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<i>President:</i>	Mr. Yang Tao	(China)
<i>Members:</i>	Azerbaijan	Mr. Huseynli
	Colombia	Mr. Quintana
	France	Mrs. Le Fraper du Hellen
	Germany	Mrs. Fries-Gaier
	Guatemala	Ms. Bolaños Pérez
	India	Mr. Kumar
	Morocco	Mr. Bouchaara
	Pakistan	Mr. Tarar
	Portugal	Ms. Vaz Patto
	Russian Federation	Mr. Lukiyantsev
	South Africa	Mr. Mbalati
	Togo	Mr. Tchagnao
	United Kingdom of Great Britain and Northern Ireland	Mr. Wilson
	United States of America	Mr. Donegan

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict (S/2012/376)

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The meeting resumed at 3.10 p.m.

The President (*spoke in Chinese*): Under rule 37 of the Council's provisional rules of procedure, I invite the representative of the Syrian Arab Republic to participate in this meeting.

I once again wish to remind all speakers to limit their statements to no more than four minutes, in order to enable the Council to carry out its work expeditiously.

I now give the floor to the representative of Israel.

Mr. Prozor (Israel): Today's debate is on the agenda item entitled "Protection of civilians in armed conflict". There is little protection that we can speak about. Instead, today we recount the subjugation, exploitation and attempted annihilation of civilians. The appalling images coming out every day from Homs, Hama and Aleppo highlight our failures. The international community is failing the helpless mothers and children of Syria. It is failing to protect them from their own brutal ruler. It is also failing to uphold the most basic principles implied by a debate on the theme "the protection of civilians".

The people of Syria look at us with pleading eyes. They are desperate. We, here in the Chamber, are their only hope. Today I urge all members of the Council to hear the voice of Hadeel Kouki, a 20-year-old student at the University of Aleppo. She was arrested last year by Al-Assad's secret police for distributing leaflets that called on Syrians to march peacefully. In March, she spoke at the United Nations Human Rights Council — an organization that I hope will soon begin doing something remotely related to the protection of human rights. She said:

"I spent 52 days in prison. I was brutally tortured. I was raped by the security forces... They tortured me more than usual because I am a Christian... I want freedom. I have seen too much suffering of fellow Syrians who spent years in prison merely for expressing a thought."

Voices like hers should unite the voice of the world against the tyrannical Al-Assad regime. It is time for us speak clearly, decisively and truthfully about what is happening in Syria, and to speak unequivocally against that evil regime.

Al-Assad is not alone. On his advisory board sit Hassan Nasrallah and Mahmoud Ahmadinejad, the Holocaust denier and the self-proclaimed human

rights activist with specific expertise in women, gays and political dissidents. Those two offer Al-Assad guidance on how to slaughter the Syrian people more efficiently and effectively. Together they form a trio of brutality. The future of that trio of brutality depends on threatening the lives and crushing the hopes of millions not just in Syria, but throughout the Middle East.

Iran's arm extends from Syria into Lebanon. Its grip has twisted the Lebanese State into an Iranian outpost for terror. Today, Lebanon's fastest-growing industry is the smuggling of missiles. With Iran's support, Hizbullah has amassed 50,000 missiles that can reach all of Israel and well beyond. Hizbullah has more missiles today than many NATO members — all stored in civilian areas. Hizbullah intentionally puts those missiles in the basements of homes, in the playgrounds of schools and in the back rooms of hospitals. Talk about priorities; the people of Lebanon are more valuable to Hizbullah as human shields than as human beings.

We see the same pattern of civilian exploitation by Iran's other terrorist proxies. In the Gaza Strip, Hamas uses Palestinian schools to launch rockets at Israeli schools. They use Palestinian hospitals to launch attacks that send Israelis to the hospital. In the past week alone, more than 125 rockets have been fired into the heart of Israeli communities and cities. As we sit here today in New York, daily life is paralysed for more than 1 million Israeli civilians. Yet the Council has not uttered a single word condemning these appalling attacks — not one word. The silence speaks volumes.

Those who harm civilians are taught to hate and learn to kill. Yet in this Chamber we hear very little about the cultures of incitement around the world that serve as the key ingredient in the recipe for violence against civilians. Make no mistake — words can kill. It does not matter whether they are spoken in Farsi in an Iranian mosque that promotes jihad against the West, written in Arabic in Hamas textbooks that dehumanize Jews and Israelis, or taught in Korean in a North Korean political education centre that glorifies violence against South Koreans. The Council has a duty to speak with one voice against those nations and organizations that fan the dangerous flames of hatred and incitement.

The clock in the Council ticks forward from debate to debate, but we see little progress in the protection of civilians. By watching the hands of the clock go by, we lend a hand to the oppressors. Some of the very nations that ruthlessly exploit and target civilians in armed

conflicts have the audacity to sit in this Chamber and speak about their protection. They should find no refuge here. The Security Council has a responsibility to speak out against those who callously disregard human life, and to speak up for all the civilians of the world. As Elie Wiesel once said,

“[I]ndifference is always the friend of the enemy, for it benefits the aggressor — never his victim, whose pain is magnified when he or she feels forgotten... [N]ot to respond to their plight, not to relieve their solitude by offering them a spark of hope is to exile them from human memory. And in denying their humanity we betray our own.”

The President (*spoke in Chinese*): I now give the floor to the representative of Finland.

Mr. Viinanen (Finland): I have the honour to speak on behalf of the Nordic countries: Denmark, Iceland, Norway, Sweden and my own country, Finland.

We thank the Secretary-General for the sober assessment and concrete recommendations in his report (S/2012/376), as well as all the briefers today. We share the Secretary-General's grave concern about the unacceptable toll that conflicts around the world take on civilians and about the continuing disregard for international humanitarian, human rights and refugee law on the part of many parties to conflict.

The Nordic countries condemn the continuing atrocities in Syria in the strongest possible terms. We are horrified by the killings of civilians, the brutal executions of innocent children and the use of torture, including rape and sexual violence. The continuing obstacles to humanitarian access, despite Syria's commitment to the negotiated ceasefire, are unacceptable. We join the vast majority of the international community in urging the Government of Syria to immediately end the violence and all attacks on civilians, and to cooperate fully with the Joint Special Envoy for Syria, the United Nations Supervision Mission in Syria and the commission of inquiry mandated by the Human Rights Council. We strongly condemn the attacks against United Nations monitors, and recall that the Syrian authorities are responsible for ensuring the security and safety of the Mission.

We have taken note of the statement by the High Commissioner for Human Rights that the indiscriminate and possibly deliberate targeting and killing of civilians may amount to crimes against humanity and other forms

of international crime. There must be no impunity for those responsible for serious international crimes.

The Nordic countries call on all parties to conflict to comply with their international obligations, and on national authorities to take all possible measures to provide accountability for violations of international humanitarian and human rights law. Ensuring accountability is first and foremost a national responsibility. Building the capacity of national justice and security institutions also serves the broader aim of strengthening the rule of law and respect for human rights.

We congratulate the International Criminal Court (ICC) and the Special Court for Sierra Leone for having concluded landmark cases in the international fight against impunity. The judgement in the *Lubanga* case provides an important broadening of the definition for children who participate in hostilities; the *Taylor* case is the first time that an international court has convicted a former head of State of responsibility for sexual violence. We now encourage the Council to improve the consistency of its practice in referring situations to the ICC and to consider adopting a checklist to guide its engagement with the Court, including in assisting the Court in cases of non-cooperation and in matters concerning the funding arrangements for such cases. We also support the recommendations for increasing the use of commissions of inquiry.

Finally, the Secretary-General focuses attention in his report on increased attacks on health-care facilities and health professionals. In Syria, we have seen doctors and surgeons targeted directly, wounded and killed. Ambulances have been attacked and hospitals damaged by explosive weapons. Such threats and attacks against health-care workers, facilities and vehicles are becoming more frequent in conflict situations and have devastating consequences for civilians. The direct effects on the security of health-care personnel has a multiplying effect on those who need their services the most — the victims of armed violence and conflict.

It is of the utmost importance to improve the security and delivery of effective and impartial health care in situations of armed conflict and other emergencies. The Nordic countries therefore fully support the recent Health Care in Danger initiative launched by the International Committee of the Red Cross at the thirty-first International Conference of the Red Cross and Red Crescent. Stronger efforts to

create an environment conducive to health care in a humanitarian crisis are needed by States. All parties to conflict must respect and protect humanitarian relief and medical personnel, hospitals and ambulances in all circumstances. States must step up their efforts to bring those responsible for attacks against health-care personnel and facilities to justice.

The President (*spoke in Chinese*): I give the floor to the representative of Japan.

Mr. Kodama (Japan): I would like to express my sincere congratulations to China on its presidency of the Security Council and to thank China for holding this open debate on the protection of civilians in armed conflict. I also thank Secretary-General Ban Ki-moon, Emergency Relief Coordinator Valerie Amos, Assistant Secretary-General for Human Rights Ivan Šimonović, and Director for International Law and Cooperation of the International Committee of the Red Cross Philip Spoerri for their briefings.

The current state of the protection of civilians has not improved since the last open debate of the Security Council on the issue (see S/PV.6650). Attacks continue against civilians, humanitarian workers and United Nations peacekeepers. Earlier this month, seven United Nations peacekeepers were attacked and lost their lives during patrols to protect civilians in Côte d'Ivoire. The Government of Japan strongly condemns such attacks.

In addition, the use of explosive weapons in densely populated areas, as seen in Syria and the Sudan, is of grave concern as it results in numerous civilian casualties. It also leads to the creation of scores of internally displaced persons and refugees, which affects not only the epicentre of violence, but also the neighbouring countries and regions. On the basis of the current state of affairs, I would like to raise the following three issues.

First, there are high demands on peacekeeping operation missions to provide protection to civilians in a role supplementary to the primary responsibility of host Governments. Indeed, many missions are mandated to do so. The implementation of the protection of civilians mandate, which can affect the credibility of a mission, is increasingly challenging and important, and the lack of adequate resources is a pressing issue. In that light, we commend efforts made by the Department of Peacekeeping Operations (DPKO) and the Department of Field Support to produce a resource capacity matrix and training modules, and we look forward to the

further improvement of those tools. In addition, we call for efforts to improve effective implementation of the protection of civilians mandate, with attention to the mid- and long-term capacity-building of host countries, as well as the efforts of local residents.

Secondly, rapid and unimpeded humanitarian access is indispensable to protecting civilians. The political climate, including United Nations sanctions, often complicates negotiations on humanitarian access. However, we stress that humanitarian assistance on the basis of the principles of neutrality and impartiality should not be politicized and that host countries should cooperate in the light of their responsibility to protect civilians. In such complex circumstances, close communication among relevant bodies, such as the Security Council, DPKO and the Department of Political Affairs, as well as the leadership of the Emergency Relief Coordinator, are critical.

Thirdly, it is crucial to seek facts and to hold perpetrators accountable for violence against civilians in order to prevent the further deterioration of a situation. In that light, the Government of Japan welcomes the resolution adopted at the Human Rights Council earlier this month to request a commission of inquiry to urgently conduct an inquiry into the events in El-Houleh (A/HRC/RES/S-19/1). We urge the Government of Syria to cooperate with the Commission to fully implement the resolution.

The history of the issue of the protection of civilians at the Security Council is rather short. The issue was brought to the Council in the wake of a series of violent incidents in a number of countries, including Bosnia and Rwanda. That proves that the Security Council has been strengthening its efforts to respond to the affairs of the world as they occur. The protection of civilian agenda is increasingly important. The Security Council should bear in mind its important role with regard to the issue and jointly fulfil its duty.

The President (*spoke in Chinese*): I give the floor to the representative of Argentina.

Mr. Estreme (Argentina) (*spoke in Spanish*): I would like to thank the People's Republic of China for having convened this open debate of the Security Council on such an important topic.

The Security Council must remain committed to protecting civilians in armed conflict by promoting full respect for international law, in particular international

humanitarian and human rights law, as well as to the fight against impunity.

Argentina thanks the Secretary-General for presenting his report (S/2012/376) and for the recommendations contained therein. The report is clear in its recognition that, regrettably, following the 2010 report (S/2010/579), the protection of civilians remains weak. Every time the Security Council considers the issue, it should be recalled that the parties to an armed conflict are duty-bound by the basic standards of international humanitarian law, which provides that civilians must be protected from the effects of a conflict. That obligation, enshrined in article 3 of the 1949 Fourth Geneva Convention, is also applicable to non-international armed conflicts, that is to say, to disputing non-State parties.

Argentina agrees that the first basic challenge is to promote compliance with international humanitarian law. The principles of distinction and proportionality are fundamental. It should also be recalled that non-compliance by one party to a conflict does not justify non-compliance by the other.

Action by the United Nations is key to protecting civilians in armed conflict, as well as to avoiding the emergence of genocide, war crimes, ethnic cleansing and crimes against humanity and, in the case of such situations, to preventing them from continuing. Argentina agrees with the Secretary-General's observations on the distinction between the protection of civilians in armed conflict and the responsibility to protect. However, it should be borne in mind that prevention is key to preventing violations of humanitarian law in armed conflict and the four crimes under the responsibility to protect from occurring. To that end, respect for international law and human rights and humanitarian law is crucial.

With regard to action by the Security Council, my delegation would like to underscore two points raised in the report of the Secretary-General.

The first element is the need for peacekeeping operations to comply with international humanitarian law. My country is convinced of the need to continue to include the responsibility to protect in the mandates of United Nations missions. It is crucial to strengthen the training of the staff of such operations in international humanitarian law and to have the appropriate structure to address the need to protect women and children from violence, in particular gender-based violence.

Secondly, strict compliance with the mandates issued by the Security Council is crucial. The report refers to the concerns raised by resolution 1973 (2011) with regard to the perception that its application went beyond civilian protection. Above and beyond the fact that Argentina believes that the use of force for the protection of civilians must be the ultima ratio, we agree that when the Security Council adopts authorizations or mandates, their implementation must not only comply with international humanitarian law, in particular with the principles of distinction and proportionality, and with international human rights law, but must also be strictly limited to ensuring the protection of civilians.

With regard to humanitarian assistance, parties to a conflict must make every effort to ensure that humanitarian assistance reaches the affected civilians. We are concerned by the fact that there are not only attacks and actions that block or place obstacles in the way of humanitarian assistance but also deliberate attacks on hospitals and other means of assistance.

A further element in the report with which my delegation agrees as to its importance is fact-finding. In addition to the ad hoc commissions of inquiry that can be established, including those by the Human Rights Council — there is the recent example following the adoption of a resolution on Syria — there are also ways to carry out investigation by an impartial entity into acts that could be serious violations of the Geneva Conventions, such as the International Fact-finding Commission, established under Protocol I to the 1949 Geneva Convention. Furthermore, in resolution 1894 (2009), the Security Council recognized the option of turning to the Commission for that purpose. We call on the Council to take that fact into account.

