



# Security Council

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<i>President:</i>	Mr. Natalegawa . . . . .	(Indonesia)
<i>Members:</i>	Belgium . . . . .	Mr. Lammens
	China . . . . .	Mr. Cheng Lie
	Congo . . . . .	Mr. Okio
	France . . . . .	Ms. Reliat
	Ghana . . . . .	Mr. Tachie-Menson
	Italy . . . . .	Mr. Mantovani
	Panama . . . . .	Mr. Suescum
	Peru . . . . .	Mr. Ruiz Rosas
	Qatar . . . . .	Mr. Al-Kuwari
	Russian Federation . . . . .	Mr. Zheglov
	Slovakia . . . . .	Mr. Korbini
	South Africa . . . . .	Ms. Lazouras
	United Kingdom of Great Britain and Northern Ireland . . . . .	Ms. Johansen
	United States of America . . . . .	Mr. DeLaurentis

## Agenda

Protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict  
(S/2007/643)

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*The meeting resumed at 3.05 p.m.*

**The President:** I wish to remind all speakers, as I indicated at the morning session, to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Representatives with lengthy statements are kindly requested to circulate the text in writing and to deliver a condensed version when speaking in the Chamber.

**Mr. Salgueiro** (Portugal): Taking into account what you just said, Mr. President, and for the purpose of efficiency and to save time, I will have to shorten my statement today. The full text is being distributed.

I have the honour to speak on behalf of the European Union (EU). The candidate countries Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, as well as Ukraine, Moldova, Armenia and Georgia align themselves with this declaration.

First of all, I wish to thank you, Mr. President, for the opportunity to discuss this important issue. I would like to thank the Secretary-General for his report on the protection of civilians (S/2007/643), which, we believe, also underlines his personal commitment on this matter. Finally, I would also like to thank Under-Secretary-General Mr. John Holmes for his informative briefing.

Throughout history civilian populations have to a large extent suffered the consequences of conflicts. Even their deliberate targeting is, unfortunately, not a new phenomenon. The fact that such practices of gross violations of human rights and international humanitarian law are still a reality today is something that deeply concerns us.

The examples of the suffering of civilians that Mr. Holmes mentioned here today validate even further our fears and concerns. The Security Council has already signalled in resolution 1674 (2006) its readiness to consider threats to peace and security of this nature and, when and where necessary, to adopt appropriate steps.

While we renew our commitment to the important principles associated with the protection of civilians, we should not lose sight of the fact that the primary responsibility to protect lies with individual sovereign

States, which should protect their respective populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

Two years ago at the World Summit, heads of State and Government reached an historic agreement on the responsibility to protect. The EU welcomes the reaffirmation of the responsibility to protect by the Security Council in subsequent resolutions, including 1674 (2006). The international community should encourage and help States meet that responsibility. If a State is unwilling or unable to address its problems, then we would have to make good on our responsibility to protect by more proactive means, as provided for at the World Summit.

Humanitarian access is a crucial part of protecting civilians in armed conflict and a fundamental prerequisite for humanitarian action. The European Union is disturbed by numerous cases of denial or obstruction of access and calls on all parties to cooperate fully with the United Nations and other humanitarian agencies and organizations in providing rapid, safe and unimpeded access to civilians in armed conflict.

We also strongly condemn attacks on humanitarian personnel, including United Nations and associated personnel. In that regard, we fully support the Convention on the Safety of United Nations and Associated Personnel and its Optional Protocol.

Women, children and other vulnerable groups are especially affected by armed conflict. Sexual exploitation and abuse remain widespread atrocities affecting millions of victims. In this regard, the EU highlights the effective implementation of Security Council resolution 1325 (2000) on women, peace and security. We also reiterate our full support to the policy of zero tolerance of sexual abuse and exploitation by United Nations personnel.

Millions of children continue to suffer in situations of armed conflict. In that connection, we would like to call attention to Council resolution 1612 (2005), which sets an enhanced framework for the protection of children in armed conflict. The European Union is proceeding with the mainstreaming of issues concerning children and armed conflict into its advocacy, policies and programmes and has continued with its efforts regarding the implementation of the European Union Guidelines on Children and Armed Conflict, adopted in April 2006. I would also like to

take this opportunity to recall the adoption, in February of this year, of the Paris Commitments and Principles against the illegal recruitment of child soldiers.

Still in the sphere of vulnerable groups, the EU shares the concerns highlighted by the Secretary-General in his report regarding the risks that conflicts pose for older persons and persons with disabilities. We would like to underline the importance of the recently adopted Convention on the Rights of Persons with Disabilities in this context.

The special protection needs of refugees and displaced persons also must be adequately addressed. The European Union acknowledges the efforts of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Mr. Walter Kälin, but remains concerned by the growing number of internally displaced persons worldwide. While those people seek protection abroad or in their own country, they sometimes remain in danger at their place of refuge. Camps themselves can be targeted and are often insufficiently protected. There is a need for increased and sustained physical protection in these situations.

We also note that steps to ensure the safe return for refugees and internally displaced persons can also prove useful in helping to address housing, land and property issues. The growing number of journalists being killed or taken hostage is also extremely disturbing. In that respect, we would like to call attention to Council resolution 1738 (2006) on the safety and security of journalists, media professionals and associated personnel. We also note the efforts of the United Nations Special Rapporteur on the right to freedom of opinion and expression in addressing this issue.

The excessive and destabilizing accumulations of small arms and light weapons are another element of concern. It would also be wrong to address the protection of civilians in armed conflict without raising the issue of cluster munitions and their humanitarian impact. The European Union played a constructive role in the recent meeting of the States parties to the Convention on Certain Conventional Weapons. While the result fell short of the EU's own proposal to negotiate by 2008 a legally binding instrument that prohibits the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians and that includes provisions on cooperation and assistance, the EU joined consensus on the

decision because we consider that doing so will allow us to promote our own proposal, including in the expert negotiations that will take place in 2008.

The EU calls on Member States that have not done so to ratify and support existing conventions and resolutions forming the legal framework for the protection of civilians and to implement them fully within their national legal systems.

The EU believes that the investigation of crimes under international law committed against civilians and bringing their perpetrators to justice is vital. After all, there can be no peace without justice and rule of law.

The International Criminal Court (ICC), the international criminal tribunals and special courts, as well as reconciliation commissions, are working to end impunity, which is an essential task and can help prevent future abuses. The European Union views the International Criminal Court as an essential instrument for the prevention of genocide, crimes against humanity and war crimes, whose victims are mostly civilians. We therefore remain firmly committed to the effective functioning of the ICC. We also wish to stress the importance of full cooperation with the Court and call on States that have not yet done so to accede to the Rome Statute. Moreover, we would like to stress the importance of the work of the ICC Trust Fund in assisting the most vulnerable victims of genocide, crimes against humanity and war crimes.

Naturally, the best way to protect civilians in armed conflicts is to prevent conflicts. The Security Council plays an important role in that regard.

Finally, the European Union welcomes the Secretary-General's proposal to develop a more systematic approach in the Security Council to protecting civilians. The protection of civilians in armed conflict is a complex challenge, and perhaps increasingly so when we consider the asymmetric nature of many conflicts today. The European Union is fully committed to that challenge and, in cooperation with the United Nations, will continue its work for the promotion of peace and conflict prevention.

**The President:** I call on the representative of Angola.

**Mr. Gaspar Martins (Angola):** On behalf of the African Group, I wish to start by commending you, Sir, for convening this important meeting dedicated to a topic that constitutes one of the most challenging tasks

of our time: the preservation of the life and dignity of millions of civilians affected by armed conflicts.

Eight years after the issuance of the first report of the Secretary-General on the issue, our Organization has developed a deep understanding of the question, ranging from the identification of different features of temporary conflicts and the relevant international legal instruments to the necessary measures for the effective protection of civilians in armed conflicts.

In fact, the humanitarian architecture of the United Nations has sufficiently improved through, inter alia, the role played by the Office for the Coordination of Humanitarian Affairs and the United Nations High Commissioner for Refugees, and through the appointment by the Secretary-General of a Special Representative for Children and Armed Conflict, a Special Adviser on the Prevention of Genocide and Mass Atrocities, and a Special Adviser on matters relating to the prevention and resolution of conflict. The Secretary-General has also issued specific reports on children in armed conflicts containing concrete proposals.

The 2005 World Summit dedicated special importance to the protection of civilians, while the Security Council has adopted several presidential statements and resolutions, in particular resolutions 1674 (2006), 1265 (1999), 1296 (2000) and 1631 (2005). The process of United Nations reform has also produced bodies — the Peacebuilding Commission and the Human Rights Council — whose activities will also impact the lives of civilians in armed conflicts and post-conflict situations.

The African Group also takes note of the concrete actions proposed by the Secretary-General, while awaiting the reaction of the Security Council to those concrete proposals. It is our hope that the views of the Governments of the countries concerned will be taken into account in the search for feasible solutions, since the protection of their citizens is a prerogative of national Governments.

Such traditional actors as the International Committee of the Red Cross and other non-governmental organizations, humanitarian agencies, and organizations such as the International Migration Organization have also made a valuable contribution to relief field activities. Important steps have thus been taken in the identification of the problems and the instruments to address them. The challenge remains the

strengthening and coordination necessary to facilitate the implementation of the decisions taken in order to effectively protect civilians in accordance with the principle of the neutrality and impartiality of humanitarian assistance.

We therefore welcome the efforts of the Secretary-General aimed at reinforcing the normative and operational framework for the protection of civilians. In that connection, we reiterate the importance of strengthening the role of the General Assembly as the organ which has the primary responsibility for providing policy guidance for United Nations humanitarian operations. We welcome the recent report of the Secretary-General of 28 October, contained in document S/2007/643, which is more than eloquent on the current situation, including the nature of contemporary armed conflicts and the diversity of the actors involved. The report clarifies the increasing role played by peacekeeping operations and regional organizations in the protection of civilians, as well as the progress made in the fields of a normative framework and the fight against impunity through international justice.

