



Security Council SC/9692

Department of Public Information • News and Media Division • New York

Security Council
6151st Meeting (AM & PM)

DESPITE PROGRESS, CIVILIANS CONTINUE TO BEAR BRUNT OF CONFLICT, SAYS

UNDER-SECRETARY-GENERAL IN BRIEFING TO SECURITY COUNCIL

Concerns about Impunity, Sexual Violence As Tactic of War, Lack of Humanitarian Access Dominate Day-long Debate

The sorrow and brutality of war continued to be felt by untold millions of civilians trapped by conflict or forced into flight, John Holmes, Under-Secretary-General for Humanitarian Affairs and United Nations Emergency Relief Coordinator told the Security Council today.

Briefing the Council as it considered the protection of civilians in armed conflict, he said that, in the last 10 years, the subject had assumed a prominent place on the Council's agenda, as manifested by regular open debates, periodic reports of the Secretary-General and the four thematic Council resolutions on the issue. Regular meetings of the Expert Group on the Protection of Civilians and systematic application of the revised aide-memoire should further enhance the response to protection issues in a more comprehensive and systematic way.

Echoing the sentiments of many other speakers, the representative of Norway said sexual violence and rape were often calculated tactics of war and should be treated as such. She asked the Council to use the most effective measures at its disposal, including targeted sanctions, to make clear that sexual violence was unacceptable and that perpetrators would be held accountable. Norway supported the referral of such crimes to the International Criminal Court.

/...

Background

Before the Security Council was the report of the Secretary-General on the protection of civilians in armed conflict ([document S/2009/277](#)), which notes that, since the subject was placed on the Council's agenda 10 years ago, further efforts to strengthen the protection of civilians remains crucial as actions on the ground have not yet matched the progress in words and the development of international norms and standards.

According to the report, old and new conflicts alike persist amid "sometimes appalling" levels of human suffering owing to the fundamental failure of the parties involved to respect fully their obligations to protect civilians. That failure demands a reinvigorated commitment by the Security Council, Member States and the United Nations to the protection of civilians and the promotion of respect for the principles of international humanitarian law, human rights law and refugee law, upon which the concept is founded.

/...

As detailed in the annex to the report, access to conflict-affected populations was too often unsafe, not timely enough and too frequently impeded, he continued. Burdensome bureaucracy was one of the main constraints in that regard. In Gaza, for example, Israel's criteria for allowing the importation of goods into the territory remained unpredictable, and its decision in March to allow unrestricted entry for all foodstuffs from Government-approved sources remained unimplemented. In Sudan, the convening of the now-expanded High-Level Committee represented significant progress towards renewed cooperation on facilitating humanitarian action in Darfur. The Committee must now be replicated at the state level in Darfur.

Accountability also meant reparations, he continued, urging the Council to call on States to establish, or itself to mandate in the relevant context, mechanisms to receive claims alleging violations of international law. Ultimately, the aim must be to enhance compliance and accountability, not just in respect of the law, but, crucially, in respect of the Council's demands and decisions. The Council's willingness and ability to uphold and enforce them would inevitably be the real test of its commitment to the protection of civilians.

Statements

RANKO VILOMIĆ (Croatia) expressed concern about the heavy toll that civilians in many conflicts continued to bear, in Sri Lanka, the Democratic Republic of the Congo and Gaza, among other places. In situations where prevention had failed, national Governments must be held accountable for arresting and prosecuting those responsible for committing grave crimes, since the parties to an armed conflict bore the primary responsibility for protecting civilians. If Governments failed to fulfil their responsibility in that regard, recourse to the International Criminal Court could be considered. That was where the Council could play an important role.

He said the mandates of many peacekeeping operations contained strong provisions on the protection of civilians. Since the missions often acted in close cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the ground, more attention was needed in the implementation of those provisions, including on possible lessons learned from varying situations. Concerned about reported cases of Governments or armed groups denying access to humanitarian assistance, he strongly condemned attacks on humanitarian personnel and urged all parties to ensure their safety. There was also a need to intensify efforts to help the many civilians who ended up with disabilities, both physical and psychological, live a dignified life, especially during the delicate time of post-conflict peacebuilding.

BUI THE GIANG (Viet Nam) expressed deep concern about the persistent and pervasive violations as well as the increasing, indiscriminate and excessive use of force against civilians in conflict situations. Disturbed by the growing number of civilian deaths and injuries, and their widespread displacement in most conflicts, Viet Nam feared that trend could provoke other widespread conflicts resulting from social tensions and other problems in host locations.

He reiterated that the State must bear the primary responsibility for protecting civilians, with the United Nations system playing a critical role, particularly in mediation, peacekeeping operations and humanitarian and development assistance. There was also a need to enhance coordination among United Nations bodies and field missions in responding to the needs of civilians in armed conflict, not only in physical terms, but in political and socio-economic terms, as well.

Dialogue with non-State armed groups must be carefully considered to avoid inadvertently legitimizing illegal or even internationally recognized terrorist groups, he said. In order to end impunity, in accordance with resolution 1674 (2006), Viet Nam supported implementation of both justice and reconciliation mechanisms, including national, international and "mixed" criminal courts and tribunals, and truth and reconciliation commissions, as appropriate. Yet, referring situations to

the International Criminal Court or similar mechanisms should be considered on a case - by-case basis to avoid the risk of infringing on national sovereignty as a result of generalization.

