

EXCERPTED STATEMENTS ON THE OPEN DEBATE ON PROTECTION OF CIVILIANS IN ARMED CONFLICT

20 November 2007
Security Council Chamber

Secretary-General Ban Ki-Moon:

(...) That is why the protection of civilians is and must remain an absolute priority. For me as Secretary-General. For the United Nations. For this Council. And, above all, for the Member States, with whom rests the primary responsibility for protecting civilians.

(...) At the World Summit in 2005, all the world's Governments agreed in principle to the **responsibility to protect**. I will work with Member States and civil society to translate this concept from word to deed -- to ensure timely action when populations face genocide, ethnic cleansing or crimes against humanity.

This Council has taken a number of important steps -- including the adoption last year of resolution 1674 (2006) on the protection of civilians. The resolution establishes an important framework for action. Here too, we must now work together to translate the text into real action. (...)

Belgium Mr. Johan Verbeke:

(...) At the United Nations World Summit in the autumn of 2005, we all acknowledged and accepted the principle of the **responsibility to protect**, which the Secretary-General has just recalled in all of its importance. As we all know, the principle reaffirms States' obligation to protect their

own population against such grave crimes as genocide, crimes against humanity, war crimes and ethnic cleansing. If States refuse to accept that responsibility or are unable to fulfil it, it falls to the international community. In that context, the Security Council must assume its role and ensure the implementation of the principles agreed by all Member States. (...)

Russia Mr. Vitaly Churkin:

(...) The **responsibility to protect** civilians falls first and foremost to the Governments of States in conflict. We believe that such responsibility should also be borne in mind by non-State actors. We condemn the actions of armed groups, in particular the use of suicide bombers and the practice of hostage-taking. Civilians should not be deliberately attacked or killed by the indiscriminate or excessive use of force, which is also a violation of international humanitarian law.

(...) We note the Secretary-General's balanced treatment of the concept of **responsibility to protect** as the responsibility of each State for the protection of individuals in their jurisdiction from genocide, war crimes, ethnic cleansing and crimes against humanity. It is the job of the United Nations and of the Security Council to support these national efforts.

(...) However, here it would be premature to talk about the functions of the so-called Special Representative on the Prevention of

Genocide and Mass Atrocities, whose mandate is not yet agreed with the Security Council. In our view, the Secretary-General should provide the Council with clarifications and specific proposals on the broadening of the Special Representative's mandate. This would help us to clarify what exactly is meant by the term "mass atrocities" and how the new mandate would interface with the work of other agencies in the United Nations system. (...)

China

Mr. Lui Zhenmin:

(...) Secondly, it is necessary always to bear in mind the need to respect the role of Governments in the protection of civilians and to let them play this role. Governments bear the primary **responsibility to protect** their civilians. While the international community and outside forces can provide help, the provisions of the Charter must be followed in doing so, and care must be taken not to undermine the sovereignty and territorial integrity of the country concerned. Even when outside support is necessary, the will of the country concerned must be fully respected and forcible intervention avoided.

(...) Fourthly, the concept of the **responsibility to protect** should be interpreted and applied in a prudent and accurate manner. The Outcome Document of the 2005 World Summit contains detailed elaboration and provisions on the **responsibility to protect** and stipulates explicitly that this concept should be discussed by the General Assembly. The Security Council should not become a forum for extrapolating this concept or engaging in other similar legislative activities, because that is a task for the whole membership of the United Nations. At present, this concept is not yet mature, and many Member States

have considerable concerns about it. The relevant discussions should be held within the framework of the General Assembly, and the Security Council should not prejudice the result of such discussions. (...)

Panama

Mr. Ricardo Alberto Arias:

(...) The mere discussion of this matter necessarily brings to mind paragraphs 138 and 139 of the 2005 World Summit Outcome Document, through which we adopted the **responsibility to protect** as a standard of this Organization. That concept, above and beyond the principles of sovereignty, territorial integrity and non-interference in the internal affairs of States, clearly establishes that when a Government will not or cannot protect the rights of its citizens, the international community, and therefore the United Nations, assumes the responsibility of doing so. Sexual violence against women as a tool of war or as simple political pressure presents a clear example in which the international community has the obligation to act. Within that context, we must assess and analyse our achievements and we must confess that we have failed in that respect. This Organization, and in particular the Security Council, must review the way in which we tackle this issue. (...)