It is also our view that the Security Council should continue to consider the humanitarian impact of sanctions. In that regard, the recent report of the Secretary-General is unfortunately rather silent. Concerning refugees, the African Group is of the opinion that more concrete proposals are needed regarding actions aimed at enhancing assistance to host countries and communities.

The deaths of millions of civilians, whenever they occur, attacks against peacekeepers, sexual violence and other harmful conflict-related practices should be condemned. The African Group is fully supportive of ending impunity for those involved in atrocities against civilians.

Regarding sexual violence, Africa long ago took the lead in the condemnation of that dreadful practice by adopting, in Maputo in July 2003, a Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, in which African States committed themselves to

“undertake to protect asylum seeking women, refugees, returnees and internally displaced persons, against all forms of violence, rape and other forms of sexual exploitation, and to ensure that such acts are considered war crimes,

genocide and/or crimes against humanity and that their perpetrators are brought to justice before a competent criminal jurisdiction”.

We therefore welcome the important step taken by our Organization by the recent adoption of draft resolution A/C.3/62/L.16/Rev.2 on the elimination of rape and other forms of sexual violence. The interest of the African continent in the issue vindicates the active role played by the African Group during the consultations on the issue with interested delegations.

The Constitutive Act establishing the African Union stresses the responsibility of Member States to protect their citizens, while reserving to the African Union the right to intervene, including through multilateral military force, in respect of such grave circumstances as war crimes, genocide and crimes against humanity, or situations that pose a serious threat to legitimate order to restore peace and security in a member State. Furthermore, the African Union recognizes military intervention as the last resort, stressing non-military measures such as dialogue for the peaceful resolution of conflicts as a means to the best solution of conflicts.

We are clearly interested in seeing more progress in ensuring the protection of civilians in armed conflict. This open debate today seriously represents an important contribution towards this objective.

**The President:** I now give the floor to the representative of Japan.

**Mr. Takasu (Japan):** Japan welcomes the fact that the Security Council continues to pay utmost attention to the plight of civilians in armed conflict. We welcome today’s open debate and thank Under-Secretary-General Holmes for his introduction of the report of the Secretary-General on the protection of civilians in armed conflict (S/2007/643).

There has been a decline in the number of conflicts being waged around the world, but far too many civilians continue to fall victim to brutality and degrading treatment. While reporting certain encouraging developments, the report of the Secretary-General provides us with the stark reality of civilians, particularly the vulnerable, being deliberately targeted for military attack and sexual violence in many conflict situations.

We are deeply concerned about increasing casualties among humanitarian workers due to

deliberate attacks. We need to promote a humanitarian space in armed conflict. Humanitarian organizations, including United Nations agencies and the International Committee of the Red Cross, must be able to discharge their responsibilities to deliver essential services. To that end, it is of vital importance to ensure the security and safety of humanitarian workers. We call upon all parties engaged in armed conflict to comply with the relevant international humanitarian laws and stop attacking humanitarian workers.

I would like to underline three points today.

First, with regard to the recommendations of the report of the Secretary-General, we support the proposal to request reports from peacekeeping operations and other relevant missions on the steps that have been taken to ensure the protection of civilians, in response to the relevant Security Council resolutions, including 1674 (2006). First and foremost, we need to clarify precisely which concrete measures have been taken by each operation and how effective they have been. That basic information will afford us good opportunities to take effective action in the future. We need to respond and take remedial action on each specific situation, based on reliable information.

In order to make this process effective, in formulating and monitoring the mandates and activities of peacekeeping and other missions, the Security Council needs to use the Aide Memoire for the Consideration of Issues Pertaining to the Protection of Civilians in its daily deliberations; it is a practical checklist relating to the protection of civilians.

Secondly, I would like to address the issue of impunity. There is no doubt that perpetrators of crimes must be held accountable for their actions. Regrettably, however, in many conflict situations impunity prevails due to lack of action and often leads to a cycle of violence. The question is how to strike the proper balance between national reconciliation, on the one hand, and punishing those who have done wrong, on the other. This needs to be carefully considered, including its sequence.

Yet when we succeed in establishing the rule of law and proper judicial systems, we contribute greatly to durable peace and stability. Therefore Japan has taken initiatives in the field of international justice. We acceded to the Rome Statute of the International Criminal Court last month after completing all the

necessary ratification measures, and we are ready to work actively to ensure that the Court functions effectively and fulfils its objective.

With regard to the Khmer Rouge trials, the internal rules were adopted last June. To meet the costs of the trials, Japan has made a voluntary contribution of \$21.6 million, representing 40 per cent of the total cost. Japan has also provided an international judge to the Supreme Court Chamber. It is our very strong hope that trials will proceed promptly and fairly and that they will result at long last in bringing to justice those who are guilty of committing atrocious acts.

Thirdly, I would like to underline the importance of controlling conventional arms. Japan is fully aware of the humanitarian problems caused by cluster munitions. In order to respond effectively and practically, it is necessary to develop a process in which all major producers and possessors can participate and both humanitarian and security objectives are met. We welcome the consensus reached at the Sixth Meeting of States Parties to the Convention on Certain Conventional Weapons in Geneva last week.

Also, Japan is of the view that an arms trade treaty is an important initiative, and we greatly need to bring about an end to irresponsible transfers through management of the arms trade.

Japan attaches great importance to the protection of civilians in armed conflict, especially because this is one of the highest priorities for promoting human security globally. By promoting human security, we are working towards a world in which all human beings will be protected against threats to their lives, livelihoods and their dignity. In the situation of armed conflict, more than in any other situation, every effort must be made to better protect the vulnerable in society, including refugees, internally displaced persons, women, children, the elderly and the disabled.

Japan, together with other interested delegations, has been taking initiatives such as providing assistance through the United Nations Trust Fund for Human Security and mainstreaming the human security concept in United Nations activities through the Friends of Human Security. Next year, Japan will host the Fourth Tokyo International Conference on African Development (TICAD-IV) in Yokohama. Under the theme "Towards a vibrant Africa", human security will be one of the three principal topics under discussion. Following TICAD-IV, this subject will be taken up

further at the Group of Eight (G-8) Summit in July. The international community must do all it can to protect civilians who have the terrible misfortune of finding themselves caught up in the midst of armed conflict, and Japan will do its part.

I am grateful that the report of the Secretary-General reaches the same conclusion as the notion I have been advocating personally on many occasions over the years on how to measure the progress of United Nations activities. This progress is not measured by the number of reports, resolutions or guidelines, but by their tangible impact on the people on the ground who suffer from injustice and fear.

**The President:** I now give the floor to the representative of Israel.

**Mr. Carmon (Israel):** Mr. President, allow me to congratulate you on your able stewardship of the Council this month and to thank you for convening this important thematic debate. I also wish to thank the Secretary-General for his statement and to extend our compliments to Under-Secretary-General Holmes for the ongoing humanitarian work being carried out on the ground by him and by the Office for the Coordination of Humanitarian Affairs.

At the outset, however, it is important to fill in some of the missing pieces that, to our disappointment, were absent from the Under-Secretary-General's briefing this morning. He described the situation in the Gaza Strip as if there are only Palestinian hardships, but no Palestinian terrorism — the very reason for the closures and restrictions in the first place. It is impossible to refer to any situation giving only one side, and this is true for all conflicts in the world.

In our region, for example, just yesterday alone, there were three major security violations by Palestinian terrorists, one of which resulted in the cold-blooded murder of an Israeli citizen in the West Bank. When Israel raises concerns regarding its security, they are not theoretical. The threats to Israeli life from Palestinian terrorism are dangerous and lethal, and they demand that Israel take measures in self-defence — as any responsible Government would do.

That said, Israel works with the United Nations here at Headquarters and on the ground to ensure humanitarian access to civilians in need and will continue to do so.

My delegation takes note of the sixth report of the Secretary-General on the protection of civilians in armed conflict (S/2007/643). However, we wish to place on record our strong reservations and concerns regarding several elements in the report that, in our view, mistakenly portray certain rules of international law and offer a misguided picture of the conflict in our region. In the interest of time, I will be brief and thus refer delegations to the full statement that is being circulated. The statement can also be found on our Mission's website.

A snapshot of conflicts around the world reminds us of the growing threats to civilian life and security triggered by forces of extremism and instability. The report of the Secretary-General rightfully notes that terrorist groups

“have resorted to strategies that flagrantly violate international humanitarian law, such as deliberate attacks against civilians, including suicide bombings, as well as hostage-taking and intentional placement of combatants and other military objectives amid civilian infrastructure” (S/2007/643, para. 7).

Regrettably, however, the report fails to describe that phenomenon for what it truly is: terrorism.

That blatant disregard by terrorists for the sanctity of human life is a brutal maliciousness we have seen even among their own populations. Abuse, manipulation and the endangerment of civilians are at the heart of the terrorists' modus operandi and tactics. In Lebanon, Hizbullah stored its rockets inside homes and launched attacks from positions nestled within the fabric of civilian life and in proximity to places of worship and hospitals. In the Gaza Strip, Palestinian terrorists firing Qassam rockets employ similar methods.

Additionally, in the Gaza Strip, we have witnessed violence against Israel accompanied by intra-Palestinian violence, with a deliberate disregard for the rights of civilians, including incidents of abduction, torture and execution, and attacks against hospitals and media institutions.

Regarding the report of the Secretary-General, I wish to comment specifically on three main issues of concern.

First, the principle of proportionality under international humanitarian law, as referred to in the

report, has no clear definition. The principle raises a number of questions regarding its scope and application and, as correctly noted in the Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia, “the answers to these questions are not simple”.

The same Report notes further:

“It may be necessary to resolve them on a case by case basis, and the answers may differ depending on the background and values of the decision maker. It is unlikely that a human rights lawyer and an experienced combat commander would assign the same relative values to military advantage and to injury to noncombatants”.

Clearly, the language used in the report of the Secretary-General in addressing the issue of proportionality in armed conflict does not reflect a position widely held by the international community. Rather, the opposite is true: the principle of proportionality refers to an overall assessment of incidental loss of life or injury to civilians in relation to the goals of the military campaign.