CLAUDE HELLER (Mexico) said the sheer number and complexity of contemporary conflicts and scant respect for the norms of international humanitarian law had increased the challenges facing the Council. Mexico was concerned that, in recent conflicts, the parties had made illegal and excessive use of force, and had used prohibited weapons, among other things. It was important in that regard to make a distinction between civilian and military targets. Concrete action was needed to address the use of cluster munitions and the easy availability of light weapons. Mexico called upon Member States that had not yet done so to ratify the conventions on cluster munitions and anti-personnel mines. As for the Council, it must commit itself to ensure that refugees and internally displaced persons could freely and securely return to their homes. It must also take all measures necessary against those who acted against the needs of civilians.

Regarding Sri Lanka, he encouraged the Government to protect the civilian population and urged it to coordinate its efforts to evacuate trapped civilians with United Nations agencies. Serious humanitarian and human rights violations should be investigated by an independent body. The responsibility to protect was not an abstract concept, but took on its true value when facing crises. The Council should not be trapped into an endless theoretical debate. Violations of the basic norms and principles of international humanitarian law were war crimes and, if States lacked the capacity or willingness to prosecute them, the International Criminal Court had jurisdiction to do so. It was essential that the international community focus on preventing conflict and promoting an end to impunity.

YUKIO TAKASU (Japan) said substantial progress had been made in the protection of civilians during armed conflicts since the Council's first debate on the subject 10 years ago. The Council had produced a number of well-established normative frameworks, including the one laid out in resolution 1674 (2006). Japan welcomed the recent practice of convening meetings of the Expert Group to hear briefings from the Secretariat on up-to-date and detailed information about the protection of civilians, prior to consultations on the mandates of specific peacekeeping operations. What was important now was putting those established normative frameworks into practice.

Expressing grave concerns about continuing civilian casualties all over the world, whether civilians, journalists or humanitarian workers, he emphasized that States bore the primary responsibility to enhance compliance with international law and to protect civilians. At the same time, the international community must address the serious impact that non-State groups were having. It was essential to ensure compliance with international humanitarian law. Protection of civilians should be a priority in any conflict situation, whether a civil war or an anti-terrorism operation. It was not easy to fight rebel groups or terrorist organizations and protect civilians, but both objectives must be pursued simultaneously to the fullest extent.

LIU ZHENMIN (China) noted that, over the past decade, the international community had given increasing attention to the protection of civilians, yet large numbers of them continued to be harmed in armed conflicts. China was deeply concerned about threats to the lives and property of civilians, and urged all parties to conflict to respect international law and relevant Council resolutions. Given that the Council had the main responsibility for maintaining international peace and security, it should examine the protection of civilians in a comprehensive manner within the framework of tackling conflicts.

However, the responsibility for protecting civilians lay primarily with national Governments, he stressed, adding that the international community could provide assistance, while exercising with full respect for the sovereignty and territorial integrity of the countries concerned. In terms of fighting impunity, China was in favour of giving national courts a major role. The Council had an active part to play in advancing the cause of civilians in armed conflict, but China did not favour the use of sanctions, or threats to apply them, in every instance.

National Governments had the right to take law-enforcement measures to fight terrorists and extremists in their territory, he said. Law-enforcement action in the fight against terrorism had nothing to do with armed conflict, and the international community should not interfere with national measures under the pretext of protecting civilians. There was a wide variety of causes behind each conflict, including poverty. The United Nations could also play an important role in mobilizing international resources for the provision of assistance to the nations concerned.

JAIRO HERNÁNDEZ-MILIAN (Costa Rica), speaking on behalf of the Human Security Network, said there had been an improvement in the protection of civilians 10 years after the subject had first been placed on the Council's agenda. There had also been significant progress at the country-specific level. Almost all peacekeeping missions now had protection mandates while multidimensional peacekeeping operations included capacity-building, security-sector reform and other tasks.

Protecting civilians was not only a military task, he said, stressing that comprehensive strategies were the most effective in responding to security threats to

civilian populations. Concerned about attacks against refugees, displaced persons and humanitarian workers, as well as the use of sexual violence as a tactic of war, he deplored the continued targeting of civilians and their use as human shields. All parties must abide by the principle of proportionality and distinguish between civilian and military targets. Maximum restraint should be used to minimize impacts on civilians.

He said the Council should respond strongly, systematically and promptly to violations of international law, including through rapid and unimpeded delivery of humanitarian assistance. There was also a need for more substantive interaction among the Council, the Secretariat, host countries and troop-contributing countries. It was fundamentally important to address constraints facing peacekeeping operations such as access to resources and training.

Respect for and implementation of international humanitarian law was linked with the fight against impunity, he said, adding that ending impunity was part of a comprehensive approach to seeking peace and national reconciliation. Restoring the rule of law and security-sector reform were also key areas in which national systems should be supported by enhanced international assistance.

Speaking in his national capacity, he said that, with regard to compliance with international humanitarian law, States should allow for more dialogue between humanitarian organizations and non-State armed groups. Special arrangements such as days of tranquillity and humanitarian corridors were crucial. Proposing a meeting under the Arria Formula to discuss the experiences of non-governmental organizations in dealing with non-State groups, he said the Council should make use of all the tools at its disposal, including punitive measures in situations such as Gaza and Sri Lanka.

JEAN-MAURICE RIPERT ([France](#)), supporting the statement to be made on behalf of the European Union, said he was concerned about the situation in such countries as Sri Lanka and Afghanistan, adding that the Council could take stronger action in those situations. Among other tools at its disposal, the Council could include civilian-protection mandates in peacekeeping operations. For instance, the protection of civilians was among the priorities for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). However, responsibility to protect civilians lay first and foremost with national Governments.