Likewise, with regard to justice, we must note that individuals who commit crimes — war crimes, genocide or crimes against humanity — are responsible for the most serious crimes and must therefore be held fully accountable before criminal justice. Currently, we are heading towards an international criminal justice system for the most serious crimes, including war crimes, centred in a permanent court, the International Criminal Court. In March 2012, the Court issued its first judgement, finding Thomas Lubanga guilty of war crimes for recruiting children under 15 years of age to engage in hostilities in the Democratic Republic of the Congo. However, several International Criminal Court indictees are still at large. We call on all States parties and non-parties to the Rome Statute to cooperate with

the Court, in particular in relation to the execution of arrest warrants.

I would not like to end without reiterating that attacks of any kind targeting civilians or other protected persons in armed conflict and the recruitment of children and in any way impeding the provision of humanitarian assistance constitute violations of international law. Therefore, I conclude by calling once again for full compliance with the obligations arising under The Hague Conventions of 1899 and 1907, the four 1949 Geneva Conventions and their 1977 Protocol, general international law and the decisions of the Security Council.

The President (*spoke in Chinese*): I now give the floor to His Excellency Mr. Thomas Mayr-Harting, Head of the Delegation of the European Union to the United Nations.

Mr. Mayr-Harting: I have the honour to speak on behalf of the European Union (EU) and its member States. The acceding country Croatia, the candidate countries the former Yugoslav Republic of Macedonia and Montenegro, the countries of the Stabilization and Association Process and potential candidates Albania and Bosnia and Herzegovina, as well as Georgia, align themselves with this statement.

I would like to thank the Secretary-General for his introduction to the debate today, as well as Under-Secretary-General Amos, Assistant Secretary-General Šimonović and Mr. Spoerri.

We welcome the report of the Secretary-General (S/2012/376) and his recommendations. As he states, the reality on the ground continues to be characterized by the frequent failure of parties to armed conflicts to comply with their obligations under applicable international humanitarian law, international human rights law and refugee law to respect and protect civilians. We call on all parties to armed conflict to respect their obligations.

Recent striking examples of failure are numerous and have recently been reported, for instance, in the report of the Secretary-General on children and armed conflict. The EU shares the Secretary-General's grave concern for other situations, including in Afghanistan, South Sudan, the Sudan, the Democratic Republic of the Congo, Somalia and elsewhere, where civilian populations, and in particular women and children, continue to be subject to various forms of extreme

violence, causing grave humanitarian crises with huge displacements of population. In particular, we share the Secretary-General's concern for the continuous attacks against health care and the increase in threats to journalists. We continue to be very concerned about the humanitarian impact of the use of weapons in densely populated areas. We take note of the view expressed by the International Committee of the Red Cross that the use of explosive weapons with a wide impact area be avoided in densely populated areas.

With regard to Syria, we condemn the Syrian Government's violent activities as a whole, starting from suppressing peaceful protests by force and ending up in several reported massacres of civilians, including increased use of targeted assassinations and arbitrary detentions, as a means of repressing the opposition. The European Union calls on all parties, including the armed opposition, to cease all violence and provocation to violence with immediate effect. The European Union also reiterates the importance of full and unhindered access for independent humanitarian actors so that assistance may be provided to those in need in line with humanitarian principles.

During the reporting period, the Security Council has taken decisive action in situations where civilians have faced continuous escalating violence. In Côte d'Ivoire, the Council authorized the United Nations Operation in Côte d'Ivoire to use all necessary means to carry out its mandate to protect civilians. In Libya, the Security Council acted upon its responsibility to protect civilians; the implementation of resolution 1973 (2011) was undertaken to prevent civilian deaths and injury and was fully in line with resolution itself and international humanitarian law.

As the Secretary-General rightly points out in his report, there are fundamental differences between the concepts of protection of civilians in armed conflict and the responsibility to protect. Both are important and relevant, and it is necessary to enhance our collective understanding of both subjects and how they are related in their implementation.

Strengthening accountability is an important element in enhancing compliance by the parties to armed conflict with their international obligations. National authorities have the primary responsibility to provide accountability for violations of international humanitarian and human rights law. Where national authorities fail to take the necessary steps to ensure

accountability, the Security Council can, as appropriate, play a more proactive role.

We see merit in the increased use of commissions of inquiry and fact-finding missions and the referral of relevant situations to the International Criminal Court. Where applicable and when appropriate, we encourage all parties to consider drawing on the services of the International Fact-Finding Commission established pursuant to Additional Protocol I to the Geneva Conventions.

Regarding other encouraging developments, the upcoming United Nations Conference on the Arms Trade Treaty will provide us with an opportunity to address the arms trade and availability and misuse of weapons. Furthermore, we welcome the fact that the need for improved recording of casualties is gaining increasing attention. The African Union Mission in Somalia's commitment should be followed, as appropriate, by a more systematic approach to reinforcing capacities in that regard.

The mandates of many peacekeeping missions currently include protection of civilians activities. Challenges to the implementation of those protection mandates often relate to establishing effective early-warning mechanisms, ensuring the provision of adequate human and logistical resources to monitor, prevent and respond to incidents, and building the capacity of the host States to ensure that they are also increasingly able to fulfil their primary responsibility to protect civilians. We need to do more collectively to ensure that missions are put in a position where they can carry out their protection mandates. We welcome the establishment of protection-of-civilians training modules to better prepare peacekeepers for that task. In order to make progress, it is up to Member States to ensure that their peacekeepers receive proper training before deployment.

We must ensure that shortfalls in equipment, such as in helicopters, are dealt with and that missions are properly resourced, with due priority given to civilian protection activities. The success of a peacekeeping mission is often judged by its ability to protect civilians. The protection of civilians by the United Nations peacekeeping missions mandated to do so is thus central to the legitimacy and credibility of the United Nations system. That also requires effective interaction between protection-mandated missions and humanitarian

organizations undertaking complementary protection activities.

At the same time, the host country continues to bear the primary responsibility for protecting its civilian population. We have therefore focused on contributing to enhancing the capabilities of host nations to build and maintain their own capacities. Activities in that regard should seek to support the establishment of an environment in which all persons, institutions and entities are held to account, according to laws and procedures that are consistent with international human rights law and standards and applicable international humanitarian law. We advocate the active participation of all States in the ongoing endeavours by the International Committee of the Red Cross, as mandated by the thirty-first Red Cross Conference, to strengthen compliance with international humanitarian law.

The President (*spoke in Chinese*): I give the floor to the representative of Brazil.

Mrs. Viotti (Brazil): I congratulate China on its initiative in promoting this timely debate. I would like to thank Secretary-General Ban Ki-moon for his very informative briefing and for his report (S/2012/376). I also thank the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Valerie Amos for her presentation. Our appreciation also goes to Assistant Secretary-General for Human Rights Ivan Šimonovič and the Director for International Law and Cooperation of the International Committee of the Red Cross, Mr. Philip Spoerri, for their briefings.

Protecting civilians is one of the most important ways through which the United Nations can give specific shape to its ultimate objectives, as set out in the Charter. Today's meeting demonstrates renewed commitment in our efforts to advance the conceptual framework and the tools for the protection of civilians and to prevent the horrendous atrocities described in the Secretary-General's report.

The plight of innocent civilians who remain victims of the horrors of conflict demands that we reflect on why effective implementation remains a challenge, in spite of progress on the protection agenda. Brazil believes that the five core challenges identified by the Secretary-General in 2009 (see S/2009/277) remain critical and must be the primary focus of our attention. We also believe the additional recommendations made

by the Secretary-General in his 2012 report deserve the careful attention of the Security Council.

In that context, we stress the importance of the Council calling for respect for and adherence to international humanitarian law in a consistent and non-selective manner. The work of peacekeeping operations and other protection actors in assisting Governments to build the necessary capacity to perform their primary responsibility to protect their citizens is vital. It is also very important to express recognition for the work of protection actors on the ground.

The Department of Peacekeeping Operations and the Department of Field Support, for example, have developed a protection-of-civilians resource and capability matrix to assist missions in applying resources and capabilities to the implementation of protection mandates. Furthermore, training modules on the protection of civilians have been finalized. In addition, there has also been commendable work developed by other actors, such as humanitarian organizations, including the International Committee of the Red Cross and various non-governmental organizations, which have played a long-established and critical role in seeking to enhance the protection of civilians in armed conflict.

In its presidential statement dated 22 November 2010 (S/PRST/2010/25), the Council, with the support of Brazil, expressed its deep regret that civilians accounted for the vast majority of casualties in armed conflict. Long-term protection can be ensured only if we can contribute to sustainable solutions to conflicts. Helping States move along the path of political reconciliation and development is, ultimately, the best contribution on the part of the United Nations to the long-term protection of civilians. In that sense, the Council should strengthen the importance of that dimension when drafting peacekeeping mandates.

Brazil believes that the protection of civilians can best be achieved in the end if we prevent conflicts from happening. That requires an emphasis on diplomacy and cooperation that reduces the risks of armed conflict and the human costs associated with it. That is why Brazil, through the concept of responsibility while protecting, has called on the international community to demonstrate renewed commitment and strengthened confidence in its capacity to make use of the tools set forth in the United Nations Charter for the prevention of conflicts and the peaceful settlement of disputes.

In that regard, let me conclude by commending the Secretary-General for the initiative to designate 2012 as the Year of Prevention. Other relevant initiatives, such as the Group of Friends of Mediation, can be seen to fall into the same spirit of pursuing the protection of civilians through diplomacy, dialogue, negotiation and prevention. In line with the principles and purposes of the San Francisco Charter, it can never be stressed enough that the international community must be rigorous in its efforts to value, pursue and exhaust all peaceful means available for the prevention and resolution of conflicts. That will certainly be the best expression of our commitment to the protection of civilians.

The President (*spoke in Chinese*): I now give the floor to the representative of Greece.

Mr. Mitsialis (Greece): We welcome the Secretary-General's report (S/2012/376) and the statements made today by Under-Secretary-General Amos and on behalf of High Commissioner for Human Rights Pillay. Moreover, Greece aligns itself with the statement just made on behalf of the European Union. I would also like to take this opportunity to thank you, Mr. President, for convening this important debate on the report of the Secretary-General on the protection of civilians in armed conflicts and for your kind invitation to my delegation to participate in it.

Developments during the 18 months that have elapsed since the previous report of the Secretary-General on the protection of civilians (S/2010/579) have clearly demonstrated that the volatility of the international environment has led to political unrest and conflict. Thus, the Secretary-General's report is a comprehensive account on one of the most pressing issues that needs to be addressed, the safety of people in time of conflict and the challenges the international community faces with regard to that problem.

Despite some encouraging developments duly highlighted in the report, such as the landmark resolutions 1970 (2011) and 1973 (2011) on Libya, there is reason for grave concern. Civilians account for the majority of casualties during a conflict. The death and injury of civilians, conflict-related sexual violence, the impeded provision of humanitarian assistance and, more important, the lack of accountability are alarming realities that must be immediately addressed, along with the worrying dimensions of the displacement of populations.

Aggression against civilians can no longer be tolerated. Respect for and compliance with international humanitarian and human rights law lay the foundations for the protection of civilians from the horrific consequences of conflict. In that respect, it is imperative to work to reduce the still unacceptably high level of impunity for perpetrators of attacks against civilians.

At the same time, we would like to commend the efforts of all actors involved in the protection of civilians. Governments and non-governmental institutions have taken important steps towards full compliance with the international legal framework and have been working to set up mechanisms for conflict prevention and post-conflict reconstruction. Many challenges remain, but we believe that through enhanced international cooperation we can achieve better results.

However, for the purpose of preventing atrocities and in order to ensure multilateral involvement on the subject of the protection of civilians in areas of conflict, we need to have accurate and independent information on the situation on the ground. That is where the role of journalists — and hence their protection in armed conflicts — comes in. Journalists are not only the voice of truth in conflict areas; above all, they are civilians themselves, and, as the relevant provisions of humanitarian law stipulate, they must be protected as such.

In his report, the Secretary-General seized the opportunity to highlight the relevance of resolution 1738 (2006) and the call contained therein to all States to prevent attacks against journalists in armed conflicts and prosecute those responsible. Five years after the adoption of resolution 1738 (2006), media professionals continue to be the victims of violence, as we have all witnessed lately. Greece has consistently stressed the importance of their role during armed conflicts and the necessity of protecting them. In that light — and on the occasion of the celebration of World Press Freedom Day — Greece and France, along with UNESCO, organized last May a round-table discussion on the challenges and possible solutions to this threat against the right of expression.

Considering the multitude of cases of serious violations of those rights that have taken place around the globe in the past 18 months, and assessing the challenges ahead, we firmly believe that an intensification of international cooperation would be conducive to a

more efficient response on the part of the international community towards this problem. The United Nations plan of action on the safety of journalists and the issue of impunity, as endorsed by the Chief Executives Board for Coordination last April, constitutes a praiseworthy effort in the direction of combating the phenomenon of attacks against journalists. Proposed actions such as strengthening United Nations mechanisms, consolidating partnerships among organizations, raising awareness and fostering safety initiatives are incremental steps in the process of ensuring the safety of journalists and need to be put into practice.

Having drawn the necessary lessons from the past, our goal should be to chart a new course forward in order to provide media professionals and their assisting staff with safeguards that ensure their protection and to create a safe environment for them. That will ultimately ensure that the flow of information is free and unobstructed and the international community duly informed.

In concluding, I would like to reiterate that Greece will continue to be at the forefront of this struggle, supporting all positive initiatives and actively involved in the fight against impunity for the perpetrators of such acts against journalists.

The President (*spoke in Chinese*): I now give the floor to the representative of Luxembourg.

Ms. Lucas (Luxembourg) (*spoke in French*): Luxembourg wishes to thank the Chinese presidency for having convened today's open debate, which allows States that are not members of the Council to express their views on an issue that, unfortunately, remains very topical: the protection of civilians in armed conflict.

While fully associating myself with the statement to be made by the observer of the European Union, I would like to make some remarks in my national capacity.

I would like to focus, as did many of the speakers who preceded me, on the crisis in Syria. Innocent civilians are, alas, its principal victims. Over the course of more than 15 months, the crisis has claimed thousands of lives among the Syrian civilian population.