Secondly, as called for in the report of the Secretary-General, the safety and access of humanitarian personnel must be ensured. Israel strongly supports the work of humanitarian agencies that provide essential services on the ground and stresses that their vital efforts must not be hampered.

However, we must also not ignore the fact that terrorists often abuse access privileges, which greatly endangers humanitarian workers and obstructs the movement of aid. Here, it is crucial to highlight that the closing of crossing points is invariably a result of rocket and mortar fire by Palestinian terrorists, supported by the illegitimate Hamas leadership in the Gaza Strip, against the very crossing points that are used to supply the Palestinians themselves with food and other essential supplies.

My delegation wishes to underscore that, under international humanitarian law, the right to free movement of humanitarian personnel is subject to military necessities and security considerations, among them the safety of the humanitarian personnel themselves and the need to prevent the abuse of humanitarian channels. In that regard, we find the

report's presentation regarding free access incomplete and legally questionable.

Thirdly and lastly, the issue of refugees in any situation of armed conflict is but one issue among many. That is equally true for the Israeli-Palestinian conflict. Israel and the Palestinians have already agreed to discuss that outstanding issue as part of the overall settlement of the conflict in its entirety. My delegation strongly feels that it is incorrect to isolate one issue in armed conflict and that doing so could entail prejudging an outcome that should be left for the parties to determine themselves.

The international community's vigilance in protecting civilians, particularly in cases where States are negligent, must not wane. Choosing to deal with those situations now could save the lives of countless civilians.

Israel recognizes that it is the duty of all States, first and foremost, to protect their own civilians from all harm. Equally important is the obligation of all States to ensure that attacks are not launched from their own sovereign territory. But the failure to hold terrorist groups accountable, as well as those States which provide safe haven and refuge for them, will only encourage the extremists to increase their abuse and manipulation.

**The President:** I now call on the representative of Senegal.

**Mr. Seck** (Senegal) (*spoke in French*): I would like to thank the Secretary-General for taking part in this debate and commend Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for his detailed and instructive briefing.

My delegation aligns itself with the statement made earlier by Angola on behalf of the African Group.

The delegation of Senegal welcomes the initiative of having the Security Council take a fresh look at the protection of civilians in armed conflicts. Indeed, the initiative of this public debate enables us to follow up on the sixth report of the Secretary-General of October 2007, in which he strongly emphasizes that, when we cannot prevent an armed conflict, the protection of civilian populations is and must remain an absolute priority. That responsibility, he adds, is incumbent upon the United Nations, the Council and, first and foremost, all States.

A recent study by our Organization concluded that, during the 1990s, civilians represented 90 per cent of the victims of armed conflict, whereas during the First World War, the proportion was 5 per cent. That exponential growth in the number of civilian victims in less than a century's time concerns the international community as a whole, and shows quite clearly the need to undertake urgent, bold and coordinated action in order to put an end to it.

For that purpose, Senegal supports the five initiatives proposed by the Secretary-General in his report and appeals to all States to cooperate closely in implementing them.

My country concurs with the Secretary-General that humanitarian access and assistance to populations in distress represents critical challenge facing the Council and Member States, which must, in that connection, ensure a strict implementation of the norms of international humanitarian law.

It is particularly regrettable that both States in conflict and non-State actors are increasingly ignoring the principle of distinction underlying international law, which requires that warring parties distinguish between civilians and combatants and prohibits any attack against civilian populations. The same principle of distinction also prohibits the indiscriminate use of force and requires that the parties to conflict guarantee humane treatment to civilians who fall prey to the violence of war.

Despite those universally recognized basic principles, we see that civilians are being increasingly targeted by warring parties. Therefore, the question arises: is international humanitarian law not sufficiently well known, or is the punishment for such violations not enough of a deterrent? Clearly, more effective protection, which civilians — particularly the victims of conflicts — are entitled to expect from the international community, will depend on the response of the international community to that major concern.

In that connection, Senegal welcomes the advent of the international criminal tribunals and the International Criminal Court (ICC), which play a healthy deterrent role, besides issuing rulings in cases where odious crimes have been committed during national or international armed conflicts. However, the international community must guarantee the proper functioning of the international criminal tribunals and must also emphasize the promotion of greater



knowledge about the principles of international humanitarian law, which remains the basis for all activities aimed at protecting civilians in armed conflict.

The task of protecting civilians in times of conflict is all the more delicate today, because violations are being committed by some of the very people whom our universal Organization sends into the field to maintain peace. In our view, measures to deal with that phenomenon must be given priority in the recommendations that might emerge from these deliberations.

Keen to participate in the international effort to protect civilians and faithful to its commitment to protect and promote vulnerable and disadvantaged groups, Senegal is working at the subregional, regional and international levels to eradicate all forms of violence that could affect civilians during armed conflicts. That is why the Government of Senegal hosted a subregional workshop last April on the protection of civilians, organized by the Office for the Coordination of Humanitarian Affairs (OCHA). That meeting enabled subregional and regional organizations to exchange information and share their experiences, in order to consolidate the progress made in the area of protecting civilians and to propose measures likely to ensure better coordination of the action taken by various actors in conflict areas.

That workshop, like others held in other regions of the world, gave us the opportunity to raise the awareness of all actors and further mobilize them regarding the urgent need to do everything possible to eradicate, or at least reduce, all forms of suffering and offences endured by civilian populations in conflict situations. The experience of those regional workshops reinforces our conviction that educating and raising the awareness of all actors, including peacekeeping forces, remain the best means of prevention in combating abuse and violations against civilians.

For that reason, Senegal would like to support the Secretary-General's recommendation aimed at setting up a working group comprising experts mandated to facilitate the consideration and analysis of issues related to the protection of civilians, which already form part of the mandates of United Nations peacekeeping missions.

In conclusion, I should like to commend the courage and the sense of responsibility of the members

of humanitarian organizations, who are working tirelessly to protect civilians in armed conflicts. However, their activities, which must always be based on neutrality and independence, cannot replace the primary responsibility of States and the international community. The Security Council, which is the guarantor of international peace and security, must ensure that United Nations action in this area arrives on time and continues until the risks to civilians are under control or even eliminated.

**The President:** I now call on the representative of Guatemala.

**Mr. Skinner-Klée** (Guatemala) (*spoke in Spanish*): I wish to thank your delegation, Mr. President, for its initiative to organize this open debate on the protection of civilians in armed conflict. The topic is extremely important, not only for the Security Council, but also for the United Nations system as a whole.

My delegation wishes to acknowledge the valuable report submitted by the Secretary-General (S/2007/643), as well as the briefing made by Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, whose information and proposed measures will help to strengthen our collective ability within the United Nations to protect civilians in armed conflict — people who are vulnerable and deserve our immediate attention. We must bear in mind that the primary responsibility for protecting civilians rests with States, which must, in turn, request international aid if they cannot provide such protection.

Having taken note of the conclusions and key actions identified in the Secretary-General's report, my delegation wishes to comment on their possible implementation and importance.

First, regarding the conduct of hostilities, it remains imperative that we raise awareness about the fact that full respect for civilians and international humanitarian law must prevail among armed groups, other non-State actors and civil society. It is very advisable to include that essential premise in resolutions authorizing United Nations peacekeeping missions; it is a message that should be widely disseminated. All our efforts must focus on strengthening existing norms and on applying them more effectively. In that connection, we also support the recommendation that reports be requested from peacekeeping missions and other relevant missions on

measures and modalities adopted to ensure the protection of civilians during hostilities within their areas of operation.

Secondly, the issue of sexual violence has been a high priority for the Organization. In recent years, there has been significant progress in the areas of standards of conduct, investigations and the accountability of personnel serving in United Nations peacekeeping missions. However, sexual exploitation and abuse continue to be perpetrated primarily by irregular armed groups, and these acts claim thousands of victims. Women, children and other vulnerable groups are particularly victimized by armed conflicts.

We believe that this is a multidimensional issue, and we have identified three main areas in which we can work to put an end to this type of violence. Those three areas, in which active work is being carried out within the Organization, are prevention, the implementation of measures and recovery, including assistance to victims.

With respect to the measure calling for the inclusion of complete information concerning sexual violence in a specific annex to all reports submitted to the Security Council, we recommend that such information be submitted after due process has been carried out and completed. That would enable us to consider and assess the Organization's actions at every stage of the mission, including the steps taken up to the completion of a trial that would show whether the accused was guilty or not. Furthermore, we believe that such information should also be considered by the Special Committee on Peacekeeping Operations and its open-ended working group. Another suggestion would be for the Office for the Coordination of Humanitarian Affairs to submit regular reports to the Security Council every time a mission's mandate is renewed.

Regarding the recommendation that serious cases of rape and other forms of sexual violence be referred to the International Criminal Court, we wish to point out that we must be mindful of the principle of legality. We must recall that the Security Council is not a legal entity, but a political entity responsible for the maintenance of international peace and security, although it could, as a result of information received, denounce extreme violence. Similarly, we would caution against the imposition of selective sanctions, which could jeopardize the progress made by the Council last December with regard to the imposition of

just and transparent sanctions in accordance with due process.

Thirdly, we should like to comment briefly on the topic of the right to housing, land and property. There is no doubt that we must create conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons. If what is proposed here will help Governments to develop a registry system, we consider it a useful measure. What we cannot support is that mandates of United Nations peacekeeping missions include the authority to issue ownership documents, or that they interfere in rating situations of illicit confiscation and appropriation of land and property abandoned by refugees and displaced persons. Even though that certainly is a critical problem, it should be resolved jointly with the local authorities and in accordance with the legal system of the country in question.

Fourthly and lastly, we refer to the humanitarian consequences of cluster munitions. Civilians, in particular women and children, are the primary victims of gunfire and indiscriminate violence in populated areas. That happens mainly in cities, where the belligerents do not manage to distinguish — or are not interested in distinguishing — between combatants and the civilian population, or where they use methods of combat or types of weapons such as cluster munitions, which are completely disproportionate with respect to their military objectives.