Welcoming the study commissioned by OCHA and the Department of Peacekeeping Operations, he said his country had participated in financing that project and hoped there would be a follow-up. Protection of civilians was a vital element of France's joint initiative with the United Kingdom on peacekeeping operations with complex mandates. The first progress report on the initiative would be presented in August.

States must pursue and sanction those who violated international humanitarian and human rights law, he said, stressing the importance of security-sector and legal reform in that regard. Bodies of international law should be able to judge the most violent crimes. France called on all States to support the Rome Statute and the International Criminal Court. With the General Assembly preparing to debate the responsibility to protect, there was an urgent need to make that ambitious concept operational.

ILYAI. ROGACHEV ([Russian Federation](#)) noted that, for 10 years now, the Council had been examining the question of protecting civilians in armed conflict, but civilians were still the majority of casualties. There was a need to refrain from selective approaches to violations of international humanitarian law and for strict observance of law-enforcement standards. It was necessary to condemn all such violations without exception. For example, the deaths of 150 civilians in May as a result of strikes by international forces in Afghanistan should be investigated carefully. It was the responsibility of all parties, including foreign forces, to protect civilians.

Expressing concern about civilian deaths at the hands of private military and security companies, he said their share of responsibility should be borne by those who recruited them. Furthermore, contacts between humanitarian organizations and non-State armed groups could be established only with the consent of the relevant States, and must be approached with great caution so as not to legitimize such armed groups. It was unacceptable to consider such terrorist organizations as the Taliban and Al-Qaida as "armed opposition groups", as they could not be considered legitimate interlocutors on humanitarian issues.

He reiterated the need to ensure unimpeded access for humanitarian personnel, noting that humanitarian work must be conducted on the basis of impartiality and neutrality. In that context, he drew attention to the situation in the Caucasus following the events of 2008, thanking the Secretary-General for a positive assessment of his country's actions in providing humanitarian assistance in the annex to his report. The Russian Federation was concerned that Georgia's legislation on so-called occupied territories was practically hindering humanitarian work in South Ossetia.

THOMAS MAYR-HARTING ([Austria](#)) said his country was a fervent supporter of the civilian-protection agenda and stood ready to contribute to its implementation. The Council must pay systematic attention to protection concerns in its daily deliberations. He welcomed in that regard the establishment of the Expert Group, which had already demonstrated its usefulness. More consistent and comprehensive reporting on protection issues in the Secretary-General's reports would enable the Council to be more systematic regarding the protection of civilians. The question of enhancing civilian protection through peacekeeping operations had been identified as a major challenge, and several missions had been mandated to ensure physical protection. Austria looked forward to the findings and recommendations of the independent study commissioned by the Department of Peacekeeping Operations and OCHA in that regard.

Ensuring better compliance with international humanitarian law was another priority area, particularly in the case of non-State actors, he said. The Council must ensure that violations were investigated and that there were consequences for non-compliance. It should further support justice mechanisms and affirm its opposition to impunity. More efforts were needed to strengthen national systems in order to ensure that perpetrators were brought to justice and victims granted effective redress. The vulnerability of civilians in relation to the abundance of weapons, mainly small arms, also called for the Council's urgent attention. The Cluster Munitions Convention's provisions on victim assistance should become the new international standard.

ABDURRAHMAN SHALGHAM ([Libya](#)) said that, in spite of the progress made, civilian casualties, including those resulting from foreign occupation, had not declined, and the Gaza Strip was a living example of that. The Israeli occupying authorities had conducted a military operation against Gaza using prohibited weapons such as white phosphorous and failing to distinguish between military and civilian targets. Schools, hospitals and United Nations buildings had been targeted. There had been similar situations in Iraq and Afghanistan, and in the Israel's 2006 aggression against Lebanon. However, the Council had not gone after the Israeli perpetrators of the crimes committed in Gaza because of the right to veto enjoyed by some Council members who wished the aggressor to be above the law.

Calling for special attention to conflict prevention, he said it required coordinated efforts to deal with hunger, poverty and injustice affecting large populations around the world. The Council must be able to take balanced and transparent measures, eschewing double standards. Violations of international humanitarian law must be prevented and the production of some weapons prohibited, especially cluster munitions. The Council must also apply strict measures for humanitarian access, which would require the opening of access points into Gaza by Israel to allow the free flow of individuals, goods and funds.

RUHAKANA RUGUNDA ([Uganda](#)) said that, over the last 10 years, the Security Council had adopted several presidential statements and resolutions, paying specific attention to the protection of civilians. However, those decisions were of limited value, unless they translated into concrete improvements on the ground. The inclusion of protection activities in peacekeeping mandates, such as that of MONUC, was important, and the Council had also taken significant steps to improve the protection of women and children. It had endeavoured to enhance the protection of refugees and internally displaced persons by mandating peacekeeping operations to protect camps and sites against attacks and supporting the disarmament and separation of combatants.

He pointed out, however, that there was a need for a common understanding of what peacekeeping missions should be mandated to do or not do, to answer questions about the appropriate degree of robustness for modern missions, what other peacebuilding tasks should be undertaken by peacekeepers and for how long. The proliferation or fragmentation of non-State armed groups had contributed to the asymmetric nature of conflict, as seen in such trouble spots as

Somalia, with profound negative effects on civilians.

