



CORE RESPONSIBILITY TWO



**RESPECT THE  
RULES OF WAR**



## CORE RESPONSIBILITY TWO

# RESPECT THE RULES OF WAR

Photo on previous page:

Khairy Hassain and her daughter Fawzia look over the city of Sana'a from the roof of their new home. Twenty-three IDP families, all of whom fled fighting in the northern part of the country, now call this dilapidated building their home.

Khairy is a mother of three. She has just given birth to a baby boy. But she is unable to breastfeed because she is undernourished and does not have enough formula milk to feed him.

OCHA/Giles Clarke

Wars are not always prevented, and they do not always end quickly. But even in war, human suffering must be prevented and minimized. Core Responsibility Two rests on decades of internationally agreed upon rules that protect those not participating in fighting. The Agenda for Humanity calls on parties to a conflict to respect international humanitarian and human rights law, and urges all leaders to ensure both respect for the law and accountability for serious violations.

At the World Humanitarian Summit stakeholders rallied around this call, making more than 800 individual and joint commitments to uphold norms that safeguard humanity. One year later, 60 per cent of stakeholders that reported noted concrete steps to meet this call. Steps included working towards a political declaration to reduce the civilian impacts of explosive weapons in populated areas, support to UN Security Council resolution 2286 (2016) on the protection of medical care in armed conflict, and encouraging respect for humanitarian principles. Stakeholders supported efforts to track violations and called for the Security Council to refrain from exercising the veto in cases of mass atrocities.

Such efforts are important, but not yet commensurate with the gravity of a situation the UN Secretary-General has called a "global protection crisis."<sup>10</sup> In many conflicts civilians experience immeasurable misery as the rules of war are flouted. Every day people are attacked, killed, tortured, raped, enslaved, abducted, forcibly disappear, used as human shields, forcibly recruited, forcibly displaced, and deliberately deprived of food and health care. Hospitals and medical staff are targeted, humanitarian staff and premises are attacked, and their vital work is impeded. Women and girls are subjected to rape, abduction, human trafficking, sexual slavery and forced marriage, as are men and boys. In 2016, a record 65.5 million people had been displaced by conflict, violence and persecution, two thirds of them within their own countries.<sup>11</sup>

<sup>10</sup> Report of the Secretary-General on the protection of civilians in armed conflict (S/2017/414, New York, 10 May 2017)

<sup>11</sup> UNHCR, *Global Trends – Forced Displacement in 2016* (Geneva, 2017)

## STAKEHOLDERS REPORTS BY TRANSFORMATION



### #2 RESPECT RULES OF WAR



Turning words into real change in the lives of civilians requires all parties to a conflict, Member States and other stakeholders to do much more. All stakeholders should join the UN Secretary-General’s call for a global effort to mobilize Member States and civil society to enhance respect for international law and strengthen protection of civilians in conflict. Awareness-raising, advocacy, developing and sharing good practices, and research and dialogue on the root causes of parties’ behavior will be critical. Member States, regional organizations and armed groups must develop and implement policies to avoid harm to civilians. Finally, data collection and analysis on violations must greatly improve, matched with a firm political commitment to ensure data is used and perpetrators are held to account.

## 2A Protection of civilians and civilian objects

The Agenda for Humanity entreated all State and non-State parties in armed conflict to take action to ensure that:

In armed conflict, civilians and civilian objects, such as homes, schools and hospitals, are protected because all parties respect international humanitarian law.

### Progress so far

Participants at the Summit made over 110 commitments to increase respect and protection of civilians and civilian objects and 38 stakeholders reported on progress under this transformation. The majority were Member States reporting on efforts to promote their own and other parties’ compliance with the rules of war. Stakeholders mainly reported progress in the following areas:

#### Avoiding the use of explosive weapons with wide-area effect in populated areas and mine action:

The majority of reports in Transformation 2A emphasized efforts to raise awareness about the civilian harm caused by explosive weapons in populated areas (EWIPA), and to promote States’ adoption of a political declaration committing to reduce the civilian impact of such weapons in the future. For example, the Overseas Development Institute reported assessing the impact of the sale and use of explosive weapons in densely populated areas in Yemen. Austria convened stakeholders in late 2016 to further define the potential elements of a declaration. Belgium takes steps to ensure that its defense forces take all feasible precautions to prevent civilian harm. Croatia engaged in awareness-raising with other States based on their experience with the consequences of explosive remnants of war. On a related issue, Norway and another 10 stakeholders reported funding or implementing demining or mine risk education programmes.