What are the means at the disposal of the Council to contribute to protecting civilians in the context of that crisis? Some may argue that the conflict in Syria is not an armed conflict in the strictly legal sense of the term, which would rule out the application of the

Geneva Conventions. But let us not delude ourselves: the violence in some regions of Syria has reached such a level of intensity, and the use of heavy weapons, artillery and tanks in urban areas and of explosive devices of all types has reached so high a level that there can no longer be any doubts about the situation. As the international community and as defenders of international humanitarian law, we cannot shy away from the responsibility of finding ways and means of contributing to the protection of civilians in Syria, whose lives are threatened on a daily basis.

By adopting resolution 2042 (2012), on 14 April 2012, the Security Council endorsed the six-point proposal put forward by Kofi Annan, Joint Special Envoy for the United Nations and the League of Arab States. The second point of his six-point plan calls on all parties to

“commit to stop the fighting and achieve urgently an effective United Nations-supervised cessation of armed violence in all its forms by all parties to protect civilians and stabilize the country” (*resolution 2042 (2012), annex*).

As confirmed by the reports of the United Nations Supervision Mission in the Syrian Arab Republic (UNSMIS), which was created by resolution 2043 (2012), of 21 April 2012, the Syrian Government has not yet fulfilled one of the main conditions for the implementation of the Annan plan to begin: that is, to “end the use of heavy weapons in population centres” (*ibid.*).

Given the deterioration of the situation on the ground and the non-implementation of the Annan plan, a process of reflection is under way concerning a modification of the mandate of UNSMIS. Some are now calling for a reduction of the Mission or even its withdrawal. But let us recall what happened after the withdrawal of the observers of the League of Arab States in January of this year: the crisis only intensified. The international community and the Security Council in particular must not shy away from their responsibilities.

Luxembourg supports the recommendations put forward by the Secretary-General in his recent report aimed at ensuring more effective protection for civilians in armed conflict by responding to the five core challenges: enhancing compliance by parties to conflict with international law, enhancing compliance by non-State armed groups, enhancing protection by United Nations peacekeeping and other

relevant missions, enhancing humanitarian access and enhancing accountability for violations of the law.

It is urgent to respond to the challenge posed by the growing number of attacks and other acts specifically aimed at health-care services. It is equally imperative to continue to fight against impunity for those who have violated international humanitarian law or the fundamental rights of civilians in times of conflict.

In line with the recommendations of the workshop co-organized last November by the Permanent Mission of Portugal and the Office for the Coordination of Humanitarian Affairs on the contribution of the Security Council to ensuring accountability, at which I had the honour of presiding over one of the panels, we remain convinced that the establishment of international commissions of inquiry or fact-finding missions and referrals to the International Criminal Court have a deterrent and preventive effect. The appropriate use of those measures is an important element of the Security Council’s toolkit for the effective protection of civilians.

The President (*spoke in Chinese*): I now give the floor to the representative of Jordan.

Prince Zeid Ra’ad Zeid Al-Husseini (Jordan): It is my honour to speak on behalf of the Human Security Network, namely, Austria, Chile, Costa Rica, Greece, Ireland, Mali, Norway, Panama, Slovenia, Switzerland, Thailand, with South Africa as an observer, and my own country, Jordan. The Network is a cross-regional group of States that advocates a people-centred, holistic approach to security.

The protection of civilians in armed conflict is one of the priorities of the Network, and we engaged constructively in the Security Council debates on the issue as early as 2002. We encourage the Security Council to continue to advance the agenda on protection and separate this important issue from other political discussions that could undermine the potential of this framework of action.

We thank the Secretary-General for his latest report (S/2012/376) and, in particular, for his presentation today. We also very much welcome the briefing by the Office of the High Commissioner for Human Rights and the practice established in 2011 of inviting it to brief the Council on country-specific situations. We encourage the Council to use all the information generated by the different organs of the United Nations to better implement the international norms and obligations for

the protection of civilians. Our thanks are also due to the Director for International Law and Cooperation of the International Committee of the Red Cross (ICRC) for his insightful comments, in particular in view of the annex to the report regarding constraints on humanitarian access, as well as to Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

We recognize that some progress has been made not only in providing peacekeeping missions with the necessary tools to implement the protection of civilians mandates, but also in the consideration of protection issues in the situation-specific resolutions and in the use of targeted sanctions. We are also encouraged by the recent verdicts of the International Criminal Court and the Special Court for Sierra Leone and by the forthcoming United Nations Conference on the Arms Trade Treaty. However, the members of the Network are deeply concerned by the fact that, since the adoption of the most recent statement by the President of the Security Council on the protection of civilians (S/PRST/2010/25), the difficult situation on the ground generally has shown little change. We concur with the Secretary-General on the need to strengthen our efforts to respond to the five core challenges identified in his past two reports and welcome the recommendations therein.

With regard to the lack of compliance with international human rights and humanitarian law, we would like to stress the need to pay further attention to the dangers faced by journalists and other media professionals. They play a crucial role by reporting on the situation of civilians in armed conflict and on violations of humanitarian law and human rights. Further action is needed in order to implement resolution 1738 (2006). We also call for the implementation of the Secretary-General's recommendations for a more proactive role of the Security Council on attacks against health-care facilities, including the collection of data. Furthermore, we share the Secretary-General's concern about the use of explosive weapons in densely populated areas and welcome his recommendations on this issue.

We would like to highlight the importance of focusing on the consequences for civilians if engagement with non-State armed groups does not take place. On the issue of strengthening the protection provided by United Nations peacekeeping and other missions, it is very important that the missions continue to assist in creating protective environments,

including by supporting the establishment of effective rule of law and security institutions, in addition to the physical protection they provide. We also recognize the protection role of other humanitarian actors, including the ICRC and non-governmental organizations.

Our countries are especially thankful for the important information shared about the constraints on humanitarian access on the ground. It is clear that obstacles to the deployment and movement of humanitarian workers can significantly affect the humanitarian response and the possibility to reach affected people, in particular the most vulnerable groups, including women and children. We should all cooperate in order to implement humanitarian activities from the outset and for the duration of an emergency. We remain deeply concerned about violence against humanitarian workers and wish to draw attention to the fact that building acceptance for humanitarian action among the communities and the parties to conflict remains the best way to gain safe and sustained access to people in need. As members of the Human Security Network, we strongly agree with the warning about the dangers of the "bunkerization" of humanitarian operations and the use of armed guards and escorts, as noted in paragraphs 20 and 21 of the annex to the report.

Last but not least, we welcome the follow-up on the issue of accountability, which is vital for the protection of civilians and for achieving sustainable peace. First of all, as the international community, we should do more in order to help build national capacities to ensure accountability for violations of international humanitarian law and human rights law. As stated in the report, international commissions of inquiry and fact-finding missions have also proved useful in encouraging national authorities to provide for accountability. Furthermore, their findings provide a basis for remedies for the victims and grounds for possible referrals to the International Criminal Court.

We support the Secretary-General's recommendation urging the Council to play a more proactive role in ensuring an appropriate international response when national authorities fail to take the steps necessary to ensure accountability, and reiterate the call for greater regularity and frequency in the use of fact-finding missions by the Council. We also stress the need for the Security Council to consider thoroughly and follow up on the recommendations of the commissions of inquiry established in the past months by the Human Rights Council. We are concerned by the difficulties in taking

action to ensure the protection of civilians in those situations, in particular with regard to Syria.

The members of the Network value the recommendations of the workshop organized by the Permanent Mission of Portugal and the Office for the Coordination of Humanitarian Affairs on this issue and call for their consideration by Member States and by the Council, including the proposal for the development of a checklist for engagement with the International Criminal Court.

Finally, we consider it extremely important that the Council continue to consider this issue periodically and with the appropriate inputs, including from the Secretary-General and from the Office of the United Nations High Commissioner for Human Rights.

The President (*spoke in Chinese*): I now give the floor to the representative of Estonia.

Mr. Kolga (Estonia): Estonia welcomes this open debate on the protection of civilians in armed conflicts and thanks the presidency for organizing it.

Estonia fully aligns itself with the statement delivered earlier by the observer of the European Union.

We thank the Secretary-General for his timely report (S/2012/376) and for the recommendations contained therein. The Secretary-General rightly underlines the need to focus greater attention on the protection of civilians in armed conflicts and the need to take more decisive action in that regard. We welcome the positive developments, which are based on the results of the Secretary-General's previous reports. At the same time, as the current report acknowledges, the situation on the ground continues to be characterized by the frequent failure of parties to armed conflict to comply with their obligations under applicable international humanitarian law and human rights law.

In many regions and countries in crisis, as well as in the numerous long-lasting "frozen" conflicts, civilians, especially the most vulnerable groups — such as women and children — are still the main victims of armed conflict, hence the hundreds of thousands of refugees and persons suffering forced displacement. With that in mind, Estonia condemns all forms of violence, including sexual violence, and especially the violence committed against children. By the same token, we welcome the Council's ongoing contribution to the protection of those groups and continue to support the enhancement and empowerment of the

invaluable work conducted by the Secretary-General's Special Representatives, Ms. Margareta Wahlström and Ms. Radhika Coomaraswamy.

Estonia acknowledges that the primary responsibility to protect their people lies with the States themselves. At the same time, international humanitarian and human rights laws must be obeyed not only by national authorities but by all parties involved. The international community can do more in enforcing compliance, both at the national and international levels. We consider the increased use of accountability mechanisms to be one of the most important tools to enhance compliance with international law by all parties to a conflict. Estonia commends the Secretary-General for dedicating a substantial part of his report to accountability.

Where national authorities fail to protect their own people and hold perpetrators accountable, the international community must take responsibility in order to save lives and provide justice and redress to victims. The Security Council bears a special responsibility under Chapter VII of the Charter of the United Nations and should take a more active stance in ensuring an appropriate international response, including referring situations to the International Criminal Court (ICC) when appropriate. Estonia supports the Secretary-General's recommendation of establishing commissions of inquiry into situations where international law, especially international humanitarian law, is being violated and, when appropriate, to refer such situations to the ICC.

Recently, the independent international commission of inquiry on the Syrian Arab Republic, mandated by the Human Rights Council, stated in its report (A/HRC/19/69) that there are clear indications that crimes against humanity are taking place in Syria. Estonia joins the United Nations High Commissioner for Human Rights, Ms. Navanethem Pillay, in calling on the Security Council to address this issue in a more systematic and proactive way, and to refer the situation in Syria to the ICC.

Estonia further appreciates the Secretary-General's encouragement of the Security Council to develop a checklist to guide its engagement with the ICC when it considers the possibility of referrals. But referring a situation to the ICC is only the first step in ensuring accountability; the cooperation with the Court, which should follow, is equally important. Therefore, we call

upon the Council to continue to engage with situations after their referral to the Court.

Reparations, including restitution and rehabilitation, for individual victims and affected communities are also an important aspect of accountability. Estonia agrees with the Secretary-General that the Council should consider how to support reparation payments and national reparation programmes, given its potential role in authorizing the use of assets frozen under the sanctions regimes.

Estonia would also like to commend the Secretary-General for drawing the attention of the Council and Member States to another important aspect, namely, humanitarian access in armed conflicts. More than 1.5 billion people live in fragile or conflict-affected States. It is the primary responsibility of States to care for the victims of humanitarian emergencies within their own borders. Yet, the survival of millions of people, including internally displaced persons and refugees forced to leave their homes due to conflicts around the world today, depends on outside humanitarian assistance. International humanitarian law provides for safe, rapid and unimpeded access of humanitarian personnel and delivery of supplies.

Estonia urges all parties in situations of armed conflict, State and non-State actors alike, to comply with international humanitarian law. Yet, access to affected populations in need and the safety of humanitarian workers, including locally hired personnel, continue to be a major concern and a challenge that seriously affects humanitarian operations. Estonia commends the efforts of the Emergency Relief Coordinator and the International Committee of the Red Cross to facilitate and negotiate access to emergency areas with all parties to a conflict, most recently in Syria, where up to 1.5 million people need humanitarian assistance.

In conclusion, I would express my sincere hope that today's debate will contribute to enhanced compliance with international humanitarian law and human rights law, including by strengthening of accountability at both the national and international levels, and by putting an end to impunity.

The President (*spoke in Chinese*): I now give the floor to the representative of Mexico.

Mr. De Alba (Mexico) (*spoke in Spanish*): I would like to thank the Secretary-General, the Under-Secretary-General for Humanitarian Affairs, the

Office of the High Commissioner for Human Rights, and the representative of the International Committee of the Red Cross (ICRC) for their very important and informative reports.

We note that, in recent years, the normative framework that governs the protection of civilians in armed conflicts, particularly in the Security Council, has improved significantly. Nevertheless, there is an increasing gap between the progress that has been made in terms of this normative framework and the situation on the ground, where we witness repeated violations of international law and international humanitarian law, as documented in the Secretary-General's report (S/2012/376).

The protection of civilians in armed conflict depends on two fundamental principles: respect for international law and accountability. In view of the increased violations of these principles, the Secretary-General has identified five core challenges to the protection of civilians. Mexico reaffirms its support for the promotion of specific measures and actions to address these five challenges so as to ensure effective protection of civilians. I shall briefly touch upon a number of these actions.

First, in order to promote compliance with international humanitarian law, it is essential that those States that have not yet done so accede to the relevant instruments of international humanitarian law and recognize customary law applicable to those situations. It is critical that we adopt measures to incorporate the contents of those treaties within our national legislation and practices.

It is also particularly worrying that, in current armed conflicts, indiscriminate use has been made of weapons, more in some cases than in others, such as wide-area explosive weapons in densely populated areas, as reflected in the Secretary-General's report. Therefore, we endorse the Secretary-General's recommendation that the use of these devices be banned in such situations. In particular, we support the Secretary-General's call on the Security Council to play a more active role in that regard.

We agree with the Secretary-General and Ms. Amos about the timeliness of the Diplomatic Conference to be convened at the end of July to adopt an effective and robust arms trade treaty to control irresponsible trade in conventional weapons, which has a severe impact on civilians in armed conflicts. Mexico has participated

actively in the preparation for the negotiation of the aforementioned treaty to establish high standards to prevent the trade in arms when there is a substantial risk that they will be used to commit or to facilitate serious violations of international humanitarian law or grave and systematic violations of international law of human rights.

We are also disturbed by the increased number of attacks perpetrated against health and medical assistance services in conflict situations, as we heard this morning from the representative of the ICRC. Attacking or impeding the provision of health services, as well as imposing a blockade on humanitarian assistance, are clear violations of international humanitarian law that must be duly condemned and sanctioned.

At the same time, it is necessary to ensure accountability in all cases where of non-compliance with international norms. The primary responsibility falls upon States to bring to justice those deemed responsible for the commission of international humanitarian law violations. In turn, the International Criminal Court is an indispensable tool for contributing to curbing impunity, as it is empowered to try the perpetrators of these crimes when a State is unable or unwilling to do so.