While armed groups were bound by international humanitarian law, for some of them, like the Lord's Resistance Army (LRA), attacks against civilians were a deliberate strategy, he said, emphasizing the necessity for that to stop. It was critically important that Member States support, or at least not impede, efforts by other parties, such as religious leaders and civil society organizations, to engage armed groups in order to seek increased protection for civilians. When such efforts failed, alternative means must be considered, which should not be limited to demands for compliance and condemnation.

He said mandates should include clear guidelines as to what missions could and should do to protect civilians, but such guidance should be informed by realistic assessments, in consultation with other stakeholders, including regional organizations and countries of the conflict-affected region. Currently, there was a disconnection between expectations, mandates, interpretation and real implementation capacity due to such omissions. However, that must take place within a broader policy framework, including where State armed forces were perpetrating violations against civilians. The protection of civilians did not stop with the end of hostilities, as they needed humanitarian assistance, rehabilitation and reconstruction.

SUSAN RICE (United States) said that the Secretary-General's report cited many encouraging developments, as well as challenges, and the Council should review his recommendations carefully in order to improve the protection of civilians during armed conflict. Protection must be a core principle in all peacekeeping

operations. In Afghanistan, the international coalition continued to fight the Taliban and Al - Qaida while causing as few civilian casualties as possible. The

United States deeply regretted every civilian death and would continue to review its rules of engagement while making the reduction of civilian casualties a priority.

All nations must abide by international humanitarian law, she said, adding that her country was committed, together with the international community, to defeating violence, consistent with its values, legal obligations and ideals. All nations had a responsibility to protect their civilian populations, and United Nations Member States had a responsibility to protect when individual countries were unable or unwilling to do so. The Council had taken that into account in Sudan and the Democratic Republic of the Congo. Ending impunity for violations was also essential. International and hybrid tribunals had been successful in prosecuting those guilty of many violations, but in order truly to end impunity, functioning national judicial systems were very important.

Special note must be taken of the most vulnerable groups, including women and children, she continued, emphasizing the importance of redoubling efforts to address sexual violence. The United States looked forward to the report on the implementation of the resolution on women, peace and security, the provisions of which must be implemented. There must be clear consequences for such crimes. Regarding the continuing recruitment of children, the Secretary-General's recommendations on humanitarian access would be useful in ensuring their well-being. More robust mandates were needed to ensure the protection of civilians, but they must be clearly defined. Missions also required the means to implement them. The United States looked forward to the OCHA-Department of Peacekeeping Operations study on how best to put the guidelines for protecting civilians into practice.

MICHEL KAFANDO (Burkina Faso) said that, despite recommendations for the protection of civilians, they continued to be the most targeted victims in armed conflict, in disregard of international humanitarian law, Council resolutions, several treaties and the responsibility to protect. All parties, including non-State actors, had an obligation to respect the Geneva Conventions and their Protocols, and those groups should be fully aware of their responsibilities. It was therefore important to establish dialogue with them, without legitimizing their presence. It was also important that the Council include robust civilian-protection mandates in peacekeeping missions.

Protection of civilians presupposed unimpeded humanitarian access, he said, condemning all restrictions on humanitarian access. Civilian protection was a collective responsibility which demanded of all actors the political resolve to carry it out, with States having the primary responsibility in that regard. The creation of national mechanisms for receiving complaints and independent judicial systems could contribute to the fight against impunity. Subregional, regional and international organizations should also take on their responsibilities while scrupulously respecting the sovereignty of States. The Council should contribute to strengthening the rule of law while referring some cases to such mechanisms as the International Criminal Court. Burkina Faso encouraged all States to consider adopting an arms trade treaty. Further, the Council must ensure enforcement of arms embargoes and other sanctions.

PHILIP PARHAM (United Kingdom) said the Council should be ready to address flagrant violations against civilians, noting that civilians in Burma were caught up in the conflict between the Government and ethnic groups, and calling on the Burmese Government to begin an inclusive political dialogue. In Sri Lanka, the priority was to ensure that the needs of the displaced were met. Efforts were also needed to ensure steady progress in the political process and in establishing accountability. The United Kingdom deeply regretted the killing of civilians by military action in Afghanistan, but assured Council members that there were strict procedures in place to minimize civilian casualties and to investigate them if they did occur.

He said the Council must find new and better tools to ensure that international humanitarian law was enforced fully during conflicts. International accountability measures to combat impunity should also include referral to the International Criminal Court. The United Kingdom supported the convening of an Arria Formula meeting to engage non-State groups. Commending the outstanding protection work by United Nations personnel in the field, he said it provided many excellent examples which should be reflected in country reports. Improving information was an inherent part of the joint initiative by France and the United Kingdom on mission mandates. There was a disconnection between the language contained in peacekeeping mandates and the actual work in the field. The Council must show greater readiness to engage at the prevention stage of conflicts, rather than the resolution stage. It must be more willing to take appropriate, early action.

Council President BAKI İLKIN (Turkey), speaking in his national capacity, said the Council's credibility was at stake as it faced the challenge of stopping the killing of civilians and reversing the alarming trend. The Secretary-General's report demonstrated the magnitude of the task of ensuring the effective protection of civilians during conflict. That should be a collective and multidimensional effort with the primary responsibility resting first and foremost with States. The entire international community also had a responsibility to protect civilians.