**Child protection and safe schools:** Stakeholders reported actions to protect children in armed conflict and keep schools safe. As part of the “Children, Not Soldiers” campaign, the

United Nations Special Representative of the Secretary-General for Children and Armed Conflict reported on progress by Afghanistan, the Democratic Republic of the Congo, Myanmar, and other Member States, as well as its own successes brokering the release of recruited children in Colombia and Somalia. Geneva Call gathered 21 armed groups and specialized humanitarian agencies to discuss the recruitment, release and reintegration of children, and the protection of schools from military use and attack. The meeting identified practical measures armed groups could take to ensure compliance with international standards and produced two pledges: the Sudan People's Liberation Movement–North signed an Action Plan with the UN to end and prevent the recruitment of children, while the Alliance of Patriots for a Free and Sovereign Congo signed the Deed of Commitment to protect children from the effects of armed conflict. Canada endorsed and promoted the landmark Safe Schools Declaration while Norway worked to promote its implementation through co-hosting a regional workshop on the implementation of the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict by African Union States. On protection more broadly, the Active Learning Network for Accountability and Performance (ALNAP) developed and began to pilot the first ever guide to evaluating humanitarian protection with the aim to strengthen the evidence base to inform protection programming and decision-making.

A young boy holds a large piece of exploded artillery shell, which landed in the village of Al Mahjar, a suburb of Sana'a, the capital of Yemen. The conflict has exacted a heavy toll on children and their families.

UNICEF



## Achieving the transformation

While each of these measures enhances the protection of civilians in armed conflict, existing efforts are not yet commensurate with the gravity of the situation. Civilians continue to bear the brunt of war. They are trapped and targeted, subject to relentless attacks and sieges. The use of heavy artillery, aerial bombardment and improvised explosive devices in populated areas continues unabated, resulting in civilian deaths and injuries and the displacement of millions. State and non-State parties must comply with the rules of war and protect civilians, specifically taking action to:

- **Uphold the cardinal rules:** All State and non-State parties to armed conflict must comply with international humanitarian law (IHL), including the customary rules of distinction, proportionality and precautions. Parties to conflict, Member States and regional and intergovernmental organizations should develop and implement holistic policies or strategies on the protection of civilians and civilian harm mitigation, including training, doctrine and the development of capacities to track and analyse civilian harm in military operations.

“Targeted strategies should be developed to engage parties to conflict, both State and non-State actors, to prevent and end grave violations.”

- UNICEF, self-report 2A.

- **Refrain from bombing and shelling populated areas:** Parties to conflict must avoid the use of explosive weapons with wide-area effects in populated areas. They should adopt existing good practices and develop and implement operational policies and practical measures on the use of weapons to avoid civilian harm. All stakeholders should support efforts to develop a political declaration to address the humanitarian impact of such weapons.

## 2B Ensuring delivery of humanitarian and medical assistance

The Agenda for Humanity entreated parties take action to ensure that:

In war, human suffering is minimized because parties to conflict uphold their obligations to meet essential needs, care for the wounded and sick, facilitate access for impartial humanitarian relief operations, and respect and protect humanitarian and medical missions.

### Progress so far

Participants at the Summit made over 180 commitments to ensure delivery of humanitarian and medical assistance under Transformation 2B. For 2016, 50 stakeholders reported progress, with the majority reporting on efforts to protect

aid workers, promote respect for humanitarian principles and build capacities for negotiating access. Reports also showed strong continuing support for the implementation of UN Security Council resolution 2286 (2016) on the protection of medical care in armed conflict.

- **Protecting the medical mission:** About 20 stakeholders reported continued support for implementation of UN Security Council resolution 2286 (2016). Canada and Switzerland led an informal States' group to mobilize international leadership for protecting the medical mission, while the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) coordinated the drafting and encouraged implementation of the UN Secretary-General's recommendations to this end. Some Member States, such as New Zealand, incorporated legal frameworks for the protection of health-care and the ethical duties of health care personnel into armed forces training.
- **Ensuring principled humanitarian action:** Another 20 stakeholders promoted adherence to principled humanitarian action, training their staff and embedding the humanitarian

A doctor walks amidst the damaged Al-Thawra Hospital in Taiz city, Yemen.

