

**SECURITY COUNCIL DEBATE:
PROTECTION OF CIVILIANS IN ARMED CONFLICTS
EXCERPTED RtoP STATEMENTS**

**10 May 2011
Security Council Chamber**

**Australia
Permanent Representative;
Andrew Goledzinowski**

(...) Discussions about the situations in Libya and other places have, quite rightly, been occupying the attention of governments and peoples from around the world. Australia is firmly on the record as a supporter of the strong action the Council took on Libya through resolutions 1970 and 1973. Recent debates have highlighted the importance of the concept of the ‘**responsibility to protect**’, and the seriousness with which governments must take their responsibilities in relation their populations. (...)

**Brazil
Permanent Representative
H. E. Ambassador Maria Luiza
Ribeiro Viotti**

(...) The protection of civilians is a humanitarian imperative. It is a distinct concept that must not be confused or conflated with threats to international peace and security, as described in the Charter, or with the **responsibility to protect**. We must avoid excessively broad interpretations of the protection of civilians, which could link it to the exacerbation of conflict, compromise the impartiality of the United Nations or create the perception that it is being used

as a smokescreen for intervention or regime change. (...)

**Chile
Permanent Representative
Ambassador Errázuriz**

(...) The Secretary-General has expressed particular concern regarding the protection of civilians and, within the Department of Political Affairs, has consolidated a conflict-prevention system that includes, among other measures, a mediation unit and provisions for collaboration between the **Offices of the Special Adviser on the Prevention of Genocide and of the Special Adviser on the Responsibility to Protect**. Those initiatives have better positioned the Organization, the Council and the Secretary-General to identify potential conflicts and, if necessary, take appropriate measures to potentially prevent them.

However, States themselves hold the primary responsibility for protecting their populations. They must create early warning and conflict detection mechanisms and adopt corresponding preventive measures. As that has not always been possible, however, the Council has had to take the measures necessary to adequately protect civilians in conflict situations. The adoption of resolutions 1970 (2011) and 1973 (2011)

on Libya responds to that need. The measures contemplated in those resolutions are adequate for the protection of civilians, and their implementation must also be so. When States cannot protect their civilians, the international community, through the United Nations, cannot remain indifferent to the fate of those whose rights are being seriously, systematically and repeatedly violated. (...)

China
Permanent Representative
Ambassador Li Baodong

(...) Conflict situations vary, and there must be no one-size-fits-all approach to the protection of civilians. Various parties still hold divergent views on the **responsibility to protect**, and the General Assembly should continue its discussion on this matter. (...)

Croatia
Permanent Representative
Ambassador Vilović

(...) Nowadays, in the conduct of armed conflict, civilians more often than not become the targets of armed attacks and atrocities that include murder, deportation and ethnic cleansing, as well as rape and sexual violence, which have thus become weapons of war. This goes directly against the commitments made in the 2005 World Summit Outcome document (General Assembly resolution 60/1), as well as the relevant Security Council resolutions that reaffirm the provisions of paragraphs 138 and 139 in that document. The international community should encourage and help States to exercise their **responsibility to protect**

their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Such acts of violence must be thoroughly investigated and the perpetrators brought to account. It is therefore imperative that the International Criminal Court, as well as national courts, be the crucial focus of justice for victims, and thus a reminder that there can be no tolerance for any criminal act. (...)

France
Deputy Permanent Representative
Ambassador Briens

(...) I wish to stress three points. First, when grave violations of international humanitarian and human rights law, war crimes and **crimes against humanity** are committed, it is the responsibility of the Security Council to intervene to end them. That is what we did in Libya. The Security Council authorized the forces of the coalition to protect civilians under bombardment ordered by their leaders. By striking Colonel Al-Qadhafi's forces before they entered Benghazi, France and its partners helped to prevent a massacre there. By demining the port of Misrata, we enabled humanitarian assistance to be delivered and civilians to be evacuated. (...)

Germany
Permanent Representative;
Dr. Peter Wittig

(...) Regarding “**responsibility to protect**”, let me be clear: It is first and foremost the responsibility of each state to protect its civilian population from violence. However, blatant disregard of this obligation may have consequences

for those responsible - this is a message that applies not only in Libya. It goes beyond Libya. (...)

Italy
Permanent Representative
Ambassador Ragolini

(...) In that regard, the Security Council has a crucial role to play and must be ready to take prompt action against those who undermine the commitment made by the heads of State and Government in the 2005 World Summit Outcome document (General Assembly resolution (60/1) and reaffirmed in resolution 1894 (2009). (...)

The Netherlands
Permanent Representative;
H.E. Mr. Herman Schaper

(...) My comments will focus on the relationship between Protection of Civilians and the **Responsibility to Protect**. An important relationship that also has been acknowledged in various resolutions on PoC in recent years.

The two principles of Protection of Civilians and of the **Responsibility to Protect** have different origins, and their practitioners do not always seem to see eye-to-eye. The Netherlands believes therefore that it is important to enhance our collective understanding of both principles, and how they are related in their implementation.

