

CHECK AGAINST DELIVERY

Statement by Under-Secretary-General Jan Egeland at the Open Meeting of the Security Council on the Protection of Civilians in Armed Conflict 9 December 2005

Mr. President, distinguished Members of the Council,

Sixty years ago the nations of the world came together to "save succeeding generations from the scourge of war". We should now assess how effective we have been in our efforts to shield civilians from the horrors of armed conflict, in situations where States have proved unable or unwilling to fulfill their primary responsibility to do so.

Let me start with some positive observations. It has now been six years since the first Report of the Secretary-General on the Protection of Civilians in Armed Conflict was presented to this Council and six years since the adoption of your first thematic resolution on the protection of civilians. Over that period, we have witnessed some significant improvements in the protection afforded to civilians.

First, the Security Council's more systematic and sustained engagement on protection of civilians issues has had an impact. The Council's expansion of peacekeeping mandates to encompass a range of protection measures – such as the physical protection of civilians under imminent threat of physical violence, programmes for the disarmament, demobilization and reintegration of combatants and measures to protect displaced populations and returnees – has been an extremely important development. The evolution of protection elements in mandates has resulted in a more effective approach by peacekeeping missions to protection issues. The adoption by the Council of "robust peacekeeping measures" in Ituri in the Democratic Republic of the Congo, for example, had an obvious impact on the ground. Moreover, the Security Council's sharpened focus on key protection concerns draws global attention to these issues and reinforces a stronger culture of protection.

Second, the enhanced engagement by regional and sub-regional organisations has made a real difference on the ground, as demonstrated by the African Union's appointment of a special representative, the timely deployment by the European Union of rapid reaction forces to Ituri, the deployment of ECOMIL in Liberia and the African Union's deployment of its peacekeeping mission in Darfur (AMIS). It is critical that the necessary financial and other support is provided to regional and sub-regional organisations to enable them to effectively contribute to the protection of civilians in armed conflict.

Third, we have seen strengthened humanitarian assistance and response by United Nations agencies and non-governmental organisations to the needs of civilians in conflict. This humanitarian action has helped to reduce conflict-related deaths, including death through malnutrition and disease, and to shield innocent children, women and men from some of the worst side-effects of armed conflict. There is an important connection between protection and humanitarian action, and agencies have become increasingly aware of the protection

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aspects of humanitarian relief. We in the humanitarian community must continue to strengthen our capacities to respond where we have the access to do so.

Fourth, an increasing number of countries have signed and ratified the relevant international legal instruments. 32 States took 114 treaty actions during the "2004 Treaties Event" on the protection of civilians in September last year. Yet it is disturbing to note that only thirteen of the 26 countries in which there is currently an armed conflict are party to Additional Protocol II to the Geneva Conventions. Additional Protocol II is the most relevant to the "non-international" conflicts with which we are mostly confronted, and its importance cannot be understated. I wish to underline the importance of the continuing work of the International Committee of the Red Cross in promoting the key instruments of international humanitarian law, and to pay tribute to its work in this core area of its mandate. I would also like to congratulate the Red Cross and Red Crescent Movement for the historic agreement on a third protective emblem.

Finally, efforts to deter war crimes, crimes against humanity and genocide and to break the prevailing culture of impunity in situations of armed conflict have been boosted by the establishment of the International Criminal Court. The Court's investigations in Uganda, the Democratic Republic of the Congo and the Darfur region of Sudan, as well as the indictments already issued, should provide hope to the traumatized civilian populations in these countries and elsewhere that the unconscionable crimes committed against them will not go unpunished.

Mr President, improving the situation for civilians in armed conflict requires continuous engagement by the relevant governments, the Security Council and the providers of humanitarian assistance and protection. Despite the progress I have just outlined, however, this engagement is too often inadequate and grave areas of concern persist.

Stark and disturbing evidence that civilians continue to bear the brunt of armed conflicts has emanated from a broad range of conflicts over the past six years. In too many instances, civilians have been subjected to extreme violence. Indeed, our greatest challenge is how best to address the unconscionable acts of sexual and other forms of physical violence perpetrated against civilians. Forced population displacement has continued to be either a by-product or a deliberate strategy of warfare. Continued long-tenn conflicts have eroded social support structures. A prevailing culture of impunity has continued to spur cycles of violence and criminality. Millions of people have been denied life-saving humanitarian assistance. And, in many situations, humanitarian actors have been operating in a less secure environment where deliberate attacks have been steadily increasing.

I would like to address some of these key protection concerns in more detail and to draw on current situations to illustrate these concerns.

Mr President, over the past six years civilians have continued to bear not only the devastating side-effects of armed conflict, but often have been deliberately targeted by parties to conflict, both non-State actors and government military forces alike. It is alarming that, in some situations, the very structures that should protect civilians – the military and law enforcement authorities – are instead committing violent crimes. In some

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areas in Cote d'Ivoire, for example, Government-controlled militias and Force Nouvelles troops have been responsible for killings, rape and other human rights violations. In some parts of the Democratic Republic of Congo, the joint military forces and armed groups linked to the government have attacked villages and carried out extortion, looting, and kidnapping for ransom. Most disturbing is the widespread sexual violence and abuse of women and girls. The problems caused by having 50,000 unpaid soldiers demonstrate the long-enduring legacies of armed conflict. Stronger action to restore and build the capacity of law enforcement and justice systems is critical.