UNICEF



principles of humanity, neutrality, impartiality and independence in response strategies. For example, Trócaire established a humanitarian learning platform to provide its staff with accessible training modules on humanitarian principles and action. Member States also took action, such as Norway's decision to include language on humanitarian principles in grant agreements. The European Union supported research and dialogue between States on the scope for strengthened, principled humanitarian action. Ukraine established clear, simple and accelerated procedures for rapid and unimpeded delivery of humanitarian aid, including to areas under the control of armed groups.



A Syrian man offloads humanitarian food aid from a truck.

WFP

## Achieving the transformation

Member State efforts to support implementation of UN Security Council resolution 2286 (2016) and to ensure humanitarian action are commendable. On the ground, however, much more work is needed. Attacks against the humanitarian and medical missions continue. Parties continue to target or indiscriminately harm hospitals, health clinics and ambulances, rather than protect them. Deliberate and unlawful constraints on access jeopardize humanitarian operations, while attempts to politicize them impede efforts to reach those in need. In this context, the Agenda for Humanity's appeal to States to act remains as pertinent as ever:

- **Meet essential needs:** When essential needs are not met, parties to conflict must consent to and allow and facilitate rapid and unimpeded access of impartial humanitarian relief, using clear, simple and expedited procedures. Where access is arbitrarily denied or hindered, such acts must be effectively addressed through accountability for unlawful impediments, including at the highest political levels. Humanitarian action must remain distinct from political or military strategies, conducted in line with principles of humanity, impartiality, neutrality and independence. Member States must not impede

impartial humanitarian actors' efforts to interact with all parties, including non-State armed groups, and to operate in areas under their control.

“The constant mobilization of the international community is needed to ensure safe, unhindered and sustained access to all people in need in armed conflict throughout the world.”

- France, self-report 2B

- **Respect and protect the humanitarian and medical missions:** Member States and parties to conflict should adopt and implement practical measures to protect humanitarian and medical missions, such as those defined in the recommendations pursuant to UN Security Council resolution 2286 (2016) to protect medical care in conflict, and share best practices and lessons learned. Such action should include ensuring national legislation is in line with international humanitarian law and integrated into military manuals and procedures, as well as reviewing rules of engagement and leading investigations when credible allegations of serious violations occur.

## 2C Speak out on violations

The Agenda for Humanity called on global leaders and States to take action to ensure that:

Facts are established, violations are known, and trends are understood so corrective measures can be taken.

Such actions should include efforts to systematically track, report on and condemn serious violations of international humanitarian law, and to collect data to understand trends and identify gaps in compliance. The Agenda also encouraged the UN Security and Human Rights Councils and States to make best use of independent fact-finding mechanisms.

### Progress so far

At the Summit, participants made over 30 commitments to improve collection, reporting and speaking out on violations of international humanitarian and human rights law. This transformation drew the smallest number of commitments under Core Responsibility Two, and consequently received the smallest number of reports in comparison to the other transformations of Core Responsibility Two, with 27 stakeholders reporting on progress in the following areas:

**Tracking violations:** A number of Member States reported on ongoing support for General Assembly resolution 71/248 (2016), which established the international, impartial and independent mechanism (IIIM) to assist in the investigation and prosecution of those responsible for the most serious crimes under international law committed in the Syrian Arab Republic since March 2011. Austria, Italy and Switzerland also reported ongoing support to operationalize the International Humanitarian Fact-Finding Commission. Stakeholders made progress in establishing mechanisms to monitor, verify and report on grave violations, including those against children. For instance, Belgium allocated EUR 4.5 million to the United Nations Children's Fund (UNICEF) to monitor and report on grave violations against children in armed conflict, while

the Office of the United Nations High Commissioner for Human Rights (OHCHR) reported progress on the implementation of a common UN information management system (CIMS) on violations of human rights and international humanitarian law.

**Speaking out:** A number of organizations and Member States condemned violations via press statements, in the General Assembly and Security Council, and through the UN Human Rights Council. CARE International reported that its paper, *The Dangers of Silence*, aimed to foster discussion among peers and partners about the relative costs of speaking out and remaining silent in the face of attacks on humanitarian and civilian targets. The United Kingdom launch a global campaign to Bring Daesh to Justice.