Conceptually, the **Responsibility to Protect** and Protection of Civilians are indeed distinct. **R2P** is focused on the four specific crimes: **genocide, war crimes, ethnic cleansing and crimes**

against humanity. And not only in conflict situations, but also in non-conflict situations. PoC is on one hand broader in scope as it aims to protect the general safety, dignity and integrity of all human beings, and on the other hand more focused on conflict situations.

At the same time, the two principles are also closely related as they share a similar normative foundation that consists of four elements:

That the protection for individuals is a primary responsibility of each state.

That the international community plays a supportive role in both principles.

That prevention and early warning are key to PoC as well as **R2P**. Let me repeat: prevention is key.

That neither PoC nor **R2P** are synonymous with military intervention.

At the same time support for both PoC and **R2P** has grown among the membership of the UN. The C34 has made important progress this year on protection of civilians and effective peacekeeping. The “Framework for Drafting Comprehensive Protection of Civilians Strategies in UN Peacekeeping Operations” is a welcome tool. The three tier approach for PoC as described in this framework has great promise and enhances the prevention aspects.

We also saw an increasing consensus on **R2P** in the GA-debate in 2009 and 2010. The SG articulated a three pillar approach for **R2P** in 2009, which is very useful. In 2010, the report of the SG focused, much to our agreement, on the importance of early warning to prevent the four **R2P** crimes from happening. And proposals to strengthen the Office of the Special

Advisor on the Prevention of Genocide attracted overwhelming support by the Fifth Committee and the GA in December 2010.

A second positive development is that progress in practice has been achieved, especially in two respects: prevention and military measures. Timely mediation by the international community in Kenya and Guinea prevented further mass atrocities and protected civilians. Both not only have made further action by the Council unnecessary, but are also important precedents of preventive measures.

As far as military measures are concerned a distinction can be made between situations where a UN mission is already present on the ground and situations where this is not the case.

In Ivory Coast for instance, UNOCI played an important role in halting further violence by robust implementation of their mandate to protect civilians. In doing so it also contributed to the prevention of further events which might have amounted to **crimes against humanity** from happening.

In Libya the implementation of resolutions 1970 and 1973 on Libya by the Coalition resulted in the Protection for Civilians and the prevention of massive **crimes against humanity** in Benghazi and other cities in Libya.

Both recent resolutions on Libya also acknowledged in their language that there is a very close relationship between PoC and **R2P**. The Netherlands is very pleased about that. We believe that we

need to acknowledge that the relationship between **R2P** en PoC exists. Doing so strengthens the implementation of both principles, individually and jointly.

This includes looking for synergies between **R2P** and PoC. As an example: the reform of the judiciary creates a safer environment for civilians and helps to avoid the four **R2P** crimes from happening. The same goes for the implementation of human rights conventions, training of police forces and support to inclusive political processes. Early warning is another area where synergies are possible. (...)

(...) In conclusion Mr. President, we believe that PoC and **R2P** are extremely important principles. We have to acknowledge their similarities and strengthen their relationship in practice. This will benefit both **R2P** and PoC and their implementation in any given situation. (...)

Portugal
Deputy Permanent Representative;
H. E. Ambassador João Maria Cabral

(...) Preventive measures are core elements of resolution eighteen ninety four and important pillars of the **responsibility to protect**. In this regard, we would like to underline the value of practical but very effective preventive measures that are now in place in a number of peacekeeping missions to ensure timely action against potential threats to civilians. For example, the telephone hotlines to connect civilians and local authorities with the peacekeeping mission, a measure that can be replicated in several other missions to provide the much needed reassurance to

local population. But other measures can be devised including measures to support the efforts of civilian populations to protect themselves, through education and training progress while engaging the State authorities who retain the primary responsibility for protection. (...)

Ukraine

**Permanet Representative;
H.E. Yuriy Sergeyev**

(...) Accountability for violations of international law, including the deliberate targeting of civilians, their use as human shields, indiscriminate or disproportionate attacks, delays or denials of humanitarian access are also the issues to be tackled. How to translate thematic principles into protection of civilian on the ground and to enhance prevention, including through early warning and assessment in the context of the **responsibility to protect**, should, in our view, be focuses of all our efforts. (...)

Uruguay

**Permanent Representative
Ambassador Cancela**

(...) We must therefore be very careful when it comes time to carry out efforts in the context of a legally binding instrument that carries the legitimacy of the United Nations vis-à-vis the protection of civilians. Similarly, while we favour moving ahead with the debate on implementing the **responsibility to protect**, without failing to acknowledge the intrinsic overlap with the protection of civilians, we believe that it is important that we be clear in our references to these concepts and that we

take into account the singular nature of each one — which have distinct legal characters and have followed clearly differentiated discussion processes. (...)

Venezuela

**Permanent Representative
Ambassador Briceño**

(...) Venezuela believes that powerful countries are manipulating the concept of the **responsibility to protect**, when they are seeking solely to impose their strategic interests on the world. The responsibility for protecting civilians lies solely with States. The assistance that the international community can offer in this regard should be in support of national efforts at the request of the State concerned. (...)