



# Security Council

Sixty-fifth year

*Provisional*

## 6427<sup>th</sup> meeting

Monday, 22 November 2010, 10 a.m.

New York

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<i>President:</i>	Sir Mark Lyall Grant . . . . .	(United Kingdom of Great Britain and Northern Ireland)
<i>Members:</i>	Austria . . . . .	Mr. Mayr-Harting
	Bosnia and Herzegovina . . . . .	Mr. Barbalić
	Brazil . . . . .	Mrs. Viotti
	China . . . . .	Mr. Wang Min
	France . . . . .	Mr. Briens
	Gabon . . . . .	Mr. Issoze-Ngondet
	Japan . . . . .	Mr. Kodama
	Lebanon . . . . .	Ms. Ziade
	Mexico . . . . .	Mr. Puente
	Nigeria . . . . .	Mr. Onemola
	Russian Federation . . . . .	Mr. Karev
	Turkey . . . . .	Mr. Apakan
	Uganda . . . . .	Mr. Rugunda
	United States of America . . . . .	Mrs. DiCarlo

## Agenda

### Protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict  
(S/2010/579)

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*The meeting was called to order at 10.05 a.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

### **Protection of civilians in armed conflict**

#### **Report of the Secretary-General on the protection of civilians in armed conflict (S/2010/579)**

**The President:** I should like to inform the Council that I have received letters from the representatives of Afghanistan, Argentina, Armenia, Australia, Azerbaijan, Bangladesh, Botswana, Canada, Chile, Colombia, Costa Rica, Egypt, Georgia, Germany, Ghana, India, Indonesia, Israel, Italy, Liechtenstein, Morocco, Norway, Pakistan, Peru, the Philippines, Portugal, the Republic of Korea, Slovenia, Sri Lanka, the Sudan, Switzerland, the Syrian Arab Republic, Uruguay and the Bolivarian Republic of Venezuela, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

*At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.*

**The President:** In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend invitations under rule 39 of its provisional rules of procedure to Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, and Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations.

There being no objection, it is so decided.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights, and to Mr. Yves

Daccord, Director General of the International Committee of the Red Cross.

There being no objection, it is so decided.

I should like to inform the Council that I have received a letter from His Excellency Mr. Pedro Serrano, in which he requests to be invited, in his capacity as Acting Head of the Delegation of the European Union to the United Nations, to participate in the consideration of the item on the Council's agenda. If I hear no objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Pedro Serrano.

There being no objection, it is so decided.

I invite Mr. Serrano to take the seat reserved for him at the side of the Council Chamber.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I wish to draw the attention of Council members to document S/2010/579, which contains the report of the Secretary-General on the protection of civilians in armed conflict.

The Council has before it the text of a statement by the President on behalf of the Council on the subject of today's meeting. In accordance with the understanding reached among the members of the Council, I shall take it that the members of the Security Council agree to the statement, which will be issued as a document of the Security Council under the symbol S/PRST/2010/25.

It is so decided.

**The President:** At this meeting, the Security Council will hear briefings by Ms. Valerie Amos, Mr. Alain Le Roy, Ms. Navanethem Pillay and Mr. Yves Daccord.

I now give the floor to Ms. Valerie Amos, and I welcome her on her first appearance before the Security Council.

**Ms. Amos:** This briefing to the Security Council on the protection of civilians in armed conflict is an opportunity to measure the progress made by parties to conflict in meeting their obligations to protect civilians.

The Secretary-General's report (S/2010/579) paints a very bleak picture of the state of the protection of civilians. Any positive and encouraging developments are heavily outweighed by what is happening on the ground: the continuing and frequent failure of parties to conflict to observe their international legal obligations to protect civilians. Complementary to that is the failure of national authorities and the international community more broadly to ensure their accountability in any meaningful, comprehensive and systematic sense.

As the Secretary-General's report notes, the progress made in the last 18 months has been in the further strengthening of the Council's approach to protection. That has been embodied in the Council's thematic resolutions on the protection of civilians, on women and peace and security, and on children and armed conflict. Increasingly, that progress has been embodied in situation-specific resolutions, where the Council's informal Expert Group on the Protection of Civilians has played an important role; in the further development of international legal standards; in the efforts of United Nations actors — in particular humanitarian agencies and peacekeeping missions — and other international and non-governmental organizations to enhance protection on the ground; and above all, in the courage and ingenuity of the affected populations themselves.

Those are all important and welcome developments, but as the report of the Secretary-General makes clear, more needs to be done to tackle the five core challenges that inhibit more effective protection for civilians. Those challenges are: to enhance compliance by parties to conflict with international law, to enhance compliance by non-State armed groups, to enhance protection by United Nations peacekeeping and other relevant missions, to enhance humanitarian access, and to enhance accountability for violations.

Improving compliance by parties to conflict with international humanitarian law and human rights law remains particularly important, especially in the conduct of hostilities. In countries like Afghanistan, the Democratic Republic of the Congo, Somalia and the Sudan, civilians are frequently targeted or fall victim to indiscriminate or disproportionate attacks.

In the Democratic Republic of the Congo, the Lord's Resistance Army (LRA) has carried out over

200 attacks on villages in the North-East of the country since January. Between July and September, 75 attacks were reported in the Central African Republic, the Democratic Republic of the Congo and Southern Sudan. Ninety civilians were killed in these attacks, and over 100 abducted.

In Somalia, clashes in Mogadishu and the south-central part of the country continue to result in high numbers of civilian casualties, deaths and displacement. Between July and September, at least 300 people were killed and over 500 wounded by fighting between Government forces and their allies and insurgent groups. At least 8,000 Somalis flee the country every month.

I remain profoundly concerned at continuing reports of attacks, including aerial bombing, carried out by the Sudanese Armed Forces in populated areas of the Jebel Marra region of Darfur. These have resulted in civilian deaths and injuries, and some 100,000 people have been displaced. With limited humanitarian access, mostly due to Government restrictions, it has been difficult to gain a clear picture of the situation and of the numbers and locations of the displaced and other vulnerable groups.

Where we are unable to promote and encourage compliance with the law, the Council must do more to enforce. This includes following through on the willingness expressed in resolution 1894 (2009) to respond to situations of conflict where civilians are targeted or humanitarian assistance is deliberately obstructed.

I would like to draw particular attention to the concern raised in the report over the humanitarian impact of explosive weapons, particularly when used in densely populated areas. As the inhabitants of Baghdad, Gaza, Mogadishu, the Vanni region of Sri Lanka and elsewhere can attest, explosive weapons such as artillery shells, missile and rocket warheads and bombs can cause substantial and ongoing civilian suffering when used in populated areas. Civilians within the vicinity of an explosion are likely to be killed or injured by the blast and fragmentation from such weapons. They may be harmed by the collapse of buildings or suffer as a result of damage to essential infrastructure, such as hospitals and sanitation systems. And they live with the threat posed by unexploded ordnance.

I would join the Secretary-General in urging Member States, United Nations actors, and international and non-governmental organizations to consider the issue of explosive weapons closely, including by supporting more systematic data collection and analysis of the human costs of explosive weapons use. I would urge also increased cooperation by Member States in collecting and making available information to United Nations and other relevant actors on civilian harm resulting from the use of explosive weapons. Policy statements outlining the conditions under which explosive weapons might be used in populated areas would also be invaluable.

Improved compliance with international humanitarian law and human rights law will remain elusive in the absence of and full acceptance of the need for systematic and consistent engagement with non-State armed groups. Experience in Colombia, Liberia, Nepal, the Philippines, Sierra Leone, Sri Lanka, the Sudan and the former Yugoslavia shows that lives can be saved by engaging armed groups in order to seek compliance with international humanitarian law in their combat operations and general conduct, to gain safe access for humanitarian operations, or to dissuade them from using certain types of weapons.

An increasing number of Member States appreciate the importance of engagement for humanitarian purposes, but this must translate into greater consideration of the possible humanitarian consequences of national legal and policy initiatives that effectively inhibit humanitarian actors in engaging armed groups for humanitarian purposes. I am increasingly concerned by the growing body of national legislation and policies relating to humanitarian funding that limit humanitarian engagement with non-State armed groups that have been designated terrorist organizations. In the United States, for example, domestic legislation defines "material support" in such a way that it includes advocacy, technical expertise and advice, even when such activities are aimed at bringing the conduct of these non-State actors in line with international law.

Across donor States, the threshold of what constitutes direct or indirect, or intentional or non-intentional material support to designated terrorist organizations varies; so too does the manner in which these are formulated in humanitarian funding policies. The result is a complex web of bureaucratic restrictions demanding extensive vetting of partner organizations

and, in some instances, explicit prohibitions on contact with designated terrorist organizations as a condition of funding.

Humanitarian actors face potential criminal liability and prosecution for engaging with designated terrorist organizations in the course of, for example, securing the release of child soldiers or for simply delivering aid to civilian populations in an area controlled by such an organization. Measures of this sort can take us further from, rather than nearer to our goal of protecting civilians.

From Chad to Côte d'Ivoire, the Democratic Republic of Congo to Liberia, to Sierra Leone and the Sudan, United Nations peacekeeping missions have had a significant impact on enhancing the protection of civilian populations. Important measures are being introduced to further improve the implementation of protection mandates by such missions, based on the recommendations of the November 2009 independent study jointly commissioned by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations (DPKO). Mr. Le Roy will speak to these shortly.

I would like to touch on three issues in the Secretary-General's report.

The first is mission drawdown. In recent months, United Nations peacekeepers have begun to withdraw from the Democratic Republic of the Congo, while the United Nations Mission in the Central African Republic and Chad is expected to withdraw completely by the end of this year. The protection and humanitarian implications of drawdown are context-specific. It is therefore essential that drawdown be based on the achievement of clear, context-specific benchmarks, including on the protection of civilians. Anything less risks instability, violence and further protection problems.

In advance of mission drawdown, the Security Council should insist upon the articulation of benchmarks relating to the protection of civilians and on the establishment of a mechanism to measure and report progress against those benchmarks. Resolution 1923 (2010) on the situation in Chad provides useful examples in both these respects. Early consideration must also be given to the likely resource implications for the humanitarian and development actors that remain once a mission has withdrawn. These can be considerable. Member States must be fully aware of

the need for increased voluntary contributions to support crucial ongoing humanitarian and development activities, especially those related to the protection of civilians.

Secondly, the protection of civilians is a shared responsibility. Humanitarian workers and peacekeepers have distinct roles and responsibilities, but these need to be brought together in a coherent and strategic way. I look forward to the completion of the strategic framework that is being prepared by DPKO, in conjunction with other United Nations actors, to guide the development of comprehensive protection strategies by peacekeeping missions. This will, I hope, go a long way towards ensuring the necessary coordination and consultation between different actors and improve our collective efforts on the ground.

Thirdly, approaches to protection must involve the participation of affected communities and build on their capacities. This should be incorporated into mission protection strategies.

Access is a fundamental prerequisite to humanitarian action and yet, as the annex to the report demonstrates, it is frequently compromised. Bureaucratic constraints, active hostilities, deliberate attacks against humanitarian workers and the economically motivated theft of humanitarian supplies and equipment continue to undermine efforts to protect and assist those in need. In resolution 1894 (2009), the Council noted with grave concern the severity and prevalence of constraints on humanitarian access and the frequency and gravity of attacks against humanitarian personnel and their implications for humanitarian operations. It further stressed the importance of parties to conflict cooperating with humanitarian personnel in order to allow and facilitate access to conflict-affected populations. Importantly, the resolution reaffirmed the Council's role in promoting an environment that is conducive to facilitating humanitarian access.

The Council's continued attention to access constraints is welcome. However, greater precision is needed in specifying the nature of the constraints and the actions to be taken to counter them. The Council must ensure enhanced accountability for grave instances of deliberate delays or denials of access for humanitarian operations, as well as situations involving attacks against humanitarian workers. That can be achieved by encouraging domestic prosecutions

or through referrals to the International Criminal Court. In line with resolution 1894 (2009), I stand ready to bring to the Council's attention situations where humanitarian operations are deliberately obstructed, and to suggest possible response actions for consideration by the Council.

As emphasized in resolution 1894 (2009), the primary responsibility for ensuring accountability for violations of humanitarian and human rights law rests first and foremost with States. In practical terms that means disseminating information about international humanitarian and human rights law. It means training combatants and ensuring that their orders and instructions comply with international law and are observed. When violations occur, it means investigating and prosecuting those responsible.

Regrettably, instances of disciplinary action and national prosecutions are in short supply, despite mounting allegations of serious humanitarian law and human rights violations in today's conflicts. In some cases, a lack of capacity is to blame. I would urge Member States to provide the necessary technical and financial support to national efforts, or for consideration to be given to the establishment of so-called mixed courts and tribunals, as we see in Cambodia and Sierra Leone, to support much-needed investigations and prosecutions at the national level.

In other cases, the fault lies in an absence of political will. However, unnecessarily slow or ineffective national efforts must not hinder the pursuit of accountability, including at the international level. The mandating of international commissions of inquiry sends an important signal that violations will be pursued and victims heard. Yet, while their utility is clear, their establishment is often politically fraught. We need to find ways of using such mechanisms on a more consistent and less politically influenced basis. As the Secretary-General notes, scrutiny must be the norm. I therefore welcome the Secretary-General's intention to request Secretariat departments directly involved in launching and supporting inquiries to undertake a review of the United Nations experience in these processes.

In addition to the various recommendations aimed at the Council and Member States, the Secretary-General's report identifies three actions that are implicit yet fundamental to enhancing our collective efforts to bring about more effective

protection for civilians. First, we must ensure a comprehensive approach to protection. Resolution 1894 (2009) expresses the Council's willingness to respond to situations of conflict where civilians are being targeted or humanitarian assistance is being deliberately obstructed, including through the consideration of appropriate measures at its disposal. I would urge the Council to extend that willingness to act to conflicts of which it is not already seized. These often raise many of the same, and sometimes more acute, protection concerns than we see in those situations already on the Council's agenda, and may equally warrant or demand Council attention.

Secondly, we must ensure a consistent approach. We need greater consistency in the manner and extent to which the Council addresses protection in those contexts of which it is seized. The systematic application of the aide-memoire — an updated version of which has been adopted today — is crucial in that regard. So too is the continued use of the informal Expert Group and the consideration of other ways in which it could further inform the Council's deliberations. Those would be important steps in this direction.

Finally, we must ensure an accountable approach. Systematic monitoring and reporting on the impact of our efforts to improve the protection of civilians is essential. We need to assess and report on the extent to which our actions are making civilians safer. That also applies to all relevant actors, not only peacekeeping missions, as well as all relevant situations, not only those in which peacekeepers are present. As requested by the Secretary-General, we plan to develop indicators for systematic monitoring and reporting on the protection of civilians in armed conflict.

The work of the Council on the protection of civilians in armed conflict is of prime importance. We face a sobering reality, and yet progress has been made. I hope that the Council will continue to be seized of this matter and keep the protection of civilians at the centre of its agenda.

**The President:** I thank Ms. Amos for her briefing.

I now give the floor to Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations.

**Mr. Le Roy** (*spoke in French*): I would like to thank you, Mr. President, for this opportunity, following the comprehensive briefing just made by

Ms. Valerie Amos, whose recommendations I fully support, to inform the Security Council about the latest efforts by the Department of Peacekeeping Operations (DPKO) to better protect civilians in the eight missions we have been mandated to carry out, as well as, more generally, on the progress we have made in carrying out those crucial and difficult missions.