Unless handled carefully, the sensitive issue of non-State armed groups carried the risk of undermining or weakening ongoing efforts to protect civilians, he warned. Given the ambiguity of that term, there was a need for extreme care in dealing with such groups, particularly since many terrorist organizations attempted to abuse the term and what it entailed in order to gain international attention and support. Combating terrorism was the right and obligation of every State. International and non-governmental organizations in particular should be vigilant in conducting their work in conflict areas, and not allow themselves to be exploited by such groups. It was through the strengthening of the rule of law, human rights, democracy and good governance that the international community could expect long-term, lasting protection of civilians.

REGINA DUNLOP (Brazil) said the Council should use appropriate and non-selective instruments provided for in the United Nations Charter to end gross violations of international humanitarian law associated with civilian casualties. Among them, the instruments set forth in Chapter VI should be given careful consideration as a means to stimulate the peaceful settlement of disputes. When Chapter VII became necessary and sanctions emerged as a potentially effective tool, they should be specific and targeted, so as not to impose further suffering on affected populations.

When a peacekeeping mission was established, it might be necessary and even morally imperative to give it a clear mandate to help protect civilians, she said. Brazil fully recognized the increasing importance of that task in peacekeeping and concurred with the Secretary-General's view that it was not exclusively military in nature. Rather, it was and must be multifaceted. Brazil favoured a comprehensive approach that sought to address, alongside security concerns, the underlying political, economic and even cultural factors of armed conflict and violence against civilians. Another key element for success was cooperation with national authorities, given the primary responsibility of host Governments to protect their own populations.

A challenging aspect was compliance with international humanitarian law by non-State actors, she continued, adding that her delegation recognized the benefits of such dialogue as a way to obtain guarantees for the security of humanitarian personnel and access to populations in need of assistance. It was essential that the humanitarian purposes of such dialogue be entirely clear to all participants, and that the principles of independence, neutrality, impartiality and humanity be fully observed at all times. Those principles were critically important in addressing such issues as safe and timely access to those in need.

Enhanced cooperation and coordination of humanitarian actors with States was also important, she said, noting that States could also contribute to the safety of humanitarian actors by educating their agents on the purposes and benefits of humanitarian assistance, as well as on the need to ensure the safety and security of all involved in its delivery. It was fit to recall in that connection the General Assembly's 2008 decision to establish a World Humanitarian Day on 19 August. Hopefully it would help raise awareness of the importance of humanitarian activities and therefore have a positive impact on the safety and security of United Nations and associated personnel.

NASSIR ABDULAZIZ AL-NASSER ([Qatar](#)) said all efforts to protect civilians, including the inclusion of protection provisions in peacekeeping mandates and plans to face up to all forms of violence, would be meaningless unless the decisions were translated into concrete action. Protection of civilians was a multifaceted issue, and it was important to ensure adherence to international law, including provisions on foreign occupation. Qatar condemned all targeting of civilians in armed conflict and under foreign occupation, as well as all acts of retaliation against civilians. In the Middle East region, more than 1,000 Palestinian civilians had lost their lives during the Israeli onslaught on Gaza, which had also led to vast damage to infrastructure and schools operated by the United Nations, in violation of international law.

Underscoring the importance of documenting the obstruction of humanitarian access during and after the crisis, he said that, under international law, including the Fourth Geneva Convention, primary responsibility lay with the parties to the conflict and the occupying party to protect persons under their authority and meet their basic needs. In the Middle East, the Palestinian people in the Gaza Strip were suffering under restrictions imposed on the importation of humanitarian supplies, which were subjected to unjustified standards and procedures. In fact, Israel was still denying the entry of basic construction materials for the rehabilitation of infrastructure destroyed during its aggression, imposing restrictions on traffic at the border crossings and clearly hampering humanitarian operations and efforts for early recovery.

He said the obstruction of humanitarian operations by the occupying Power in Gaza had also disrupted education — a fundamental human right. The Council should instruct its various organs to make a priority of the right to education in areas affected by armed conflict and foreign occupation, and focus on that issue in its own future deliberations. He also emphasized the importance of ensuring accountability for violations of international law, saying that the dilemma always resided in non-enforcement and double standards.

Continued impunity frustrated victims and fuelled their desire for revenge, he said, adding that it also allowed perpetrators to feel that they were above the law, ultimately encouraging them to commit further violations. Qatar stressed the importance of action by the Council for the implementation of the recommendations of the United Nations fact-finding panel investigating a series of Israeli attacks on United Nations facilities and staff in the Gaza Strip, including schools run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). There was also an urgent need to examine one of the recommendations on conducting a thorough and unbiased investigation of all violations of international humanitarian law in Gaza. The Council should shoulder its obligation to protect civilians in armed conflict and impose respect for the instruments of international law and Security Council resolutions.

MARTIN PALOÚŠ ([Czech Republic](#)), speaking on behalf of the European Union, expressed firm support for the work of the Expert Group on the Protection of Civilians, saying its potential should be used fully. The Council should give further practical relevance to its own aide-memoire, which should be translated into concrete improvements in protecting civilians on the ground. There was a need for close coordination and meaningful positive synergies on civilian-protection policies within the framework of United Nations activities in other key areas, such as human rights, gender equity, children in armed conflict, rule of law, small arms and light weapons, disarmament, demobilization and reintegration, and security-sector reform.

It was crucially important to put the concept of responsibility to protect into operation and the European Union called for its full implementation by the Council and the General Assembly, he said, stressing that the Council must react to the changing nature of threats to international peace and security. He called on all parties to conflicts to ensure civilians were protected and in compliance with international humanitarian and human rights law. The European Union strongly encouraged the Governments concerned to fully protect internally displaced persons and children affected by armed conflict. All violations of human rights and international humanitarian law should be investigated and those responsible held to account.

