prospects for renewed cycles of violence, generating grievances among affected populations and accentuating feelings of exclusion. Membership in armed groups sometimes provide the best livelihood opportunities.¹¹ This can create optimal conditions for recruitment into armed groups and the perpetuation of armed violence¹².

Ultimately, attacks against vital infrastructure and natural resources trigger a vicious cycle – they undermine the fulfilment of basic human rights, sustainable development and peace.

Your Excellencies,

The UN system, in particular the Secretariat, has an important role to play in promoting the protection of vital infrastructure and ensuring a cross-pillar approach between humanitarian, development and peace actors. There are four areas in particular where the UN can take action.

The first is prevention. The Secretary-General should use his good offices to engage with all parties to armed conflict, including non-state armed groups, to call for restraint and promote compliance with the laws of war¹³, reminding that the rule of precaution in attacks requires fighters to spare civilian infrastructure and the natural environment.¹⁴ UN peace operations and country teams could support the adoption of national strategies for the protection of civilians, which ought to include the protection of vital civilian objects and the facilitation of humanitarian activities. When possible, prevention should include efforts to foster cooperation around natural resources, especially water diplomacy, to turn these natural resources from sources of tension into instruments for peace¹⁵. The Secretary-General's call for a global ceasefire was an important step.

Second, the UN itself should ensure that it protects civilian infrastructure, starting with proactively complying with the Human Rights Due Diligence Policy and ensuring that UN peace operations demonstrate “human rights readiness”¹⁶.

Third, the Secretariat – at the request of the Security Council – could consider systematically monitoring attacks against all types of essential infrastructure. For that, it could consider fostering synergies and expanding the scope of existing mechanisms, including the ones for monitoring attacks on medical facilities, humanitarian workers and schools.¹⁷ Having a repository of data on attacks against all essential infrastructure would enable UN member states to learn from failure of

¹¹ See for example War Child, *Tug-of-war: Children in armed groups in the DRC*, 2018; World Vision, *No Choice*, February 2019.

¹² Luciana Vosniak, citing Humphreys, M., & Weinstein, J. (2008). Who Fights? The Determinants of Participation in Civil War. *American Journal of Political Science*, 52(2), 436-455.

¹³ Luciana Vosniak, “How can UN help ensure NSAG Protect Civilians”, *Global Observatory*, April 2021.

¹⁴ See API, Art.57; CIHL Study Rule 15-19 and 21

¹⁵ IPI, “Rudd: Water a Central Element in UN’s Multilateral Work”.

¹⁶ IPI, *Integrating Human Rights Readiness into the operational readiness of peacekeepers*, 2020. See also Geneva Hub, *A matter of survival*, p.25- suggests that in contexts where the Council has mandated UN peace operations, lists of protected infrastructure will be made available to UN missions to enhance their protection in armed conflict.

¹⁷ IPI, *Evaluating mechanisms for investigating attacks on healthcare*, 2017.

military operations and to document atrocities. These are necessary steps to enhance prevention and protection in the long run, and, eventually, to hold perpetrators accountable. Indeed, States must investigate attacks against civilian objects, medical and humanitarian actors and, when necessary, prosecute and secure compensation for affected populations. Unfortunately, too often, parties to conflict fail to open any investigation. We cannot continue to turn a blind eye.

Finally, the UN should continue working with international, regional and national partners to coordinate a holistic approach to rehabilitation and reconstruction. UN agencies, funds and programs can help build a comprehensive picture of the direct and indirect of disruptions to essential human infrastructure and natural resources, including their gender dimensions and environmental impacts.¹⁸ This can provide the blueprint for recovery and reconstruction. This reconstruction will require coordination between the humanitarian and development sectors, including through the Joint Steering Committee to Advance Humanitarian and Development Collaboration. A cross-pillar approach is necessary to strengthen resilience.

Your Excellencies,

The UN, however, cannot successfully promote the protection of objects indispensable to the survival of the civilian population nor support reconstruction without the political will and efforts of its member states. I know all too well that as Ministers, that is particularly incumbent on all of you.

The UN Security Council, and its members, must take the lead in respecting and ensuring respect for international humanitarian law, including in upholding their obligation to protect objects indispensable to the survival of the civilian population. This is the bare minimum yet would yield the maximum results for the protection of essential infrastructure and for mitigating humanitarian and development impacts in the long run.

Your Excellencies,

Should the Council decide to adopt an overarching decision addressing the holistic protection of these objects, it should ensure that this decision remains consistent with international law. Further, it should safeguard the space of humanitarian actors to operate without constraints in all its future decisions, including as they relate to counterterrorism and sanctions.¹⁹

¹⁸ In 2016, the UN Environment Assembly adopted a resolution on the “Protection of the Environment in Areas affected by Armed Conflict,” calling on the different parts of the UN system to provide enhanced assistance to countries affected by armed conflict and those in post-conflict situations to assist in post-crisis environmental assessment and recovery (UNEP/EA/Res. 15).

¹⁹ Alice Debarre, *Making Sanctions Smarter*, IPI, December 2019.

The Council should also recall that natural resources are shared and can be powerful instruments for cooperation.²⁰

The protection of objects indispensable to the survival of the civilian population is at the centerpiece of the role of the United Nations system and its members in promoting respect for human rights, sustainable development and peace.

Thank you for your attention.

²⁰ IPI, MENA Water Challenges: An opportunity for regional cooperation, <https://www.ipinst.org/2021/03/mena-water-challenges-an-opportunity-for-regional-cooperation>

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