Recent tragic incidents, notably in the Democratic Republic of the Congo, in which the lives and safety of civilians have been so grossly disregarded by armed militias are a tragic reminder of both the importance of protecting civilians where we are mandated to do so and of the immense complexities that this entails. We must acknowledge and communicate that peacekeeping operations cannot protect all civilians at all times, especially when they are deployed over very vast areas and in the midst of ongoing conflict. Both the international community and those whom we endeavour to protect must understand that peacekeeping operations cannot be regarded as a substitute for State authority. The protection of civilians will ultimately depend upon stable and legitimate State institutions. Peacekeeping operations can augment their capacities and help to build them, but cannot, and should not, replace them.

That being said, over the course of 2010 the Department of Peacekeeping Operations and the Department of Field Support undertook a very detailed examination of how we can improve our performance in protecting civilians. With the operational concept developed earlier this year, we have focused on five principal tracks to improve our planning and implementation of our civilian protection mandates. Those include the development of a strategic framework to provide guidance for missions in elaborating comprehensive strategies for the protection of civilians; predeployment and in-mission training modules that include a range of scenario-based exercises for all mission components; an evaluation of the resource and capability requirements necessary for the implementation of protection mandates; a thorough examination of protection planning processes, both predeployment and within the mission; and, lastly, capability development efforts, including addressing capability standards for military units, to better articulate the performance requirements to meet this task as well as the other modern mandated peacekeeping tasks.

*(spoke in English)*

Our efforts in those areas have already had an impact on the ground. In addition to the three missions that previously developed protection of civilians strategies, four missions are in the process of doing so based on the draft general guidance that is being developed here at Headquarters. That guidance assists missions in undertaking a systematic analysis of the relevant threats facing civilians in their areas of operation, so as to better orient their efforts towards addressing them. That includes identifying the capacities that are required to ensure the effective implementation of protection of civilians mandates.

One of the most prominent examples of the implementation of such strategies is certainly the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), which has already developed and is continuing to implement a number of innovative and practical approaches. Recent efforts have focused on further enhancing the situational awareness of MONUSCO troops and, as the Council is aware, on improving communication between them and the population. Such measures must of course be accompanied by the ability to respond when and as necessary. It is in those situations that capacity shortages, especially in terms of aviation, are felt most acutely.

In the Sudan, in the crucial period leading up to the referendum, the United Nations Mission in the Sudan has finalized, in consultation with the country team, a strategy for the protection of civilians, which strengthens the coordination between the Mission's civilian and military components and envisages joint mapping processes of protection needs, actors and potential emergencies.

In Darfur and Côte d'Ivoire, missions are finalizing comprehensive strategies that include analyses of current and potential protection threats and vulnerabilities that civilians face, as well as risk mitigation measures.

For the United Nations Mission in Liberia (UNMIL), the primary threats to the protection of civilians are civil disorder and violent crime, including sexual violence. UNMIL and the Liberian National Police are working to develop clear and practical procedures to enable community members to alert the Mission or Liberian authorities in the event of an emergency or major incident.

As we look at the planning and implementation of the protection of civilians in greater detail, it remains clear that the efforts that we have undertaken thus far constitute only the beginning of what will necessarily be a continuous process. Peacekeepers in the military, police and civilian components continue to request more detailed operational guidance on the contributions they can make to the protection of civilians.

While we have made progress in bringing clarity to how peacekeeping operations implement protection of civilians mandates, we still require a more detailed articulation of how key functions within missions can more effectively protect civilians on a daily basis. This operational guidance will be a critical part of the protection toolkit that we are developing.

In conclusion, it must be reiterated that our efforts to improve the implementation of protection of civilians mandates within United Nations peacekeeping operations is not a job for DPKO or the Department of Field Support alone. It is critical that our key partners, in particular troop and police contributors that ultimately deploy personnel to protect civilians in the mission area, are fully engaged. Ensuring that they are aware of the expectations to protect civilians that have been placed upon them and that they are prepared to meet them is a shared task that will require a strong and focused partnership moving forward. Likewise, the support and engagement of the Council will be critical, in particular in ensuring that missions with protection of civilians mandates are fully resourced for the task, as we endeavour to bring greater operational clarity to some of the mandate language typically used in mandate missions to protect civilians and bring political leverage to bear on the parties to conflict.

**The President:** I thank Mr. Le Roy for his briefing.

I now give the floor to Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights.

**Ms. Pillay:** First, let me welcome the contribution of my colleague Valerie Amos and congratulate her on her appointment. The work of our respective Offices is complementary at many levels, something I was reminded of listening to her speak today.

Let me also thank the members of the Security Council for giving me the opportunity to address the Council today on the subject of the protection of civilians in armed conflict. This is a subject that has rightly become a central focus of the Security Council. It is also an important priority for my Office as we seek to promote and protect human rights worldwide. Protecting civilians from the atrocities of war is an essential element of our human rights work. It is also an indispensable part of any strategy for managing threats to international peace and stability.

The concept of the protection of civilians, which is rooted in international humanitarian and human rights law, has been developed as a way to encourage a more comprehensive and coordinated approach by Member States, international organizations and agencies to our efforts to protect civilians from the imminent threat of violence during armed conflicts.

Over time, in responding to emerging threats to civilians, the Council has looked beyond situations of actual armed conflict to situations of civil strife preceding full-fledged conflict, as well as post-conflict and natural disaster situations. In situations such as the ones in Haiti, Côte d'Ivoire and Liberia, the Council has established broader protection mandates to ensure that the populations' human rights are protected.

Today, human rights are thoroughly integrated in United Nations peace missions. There are currently 17 human rights components of peace missions led by the Department of Peacekeeping Operations and the Department of Political Affairs, established at the behest of the Council and supported by my Office.

Of the five core challenges to the protection of civilians identified in the report of the Secretary-General before the Council (S/2010/579), my Office and human rights officers on the ground are directly engaged in four. We work to enhance compliance with international law, compliance by non-State armed groups, protection in the context of peacekeeping and accountability for violations.

Our approach to protection is first and foremost to prevent the commission of human rights violations. Where that fails, as regrettably it sometimes does, we also contribute to mitigating the effects of conflict on populations at risk and to ensuring proper accountability for violations once they have occurred. Establishing accountability, in turn, can help serve the

longer-term goal of prevention by making a recurrence of violations less likely.

Effective prevention begins with the facts. Through human rights monitoring and reporting, we are able to build up a detailed picture of the situation on the ground, anticipate emerging threats and take appropriate preventive action in a timely manner. Time and again, human rights reports and their recommendations have provided the basis for decision-making by heads of missions, whether in relation to responses to immediate threats, longer term preventive measures or following up with relevant national authorities and international actors.

In the Democratic Republic of the Congo, for example, the preliminary report on the horrific mass rapes that took place in Walikale in August 2010, which was released on 24 September by the United Nations Joint Human Rights Office, was a key document in helping to establish the facts and identify protection gaps. In the week following the publication of the report, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo set up two additional temporary operating bases in Binyampuri, deployed additional staff and equipment and stepped up day and night patrols in the area. These actions have reportedly provided much-needed reassurance to local populations.

Monitoring and reporting on human rights and the protection of civilians can also play a role in raising awareness of the impact of military operations on civilians and in encouraging the parties to a conflict to take steps to strengthen the protection of civilians.

Since 2007, the human rights contingent of the United Nations Assistance Mission in Afghanistan (UNAMA) has monitored and reported on civilian casualties in the conflict in Afghanistan, and engaged in advocacy to strengthen the protection of civilians. The Afghanistan mid-year report on the protection of civilians in armed conflict in Afghanistan, released on 10 August, found that in the first half of 2010 there was an overall decrease of 29 per cent in civilian deaths attributed to pro-Government forces, as compared to the same period in 2009, with a 64 per cent decrease in civilian deaths caused by aerial attacks. UNAMA concluded that the implementation of tactical directives governing air strikes, night searches and the escalation of force contributed to this significant reduction in civilian casualties.

Effective monitoring and reporting of human rights violations and encouraging greater compliance with international human rights law require opportunities to engage directly with both State and non-State actors, as well as access by human rights officers to populations at risk. In that context, it remains of grave concern that human rights officers still cannot access large parts of Darfur for security reasons.

Further, in Somalia, intense fighting in Mogadishu and other parts of the country severely limits the access of human rights officers. Human rights officers of the United Nations Political Office for Somalia have been working with internally displaced persons in Somaliland and Puntland and interviewing on a regular basis individuals who had fled southern and central Somalia. Their testimonies indicate a pattern of risk and violations occurring throughout the country. Human rights officers also work with national monitoring networks in order to gather relevant information from within Somalia.

Apart from these constraints, it is essential that the Council give missions the requisite mandate and resources, including the prioritization of logistical support and access of human rights monitoring and investigation. Unfortunately, in the Democratic Republic of the Congo, insufficient access to vulnerable populations by human rights officers, due in part to limited air assets or military escorts, has impeded our ability to adequately identify threats, plan accordingly and ultimately protect civilians from violations.

While our primary concern is to prevent the commission of violations, where prevention fails we collectively bear the responsibility to ensure accountability. The Secretary-General's report rightly identifies accountability as one of the core elements of the protection of civilians. Not only is accountability required to fulfil international legal obligations; it is also our best tool for preventing the recurrence of violations.

My Office's efforts to enhance accountability are multifaceted. As Council members will be aware, my Office has recently concluded a mapping report of the most serious violations of human rights committed in the Democratic Republic of the Congo between 1993 and 2003. Through its assessment of existing accountability mechanisms and the challenges faced in

addressing the violations documented, the report provides a road map for engaging the Government of the Democratic Republic of the Congo, the Congolese population and the international community in a constructive dialogue on how to ensure accountability and offer remedy to victims within the overall goals of reconciliation and peace. I hope that we will be able to make a further contribution on the question of what measures or mechanisms can provide a sense of redress for victims when we receive the report of a high-level panel of experts, led by my Deputy, who went to the Democratic Republic of the Congo in October and held hearings around the country with survivors of sexual violence.

Human rights officers work closely with national authorities and civil society to support national judicial institutions and other accountability mechanisms. Again taking an example from our work in the Democratic Republic of the Congo, the Joint Human Rights Office, through its joint investigation teams, provides direct support to military prosecutors to investigate cases of violations, including by helping them access populations to carry out their investigations and by ensuring judicial follow-up. This support has allowed prosecutors to bring many cases to court that might not otherwise have been pursued, including cases of sexual violence. A recent example of facilitating national efforts for accountability is the arrest of General Jérôme Kakwavu, who was accused of rape and whose file is being transmitted to the high military court of Kinshasa.

In some cases, the longer-term challenge is to build up the capacity of non-United Nations security forces, including national forces and institutions, to take on the task of effective protection of civilians once the international presence has been withdrawn. In this context, my Office has been playing an essential role, including by participating in the training and technical advice being provided to police and military officers and contributing to necessary legislative and policy reforms. There is an important discussion to be had in this context — specifically, on how to ensure that United Nations support to non-United Nations security forces is based on respect for human rights and international humanitarian law. My Office is currently contributing to the review of United Nations experience in this respect.

Our expertise has also increasingly been called upon to conduct commissions of inquiry in the context

of political crises where there is no peace mission but where the lack of protection of civilians and of accountability for violations of their rights represents a threat to peace. An example is our involvement in the Secretary-General's international commission of inquiry to investigate the violence that occurred in Conakry, Republic of Guinea, on 28 September 2009. In Guinea, as in many other cases, establishing the facts is a first step on the road to remedy and eventual reconciliation. I am pleased to confirm that, in line with the Secretary-General's recommendation, my Office will work actively with co-lead departments directly involved in inquiries of this kind with a view to reviewing past experiences and making proposals as appropriate.

In conclusion, my Office stands ready to assist the Council as it seeks to strengthen the protection of civilians threatened or affected by the effects of armed conflict. Every day around the world, human rights officers mandated by this Council make a vital contribution to protecting civilians, often working in very challenging conditions and with limited resources.

I encourage the Council to ensure that the mandates that it establishes provide the necessary elements for this work to continue as effectively as possible: robust and well resourced mandates that ensure that human rights officers are present throughout areas affected or threatened by conflict, including remote areas; that allow such violations as do occur to be properly documented and reported; and that provide for support to national authorities to restore and strengthen the rule of law.

Finally, I would welcome the opportunity to share information relating to this topic with the Council in future, including reports and recommendations arising from our human rights monitoring work on the ground, and to keep it apprised of evolving situations where civilians are at risk. In addition to formal meetings such as today's, my Office stands ready to contribute to Arria Formula meetings and expert-level meetings of a less formal character, as the Secretary-General recommends in his report.

I thank members of the Council for their attention and for this opportunity to speak here today. I look forward to our continued dialogue.

**The President:** I thank Ms. Pillay for her briefing.

I now give the floor to Mr. Daccord.

**Mr. Daccord:** I thank you, Sir, for this opportunity to brief the Security Council today.

The protection of civilians in armed conflict has been high on the international agenda for the past decade. On one level, progress has been impressive. Never before have there been so many policy statements and resolutions, so much global information and advocacy, and such a proliferation of actors professing to carry out protection work. Sadly, these fine words and good intentions are rarely matched by the reality on the ground. While there may still be diverging views on what protection actually is, there can be little doubt about what happens when there is no protection.

This is the reality facing the International Committee of the Red Cross (ICRC) in our daily work in far too many armed conflicts and other situations of violence around the world. The reality is that, in some places, men, women and children are being killed or raped, forced out of their homes, losing all their possessions and living in a state of fear. Hospitals are being bombed and health workers attacked.

Beyond the deliberate targeting of civilians, the reality is also the countless numbers of other, often forgotten victims who are equally in need of protection. The reality is that in war people go missing. People have the right to know what happened to their missing relatives. Governments, military authorities and armed groups have an obligation to provide information and assist efforts to put families back together. In addition, the hundreds of thousands of people in prisons or detained in armed conflict must not be forgotten.

So why is the reality on the ground so often dismal compared to the progress in policy and doctrine? The fundamental reason is as obvious as it is challenging. It is the lack of respect for international humanitarian law by State and non-State actors. That, coupled with the prevailing culture of impunity, is the main cause of the human suffering we are witnessing.

Various factors compound that challenge. The increase in non-State armed groups in some contexts is one. When armed actors are motivated by crime or banditry, it is harder to talk to them about their obligation to protect civilians. The constant evolution in the means and methods of warfare is another factor. Waging battle in densely populated urban areas, sometimes with highly explosive weapons, is just one example.

Yet despite, or rather because of, the flagrant violations committed by parties to conflict around the world, the ICRC firmly believes that the relevance and importance of international humanitarian law is reaffirmed, not weakened. That is echoed in the five core challenges in the Secretary-General's reports in 2009 (S/2009/277) and 2010 (S/2010/579) on the protection of civilians.

Working to ensure respect for international humanitarian law in situations of armed conflict remains at the heart of our mandate and our missions. For the ICRC, protection and assistance go hand in hand. Our presence on the ground ensures our proximity to the victims. We engage in confidential dialogue with State and non-State actors to uphold the rights of people affected, aiming as much as possible to prevent violations. We remind parties of their obligation to protect civilians, and we promote compliance with international humanitarian law. That includes supporting authorities' efforts to incorporate international humanitarian law into national legislation and into army training. It also includes working to clarify or develop international humanitarian law through extensive consultations with States and other stakeholders.