Urging the Working Group on Children and Armed Conflict to redouble its efforts to transform relevant Council resolutions into results in the field, he also strongly supported enhancing the role of women in protection issues, in accordance with Council resolutions 1325 (2000) and 1820 (2008). The Council should make clear that any assault on civilians, including genocide, war crimes, ethnic cleansing and crimes against humanity, were totally unacceptable. He encouraged all States to fully support the International Criminal Court by acceding to the Rome Statute and cooperating with the Court. The European Union was dedicated to systematically considering human rights, gender and children affected by armed conflict when planning and conducting its European Security and Defence Policy missions and operations. He stressed the importance of enhanced European Union-United Nations cooperation in civilian protection where the two organizations had missions deployed side by side, as in the Democratic Republic of the Congo.

KIRSTY GRAHAM ([New Zealand](#)) said the 26-year-long conflict in Sri Lanka had cost the lives of many of its people and her country had joined others in condemning the Liberation Tigers of Tamil Eelam (LTTE) attacks on the civilian population. However, it had also been concerned about reports of Government forces using heavy artillery in areas with a dense civilian population. She also expressed concern for the safety of internally displaced persons. New Zealand strongly supported the inclusion of civilian-protection activities in peacekeeping mandates, but called for improvements in their clarity and specificity. Little progress had been made in developing the necessary capacities and doctrines that should accompany civilian-protection mandates.

She said the increasing incidence of intentional attacks on humanitarian workers in conflict zones was deeply disturbing, and urged parties to armed conflict to respect international humanitarian law, particularly the duty to respect and protect humanitarian assistance personnel. A related concern was the rising frequency of attacks on journalists, who were vital to the monitoring of conflicts and ending impunity for serious crimes. It was imperative for the protection of civilians that impunity was ended, and New Zealand supported the International Criminal Court in that regard.

DANIEL CARMON ([Israel](#)) said the Secretary-General's report contained a number of deficiencies and inaccuracies. It did not acknowledge the actions of the Hamas terrorist organization against Israeli civilians and did not note that the southern part of the country had been subjected to a ceaseless barrage of rockets and mortars for eight years. In the old terrorist tradition, Hamas deliberately targeted Israeli civilians. While clear evidence existed of its cruel misuse of civilian infrastructure, contrary to the most basic humanitarian values, the report shied away from addressing that practice in an appropriate manner.

He said the report ambitiously verged on drawing judicial conclusions concerning international humanitarian law, although the mandate, expertise and procedure upon which they were based were unclear. It did not mention Israel's extraordinary efforts to avoid civilian casualties. The report was fundamentally flawed for its omissions, errors and selective use of language. It failed to address the actions of non-State parties who had made a mockery of the concept of civilian protection. Israel hoped such misrepresentations would not be repeated, and that futile politicized semantics, wrong accusations and deliberate omissions would be avoided in the future.

"For Israelis — as victims of terrorism — the protection of civilians is not a theoretical exercise; it is a reality that we have been grappling with for over 60 years," he said. "It is unfortunate that terrorism, on a daily basis, presents us with the dilemma arising from the need to uphold human rights while protecting civilians on all

sides.” Israel expected substantial improvements in future reports so that the international community could engage in a relevant, accurate and in-depth debate on that important issue.

CLAUDIA BLUM (Colombia) said all States and other relevant actors must give central priority to the protection of civilians, as well as strict observance of international humanitarian law and norms in that field. Colombia had prioritized, through its democratic security policy, the strategic objective of strengthening and guaranteeing the rule of law throughout its territory. The consolidation of that policy had enabled the creation of more solid conditions for stronger protection of the people and enjoyment of their rights. Those actions went hand in hand with a comprehensive policy on human rights and international humanitarian law, aimed at ensuring proper punishment for violations, including for members of the public forces of the State. Since 2002, more than 51,000 members of illegal armed groups had been demobilized and the fight against drug trafficking, the financial source of violence and terror, was also a national priority.

She expressed support for the Secretary-General’s call to States that were not yet parties to the Convention against Anti-personnel Mines to ratify that instrument without delay, noting that her country would host the Second Review Conference of the Ottawa Convention from 30 November to 4 December. Colombia also agreed with the Secretary-General regarding the urgent need to implement controls for the eradication of the illicit trade in small arms as an essential prerequisite for better civilian protection. Colombia would continue to promote that issue in the Assembly and expected the Security Council to emphasize the importance of adopting effective measures in that field.

Condemning attacks against humanitarian personnel, she emphasized the primary responsibility of States to provide and coordinate humanitarian assistance within their territories. Colombia also recognized the importance of international cooperation and facilitation of humanitarian access, in accordance with international norms. The Government was the main provider of humanitarian assistance and, on his recent visit to Colombia, Under-Secretary-General Holmes had verified progress in that regard. Progress in security was reflected in improved access and enhanced safety for humanitarian staff throughout the country. It was also essential that States comply fully with their international obligations to protect refugees.

MIRSA ĐOLAKOVIĆ (Bosnia and Herzegovina) said that, given its own painful experience, her country always recognized the need for strict compliance with international humanitarian law. The international community must strengthen mechanisms to enhance compliance by State, as well as non-State actors. Bosnia and Herzegovina was committed to the provisions of the Rome Statute of the International Criminal Court.