Improving the security situation in the longer term requires firmer action in relation to disarmament, demobilization, reintegration and rehabilitation (DDR). Lack of adequate and sustained funding for DDR activities should not become the reason that fragile countries slip back into conflict. The provision of economic and social support to the local communities who shoulder the burden of providing reintegration assistance is crucial. We must ensure that all children and women associated with armed forces and groups, as well as issues related to women and children, are systematically included in every DDR process. The high prevalence of small arms, light and easy even for a child to use, perpetuates a culture of violence. We need to adopt and implement firm measures to combat the proliferation of small arms and light weapons, to control and reduce the illicit traffic in these weapons, including at the local level, and to involve ex-combatants and local communities, in particular women, in collection and destruction of small arms and in de-mining.

Two years ago I gave my first briefing to the Council on the grave situation in Northern Uganda. Sadly, widespread physical violence, including night attacks on villages and camps, killings and forced recruitment remain just a few of the perils faced by civilians, particularly children. For children abducted and recruited by the Lord's Resistance Army, adequate resources to allow for appropriate reintegration are needed urgently, particularly to help girls deal with their serious reintegration challenges.

Efforts by peacekeeping missions to provide physical security for civilians under immediate threat of physical violence need to be augmented by concrete measures to facilitate a secure environment more generally. It is vital that multi-dimensional peacekeeping missions work to improve the overall security situation. Working closely with the African Union and other regional and inter-governmental organisations towards this objective is crucial.

Violence directed against civilians continues to trigger high levels of population displacement. More than 50% of the world's 23 million displaced are found in just three countries: Sudan, Uganda and the Democratic Republic of the Congo. There is now a danger that long-term displacement in Darfur will become entrenched, with a real risk of compounding an already desperate situation. We must not allow Darfur to become tomorrow's Northern Uganda, where over a generation of displacement has resulted in exploding mortality rates and eroded social structures. Normal life is foreign to an entire generation. Long-term displacement is pernicious. Long-term displacement kills. It kills people. It kills societies. We must make all efforts to speed the return of people to their normal lives. Security measures in Northern Uganda must not add to the suffering of the civilian population. And while people remain displaced, they must be able to engage in economic activity and maintain their capacity to return to normal lives and livelihoods.

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This requires increased commitments from both the humanitarian and the donor communities, as well as a commitment from the Government to implement its own policy on the internally displaced.

The displacement of populations is not necessarily linked to camps. Equally difficult challenges exist when those who have been displaced are merged with local communities which then must bear the main burden. In Cote d'Ivoire, for example, the majority of the 500,000 people displaced lives with host families and, therefore, easily fall outside safety nets and beyond the reach of humanitarian organisations. The host families face economic difficulties which, combined with the climate of impunity, have led to sexual exploitation, prostitution and forced child labour. Immediate action is needed in order to avert a further deterioration in the situation in Cote d'Ivoire.

Obstructed or restricted humanitarian access remains a key concern in most conflict areas around the world. Poor security is tantamount to denying access. I wish to recall Security Council's statement in resolution 1296 concerning the need for all parties, including non-State entities, to cooperate fully with the United Nations Humanitarian Coordinator and the humanitarian agencies in providing access. To facilitate such cooperation, based on the support of the Council, my office will soon launch a manual on humanitarian negotiation with non-State actors in armed conflict situations. Humanitarian workers must be able to negotiate with all actors with influence or control over territory in which populations are in need of assistance and protection. In line with the humanitarian principles of neutrality, impartiality and independence, such negotiations will not in any way imply recognition or legitimisation of the non-State actor concerned.

Humanitarian personnel increasingly find themselves exposed to threats, violent attacks, kidnappings for ransom and ambushes. In the month of October alone, ten humanitarians were killed in Northern Uganda and Sudan, while in Afghanistan, five medical aid workers were killed and three seriously wounded when their vehicle was attacked. Statistics from the United Nations Department of Safety and Security reveal startling increases in incidents against United Nations personnel over the past twelve months. Assaults, for example, have increased from 120 in 2004 to 407 in 2005, and kidnappings have increased from two to twenty. Incidents of harassment and delays at checkpoints in the occupied Palestinian territories have numbered in the thousands every year. We hope that the United Nations' role in tracking progress in the implementation of the recent Israeli-Palestinian Agreement on Access and Movement will have a positive impact on overall access and freedom of movement.

As the Security Council has consistently stressed, all parties must guarantee the safety, security and freedom of movement of United Nations and associated personnel, as well as personnel of humanitarian organisations. In this connection, I welcome the General Assembly's adoption yesterday of the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel. The new Protocol expands the application of the Convention to the implementing partners of the UN agencies, those delivering humanitarian, political or development assistance in peace-building or delivering emergency humanitarian assistance. I urge your support in promoting the ratification of this new Protocol and the Convention itself, which to date has received only 79 ratifications.