At the same time, the ICRC works to address victims' needs — food, water, shelter, other essential items or medical care — tracing missing family members and re-establishing links between them, and ensuring that people in detention are treated well. Protection can facilitate assistance, and vice-versa.

The ICRC approach is only one of many among an increasing number of civilian and military actors, with different mandates, objectives and ways of working.

The United Nations has gone a long way in including protection activities in the mandates of its peacekeeping missions and in improving protection for specific groups such as women and children, refugees and internally displaced persons. The ICRC will continue to work for the protection of civilians within the limits of our mandate and expertise, based explicitly on a neutral and independent approach.

True consensus on the meaning of protection may be hard to achieve. It is essential to have clarity and transparency on the objectives of different actors, be they civilian or military, and to clearly distinguish between them. To avoid unrealistic expectations, it is

important to distinguish between physical protection — which humanitarian actors cannot provide — and protection by promoting compliance with the law.

In any event, women, men and children in need of protection must truly be at the centre of any action that is undertaken. The challenge of turning words and intentions into concrete, meaningful action is one we all face. That challenge ultimately rests with States and non-State actors, both bound by international humanitarian law. I end by making a sincere plea to them and to the Council to show the necessary political will and good faith to turn legal provisions into reality — to take seriously the obligation to protect civilians. That would be the most meaningful progress of all.

**The President:** I thank Mr. Daccord for his briefing.

In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than four minutes, in order to enable the Council to carry its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the text in writing and to deliver a condensed version when speaking in the Chamber.

I shall now give the floor to members of the Council.

**Mr. Mayr-Harting (Austria):** Let me thank you, Mr. President, for organizing this debate and for the strong interest and support your country has traditionally given to today's topic. I would like to also thank you for bringing about a very substantive presidential statement, which has our full support.

We would like to welcome Under-Secretaries-General Amos and Le Roy and thank them for their briefings. We are also pleased that High Commissioner Pillay is here with us again today. This is the third time running that she is participating in a debate on the protection of civilians, and we very much hope that this tradition will be continued. Finally, let me also thank Mr. Daccord for his intervention.

Today's debate is an important opportunity for my delegation to take stock of our common efforts in an area that has been at the core of my country's own engagement in the Council. The latest report by the Secretary-General (S/2010/579) provides us with an excellent basis for our discussion.

While we share the Secretary-General's assessment that more needs to be done to meet the five core challenges, we are also encouraged by the progress made over the past year in implementing resolution 1894 (2009). I would like to thank the Office for the Coordination of Humanitarian Affairs (OCHA) and the Department of Peacekeeping Operations for their consistent work and support. We particularly welcome the draft operational concept on the protection of civilians, as well as the envisaged strategic framework. We also strongly support the Secretariat in its endeavour to further improve predeployment and in-mission training on the protection of civilians. That initiative needs to be accompanied by national and international efforts.

Host countries and the Council should come to a common understanding that our decisions to draw down missions or adapt mandates are conditioned on the achievement of clear benchmarks, including in relation to the protection of civilians. The establishment of a mechanism to measure and report on progress against such benchmarks would be very important, and we think that the experience gained in that context in the United Nations Mission in the Central African Republic and Chad is useful and should be followed up.

Given the gravity and number of existing allegations, the recent arrests of commanders allegedly responsible for committing war crimes and crimes against humanity in the Democratic Republic of the Congo are but a welcome start. The Council must ensure respect for its resolutions and take vigorous measures against perpetrators, including through the establishment of commissions of inquiry, referrals to the International Criminal Court and the imposition of targeted measures.

Mass rapes in Kibua in Eastern Congo in July and August this year have demonstrated the massive challenges we still face in preventing and responding to such atrocious crimes. As the presidential statement rightly underlines, peacekeeping missions must communicate with the local communities and must be equipped with the necessary capacities to do so. We expect the upcoming report of the Secretary-General on sexual violence to contain bold recommendations for improving our response, and we hope that the Security Council will be able to adopt a substantive outcome next month.

We share the concern of the Secretary-General over the threat posed to civilians by explosive weapons, particularly when used in densely populated areas, and I am grateful for the very clear words of Under-Secretary-General Amos on this subject. On 16 September, Austria, together with OCHA, hosted a panel discussion on that subject that clearly demonstrated the need for more systematic data and analysis. We hope the Council will become actively engaged on that important emerging subject.

We welcome the reference contained in the presidential statement on the need to find durable solutions to issues concerning internally displaced persons and refugees, and we hope for a more systematic consideration of that issue in relevant Council debates and resolutions. More systematic and comprehensive reporting on protection issues in the Secretary-General's country-specific reports will enhance the consistency of the Council's actions regarding the protection of civilians. Following the example of resolution 1325 (2000), this is another area where we believe that indicators would be useful and that they should be developed by the Secretariat. That will allow the Council to assess the effectiveness of its own policies and measures. We are further looking forward to receiving the guidance for peacekeeping and other relevant missions on the reporting of protection of civilians that was requested in resolution 1894 (2009).

We are encouraged by the fact that the Secretary-General's report has noted a change in the way and extent to which protection is addressed in Council resolutions, including in the mandates of peacekeeping operations. We are convinced that the briefings received and our discussions in the Expert Group, as well as the use of the aide-memoire (see S/PRST/2009/1), have significantly contributed to this more consistent approach on the part of the Security Council. Let me express my gratitude to OCHA for undertaking the work to update the aide-memoire, which has been adopted in conjunction with the presidential statement today.

While our membership of the Security Council comes to an end next month, let me assure you, Mr. President, that my country will remain strongly committed to the subject of today's debate. In this context we are very much encouraged by the continuing strong interest of the membership of the United Nations in issues regarding protection of

civilians, as is demonstrated by the broad attendance at today's debate. We look forward to continuing our cooperation with interested Member States and the Secretariat to further strengthen the protection of civilians in conflicts around the globe.

**Mr. Karev** (Russian Federation) (*spoke in Russian*): We are grateful to Under-Secretaries-General Amos and Le Roy, to the United Nations High Commissioner for Human Rights, Ms. Pillay, and to Mr. Daccord, Director General of the International Committee of the Red Cross, for their briefings.

The Russian Federation favours the peaceful resolution of disputes. However, despite all the international community's efforts, armed conflicts happen and claim the lives of many people, the majority of whom are civilians. They especially need our protection. We are speaking, first and foremost, of children, women and the elderly, and the humanitarian personnel who help them. We are convinced that correcting this situation demands strict compliance with the norms of international humanitarian law and human rights standards and implementation of relevant Security Council decisions.

We firmly condemn both premeditated attacks on civilians and their death as the result of the indiscriminate or disproportionate use of force, which is a flagrant violation of international human law. There is no justification for armed groups who attack peaceful populations, commit terrorist acts and take hostages. We emphasize the responsibility of all parties to a conflict to ensure the security of civilians and to comply strictly with the norms of international humanitarian law. We advocate the thorough investigation of such incidents and punishment of the perpetrators.

That also applies to the activities of private military and security companies, the victims of whose actions are often entirely innocent people. In the context of formulating clear international standards, we welcome the recent decision to establish, within the framework of the Human Rights Council, an open-ended working group to prepare a draft of a legally binding document on the activities of such companies. We are pleased that those topics are reflected in the text of today's presidential statement (S/PRST/2010/25).

The protection of peaceful populations is a high-priority task for the Governments of States involved in

conflict. All parties to armed conflicts bear the responsibility for ensuring the security of civilians. The actions of the international community should be aimed at assisting national efforts in that area. Taking appropriate measures, particularly those involving the use of force, is possible only with the approval of the Security Council and in accordance with the Charter of the United Nations. Moreover, it is important to take into account the economic, social, historical, religious, cultural and other specifics of countries and regions, as well as the nature of each conflict, its underlying causes and the possibilities for settlement.

There is no doubt of the need for the Security Council to draw up clear and realistic mandates for the protection of civilians, taking into account the financial and logistical resources at the disposal of United Nations peacekeeping operations, as well as the leadership in this area, on the basis of consultations with Member States.

We should not forget, however, that the protection of civilians is only one element in the mandates of peacekeeping operations. The main task of United Nations peacekeeping is to facilitate the peace process. One very important aspect of the protection of civilians is the disarmament, demobilization and reintegration of former combatants. Those programmes require adequate support from United Nations peacekeeping missions.

The work of humanitarian agencies is an important factor. It should be based on the norms of the United Nations Charter and basic humanitarian principles, while their effectiveness depends largely on how they fit into the international community's efforts for political settlements. In that context, respect for State sovereignty is a fundamental principle.

**Mrs. DiCarlo** (United States of America): Let me thank you, Mr. President, for organizing this important debate and for your leadership on the presidential statement that we adopted today (S/PRST/2010/25). Let me also thank Under-Secretaries-General Amos and Le Roy, High Commissioner Pillay and the Director General of the International Committee of the Red Cross, Mr. Daccord, for their valuable briefings and their dedication to protecting civilians.

Today we commend the work of the United Nations and the hundreds of thousands of brave peacekeepers and humanitarian workers who put their lives at risk to protect civilians living in harm's way.

We recognize the importance of the collective efforts by the political, peacekeeping, human rights, humanitarian and development components of the United Nations to ensure proper protection from the horrors of war. We have seen the impact the United Nations and its partners have made in such places as Burundi, Côte d'Ivoire, Haiti, Liberia, Sierra Leone, the Sudan, Timor-Leste and other countries shaken by armed conflict. The United Nations and regional organization partners have also played an important preventive and mediation role in countries such as Guinea and Kenya.

The progress of the United Nations is the result of years of hard work at Headquarters and in the field. Resolution 1894 (2009) was a landmark in the global effort to better protect civilians in conflict zones. So, too, is this year's report from the General Assembly's Special Committee on Peacekeeping Operations (A/64/19). Both documents called for mission-wide planning, better predeployment training and stronger protection strategies. We applaud the Organization's recent development of mission-wide protection strategies in Côte d'Ivoire, the Democratic Republic of the Congo and the Sudan. We urge that those strategies be implemented, and we look forward to the expansion of similar approaches to other United Nations missions.

Despite those notable achievements, we are still reminded every day of how far we have to go. We are deeply concerned by the trends outlined in the Secretary-General's report (S/2010/579), especially the seemingly ceaseless unlawful targeting of civilians, including women, children, humanitarian workers and journalists. Children are still being forcibly recruited to become soldiers. Women and girls in particular face constant threats of rape and sexual abuse, and the number of refugees and internally displaced persons has only grown larger since last year.

All too often humanitarian workers themselves are the targets of attack by warring parties and terrorists. Such intimidation and violence is appalling and unacceptable. While eight United Nations peacekeeping missions are now mandated to protect civilians from physical violence, many civilians suffer not only from indiscriminate attacks but from attacks directed at them deliberately. The United States calls for more concrete actions to hold accountable those who attack humanitarian and peacekeeping personnel.

We must also pursue accountability in places where insurgents and terrorists hide among civilian populations and turn communities into battlefields. Those groups continue to inflict unspeakable crimes on innocents. In some cases, they actively use religious establishments, hospitals and neighbourhoods to launch rocket and mortar attacks and compromise the protection of civilians in such areas.

The United States hopes that we can work together towards improvements in four key areas.

First, we must continue our efforts to better tailor peacekeeping mandates to adequately address situation-specific challenges on the ground. That includes laying out a clear hierarchy of tasks so that peacekeepers can understand the priorities. The Secretary-General's report notes the progress that the Council has made in mandating civilian protection in peacekeeping missions. Nevertheless, better planning, preparedness and policies are needed to support the missions' efforts to reduce the vulnerabilities of innocents in conflict zones.

Secondly, we should increase our ability to provide peacekeepers and humanitarian organizations with the knowledge, training and resources needed to fulfil their protection mandates, including protection against sexual and gender-based violence. Many peacekeeping missions and humanitarian organizations struggle due to inadequate resources and insufficient communication with local communities. The United States is proud to play a leading role in developing peacekeeping capacity, particularly with regard to military and police programmes.

Thirdly, we must ensure that the Council is not being selective in its application of protection principles. We are encouraged by the work of the informal Expert Group on the Protection of Civilians. We call for its focus to expand to consider cross-cutting protection concerns and to monitor progress on the benchmarks and indicators being developed by the Secretary-General. We also welcome the updated aide-mémoire of the Office for the Coordination of Humanitarian Affairs, which will be useful in Council discussions.

Fourthly, we must hold accountable groups and individuals that flagrantly violate the laws of war, including those who use rape and sexual violence as a weapon of war. The primary responsibility for ensuring accountability lies with States, but the international

community must be prepared to take action against those who violate international humanitarian law, including through the imposition of sanctions, such as the freezing of assets, the banning of international travel or restricting the flow of goods and arms. We must help Governments create, maintain and operate credible national courts, where possible, and support international and hybrid tribunals, when necessary, to end impunity. The International Criminal Court plays a key role in bringing perpetrators of the worst atrocities to justice.

We understand far better than we did a decade ago what protecting civilians in armed conflict truly entails. We are developing more tools and mechanisms to implement lessons that have been painfully learned. We must remain vigilant and address future challenges together more consistently. We still have far more to do to save the lives of civilians in conflict zones. The situations differ from conflict to conflict, but all civilian victims are innocent and they should all be sheltered by the rule of law and the rules of war.

**Mr. Onemola** (Nigeria): Let me begin by commending your initiative, Mr. President, in convening this important and timely debate on the protection of civilians in armed conflict. Allow me to express my gratitude to Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs; Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations, Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights, and Mr. Daccord, Director General of the International Committee of the Red Cross, for their informative briefings.

We welcome the Secretary-General's progress report (S/2010/579) and commend its analytical depth and consultative observations. Judging from the wide-ranging perspectives shared with us today, the protection of civilians in armed conflict is an important yet daunting global challenge. Therefore, the efforts to build consensus on the subject and the progressive development of normative frameworks to address civilian protection challenges, including resolutions 1894 (2009), 1882 (2009) and 1888 (2009), are encouraging developments.

We also recognize the contribution of some individual Member States and regional organizations to these developments. At the regional level, Nigeria is a signatory to the African Union Convention for the

Protection and Assistance of Internally Displaced Persons in Africa — the Kampala Convention. Once the Convention enters into force, it will be the first legally binding regional instrument to impose an obligation on State parties to protect and assist internally displaced persons (IDPs).

At the international level, we commend the Office for the Coordination of Humanitarian Affairs, the Department of Field Support and the Department of Peacekeeping Operations for keeping the Security Council sharply focused on this issue. The 2009 joint study, the operational concept on the protection of civilians, and the newly updated aide-mémoire are important tools that the Council should continue to use to systematize our approach to protecting the rights and persons of civilians in armed conflict.

Despite those notable developments, the grim reality of today is that civilians are still casualties of conflicts and the direct targets of abduction, sexual violence and the denial of humanitarian access. Recent developments underscore the increasing difficulty that we face in addressing the five core challenges articulated in the Secretary-General's report, contained in document S/2009/277.

The acts of rape perpetrated by rebels in the eastern Democratic Republic of the Congo in August and the recent assault on civilians in Western Sahara illustrate the magnitude of the task of civilian protection. Difficult protection challenges remain in Afghanistan and Somalia. Indeed, the impending referendums in the Sudan may present serious protection challenges for which the United Nations Mission in the Sudan, the African Union-United Nations Hybrid Operation in Darfur and all United Nations actors on the ground must be prepared.