## Achieving the transformation

The Agenda for Humanity reminded States and global leaders of their fundamental responsibility to establish facts and document evidence of violations and trends and to speak out against serious violations. While the reported actions are valuable, greater efforts are required to make the international community's capacity to track, record, and analyse allegations of violations more systematic and effective. In the face of serious violations, it is essential for States and global leaders to act with courage in making the facts known and calling for collective action:

- **Seek the facts:** States and other relevant stakeholders, including the UN, must put in place the tools to systematically track, collate, analyse and report on trends in compliance and serious violations. Serious violations must lead to investigations and the prosecution of alleged perpetrators.
- **Systematically condemn serious violations:** Whenever serious violations of international humanitarian or human rights law occur, governments and global leaders must systematically condemn them. All relevant stakeholders should end the double standard of condemning some violations but not others, strengthening a collective resolve to demand compliance with the law.

## 2D Improve compliance and accountability

---

The Agenda for Humanity called on States to take action to ensure that:

Member States, the UN Security Council, and other leaders exert their influence to compel parties to armed conflict to comply with international humanitarian and human rights law. International crimes are systematically investigated and prosecuted because strong and capable national and international justice systems are in place.

Women and girls are protected from gender-based violence because all States and the international community prioritize its eradication.

---

### Progress so far

Improving compliance and accountability received the highest number of both commitments and reports under Core Responsibility Two, with over 380 commitments and 71 (or 50 per cent of) those stakeholders that submitted self-reports noting progress towards this transformation. Stakeholders focused on continued efforts to ensure accountability for international humanitarian and human rights violations in the following areas:

**Curbing veto use:** In 2016 Member States promoted greater political accountability at the UN by advocating for a Code of Conduct regarding UN Security Council action against genocide, crimes against humanity and war crimes and other processes to ensure decisive action. Luxembourg and others developed a template letter for Accountability, Coherence and Transparency Group members to request Security Council members to support a draft resolution to prevent or end atrocities. Others reported support for the French-Mexican initiative to

secure agreement among Permanent Members of the UN Security Council to refrain from a veto in the case of mass atrocities.

**Supporting international justice:** Member States reported on political, technical and financial cooperation with international criminal tribunals. They expressed strong support for the Rome Statute, describing assistance provided to the International Criminal Court (ICC) to enhance the efficiency and effectiveness of judicial proceedings. France reported it would contribute more than EUR 12 million to the ICC in 2017 as well as providing intensive cooperation and mutual legal assistance to the Court, and to the Office of the Prosecutor in particular. The United Kingdom reported that in 2016 it contributed more than EUR 11 million to the ICC and international criminal tribunals covering former Yugoslavia, Rwanda, Lebanon, Cambodia and Sierra Leone. Several States, including Estonia and Japan, donated to the ICC Trust Fund for Victims. Others reported on their demarches voicing concerns about the possible withdrawal of Burundi, Gambia and South Africa from Rome Statute; Gambia and South Africa have since revoked withdrawal.

**Justice for Gender-Based Violence:** Many Member States supported efforts to prevent and address gender-based violence (GVB) and hold perpetrators to account. Ireland supported the training and deployment of experts to gather evidence on alleged GBV in conflict situations for use in national and international legal prosecutions and to provide capacity-building to national systems. The European Union (EU) reported funding projects totaling EUR 5.5 million to address violence against women, including a project to strengthen transitional justice processes in Kosovo, Colombia and the Philippines. In addition, the EU allocated EUR 18 million of humanitarian aid to prevention and response to GBV in 84 projects, including in Syria, the Democratic Republic of the Congo and Somalia. NGOs and UN entities also raised awareness within communities, including the World Food Programme's new guidance which aims to combat GBV in the context of food assistance and tackle GBV risks linked to hunger and malnutrition, and International Deaf Emergency's work to increase reporting of sexual exploitation of persons with disabilities.



## Addressing gender-based violence in emergencies

At the World Humanitarian Summit, 30 per cent of commitments relating to women and girls focused on preventing and responding to GBV, and almost 50 stakeholders reported on their progress across different transformations of the Agenda for Humanity. Stakeholders supported existing initiatives to improve accountability, including the Call to Action on Protection from Gender-Based Violence in Emergencies and the Real Time Accountability Partnership on GBV in Emergencies. Stakeholders supported women-led, community-based efforts to provide survivors with services or tools. Others explored new programming opportunities, such as cash-based interventions that enhance protection from GBV, or researching the impact of GBV on people with disabilities and other vulnerable groups. The Humanitarian Advisory Group reported mapping the impact of sexual exploitation and abuse by interveners in peace operations, in partnership with La Trobe University.