United Kingdom

Sir John Sawers:

(...) I wish to address the normative framework and the need to put those norms into practice. I will also highlight some country situations in which action is needed.

Resolution 1674 (2006) affirmed the agreement reached at the 2005 World

Summit on the **responsibility to protect**. The resolution recognizes the primary responsibility of States for protecting their own citizens, but also underscores the shared responsibility of the international community to help States fulfil that responsibility.

What we want is a partnership where international assistance, for example in building judicial capacity or in reforming the security sector, helps strengthen States' ability to exercise their sovereign responsibilities. But in those exceptional cases in which States cannot or will not protect civilians from the gravest abuses of their human rights, the international community not only has a right to act, but a responsibility to do so. That action can come in a range of forms, from sanctions against those responsible to direct intervention to protect civilians and should always be proportionate and carefully chosen.

That is part of the wider challenge of becoming collectively more capable of anticipating and preventing crises and more effective in our actions when such crises arise. We therefore need to build on the **responsibility to protect** through improving our ability across the conflict cycle. (...)

France

Mr. Jean-Maurice Ripert:

(...) In keeping with Article 99 of the Charter, the Secretary-General has always brought to our attention the most serious situations of violations of international humanitarian law and of human rights.

We are grateful to him for his initiative to further strengthen the Council's early warning mechanism, based on paragraphs 138 and 139 of the Outcome Document (General Assembly resolution 60/1) of the

2005 World Summit. We welcome the appointment of Mr. Francis Deng as Special Adviser for the Prevention of Genocide and Mass Atrocities, since he can act, alongside the Secretary-General, as a focal point for the protection of civilians. We also welcome the Secretary-General's intention to appoint a Special Adviser for the **Responsibility to Protect**, Mr. Ed Luck. (...)

South Africa

Mr. Dumisani Kumalo:

(...) In situations of conflict it is incumbent on States, with the support of the United Nations and relevant humanitarian actors, to protect civilians from abuse, to mitigate the impact of warfare and to alleviate their suffering. For this reason, my delegation wishes to reaffirm the primary **responsibility** of each State **to protect** its citizens and persons within its jurisdiction, as proclaimed in the 2005 World Summit Outcome Document. (...)

Ghana:

Mr. Robert Tachie-Menson

(...) While it is recognized that the primary responsibility for the protection of civilians falls on States and Governments, the present situation clearly indicates that in most conflicts, States and Governments are either unable or unwilling to provide that protection. The international community, therefore, has a moral and legal duty to extend this protection as affirmed in paragraphs 138 and 139 of the 2005 World Summit Outcome Document (General Assembly resolution 60/1), and as stressed in Council resolution 1674 (2006). (...)

Qatar

Mr. Nassir Abdulaziz Al-Nasser:

(...)The principle of the responsibility to protect, as set out in the 2005 World Summit Outcome Document (General Assembly resolution 60/1) essentially stresses that each State has the **responsibility to protect** its citizens and individuals subject to its jurisdiction from acts of genocide, war crimes, ethnic cleansing and crimes against humanity. While the principle of the **responsibility to protect** reflects a noble human value, it is easily exploited and abused; this prompts us to be cautious in dealing with this principle. Our objectives must therefore not be politicized; they must transcend individual interests and reflect pure humanitarian motives.

(...)To improve the condition of civilians in areas of armed conflict and areas under foreign occupation, we need effective, on-the-ground implementation of actions and measures contained in relevant Security Council resolutions. We stress, in this regard, that parties to armed conflicts, State and non-State actors alike, bear the responsibility to fully comply with their obligations under international law and relevant Security Council resolutions, as the **responsibility to protect** civilians rests first and foremost with the States concerned. (...)