Protection requires early intervention and the swift deployment of humanitarian assistance by the international community. It also requires coordination and the pulling together of the capacities of the various multilateral agencies involved in efforts to bring relief to IDPs and refugees. I must stress that our growing understanding of the needs and vulnerabilities of civilians in armed conflict must be marked by the ability and capacity to protect. In the same vein, while the trend towards mandating peacekeeping missions to protect civilians is a positive step, it is essential to support such aspirations with adequate resources.

As a major troop-contributing country, Nigeria is aware of the acute resource constraints that United Nations peacekeepers face in the field daily. Such constraints limit their ability to effectively protect civilians, guarantee safe passage for IDPs, facilitate the movement of humanitarian actors and, crucially, establish assessment and early-warning mechanisms to prevent a crisis. Indeed, better resourcing would make the exercise of benchmarking the outcomes of peacekeeping missions more accurate and effective.

As caretakers of international peace and security, our efforts should be directed at addressing those and other constraints that militate against the effective protection of civilians. We therefore echo the Secretary-General's call for a comprehensive, consistent and accountable approach to protecting civilians in hostilities. In our view, the three additional actions suggested by the Secretary-General in his report will fundamentally enhance the protection of civilians.

In that respect, we firmly support the recommendation that the Council should avoid a selective approach to the protection of civilians in armed conflict. All cases requiring protection should be given equal emphasis, whether in Southern Sudan, Darfur, Somalia, Afghanistan or Western Sahara. When an issue requiring civilian protection is not on the Council's agenda, the United Nations should give its full support to the regional or subregional organization already addressing such issues.

It is evident that composite measures are required to protect civilians, prevent conflicts and deal with their consequences. There is the need for States to ratify and implement existing conventions and protocols on armed conflict. Efforts should be intensified to strengthen legal frameworks and mechanisms for monitoring and reporting attacks against civilians by State and non-State actors alike. In West Africa, the illicit trade in small arms and light weapons is a threat to the protection of civilians. We would therefore like to reiterate our call for the elaboration of an arms trade treaty.

Conflict prevention is fundamental to the protection of civilians. Practice has shown that it costs less to prevent than to control conflicts. That is why Nigeria fully supports region and subregional conflict prevention initiatives, and we encourage the Council to do the same.

Post-conflict peacebuilding efforts through the Peacebuilding Commission should also be intensified. Such peacebuilding strategies should not only address immediate challenges, but also lay the foundation for long-term development. We agree with the Secretary-General's recommendation concerning the need to develop a set of indicators for the systematic monitoring of and reporting on protection of civilians in armed conflicts.

Nigeria believes that the responsibility to protect civilians in armed conflict situations is a shared one, although the primary burden rests with national Governments. The cooperative engagement of all actors on the ground and of policymakers is necessary to support national Governments in securing and protecting their civilian populations.

The international community should remain vigilant and bear its fair share of our collective responsibility to protect civilians. If we act purposefully and in concert, we can better shield civilians from the ravages of armed conflict.

Mr. President, we support the presidential statement adopted earlier that was prepared under your guidance (S/PRST/2010/25).

**Mr. Briens (France)** (*spoke in French*): First of all, I would like to thank the Under-Secretary-General for Humanitarian Affairs for presenting the report of the Secretary-General (S/2010/579), as well as the High Commissioner for Human Rights, the Under-Secretary-General for Peacekeeping Operations and the Director General of the International Committee of the Red Cross for their briefings. We welcome their ongoing commitment to protecting civilians and the tireless efforts of their teams alongside the victims of armed conflict on the ground. France supports the statement to be made by the observer of the European Union.

Recent months have brought important developments on two points: peacekeeping operations and the fight against impunity. First, with regard to peacekeeping operations, since the adoption of resolution 1894 (2009) a year ago, the Security Council, the Secretariat and all actors concerned have mobilized to improve the process of defining, following up and monitoring the implementation of mandates involving the protection of civilians in peacekeeping operations. All the recent mandates of the Security Council contain a protection of civilians segment, which is a priority in

all cases. The protection of civilians justifies measures that are adapted to the situation on the ground when necessary. We continue to develop this approach. The updated aide-memoire we adopted this morning (see S/PRST/2010/25) is a valuable instrument in that regard, and we thank the Office for the Coordination of Humanitarian Affairs for its update.

The challenges we face remain numerous. There have been serious breaches, notably in the Democratic Republic of the Congo this summer, when massive sexual violence was perpetrated while our forces were present in the zone. But the Council and the Organization assumed responsibility for the failure and immediately took measures to strengthen its early warning and prevention capacities. One of the main perpetrators was arrested by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo with the help of the Forces armées de la République démocratique du Congo.

Situations also persist where the forces mandated by the Council do not have the cooperation they need from local authorities, which undermines their action. The African Union-United Nations Hybrid Operation in Darfur (UNAMID), whose freedom of movement is too often hindered in Darfur, still does not have sufficient access to the population. It often arrives too late, when it does arrive, at the scenes of the crime, such as Jebel Marra.

I draw three lessons from these difficulties. First, the Secretariat must develop a strategic framework for every peacekeeping operation on the protection of civilians, as well as specific training modules, and identify the resources and capacities necessary to each.

Secondly, peacekeeping operations must develop closer communication with the local population in order to strengthen their ability to prevent and respond to threats posed by armed groups, which involves a linguistic component, as well as adequate logistics and communications.

Thirdly, the Council must receive regular reports on the protection of civilians and be informed as soon as possible of situations where there are human rights violations against civilians. Such reports will require the establishment of a systematic monitoring mechanism to follow progress or gaps in the protection of civilians on the ground, provide detailed information on incidents and make it possible to identify those who violate international humanitarian law and human

rights, assess the effectiveness of measures taken to protect civilians, and evaluate threats. In that regard, UNAMID has set up a data collection system on sexual violence, and the United Nations Assistance Mission in Afghanistan produces thorough reports on these matters.

We must have access to such information in all of our areas of action. We welcome the intention of the Secretary-General to set up monitoring indicators to follow up the protection of civilians in countries at risk.

We have to continue developing synergies between peacekeeping operations, the teams of the High Commissioner for Human Rights and the humanitarian community. Parties to conflict must guarantee access and full, unhindered security for the humanitarian personnel of international organizations and non-governmental organizations and for their provisions and equipment. Obstacles to the delivery of humanitarian assistance are serious violations. Groups of experts on the protection of civilians must be regularly updated in that regard.

As for the fight against impunity, France welcomes the publication of the mapping report of the Secretary-General on crimes committed in the Democratic Republic of the Congo from 1993 to 2003. We commend the resolve of the authorities of the Democratic Republic of the Congo to prosecute the perpetrators of the abuses committed at that time and of those committed today.

France welcomes the content of our presidential statement, which indicates the progress made by international justice and application of the Rome Statute, as confirmed at the Kampala Conference.

We welcome the intervention of the International Criminal Court (ICC) in Guinea, where it is contributing to efforts to prevent crime at this historic time for Guineans. The judicial activity of the Court against those who recruit child soldiers, those responsible for sexual violence and genocide campaigns could contribute decisively to protecting civilians if we are all committed to respecting the decisions of the judges in all circumstances. No one has any interest in encouraging impunity.

The Court also has a role to play in preventing attacks against peacekeeping personnel. I note in that respect the upcoming opening in The Hague of a procedure against those responsible for the deadly

attack against African Union soldiers in Haskanita in 2007 as they were assuming their mandate to protect the population.

In supporting the Rome Statute of the ICC, in cooperating with Court, in carrying out its arrest warrants and in respecting its independence, we are protecting civilians today and tomorrow.

**Mrs. Viotti (Brazil):** I would like to thank Under-Secretary-Generals Valerie Amos and Alain Le Roy, High Commissioner Navi Pillay and the Director-General of the International Committee of the Red Cross, Yves Daccord, for their briefings. I also express my appreciation to the Secretary-General for his in-depth report (S/2010/579), which provides a useful overview of the progress made and challenges found in protecting civilians over the past 18 months and contains many important recommendations. We are pleased that the Council has taken up a number of them in the presidential statement adopted this morning (S/PRST/2010/25).

Among the several aspects of such a wide-ranging issue as the protection of civilians, I would like to focus my comments today on three points: reporting, peacekeeping and the root causes of conflict.

Comprehensive though they may be, periodic reports of the Secretary-General on the protection of civilians have not provide detailed enough information on the protection aspects of all agenda items where such aspects are of concern. Brazil would therefore welcome more information on protection issues in the Secretary-General's country-specific reports to the Council, as also mentioned by the Permanent Representative of Austria. Such enhanced reporting could also use information that is already available to the United Nations and currently shared in a more limited and informal fashion, for instance with the Security Council informal Expert Group. Broadening and deepening the treatment of protection issues in country-specific reports by the Secretary-General would also allow protection information to be disseminated to the wider membership.

I reiterate the great importance that Brazil attaches to the protection of civilians by peacekeepers. I also reaffirm our firm belief that the protection of civilians is a multidimensional task that must be pursued by all mission components in the field and by both the Department of Peacekeeping Operations and the Department of Field Support at Headquarters. The

breadth of protection of civilian mandates is such that fulfilling them as completely or as perfectly as one would like will always be challenging. Yet every effort must continue to be made to ensure that peacekeeping missions have the capabilities and resources they need to discharge their protection responsibilities as effectively as possible.

My delegation very much appreciates the emphasis in the presidential statement (S/PRST/2010/25) adopted today on the critical issue of communication between peacekeepers and local populations. A positive two-way dialogue is an indispensable element of a comprehensive and effective protection strategy. Valuable resources, such as United Nations radio stations and town hall meetings, must be used more consistently and in an integrated and mutually reinforcing manner. Moreover, for protection strategies to work, the information gathered from dialogue with local populations must feed into effective information-management and crisis-response mechanisms. The situation in the Democratic Republic of the Congo is a case that quickly comes to mind in that regard. The production of intelligence to inform protection strategies is vital. Without intelligence, operations will be limited to reacting and responding to events.

One of the main challenges in effectively protecting civilians is balancing the imperatives of immediate protection, such as defending civilians from physical violence and ensuring humanitarian access, with attention to long-term protection. In many cases, this means combining traditional peacekeeping components with political and economic tools to address the root causes of conflict. In that context, my delegation welcomes and agrees with the Secretary-General's emphasis on the role of housing, land, natural resources and property issues in conflicts. Addressing such critical issues is key to achieving sustainable peace and development, which is, in the long term, the best way to ensure the protection of civilians. While those are fundamentally internal issues and the legal basis for the Council to address them is narrow, as they are not explicitly security issues, the international community must be prepared to give political, material and technical support to their resolution in conflict and post-conflict situations in order to enhance the prospects for sustainable peace.

After a decade of experience, we are still struggling to effectively protect civilians in armed

conflicts. While recognizing the progress made in defining policy and building a framework for the protection of civilians, my delegation concurs with the Secretary-General and with Mr. Yves Daccord that we must now redouble efforts to enhance protection on the ground.

**Mr. Issoze-Ngondet** (Gabon) (*spoke in French*): The protection of civilians in armed conflict is a subject of great concern. I take the opportunity of this debate to reaffirm Gabon's commitment to work in this area. The report of the Secretary-General (S/2010/579) and the briefings by Ms. Valerie Amos, Ms. Navanethem Pillay, Mr. Alain Le Roy and Mr. Yves Daccord — and I welcome their clarity — show unambiguously that the situation remains alarming. Of course, I share their views.

In spite of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and resolutions 1894 (2009), 1888 (2009) and 1674 (2006), warring forces continue to attack civilians. Whatever the continent or the country, armed conflicts are invariably accompanied by massive violations of human rights, barbaric acts, particularly against women and children, and death and displacement among populations. This situation is unacceptable in human terms.

The Council's debates on this subject are of great importance to Gabon, as they allow us to evaluate progress made in our efforts to strengthen the regime for the protection of civilians. My delegation would like to highlight three points: the progress made; the shortcomings that have been noted on the ground and prospects.

The progress made relates mainly to the mandates of peacekeeping operations. During previous meetings on the agenda item under consideration, the Council has acknowledged the need to include a strong civilian protection dimension in the mandates of peacekeeping operations. In the light of the scale of the task in the host countries, the United Nations Mission in the Central African Republic and Chad (MINURCAT) and, above all, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) symbolize the challenges faced by the United Nations in this area.

With respect to MONUC, solutions were attempted in the framework of resolution 1856 (2008), but they were unable to put an end to the abuse against

civilian populations. The reconfiguration of MONUC and its transformation into the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) made it possible to take into account in MONUSCO's mandate the commitments set out in resolution 1894 (2009).

Pursuant to resolution 1925 (2010), the mandate of MONUSCO now attaches primary importance to the protection of civilians. In that framework, United Nations police, which are one of the components of MONUSCO, have now become involved in training Congolese police officers. It is also in that framework that the Armed Forces of the Democratic Republic of the Congo and MONUSCO forces have organized joint patrols to ensure the protection of civilians in the province of Haut-Uele, in the eastern part of the country.

The adoption of resolution 1923 (2010), which extended MINURCAT's mandate until 31 December, also addressed the demand for the protection of civilians. Concerned by the effects of violence in Darfur on the humanitarian situation and security in eastern Chad and in north-eastern Central African Republic, the Council wanted to ensure that MINURCAT would continue to grant particular attention to the protection of civilians, including refugees, displaced persons and humanitarian workers.

Clearly, in Chad, MINURCAT's mandate made it possible to help strengthen assistance to the *Détachement Intégré de Sécurité* (DIS), whose mission is specifically to protect civilians and humanitarian workers. Nevertheless, MINURCAT's drawdown will be complete by the end of this year. In order to enable the DIS to continue to play its role effectively, it seems essential that it should benefit from all of the operational camps left behind by MINURCAT. Gabon urges the Council to include that element in the framework of its support to the DIS continuity plan.

This progress is tenuous and should in no way mask the shortcomings highlighted by reality on the ground. The massacres carried out against civilian populations, particularly women and children, between 30 July and 3 August in Walikale, not far from a MONUSCO base, are terrible and intolerable. Beyond Walikale, women continue to be subjected to rape in the most humiliating conditions. Moreover, following the examples of the Lord's Resistance Army and the Forces démocratiques de libération du Rwanda,

warring forces regularly attack villages, and even refugee camps, killing civilians and recruiting children with impunity.

Given these continued abuses, the protection of civilians in armed conflicts remains an enormous task that is difficult to carry out. Although it is true that through its Operation Shop Window MONUSCO was able to restore calm in the east of the country after the events of Walikale, there is reason to question its ability fully to carry out its mission to protect civilians. The area it must cover, although limited to the region of the Kivus, is too vast. It is larger than Afghanistan, and the difficulties related to infrastructure seem insurmountable. The African Union-United Nations Hybrid Operation in Darfur and MINURCAT in the Central African Republic, to cite just two examples, are also facing the same challenges. The problem, therefore, is twofold: first, the ability of peacekeeping operations to adapt to their environment and, secondly, ensuring that the resources made available to them match the missions they are given. Gabon invites the Council to continue its reflection on those two issues.

The fight against impunity is another area where there are clear shortcomings and where Governments should work harder to avoid giving legitimacy to the crimes that are committed. It is true that, in some places, timid initiatives have been taken and, in many countries weakened by crisis, the rule of law is still in its early stages. However, it is crucial to ensure that the perpetrators of abuses against civilians are held accountable for their crimes before national jurisdictions and, in the case of the failure of national jurisdictions, the creation of ad hoc and mixed tribunals is essential.