We therefore call on those States that have not yet done so to ratify the Rome Statute and to fully cooperate with the International Criminal Court. The power of the Security Council under the Statute to refer situations to the Court is crucial to efforts to prevent future international humanitarian law violations. The Security Council must closely follow up on situations referred to the Court and on the States involved to cooperate fully with the Court in order to ensure that its work can be brought to a successful conclusion.

The Security Council undoubtedly plays a fundamental role in the protection of civilians in situations of armed conflict. However, I must underscore that inaction on the part of the Security Council undermines not only its own legitimacy, but also the entire United Nations system, thereby giving rise to greater impunity, which comes at a high human cost, as we all know.

The President (*spoke in Chinese*): I now give the floor to the representative of Canada.

Mr. Rishchynski (Canada) (*spoke in French*): Allow me, Mr. President, to thank you for the opportunity to speak.

(*spoke in English*)

Canada commends the Secretary-General for his most recent report on this important topic (S/2012/376). The report highlights for us all that respect for the protection of civilians is non-existent in far too many contexts.

In Syria, civilians are massacred by their Government. Around the world, women and girls continue to be victims of sexual violence, including through rape as a weapon of war. Hospitals and health-care workers are subject to attacks, and people in desperate need are denied lifesaving humanitarian assistance. In such circumstances, Member States, and particularly the Security Council, must redouble their efforts to protect the world's most vulnerable and ensure that those responsible for violations are brought to justice.

More than a year ago, the Council made clear its concrete support for the protection of civilians in armed conflict by adopting resolution 1973 (2011), which authorized decisive action to protect civilians and civilian populated areas in Libya. Canada took critical political and military actions in support of that Council-endorsed effort to protect civilians against a cruel and oppressive regime. Through its firm response to the threat in Libya, the Council demonstrated its commitment to protecting civilians both in principle and in practice.

Yet for every success there are many examples where more could be done. In Syria, hundreds of men, women and children have been massacred in Houla and Hama. The use of heavy weapons in population centres, the excessive use of force, including firing from helicopters, the lack of respect for medical services and the denial of humanitarian access are of grave concern. While we hope that agreement to the Syria response plan will bring improvements in the ability of humanitarian actors to assist those in need, the plan cannot resolve the crisis in Syria. The Security Council must act swiftly and decisively to ensure compliance with Joint Special Envoy Annan's six-point plan, or move to implement other diplomatic solutions to the crisis. We urge the adoption of tough and targeted sanctions against Al-Assad and his regime.

(spoke in French)

While the crisis in Syria is perhaps the most prominent example of current challenges to the protection of civilians, it is far from unique. The Secretary-General's report also highlights the deplorable effects of violence and conflict on women and children, including the prevalence of sexual violence in many emergency situations. Canada is, for example, deeply concerned by the deteriorating security situation in eastern Democratic Republic of the Congo and the abuses faced by vulnerable populations there, including killings of civilians and sexual violence. We must be persistent in denouncing violence directed against women and girls and in promoting their empowerment. While all civilians deserve equal protection, it is important that efforts toward international protection take into account the particular vulnerabilities and capacities of targeted individuals and groups. What is more, as recognized in resolution 1325 (2000), ensuring that women are full, active and constructive participants in peace processes can significantly contribute to the maintenance and promotion of peace and security.

Furthermore, we must take action to defend the rights of vulnerable religious minorities who are persecuted for their beliefs in situations of armed conflict. Canada is in the process of establishing an office within Foreign Affairs and International Trade Canada that will promote the protection of freedom of religion worldwide. In that regard, we encourage key United Nations stakeholders to develop strategies that allow them to better take into account the persecution of religious minorities with a view to preventing their displacement.

(spoke in English)

In far too many contexts, humanitarian access is politicized and constrained. Civilians in need of assistance are held hostage to the whims of Governments and non-State armed groups.

The Secretary-General and the International Committee of the Red Cross have highlighted the fact that health-care providers and facilities continue to come under attack in situations of conflict and violence. In too many contexts, hospitals are routinely targeted, and the wounded choose not to seek treatment for fear of detention, torture or death. Humanitarian workers, including medical volunteers, have lost their lives in the performance of their duties.

The Council must continue to exercise the full range of options at its disposal to prevent and put an end to violence against civilians in armed conflict.

The President *(spoke in Chinese)*: I now give the floor to the representative of Austria.

Ms. Juen (Austria): At the outset, let me thank the Secretary-General for presenting his report (S/2012/376) and Under-Secretary-General Amos, Assistant Secretary-General Šimonovič, and International Committee of the Red Cross (ICRC) Director Spoerri for their instructive briefings.

Austria aligns itself with the statements made on behalf of the European Union, the Group of Friends on the protection of civilians and the Human Security Network.

The Secretary-General's most recent report on the protection of civilians is a very good basis not only for stock-taking but also for discussing topics that have been identified as emerging protection issues and that should receive more attention in the Council's deliberations.

Austria welcomes the report's highlighting of the dangers for journalists in conflict situations. We underline the obligation of all parties to conflict to ensure the protection of civilians, including journalists and other media workers and professionals. The Council has unequivocally condemned such attacks in resolution 1738 (2006), and we encourage Council members to consider the situation of journalists in armed conflict in a more proactive and systematic manner in country-specific discussions, including by calling on parties to put an end to such attacks.

As impunity continues to be widespread, Member States should constantly be reminded of their obligation to prosecute those responsible for violations of international humanitarian and human rights law. In order to ensure accountability for serious crimes, such as in the present situation in Syria, the Security Council should promote and make use of the full range of justice and accountability mechanisms at the national and international levels, including referrals to the International Criminal Court.

The fight against impunity and the prevention of future crimes, including through the sharing of best practices and lessons learned, will be key elements of the resolution on the safety of journalists that Austria intends to submit to the Human Rights Council this fall.

With regard to the use of explosive weapons in densely populated areas, we share the Secretary-General's concern about their humanitarian impact. Austria welcomes the Emergency Relief Coordinator's appeals in that regard and supports the ICRC view and the Secretary-General's recommendation that explosive weapons with a wide-area impact should be avoided in densely populated areas. Under international humanitarian law, their use is not prohibited as such, but the heightened risk of indiscriminate harm and the appalling civilian suffering they cause when used in such areas should be reason enough for us to consider this issue more in depth, including the possibility of developing stronger international standards. More systematic data collection, the refinement of national policies on the use of explosive weapons and conducting post-strike analysis are important in that respect.

Let me also mention that, in order to improve our understanding of protection challenges and to effectively respond to them, civilian casualty recording by parties to conflict should receive more attention. The practice of offering amends to civilians harmed during armed conflict, which may range from the recognition of the harm caused and public apologies to assistance to victims, has increased recently, and we welcome the efforts made by the International Security Assistance Force and the African Union Mission in Somalia in that regard.

With a view to the imminent negotiations on an arms trade treaty, Austria would like to underline its full support for an outcome that should set robust, ambitious and legally binding norms for the regulation of the international trade in arms. It should prevent international transfers of conventional arms, inter alia, if there is a substantial risk that those arms will be used to commit or facilitate serious violations of international humanitarian and human rights law, including the perpetration of gender-based violence.

Let me conclude by stressing the importance of appropriate predeployment training of peacekeepers, as reflected in resolution 1894 (2009). Two new missions with protection of civilians mandates were established by the Council last year, among them the United Nations Mission in South Sudan (UNMISS), which was faced with an outburst of inter-communal ethnic violence in Jonglei state at the turn of the year. As the Force Commander of UNMISS highlighted before the Council last week (see S/PV.6789), early-warning activities and

assistance by the Mission to the host Government were decisive in preventing a further escalation of violence.

In that regard, it is important to emphasize our common responsibility to provide missions with key resources and to prepare peacekeepers in the implementation of protection mandates. We welcome the protection of civilians training modules prepared by the Department of Peacekeeping Operations and the Department of Field Support and encourage troop- and police-contributing countries to make use of them.

Austria has committed itself to proactive implementation of resolution 1894 (2009) and is currently developing an interdisciplinary training course on the protection of civilians that will be open to national and international participants who are senior decision-makers of armed forces, police and civilian administration, as well as other civilian stakeholders and experts.

The President (China) (*spoke in Chinese*): I now give the floor to the representative of Sri Lanka.

Mr. Kohona (Sri Lanka): Let me join previous speakers in thanking the Permanent Mission of China for convening this important debate. I would also like to thank the Secretary-General, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, the Assistant Secretary-General for Human Rights, and the representative of the International Committee of the Red Cross for their presentations.

The Secretary-General's ninth report on civilians in armed conflict of 2012 (S/2012/376) states that the five core challenges for the protection of civilians continue to remain urgent. It states that despite some progress, the ground reality has not qualitatively improved. Particularly worrying is that gender-based violence, including sexual violence, attacks against children, schools, health facilities, impeded humanitarian access to affected populations, inter alia, continue unabated.

We welcome the clarification in the report of the principles, misconceptions and misinterpretations relating to the protection of civilians and the responsibility to protect. I quote:

“[T]he protection of civilians is a legal concept based on international humanitarian, human rights and refugee law, while the responsibility to protect is a political concept, set out in the 2005 World Summit Outcome (see General Assembly

resolution 60/1) ... there are important differences in their scope. The protection of civilians relates to violations of international humanitarian and human rights law in situations of armed conflict. The responsibility to protect is limited to violations that constitute war crimes or crimes against humanity or that would be considered acts of genocide or ethnic cleansing.” (S/2012/376, para. 21)

Further on, the report states:

“Sparing civilians from the effects of hostilities requires compliance by parties to conflict with international humanitarian law and, in particular, the principles of distinction and proportionality. It requires parties to take all feasible precautions both in attacking and in defending. The law is also clear that under no circumstances do violations of these rules by one party justify violations by any other party.” (*ibid.*, para. 32)

We hope that the clarifications provided in the Secretary-General’s report will contribute to the application of those principles in a considered and non-political manner, without the ever too present overlay of emotion and propaganda. We also welcome the recommendations in the report, especially the focus on displacements and increased attacks against health facilities.

Ad hoc approaches that we have seen far too frequently will not achieve the noble underlying goals of those principles. Global principles, if they are to be respected, must be applied consistently and non-selectively.

Furthermore, the protection task cannot be held hostage to purely theoretical analyses. It requires us to be conscious of a multiplicity of different underlying factors, ranging from political realities, socio-economic influences, basic individual rights, proliferating small arms and the sophistication of terrorists, particularly in mobilizing the media. The reliance on modern technology and propaganda methods by rebel groups, in particular terrorist groups and their networks of sympathizers, and the agitated media, are becoming an increasing concern. Many a time, reality has been drowned out by clever propaganda.

Practical realities that have been based on the experiences of Member States, particularly those that have successfully countered terrorism, must be seriously examined instead of relying on a theoretical application

of a one-size-fits-all humanitarian framework. The use of civilians as human shields and bargaining chips by rebel groups and terrorist groups has made the application of the those principles a nightmarish challenge.

The protection of civilians is not a static concept and it has relevance in immediate and medium-term post-conflict situations. My country, Sri Lanka, has seriously taken account of the principles underlined in the Council’s thematic resolutions since 1999. Its commitment was demonstrated in the manner that Sri Lanka addressed the needs of civilians and their protection during and after the conflict with the terrorist group Liberation Tigers of Tamil Eelam. Throughout the final phase of the armed conflict, from 2006 to 2009, Sri Lanka engaged with the United Nations and its agencies, the International Committee of the Red Cross (ICRC) and representatives of the international community and civil society, both in Sri Lanka and outside.

The difficulties that Sri Lanka faced in protecting its civilians and providing humanitarian assistance were a challenge to the State itself and to its institutions. Sri Lanka highlighted a unique situation where successive Governments had continued to maintain the supply of essential food and services — including educational and health services to terrorist-controlled areas — unimpeded during the entire period of its protracted conflict. The Consultative Committee on Humanitarian Assistance, whose members include key United Nations agencies and representatives of the donor community, meticulously monitored the flow of essential food and medicine to the rebel-controlled areas.

My delegation hopes that the Council’s discussion on the protection of civilians will facilitate practical outcomes based on ground realities — realities that differ from situation to situation.

We must invest greater efforts in preventing conflicts in the first instance and their recurrence, and respond practically and proportionately to situations affecting civilian populations.

Allow me to share the observations of the head of the UNICEF Executive Board delegation, following a visit to Sri Lanka in March 2012. He said,

“a lot of times we find that countries that have a middle-income status tend to drop off the priority

list of UNICEF. In fact, Sri Lanka illustrates why UNICEF needs to remain engaged. It is in these countries that lessons can be learned in ways in which they can be transferred to other, less developed countries much more rapidly”.

The President (China) (*spoke in Chinese*): I now give the floor to the representative of Uruguay.

Mr. Cancela (Uruguay) (*spoke in Spanish*): I commend and congratulate you, Mr. President, for convening this timely open debate. I would also like to thank the representatives of the Secretariat and of the International Committee of the Red Cross for their presentations made this morning.

I would like to begin by also thanking the Secretary-General for his report (S/2012/376), in particular for the clear and unambiguous manner by which a number of the most sensitive issues relating to the protection of civilians have been addressed. In that regard, I would like to take this opportunity to add Uruguay’s voice to those that have emphasized the importance and necessity of redoubling efforts to strengthen consensus and restore confidence in the concept of the protection of civilians, which is based on respect for universally accepted standards of international law and international humanitarian law, human rights and the rights of refugees.

We deplore the continuing violations of human rights and humanitarian law, reflected in the Secretary-General’s report, that have occurred in various armed conflicts, as well as the increase in the number of victims among civilian populations through various acts of violence, including sexual violence, displacement, forced disappearances, the torture of civilians, attacks on schools and hospitals, the recruitment and exploitation of children, the indiscriminate use of explosive weapons in densely populated areas, and the impunity that the perpetrators of such acts continue to enjoy.

Given that backdrop, the five challenges laid out in the Secretary-General’s report remain fully valid in the situations of armed conflict existing today. In that context, it is worth reiterating the continuing urgent importance of facilitating access for humanitarian personnel and of ensuring respect for international humanitarian law on the part of all parties involved and in every situation, in order to provide the security conditions that will allow them to carry out their work.

I believe this is also an opportunity to recall the references that the Secretary-General includes in his report to various areas that are in need of further attention and from which the protection of civilians could benefit, such as the importance of improving the record of victims. We are very conscious of the importance of this activity, in line with the principles of humanitarian law; first because of its relationship to some of the values most intrinsic to human dignity, and also because of its potential practical effects, since that such a record could also shed light on the causes of the harm done to civilians and on the measures necessary to end it and prevent its recurrence.