We fully concur with the report of the Secretary-General on the need to put an end to the terrible humanitarian consequences of cluster munitions and the need for concerted international action for that purpose. Guatemala, which places a priority on the framework of the Convention on Certain Conventional Weapons (CCW), will continue to participate constructively in debates on this matter in different international forums in order to ban those weapons' excessive lethal effects.

Thus country has played an active role in the recent Latin American conferences on cluster munitions, which took place in Peru and Costa Rica this year. In those conferences we reiterated that cluster munitions cause unacceptable harm to the civilian population, in particular the most vulnerable groups. We also acknowledged the enormous damage to the comprehensive development of populations. Also, the international community was called upon to join —

aware of the importance of the Oslo process, which my country resolutely supports — that initiative, which is a complementary undertaking that does not ignore the efforts made in the context of the CCW Convention.

We hope that the results of the international conference on cluster munitions, which will be held in Vienna in December, will see substantial progress to reach consensus on an action plan to develop and implement a new instrument of international humanitarian law that could resolve all of the unacceptable aspects of cluster munitions.

We must ensure collectively that populations at risk have access at all times to the best protection possible, that those who continue their abuses be responsible for their actions and that the promotion, supervision and building of capacity yield tangible results and make a true difference in the lives of people. The Security Council and the entire international community will be judged according to their ability to protect the most vulnerable. That is a challenge to which we must respond immediately.

**The President:** I now give the floor to the representative of Austria.

**Mr. Pfanzelter** (Austria): Austria fully associates itself with the statement made by the Ambassador of Portugal on behalf of the European Union and would like to focus on two points.

My first point concerns cluster munitions. The humanitarian needs of civilians in armed conflict, as we all know, are manifold — shelter, food and medical supplies, just to name the most urgent ones. As if this immediate plight of conflict-stricken civilians were not enough, their suffering is too often prolonged by the horrendous effects of cluster munitions, which kill and maim civilians, particularly children, deprive communities of their livelihoods and prevent the return of refugees.

Austria is committed to the protection of civilians by striving for a ban on cluster munitions that cause such unacceptable harm to civilians. We also strive for the destruction of the stocks and for a prohibition of the transfer of such munitions. Our goal is to enable the swift and efficient clearance of affected areas and to assist the victims of these weapons. We are also convinced that any new instrument on cluster munitions needs to contain clear and robust provisions on assistance to victims of this weapon.

Last week we all heard the clear and unambiguous appeal of Secretary-General Ban Ki-moon to the Meeting of the High Contracting Parties to the Convention on Certain Conventional Weapons (CCW) to conclude a legally binding instrument. This instrument would prohibit the use, development, production, stockpiling and transfer of cluster munitions that cause unacceptable harm to civilians. Austria welcomes the appeal of the Secretary-General.

Our resolve to ban this category of heinous weapons is reflected in Austria's national and international initiatives. Austria has already adopted a moratorium regarding cluster munitions, in February.

Austria is a firm supporter of the Oslo process and is committed to concluding a legally binding instrument by 2008. Such an instrument would, as I have already mentioned, prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians. It would also establish a framework for cooperation and assistance that ensures adequate provision of care and rehabilitation to survivors and their communities, as well as clearance of contaminated areas, risk education and destruction of stockpiles of prohibited cluster munitions.

We have been disappointed by the outcome of the recent Meeting of States Parties to the CCW Convention, which did not contain a clear and comprehensive mandate for the creation of such a legal instrument. That is why, as has already been mentioned, the upcoming Vienna conference on cluster munitions, from 5 to 7 December, will be vital in bringing us a step closer to our common goal of such a legal instrument by 2008. The Vienna conference will focus on the fundamental humanitarian objectives of a legally binding instrument. It will also provide for the participation of parliamentarians and civil society representatives.

My second point concerns anti-personnel mines. This is another issue where the protection of civilians during and after armed conflicts needs sustained support from the international community. The tenth anniversary of the adoption of the Mine Ban Convention — the Ottawa Convention — serves as an opportunity to look at what we have achieved so far. It should even more reignite our fervour to contribute to the full implementation and universalization of that Convention.

In this spirit Austria will continue its work for the mine-ban process, particularly in the field of victim assistance, mine-risk education and support for the clearance of mine-affected areas in order to help and protect civilians from the tragic consequences of armed conflict.

**The President:** I now give the floor to the representative of Nigeria.

**Mr. Aniokoye (Nigeria):** My delegation would like to begin by expressing its gratitude to you, Mr. President, for convening this important debate on the protection of civilians in armed conflict. The Council discussed this subject only five months ago. My delegation is therefore receptive of this debate and the opportunity it affords to refocus attention on the enduring plight of civilians in situations of armed conflict.

I should also like to thank the Secretary-General for his latest report (S/2007/643), which succinctly examined the subject in its evolving ramifications. Likewise, I thank Under-Secretary-General John Holmes for his informative briefing.

My delegation is concerned that, despite the decline in the number and intensity of conflicts globally, and on the African continent in particular, the ambit of threats to civilians keeps expanding. Today, civilians are not just casualties caught in the crossfire of vicious battles, they are specifically targeted, with an unprecedented number of them being women and children. The increasing number of non-combatants, including journalists and humanitarian aid workers, are now the victims of abduction, dubious military strategies, suicide attacks and sexual violence. That situation worsens the general milieu of fear arising from the social, economic and cultural dislocations created by conflicts. It is inhuman, to state the obvious, that among the heavy tolls that conflicts impose on civilians is the denial of access to medical care for the infirm, the aged and people with disabilities.

More than ever, the challenges of protecting civilians in armed conflicts have expanded and become more daunting. My delegation therefore believes that the time has come for the international community to re-examine when it is its responsibility to protect, without prejudice to the sovereignty of Member States. Genocide, ethnic cleansing and crimes committed against unarmed civilians in situations of conflict are grim reminders that the time is right for the

international community to determine when to exercise its responsibility to protect.

It is in that regard that Nigeria welcomes the increased capacity of the African Union to forestall and resolve armed conflicts and to protect civilians in war situations through its Peace and Security Council. We equally welcome the valuable extension of logistical support from the United States of America and the European Union for the African Union's peacekeeping operations in the Darfur region of the Sudan.

We appreciate the renewed United Nations-African Union partnership aimed at identifying specific cases in which the United Nations could assist the African Union response to capacity-building requirements, including the capacity for monitoring the conduct of parties to conflicts.

Condemnations by United Nations Member States of rape and sexual assaults on women, as well as the anguish often expressed by human rights advocates at the enlistment of child soldiers for combat, are authentic and beneficial means of protecting civilians in situations of conflict.

My delegation believes that the expansion of the scope and definition of war crimes and crimes against humanity to include rape, enforced prostitution, trafficking, enslavement and torture has resulted in an increase in the number of persons brought before international tribunals for acts committed against civilians in the course of armed conflicts.

In order to strengthen the laudable initiatives to which I have referred and which have already been embarked upon by the international community to bring relief to hapless non-combatant victims of war, my delegation to urge States that have not done so to adopt, ratify and/or codify in their national laws the various conventions and protocols on the law of armed conflicts and to ensure the implementation of their provisions. That calls for a more results-oriented strengthening of legal frameworks and mechanisms for monitoring and reporting attacks against civilians by both States and non-State actors.

My delegation wishes to reiterate its belief that conflict prevention is the surest way to protect civilians. Practice has shown that it costs less to prevent than to control conflicts. Within the West African subregion, for instance, Nigeria has been steadily coordinating initiatives with other Member

States of the Economic Community of West African States to bring about a peaceful resolution to conflicts within and among its member States and other States contiguous to Nigeria. It is in that respect that we call for the strengthening of the region's evolving security architecture. The region's zero-tolerance policy for military interventions in politics and the efforts to solidify its emergent democratic structures also need support as safeguards against conflicts.

Although the primary responsibility for protecting civilians lies with national Governments, the police, army, civil society and the private sector have roles to play. Additionally, the international community must continue to intensify its peacebuilding efforts and to assist regional organizations to overcome such protection concerns as insufficient resources, weak capacity of national institutions, dysfunctional social services and insecurity, which can affect the process.

Finally, my delegation fully associates itself with the statement made by the representative of Angola on behalf of the Group of African States.

**The President:** I now give the floor to the representative of Australia.

**Mr. Hill (Australia):** Australia thanks Secretary-General Ban Ki-moon and Under-Secretary-General for Humanitarian Affairs John Holmes for their presentations this morning on this very important topic. We also welcome the Secretary-General's recent report on the protection of civilians in armed conflict (S/2007/643), which is an important and valuable tool in our collective consideration of this issue.

The protection of civilians must remain an essential objective for the Security Council in the context of contemporary armed conflicts. The death and displacement of innocent men, women and children is an appalling aspect of all conflicts. However, the deliberate targeting of civilians is a particularly heinous aspect of so many contemporary conflicts, including in Afghanistan, the Democratic Republic of the Congo, Iraq, Somalia and the Sudan. Boys and girls recruited as child soldiers, civilians as unwitting targets of suicide bombers, families displaced from their homes, and sexual violence as a deliberate weapon of war are all an offence to humanity. The international community must condemn those atrocities and recommit to defeating them in all circumstances. Australia is committed to making every effort to ensure that civilian life is protected and that

international humanitarian law and human rights law are upheld.

Beyond our efforts to avoid those atrocities, the international community must demand that parties to conflict allow and facilitate the rapid and unimpeded passage of humanitarian relief for civilians in need. In that regard, we welcome the strong mandates provided by the Council to both the African Union-United Nations Hybrid Operation in Darfur and the United Nations Mission in the Central African Republic and Chad to ensure the freedom of movement of humanitarian personnel and to protect civilian populations.

We must also do more to implement the principle of the responsibility to protect, as endorsed at the 2005 World Summit. That was an important affirmation of the responsibility of the international community to take action to prevent large-scale gross human rights abuses and genocide, and a clear and suitably constrained statement on the limits of sovereignty. Now we must develop a practical approach to implement the responsibility to protect.