Combating impunity was a factor in preventing violent acts against civilians, she said, welcoming the adoption of the Convention on Cluster Munitions, which her country had signed in December. That Convention would serve as an indispensable legal instrument in contributing to the protection of civilians during armed conflict. Bosnia and Herzegovina supported the work of the Expert Group on the Protection of Civilians.

She reiterated the importance of regional and subregional organizations in conflict resolution, peacekeeping, peacebuilding and conflict prevention. Bearing in mind that most conflicts today were not international, regional and subregional approaches would lead to more workable and lasting solutions. Bosnia and Herzegovina invited competent United Nations agencies to work closely with regional organizations in that regard.

CHRISTIAN WENAWESER (Liechtenstein) said that, among the core principles of international humanitarian law was the distinction between combatants and non-combatants, the proportionality of the use of force and the requirement to take all feasible measures to minimize civilian casualties. Repeated violations of those rules, as in Sri Lanka and Gaza, warranted a clear response from the Council. Where national accountability mechanisms failed, it should establish commissions of inquiry and, in the most serious cases, consider referral to the International Criminal Court.

He said the Council must, where necessary, call on parties to conflict to remove all unwarranted impediments to humanitarian access. The Council had a particular obligation to protect United Nations staff and to ensure there was no impunity for attacks on humanitarian and peacekeeping personnel, which constituted a war crime. Protection of civilians must be an inherent task for all peacekeeping missions and Liechtenstein welcomed the development of mission-specific inclusive strategies and plans of action, particularly regarding acts of sexual violence. The Council’s clear guidance on how to protect civilians from such acts would be useful to force commanders, who currently provided protection on an ad-hoc basis and under a flexible interpretation of their vague mandates.

RIYAD MANSOUR, Permanent Observer for Palestine, said his people were all too familiar with the international community’s failure to guarantee the protection accorded to them under international law. For more than four decades, the Palestinian people had endured appalling levels of human suffering at the hands of Israel, the occupying Power. The protection of peoples under foreign occupation must be a priority undertaking of the United Nations, in particular the Security Council, which had clear responsibilities in that regard. The international community’s repeated inability to hold Israel accountable for its violations and war crimes had regrettably reinforced that country’s impunity and lawlessness.

Never had the absence of protection for the Palestinian civilian population been more evident than during Israel’s three-week aggression against the Gaza Strip, he said. More than 1,400 Palestinians had been killed in the Israeli onslaught, the overwhelming majority of them civilians, including hundreds of women and children. Civilian areas and objects, including United Nations schools where civilians were known to be sheltering from the violence, had been directly targeted by the occupying Power. Among countless other violations, Israel had also attacked humanitarian personnel and clearly-marked ambulances, destroyed the infrastructure and obstructed humanitarian access. Those actions constituted not only serious, systematic violations of international law, but many of them amounted to war crimes, for which accountability must be pursued.

Several independent inquiries and investigations into Israel’s military aggression against Gaza had clearly confirmed that Israel had committed grave breaches of international law, as it continued to do with its ongoing blockade of the enclave. He called for serious steps to pursue accountability and justice for Israel’s crimes against the Palestinian civilian population. The international community, including the Council, must follow up on the findings and recommendations from United Nations-related investigations, including the Board of Inquiry and the investigation being undertaken by the Human Rights Council’s fact-finding commission. At the same time, urgent measures must be undertaken to end Israel’s unlawful blockade of Gaza. As long as Israel continued to breach its obligations towards the Palestinian civilian population, the Council must act to uphold its Charter responsibilities to ensure compliance with international law and United Nations resolutions.

/...

BASHAR JA’AFARI (Syria) said the striking paradox was the ever-widening gap between agreements and practices on the ground. Ten years had elapsed since the Council had begun debating civilian protection. When the Council had taken up the matter in January, the world had seen a brutal and flagrant aggression by Israel against Gaza. Despite repeated demands by the Security Council and the international community, however, Israel had escalated its aggression, targeting the unarmed civilian population of Palestine. Prohibition of movement, impeding the delivery of international aid, settlement activities and the demolition of homes were among Israel’s oppressive practices in violation of international law. Its actions represented a deliberate violation of international humanitarian and human rights law, as well as other international norms.

The Council had condemned all violations against civilians and called on all parties concerned to end such practices, he said. It had also recognized the needs of civilians under foreign occupation, underlining the responsibility of the occupying Power in that regard. It had also insisted on the need for safe and unimpeded access of humanitarian aid to those in need, while also underlining the need to end impunity. The Secretary-General, in his most recent report, had expressed grave concern about the high number of casualties in Gaza and the significant damage to property and infrastructure. Yet Israel persisted in its policies, which perpetuated the suffering of civilians in Gaza.

He said the report of the investigation team dispatched by the Secretary-General documented Israeli violations, including the use of white phosphorous and

damage to UNRWA premises. All those practices represented war crimes, and the Security Council should implement the recommendations of the investigation and hold those responsible accountable. The Council should explain whether Israel had implemented its demands. Syria wished to know why double standards were applied and why Israel was exempt from fulfilling its obligations. Were Palestinians not considered to be civilians like others around the world? To give credibility to today's debate, the Council should also exert pressure on Israel to uphold the rights of Syrian citizens in the occupied Syrian Golan, he added, describing a series of unlawful Israeli actions there.