Similarly, we agree that the forthcoming United Nations Conference on the Arms Trade Treaty represents an extremely important opportunity to address the human cost of the lack of regulation of the arms trade and the wide availability and improper use of arms. The treaty should rightly prioritize the humanitarian dimension by, for example, including criteria that would forbid the transfer of weapons when there is an evident risk that they would be used to commit serious violations of international humanitarian law and human rights norms.

The protection of civilians continues to pose a significant challenge to the United Nations system, and in particular to its peacekeeping system. Under its mandates for protecting civilians that system has not only one of the most delicate tasks there is but also one of the activities by which the international community judges the effectiveness of the United Nations. As a country that contributes troops who are deployed in some of the most difficult situations under highly complex mandates, we understand the importance of progressing towards a thorough and inclusive conceptual and operational analysis of the implementation of mandates for the protection of civilians in peacekeeping operations, considering the gap that exists between what the Security Council mandates, the resources available to implement it and the legitimate expectations of the affected civilian populations.

In that regard, despite the fact that the challenges remain enormous, it should be acknowledged that in the past three years the United Nations system has made significant strides forward in achieving more consistency in the implementation of its mandates, in diagnosing the problems and existing limitations, as well as in seeking solutions, or at least remedies, that

focus on situations most urgently in need of protection due to the imminent threat of physical violence. While it is essential that such situations be addressed, at the same time it is equally important to ensure that such protection can be sustained once missions have withdrawn.

In that regard, based on the cardinal principal that the primary responsibility for the protection of civilians falls to the host country, the United Nations system, including through its peacekeeping operations, should conduct a more thorough analysis of how it might contribute to strengthening national institutions, particularly those that deal with providing security and implementing the rule of law. Moreover, this should go hand in hand with the comprehensive vision needed to sustain the protection of civilians, including from the perspective of development.

Finally, I would like to reiterate that Uruguay views the issue of the protection of civilians as constituting a multidimensional agenda that is informed by more specific and closely linked themes, such as those of children in armed conflict and of women and peace and security, among others. It is therefore crucial that progress be made with the greatest coordination possible in order to generate synergies, avoid the duplication of efforts and make the most effective use possible of the instruments that the Organization can deploy on the ground. That will enable better coordination between all stakeholders involved, leading to more coherent responses in the area of the protection of civilians, particularly for those groups in vulnerable situations, who are most exposed and require greater efforts to ensure their effective protection.

The President (*spoke in Chinese*): I now give the floor to the representative of Venezuela.

Mr. Valero Briceño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): We would like to thank you, Mr. President, for having chosen the protection of civilians in armed conflict for our consideration in this open debate.

The Bolivarian Republic of Venezuela reaffirms its support for the importance of protecting civilians in armed conflicts. We wish to recall that such protection should always be based on international humanitarian law, particularly the Geneva Conventions and their Additional Protocols. Venezuela believes that the subject of the protection of civilians refers to those measures that are taken in order to protect civilians

in time of war, and recognizes its ties to international humanitarian law, refugee law and international human rights law.

The Security Council has been addressing the topic of the protection of civilians since 1999, with an emphasis on women, children and humanitarian workers. Those issues are inspired by noble goals. Diplomacy and dialogue are the most appropriate means for protecting civilians and the best guarantee for ensuring international peace and security. The protection of civilians in armed conflict must therefore be achieved peacefully. The use of military force is neither the best, nor the only, option for the protection of civilians. That alternative should be resorted to only in extreme cases, while always respecting the principle of proportionality.

The protection of civilians in armed conflict is a commendable goal. There cannot be indifference to the violation of humanist principles and practices in times of war. All civilians on all continents require protection. International law on the protection of civilians, for example, as enshrined in the Fourth Geneva Convention and other international instruments, represents a milestone on the age-old path in pursuit of the dignity of the individual. Sovereign Governments bear the primary responsibility to protect their citizens. It is an exclusive responsibility, which cannot be replaced or manipulated by interventionist political agendas.

The inequality, poverty, hunger, unemployment and inequities that arise as a result of the unjust global capitalist system and through foreign domination and occupation are the primary reasons for, or root causes of, armed conflict in countries around the world. In order to prevent armed conflict, developing social justice policies that make it possible to eliminate poverty and inequality among countries must be a priority. Such policies must be part of international cooperation and diplomacy based on solidarity.

The issue of the protection of civilians in armed conflict cannot be addressed selectively or on a discretionary basis. We emphasize that the Security Council has acted in that manner on several occasions by choosing the civilians who merit or do not merit protection. In addressing the matter, it is not uncommon for imperialist Powers with neocolonial aims to resort to double standards. That is a strategy to reconquer and recolonize similar to that of past centuries that sought to topple the sovereign status of developing countries.

What hope do the peoples of the world have that the protection of civilians in armed conflict be applied universally and impartially?

Some Member States of the Security Council promote resolutions seemingly to protect civilians, but what they seek is a hegemonic foothold over countries of the South. That practice undermines the noble principles of the Charter of the United Nations, including the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. In that way, such practices degrade the humanism and noble goals of civilian protection.

Under the guise of protecting civilians, the Security Council adopted resolution 1973 (2011), which provided NATO with a pretext to destroy much of Libya's civilian infrastructure, causing the deaths of thousands of civilians, including women and children, and leading to regime change and the brutal assassination of the head of State. The International Criminal Court seems to be concerned only with alleged or actual crimes against civilians when they are committed by African leaders or individuals.

The concept of civilian protection is therefore controversial. In its name, regime change and overthrowing sovereign Governments of countries of the South are promoted so as to set up puppet Governments that favour the interests of transnational corporations and imperialist Powers.

Why is civilian protection not invoked when American drones kill dozens of civilians in Afghanistan, Yemen and Pakistan? What about the war in Iraq, where hundreds of thousands of civilians have died. What about the sanctions imposed on Iraq before the invasion, which caused the deaths of at least 1 million people according to the press and international analysis? Where were the ardent advocates of civilian protection when those atrocities were being perpetrated?

As some Security Council members have said, the report of the Secretary-General (S/2012/376) ignores the Middle East and African countries and alludes to the alleged lack of cooperation of the Syrian Government with regard to the protection of civilians, while it forgets the suffering of civilians subjected to the Israeli occupation. Nor does it address the situation in Libya. If we wish to protect civilians in Syria, we must contain those who seek to promote violence and terrorism from abroad, fuel sectarian and religious tension and arm terrorist groups.

Venezuela supports the initiative of the Russian Federation to convene an international conference on Syria, with the participation of key actors with influence in the Middle East, in order to help promote a political dialogue between the parties by way of achieving a peaceful and lasting solution to that conflict. Any such initiative, proposed by whomsoever, that gives rise to a peaceful outcome and the reconciliation of the Syrians must be supported.

The protection of Palestinian, Syrian and Lebanese civilians suffering under the Israeli occupation must be a fundamental component of an international effort for the full and fair implementation of the mandate to protect civilians in armed conflict. While sanctions regimes are imposed on Governments and peoples of countries of the South, there is silence over the unpunished and massive human rights violations committed by the State of Israel. Why are Palestinian civilians not protected from those who systematically violate their human rights?

The concept of the responsibility to protect re-establishes the former imperial political theories in new forms. Today, it is a lethal weapon of neoliberalism and brutal capitalism that seeks to violate the sovereignty of States. Former Western Powers claimed a civilized superiority in order to invade or to conquer subjugated peoples. They disguised their intentions with the fallacy that they were acting out of altruism. From that shameful history was borne the international protectorate system, established by the League of Nations. Acts of neocolonial aggression that violate international law and international humanitarian and human rights law have been perpetrated under the responsibility to protect. While the concept of the responsibility to protect rejects the protection of civilians in times not only of war, but also of peace, those harmful precedents to which I have referred in our statement must be borne in mind when considering the protection of civilians in armed conflict.

Allow me to conclude by reaffirming that the Bolivarian Republic of Venezuela advocates with determination for the protection without discrimination of each and every civilian afflicted by armed conflict in any part of the world and condemns the unscrupulous use that imperialist Powers have made of that noble humanitarian goal.

The President (*spoke in Chinese*): I now give the floor to the representative of Indonesia.

Mr. Percaya (Indonesia): The Security Council has considered the issue of the protection of civilians in armed conflict for more than a decade. It is time that we reflect on the achievements and on the improvements that can bring about greater tangible results in the protection of civilians affected by armed conflict. Indeed, the international community has achieved progress in setting up a robust international normative framework, provided a wealth of experience and generated best practices on the issue. However, the reality on ground remains characterized by the concern as to whether people are being adequately safeguarded.

One very difficult point in the protection of civilians is the still-vague meaning and distinction among armed groups, combatants and civilians. That lack of clarity has cost civilian lives in various conflicts by both mistake and design. The situation is confounded by the proliferation and fragmentation of non-State armed groups. Some of those non-State actors reject the premise of civilian protection. Another key issue is the asymmetric nature of armed conflict in various regions where the principles of distinction and proportionality are being violated. Such challenges underline the need for reinvigorated commitment and determined comprehensive action in dealing with the protection of civilians in armed conflict. In that connection, the Indonesian delegation wishes to make a few observations.

First, Indonesia is cognizant of the fact that the main failure in the protection of civilians in armed conflict stems from a lack of compliance and accountability by parties to conflict with their moral and legal obligations. Regrettably, vested interests and power politics often ride roughshod over moral and legal imperatives.

We do note the constructive developments in favour of strengthening compliance and ensuring accountability through building national capacities, which is an essential aspect in effectively preventing potential atrocities against civilians. It also goes without saying that all States have the responsibility to ensure that adequate measures are taken to control and eliminate non-State armed groups and those perpetuating organized crime whose threat to people is often accentuated during conflicts.

Secondly, it is crucial that adequate focus be placed on developing tools and supporting and strengthening national capacities and resources, which enables effective systems for the well-being of civilians. Due

regard should also be taken of the special needs of women and children.

Member States' role in promoting compliance and accountability, including through domestic legislation and legal means, is critical to preventing violations. In that regard, every State has the responsibility to not only undertake its requisite national steps but to support the furthering of a global culture that ascribes the highest value to the protection for civilians in armed conflicts.

Thirdly, many United Nations peacekeeping missions have been entrusted with the protection of civilian mandates. As one of the leading troop-contributing countries, Indonesia has sent its troops and police to several United Nations peacekeeping operations with that mandate. It should be ensured that, in addition to Blue Helmets being provided with clear goals and guidelines, they should also be properly equipped and supported in performing their mission goals.

We appreciate the Security Council's efforts to that end. An initiative has been undertaken to prioritize the protection of civilians in decisions concerning the use of available capacity and resources in the implementation of mission mandates. The report of the Secretary-General (S/2012/376) has also specified the challenge posed by the limited degree of cooperation from host States and their capacity to act, which affects the discharge of mandates by peacekeepers.

Undertaking continued meaningful consultation among all peacekeeping stakeholders, including troop-contributing countries, throughout various stages of a peacekeeping mission is extremely important to the effective accomplishment of the mandate. For its part, Indonesia is committed to enhancing capacities for training military, police and civilian components. The newly inaugurated Indonesia Peace and Security Centre will serve to cater to that important need.

There is indeed nothing better than the prevention of a conflict. Resolution 1265 (1999) explicitly expressed, *inter alia*, the need to address the causes of armed conflict and to enhance the protection of civilians on a long-term basis. All international actors must play their role, cooperate and collaborate to generate the needed political synergy and support, which equitably mitigates conflicts and helps conflict-affected countries to take effective measures to protect civilians.

Finally, I would like to stress that enabling humanitarian access in a conflict situation is critical.

Parties to conflict should cooperate fully with the United Nations and other humanitarian agencies to ensure safe and unhindered access of humanitarian personnel, supplies and equipment to affected areas.

The President (*spoke in Chinese*): I now give the floor to the representative of the Republic of Korea.

Mr. Shin Dong Ik (Republic of Korea): At the outset, I would like to express my sincere appreciation to you, Mr. President, for organizing this meaningful open debate on the protection of civilians in armed conflict. I am sure that, under your able stewardship, today's debate will serve as a timely occasion to continue the progress made on the issue. My appreciation also goes to Secretary-General Ban Ki-moon for his thorough and insightful ninth report (S/2012/376).

Since the adoption of resolution 1265 (1999), the protection of civilians has come to occupy a prominent place on the agenda of the Security Council. The Council, with cooperation from all the relevant agencies and Member States, has been making significant progress on the issue in a variety of ways, including diversifying different aspects of the protection of civilians by incorporating the specific and unique protection needs of women and children, addressing the scourge of sexual violence, ensuring the necessity of accountability and overcoming constraints on safe, unimpeded and timely humanitarian access. Nevertheless, the international community is still suffering from a basic failure to protect civilians in many parts of the world who, caught up in the horrors of wars, are in desperate need of greater protection.

My delegation believes that the most important principle is enhanced compliance with international human rights and humanitarian law. In other words, no violation of international human rights and humanitarian law should go unpunished under any circumstances. Indeed, when there is no escape for a violator, regardless of the status of the parties in conflict, compliance with international human rights and humanitarian law will be accordingly enhanced. In that connection, the punishment, in 2012, of Charles Taylor, former President of Liberia, and two non-State armed groups in Sierra Leone represents important steps forward for international justice and the greater fight against impunity. We also note with appreciation that, in his report, the Secretary-General has highlighted attacks against and interference with, health-care facilities and providers, as well as the need to prevent displacement.

In particular, sexual violence against women and girls in armed conflicts is one of the most horrible forms of violence against civilians and civilization itself, and it deserves our special attention. Women and girls are most vulnerable, and sexual violence has a devastating and corrosive effect on society as a whole. My delegation is pleased that the Security Council has made significant progress in deterring egregious sexual violence, including through its adoption of resolutions 1820 (2008), 1888 (2009) and 1960 (2010). As such, my delegation hopes that the Security Council will continue to strengthen its efforts to address that issue through increased coordination with UN- Women, the Department of Peacekeeping Operations and other concerned organizations in order to better confront those atrocious crimes and ensure a brighter future for women and girls around the world.

Access for civilians affected by armed conflict to humanitarian aid and basic safety and security also needs to be guaranteed. Unfortunately, we have seen many cases where humanitarian personnel and supplies have failed to reach those in urgent need owing to the interference of certain parties in armed conflicts. Such acts are clearly a violation of humanitarian norms and rules, and those involved in such crimes must be held accountable. As the Secretary-General recommends, Member States should be encouraged to consult closely with humanitarian actors and to facilitate humanitarian access in a safe and sustainable manner, while the Security Council, on the basis of the relevant resolutions, including resolution 1894 (2009), should deliberate further on the issue.