Slovakia

Mr. Dusan Matulay:

(...) Being deeply concerned about the situation of millions of people trapped in conflict situations around the globe, we fully support the continuing efforts to strengthen the protection of civilians in armed conflicts, especially of women and children, in accordance with existing international norms. In that respect, we fully support the

implementation of the commitments made in the 2005 World Summit Outcome Document, as well as the implementation of the Council's resolutions, including 1674 (2006) and 1738 (2006).

(...) We fully share the Secretary-General's view that, where we cannot prevent armed conflict, the protection of civilians is, and must remain, an absolute priority for the whole international community. (...)

Peru

Mr. Jorge Voto-Bernales:

(...) In the light of the situations described in the report, it is necessary to reaffirm the responsibility of the United Nations to defend human rights throughout the world and to continue to place priority on the protection of civilians in armed conflict. It is important to seek full implementation of resolution 1674 (2006), which contains crucial provisions for improving the international system to protect civilians in armed conflict, including the **responsibility to protect** populations from war crimes, genocide, ethnic cleansing and crimes against humanity. (...)

Congo

Mr. Luc Joseph Okio:

(...) The **responsibility to protect** populations from genocide, war crimes, ethnic cleansing and crimes against humanity was emphasized in the 2005 World Summit Outcome (General Assembly resolution 60/1), particularly in paragraphs 138 and 139. That responsibility belongs first and foremost to Governments, which need to shoulder it effectively by conducting background educational work and in publicizing information regarding international instruments, particularly

international humanitarian law. In that regard, we should note that some Governments that are not able to accomplish this themselves should benefit from assistance from the international community. (...)

Iceland

Mr. Hjalmar W. Hannesson:

(...) One of the positive developments in the discourse concerning security in recent years has been the refocusing on issues relating to the security of the individual. The development of the concept of human security since the early 1990s and the ground-breaking recognition of the **responsibility to protect** have given us conceptual approaches in tune with what the Secretary-General refers to as the shared fundamental values that make it imperative to recognize the inherent dignity and worth of every human being. (...)

New Zealand

Ms. Rosemary Banks:

(...) New Zealand commends the steps taken so far to strengthen the normative framework for the protection of civilians. We welcomed the acceptance by leaders at the 2005 World Summit of the international **responsibility to protect** populations from genocide, war crimes, ethnic cleansing and crimes against humanity, including, potentially, through collective action under Chapter VII of the Charter of the United Nations. We were pleased by the reaffirmation of that language in resolution 1674 (2006). Looking ahead, we continue to support further operationalization of the concept. In that context, we welcome the appointment by the Secretary-General of a special adviser on the **responsibility to protect** within the office of the Special Representative of the Secretary-General on

the Prevention of Genocide and Mass Atrocities. (...)

Portugal (on behalf of the EU)

Mr. João Salgueiro:

(...) While we renew our commitment to the important principles associated with the protection of civilians, we should not lose sight that the primary **responsibility to protect** lies with individual sovereign states, which should protect their respective population from genocide, war crimes, ethnic cleansing and crimes against humanity. Two years ago at the World Summit, Heads of State and Government reached an historic agreement on the **responsibility to protect**. The EU welcomes the affirmation of the **responsibility to protect** by the Security Council in subsequent resolutions, including 1674. The international community should encourage and help States in meeting that responsibility. If a State is unwilling or unable to address its problems, then we would have to make good on our **responsibility to protect** by more proactive means, as provided for at the World Summit. (...)

Angola (on behalf of the African Group)

Mr. Abraão Gaspar Martins:

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

as dialogue for the peaceful resolution of conflicts as a means to the best solution of conflicts. (...)

Senegal

Mr. Seek:

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

Guatemala

Mr. Jorge Skinner- Kleé:

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

Nigeria

Mr. Felix A. Aniokoye:

(...) More than ever, the challenges of protecting civilians in armed conflicts have amplified and become more daunting. My delegation therefore believes that the time has come for the international community to re-examine when it is its **responsibility to protect**, without prejudice to the sovereignty of member states. Genocide, war crimes, ethnic cleansing, and crimes committed against unarmed civilians in situation of conflict are grim reminders that the time is right for the international community to determine when to exercise its **responsibility to protect**.