To that end, Australia will become a founding donor of the new Global Centre for the Responsibility to Protect. The Centre will build a worldwide research network, develop strategy and help to coordinate advocacy to identify, prevent or respond to circumstances where populations are threatened. We also welcome the Secretary-General's intention to appoint Mr. Edward Luck as his special adviser for the responsibility to protect.

Australia would like to reaffirm the Secretary-General's call for Member States to cooperate fully with the International Criminal Court (ICC). If we are to ensure that the perpetrators of the world's most egregious crimes are denied safe haven, we must step up our collective efforts to promote the universality of the Rome Statute. In that regard, Australia urges those States which have not ratified or acceded to the Rome Statute to do so.

The ICC plays a crucial role in ending impunity for serious crimes. In January this year, the Court confirmed charges of war crimes against Thomas Lubanga Dyilo, a former Congolese militia leader. We await his trial, the first ever before the Court, which is due to start in March 2008.

Australia welcomes and commends the recent action by the Government of the Democratic Republic of the Congo to surrender Germain Katanga to the ICC. That provides a good example of the results that can be achieved with the cooperation of the situation country.

Australia joins the international community in calling upon the Government of the Sudan to cooperate with the Court. In particular, we urge the Government of the Sudan to take all steps necessary to arrest Minister of State for Humanitarian Affairs Ahmad Harun and militia leader Ali Kushayb, and to transfer them to the Court for trial.

As the Secretary-General pointed out in his report, a further key challenge is the need to eliminate the unacceptable humanitarian impact of certain types of cluster munitions. Explosive remnants of war, including unexploded cluster munitions, pose a serious humanitarian danger to civilians who must live among them long after the end of armed conflict. Australia welcomes the entry into force of Protocol V — which deals with explosive remnants of war — of the Convention on Certain Conventional Weapons. Australia joined the Protocol earlier this year, and we urge all States to join and implement this important instrument as soon as possible.

Australia also recognizes the pressing need to negotiate an international ban on those cluster munitions that cause unacceptable harm to civilians. In this regard, we are active and constructive participants in the Oslo process and the Convention on Certain Conventional Weapons. We believe that these processes can be complementary, with the same aim of negotiating a strong, viable instrument that includes the major producers and users of cluster munitions and that will make a real difference in protecting civilians in post-conflict situations.

We must build on the Secretary-General's recent report and maintain the momentum to keep these issues at the front and centre of our work. Collectively, we must ensure that populations at risk have access at all times to the greatest protection possible, that perpetrators of abuse are held accountable for their actions and that advocacy, monitoring and capacity-building deliver real results and make a positive difference in people's lives. The Council, and indeed the international community as a whole, will be judged on our ability to protect the most vulnerable. It is a challenge that we simply must meet.

**Mr. Normandin** (Canada) (*spoke in French*): Mr. President, on behalf of the Government of Canada, I would like to thank you, first of all, for having taken the initiative of organizing this debate. I would also like to thank the Secretary-General for his report and Under-Secretary-General John Holmes for his briefing, and also to emphasize the contribution of the Director-General of the International Committee of the Red Cross.

Armed conflicts can have devastating consequences for individuals and communities. Forced displacement, deliberate and targeted attacks against civilians, abductions, denial of property and land rights and family separation occur all too frequently. This situation reinforces the importance of having an appropriate regime for questions of the protection of civilians.

Canada thinks that effective protection strategies are inextricably linked to broader peace and security considerations. In Afghanistan, for example, Canada recognizes that the protection of civilians cannot be guaranteed without a sustained and long-term investment in security and stability in all regions of the country. Our commitment towards those objectives remains steadfast.

We need to look no further than Somalia to understand that concerted international attention and action remain critical to protecting people at risk. Moreover, disturbing trends in Burma further reinforce our belief that the protection cannot be taken for granted when the principles underlying democracy and the respect for human rights are ignored.

In the face of such grim realities, the Council has demonstrated a resolute commitment to advancing the protection of civilians. Regular Council debates on a wide range of protection issues, combined with strong protection language in thematic and country-specific resolutions, serve as a testament to the Council's resolve. The Democratic Republic of the Congo offers an example of how a strong mandate for the protection of civilians and a willingness to implement that mandate on the ground can make a difference.

But important work remains to be done. The Council must be timely in its engagement and vigilant in its monitoring. It must demonstrate more consistently the political will to draw upon the full range of measures at its disposal. That includes periodic Council visits so that civilian protection

concerns can be addressed first hand, the strategic use of targeted sanctions where applicable, the effective implementation of early warning mechanisms and the use of force to protect civilians under imminent threat. Looking ahead, further Council attention on how to operationalize the concept of the responsibility to protect will also be important.

We welcome the emphasis that the Secretary-General has devoted to the issue of humanitarian access in his most recent report on the protection of civilians. Rapid, safe and unhindered access remains a critical challenge. In the Darfur region of Sudan, for example, access to the displaced and dispossessed is not guaranteed, and humanitarian workers are at risk.

The imposition of obstacles to humanitarian access, whether physical or administrative, is completely unacceptable from all points of view. To prove its commitment to the protection of civilians, Sudan must first show its willingness to bring to justice those responsible for crimes against civilians. Canada urges the Government of Sudan to take all steps necessary to cooperate with the International Criminal Court. We call on the Government to surrender the two indictees, namely, Minister of State for Humanitarian Affairs, Mr. Ahmad Harun, and militia leader, Mr. Ali Kushayb, to the International Criminal Court for trial.

*(spoke in English)*

Canada strongly supports the Emergency Relief Coordinator's commitment to developing a monitoring and reporting mechanism to facilitate more in-depth analysis of the causes and consequences of access constraints. However, this mechanism will be effective only if the Council demonstrates that it will act on the information received. We urge Council members to consistently and effectively address obstacles to humanitarian access. Where access is denied, those cases must be more systematically brought to the Council's attention. The Council must be willing to draw upon the full range of tools at its disposal to back up the decisions it takes.

Since 1999, the vast majority of Council-authorized peacekeeping mandates have included strong guidance on the protection of civilians. What is now required is a more systematic assessment of the lessons we have learned during that time, including on how protection mandates are mainstreamed in peace support operations. Only by learning from our past

experiences can we address existing gaps in the implementation of protection strategies.

It is important that we be able to translate the will of the Council on protection issues into clear and robust operational guidance for military and civilian actors, including in situations where civilians are under imminent threat of attack. It is equally important that those who are being asked to enforce protection mandates receive the training required to fulfil that objective. Clearly, the Council will also need to work closely with regional organizations — such as the Economic Community of West African States and the African Union — which have a critical role to play in implementing protection mandates.

Finally, I wish to reiterate the importance of consistent engagement and follow-up by the Council. Despite successes in recent years, the Council remains selective on which countries it will engage. And when it does engage, and where troops have been deployed, the Council and the United Nations membership as a whole have not always undertaken appropriate and systematic follow-up to ensure that missions are adequately equipped and resourced to fulfil the protection tasks being assigned.

Canada strongly supports the Secretary-General's proposal to establish a Security Council working group on the protection of civilians. We would urge the Council to implement this recommendation without delay and ensure that the working group takes a proactive and results-oriented approach to its work.

When it comes to protecting civilians, there are no quick fixes. Efforts to ensure that clear guidance and adequate resources are provided to the United Nations and other missions on the ground remain critical. So too is a willingness by the Council to remain fully engaged and draw on a full range of tools at its disposal. Canada remains committed to working with international partners to translate our words into concrete and sustainable actions. Millions of crisis-affected people worldwide are counting on our collective will towards this end.

**The President:** I now give the floor to the representative of Liechtenstein.

**Mr. Wenaweser (Liechtenstein):** The protection of civilians is one of the most complex topics before the Council. The report before the membership today illustrates the diverse and wide-ranging challenges the

Council faces in addressing this topic. They cover almost the full spectrum of United Nations activities, with issues ranging from humanitarian assistance to disarmament. Concerns for the well-being and protection of civilians need, therefore, to be mainstreamed into the activities of the Organization, but in particular, into the decision-making of the Security Council, whose activities have the most direct impact on the situation of civilians in armed conflicts.

We support the recommendation in the report to establish a working group on protecting of civilians, provided that its mandate is to develop mechanisms to ensure that the issue of protection of civilians is mainstreamed into the decision-making processes of the Council. It must not, however, lead to a situation where the protection of civilians is treated as a niche topic, which would in fact be counterproductive.

The numerous topics of direct relevance to the protection of civilians have one thing in common: the central role of international law and its application. Many of the topics covered in the report reveal a glaring gap between existing standards of international law and the realities on the ground. It is quite clear that the situation of civilians would be far less dramatic if the existing norms of international law were applied and observed. This state of affairs is cause for great concern. We are not observing a continuous movement towards better observance of these standards, but in some instances, quite the opposite.

There is an ongoing erosion of the political will to implement international legal standards — among them, those of international humanitarian law. In this context, we wish to emphasize the need for private military companies to abide by applicable rules of international humanitarian law and insist that the primary responsibility for enforcing the implementation of these standards by these actors rests with the States that commission their services.

The phenomenon of sexual violence is a clear illustration of this gap. The recent past has brought about significant developments in the field of international justice in this respect. For example, the inclusion of gender crimes in the Rome Statute of the International Criminal Court (ICC) and landmark decisions of ad hoc tribunals, such as in the Akayesu case before the International Criminal Tribunal for Rwanda.

Meanwhile, sexual violence seems to continue unabated, including its most worrisome form of policies aimed at intimidating a civilian population. It is worth noting, in this respect, that two of the situations described in the report, the one in the Democratic Republic of Congo and the one in Darfur, fall under the jurisdiction of the International Criminal Court. In the area of sexual violence, impunity certainly plays an even more central role than in other crimes and is exacerbated by the well-known, dramatic underreporting of such crimes. We thus welcome the emphasis the Secretary-General's report places on the need for a more robust response to sexual violence. In addition to the specific measures mentioned in the report, the Council might want to consider stronger action in specific cases under consideration.