We should recall that the primary responsibility for the protection of civilians belongs to States. Therefore, it seems to us essential to strengthen their capabilities in order to enable them to better respond to that obligation. We must help them to reform their security and defence sectors; we must help them to establish the rule of law and re-establish their administrative structures; and we must help them to undertake large-scale programmes against poverty and corruption. We are convinced that the protection of civilians can only be effective if States have reliable institutions, a stable republican army and police force and adequate financial resources.

In conclusion, my delegation hopes that the United Nations will establish mechanisms for evaluation, which could help improve States' performance in the protection of civilians in armed conflicts. The presidential statement that we will adopt and which was drawn up by your delegation reflects our commitment to work along these lines.

**The President:** I would remind people to keep their statements to four minutes. Not a single person has stuck to the designated time, and I will now crack the whip. I will stop you if you go over the designated time, so please keep your contributions to four minutes. If there are written contributions, you can, of course, circulate them.

**Mr. Kazuo Kodama (Japan):** I thank the Under-Secretary-General for Humanitarian Affairs, Ms. Amos, the Under-Secretary-General for Peacekeeping Operations, Mr. Le Roy, the United Nations High Commissioner for Human Rights, Ms. Pillay, and the International Committee of the Red Cross Director-General, Mr. Daccord, for their very pertinent briefings. It is clear that civilians in great numbers become victims when conflicts erupt. It is therefore imperative for us all to achieve concrete improvements on the ground with the help of today's debate.

To that end, we support the proposal by the Secretary-General to promote three approaches aimed at overcoming the five challenges raised in his previous report (S/2009/277). The first of the three approaches, the comprehensive approach, can be achieved when the actors involved are proactive and engage in greater cooperation with each other. First, it is the responsibility of the Government and the army of a country in which a conflict occurs to protect its own people. To that end, the rule of law should be established by promoting security sector reform and strengthening the judicial system and law enforcement.

Secondly, with the enhancement of the response capacity of United Nations peacekeeping operations, we are pleased to see that the United Nations missions in Côte d'Ivoire, the eastern Democratic Republic of Congo and the Sudan have developed strategies for the protection of civilians and that training modules will be completed shortly for all peacekeeping personnel. Still more comprehensive strategies are required to fill the gap between existing capacities and the standards to which we aspire.

Thirdly, the control of weapons, should be strengthened, especially through the promotion of regional cooperation and the creation of a legal framework. As for small arms, last June the fourth Biennial Meeting of States on Small Arms considered the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which should be implemented without delay to prevent and eradicate the illegal trade in small arms. Also, the first Meeting of States Parties to the Convention on Cluster Munitions was held in Laos in early November, and the Vientiane Declaration and Vientiane Action Plan were adopted there. Japan would like to see the international community engage in the cooperation necessary to make that treaty universal and fulfil its provisions.

Fourthly, the protection of women and children is a priority. Japan appreciates the active discussions at the ministerial open debate on women and peace and security last month (S/PV.6411) and supports the utilization by the United Nations and Member States of a set of indicators in implementing resolution 1325 (2000). Japan is also concerned over the intentional use of sexual violence by armed groups, and therefore it supports the active efforts being made in that area by the Secretary-General's Special Representative on Sexual Violence in Armed Conflict. We expect UN Women also to play a significant role in coordinating the work being done in this field, and we reaffirm the need to strengthen targeted sanctions against persistent perpetrators of violence against children, in accordance with the resolution 1882 (2009).

Turning to the consistent approach, Japan welcomes the recent development of the operational concept by the Department of Peacekeeping Operations and the Department of Field Support aimed at promoting consistency. Cooperation between the military and civilians should be strengthened to further ensure humanitarian access. It is also a priority to protect humanitarian aid workers in order to prevent them from becoming the target of attacks. In that regard, the establishment of a nationwide network of interagency protection working groups, under the lead of the United Nations Mission in the Sudan (UNMIS), is a good example.

Secondly, in light of the need to share best practices and lessons from the past, we must definitely learn from the tragic and heinous accident of mass rapes that were committed in the eastern part of the

Democratic Republic of the Congo earlier this year, which provided us with many lessons, including that the early warning system needs to be strengthened, communication between local people and peacekeeping missions needs to be developed, troop-contributing countries need to receive training, and there needs to be close and smooth communication between the Council and the Department of Peacekeeping Operations. An example of the kind of success we need in that area was the establishment in Timor-Leste of a hotline between the United Nations Mission and civilians and local authorities. The updated aide-mémoire should also be utilized proactively to this end. The experience of drawing down and then withdrawing the United Nations Mission in the Central African Republic and Chad (MINURCAT) should be shared, with a view to utilizing benchmarks for the protection of civilians.

Thirdly, the Council should obtain the most accurate and objective information and then make use of it on the ground in a timely manner, so that the establishment or renewal of a mandate related to the protection of civilians can be considered. For that reason, we should start to communicate with troop- and police-contributing countries at an early stage in United Nations involvement. The Council should utilize informal mechanisms, such as interactive dialogue, and the discussions in the Security Council should better reflect those taking place in informal expert groups.

Last but not least, Mr. President, I stress the importance of the accountable approach, which stresses maintaining accountability and fighting against impunity. To those ends, the affected country should build its own capacity to establish the rule of law as a means of strengthening the protection of civilians. And cooperation between the affected country and the United Nations should be pursued in order to spread the rule of law to many more countries. I might mention, in that connection, that in July this year the first conviction was handed down by the Extraordinary Chambers in the Courts of Cambodia, to which Japan has given its support. Further efforts should be made to strengthen the rule of law at both the international and the national levels, based on a careful analysis of the situation in each country. In addition, the Council should engage in efforts to strengthen accountability and enhance cooperation with United Nations organizations, including the Human Rights Council and

the Office of the United Nations High Commissioner for Human Rights. We should be aware that measures are being taken, such as the establishment of the committee of investigation at the Human Rights Council. As mentioned in the latest report of the Secretary-General (S/2010/579), strengthened monitoring on the ground, through the involvement of many United Nations and other actors, will contribute to promoting and enhancing the protection of civilians.

In closing, I would like to emphasize the relevance of the human security approach, which can serve as a conceptual basis for protecting and empowering those in a society who are its most vulnerable members. Empowerment of vulnerable people, such as children, internally displaced persons and refugees through education and training at the individual and community levels, is also an essential means of preventing conflicts from recurring once they have been resolved. For that reason Japan has been steadfast in providing support for such efforts, for example, through the United Nations Trust Fund for Human Security.

**Mr. Rugunda** (Uganda): We thank you for organizing this important debate on the protection of civilians in situations of armed conflict. We thank the Under-Secretary-General for Humanitarian Affairs, Ms. Valerie Amos, the Under-Secretary-General for Peacekeeping Operations, Mr. Alain Le Roy, and also thank the United Nations High Commissioner for Human Rights, Ms. Navanethem Pillay, and the Director-General of the International Committee of the Red Cross, Mr. Yves Daccord, for their informative briefings this morning.

Uganda remains concerned that civilians still account for the vast majority of casualties during situations of armed conflict. It is essential, therefore, to put in place effective safeguards for vulnerable persons during situations of armed conflict. We welcome the revised aide-memoire by the Office for the Coordination of Humanitarian Affairs (S/PRST/2010/25, annex) as a practical tool that provides a basis for improved analysis and diagnosis of key protection issues, and we are of the view that there is a need to continue its use on a more systematic and consistent basis.

We continue to witness blatant attacks on civilians by armed groups, such as the Rwandan Defence Forces and the Allied Democratic Forces in

the Democratic Republic of the Congo, the Lord's Resistance Army in the Central African region and Al-Shabaab in Somalia. We deplore those attacks and reiterate our call on the international community to strengthen its collective resolve to deal effectively with groups such as those. The existence of such groups is a clear reminder of the challenge that we all face in dealing with non-State actors who commit such heinous crimes against civilians.

It is essential that peacekeeping mandates are realistic and robust and that peacekeepers have the necessary tools to undertake their protection mandates.

It is also important to focus on achieving durable solutions for refugees and internally displaced persons, in particular their voluntary, safe and dignified return or local integration and resettlement. As a result of conflict situations, Africa hosts 11.6 million of the world's 26 million documented internally displaced persons. In this regard, we underscore the importance of the United Nations working with regional and subregional organizations like the African Union to find durable solutions to protection issues.

We remain concerned by the humanitarian impact of conflict, especially the excessive accumulation and destabilizing effects of small arms and light weapons, as well as the devastating impact of landmines and explosive remnants of war. Even more significant for us is the recognition of the needs of persons with disabilities as a vulnerable group brought about by the indiscriminate use of those weapons.

Uganda recognizes that States bear the primary responsibility to respect and ensure the human rights of individuals within their respective territories, as provided by the relevant international law. We reiterate our commitment to those principles and urge all parties to armed conflict to endeavour to meet the basic needs of the civilians affected by such conflict. We also underscore the responsibility of States to comply with their relevant obligations to end impunity. To that end, we recall the outcomes of the first Review Conference of the Rome Statute, held in Kampala in May and June of this year.

It is necessary that all parties to armed conflict emphasize the dignity of civilians by recognizing losses that result from armed conflict, even those from lawful combat operations. In that regard, we encourage all parties to conflict to provide meaningful amends to affected individuals and communities, such as financial

assistance or funding for humanitarian aid programmes. We encourage all Member States to embrace the concept of making amends, not because there is any legal obligation to do so but simply in the interest of mitigating suffering and promoting humanity. A small gesture of compassion goes a long way in regaining the trust and understanding of the affected civilians. That has been the policy of the Uganda People's Defence Forces and continues to be implemented by the Uganda People's Defence Forces serving under the auspices of the African Union Mission in Somalia — AMISOM.

I would like to emphasize, however, that making appropriate amends never creates a licence to harm or an excuse for violations of international law. It is not a replacement for reparations, nor does it constitute an alternative for prosecuting those who are responsible for violations of international humanitarian law.

Finally, we pay tribute to the men and women of the United Nations who continue to serve in often difficult circumstances in the protection of civilians and, regrettably, sometimes pay the ultimate price.

Uganda thanks the delegation of the United Kingdom for its work on the presidential statement (S/PRST/2010/25) that we adopted this morning.

**Mr. Puente** (Mexico) (*spoke in Spanish*): I would like to join previous speakers in thanking Under-Secretaries-General Valerie Amos and Alain Le Roy for their very valuable briefings. I would also like especially to welcome the participation in today's meeting of Ms. Pillay and Mr. Daccord.

The great number and complexity of contemporary conflicts, the lack of respect for the norms of international humanitarian law and the use on civilian populations of increasingly sophisticated weapons with indiscriminate effects are factors that have increased the challenges facing the Security Council and constitute the basis for evaluating the path that the international community must take in dealing with those matters of crucial importance.

The Council must implement concrete, effective and forceful actions to tackle these situations. That is crucial for those who suffer the pain of armed conflict and is a requirement for States such as Mexico that are convinced of the preponderant role that the Security Council is called on to play.

Resolutions 1894 (2009) and 1882 (2009), promoted by Austria and Mexico in 2009, undoubtedly

constitute significant progress, but we continue to witness attacks of various kinds on the civilian populations in different regions. In the Democratic Republic of the Congo, Somalia, Darfur, Chad, Afghanistan, Iraq, Gaza, Sri Lanka and Kyrgyzstan, to mention a few examples, the protection of civilians demands our prompt attention, because of both the variety of situations and the complexity of the scenarios, which require appropriate responses from the Security Council.

We are especially concerned with two specific aspects, given their impact on civilian populations — first, the denial of humanitarian assistance, and second, the use of explosives in densely populated zones.

Parties in armed conflicts barely comply with the obligation to permit and facilitate access of civilian populations to humanitarian assistance, subjecting them to greater risk. Compounding the difficulty are attacks on humanitarian workers in conflict zones and on facilities used in the delivery of assistance. The instruments of international humanitarian law are very clear about the obligations of States and parties in conflict to allow safe, timely and unhindered access to humanitarian assistance.

Regarding the use of explosives, the fact that there is no specific ban on the use of certain weapons does not mean that those weapons are permitted. We must condemn the use of explosives in areas where civilian populations are concentrated because of their indiscriminate effects and the attendant risks. We must add that the widespread availability of small arms and light weapons supplied by illicit traffic has direct adverse consequences on civilian populations.

It is essential to move forward in the effective implementation of Security Council sanctions regimes, particularly arms embargoes, and, more broadly, to enforce the international obligations of the relevant Palermo Protocol and the United Nations Programme of Action on the illicit trade in small arms and light weapons. We also believe it is necessary to deepen our analysis of the impact of certain explosive weapons, such as cluster munitions, landmines and improvised explosive devices, among others, in densely populated areas.

We believe that the international instruments in the area of international humanitarian law, in particular the four Geneva Conventions of 1949 and their Additional Protocols, as well as customary

international law, give us a solid basis of principles and standards designed to protect all of those who do not take part in hostilities or who have stopped participating. It is crucial that they be respected by all parties in conflict, regardless of who they are or the nature of the conflict in question.

Violations of international humanitarian law may be war crimes, and it is States themselves that have the primary obligation to prosecute their alleged perpetrators. If they cannot or are unwilling to do so, the International Criminal Court has jurisdiction to receive such cases. Its existence must not only be an incentive to strengthen national legal systems, but also an effective mechanism for addressing crimes when national judicial structures have been destroyed by conflict.

Our obligation to respect and enforce respect for international humanitarian law requires us not only to make use of the instruments at our disposal to ensure peace, security and international justice, but also to formulate a robust culture of respect that does away with impunity and repairs the harm inflicted on civilians in armed conflict.

During my delegation's presidency of the Security Council in June, we held a debate on the promotion and strengthening of the rule of law (see S/PV.6347), at which, through the adoption of a presidential statement (S/PRST/2010/11), we recognized that "respect for international humanitarian law is an essential component of the rule of law in conflict situations" and reaffirmed that "the protection of the civilian population in armed conflict should be an important aspect of any comprehensive strategy".

I wish to conclude by expressing the support of the Mexican delegation for the presidential statement adopted earlier (S/PRST/2010/25), including the updating of the aide-memoire, which is itself a useful tool for the establishment of a common basis for the responsibility of the Security Council and Member States to protect civilians in armed conflict. We hope that the Security Council will in the future adopt more forceful measures in response to the humanitarian impact of the use of explosives in densely populated areas and areas identified by the Secretary-General in his report on this issue.

**Mr. Wang Min** (China) (*spoke in Chinese*): I wish to thank Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency

Relief Coordinator; Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations; Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights; and Mr. Yves Daccord, Director General of the International Committee of the Red Cross, for their respective statements.

China is gravely concerned about civilian casualties in armed conflict. We condemn all acts that deliberately target civilians. I wish to emphasize the following three points concerning the protection of civilians in armed conflict.

First, the protection of civilians in armed conflict must be strengthened in line with the Fourth Geneva Convention, international humanitarian law, and the principle of respect for State sovereignty, political independence and territorial integrity as enshrined in the United Nations Charter. National Governments bear the primary responsibility for protecting their own citizens. In a situation of armed conflict, the international community can assist in the protection of civilians, but such assistance should not substitute for the responsibilities and obligations of the national Government concerned.