The reporting demonstrates sustained political commitment to prevent and address GBV. Nonetheless, significant challenges remain, requiring action to enhance momentum:

- **Assume GBV is taking place and take action:** Widely accepted underreporting of GBV necessitates that all Member States and humanitarian organizations treat GBV as a serious and life-threatening protection issue that justifies urgent response measures, even where concrete evidence is lacking. This approach should be coupled with greater investment in data collection and monitoring to determine the true extent of GBV in emergency settings.
- **Invest in capacities:** Non-specialists in all sectors must be able to integrate GBV prevention and mitigation into response plans and programmes, in addition to stronger specialist capacities. Donors can help by ensuring adequate multi-year funding for competent, qualified and skilled GBV-trained partners and the establishment of GBV services.

Eunice fled when her village of Bria, Central African Republic, was attacked. Like many women and girls, being displaced has left her more vulnerable, including to the risk of abduction and gender-based violence.

OCHA/ Yaye N. Sene



## Achieving the transformation

While several initiatives are bringing stakeholders together to improve compliance and accountability by parties to conflict, it is important for States to use their political and economic leverage to stop serious violations at every opportunity. It is critical that all Member States and other relevant stakeholders collectively adopt concrete measures to enhance compliance with international humanitarian and human rights law, promote accountability, and evaluate progress:

- **Ensure respect through spheres of influence:** States must exert influence to ensure that parties to conflict respect international humanitarian law. Military partnerships provide a unique opportunity to influence parties and ensure respect for international law. States and other actors must open channels of dialogue with parties to conflict, dedicate aid budgets to training and judicial reform, and exert targeted, coercive measures against parties and individuals who violate their obligations.
- **Reinforce the global justice system:** All States need to redouble efforts to combat impunity and ensure a solid global justice system to address international crimes, by adopting the legislative, policy and law enforcement measures necessary for effective investigation and prosecution. The ICC should be used when national options prove inadequate. All States should ratify or accede to the Rome Statute and offer political, technical and financial support.
- **Use of the UN Security Council:** The UN Security Council should ensure accountability for serious violations by applying targeted measures, supporting prosecution mechanisms, mandating investigations and fact-finding, referring situations to the ICC and supporting its mandate. Permanent Members of the UN Security Council should withhold their veto power on measures addressing mass

atrocities, and all members should make a political commitment to support timely and decisive action for the most serious crimes.

“People not only ask for violations to stop, they also ask for them not be repeated, for the truth to be told and for perpetrators to be held accountable.”

- OHCHR, self-report 2D

- **Prosecute gender-based crimes:** Member States and regional organizations should put in place legislative and institutional arrangements to ensure that survivors of GBV by State and non-State parties are recognized as victims of conflict. Legal and policy frameworks should be revised to comprehensively address conflict-related sexual violence and prevent its recurrence, through shelters, legal aid, victim and witness protection laws and programmes, effective prosecution of GBV crimes, and provision of health care, psychosocial support, socioeconomic reintegration and livelihoods assistance.



A girl inside her family's partially destroyed home looks at the destruction outside, in the Shejaiya neighbourhood of Gaza City.

UNICEF

## 2E Stand up for rules of war

The Agenda for Humanity called on States, civil society and other global leaders to take action to ensure that:

The rules of war are widely known and respected thanks to a global awareness raising and advocacy effort.

In addition to calling for a campaign for greater compliance with international humanitarian law and international human rights law, the Agenda for Humanity called on all relevant stakeholders to accede to and promote adherence to core treaties aimed at protecting civilians, and to establish a dialogue to reinforce their relevance in the face of new challenges.

### Progress so far

At the World Humanitarian Summit, stakeholders made over 110 commitments to reaffirm and advocate for greater compliance with international humanitarian and human rights law, and 38, mainly Member States, reported progress in the following areas.