In the fight against impunity in general, the role of the ICC is clearly a central one. The Court is not only seized with a number of situations, its activities and mere existence also have a preventative effect. But the Court is an institution that was created by States and is owned by States, its independence notwithstanding. We therefore welcome the clear call of the Secretary-General for full cooperation with the Court. It is such cooperation that is indispensable to achieve success in the fight against impunity.

The Council has been seized with the protection of civilians for a number of years now. One of the highlights of the Outcome Document of the 2005 World Summit was the acceptance of the principle of the responsibility to protect. This decision was of historic magnitude, but it has not yet led to a watershed in the protection of civilians worldwide. It is important that we put this concept into operation and we support the Secretary-General's efforts in this respect.

We appreciate the fact that the Secretary-General is making this issue one of the priority topics of his tenure, but we also believe that more systematic work needs to be done by us, the Member States, in particular. The protection of civilian populations is, first and foremost, the task of the States on whose territories they reside. Given that the role of the Council is only complementary and only applicable after massive human suffering has occurred, United Nations efforts with regard to the responsibility to protect can usefully focus on strengthening national capacities.



Furthermore, the issue of the safety and security of civilians engaged as humanitarian or United Nations personnel needs more attention. Currently, Liechtenstein is one of only two countries financing the initiative "Saving Lives Together", which aims to provide better security for the United Nations, international organizations and non-governmental organizations in the field. We call upon other Member States, which are in a position to do so, to support this initiative as well.

**The President:** I call next on the representative of Norway.

**Mr. Løvold** (Norway): Norway welcomes the report of the Secretary-General on the protection of civilians in armed conflict and supports the conclusions and recommendations for action contained therein.

It is vital that all United Nations mandated peacekeeping operations be provided with a mandate that takes protection fully into account. Operations must be authorized to take all necessary action to protect civilians. That means that the potential consequences for civilians must be factored in the planning as well as the execution of such action.

Effective protection of civilians requires close cooperation among a broad range of actors, including the military, the police, as well as human rights, development and humanitarian workers. An integrated approach is key to ensuring that all parties work together to maximise protection. Integration must be based on a common strategic plan and a shared understanding of priorities. Further, in order to make a real difference, the local community needs to have ownership of the strategy and the goals of the operation.

Norway is deeply concerned about the continued use of sexual violence as a method of warfare that each year destroys the lives of thousands of women and girls, as well as men and boys. The report by Under-Secretary-General Sir John Holmes to the Council in September on the situation in the Democratic Republic of the Congo was, indeed, alarming.

The response by the Security Council to sexual and gender-based violence in situations of armed conflict must be intensified. It is totally unacceptable that United Nations officials should be inactive witnesses to such atrocities, or even worse, be participants in such acts.

Norway supports the proposals for action in the report of the Secretary-General, including the need to report such crimes to the International Criminal Court not mentioned again and to consider sanctions against Member States and non-State actors that perpetrate such crimes. Further, we support his recommendation to establish ad hoc judicial arrangements to address sexual violence in the Democratic Republic of the Congo and in other situations where impunity prevails.

A key challenge is the need to eliminate the immense humanitarian impact of cluster munitions. Reports indicate that 98 per cent of the victims of cluster munitions are civilians. This is the reason why the Norwegian Government initiated an international process aimed at prohibiting cluster munitions. The first Conference on Cluster Munitions took place in February this year and resulted in the Oslo Declaration, which is supported by some 80 States. The aim is to ensure an end to the use of cluster munitions and to secure adequate assistance to affected peoples and communities.

**The President:** I call on the representative of Nepal.

**Mr. Acharya** (Nepal): On behalf of the delegation of Nepal, I appreciate the opportunity to discuss the protection of civilians in armed conflict in the open debate of the Security Council. We commend the comprehensive report of the Secretary-General on that subject and thank the Under-Secretary-General for Humanitarian Affairs for his presentation this morning.

The protection of civilians in armed conflict poses a huge humanitarian challenge to and imposes a moral responsibility on the international community and the States Members of the United Nations. We appreciate the increasing engagement of the Security Council on that important issue. We think that resolution 1674 (2006) provides a strong basis for an agreed framework for the protection of civilians in armed conflict, and that process needs to be augmented through periodic debate such as today's. The Council's resolutions 1612 (2005) regarding children and armed conflict and 1325 (2000) on the role of women in peace and security are welcome developments with regard to the protection of civilians in armed conflict.

We support the inclusion of a requirement of compliance with human rights and international humanitarian norms in all peacekeeping missions. We welcome the incorporation of protection of civilian

provisions in the mandates of peacekeeping missions, especially in Darfur and Chad.

We fully agree that the primary responsibility of protecting civilians in armed conflict lies with Member States, but the international community, humanitarian actors and the Security Council can play meaningful roles when Member States are either incapable or unwilling to do so. It is essential that the principle of national sovereignty and the norms of international law, particularly humanitarian law, be fully adhered to in the protection of civilians in armed conflict.

My own country, Nepal, has seen the suffering of innocent civilians during the armed conflict that lasted for more than 10 years. The Comprehensive Peace Agreement signed between the Government of Nepal and the Communist Party of Nepal (Maoist) in November 2006 provides for the protection of innocent civilians affected by the conflict. It has provisions for the return of internally displaced peoples to their homes, the return of their land and property, and the rehabilitation of the victims of the conflict, including women and children. The peace agreement has special provisions for the protection of children affected by the conflict, mainly by way of separating them from armed cadres if found recruited and reintegrating them into society and their families. It also has provisions for the destruction of mines and other explosive devices deployed during the conflict, which pose a threat to innocent civilians.

In that regard, we appreciate the role of the United Nations Mission in Nepal for its support in the requested areas of the implementation of the Comprehensive Peace Accord, mainly in monitoring arms and armed personnel and electoral assistance. The Government of Nepal is seriously engaged in dialogue to resolve the remaining political differences, mainly on holding the elections to the Constituent Assembly as soon as possible. We hope that those and other developments in the peace process will pave the way for a better environment for the protection of civilians from the impact of armed conflict.

Nepal is committed to ending the environment of impunity that existed during the armed conflict. The Interim Legislature-Parliament is considering stringent legislation against disappearances. We are also in the process of establishing a national truth and reconciliation commission, which we believe will help

heal our past and prevent a recurrence of similar suffering among innocent civilians.

Nepal fully adheres to the principle that all human rights, international humanitarian laws and norms must be adhered to by all parties to protect civilians in armed conflict in all situations. We support the creation of a Security Council working group to deal with the issue of the protection of civilians in armed conflicts, but it should not overburden the Council and Member States with reporting obligations and other tasks. We cannot ask other missions, particularly special political missions, which are not mandated for the protection of civilians in armed conflict, to report on this subject, as suggested in the report.

We deplore attacks against humanitarian workers and peacekeepers in various field missions of the United Nations who are deployed to carry out tasks that include the protection of civilians. We call for even more comprehensive safety and security for the humanitarian, development and peacekeeping personnel of the United Nations in all situations.

We think that a more comprehensive framework is required, especially for a rapid response mechanism to protect civilians in armed conflict before it is too late, as we have often experienced. In that context, we think that the Council should engage the concerned Member States, non-State actors and the humanitarian agencies more proactively, and focus equally on taking measures in time through a better analysis of risks and preventive political and diplomatic action. The use of measures by the Council, including the deployment of peacekeepers or the authorization of force, should be used only as a last resort, taking into account the proportionality of the threat to innocent civilians and respecting the national sovereignty of Member States.

In conclusion, we pledge to work with the Member States to advance the work of the Security Council in the protection of civilians in armed conflicts.

**The President:** I call on the representative of Argentina.

**Mr. Argüello (Argentina)** (*spoke in Spanish*): The Argentine delegation would like to thank you, Sir, for convening this open debate on the protection of civilians in armed conflict.

We especially appreciate the report of the Secretary-General on the issue. It is a document that provides updated information on the implementation of resolution 1674 (2006) and on the strengthening of the legal framework for the protection of civilians.

My delegation also expresses its gratitude to the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Sir John Holmes, for his presentation to the Council.

Argentina attaches great importance to the question of the protection of civilians in armed conflict. It is a priority that represents a human, political and judicial imperative that recognizes the dignity and value inherent in all human beings. In that sense, my country had the honour to be a member of the Security Council when resolutions 1265 (1999), 1296 (2000) and 1674 (2006) were negotiated and adopted, providing the legal foundation for the subject on which this Council recommends ever increasing support activities for the protection of civilians to peacekeeping operations.

However, we observe with great concern the current reality that, both in internal and in international conflicts, civilians continue to die and be mutilated, violated or displaced, and are prevented from meeting their basic necessities. There has also been an increase in the number of journalists and media technicians who die or suffer injuries while reporting from conflict zones. We must also include the elderly and the disabled in that unfortunate scenario. We therefore consider it of utmost importance that States ratify the Convention on the Rights of Persons with Disabilities, since that norm requires all States parties to adopt all measures necessary to guarantee the security and protection of the disabled in conflict situations.

Argentina strongly condemns all atrocities committed against civilians and reiterates once again that no national security consideration can prevail over the primary obligation of States and parties to an armed conflict of observing the rules of international humanitarian law contained in the Hague and Geneva Conventions and their Additional Protocols.

As the Secretary-General informs us, progress has been made in the fight against impunity in the work of the International Criminal Court. We therefore deem it very important that all Member States cooperate fully with the International Criminal Court

and other international mechanisms that fight against genocide, war crimes and crimes against humanity.

At the same time, my delegation appreciates and praises the work of the Office for the Coordination of Humanitarian Affairs and of the agencies of the system in the field of the protection of civilians, including refugees and the internally displaced, as well as women, children and other vulnerable groups in the framework of armed conflicts.

It is the responsibility of all States to protect their populations, and those of this Organization must adopt measures to prevent or alleviate the suffering of civilians in conflict zones.

Argentina reiterates the importance of ensuring that the mandates of peacekeeping, political and peacebuilding missions include provisions that address issues regarding the protection of civilians. Along these lines, regional organizations should assume a more relevant role, such as that indicated recently in the debate that took place in this Council on the role of regional and subregional organizations in the maintenance of international peace and security.