My delegation also believes that efforts to protect civilians should be an integral part of all United Nations peacekeeping missions. United Nations peacekeeping operations are a supplementary tool to the States' primary responsibility for civilian protection, but they are taking on more responsibilities to support and provide security to civilians at great risk. As has been highlighted in the Security Council's recent meeting with United Nations Force Commanders last week (see S/PV.6789), there is a vital need to strengthen peacekeeping mandates related to civilian protection in view of the complex challenges we face today. Troop-contributing countries should also do their part by providing predeployment preparation and training to equip the peacekeepers with the range of skills required to operate in that regard.

My delegation shares the deep concerns over systematic, flagrant and widespread violations of international human rights and humanitarian law, which all seriously affect civilians. In that regard, the Republic of Korea fully supports the continued attention that the Security Council is devoting to this issue. My delegation is also committed to rendering our full support.

The President (*spoke in Chinese*): I now give the floor to the representative of Bangladesh.

Mr. Momen (Bangladesh): Let me begin by congratulating China on its assumption of the presidency of the Security Council for the month of June. I also thank you, Mr. President, for convening this important meeting. Allow me also to express our sincere thanks to the Secretary-General, Under-Secretary-General Valerie Amos, Assistant Secretary-General Ivan Šimonović and the Director for International Law and Cooperation of the International Committee of the Red Cross, Mr. Philip Spoerri, for their briefings this morning.

I welcome the Secretary-General's latest report on the protection of civilians in armed conflict contained in document S/2012/376. The Secretary-General provided five recommendations, namely, enhancing compliance with international law, enhancing compliance by non-State armed groups, the protection of civilians by United Nations peacekeeping and other missions, humanitarian access and accountability.

The concept of the protection of civilians is founded in the universally accepted rules of international humanitarian, human rights and refugee law, which are set out in a range of international legal instruments, in particular the 1949 Geneva Conventions and their 1977 Additional Protocols, containing specific rules to protect civilians. In situations that are not covered by those international agreements, in particular internal disturbances, civilians are protected by the fundamental principles of humanitarian law, by most religious values and ethics and by human rights law. Ironically, however, a large number of civilians continue to be exposed to the atrocities of conflict.

My delegation condemns all violations of international humanitarian and human rights law. In many situations, women and children especially continue to be subject to various forms of violence. Attacks and other interference against health-care facilities and providers are of serious concern in several conflicts,

despite the special protection afforded by international humanitarian law to medical staff and transport, hospitals, clinics and the like. We stress the need to combat impunity, safeguard access for humanitarian assistance and protect the safety of humanitarian aid workers. For example, the total disregard and rejection of humanitarian and international laws and values demonstrated for years by occupation forces in the occupied territories of Palestine are a disgrace for humankind.

It is a welcome step that the Security Council established two new peacekeeping operations in 2011 with protection-of-civilians mandates, the United Nations Mission in South Sudan (UNMISS) and the United Nations Interim Security Force for Abyei, while terminating another one, the United Nations Mission in the Sudan. At present, eight out of a total of 16 United Nations peacekeeping operations have mandates to protect civilians under imminent threat of physical violence. Three of those eight peacekeeping missions with a protection mandate — the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, the United Nations Operation in Côte d'Ivoire and the African Union-United Nations Hybrid Operation in Darfur — have developed comprehensive protection-of-civilians strategies, whereas one mission, UNMISS, is in the process of drafting such a strategy as requested by the Council in resolution 1894 (2009).

With regard to the Secretary-General's reporting on the protection of civilians, we see that the Secretariat has yet to finalize new guidance for United Nations operations and other relevant missions on protection reporting, with a view to streamlining such reporting and enhancing the Council's monitoring and oversight, as requested by the Council. It appears that work on developing such guidance is still ongoing, and I hope it would be finalized soon.

To ensure the protection of civilians in armed conflict, my delegation would like to highlight a few issues.

First, special attention should be given so that there is minimum misuse of the protection-of-civilians mandate.

Second, protection relates to prevention and the building of a culture of peace. The preventive capacity of the United Nations must be enhanced, and Member States need to take steps to inculcate the values of

peace, tolerance and harmony, which contribute to long-term prevention.

Third, the effectiveness of United Nations peacekeeping operations, which are among the important tools available to the United Nations to protect civilians in armed conflict, should be enhanced. As one of the largest troop-contributing countries, we believe that there needs to be a closer dialogue between the Council and troop-contributing countries, as they can provide valuable information about the situation on the ground. We also feel that in peacekeeping missions, the issue of resource gaps should be adequately addressed, so that there is motivation and commitment on the job.

Similarly, it should also be kept in mind that United Nations Blue Helmets cannot be seen as the only instrument for protecting civilians in such situations. The host country has the primary responsibility for protecting its civilians. I will also add here that the presence of uniformed female personnel may also play a pivotal role in a State's ability to protect its citizens. I take this opportunity to refer to the efforts of the all-female Bangladeshi formed police units working in peacekeeping missions in Haiti and the Democratic Republic of the Congo.

Fourth, there should be strengthened protection mandates and compliance by United Nations peacekeepers.

Fifth, compliance with international legal obligations by parties to a conflict needs to be enhanced, and accountability mechanisms should be strengthened.

Sixth, international efforts that include the use of force should be deployed as a last resort, while respecting the relevant provisions of the United Nations Charter. If peaceful means and the use of mediation have been exhausted, force could be used with proper authorization by the Security Council or, in exceptional circumstances, by the General Assembly, in line with resolution 377 (V).

Seventh, considering that all civilians affected by armed conflict deserve help, enhanced humanitarian access by the States and parties concerned should be ensured.

Eighth, it should be recalled that, in assigning such a mandate, adequate provisions should be made for the security and safety of peacekeepers.

Finally, my delegation urges all parties to conflicts to comply with the letter and spirit of international humanitarian, human rights and refugee law, and to ensure the protection of the lives and property of civilians and unimpeded access to humanitarian aid. We call on parties to conflicts to strengthen the protection of civilians through heightened awareness at all levels, particularly through training, orders and instructions issued to armed forces.

The President (*spoke in Chinese*): I now give the floor to the representative of Turkey.

Mr. Apakan (Turkey): At the outset, I would like to thank the Secretary-General for his introduction, as well as Under-Secretary-General Amos and Assistant Secretary-General Šimonović, who spoke on behalf of High Commissioner Pillay.

Civilians continue to account for the majority of casualties in armed conflicts. Turkey condemns any and all deliberate attacks on civilians and deaths resulting from the indiscriminate and excessive use of force. We are aware that the primary obligation to protect civilians lies, as always, with States. However, the international community also has a responsibility to help protect civilians in situations where States openly fail to do so. Therefore, we need to build a collective awareness of the importance of that responsibility and must be able to agree on the fundamental guidelines.

We should not fail to recall the plight of the Palestinian people. Whether in Gaza or the West Bank, Palestinians continue to suffer under measures related to the illegal blockade and occupation, and their fundamental rights are being denied. The illegal blockade of Gaza, serving as a collective punishment against civilian Palestinians in Gaza, entered its sixth year this month. Statistics compiled by the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the Office for the Coordination of Humanitarian Affairs (OCHA) clearly show the devastating effects of the blockade and the occupation on the daily lives of the Palestinian people.

As was also recently noted in the outcome document of the United Nations Conference on Sustainable Development, the occupation continues to adversely affect the economic lives and social development as well as the environment of the Palestinians living in the occupied territories. The obstacles created by the occupation are incompatible with the dignity and

worth of the human person and must be combated and eliminated.

As regards the situation in Syria, the Syrian Government has primary responsibility for the protection of its people and should immediately end the violence, which has led to thousands of deaths and a humanitarian tragedy that has affected 1.5 million people so far, according to OCHA statistics. The international community must display its resolve to put an end to the cycle of violence and the deepening crisis in Syria and to take the necessary additional measures to that effect. Turkey, together with the rest of the international community, will continue to support the six-point plan of Joint Special Envoy Kofi Annan.

We have carefully read the Secretary-General's latest, and ninth, report on the issue. While sharing the Secretary-General's ongoing and emerging concerns, I would like to underline three issues.

The first relates to dialogue with non-State armed groups. We understand the rationale of ensuring humanitarian access to civilians. However, Turkey believes that in doing so, we should be extremely careful not to extend any sense of legitimacy to terrorist organizations. Terrorist organizations in various parts of the world could attempt to exploit such a humanitarian approach to gain international acceptance and recognition. On the other hand, if engagement with non-State armed groups is contemplated, the consent of the State in question is necessary.

The 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 in all their forms and manifestations. As indicated in the presidential statement (S/PRST/2010/19) adopted by the Security Council on 27 September 2010, during Turkey's presidency of the Council, and in other relevant United Nations resolutions, terrorism continues to pose a serious threat to the enjoyment of human rights and social and economic development, and undermines global stability and prosperity. Therefore, Governments have not only the legitimate right but also the obligation to effectively combat terrorism and to fully and effectively cooperate with other States.

Lastly, we believe that United Nations documents should not contain positive references to non-governmental organizations that are known to have become the instrument of terrorist organizations.

The protection of civilians in armed conflict is a cause that the international community must pursue with unwavering determination. We believe that in order to ensure the 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 the perpetrators of violence against civilians are held fully accountable for their actions, for sustainable prevention and protection will be possible only if there is no impunity.

The President (*spoke in Chinese*): I now give the floor to the representative of Chile.

Mr. Tagle (Chile) (*spoke in Spanish*): I would like to commend you, Sir, on your country's assumption of the presidency of the Council for the month of June and to thank you for the invitation to participate in this important debate. I should like also to thank the Secretary-General for his important report (S/2012/376) on the protection of civilians in armed conflict, as well as Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator; Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights; and Mr. Philip Spoerri, Director for International Law and Cooperation of the International Committee of the Red Cross, for their briefings. My delegation also welcomes the presence among us today of the Minister for Foreign Affairs of Guatemala, Mr. Harold Caballeros.

My delegation aligns itself with the statement made by the Permanent Representative of Jordan, speaking on behalf of the Human Security Network, of which Chile is a member.

The protection of civilians in armed conflict is one of my country's concerns in that it touches on the protection of human rights and the maintenance of international peace and security, the fundamental goal of which must always be the preservation of the life and well-being of the human person. Following up on the last statement (S/PRST/2010/25) issued by the Council in that respect, on 22 November 2010, the ninth report (S/2012/376) of the Secretary-General provides us with an updated picture of the situation in this area.

Regrettably, and despite the fact that some progress has been made, the overall realities on the ground are far from encouraging. Attacks continue on the lives, dignity, physical and psychological integrity of civilians, with the parties almost always lacking the will to meet the minimum standards of respect for

civilians. That lack of will is reflected in the deliberate killing of civilians; violence, in particular sexual violence, against women and children; attacks against facilities housing vulnerable groups, such as hospitals and schools; the recruitment of child soldiers; attacks against journalists; and the displacement of individuals, all of which leave societies powerless and in pain. Particular attention should be paid to the massive and indiscriminate attacks perpetrated in densely populated areas where, in an attempt to achieve the elimination of one or two strategic targets, dozens of deaths can be caused as a result of so-called collateral damage, primarily affecting women and children.

In recent months, international public opinion has watched in horror as densely populated cities in Syria have come under heavy bombing by the armed forces of that country. In turn, explosive attacks supposedly carried out by elements of the opposition have also caused civilian victims. The report of the Secretary-General (S/2012/376) speaks volumes on that point. More than 9,000 civilians have lost their lives as a result of the excessive use of force by Syrian security forces. We have also been informed of summary executions and torture. Once again, my Government appeals to the Syrian Government, which bears the primary responsibility for upholding the safety of the peoples of its country, and also calls upon the forces of the opposition to engage in dialogue and political negotiation in order to bring peace, security and progress to the noble Syrian people. In that regard, the Government of Chile reaffirms its support for the six-point plan of the Joint Special Envoy of the United Nations and the League of Arab States on Syria, Mr. Kofi Annan.

In the twenty-first century, we have witnessed the development of a whole range of new technologies, including in the sphere of war. Among those new areas of progress are the so-called unmanned aerial vehicles, or drones. According to the Secretary-General's report, access to that form of technology is growing daily and to date it has caused hundreds of civilian victims. No matter how sophisticated that technology may be, it undoubtedly jeopardizes the principle of distinction between combatant and non-combatant, as well as the principle of proportionality.

In that regard, my delegation supports the statement made by the Secretary-General in his report where he urges relevant Member States

“to be more transparent about the circumstances in which drones are used and to take all necessary precautions to ensure that attacks involving drones comply with applicable international law.”(S/2012/376, para. 17)

The Secretary-General aptly refers to the security of journalists and human rights defenders, two groups that have proven to be fundamental in order to ensure that the international community is kept abreast of what is really occurring in a conflict area, and for the promotion and protection of human rights. My country underlines the need for States and parties to a conflict to provide due protection and prevent attacks perpetrated against those groups, and to bring to justice those responsible for such attacks.

Chile, a member of the Human Rights Council, supports the commissions of inquiry that have been established by the Human Rights Council in the cases of Côte d'Ivoire, Libya and Syria, as we believe that such situations require independent and impartial investigations in order to ensure that the perpetrators of violations of international law and international humanitarian law are brought to justice.

Chile commends the measures that have been adopted by the Security Council for the protection of civilians, either by explicitly incorporating them into the mandates given to peacekeeping operations or, in particularly serious situations, as was the case of Libya in the past year, through resolutions 1970 (2011) and 1973 (2011), the first of which condemns violence against civilians and the second authorizes the adoption of measures for the protection of civilians. However, that case highlights the need to ensure that the application of that principle be provided in an appropriate manner without causing still greater harm to the civilians whom we are seeking to spare.

In that regard, my Government recognizes the need to establish certain common criteria for the implementation of the authorization of the use of force on the part of the Security Council, either through the implementation of the principle of the protection of civilians or the implementation of the principle of the responsibility to protect or another principle. It also underscores the usefulness of the criteria contained under the responsibility to protect that were presented by Brazil to the Council on 9 November 2011, during a debate on this same topic (see S/PV.6650).

In conclusion, my delegation believes that the recommendations of the Secretary-General provide a reasonable and positive guide for the protection of civilians in the case of conflict and to ensure compliance with international humanitarian law and the protection of human rights.

The President (*spoke in Chinese*): There are still a few more speakers remaining on my list who wish to address the Council, as well as some who wish to make additional comments. Once again, I would like to remind representatives to limit their statements to four minutes so that we can expedite our work and hopefully conclude our consideration of the item before the Council before 6 p.m.

I now give the floor to the representative of the Philippines.