(...) Finally, although the primary responsibility for protecting civilians lies with national government, the police, army, civil society and the private sector have roles to play. (...)

Australia

Mr. Robert Hill:

(...) We must also do more to implement the “**responsibility to protect**” principle as endorsed at the 2005 World Summit. This was an important affirmation of the responsibility of the international community to take action to prevent large-scale gross human rights abuses and genocide, and a clear, and suitably constrained, statement on the limits of sovereignty.

Now we must develop a practical approach to implement the **responsibility to protect**. To this end, Australia will become a founding donor of the new Global Centre for the **Responsibility to Protect**. The Centre will build a worldwide research network; develop strategy; and help coordinate advocacy, to identify, prevent or respond to circumstances where populations are threatened. We also welcome the Secretary-General’s intention to appoint Professor

Edward Luck as his Special Advisor for the **Responsibility to Protect**. (...)

Canada

Mr. John McNee:

(...) The Council must be timely in its engagement and vigilant in its monitoring. It must maintain sustained attention and pressure on crises where protection of civilians concerns are front and centre. The Council must demonstrate more consistently the political will to draw upon the full range of measures at its disposal. This includes periodic Council visits so that civilians protection concerns can be addressed first hand, the strategic use of targeted sanctions where applicable, the effective implementation of early warning mechanisms, and the use of force to protect civilians under imminent threat where peaceful efforts have not been successful. Looking ahead, further Council attention on how to operationalize the **Responsibility to Protect** concept will also be important. (...)

Liechtenstein

Mr. Christian Wenaweser:

(...) The Council has been seized with the protection of civilians for a number of years now. One of the highlights of the 2005 World Summit was the acceptance of the principle of the **responsibility to protect**. This decision was of historic magnitude, but it has not yet led to a watershed in the protection of civilians worldwide. It is important that we operationalize this concept, and we support the Secretary-General's effort in this respect. We appreciate the fact that he is making this issue one of the priority topics of his tenure, but we also believe that more systematic work needs to be done by us, the Member States, in particular. The protection of civilian populations is first and foremost the

task of the States on whose territories they reside. Given that the role of the Council is only complementary and only applicable after massive human suffering has occurred, the UN efforts on the **responsibility to protect** can usefully focus on strengthening national capacities. (...)

Nepal

Mr. Madhu Raman Acharya:

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

Argentina

Mr. Jorge Argüello:

(...) It is the primary **responsibility of all States to protect** their populations and those of this Organization to adopt measure to prevent or alleviate the suffering of civilians in conflict zones. Argentina reiterates once more the importance of securing that the mandates of the peacekeeping missions, policies, and peacebuilding include dispositions that address issues regarding the protection of civilians. (...)

Mexico

Mr. Claude Heller:

(...) Mexico is convinced of the idea that, once all means for a peaceful settlement have been exhausted under the authority of

the Security Council, the international community should be able to take the measures necessary to protect the civilian population from serious violations of obligations that stem from international law and international human rights law, in accordance with the section related to the responsibility to protect, coined in the 2005 World Summit Outcome Document. (...)

Vietnam

Mr. Le Luong Minh:

(...) While supporting their humanitarian objective, we are of the view that the actions proposed by the Secretary-General relating to the conduct of hostilities, sexual violence, access, housing, land and property rights should be further studied in details to ensure their conformity with the fundamental principles of the UN Charter and international law and to ensure that no complications will arise in the process of their implementation. We wish to reaffirm our position that in situations where they do exist, States bear the primary responsibility within their jurisdiction in the protection of their own populations, (...)

Colombia

Ms. Claudia Blum de Barberi:

(...) Colombia has an unrestricted commitment to International Humanitarian Law. The current Government, through the democratic security policy, has achieved striking results in the fight against scourges that threaten civilians and hinder the enjoyment of their rights, such as the activities of illegal armed groups, drug trafficking, and terrorism. We underline, vis-à-vis these scourges, that it is the primary **responsibility of the State to protect** civilians. (...)