

**Security Council**

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**Letter dated 1 July 2021 from the Permanent Representative of
France to the United Nations addressed to the Secretary-General**

Within the framework of its presidency of the Security Council in July 2021, France will be holding a public briefing, on Friday 16 July, on the protection of humanitarian space.

Please find attached a concept note (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nicolas **de Rivière**



Annex to the letter dated 1 July 2021 from the Permanent Representative of France to the United Nations addressed to the Secretary-General

[Original: English]

Concept note for the briefing of the Security Council on the protection of humanitarian space, 16 July 2021

Because we are facing today an unprecedented shrinking of humanitarian space, France will convene a briefing of the Security Council at the ministerial level on the protection of humanitarian space.

Background

Humanitarian space is increasingly endangered by violence against humanitarian workers, as well as impediments to their activities.

The widespread and increasing violence that humanitarian workers are exposed to in the course of their activities not only causes death and injury but also hinders their capacity to fulfil their mission and deprives those most vulnerable of essential assistance and protection. This trend is all the more worrying that humanitarian needs have reached a record high.

The figures speak for themselves: in 2020, at least 169 security incidents against humanitarian workers were recorded in 19 States affected by conflict, resulting in the deaths of 99 humanitarian workers (S/2021/423, para. 43).

In addition to insecurity, bureaucratic and administrative impediments, restrictions on entry into and movement within countries and deliberate interference from parties to conflict contribute to hampering humanitarian access. In some countries, transactions and activities carried out during humanitarian operations continue to be prohibited and criminalized.

Impunity for serious violations that negatively affect or impede humanitarian workers and assets has become widespread. The majority of serious violations of international humanitarian law, committed both by States and non-State actors, remain unpunished.

We have a collective responsibility, as well as a legal and a moral duty, to counter those alarming trends.

That is the reason why France and Germany launched in September 2019 a call for action to strengthen respect for international humanitarian law and principled humanitarian action, which has now been endorsed by 48 Member States and the European Union. The call for action identifies concrete commitments that Member States can make to better protect humanitarian space.

Objectives

The briefing provides an opportunity for Member States to:

- Exchange best practices regarding the preservation of humanitarian space, in particular the protection of humanitarian workers, the facilitation of humanitarian access and accountability for serious violations of international humanitarian law.
- Identify concrete recommendations to better protect humanitarian space.

Guiding questions

- What actions, both at the national (legal) and international (diplomatic) levels, have Member States taken to better protect humanitarian space?
- What challenges and opportunities have Member States faced while taking measures to protect humanitarian workers and facilitate humanitarian access? Are there any lessons learned that can be applied in the future?
- How can information, knowledge and good practices with regard to international humanitarian law be disseminated and integrated more effectively to better safeguard humanitarian space? How can one learn from best practices in the field of international humanitarian law trainings and other efforts to promote respect for international humanitarian law, including with non-State armed groups, and coordination among States carrying out such efforts, including by providing training on international humanitarian law to armed forces?
- How can dialogue among humanitarian actors and parties to an armed conflict be facilitated in order to enable principled humanitarian activities? How can they be encouraged to lift their administrative impediments to the delivery of principled humanitarian aid? How can the “criminalization” of principled humanitarian action be avoided?
- What concrete measures could be taken to strengthen accountability for serious violations of international humanitarian law? How could we better use United Nations sanctions regimes against individuals or entities that attack humanitarian workers or impede humanitarian activities? Are there ways to deepen judicial cooperation among States to ensure that investigations are launched and proceedings, if appropriate, started? Is international criminal justice, in complement to national courts, a venue that could be better used in case of attacks against humanitarian workers that could qualify as war crimes or crimes against humanity?
- How could we minimize the potential unintended negative impact that sanctions may have on principled humanitarian activities?
- Are there ways that the Secretariat of the United Nations could explore to further protect humanitarian space?

Format and briefers

This ministerial-level briefing of the Security Council will take place in person on 16 July, at 10 a.m., Eastern Standard Time.

The Minister for Foreign Affairs of France, Jean-Yves Le Drian, will chair the meeting.

The following speakers have been invited to brief the Council:

- The Secretary-General
- Robert Mardini, Director General of the International Committee of the Red Cross
- Lucile Grosjean, Delegate Director for Advocacy of Action against Hunger