



# SECURITY COUNCIL REPORT UPDATE REPORT



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## PROTECTION OF CIVILIANS IN ARMED CONFLICT

After more than three months of negotiations, the Council remains unable to arrive at an agreement on several aspects of the draft of a third resolution on the protection of civilians in armed conflict. As we reported in our 13 January Update Report, major controversy has focused on the issue of the responsibility to protect, as well as on references to the International Criminal Court (ICC), condemnation of torture, and on language regarding access for humanitarian personnel to civilians in war zones. For full background on the Council's work on the issue of protection of civilians in armed conflict, please consult our December 2005 Forecast Report.

The concept of responsibility to protect remains the main object of contention. Russia continues to be reluctant for the Security Council to endorse this responsibility. France and the UK consider it a key priority, and see no value of a new resolution on the protection of civilians without any reference to the responsibility to protect.

Further disagreements among and objections by the permanent members—notably the US, Russia and to some extent China—significantly stalled the negotiating process in January. Russia proposed including in the draft provisions on the prohibition of torture and the protection of civilians in occupied territories that in turn the US has refused to accept. The US also remains opposed to any mention of the ICC and seems hesitant to re-affirm the Council's willingness to respond to situations of armed conflict where civilians are being targeted or humanitarian assistance to civilians is being deliberately obstructed, despite the fact that such language was included in the original 1999 Council resolution on civilians in armed conflict (S/RES/1265). In February and early March, the process was moving forward a little, in part due to a change in the position of China. China's earlier position was that the Council should wait for the General Assembly to address the responsibility to protect first, but it now seems to be more inclined to accept such a reference in the resolution, provided that it uses the exact same language of the September 2005 World Summit outcome document, approved by the world leaders.

The UK, who has taken the lead on this draft resolution, has been conducting bilateral consultations with the other permanent members of the Security Council, with the goal of addressing the contentious issues between them before presenting another draft to the non-permanent members. The pace of consultations among the P5 dropped significantly early in the year (only two meetings of the P5 were held in 2006) but seems to have picked up again at the beginning of March.

The dynamics within the Council with respect to the responsibility to protect have changed since the draft was first circulated in late November. Four of the new five non-permanent members of the Council (Congo, Ghana, Peru and Slovakia) are clearly in favor of a resolution endorsing this

concept. With the change in the Chinese position and in absence of support from the departed non-permanent members Brazil and Algeria, the Russian position might become increasingly isolated.

At this stage, it seems that a resolution endorsing the responsibility to protect is still possible if a compromise over the language used can be reached. Regarding the other contentious issues, members will need to decide if they want to pass a resolution that might be weaker than the Council's previous resolutions on this matter.

Consultations will continue over the next few weeks though it is impossible to predict when a resolution might be adopted. Unlike resolutions that deal with specific situations or mandates, thematic resolutions do not face deadlines and negotiations can sometimes take many months.

## UN Documents

<b>Resolutions</b>
• S/RES/1296 (19 April 2000)
• S/RES/1265 (17 September 1999)
<b>Presidential Statements</b>
• S/PRST/2005/25 (21 June 2005)
• S/PRST/2004/46 (14 December 2004)
• S/PRST/2003/27 (15 December 2003)
• S/PRST/2002/41 (20 December 2002)
• S/PRST/2002/6 (15 March 2002)
• S/PRST/1999/6 (12 February 1999)
<b>Reports of the Secretary-General</b>
• S/2005/740 (28 November 2005)
• S/2004/431 (28 May 2004)
• S/2002/1300 (26 November 2002)
• S/2001/331 (30 March 2001)
• S/1999/957 (8 September 1999)
• S/1998/318 (13 April 1998)
<b>Other</b>
• A/RES/60/1 2005 World Summit Outcome Document
• S/2001/614 (21 June 2001) letter from the President of the Council to the Secretary-General
• S/2000/298 (7 April 2000) letter from the President of the General Assembly on behalf of the Special Committee on Peacekeeping Operations to the President of the Council
• S/2000/119 (14 February 2000) letter from the President of the Council to the President of the General Assembly conveying four recommendations from the informal working group on the protection of civilians in armed conflicts for the Special Committee on Peacekeeping Operations

## Historical Background

*9 December 2005* The Council held a one-day open debate on the protection of civilians in armed conflict.

*22 November 2005* An Arrria formula briefing was hosted by the UK.

*14-16 September 2005* The World Summit was held in New York, in its final document, it reaffirmed the responsibility to protect civilian populations from crimes against humanity.

*21 June 2005* A presidential statement was adopted expressing concern over the limited progress on the ground to protect civilians and expressing the intention to take further action, including the adoption of a possible new resolution.

*14 December 2004* A presidential statement was adopted reaffirming condemnation of violence against civilians and endorsed a ten-point action plan.

*28 May 2004* The fourth report of the Secretary-General reviewed the performance achieved on protection of civilians at headquarters and in the field, and identified several shortfalls that needed special attention (following the ten-point action plan). The report also noted that enhanced monitoring and reporting frameworks were needed in order to better determine areas in which the impact of conflict would be systematically measured and documented. Finally, two key problems were identified: a lack of regional approaches to protection and the absence of inclusion of guarantees for the protection of civilians in peace processes.

*15 December 2003* A presidential statement introduced a ten-point action plan and revised the aide memoire in accordance with evolving needs.

*20 December 2002* A presidential statement was adopted acknowledging the emerging issues raised in the Secretary-General's report and recognising the importance of a comprehensive, coherent and action-oriented approach.

*26 November 2002* The third report of the Secretary-General highlighted the changing environment for the protection of civilians and, in particular, noted that three new challenges had emerged: gender-based violence in conflict situations; the commercial exploitation of conflict; and the rise of terrorism in armed conflict.

*15 March 2002* The aide memoire identifying 13 core objectives for protecting civilians was adopted as an annex to a presidential statement.

*21 June 2001* A letter from the President of the Council to the Secretary-General requested the Secretariat to (1) reorganise the recommendations contained in the Secretary-General's first two reports to better clarify responsibilities for their implementation and strengthen coordination within the UN system (known as the "roadmap"); and (2) prepare the aide memoire.

*30 March 2001* The second report of the Secretary-General further detailed measures to enhance protection.

*18 September 2000* The Millennium Declaration adopted by the General Assembly identified "Protecting the Vulnerable" as an area of priority and agreed to "expand and strengthen the protection

of civilians in complex emergencies in conformity with international humanitarian law.”

*19 April 2000* The second Council Resolution (S/RES/1296) on civilians in armed conflict was adopted.

*17 September 1999* The first Council Resolution on civilians in armed conflict (S/RES/1265) was adopted.

*8 September 1999* In his first report, the Secretary-General laid down several recommendations to the Council aimed at strengthening legal and physical protection of civilians.

*12 February 1999* Adoption of the first presidential statement specifically addressing the issue of the protection of civilians in armed conflict. The Council expressed grave concern at the growing civilian toll of conflicts and requested the Secretary-General to report on recommendations on how the Council could improve the protection of civilians.

*13 April 1998* In a report on the causes of conflict and the promotion of durable peace and sustainable development in Africa, the Secretary-General addressed for the first time the protection of civilians in situations of conflict, calling it a “humanitarian imperative”.