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A humanitarian response cannot be effective without adequate security conditions and a safe and security operating environment. How much can 13,000 humanitarian workers in Darfur achieve, for example, when their movements are restricted due to threats, harassment and attacks? The mere presence of aid workers in the region does not ensure assistance and protection.

Mr. President, the presence of aid workers should therefore never be used as an alibi to camouflage the absence of genuine efforts to find lasting political solutions. Year in and year out, we are unable to undertake adequate humanitarian programmes in severe emergencies because no coherent and systematic attempts are made to end the conflict. We become an expensive plaster on an open, unhealed wound. The band-aid-approach costs lives and ultimately costs the international community dearly in both moral and financial terms. Many violent conflicts have persisted for years on end without sufficient efforts devoted to peacemaking. And they become more complex and difficult to resolve with each passing, violent day, as we have seen in Somalia, Cote d'Ivoire and Northern Uganda. The colossal toll on the civilian population and the many wasted opportunities for peace become tragically clear in hindsight. In Northern Uganda, for instance, it would have been unthinkable several years ago that we would allow tens of thousands of children to be mutilated, killed, raped, tortured, abducted and forcibly recruited. The conflict in Northern Uganda has obvious regional dimensions, with the Lord's Resistance Army crossing the borders into South Sudan and Eastern DRC, disrupting return efforts, interrupting aid efforts and destabilizing the region.

The broad international support to the peace process in Southern Sudan is now at long last allowing refugees and displaced persons to return to their home communities. For how much longer can we tolerate the inadequate resources given to solving the conflict in Northern Uganda – a conflict that has gone on for 19 years with minimal resources allocated to peace-making? A solely military solution is not possible. Efforts to end the violence and to secure the safety of the population through negotiation must be dramatically strengthened. We cannot but applaud courageous individuals such as Betty Bigombe, who continues to try to find ways to engage with the LRA in order to save lives and explore opportunities for peace, despite inconsistent financial and political support. At the same time, the Government of Uganda must do more to fulfill its responsibilities to its people in the north.

Mr President, we now have an opportunity to finally put the Secretary General's good offices and mediation capacity on a more robust and professional footing, as supported by the 2005 World Summit. Mediation efforts have, for too long, been a missing link. We need increased and predictable mediation efforts that ensure that the protection concerns of the population are taken into account. We must make the World Summit's commitment to peace-making and mediation an early reality. And we must prioritise peacemaking efforts where there are serious humanitarian consequences.

The Secretary-General, in his recently-released report on the protection of civilians in armed conflict, provides a five year perspective on the changing environment of conflict.

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I would like to underscore, as I conclude, three of the recommendations for action contained in the Report Of the Secretary-General before you today. First, the present framework needs to be updated to reflect the current environment of conflict and the latest developments and best practice in providing protection to civilians in armed conflict. Five years after the last protection of civilians resolution, we need a new resolution to guide our future work. I thank the United Kingdom Presidency for its role in facilitating negotiations on a new resolution and urge the Council to ensure that the strongest possible language is adopted. The eyes and ears of the world community and human rights and humanitarian workers are on you. This is not a time to weaken our joint resolve to protect those who need it most.

Secondly, we need to improve the collation of empirical data for both situation-specific and global trend analysis to facilitate the Council's deliberations and decision-making. It is important that the Council be properly informed about the nature and extent of protection needs in countries of concern so that its response can be better tailored to the specific needs of the population. To this end, I welcome the efforts that have been made in Sudan and the Democratic Republic of the Congo to establish incident reporting systems, and would encourage such systems to be established in other countries of concern. My office has already initiated links with academic institutions in order to gain a better understanding of global trends and to inform future reports to the Council.

Third, and finally, much more emphasis and support needs to be devoted to peace-making, and all peace-making efforts must reflect the protection needs of the civilian population. Those involved in peace-making and mediation efforts are the natural partners of the humanitarian community in ensuring that the impact of conflict and violence comes to an end. This partnership must now be reinforced so that we can more effectively address the protracted suffering of civilians in armed conflict.

Mr President, the conflict situations I have touched upon have serious regional consequences and constitute a possible threat to international peace and security. The conflict in Northern Uganda, for instance, is now a regional problem and a threat which, in my view, the Security Council needs to address more systematically. I hope to be able to return to some of these issues in more detail in my forthcoming briefing on the humanitarian situation in Africa.

The effective protection of civilians in situations of armed conflict requires stronger partnerships that systematically identify the various protection needs of civilians, as well as who is best placed to address them. It requires sustained focus and a commitment to continually review the effect of security measures on the civilian population and to take measures to mitigate these. We all have an important role to play – governments, neighbouring States, regional organisations, the Security Council, peacekeeping missions, and the humanitarian community. I look forward to my continued engagement with you on this important issue in order to further enhance cooperation and strengthen measures to protect those who most need our help.