Secondly, in strengthening the protection of civilians, attention should be paid to addressing the root causes and symptoms of conflict. The deployment of United Nations peacekeeping operations alone cannot offer a fundamental solution to the protection of civilians. The Security Council should prioritize preventive diplomacy in order to prevent and mitigate conflict. In a volatile conflict situation, the Council should commit to pushing for a strong and viable political process to achieve lasting peace and stability at an early date. The Council must focus on helping the affected countries to expedite security sector reform in order to build professional military and police forces and provide effective protection for their own citizens.

Thirdly, in order to ensure the effective protection of civilians, the various United Nations bodies and agencies must ensure a synergetic division of labour, with a clear focus on the effective implementation of existing commitments. The protection of civilians in armed conflict involves the development and evolution of international humanitarian law, which requires in-depth discussions with the broader membership with a view to reaching consensus. United Nations peacekeeping operations are deployed in varying

circumstances and conditions. Their priorities should be tailored to local specificities. The one-size-fits-all approach will not work.

**Ms. Ziade** (Lebanon): At the outset, allow me to thank you, Mr. President, for organizing this open debate. I also wish to thank Ms. Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator; Mr. Le Roy, Under-Secretary-General for Peacekeeping Operations; and Ms. Pillay, United Nations High Commissioner for Human Rights, for their briefings. I further thank Mr. Yves Daccord for his statement.

While the international community has endowed itself with a solid normative framework to protect civilians in armed conflict, actual compliance with the existing standards remains far from satisfactory. How do we translate this normative progress into concrete improvement in the lives of the hundreds of thousands of civilians who suffer extreme violence and hardship during conflict?

If successful compliance with protection standards requires an integrated and comprehensive protection strategy in collaboration with the main humanitarian actors, it remains that the primary responsibility for civilian protection rests with the concerned Government itself. Furthermore, occupying Powers have the clear obligation under international law to protect the population under foreign occupation. We would like to stress in this regard the implications of severe and sustained violations of international humanitarian law in the Palestinian-occupied territories and the appalling humanitarian situation confronting the 1.5 million Palestinians confined to the Gaza Strip.

There is a prevailing awareness that United Nations peacekeepers cannot protect everyone from everything. However, protection is most successful when it is part of a larger strategy. The development by the Department of Peacekeeping Operations and the Department of Field Support of an operational concept and a framework to guide the preparations of protection of civilians strategies by missions is a good step in the right direction. There is a need, furthermore, to strengthen cohesion between mandates, resources and expectations, and to enhance peacekeeping capacity, especially in transport, communications and intelligence.

A mission that protects civilians under imminent threat but makes no progress in helping to address the

underlying causes of the conflict will not lead to sustainable peace or to the durable and effective protection of civilian populations. The United Nations is invited to assist countries in advancing the peace process and peaceful coexistence through inclusive dialogue, reconciliation and reintegration. In the course of establishing genuine and sustainable peace, the rule of law and good governance should also be adequately addressed. The Security Council should also consider a more comprehensive and less selective approach to the protection of civilians in armed conflict.

Armed conflict is the source of devastating calamities. This is why, all around the world, brave and dedicated men and women strive to alleviate the suffering of innocent victims. All parties to a conflict should allow and facilitate the rapid and unimpeded passage of impartial humanitarian relief to civilians in need.

In his recent report (S/2010/579) on the subject of our debate today, Secretary-General Ban Ki-moon suggests that the Security Council has long recognized that the maintenance of peace and security will not be achieved or sustained without due attention being paid to redressing grievances, ending impunity and protecting the human rights of civilians. Based on that principle, Lebanon reiterates its demand that Israel pay due compensation for the tragic human, environmental and material losses caused by the war it waged on Lebanon in 2006.

During and subsequent to that war, Lebanon suffered greatly from cluster munitions, which are indiscriminate in nature and have a devastating effect on civilians at the time they are used and long after the fighting has come to an end. Today, I am honoured to inform the Council that, earlier this month, my Government submitted its ratification instruments on the Convention on Cluster Munitions. Furthermore, Lebanon has offered to host the second meeting of States parties to the Convention in 2011. In that regard, we urge States that have not yet done so to ratify the Convention.

It is a moral imperative for us to prevent conflicts and to place the people in need of protection at the centre of our efforts and policymaking.

**Mr. Apakan** (Turkey): At the outset, I wish to thank today's briefers for their comprehensive presentations.

Turkey welcomes the Council's increased attention to protection issues, including its adoption last November of resolution 1894 (2009), which was a significant step in this area. We also attach importance to recently adopted resolutions on women and peace and security and children and armed conflict.

There is no doubt that the primary obligation to protect civilians lies with States. However, the international community also has a shared responsibility to help to protect civilians in situations where States fail to do so. We therefore need to build collective awareness of the importance of that responsibility. We must also be able to agree on fundamental guidelines. The updated aide-memoire, which has been adopted today, provides a useful guide for improved analysis of key protection issues.

As mentioned in the report (S/2010/579) of the Secretary-General, while in the course of the past 11 years a comprehensive framework has been established, the emphasis must now be on making progress in enhancing protection on the ground. We must therefore translate our legal commitments into actions. The real problem lies with implementation, rather than norm-setting.

A case in point is Gaza, where tragic developments have taken place and civilians continue to suffer. In that regard, we will also follow up the inquiry process, both in Geneva and New York, on the Israeli attack against the humanitarian aid convoy to Gaza, which took place in international waters and resulted in nine civilian deaths and many wounded.

The protection of civilians during peacekeeping operations is one of the key challenges before us. Turkey attaches importance to incorporating that task in peacekeeping mandates, including effectively implementing it. Regional ownership and cooperation are also worth mentioning. Moreover, it is important to improve predeployment training on the protection of civilians for peacekeeping personnel, including taking into consideration cultural differences and sensitivities.

In some situations, civilians become victims in spite of the fact that parties fully comply with applicable law. Turkey calls upon parties to armed conflicts to make amends to the civilians they harm, with a view to respecting their inherent dignity as human beings.

Let me underline two issues. The first relates to dialogue with non-State armed groups. We understand the rationale of humanitarian access to civilians. However, Turkey believes that in doing so we should be extremely careful not to extend any sense of legitimacy to such organizations. Some terrorist groups in various parts of the world attempt to exploit such a humanitarian approach to gain international acceptance and recognition.

My second point is that we should make a clear distinction between the counter-terrorism efforts of law enforcement agencies and armed conflict. We strongly condemn all acts of terrorism. As indicated in the Council's presidential statement (S/PRST/2010/19) of 27 September, terrorism continues to pose a serious threat to the enjoyment of human rights and to social and economic development. It also undermines global stability and prosperity. Governments therefore not only have the legitimate right but also the obligation to effectively combat terrorism and fully and effectively cooperate with other States.

The issue of protecting civilians in armed conflict is a cause that the international community must pursue with unwavering determination. We believe that, in order to ensure long-term and lasting protection of civilians, human rights, the rule of law, democracy and good governance should be strengthened. We should also ensure that perpetrators of violence against civilians are held fully accountable for their actions. Sustainable prevention and protection will only be possible if there is no impunity.

**Mr. Barbalić** (Bosnia and Herzegovina): I would like to thank you, Mr. President, for organizing this debate. We would also like to thank Ms. Valerie Amos, Ms. Navanethem Pillay, Mr. Alain Le Roy and Mr. Yves Daccord for their comprehensive briefings.

Bosnia and Herzegovina welcomes the report of the Secretary-General (S/2010/579) and the latest update of the aide-memoire, which is an important practical and useful analytical tool to address issues related to the protection of civilians in armed conflict.

Allow me to start with the unfortunate and unacceptable fact that civilians continue to account for a high number of casualties in conflicts. Bosnia and Herzegovina condemns all deliberate attacks against civilians, forced recruitment, attacks on schools, the use of civilians to protect military objectives and the deaths resulting from the use of force.

Women and children continue to suffer extreme violence during conflicts. Recent events in the eastern part of the Democratic Republic of the Congo illustrate failures in the areas of both prevention and response. We should bear in mind that the struggle against impunity is an integral element of the protection of civilians, which cannot be addressed seriously without prosecuting those responsible for serious crimes. Efforts must be enhanced to support the fight against impunity, both at the national and international levels.

Sanctions and other targeted measures play an important role in overall efforts, as well as in initiatives to improve compliance with the law by non-State armed groups.

Although the primary responsibility for the protection of civilians lies with States and with parties to an armed conflict, the United Nations, with its systematic approach to the protection of civilians, must be, and is, at the helm of the global effort.

Positive developments must be supported and publicized. The enhancement of communication between the Working Group on Children and Armed Conflict and sanctions committees is one such example. Situation-specific resolutions calling for protection to be prioritized in the implementation of peacekeeping mandates constitute another such development. There have also been significant improvements in creating joint protection teams, as is the case with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo. Activities have also been undertaken to foster interaction with local population and provide valuable information for assessments on the ground.

In addition, there must be support for the enhancement of accountability. Different justice and reconciliation mechanisms should also be considered, including national and international criminal courts and tribunals. Such mechanisms are aimed at supporting national-level investigation and prosecution.

Unfortunately, conflicts remain the major cause of the increasing number of refugees and internally displaced persons. We would like to emphasize the importance of unhindered access to humanitarian assistance to those vulnerable groups. We also express our awareness of concerns about the security risks and continued dangers faced by humanitarian personnel as they operate in increasingly complex situations. We urge the cooperation of all parties to a conflict in order

to create areas of security and provide access for humanitarian assistance. The challenges facing the Council with regard to the protection of civilians call for greater international cooperation and better coordination between the Council and other United Nations bodies and agencies. To that end, additional efforts should be made to prevent conflicts and their recurrence and to promote early warning systems and effective responses to situations that specifically threaten civilian populations.

We support more comprehensive and detailed information on the protection of civilians in country-specific situations as well as on measuring progress in the implementation of peacekeeping mandates issues related to the protection of civilians. That is of key importance in the context of mission drawdown, as well as when identifying areas of concern, prioritizing response activities and ensuring accountability for actions or shortcomings.

**The President:** I now wish to make a statement in my capacity as representative of the United Kingdom.

I join others in thanking all the briefers today.

The United Kingdom believes that the protection of civilians should remain at the forefront of the Security Council's work. We know from experience why that needs to be the case.

In the Sudan, civilian protection is central to peacekeeping missions, particularly in Darfur, where more than 10 per cent of the population is living in camps. As the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator said, the continued poor security situation in parts of Darfur causes great suffering to the civilian population and impairs the ability of humanitarian agencies to provide essential assistance.

In Burma, we remain deeply concerned about the lack of progress towards national reconciliation and the implications for civilians living in ethnic minority areas and the border regions. In many of those areas, civilians continue to be targeted by the military. We remain very troubled by reports of indiscriminate attacks on vulnerable people, including women and children. Reports also document that many have had their land confiscated and their homes destroyed and have been forcibly relocated. The United Kingdom urges the Burmese regime to undertake meaningful

dialogue with ethnic groups to maximize the opportunities presented by the election for national reconciliation.

Recent mass rapes in the Democratic Republic of the Congo highlight the urgent need for enhanced civilian protection in the east of the country. The primary responsibility for the protection of civilians, as in other host Governments, rests with the Democratic Republic of the Congo authorities. However, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo plays an essential role in supporting the authorities where they lack the capacity to provide such protection.

Today, we are pleased that the presidential statement (S/PRST/2010/25) recognizes the valuable role of the informal expert working group on protection of civilians and endorses the updated aide-memoire.

The protection of civilians debates are biannual and, unfortunately, I have to note again the lack of progress on issues of humanitarian access. The United Kingdom particularly deplors and condemns violent attacks on humanitarian workers by parties to the conflicts. We call on States and other parties to ensure that all affected civilians have access to humanitarian aid according to need and without discrimination. We need to see progress on that point before the next debate on this important issue. I now resume my functions as President of the Council. I give the floor to the representative of Italy.

**Mr. Ragolini** (Italy): I, too, wish to express my deep appreciation to the Under-Secretary-General for Humanitarian Affairs, Ms. Valerie Amos, for her briefing, which gave us a broad perspective of the challenges we face in the protection of civilians in armed conflict.

I also wish to thank the Under-Secretary-General for Peacekeeping Operations, Mr. Alain Le Roy, the United Nations High Commissioner for Human Rights, Ms. Navanethem Pillay, and the Director-General for the Red Cross, Mr. Yves Daccord, for their contributions.

Italy fully endorses the statement to be made by the European Union (EU) delegation and wishes to make some additional observations.

Italy is committed to combating impunity for international crimes and believes that that fight is

inextricably linked to the principle of accountability. The Council has a crucial role to play in that regard. It must be ready to take prompt action against those who continuously undermine the credibility of that commitment.

Non-compliance with international humanitarian laws inevitably leads to the injury or death of what is becoming a growing number of civilians every year. Every measure should be taken to prevent violence, starting with the implementation of national laws.

I would add that, in situations where civilian populations are the target of attacks, the Rome Statute of the International Criminal Court is an essential instrument that provides the legal basis for holding perpetrators accountable for attacks, when a State is unwilling or unable to do so.

We share concerns over the severity and prevalence of constraints on humanitarian access, as well as the frequency and gravity of attacks on humanitarian personnel. Consistent improvements in humanitarian access will only be made if States promote a culture of protection, taking into account the particular needs of women, children, the elderly, and persons with disabilities. Active hostilities, bureaucratic constraints and economically motivated attacks on humanitarian supplies are major obstacles on the path to protecting those in need.

This is why the acceptance of independent, neutral and impartial humanitarian action must be broadened. Under international law, primary responsibility for the security and protection of humanitarian personnel lies with the Government hosting a United Nations operation. Effective measures to enable relief activities during active fighting, including calling on parties to allow safe passage for civilians trying to escape from conflict zones, could represent a concrete and tangible set of actions that could be implemented.

We welcome the encouraging developments in the protection of civilians by peacekeeping missions as mentioned in the Council's latest report (S/2010/579). The protection of civilians, I wish to reiterate, is first and foremost the responsibility of the State, which may require assistance in the fulfilment of its duties in that area.

When a Government lacks the resources to ensure compliance with its obligations, the protection of

civilians is a moral obligation inherent to peacekeeping, although peacekeepers are not the only actors involved. Greater efforts should thus be made to ensure that peacekeeping mandates include explicit reference to civilian protection, clear strategies for pursuing it and careful monitoring of the implementation and impact of these mandates.

The security of civilians in post-conflict environments is also critical to the legitimacy and credibility of United Nations peacekeeping missions, the peace agreements they are deployed to implement and the United Nations itself.

These are difficult tasks that require a consistent approach, including advanced planning to ensure that future and current missions have the authority and capacity to protect. At the earliest stages of planning, threats to civilians must be taken into consideration, and peacekeeping missions must be properly tasked with clear, credible and achievable mandates to be implemented by military and police personnel who have received the appropriate training before deployment.

Training is crucial. It should be made standard on the basis of clear operational guidelines regarding the implementation of protection mandates by peacekeeping missions. Such guidelines should be drafted in close cooperation among the United Nations and other organizations involved, such as the African Union and the European Union.

Italy, in cooperation with the Secretariat, makes a key contribution to that sector through its Center of Excellence for Stability Police Units (CoESPU). In five years, the Center has already trained 3,630 trainers to prepare national contingents for deployment as formed police units.

The protection of civilians is greatly enhanced when the police and civilian components of peacekeeping missions are also involved. Hence, there is the need to strengthen the police component and integrate civilian capacities, particularly in the rule of law sector. That is indispensable to helping a country to fully resume national ownership and responsibility in the crucial area of protecting civilians.