LUIS ENRIQUE CHAVEZ ([Peru](#)), noting that the Expert Group had substantively promoted the treatment of issues relating to civilian protection in the Council, said its work was reflected in several resolutions. The Group needed to focus especially on cases that had not yet been resolved, despite numerous efforts. While the United Nations had been working to provide real protection to civilians, it was nonetheless alarming that the situation prevailing in 1999 was not substantively different from the current situation. There were still violations of human rights and international humanitarian law in various conflicts, with civilians, particularly women and children, as victims. The Council must handle effectively the complete implementation of resolutions 1296 (2000) and 1674 (2006), including the responsibility of all Member States to protect civilians in armed conflict.

/...

MOHAMMED F. AL-ALLAF ([Jordan](#)), endorsing the recommendations made by Costa Rica on behalf of the Human Security Network, said that over the years, the Council had developed the main concepts on civilian protection, but a number of challenges still needed to be addressed. They included the need to strengthen respect for international law by parties to conflict, including non-State groups; strengthening protection; facilitating humanitarian access; and ensuring accountability.

In the case of Gaza, the international community had failed to apply the main principles of protection, he said, pointing out that the suffering of Palestinian civilians in that territory continued even after the end of the conflict owing to restrictions imposed by Israel, which continued to prevent access for humanitarian aid and construction materials to rebuild infrastructure. There should be no discriminatory or targeted attacks on civilians. International humanitarian law determined the treatment of civilians not taking part in hostilities. In the case of foreign occupation, the victims were always civilians.

Reaffirming that peacekeeping mandates should incorporate civilian protection, he said his country was satisfied that the report proposed that peacekeeping missions support countries hosting missions in order to create a climate of security. Success in protecting civilians required clarity in the mandates adopted by the Council, support from the standpoint of resources, training and operational concepts. The components of peacekeeping operations in support of civilians should not always be military in nature. Jordan welcomed the input of the Expert Group.

/...

LOTFI BOUCHAARA ([Morocco](#)) said the existence of conflicts could be explained by many factors, among them the sometimes active, direct or indirect involvement of States in the region. That was why the problem of good neighbourliness often constituted the key to any lasting solutions to ensure the protection of civilians. The worsening of intra-State conflicts and armed rebellions was often caused by poverty and underdevelopment. Fuelled by illicit trafficking in weapons and drugs, such conflicts often forced the displacement of civilians. Civilian protection required integrated efforts, available resources, and clear and feasible mandates. Priority should be given to the political process itself. One word spelt out the best guarantee for the protection of civilians: peace.

He said the instruments for civilian protection were reflected in the Geneva Conventions and other international instruments, as well as Council resolutions. Despite the availability of those tools, however, the Palestinians continued to suffer enormously. The people of Gaza had been subjected to violence, in violation of international humanitarian law, a situation which was being exacerbated by a blockade which deprived them of their most basic rights. Light weapons were another factor contributing to the victimization of civilians, particularly in Africa. Morocco therefore supported the development of international regulations for their importation and export.

Countries hosting refugees must give all possible support to efforts by the international community to facilitate their free repatriation, while also carrying out a transparent census of refugee populations, he said. That approach to the protection of civilians should be preventive and must tackle the main causes of armed conflict. Such a preventive approach must include sustainable development, poverty eradication, good governance and the promotion of democracy.

/...

MARTY M. NATALEGAWA ([Indonesia](#)) said civilians in armed conflict required immediate and unhindered humanitarian assistance to alleviate their suffering, and it was extremely deplorable that irresponsible acts against relief workers, humanitarian aid convoys and others engaged in humanitarian assistance to civilians continued to take place. All parties to armed conflicts should adhere to international law, including the Convention on the Safety of United Nations and Associated Personnel and its Optional Protocol.

For Indonesia, the best protection from armed conflict was in its prevention, he continued, urging the Council to spare no efforts in that area. The Council's efforts to protect civilians merited wide support from regional and international actors alike. By the same token, the Council should lend its full support to the efforts of regional organizations in addressing dire humanitarian situations. To attain that objective, it was important to promote "the culture of protection" through regional and international organizations.

In the conduct of hostilities, the parties should do everything feasible to protect civilians and civilian objects, he said. All the efforts to protect civilians must be founded on the tenets of human rights, security and development — the three pillars of the United Nations. Those three principles should be reflected in the next report of the Secretary-General, in commemoration of the tenth anniversary in November of the Council's having placed civilian protection on its agenda. The anniversary should also serve to maintain the momentum by strengthening the United Nations system, with Member States and other stakeholders working in a coordinated, coherent and comprehensive manner.

/...

VLADIMIR ZHEGLOV ([Russian Federation](#)), ...

/...

He said he took seriously the points made by the representative of Israel, while not necessarily agreeing with them. The short paragraph referred to could not be deemed to be comprehensive. He went on to state that, while the report did not mention the rocket attacks against southern Israel, both he and the Secretary-General had condemned them. As for the conduct of Hamas during the conflict, he was not in a position to verify the group's alleged use of human shields, but that information had raised serious concerns. The inquiry by the Human Rights Council was intended to clarify that issue, and it was regrettable that Israel had so far been unwilling to participate in that inquiry.

A number of speakers had expressed support for dialogue with non-State actors and the idea of an Arria formula meeting, he said, noting that others, on the other hand, had stressed the need to avoid legitimizing such groups. The truth of the matter, however, was that it was, indeed, necessary to engage with those groups to improve the situation of civilians. And finally, he noted the numerous calls for improved reporting and more assessment and monitoring of the Council's

mandate to improve civilian protection.

* * * * *

For information media • not an official record