Lastly, we would be remiss if we did not point out that, in our opinion, the recent report of the Secretary-General offers a possibility to the Security Council and Member States to take full stock of the global situation in this area and to move forward with our normative work. We believe that the challenges involved therein are of particular importance, and the actions and measures proposed are geared towards guaranteeing more systematic and vigorous responses. These measures should contemplate and secure access, a fundamental requirement for the intervention and protection of the humanitarian sphere, and must also tackle sexual violence inflicted against women, boys and girls during conflict. Likewise, we should consider questions related to housing, land and property, which are inextricably linked with the establishment and strengthening of durable peace and the prevention of future acts of violence.

In conclusion, therefore, I would like to underscore the need for concerted action to put an end to the use of cluster munitions, whose humanitarian consequences, even after the conflict is over, cause unacceptable harm to the civil population.

**The President:** I now give the floor to the representative of Mexico.

**Mr. Heller** (Mexico) (*spoke in Spanish*): Mexico would like to thank the Secretary-General for the sixth report on the protection of civilians in armed conflict, which includes important recommendations for strengthening the framework of protection that the Security Council could offer, as well as the United Nations system as a whole, to its activity on the ground.

We are concerned to see that, even though the number of conflicts has declined, the situations of armed violence are still a threat to the stability of some regions of the world and that civilians are still the target of indiscriminate attacks, in direct contravention of the obligations of States under international law. It is crucial to look for new tools and to follow up on the implementation of existing commitments in order to allow the Organization to find effective responses to comply fully with the task of safeguarding the human rights of individuals, as well as full respect for international humanitarian law.

The resurgence of the asymmetrical nature of modern conflicts imposes additional challenges on the protection of civilians in conflict. In this respect — and we would like to stress this — the growing participation of private security companies in these conflicts should not allow for exceptions to the rule that all parties to the conflict, regardless of their nature, have the duty to submit to the rules of conduct of hostilities and to respect the principles of distinction between military and civilian targets.

The adoption of a progressive approach in the conception of mandates for peacekeeping personnel is proof of the urgent need to protect civilians and proof of the capacity, adaptability and response of the Organization, such as shown in the implementation of Security Council resolutions 1674 (2006) and 1738 (2006) in regard to the mandates for the African Union-United Nations Hybrid Operation in Darfur and the United Nations Mission in the Central African Republic and Chad.

We hope that the study that is being carried out jointly by the Department of Peacekeeping Operations and the United Nations Office for the Coordination of Humanitarian Affairs with a view to reviewing the incorporation in mandates of references to the protection of the civilian population in armed conflicts and the repercussions on the ground, could provide valid lessons for future mandates and deployments.

We concur with the Secretary-General that, like women and children, the elderly and persons with disabilities are the most vulnerable sectors of the population, most vulnerable to violence and extreme deprivation in times of conflict. In this respect, Mexico supports the call made by the Secretary-General for States that have not yet signed or ratified the Convention on the Rights of Persons with Disabilities to do so in order that it could enter into force as soon as possible. This measure would be a decisive step that would help to guarantee the security and the protection of persons with disabilities in conflict situations.

Mexico is convinced of the idea that, once all means for a peaceful settlement have been exhausted under the authority of the Security Council, the international community should be able to take the measures necessary to protect the civilian population from serious violations of obligations that stem from international law and international human rights law, in accordance with the section related to the responsibility to protect, coined in the 2005 World Summit Outcome Document.

The denial of access of humanitarian personnel to victims of conflict is a flagrant violation of international humanitarian law. For this reason, Member States must pay greater attention to this question in order to help such personnel deliver safely and in a timely fashion the assistance that is required by these affected populations. For Mexico, any transgression of this principle entails, owing to the very emergency and personal nature of the assistance in question, an attack on the very core of the protection of the individual recognized in human rights instruments, international humanitarian law and refugee law, and constitutes a violation of international law when the means to prevent such access are harmful actions, such as deliberate attacks on humanitarian personnel.

We await with interest the analysis of the United Nations Office for the Coordination of Humanitarian Affairs on the causes and consequences of actions to restrict access, a study that will make it possible to take better decisions and to adopt measures in this area. Likewise, we are convinced that sexual violence against women and children is one of the greatest challenges that the international community must face. Although we have seen significant progress in this area, as seen in the categorization of this crime as a war crime or a crime against humanity, there is so

much that needs to be done to guarantee that these crimes will not go unpunished, both nationally and within the framework of this Organization. The fight against impunity is a *sine qua non* prerequisite to protect civilians in armed conflicts and to smooth the way for lasting peace.

In this respect, Mexico acknowledges the added value that is provided by cooperation to achieve these ends, especially cooperation with the International Criminal Court, so that it can comply with its mandate of granting justice to victims of crimes under its competence. We join the appeal made by the Secretary-General for the Security Council to adopt the necessary measures to promote and facilitate cooperation with the Court. We believe it is necessary for such a framework of interagency cooperation to be complemented by a full implementation of the Rome Statute and article 17, paragraph 3, of the 2004 Relationship Agreement between the United Nations and the International Criminal Court when, having referred a case in the exercise of article 13 (b) of the Statute, the State has not cooperated with the Court.

Mexico acknowledges that the fight against impunity is extremely important; peacebuilding missions should place priority on efforts to rebuild institutions for the administration of justice, the rule of law and the prison system in order to guarantee the rights and fundamental freedoms of civilian victims of human rights violations during conflicts. In that respect, Mexico welcomes the fact that the Department of Peacekeeping Operations has established an Office of Rule of Law and Security Institutions. Closer coordination and cooperation between that Office and the Peacebuilding Commission is crucial, in our opinion.

Furthermore, Mexico welcomes the initiative of the Secretary-General to convene, under the so-called Arias formula, a meeting with the various relevant actors in order to consider the topic of the right to housing, land and property in countries in conflict. A meeting of that nature would make it possible to heighten the importance for Member States of considering the views of civil society in a question of extreme importance when it comes to protecting the rights of the civilian population.

Cluster munitions are weapons that, through their use, have been considered by a large part of the international community as extremely harmful and as

having indiscriminate effects. Their use has led to serious humanitarian consequences among civilian populations and has resulted in a high number of victims over recent years. It is estimated that more than 30 States have been affected by the use of that type of weapon; their consequences extend over time and are an obstacle to sustainable development. We support the negotiation and conclusion of a legally binding instrument on cluster munitions, whether within the framework of the Convention on Conventional Weapons or the Oslo process. As we have pointed out, either process should consider the following aspects: victim assistance; clearance of affected areas; the destruction of stockpiles; international cooperation and assistance; and measures for national implementation, compliance, transparency and monitoring.

**Mr. Le Luong Minh** (Viet Nam): Mr. President, Viet Nam welcomes the organization by the Council, under your presidency, of this open debate — the second this year — on the issue of the protection of civilians in armed conflict. That reflects the Council's increased engagement on the issue, which, as assessed by the Secretary-General in his report before us today (S/2007/643), constitutes a positive development.

We note with appreciation the progress achieved in recent years in this regard. We welcome the efforts of the Office for the Coordination of Humanitarian Affairs (OCHA) in conducting a study on integrating measures into the mandates of peacekeeping missions to protect civilians, as elaborated in Council resolutions 1674 (2006) and 1738 (2006), and the impact of such measures on the ground. We expect the findings and conclusions of that study to be brought to the attention of Member States for further analysis.

During the Council's debate on the same topic last June, many Member States highlighted the role and contributions that regional organizations should and could make in the protection of civilians in armed conflict. We welcome the fact that representatives of several regional organizations attended the meeting organized by OCHA in Dakar in April 2007 to facilitate the formulation of policies on the protection of civilians and to promote regional support for such policies. At the national level, the efforts undertaken by many Member States to establish criminal jurisdiction over war crimes and crimes against humanity are meaningful steps forward.

My delegation joins others in commending the work of United Nations agencies in the field, in particular OCHA, in providing humanitarian assistance to civilians. My delegation, however, shares the observation of the Secretary-General, contained in his report, that considerable challenges remain. We are deeply concerned by the fact that, in many parts of the world where armed conflicts are raging, tens of millions of civilians are being killed, injured, assaulted, humiliated, ignored or in other ways treated inhumanely. The Deliberate targeting of civilians has become more widespread. The notion of permissible civilian casualties on the part of any warring party is unacceptable and must be rejected in clear terms.

In spite of the international community's strong condemnation of sexual violence, particularly in the context of armed conflicts, the situation on the ground is grave. While international humanitarian law and human rights law are being violated, the violators are not being or cannot be punished. Millions of civilians continue to be excluded from access to life-saving assistance.

We support the efforts to carry out a more in-depth analysis of the causes and consequences of access constraints and the further engagement of parties to conflicts in providing for and protecting humanitarian operations and channels. In that connection, it should be pointed out that, for access to be accrued, it must not be abused or exploited by any party in order to carry out acts of interference or violation of the sovereignty of States.

Another challenge mentioned in the report that should attract our attention is posed by cluster munitions, which continue to kill, injure or affect in different ways the lives of civilians, especially children, even long after armed conflicts have ended. In order to address the humanitarian impact of cluster munitions, it is important to raise awareness among conflict-afflicted populations and to help the States concerned to build capacity to deal with the problem.

Last but not least, the hiring by States of private military and security companies to perform functions, including those of interrogating prisoners and participating in combat, poses many legal questions relating to measures to ensure their compliance with international humanitarian law and human rights law and the responsibilities of the hiring States for these groups' violations of those laws. We support

intergovernmental discussions on the issue, including those proposed by the Government of Switzerland, in cooperation with the International Committee of the Red Cross.

While supporting their humanitarian objectives, we are of the view that the actions proposed by the Secretary-General relating to the conduct of hostilities, sexual violence, access, housing and land and property rights should be further studied in detail to ensure their conformity with the fundamental principles of the Charter and international law and to ensure that no complications will arise in the process of their implementation. We wish to reaffirm our position that, in situations where they do exist, States bear the primary responsibility within their jurisdiction for the protection of their own populations. The proposal to establish a Security Council working group on the protection of civilians should also be examined carefully, taking into account the work being done by other United Nations bodies with a view to avoiding overlapping.