Today, there is greater attention to understanding and advancing the protection of civilians. Thanks to remarkable efforts, there have been improvements in United Nations peacekeeping operations' ability to

protect, but more needs to be done to transform our ambition into realities on the ground and to establish precise benchmarks to monitor implementation.

Resolution 1674 (2006) reaffirms the principle of the responsibility to protect. As we have stressed on previous occasions, that principle should not be perceived in an adversarial manner but rather as an instrument available to the international community for settling conflicts, provided that the conditions referred to in paragraphs 138 and 139 of the 2005 Outcome Document are met.

The informal interactive dialogue of the General Assembly on early warning, assessment and the responsibility to protect was an important step towards understanding and implementing the concept. We look forward to new opportunities to continue that dialogue.

**Mr. Rivard** (Canada): On behalf of the Government of Canada, I would like to thank the United Kingdom for having convened this open debate. I also wish to express my appreciation to today's speakers for their remarks.

We welcome the Secretary-General's eighth report on the protection of civilians in armed conflict (S/2010/579). The report offers a sobering view of the situation facing civilians in armed conflict. It also offers a clear set of actions that can be taken by the Council to better respond to protection needs.

Ten years after the adoption of Security Council resolutions 1265 (1999) and 1296 (2000), the linkage between civilian protection and the maintenance of international peace and security has been firmly established. Subsequent resolutions, including those on women, peace and security and on children and armed conflict, have demonstrated the Council's resolve to better protect civilian populations living in situations of armed conflict, as has the Council's regular consideration of protection concerns and strategies in country-specific contexts.

*(spoke in French)*

In his previous report, the Secretary-General identified the overarching challenges we all must face, as well as the crucial steps to be taken to better protect civilians. Here, I would like to address a number of such measures that we view as being of particular importance.

First, it is important that the Council consider comprehensive approaches to the better protection of civilians in situations of armed conflict. We agree with the Secretary-General that new and innovative ways need to be identified to address country-specific situations that are not on the Council's formal agenda. In doing so, the Council could send a strong message that it is determined to take action against attacks deliberately targeting civilian populations.

Canada strongly encourages Council members to ensure greater consistency in terms of how the Council addresses protection issues. In that light, the aide-mémoire on the protection of civilians and the informal group of experts are important tools that could be drawn upon by the Council to a greater extent in order to make well informed decisions. The aide-mémoire, in particular, is an important guidance document that reminds the Council of the full range of tools at its disposal in situations where civilian populations are at risk.

At the same time, the Council would benefit from better defined criteria its disposal to complement the aide-mémoire in assisting the Council in determining when and how to intervene. That is particularly true for those situations of which the Council is not actively seized but where there are concerns with regard to protection and where strategic and targeted attention by the Security Council could yield results.

*(spoke in English)*

Secondly, comprehensive protection strategies need to be fully integrated into the day-to-day work of United Nations country teams and peacekeeping missions. For the latter, it is important that protection-of-civilian mandates be fully considered in the planning, resource-allocation and training stages of missions. In that regard, we welcome ongoing efforts by the Department of Peacekeeping Operations to develop an operational framework as called for in resolution 1894 (2009). We strongly encourage that Department and others to ensure that such a framework builds on the key indicators identified in resolution 1325 (2000).

In addition, protection considerations should ultimately inform decisions to drawdown or withdraw United Nations peacekeeping personnel, as well as decisions on how resources are allocated. But, protecting civilians is not just a job for military personnel. For all United Nations actors on the ground,

both civilian and military, protection strategies should be clear, concrete and measurable, drawing on clear indicators and benchmarks. They should also be well coordinated with all actors — local, national and international.

Thirdly, Canada believes that enforcing strict accountability for those who target civilian populations is fundamental. States must fulfil their obligations to investigate and prosecute persons suspected of such crimes, and, where appropriate, cooperate with international judicial institutions to ensure that perpetrators are brought to justice. Monitoring and reporting mechanisms should be strengthened to ensure that violations of international human rights and international humanitarian law are documented and reported to the Council. Such mechanisms can be critical in terms of providing early warning information leading to the implementation of effective preventive and protective measures.

In that regard, we applaud ongoing efforts to put in place an effective monitoring mechanism to report to the Council instances where humanitarian access is deliberately delayed or denied. We strongly encourage the Council to act on such information when it is received and to take appropriate steps to address violent attacks against humanitarian personnel as well as to deal with bureaucratic constraints that deliberately hamper efforts to access those in need of life-saving assistance.

In conclusion, the protection of civilians is inextricably linked to the maintenance and promotion of freedom, democracy, human rights and the rule of law. Translating protection norms and our collective statements of support into concrete, effective, meaningful and measurable actions has not been and will not be easy. It will require the ongoing and full attention of the Council. The Government of Canada stands ready to continue to support Council efforts on this important issue.

**Mr. Seger** (Switzerland) *(spoke in French)*: I thank you, Sir, for having convened this open debate. I also thank the Secretary-General for his latest report on the protection of civilians in armed conflict (S/2010/579).

Switzerland welcomes the adoption of the presidential statement today, which reaffirms the importance of the achievement made so far in the protection of civilians. I would also like to warmly

congratulate Ms. Valerie Amos on her appointment to the post of Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

Over the past ten years, the activities of the Security Council have been increasingly influenced by the issue of the protection of civilians. Encouraging progress has been made, especially in terms of establishing general standards, as well as in taking into account the specific protection needs of women and children. Other bodies of the United Nations system have followed the Council's lead, showing that the protection of civilians is by no means the prerogative of a single body. For example, the Special Committee on Peacekeeping Operations has worked over the past three years on a common definition of the strategic framework within which a mission must perform its tasks relating to the protection of civilians as defined by the Security Council.

However, the impact of those developments will have little value if they are not transformed into a tangible improvement in civilian protection on the ground. We therefore encourage the Security Council, and in particular its informal group of experts on the protection of civilians, to take that into account in their work.

I would like to focus my remarks on four central aspects of the report of the Secretary-General before the Council today, which are: engagement with non-State armed groups, humanitarian access, the standards governing the activities of private security companies, and, lastly, the issue of the humanitarian impact of explosive weapons.

First, Switzerland agrees with the Secretary-General's evaluation of the need for greater respect for the law by non-State armed groups and stresses the importance of preventing obstacles to the efforts of humanitarian organizations in that regard. We are concerned by the impact that the adoption of lists of terrorist groups may have on efforts to strengthen the protection of civilians. In our view, it is important rather to gain a better understanding of the motivations of non-State groups and to identify strategies to ensure that they fully respect the law. In that connection, Switzerland welcomes the work of the Geneva Academy of International Humanitarian Law and Human Rights referred to in the report.

Secondly, humanitarian access remains a crucial element for all protection and aid activities relating to

people affected by armed conflict and violence. Switzerland expresses its concern with regard to the growing restrictions on access granted to humanitarian actors in conflict zones. We also wish to reiterate that it is the primary responsibility of States to provide their people with protection and aid. To do so, States must ensure swift and unrestricted humanitarian access. In that regard, the Security Council needs to continue in its efforts to monitor constraints on humanitarian access and, where necessary, take the necessary measures to eliminate any such obstacles.

Thirdly, with regard to the normative framework in conflict situations, private security companies are playing an increasingly important role. It is essential that those companies undertake to abide by and respect international norms. We therefore welcome the recent signature of an international code of conduct by some 60 private security companies, under which they have committed to respect human rights and humanitarian law in their activities. This initiative, the first of its kind, was jointly launched by Switzerland and industry associations. The code should be considered as just part of a series of initiatives. Indeed, in 2008, Switzerland and the International Committee of the Red Cross presented the Montreux Document, which reminds States of pertinent international obligations and good practices related to operations of private military and security companies during armed conflict.

In conclusion, we think it appropriate to continue to follow the issue of explosive weapons, especially with a view to better implementing international humanitarian law. The use of certain explosive weapons in densely populated areas is clearly a major source of suffering for civilians in situations of armed conflict. A more in-depth study could, for example, reveal the extent to which greater protection could limit these impacts.

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

**Mr. Reuben (Israel):** I thank you, Mr. President, for convening this important debate. I also wish to thank Under-Secretary-General Amos, Under-Secretary-General Le Roy, High Commissioner Pillay and Director-General Daccord for their informative briefings.

Today's debate raises some of the most complex and challenging issues facing the international community. Israel's deep commitment to protecting

civilians in armed conflict is reflected by our extensive cooperation with the International Committee of the Red Cross and the United Nations in this area and at all levels. It is also shown by the extraordinary efforts that we take to avoid causing civilians harm during combat operations.

Israel is encouraged by the continued efforts of the Security Council and the Secretariat in this area since July's briefing (see S/PV.6354) and welcomes the latest report of the Secretary-General (S/2010/579). We note the considerable progress on this issue. However, it remains clear that the international community continues to face major challenges and difficult operational, humanitarian and moral dilemmas in ensuring that civilians are protected in armed conflict.

Foremost among these challenges is the new and complex phenomenon of asymmetric warfare, which blurs the important distinction between combatants and civilians under the laws of armed conflict. In our region and in many other corners of the world, regular armies are increasingly finding themselves fighting terrorists or guerrilla organizations that deliberately operate within the vicinity of civilian populations.

This phenomenon produces a horrific transformation of the civilian landscape: religious institutions becoming launching pads for rockets and artillery; schools and hospitals becoming storage facilities for weapons and terrorist infrastructure; and residential neighbourhoods becoming combat zones.

Recognizing that there are no simple solutions, the Security Council must seriously consider the many dilemmas inherent in asymmetric warfare. While upholding the central value of protecting civilians in conflict, the Council and other international bodies cannot ignore the tragic reality in which terrorists deliberately put innocents in harm's way.

Israel's experience illustrates that terrorists' blatant disregard for protecting human life is not restricted to the civilians of their adversary; it often extends to their own people. In the Gaza Strip, Hamas launches rockets and mortars at Israeli towns from densely populated areas and cynically places its arms and munitions in installations inside and adjacent to mosques, hospitals and schools. Only last week, we witnessed yet another series of rocket attacks from Gaza designed to target and terrorize Israeli civilians.

In Lebanon, Hizbollah deploys weapons and builds its military infrastructure within the fabric of civilian life, endangering the Lebanese population. For example, within the past 16 months, three Hizbollah weapons caches have exploded in the villages of southern Lebanon. The last such explosion took place in the Lebanese village of Shehabiyya on 3 September, causing the injury of five individuals.

Given the threats it faces on its borders, Israel — in full conformity with its international obligations — has sought to protect civilians while it pursues the terrorists who hide among them. Israel's Supreme Court has addressed the significant challenges inherent in balancing these two objectives during active warfare and at times has suspended military operations to this end. In pursuit of this goal, my country also employs many independent oversight mechanisms and places a humanitarian affairs officer in every combat unit above the battalion level with the goal of minimizing casualties and damage to civilian property.

Israel also wishes to express its continued support for the work of humanitarian agencies that provide essential services on the ground. In considering the protection of civilians in armed conflict, we all must remember that, under international humanitarian law, the right to free movement of humanitarian personnel is subject to military necessities and security considerations. These considerations include the safety of the humanitarian personnel themselves and the need to prevent the abuse of humanitarian channels. We cannot ignore the fact that terrorists such as Hamas often abuse such access privileges, which can endanger humanitarian workers and obstruct the movement of aid.

The subject of today's debate calls for careful consideration about how to best protect civilians in the face of terrorism and within the complex reality of asymmetric warfare. For its part, Israel will continue to share its experience in this critical debate as part of our nation's commitment to the rule of law and to the fundamental value of protecting civilians.

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

**Mr. Tanin (Afghanistan):** First, let me thank you, Mr. President, for convening this meeting on the protection of civilians in armed conflict — a topic of particular importance in Afghanistan. I would also like to thank the High Commissioner for Human Rights and

the Under-Secretary-General for Humanitarian Affairs for their briefings, and welcome the recent report of the Secretary-General on the protection of civilians in armed conflict (S/2010/579).

Nine years ago, the Afghan people overwhelmingly supported the United States-led intervention and joined the United States and coalition forces in the fight against terrorism. They saw the international military campaign as crucial to security in the country and the region and to bringing an end to their suffering. From 2001 to 2006, the trust and cooperation between the Afghan people and the international community helped the country to become increasingly stable. However, with the re-emergence in 2006 of the Taliban from sanctuaries in the region and its attempts to attack national and international forces, parts of the country began to slide back into conflict. Violence and insecurity, particularly in the past two years, have widely affected people's security, and thousands of civilians have lost their lives. The increase in the number of civilian casualties has negatively affected the people's trust in the prospect of peace, security and development in the country.

Afghans are the first to feel the tragic effects of conflict in their country. Civilian casualties are caused mainly by intentional acts of the Taliban, Al-Qaida and other extremist groups. Terrorists and extremists have recently expanded the scope of their activities, attacking all sectors of Afghan society. By resorting to new and brutal tactics, including suicide bombings, abductions, targeted assassinations and the indiscriminate use of improvised explosive devices, they show complete disregard for human life. Furthermore, terrorists and extremists continue to conduct attacks from densely populated areas and to use civilians as human shields. Nevertheless, there are also a number of unfortunate, unintended casualties resulting from the military operations and activities of international forces and the joint military operations of both international and Afghan forces.

As shown in the 2010 mid-year report of the United Nations Assistance Mission in Afghanistan (S/2010/463), the number of civilian casualties due to violence in my country has increased. In the first six months of 2010, there were 3,268 civilian casualties, including 1,271 deaths as a result of armed conflict — or an average of over 18 civilian casualties a day. It shows a 31 per cent increase from the same period last year. Seventy-six per cent of the incidents were the

result of the activities of the Taliban and Al-Qaida terrorist groups. Six thousand civilian casualties occurred in 2009.

In discussing civilian casualties, let us remember that we are referring to people — to the loss of human life, all too often of innocent women, children and elders. Such deaths must not be looked at as merely the consequences of ongoing violence or as collateral damage. Each death in Afghanistan represents a life lost, a family left behind and an entire future denied its potential.

The protection of civilians during military operations is our shared responsibility and an international obligation. Increased coordination between international and Afghan forces during military operations and greater cooperation between the international community and the Afghan Government are necessary for ensuring the safety and security of civilian populations.

This is an important issue that has long been a crucial point of discussion with Afghanistan's international partners. My Government has called on international forces to take measures necessary to minimize or eliminate civilian casualties. We appreciate the NATO commanders' commitment to give a central place to the protection of civilians in their new military strategy. We hope that further necessary steps will be taken in this regard so as to safeguard the lives and rights of Afghan civilians, particularly in the areas affected by conflict.

To protect the lives of civilians, Afghanistan is committed to working with the international community to achieve lasting peace and stability in the country. The protection of civilians must be placed in the context of the emerging transition, in which Afghan national forces will begin to assume full responsibility by 2014.

Just this weekend at the NATO summit in Lisbon, we embarked on the transition from an internationally guided process to an Afghan-led one. Security is at the core of this transition. It is essential that NATO and our international partners enhance training for Afghan security forces in order to ensure enduring security and consequently the elimination of civilian casualties. The transition is happening while the enemy is attempting to disrupt the Government's activities and continuing its attacks on the Afghan people and Government and the international forces. As the Afghan Government

seeks to prepare itself to take on the responsibility for leading security efforts, the continuing support of the Afghan people for our shared efforts and their active participation in the stabilization process are crucial to success.