**Supporting compliance with international humanitarian law:** Member States and NGOs promoted international humanitarian and human rights law through policy and advocacy initiatives, training, and guidance. For example, Geneva Call trained more than 30 non-state armed groups on international humanitarian norms. The European Union (EU) and its Member States continued to implement the EU Guidelines on promoting compliance with international humanitarian law. The EU is further supporting non-EU countries to adopt national legislation pertaining to IHL obligations. Oxfam

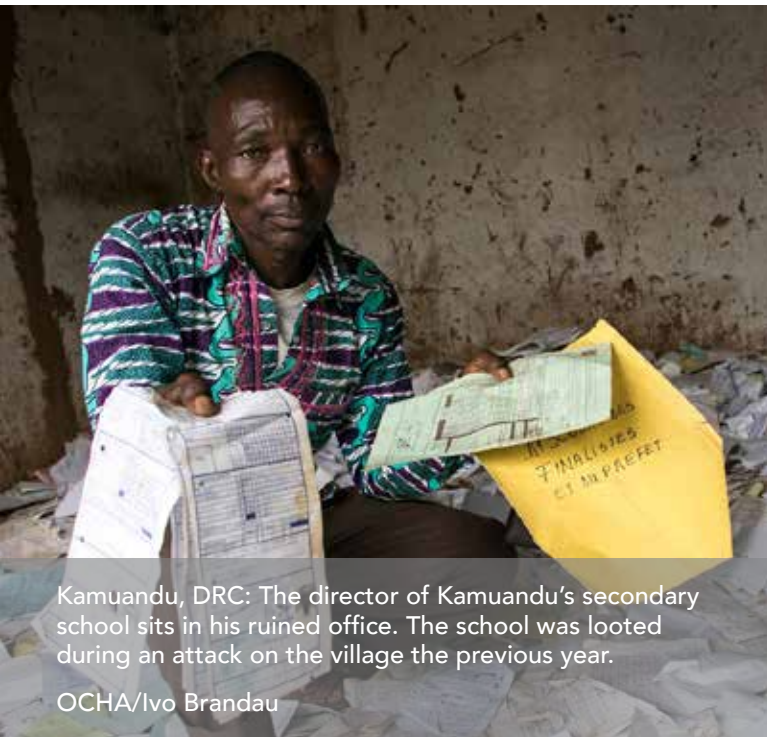
MOST-USED WORDS STAKEHOLDERS MENTIONED WHEN REFERRING TO IMPLEMENTATION CHALLENGES OF CORE RESPONSIBILITY 2 COMMITMENTS



For notes on data see page 89

International campaigned to improve compliance through its report on Yemen, *Picking up the Pieces*, which highlights the impact of violations of international humanitarian law. InterAction pursued recommendations from its policy brief *Civilians Under Fire: Restore Respect for International Humanitarian Law* and OCHA is actively pursuing the UN Secretary-General's call for a global effort to enhance the protection of civilians through public communication and advocacy. A number of stakeholders are promoting the universalization and implementation of conventions relevant to civilian protection, including the Arms Trade Treaty, the Anti-Personnel Mine Ban Convention and the Convention on Cluster Munitions.

**Strengthening respect for international humanitarian law:** Some Member States reported their support for Resolution 2 of the 32nd International Conference of the Red Cross and Red Crescent on strengthening compliance with international law. This support included taking part in the intergovernmental process convening States to discuss progress and challenges in the implementation of international humanitarian law to strengthen compliance and mutual accountability.



Kamuandu, DRC: The director of Kamuandu's secondary school sits in his ruined office. The school was looted during an attack on the village the previous year.

OCHA/Ivo Brandau

## Achieving the transformation

International efforts to uphold the rules of war are clearly underway. Yet with record numbers of people in need of humanitarian assistance and protection, an intensified global effort is needed for international, regional and national actors to raise understanding of the human cost of conflict and to enhance respect for international law. The UN Secretary-General's report on the protection of civilians in May 2017 reminds us that all actors of influence owe a responsibility to the millions of people affected by war to prevent and lessen their suffering.<sup>12</sup> In this context, the Agenda for Humanity's call for such a global effort remains as relevant as ever:

- **Launch a global campaign:** Member States, the UN, global leaders and civil society organizations must heed the call of the UN Secretary-General to embark on a global effort to raise public awareness of the human cost of armed conflict, ensure respect for international humanitarian law and international human right law, and uncompromisingly pursue the protection of civilians.

"We need to change the narrative amongst media, politicians and public through more robust and focused advocacy, analysis and communications."

- Christian Aid, self-report 2E

- **Adhere to core instruments:** All States should become party to core international instruments aimed at protecting civilians, including the Arms Trade Treaty and similar regional instruments, and ensure that national legislation and polices implement international obligations.

<sup>12</sup> Report of the Secretary-General on the protection of civilians in armed conflict (S/2017/414, 10 May 2017).