Mr. Sorreta (Philippines): The nature of conflict over the decades has changed dramatically. In the First World War, 90 per cent of the casualties were soldiers; today, 75 per cent of the casualties are civilians. Therefore, it is truly imperative that the Organization be cognizant of this issue.

The report of the Secretary-General on the protection of civilians in armed conflict (S/2012/376) is worth examining. We are glad that the report discusses in detail the global state of affairs of the protection of civilians.

For those of us who find many of our nationals outside of our territory and in areas of armed conflict, the protection of civilians is of the utmost concern. We are very grateful to the many nations that have assisted Filipinos in areas of conflict by protecting them and helping to take them out of harms way. As a nation, we will always do all that we can to protect our nationals in areas of conflict. That is a commitment that we diligently observe in our own country. That is why we have undertaken a comprehensive peace process with rebel and secessionist groups, including adopting the necessary measures to protect civilians.

The Secretary-General's report mentions conflicts over territories as among those that can lead to civilian casualties. The Philippines, involved as it is, unfortunately, in such conflicts, strongly believes that civilians must never be hurt, regardless of the stage or level of a territorial or maritime conflict.

Recently, a Filipino fisherman was killed and four others remain missing in an incident in the West

Philippine Sea, also known as the South China Sea, in an area that is subject to conflicting claims. We await confirmation of the facts of this sad incident and will act accordingly — of course, always in accordance with international law.

The Secretary-General's recommendations all point to the need for the observance of the rule of law at the national and international levels. The rule of law is the bedrock upon which nations build flourishing societies and foster strong relations. The rule of law emphasizes the protection of rights and underscores compliance with obligations. Those are crucial in order to exact responsible behavior from both individuals and States. It is in that particular context that we look forward to the holding of the high-level meeting on the rule of law in September.

The observance of the rule of law likewise necessitates a robust international legal framework. The International Criminal Court deters and punishes violations of humanitarian law. Other international judicial bodies play a vital role in preventing and resolving conflicts.

We likewise need to provide support for our peacekeepers. Efforts on the ground must be complemented by the enhancement of the civilian aspects of peacekeeping. The Philippines notes with interest current efforts in that area, including CapMatch, designed to help match the supply and demand of civilian capacities.

Civil society also has an important role to play. The Philippines is working very closely with Benin, Belgium and Costa Rica in bringing attention to the contributions of civil society.

Time and again, conflicts — ideological, political, military and even territorial — have arisen when the rule of law was weak. We need to continue to work as one to prevent the escalation of conflicts by respecting the rule of law. This year, we have the added opportunity to reaffirm our collective desire and obligation to settle disputes peacefully with the commemoration of the thirtieth anniversary of General Assembly resolution 37/10, the Manila Declaration on the Peaceful Settlement of Disputes.

Thirty years ago, we all expressed our high regard for law and justice when faced with actual or potential disputes. We should renew that pledge this year and

comply with our obligations to protect civilians in armed conflict.

The President (*spoke in Chinese*): I now give the floor to the representative of Iran.

Mr. Al Habib (Islamic Republic of Iran): We appreciate the convening of this open debate on the protection of civilians in armed conflict, and thank Secretary-General Ban Ki-moon and the other briefers for their statements today.

The upheavals in parts of the Middle East and North Africa in the past couple of years have brought the issue of the protection of civilians in armed conflict to a prominent place on the Council's agenda. That fact has manifested itself in the convening of regular open debates such as today's, presentations of reports, and the holding of workshops and thematic meetings on the protection of civilians. Incidences of violence against civilian populations in conflict situations have allowed us to identify measures to protect civilians in circumstances of armed conflict. Yet, the reality on the ground has also affected the notion of and practical measures for protecting civilians.

Despite the fact that there has been some progress on the issue of civilian protection, there have been many failures along the way. A large part of the reason for that distressing state of affairs lies in the double standards and injustices in different armed conflicts, including the situation of territories under foreign occupation, as well as the fundamental failure of some parties to respect the principles of international and humanitarian law.

The Secretary-General, in his latest report on this issue (S/2012/376), while recalling the five core challenges on the protection of civilians, emphasizes the necessity of enhancing compliance with international human rights and humanitarian law, and accountability in the protection of civilians. He rightly points out that, in many conflicts, to a large degree accountability is the absent factor that allows further violations to thrive. That became clear in the response of the Security Council to the situation in Libya, where the Council authorized all necessary measures to protect civilians, but where the extent of those measures went beyond the protection of civilians and thus raised major concerns among Member States. For this reason, the Secretary-General recommends that

“[i]n the future, in addition to complying scrupulously with international humanitarian law and human rights law, the implementation of such decisions must be limited to promoting and ensuring the protection of civilians” (S/2012/376, *para. 19*).

The root causes behind many conflicts are poverty, exclusion and marginalization, foreign interventions and military excursions, and occupation. In addressing the suffering of civilians in armed conflicts, we should take stock of these causes. However, the influence exercised by some members of the Security Council in reaching balanced solutions to conflicts have sometimes exacerbated them and contributed to their prolongation, with severe impacts on peace and stability and the protection of civilians.

In that regard, I would like to refer to the case of Syria. We firmly believe that the current crisis should be promptly resolved on the basis of the initiatives of Kofi Annan and the active and constructive engagement of all parties concerned. The prolongation of the crisis, for whatever narrow-minded political interests, would have dire consequences on peace and stability in the region and for civilians in Syria.

Premeditated attacks on civilians, as the result of the indiscriminate or disproportionate use of force or massive terrorist operations, are gross violations of international humanitarian law. All parties to an armed conflict, including international coalition troops, must bear the responsibility for their acts under international humanitarian law. Those guilty of violations, State and non-State actors alike, must not evade responsibility for crimes committed.

I would like here to refer to the unpalatable yet brutal reality of indiscriminate targeting of civilians in Afghanistan and Pakistan during air strikes, which have resulted in a high number of civilian casualties in many instances. That fact has also been noted in resolutions adopted by various organs of the United Nations, in which serious concerns have been expressed about the high number of civilian casualties, and which have called for compliance with international humanitarian and human rights law and for appropriate measures to ensure the protection of civilians.

We hope that the international community will take all the measures necessary for the protection of civilians on the basis of fairness and without double standards. Justice demands that the perpetrators of

violations of the rights of the people, including those living under occupation, be held accountable for their deeds. That is extremely important for the credibility of the Council. If we want our debate on the protection of civilians to be meaningful and effective, we should adopt a balanced and comprehensive approach and see the causes and the effects. We hope that these discussions will be successful and that we will take the necessary measures, because this question is extremely important for humans and human dignity.

Finally, once again the representative of the Israeli regime has used this body, in the name of the protection of civilians, to level some baseless allegations against Iran. That criminal regime referred to arms smuggling from Iran to Hamas and Syria. That is slander, because the Israeli regime, in its brutal and murderous apparatus, has excluded the civilian population in Gaza and other occupied territories from the jurisdiction of international law, as if those people do not deserve the protection required under the Geneva Conventions and international law. Some 1.5 million Palestinians in Gaza are deprived of all their basic needs of life and of humanitarian assistance, including United Nations assistance.

Gaza continues to be the largest prison maintained by the Israeli-occupying authorities. Many civilian homes continue to be targeted by Israeli missiles, which constitute premeditated attacks against the civilian population and civilian objects. The crimes committed by the Israeli armed forces in their deliberate killing and infliction of great suffering on civilians constitute grave breaches of international law, in particular the Fourth Geneva Convention. The Israeli armed forces should therefore be held accountable. Only by ensuring accountability for serious violations of international humanitarian law and human rights, as well as justice for victims, can we expect our efforts to protect civilians to be translated into meaningful and practical actions.

The President (*spoke in Chinese*): I now give the floor to the representative of Libya.

Mr. Dabbashi (Libya) (*spoke in Arabic*): I would like at the outset to congratulate China on having assumed the presidency of the Council this month, and to wish China every success in leading the work of the Council towards better results. I also thank you for organizing this timely debate on this very important issue.

In his report (S/2012/376), the Secretary-General identifies five core challenges faced by the international

community with respect to the protection of civilians in armed conflict. However, the onset of the Arab Spring and the outbreak of armed conflict in some Arab countries have generated new challenges. How will totalitarian Governments respond to their peoples' demands and not attack them? Will it be possible to prevent those aspirations to freedom and democracy from being transformed into an armed conflict?

The most important question now is how to prevent tyrants from using heavy weapons to destroy densely populated areas and kill civilians. How can we convince United Nations Member States to refrain from providing political and military support to dictatorships that are killing and maiming their own civilians? Those are the new challenges that we should all address.

Libya has had its own dire experience. We have seen all kinds of crimes committed by supporters of the former Al-Qadhafi regime. We have seen demonstrators shot and killed in the streets. We have seen missiles, tanks, artillery and helicopters used to bomb densely populated areas and kill children, women and elderly persons mercilessly. We have seen people collectively suffocated and killed in shipment containers. We have seen the wounded being evacuated from hospitals, killed and thrown into mass graves. We have seen people being raped; we have seen men being mutilated.

We have seen many atrocities in Libya committed in a systematic and premeditated manner. The same thing is taking place today in Syria in even worse conditions. I think the situation will become clearer with the deployment of reporters and humanitarian workers in areas that had been blockaded by the regime and where access was denied. Is it possible in the current circumstances to refrain from taking action to protect civilians and to halt crimes against humanity under the pretext of sovereignty? Are we discussing the sovereignty of the people, or of the regime that has lost its legitimacy and is killing its people?

Is it morally acceptable, in the current situation, to continue to offer weapons and political support to the regime in Syria? Is it acceptable that the representatives of the Syrian regime continue to be present in international organizations in various States and to spread lies and disinformation? Will the Libyan and Syrian people forget that some countries, having extended arms and political support, are complicit in the crimes committed by Al-Assad? There are so many

questions being asked today that require immediate answers from the Council.

However, it is certain that the people will eventually triumph, justice served and the criminals brought to justice. It is the right of the victims of the tyrant regimes to demand that all those who have committed crimes be brought to justice. It is also the right of those people to hold accountable the foreign Governments that have in any way abetted the perpetration of those crimes. It is only natural that, when they are finally brought to justice, the people defending the tyrant regimes will be seen trying to conceal their own crimes.

The Security Council took action at the right time in the crisis against civilians in Libya by adopting resolutions 1970 (2011) and 1973 (2011). That set the stage for the international community to implement the right to protect civilians. It also saved the lives of tens of thousands of Libyan civilians and helped the Libyans to achieve their aspirations and to rid themselves of a regime that exposed its people to the worst forms of torture, quashed their aspirations, restricted their freedom and squandered their wealth. Will the Security Council stop at that? Will it keep its hands tied and limit its actions to counting the growing number of civilian victims in Syria?

Our conscience should remain alert. We should not be insensitive to the dozens of people being killed in the streets of Syrian cities. We should not remain insensitive to the destruction of homes. We should not remain insensitive to the images of children being killed. We should not remain insensitive to the images of thousands of displaced persons and refugees or of those who have been wounded and or lost limbs. We should not continue to be insensitive to the physical and psychological suffering of women who have been raped, of those who have been under blockade in the Syrian cities, or of those who lack access to food and medicine.

The Security Council should guarantee free humanitarian access to those who require it. We should continue to protect humanitarian workers throughout Syria through United Nations and Arab League efforts to strengthen monitoring and control. I believe it is time for the major Powers to stop their political bickering in order to allow the efforts of the Security Council to protect civilians to go forward. It is time for the Security Council to work as one and to express in one voice that the atrocities carried out in Syria must end. It must

enable the Syrian people to achieve their aspirations to freedom, democracy and justice.

They cannot do so without effective measures being taken against the regime of Al-Assad. Those efforts could start by denying the regime the opportunity to spread disinformation and lies; suspending Syria's membership in international organizations; expelling its ambassadors and consuls around the world; deploying a commensurate number of international observers in all Syrian cities; and referring appropriate crimes to the International Criminal Court.

It is obvious, however, that the regime in Syria is opposed to any peaceful settlement, as it has undermined Kofi Annan's plan and continues to believe that it is capable of suppressing the Syrian people's uprising. As the regime continues to use heavy weapons against civilians, it is time to provide the Syrian people with such weapons so that they can defend themselves and fulfil their aspirations.

The President (*spoke in Chinese*): I now give the floor to the representative of Armenia.

Mr. Nazarian (Armenia): I thank you for the opportunity to take part in this debate, Mr. President. We would also like to thank the Secretary-General for the presentation of his report (S/2012/376), as well as Under-Secretary-General for Humanitarian Affairs Valerie Amos, Assistant Secretary-General Šimonović and Mr. Philip Spoerri of the International Committee of the Red Cross for their participation and contributions.

We share the concern of many of the previous speakers about innocent civilians in armed conflicts, who sadly often constitute an overwhelming majority of the victims. Women and children in particular continue to be the most vulnerable group, subject to various forms of extreme violence that result in grave humanitarian crises with huge displacements of populations in various parts of the world.

Ensuring accountability and enhancing compliance with international legal obligations on the part of parties to conflicts should be viewed as a key element of the Council's responsibility to maintain international peace and security, and one that will require a deeper commitment and broader vision of the future. It is important to improve the use of established sanctions regimes and to implement the binding resolutions that call on all States to adopt national legislation towards

the prosecution of individuals responsible for genocide, crimes against humanity and war crimes.

Establishing accountability for such serious crimes is an important matter for my delegation in the context of resolving the conflict in Nagorno Karabakh. The Azerbaijani authorities have the primary responsibility to provide accountability for the violations of humanitarian and human rights law that took place in connection with the hundreds of thousands of Armenians who were displaced and became refugees as a result of ethnic cleansing and aggression on the part of Azerbaijan in the late 1980s and early 1990s in response to the people of Nagorno Karabakh's exercise of their right to self-determination. The Azerbaijani authorities are also accountable for the hundreds of Azerbaijanis who were massacred in the town of Khojalu by the Azerbaijani National Front.

During those years, Armenia's entire border area with Azerbaijan was transformed into a battlefield. That resulted in the destruction and occupation of many areas of Armenian territory, including the village of Artsvashen, as well as Shahumian, Getashen and another 18 Armenian villages in the northern region of Nagorno Karabakh. Those territories were invaded and have remained under occupation by Azerbaijani armed forces for the last 20 years. Azerbaijani aggression also resulted in significant casualties and losses among the civilian population. Innocent civilians in Nagorno Karabakh and neighbouring regions of Armenia were subjected to a barrage of heavy artillery, missiles, shelling and bombing. The Azerbaijani army fired indiscriminately on homes, schools, kindergartens, hospitals and even ambulances.