The protection and promotion of the rights of civilians should be among the top priorities of the international engagement in Afghanistan. In his address to the heads of State at the NATO summit in Lisbon, President Karzai said,

“We are in dialogue with the International Security Assistance Force on issues of serious concern to the Afghan people, in particular: civilian casualties, detentions, lawless behavior by some security companies and, at times, NATO’s posture. We need the space to discuss these issues and resolve them in a spirit of collaboration and teamwork. The sustainable solution to these issues will, of course, come from the realization of our common objective of replacing international forces with Afghan security forces.”

We are of the conviction that civilian protection is not confined to preventing civilian casualties. Ending the loss of civilians requires the establishment of lasting peace and stability. The recent Joint Coordination and Monitoring Board’s progress report on the Afghanistan National Development Strategy, covering the first 100 days after the Kabul Conference, rightly points out that we have achieved more success in improving security. Afghanistan has completed 89 per cent of planned activities in the area of security and has exceeded expectations in the growth of the national army and national police.

In addition to military efforts, the Afghan Government is engaged in a comprehensive outreach initiative aimed at achieving lasting peace and security. The Afghan-led peace process calls on the Taliban to lay down their arms and join the peace process and reconciliation efforts. Engaging the armed opposition in peace talks, creating Afghanistan’s High Peace Council and selecting 60 members for it are significant steps towards strengthening peace and reconciliation efforts. Our national reconciliation process is based on our growing responsibility for the promotion of human rights, building trust and continuing outreach to the people of Afghanistan.

Going forward, the issue of protecting civilians in armed conflict will continue to be central to our national efforts. Today’s meeting reminds us of the importance of civilians in the overall work of the United Nations and the international community’s efforts in general. We look forward to further collaboration with our international partners in achieving our ultimate objective: ending violence and attaining lasting peace. The success of our joint efforts is the best way to ensure the protection of civilians.

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

**Mr. Quinlan (Australia):** Thank you, Mr. President, for the opportunity to address the Council on a decisive issue that goes to the core of the Council’s role in maintaining international peace and security and building the defences of peace. This, of course, is the issue of the protection of civilians in armed conflict. I would like to thank the United Kingdom for convening this debate, and the introductory speakers this morning for their presentations.

My statement today will obviously not be able to do justice to all the challenges presented in the Secretary-General’s report (S/2010/579), so I would like to briefly draw attention to three issues.

First, we need to ensure there is greater compliance with international humanitarian law. Australia is concerned about the increased indiscriminate targeting of civilians with explosive weapons, including improvised explosive devices (IEDs). The most recent Secretary-General’s report on the situation in Afghanistan (S/2010/463) reported an 82 per cent increase in IED incidents, which is an alarming trend. We support the Secretary-General’s recommendation for further systematic data collection and analysis of the human costs of the use of explosive weapons.

Secondly, we support the Secretary-General’s call to move away from a selective approach to addressing the protection of civilians. We must acknowledge that peacekeeping is but one tool at the disposal of the Council in protecting civilians. The most effective way, of course, is to prevent the conflict in the first place.

In this vein, we welcomed the initiative of the United Kingdom earlier this month in convening a meeting of the Council with Under-Secretary-General

Pascoe at the start of the month to provide a briefing on global hotspots. The Council, as members know better than I, has a heavy, labour-intensive agenda each month — much of it predetermined through regular mandate renewals, reviews of reports by the Secretary-General, thematic reviews. We think that an early, focused briefing on hotspots, such as was undertaken this month, should better prepare the Council to anticipate trouble and take action as required to prevent conflict and to protect civilians.

Thirdly, I would like to discuss an issue on which Australia has been particularly active. Uniformed components of peacekeeping missions need guidelines to implement protection-of-civilians mandates. Guidelines are necessary to enable troop and police contingents to understand their responsibilities and adequately prepare and execute protection-of-civilians mandates. Guidelines will assist peacekeepers in their engagement with the local population, their anticipation of threats and the assessment of the use of force and deterrence permissible under the mandate. The development of guidelines will also assist in determining the necessary resources and capabilities and the overall management of expectations.

Australia has been pleased by the considerable progress that has been made during the last 18 months in this area. We are encouraged by the development of a strategic framework to guide senior mission leadership in the development of mission-specific strategies on the protection of civilians, following a request by the Special Committee on Peacekeeping Operations earlier this year. We look forward to co-hosting, with Uruguay, another workshop here in New York on 6 December to enable discussion between the Secretariat and Member States on that framework. We have also been pleased to contribute in a small way to the work under way to develop African Union (AU) guidelines on protection of civilians, as referenced in the Secretary-General's report. We will continue to assist the AU in that endeavour.

Despite some progress, much work obviously and inevitably remains to be done. Public information strategies are needed to manage international and local expectations regarding the ability of a peacekeeping mission to protect civilians, including the reality that peacekeepers cannot possibly protect everyone, everywhere, all of the time. Australia encourages United Nations missions to develop risk mitigation strategies where insufficient resources are available to

physically protect all civilians. As examples, those could include visits to areas within missions where there is not a permanent United Nations presence, the establishment of mechanisms to encourage dialogue with the local population and the establishment of effective communication mechanisms to provide early warning, as is already the practice in some missions.

The use of benchmarks in peacekeeping mission mandates is an important tool for the articulation of the Council's expectations. Benchmarks on the protection of civilians need to be included from the mission outset, should include effective indicators to measure progress and need to be used as a basis for determining when a peacekeeping mission may draw down. To support such initiatives, as requested in resolution 1894 (2009), there also needs to be a comprehensive and consistent approach to reporting on protection of civilian issues as part of peacekeeping operations.

To conclude, we welcome the presidential statement that was adopted at the start of today's debate (S/PRST/2010/25). As we know, the majority of casualties in a conflict are civilians. The Permanent Representative of Afghanistan, the preceding speaker, has just reminded us very well of what that means: the loss of life. As the Secretary-General's own report says, the unstinting and rigorous attention of the Council to the protection of civilians remains vital and must be at the centre of not just its deliberations, but more decisively, of course, its actions.

**Mr. Abdelaziz** (Egypt): I have the pleasure to address the Security Council on behalf of the Non-Aligned Movement, and to start by expressing the Movement's appreciation to you, Sir, for having organized this debate. I also wish to thank Baroness Valerie Amos, Under-Secretary-General for Humanitarian Affairs, Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations, Ms. Navanethem Pillay, High Commissioner for Human Rights, and Mr. Yves Daccord, Director-General of the International Committee of the Red Cross, for their briefings today.

Despite all the efforts exerted by the United Nations, including the Security Council, civilians around the world are still suffering in massive numbers. The measures adopted so far have proved to fall short of addressing the wider implications of attacks against civilians, their impact on international peace and security and their humanitarian impacts. The Secretary-

General's report (S/2010/579) prepared on this topic and submitted pursuant to resolution 1894 (2009) also highlights ongoing and emerging concerns regarding the state of the protection of civilians, such as the proliferation and fragmentation of non-State armed groups, the displacement of civilians within and across borders, the continued violence and hardship that women and children face during conflict and the continued existence of a culture of impunity.

In that regard, the Non-Aligned Movement believes that due priority should continue to be given to promoting knowledge of, respect for and observance of States' obligations assumed under the United Nations Charter and international, international human rights and international humanitarian law, in particular the four Geneva Conventions of 1949 and their 1977 Protocols. We call upon all parties to armed conflicts to redouble their efforts to comply with their legal obligations by, inter alia, prohibiting the targeting of civilian populations, civilian property and certain special property during armed conflict, and by obliging parties to any conflict to ensure general protection against threats to civilian installations, hospitals, relief materials, means of transportation and the distribution of such relief materials arising from military operations.

The Movement reiterates its condemnation of the increasing attacks on the safety and security of humanitarian personnel, and urges the Governments of United Nations Member States to ensure respect for the protection of the personnel of humanitarian organizations, in conformity with the relevant provisions of international law. In the meantime, we reaffirm that humanitarian agencies and their personnel should respect international humanitarian law and the laws of the countries where they operate, the guiding principles of humanitarian assistance set forth in General Assembly resolution 46/182 and its annex and the principle of non-interference in the cultural, religious and other values of the population in the countries where they operate.

Furthermore, in the peacekeeping context, the Non-Aligned Movement stresses that the protection of civilians under imminent threat of physical violence is the primary responsibility of each host country of any peacekeeping operation. It further stresses that relevant peacekeeping missions with such a mandate should conduct their tasks without prejudice to the primary responsibility of the host Government to protect civilians. The successful conduct of tasks relating to

the protection of civilians, wherever a United Nations mandate exists, requires a holistic approach that encompasses the provision of timely and adequate resources, logistical support and the required training, as well as clearly defined and achievable mandates.

The principle of consent of the host State as a founding principle of peacekeeping must be fully respected. That requires open political discussions between senior mission leadership and national authorities, as well as follow-up on how to implement all mandated tasks, including the protection of civilians.

Moreover, the Movement raises doubts regarding a number of the recommendations of the November 2009 independent study, entitled *Protecting Civilians in the Context of United Nations Peacekeeping Operations*, jointly commissioned by the Office for the Coordination of Humanitarian Affairs and the Department for Peacekeeping Operations. The Movement underlines that any suggestions or recommendations in that area must be addressed in a comprehensive and holistic approach, taking into account the need to provide all necessary capabilities and resources for the implementation of protection mandates given by the Security Council to United Nations peacekeeping operations in a timely and efficient manner. That must also be done while refraining from using the concept of the protection of civilians as a pretext for military intervention in armed conflicts by the United Nations, especially considering the limited resources that are currently available to peacekeeping operations to fulfil their original mandates and the existing legal challenges in identifying who the civilians that peacekeepers would protect are and how to differentiate between them and insurgents in some areas of operations.

In that context, the role of peacekeeping missions as protection actors needs more clarification, including from the conceptual and operational aspects. Further in-depth political discussion on how to enable peacekeepers to better fulfil their protection tasks is needed, bearing in mind that peacekeepers cannot protect everyone everywhere.

The Non-Aligned Movement condemns Israel's continued violations against Palestinian civilians in the occupied Palestinian territory in breach of international, international humanitarian and international human rights law, as well as United Nations resolutions. The Movement stresses the need to provide protection for

Palestinian civilians in the West Bank, the Gaza Strip and Jerusalem against grave human rights violations by Israel, including the use of excessive and indiscriminate force, which has killed or injured thousands of Palestinian civilians, including children, and has caused vast destruction of property, infrastructure and agricultural land.

Also in that context, the Secretary-General's report expands, in an unjustified manner, the definition and scope of the term armed conflict to include in that definition situations that are not considered armed conflicts according to the United Nations Charter and international law. In the meantime, the report ignores some other situations that are internationally recognized as clear violations of international and international humanitarian law, such as the tragic incident of the humanitarian flotilla attacked on the high seas despite its humanitarian nature.

Let me conclude by reiterating the importance of the role of the Security Council, with regard both to more effective involvement in the protection of civilians in conflict situations and to focusing on the importance of accountability and the need to investigate violations of international humanitarian law and putting an end to impunity. The Non-Aligned Movement believes that the Council should alter its practice and attach priority to providing protection to civilian populations in imminent danger in conflict situations at an early stage, and separate those actions from Council discussions on the controversial political dimensions of the conflict. In that way, as many lives of affected civilians trapped between combatants in conflict areas as possible could be saved.

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

**Mr. Kleib** (Indonesia): Mr. President, let me begin by joining previous speakers in extending our appreciation to you for convening this open debate.

We thank the Secretary-General for his report (S/2010/579). We are also grateful to the Under-Secretary-General for Humanitarian Affairs, the Under-Secretary-General for Peacekeeping Operations, the High Commissioner for Human Rights and the Director General of the International Committee of the Red Cross for their respective briefings.

My delegation associates itself with the statement just delivered by the representative of Egypt on behalf of the Non-Aligned Movement.

Notwithstanding the pronounced focus on the issue of the protection of civilians in armed conflicts over the past decade, the deplorable fact remains: civilians continue to fall victim to violence. Persistent violations occur that include deliberate targeting of civilians, the indiscriminate and excessive use of force, sexual and gender-based violence, and attacks against relief workers and humanitarian aid convoys, all in violation of international law, human rights law and refugee law.

However, we States Members of the United Nations are adamant about respecting and promoting the core principles of the Organization. Human life and human dignity must be at the forefront of our consideration, be that in time of peace or, more importantly, in time of war. That is the core goal of the United Nations. That objective has led us to evoke and build an elaborate architecture for the protection of civilians. That in turn has laid the foundation for the further proliferation of initiatives and measures at the regional and global level.

Allow me to express three points on the Secretary-General's first report to stem from resolution 1894 (2009).

First, the Council's framework requires a comprehensive approach that embodies the three pillars of the United Nations, namely, human rights, development and security. The report makes a strong case for the link among human rights, humanitarian relief and security efforts. However, there is little mention of development efforts in the report. We can argue that development is not within the purview of the Council. For that matter, neither are human rights and humanitarian issues. They are not, strictly speaking, within the Security Council's mandate. Thus, because we wish to see consistency in the application of the three pillars mentioned earlier, we hope that the next report will also highlight the development aspect. We Members of the United Nations must have a complete picture of the situation on the ground.

Capacity-building to resolve and deter possible conflicts is an important part of the normative framework to protect civilians. For that reason, we support the report's recommendation to increase funding for humanitarian and development actors in

the context of the drawdown of United Nations peacekeeping and other relevant operations.

Secondly, peacekeepers need to be provided with the resources required to fulfil their mandated tasks. The United Nations should provide a well-defined benchmark for the ratio of peacekeepers to civilians in the assigned areas of deployment. And there is a need to provide peacekeeping missions with appropriate guidelines on the protection of civilians.

We need to continue this dialogue across regions. In line with paragraph 34 of resolution 1894 (2009), on consultation and cooperation across the regions, we recently collaborated with the Government of Norway to organize a regional workshop in Jakarta on international humanitarian law and the protection of civilians. It was the first of a series of regional workshops, with two others planned for 2011, one in Africa and the other in Latin America. The goal was to enhance understanding of the application of international humanitarian law in light of the contemporary challenges we face.

Thirdly, the Geneva Conventions are the underpinnings of international humanitarian law. The report alludes to cases where humanitarian relief work is impeded, which has led to mounting demands that Member States be made accountable. We note that approach, but accountability will fail to bear fruit unless Member States have the capacity to deliver on their responsibilities. Such capacity can be delivered through international cooperation. That is the logic of cooperation and accountability.

States that have capacity must be held accountable. The report clearly describes that Israel has not fully lifted its so-called bureaucratic restrictions that continue to impede the implementation of a humanitarian response commensurate with the existing humanitarian need. Israel has the capacity to fulfil its international obligations, and therefore Israel must be held accountable.

We value the Security Council's continued efforts to protect civilians in situations of armed conflict in a way consistent with its Charter-mandated responsibilities. We believe that while the best protection from armed conflict is found in the prevention and resolution of conflict, in the absence of peace we must remain vigilant as to the impact of conflict on the civilian population. We must do our best to protect civilians and minimize human suffering and death.

Having said that, let me conclude by stressing that Indonesia values human rights, we value security and we value development. That triangle of goals must be preserved and promoted so that we can unremittingly honour civilians in armed conflict.

**The President:** There are still a number of speakers remaining on my list for this meeting. I intend, therefore, with the concurrence of Council members, to suspend the meeting until 3 p.m.

*The meeting was suspended at 1.15 p.m.*