**The President:** I now call on the representative of Colombia.

**Ms. Blum** (Colombia) (*spoke in Spanish*): Permit me at the outset to congratulate you, Sir, on your work as President of the Security Council for the month of November and to thank you for convening this open debate on the protection of civilians in armed conflict. I also wish to thank Secretary-General Ban Ki-moon for his statement and to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, and Mr. Angelo Gnaedinger, Director-General of the International Committee of the Red Cross, for their informative briefings.

Colombia has an irrevocable commitment to international humanitarian law. The current Government, through the democratic security policy, has achieved impressive results in the fight against scourges that threaten civilians and prevent them from enjoying their rights, such as the activities of illegal armed groups, drug trafficking and terrorism. We stress that, given those scourges, the primary responsibility for protecting civilians rests with the State.

The citizens of my country are supported by one of the continent's oldest democracies, which over the past five years has been strengthened and deepened in all its aspects. In that context, and with the understanding that international humanitarian

assistance must abide by the principles of humanity, neutrality and independence, Colombia values the work being done by the relevant United Nations organs to support national authorities. That work must be carried out in accordance with the priorities established by the national Government.

I should like to reiterate the observation, made by my delegation in other forums and on previous occasions, that it is important that the information prepared by the United Nations organs objectively reflect the reality of our situation and, particularly with respect to humanitarian issues, that the efforts and progress made by the Government in taking measures to protect civilians be adequately reflected.

In that connection, I should like to refer to the sixth report of the Secretary-General on the protection of civilians in armed conflict (S/2007/643), which states in its paragraph 6, "Overall, there are 2.1 million registered internally displaced persons in Colombia, though some estimate the total at 3 million". Although the first figure agrees with our official records, the second figure cited is significantly higher than the total number of persons who have registered in the country over the past 10 years, according to the only registration system that has existed in Colombia since 1997. That figure is between 7 and 10 times higher than the number of all people who received assistance, which is contained in the Global Report 2006 of the Office of the United Nations High Commissioner for Refugees and the proposed budget for 2007. The figure seems to be a general estimate for a longer period of time that does not take into account the number of families who have resumed their lives or the number of verified returns.

Although this issue was addressed in the Secretary-General's report, I should like to put it in context by referring to the progress made in preventing displacement, assisting and protecting victims and developing sustainable solutions for their social and economic stabilization. Colombia has progressive legislation and an assistance programme for displaced persons that is implemented in a decentralized manner. The programme's budget, which is coordinated by a presidential agency, has increased from \$40 million to nearly \$500 million a year. That amount will be maintained for the period 2008-2010, as provided by the national development plan.

Thanks to the democratic security policy and the mass demobilization of illegal armed groups, the number of new displacement cases per year has fallen by 44 per cent compared with the data for 2002. Approximately 82 per cent of the total number of households in the national registry of displaced persons have received emergency humanitarian assistance. In the area of social services, 232,000 displaced children and young people entered the educational system in 2006 with State support. The national vocational education service provided technical training to 234,000 displaced persons and offered occupational guidance to 201,000. Last June, 670,000 displaced persons were enrolled in the social security health system. Through the new network aimed at overcoming extreme poverty, 443,000 displaced families will gain access to State social services. By August 2007, 375,000 displaced families had been able to return to their places of origin with that programme's support.

Colombia has developed a benchmark system to measure the programme's impact on displaced households in terms of fundamental rights. Likewise, reparation for displaced persons is a priority in the activities of the national reparation and reconciliation commission, which was established within the framework of the process of demobilizing illegal armed groups.

In the same way, we have been able to enhance the capacity for State action and a State presence through the national police and civil authorities in all municipalities throughout the country. Five years ago, that situation was not guaranteed in 157 localities. Approximately 46,000 former members of illegal armed groups have been demobilized, out of an estimated total of 60,000.

Colombia believes that the concept of democratic security includes the State's obligation to protect groups of great significance for democracy. We have strengthened the special programme that today provides direct State protection to more than 6,000 people.

The dissemination of objective information regarding the situations of countries contributes to accurate analysis of their situations and to effective support on the part of the international community. Consulting with countries before reports are published by the United Nations system can contribute positively to that end.

In the past, my delegation has emphasized that it is important that the humanitarian system, in following the principles of transparency and objectivity — which must govern humanitarian affairs — maintain a clear distance from considerations of a political nature. Therefore, we are somewhat concerned by some of the recommendations made in the Secretary-General's report, because they delve into thematic issues that are outside the area of competence assigned to the Security Council in the Charter of the United Nations. It should be noted that, in the current circumstances, it is already quite difficult to draw a precise dividing line for carrying out the responsibility to protect.

While my delegation shares the serious concerns expressed by the Secretary-General in his report concerning serious crimes such as the use of sexual violence in armed conflict, we believe that the existing resolutions and the support provided by the relevant United Nations bodies provide an adequate framework for addressing that problem. Similarly, the consideration of issues such as the right to housing, land and property falls within the purview of the General Assembly and its specialized agencies. Suggesting that these issues, per se, become part of the agenda of the Security Council will only continue to crowd its programme of work and divert its attention to issues beyond its competence.

In this context, my delegation wishes to underscore the importance for the Security Council to adopt measures in a non-selective manner.

For the Government of Colombia, the protection of civilians and their enjoyment of their rights is one of its highest priorities. We consider of the utmost importance that international support in this area be in line with the sovereignty of States and that it be coordinated with national authorities according to the principles of humanity, neutrality, impartiality and independence. We trust that the decisions that the Security Council will eventually adopt will be guided by that course.

**The President:** I shall now give the floor to Mr. John Holmes to respond to the comments made.

**Mr. Holmes:** This has been a long debate and I shall try to be brief, given the lateness of the hour.

First of all, let me say that I am very grateful for all the comments we have heard today, the interest in this agenda and the concern for what often appears to

be a deteriorating situation on the ground as far as protection of civilians is concerned. I also welcome the strong support expressed by many delegations for the centrality for this Council of the agenda on protection of civilians and a point made by the Secretary-General — its absolute priority.

Many speakers have also supported some or all of the practical initiatives we proposed — for example, on sexual violence, on cluster munitions and, in particular, on access, which encourages us to pursue the ideas and to try to turn them into the kind of actions which we seek to pursue in the future.

I will not try to respond to all of the detailed points that have been made by individual delegations, but in some cases we will pursue them with those delegations individually, for example, some of the legal points raised by the delegation of Israel, with which we have some difficulty.

Let me simply make one or two general comments. First, we have noted the calls for more systematic reporting by the Office for the Coordination of Humanitarian Affairs (OCHA) and by myself as the Emergency Relief Coordinator on the question of access. We welcome this idea and are, of course, ready to respond to it in whatever form — written, oral or both — will suit the Council in particular cases. We look forward to this increased engagement with the Council on access issues, particularly in situations where there are grave access constraints and the Council may feel a responsibility to focus on them. Of course, the acid test of this increased reporting and exchanges would be that they should produce some concrete changes on the ground in favour of those who are affected.

Secondly, we welcome the comments from several speakers in support of the recommendation that the report makes for the establishment of a working group of the Council on the protection of civilians. While recognizing that this support is not unanimous and that more deliberation and consultation are clearly needed, let me simply repeat that what we would like to see is a regular forum for timely and systematic consultation on concerns related to the protection of civilians, between the Council as a whole, OCHA and other relevant departments of the Secretariat. We see it as a forum that could relay — as I say, systematically and transparently — information, analysis and possible language on protection matters to all Council members



for their consideration. We think that would help to ensure more consistent application of resolution 1674 (2006), the aide-memoire and the other protection of civilians concerns, where it might be connected with the renewal of peacekeeping mandates or other relevant missions or the development of draft resolutions.

We see the working group is replacing the rather informal and ad hoc — and sometimes rather incidental and late — efforts that exist today in this respect. The idea is to make the exchange more systematic, more effective and leading to more results on the ground. We do not see it as necessarily setting a precedent for other areas. I recognize that that is a concern expressed by some delegations. We hope that all delegations will come to see the advantages of what we are proposing. We will pursue further discussions and contacts to that end.

Thirdly, I welcome the strong support from many speakers during the day on the vital need to comply more fully with international humanitarian law. It seems to me that reinforcing the implementation of international norms and the normative framework for protection is indeed a vital function for this Council and its resolutions, as so many of the speakers today have indeed highlighted.

In that context, it is of course vital that the highest standards are maintained by all those who are in the field to promote them, not least the humanitarian workers on the ground. That is why I fully support the call made by the representative of China to the effect that humanitarian workers should always be mindful of their responsibility to act in accordance with core principles of neutrality and impartiality. The Secretary-General, I myself and others have, for example, unequivocally condemned the conduct of one non-governmental organization acting irresponsibly and indeed criminally in Chad.

However, we should not regard that kind of behaviour as in any way typical of humanitarian workers on the ground, and we should remember that they are there to deliver assistance in often the most difficult and dangerous circumstances. Their presence is often the only way of providing some measure of protection to highly endangered civilians, through their presence and their ability to offer help and draw attention to what is happening in particular circumstances.

At the same time we need to ensure that those actions — helping the displaced, organizing safe firewood collection for women, or whatever it is that they are doing on the ground, and advocating the protection of civilians, which is part and parcel of modern humanitarian action as endorsed by this Council — are not somehow unjustifiably labelled as violations of local laws and traditions or regarded as in some way unacceptable political interference in internal affairs simply because they do not happen to coincide with the policies or attitudes of particular parties to a conflict. There are some important principles at stake here, as well as the safety and well-being of the committed individuals on the ground themselves. So we need to look at this with great care.

Finally, let me just thank you again, Mr. President, for the opportunity for this important, rich and indeed very well-attended debate. It encourages us to continue our work with other parts of the Secretariat to turn the words that we have heard today into actions on the ground, and to try to help the many innocent victims of the conflicts of the world. I thank all those who have participated in the debate.

**The President:** There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at 5.25 p.m.*