During the aforementioned period when civilians faced a continuing escalation of violence, the Armenian side took decisive humanitarian action to mitigate the suffering of civilians by exercising its responsibility to protect the physical security of the population, fully complying with international humanitarian and human rights law. Today, we continue to be greatly concerned about the humanitarian impact of Azerbaijan's use of force and weapons against independent Nagorno Karabakh and in densely populated areas bordering Armenia.

As the Secretary-General rightly points out in his report, there are fundamental differences between the concepts of the protection of civilians in armed conflict and the responsibility to protect, although both are

important and relevant in the context of protection. The two concepts are, however, connected and in that way share the same legal foundation of the rejection of the use of force and of diametric opposition to rule by force or the use of force.

Again in the context of resolving the conflict in Nagorno Karabakh, both the Minsk Group co-Chairs of the Organization for Security and Cooperation in Europe (OSCE) and the United Nations Secretary-General have called on the parties to undertake confidence-building measures, particularly those that would remove the threats to the civilian population. To that end, the recent statement made in the margins of the Group of 20 Summit in Los Cabos by the Presidents of the OSCE Minsk Group co-Chair countries — France, the Russian Federation and the United States — underlined that military force will not resolve the conflict and can only prolong the suffering and hardships endured for too long by the peoples of the region. Only a peaceful negotiated settlement will allow the entire region to move beyond the status quo towards a secure and prosperous future.

We welcome the statement of the leaders of the Minsk Group co-Chair countries and once again call on Azerbaijan to cease all violence and provocations, including subversive activities and the kidnapping of civilians along the Armenia-Azerbaijan border and the line of contact with Nagorno Karabakh. We strongly believe that a fundamental and lasting solution to the problem can be achieved only by peaceful means, based on the principles of international law and within an agreed international format.

It is important that the Council focus on the protection of civilians within an overall process of the peaceful resolution of disputes. Our approach must be built on the understanding that any comprehensive resolution should impartially and fully address the root causes of the conflict under discussion in order to prevent any renewal of that conflict in the future, and should provide reliable and adequate security protection guarantees to the population concerned, thus assuring them of sustainable peace and development.

The President (*spoke in Chinese*): I give the floor to the representative of the Syrian Arab Republic.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): I thank you for convening this important meeting, Mr. President, and for speaking on the important topic of the protection of civilians in armed

conflict. The importance of this subject requires that it never be addressed selectively or at anyone's particular discretion, since we are still seeing such a selective approach when it comes to choosing which civilians are worthy of protection during armed conflict and which are not.

Nor must the aims and objectives of this noble concept be exploited in order to compromise a State's sovereignty or interfere in its internal affairs by manipulating and distorting the issue of the protection of civilians in the service of interventionist policies and an aggressive political agenda. Those who pay the price of such policies are first and foremost civilians.

We feel, therefore, that the protection of the Palestinian and Syrian civilians in the occupied Golan, and of the Lebanese who are chafing under Israeli occupation, must constitute a major part of this laudable international effort in the context of the accurate and objective implementation of the mandate envisaged under the rubric of the protection of civilians in armed conflict. Is the silence at Israel's settlement aggression, which threatens the very principle of peace itself, not contrary to the most fundamental right of civilians to live in their homeland in freedom, sovereignty and safety? Are the Palestinians and Syrians in the occupied Golan, and the Lebanese living under Israeli occupation in southern Lebanon, not civilians and hence unworthy of protection? That basic concept must be the focus of the debate.

Jurisprudence establishes that international efforts to protect civilians in armed conflict be undertaken in strict respect for the principles enshrined in the Charter that provide for the respect of the sovereignty, political independence and territorial integrity of States and non-interference in their internal affairs. That is in line with the provisions of the Geneva Conventions and international humanitarian law, since all international instruments underscore the primary responsibility of national Governments to protect their citizens. That responsibility is exclusive and cannot be substituted or manipulated to serve certain political agendas that undermine the sovereignty, independence and stability of entire States and peoples, manipulating the lives of their civilian populations under the pretext of protecting them. We therefore feel that the protection of civilians, on the one hand, and threats to international peace and security, on the other, should not be confused.

Moreover, there should be no loose interpretation of the issues of the protection of civilians, including of such contentious terms as the "responsibility to protect" or "humanitarian intervention", which would lead, ipso facto, to compromising the credibility and the impartiality of the United Nations, be it at the level of the membership or the Secretariat. It would be tantamount to undermining noble efforts to protect civilians in armed conflict.

The report of the Secretary-General, contained in document S/2012/376 and submitted under this agenda item, addresses various issues and topics. It briefly mentions the daily suffering of the Arabs under Israeli occupation for decades. The report timidly addresses the tragic situation of the Libyan people after 130,000 Libyan civilians were killed under the pretext of protecting them from the former regime. Today, Libya is governed by 2,600 armed militia rather than a central Government administering the country's affairs.

While we are reluctant to refer to the events in Syria described in the Secretary-General's report, we would like to put on record that the report quotes selectively and partially from the content of resolutions 2042 (2012) and 2043 (2012), in which the Security Council required the equal commitment of all parties in Syria to putting an end to the violence, protecting civilians and delivering humanitarian aid to them. The report fails to mention the Syrian Government's positive cooperation with United Nations humanitarian agencies, including the Office for the Coordination of Humanitarian Affairs. It also disregards the adverse effects of the unilateral sanctions imposed on Syria and the terrorist acts of armed groups against civilians, such as murder, forcible evacuation, the obstruction of civilian movement and the disruption of daily civilian life. Adding insult to injury, the Secretary-General's report fails to mention the daily suffering of Syrian civilians under the Israeli occupation of the Syrian Golan.

A few hundred armed extremists in Homs — Salafis, Wahhabis or Takfiris infiltrated by Al-Qaida elements — expelled some 100,000 Christian Syrians from their neighbourhoods and homes simply because they were Christians. So we now have 100,000 Christians displaced from Homs and dispersed throughout Damascus and elsewhere. Another 400,000 people have been displaced from Homs. Such issues must be addressed by all present here.

The readiness to protect civilian lives requires those who claim to do so to stop instigating acts of violence and terrorism in Syria, fuelling tension and playing the sectarian and religious extremist card. If they were sincere, they would call on all parties to engage in a genuine national dialogue, in accordance with Kofi Annan's plan in order to reach an exclusively Syrian-led political solution, without the interference of any outside party, instead of opening the borders of neighbouring States to armed groups to carry out terrorist and destructive operations, perpetrate massacres and assassinations, and destroy the country's infrastructure.

Civilians can be protected not by fostering destructive scenarios, such as civil war or sectarian conflicts, but by promoting the implementation of the principles of international law and the rule of law, nationally and internationally. Civilians cannot be protected by subjecting their lives to instability and danger. The biased foreign media focus on the violent movements in Syria and legitimize the armed opposition, while ignoring the voices of the national Syrian opposition, which rejects foreign intervention and seeks to put an end to the internal crisis through a comprehensive national dialogue and civilized peaceful means.

We are not against the genuine Syrian national opposition building a democratic, conciliatory and constitutional Syria that guarantees the security, protection and safety of all Syrians, civilian and military, without exception. There is no need to destroy the country in so doing. The one issue that incites the majority of Syrians is efforts of the enemies of the Syrian State and people, such as the Salafis, the Wahhabis, the Takfiris and supporters of racist, ethnic and sectarian sedition, to divide the country and take it backwards, as they did in Iraq and Libya.

The representatives of some States who have referred to my country inappropriately today are mistaken in believing that humankind has forgotten the crimes against humanity perpetrated by States against civilians, including in my country and in many Members of the United Nations, during the times of slavery, colonialism and the two world wars, or when they invaded and occupied States Members of this international Organization.

Is not an apology for the perpetration of such crimes consistent with the principle of protecting civilians,

or are civilians ranked according to biased interests? Early last century, the United Kingdom and France destroyed the geopolitical and strategic map of the region. To date, we have heard no apology for that. On the contrary, both those States and others now seek to impose another such cycle on the region's States solely in the interests of Israel and in order to weaken the concept of the State in the region in support of sectarian and religious sedition. That is an abuse of Islam, which promotes lofty spiritual values, and distorts the image of Muslims in the world.

It seems that Libya has not changed following the ousting of the previous regime. Narcissism, nonsense and the use of extremist language that contravenes the principles of the Charter, international law and international humanitarian law indicate that the Libyan representative is in a state of legal and political hysteria. I would compare the Libyan representative today to the representative of Israel, as the political heresy that we have heard from him serves only Israel. I advise the representative of Libya to commit himself to the protection of the remaining Libyan civilians and to use his political eloquence to try to regain his country's sovereignty, independence and stability, as well as the hundreds of billions of dollars plundered from the Libyan people by the same forces that invaded his country after manipulating resolutions 1970 (2011) and 1973 (2011). If the Libyan representative has a personal grudge against his own country and his own people, then let him keep this hatred to himself instead of projecting his betrayal of the trust that his people have placed in him onto the events in Syria.

I did not want to be so explicit or go into such detail, but I have been compelled to do so, and with this I conclude my statement. Salafi and Takfiri terrorists, financed by Qatar and Saudi Arabia, are training in Zintan, Libya, in a special camp administered by the intelligence agencies of those countries that invaded and destroyed Libya, killing and displacing innocent Libyan civilians. This camp in Zintan is also home to armed gangs that are being trained to be dispatched to Syria. Some of them have already been dispatched and killed by the security agencies in Syria. Others have been captured.

It would therefore behoove the representative of Libya to remain silent and to stop talking as if his country actually promotes the protection of civilians. If it does, it does not resemble the protection of civilians anywhere else in the world.

As for the Israeli representative, suffice it to say that his country has accounted for more than 50 per cent of the issues on the agenda of the Organization since its inception. The occupation of Arab territories by his country, its abuse of the Palestinian cause and of the Palestinians, and its settlement campaigns have all led directly to the exercise of the veto on 60 different occasions by certain Powers in the Council with a view to protecting Israeli breaches of international law. In this sense, the statement made by the representative of Israel is the same as the statement by the representative of Libya.

The President (*spoke in Chinese*): I now give the floor to Ms. Amos to respond to the questions and comments by members.

Ms. Amos: The number of countries participating in the debate today demonstrates its timeliness. I am encouraged that the majority of States have referred to the core challenges to enhancing the protection of civilians and the need to redouble our efforts to ensure compliance with the law.

I welcome the concern expressed by a number of States regarding the need for improved casualty reporting to address the humanitarian impact of the use of explosive weapons in populated areas, to prevent attacks against and interference with health-care workers and facilities, and the need for a comprehensive and robust arms trade treaty.

Many speakers have also underlined the importance of ensuring accountability for those who violate the law.

Attention has also been drawn to the importance of safe, timely and unimpeded humanitarian access. I welcome the focus on compliance and access. Humanitarian actors must be able to engage with armed groups if we are to make progress on both of these issues.

Some States have expressed concern at the Secretary-General's focus in the report (S/2012/376) on engagement with non-State armed groups. There is no one-size-fits-all approach to engaging such groups. Engagement for exclusively humanitarian purposes is essential to our efforts to seek improved protection for civilians and ensure safe and sustained access.

I look forward to continuing to work with the Council in addressing protection of civilians concerns and issues relating to humanitarian action more broadly as well as with individual Member States.

The President (*spoke in Chinese*): The representative of Morocco has asked to make a further statement.

Mr. Bouchaara (Morocco) (*spoke in French*): I will be very brief. My delegation has asked for the floor again to make the following statement.

Morocco regrets that a State member of the Council mentioned the question of the Sahara this morning, drawing a dubious parallel between it and other situations around the world. That same member State had drawn a similar parallel in an equally inappropriate manner during a previous debate.

I would reiterate that drawing a parallel between the question of the Sahara and other situations is completely unwarranted and politically motivated and does not in any way take into account the disparate realities of these situations. It is dishonest in both form and substance to compare questions of a fundamentally different nature.

Morocco respects the rule of law and has institutions to promote and protect human rights, the credibility and effectiveness of which are internationally recognized. Each situation has its own unique characteristics and thus requires tailored responses. To draw parallels of this type is to simply display great ignorance of Morocco's history. It is thus wrong and careless to seek, in spite of everything, to compare the question of the Sahara to other situations while denying with astonishingly bad faith the historical, legal and political realities that distinguish them.

The President (*spoke in Chinese*): I now give the floor to the representative of Israel.

Mrs. Furman (Israel): I find it unbelievable that the representative of Syria still has the audacity to speak during a debate about the protection of civilians. The Al-Assad regime has slaughtered more than 15,000 of its own people. Thousands more are being killed day by day. The Syrian representative still believes that saying the magic word "Israel" will help to hide these appalling crimes. His desperate words say nothing about Israel and everything about the despicable regime that he represents.

It is no secret that the Iranian Government is actively targeting innocent civilians day after day, inside and outside of its country. Listening to the Iranian representative speak during this debate on the protection of civilians brings to mind George Orwell's

novel 1984, where war is peace, freedom is slavery, and ignorance is strength.

I do not think I need to say anything more.

The President (spoke Chinese): I give the floor once again to the representative of the Syrian Arab Republic.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): What is happening in my country is an internal problem. It started about 18 months ago and has deteriorated since THE legitimate demands for reform were made by the Syrian people. Those demands were accepted by my Government, but were followed by Arab and international interference in our affairs. The history of the crisis dates back just 18 months.

As for the Israeli crimes committed against Arab peoples and the Israeli occupation of Arab territories, they go back decades. In fact, they began with the creation of the United Nations. We all remember that the United Nations Truce Supervision Organization was first established as a result of Israel's criminal acts, terrorism and occupation. As a matter of fact, Israel's acts have led to the adoption by the General Assembly, the Security Council and the specialized agencies of the United Nations, of more than 1,000 resolutions condemning its crimes, occupation and settlement policy. Had it not been for the 60 vetoes exercised in

the Security Council, Israel's audacity would not have reached the level that we witness today.

Israel assassinated the first international peace envoy, Count Bernadotte. Israel has committed many massacres — in Qibya, in Deir Yassin, and twice in Qana, where it slaughtered hundreds of Lebanese civilians who had taken refuge in the United Nations compound, mistakenly believing that the Organization's flag would protect them from the evil acts of Israel. It did not. I remind the Council that a very dear part of my country, the Golan, is still under Israeli occupation. In 1981, the Security Council adopted resolution 497 (1981) in which it rejected the Israeli policy concerning the Golan.

I am not going to speak at length; time is short. I just wanted to jog our memory a little so that we remember that the Israeli entity has perpetrated State terrorism and political crimes since its establishment. The proof is that all its leaders and heads of Government led armed terrorist groups during the British mandate over Palestine.

The President (*spoke in Chinese*): There are no more names inscribed on my list of speakers.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 6.35 p.m.