

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

22 June 2007

Security Council Chamber

United Nations Undersecretary-General for Humanitarian Affairs and Emergency Relief Coordinator, John Holmes:

(...)The list is long, and important. And the increasingly widespread acceptance of these ideas and principles, together with the existence of institutions and staff specifically charged with monitoring and where possible ensuring their observance, is a huge step forward. So too is the agreement of 191 Member States in the 2005 World Summit Outcome on a fundamental “**responsibility to protect**”, a norm that emphasizes the primary responsibility of each State to protect its citizens and those within its jurisdiction from genocide, war crimes, ethnic cleansing and crimes against humanity but which also recognizes the role of the international community and UN in helping States exercise this responsibility.

(...)I will also continue to bring situations of grave humanitarian concern to the Council’s attention, through briefings, through the reports of the Secretary-General, or where necessary, and pursuant to resolution 1674, directly through the Secretary-General. Because only where the international community is united and resolute can we hope to protect the defenceless as we have the obligation to do. (...)

Panama

Mr. Ricardo Alberto Arias:

(...)Thus, international humanitarian law - specifically The Hague and Geneva Conventions and their protocols, other human rights instruments and Security Council resolutions — provide a broad and compelling framework for United

Nations action to protect civilians in armed conflict.

Nevertheless, this Organization has often failed to resort to those mechanisms to act, shirking our **responsibility to protect** civilians in the most atrocious conflicts. The conflicts in Rwanda and the former Yugoslavia in the 1990s, the current conflict in Darfur and the recent events in Lebanon are clear examples of that situation. The failure to act has cost this Organization credibility, but the blow to our reputation is insignificant when weighed against the loss of innocent lives. We must never forget those victims if we wish to avoid falling once again into inertia.

I cannot conclude without stressing the ultimate role of this Organization with respect to international humanitarian law, as reflected in paragraphs 138 and 139 of the Outcome Document of the 2005 World Summit, which refer to the responsibility of States and the international community to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. It is our understanding that the **responsibility to protect** implies that, over and above the principles of sovereignty, territorial integrity and non-interference in the internal affairs of States, when a State or, to phrase it more aptly, its governmental institutions are unwilling or unable to meet their **responsibility to protect** the human rights of their citizens, it is up to the international community, and the United Nations in particular, to adopt timely and decisive collective measures to do so.

Peru

Mr. Luis Enrique Chávez:

(...)First, the Security Council must seek to ensure the full implementation of resolution 1674 (2006), which contains crucial provisions for the improvement of the international system to protect civilians in armed conflict. That includes the **responsibility to protect** populations from genocide, war crimes, ethnic cleansing and crimes against humanity. (...)

United States of America

Ms. Jackie Sanders:

(...)We reiterate that the primary responsibility for protecting civilians lies with the parties to the armed conflict, and that international efforts should complement that function. However, in situations where parties to an armed conflict are unable or unwilling to protect civilians the international community has a distinct role to play.

Italy

Mr. Marcello Spatafora:

(...)Resolution 1674 (2006) marked a milestone in the work of the Security Council, affirming the **responsibility of States to protect** civilians in armed conflict, in line with the principles of international humanitarian law. We welcome the progress and positive achievements made in this field, which is at the core of United Nations activity in conflict prevention, peacekeeping and rapid response in times of crisis. We now have to focus on how to ensure the steady implementation of resolution 1674 (2006) — to move from words to deeds, as our colleague from the United States has just said.

(...)The protection of civilians is not an abstract political or legal concept. It is, of course, understood — as recalled by Under-Secretary-General Holmes and by many other previous speakers — that what is at stake here is the seriousness and credibility of our commitment to

the **responsibility to protect**. Civilian suffering and casualties are very concrete, and particularly and increasingly troubling, realities in the very many crisis areas and the numerous aspects that were recalled by Under-Secretary-General Holmes. (...)

Qatar

Mr. Jamal Nasser Al-Bader:

(...)There are also cases that cause grave concern, namely the killings of civilians by mistake in conflict areas or in areas where military operations have been taking place. This situation requires from all parties in those areas to take necessary measures that prevent putting civilians in harm's way according to the Fourth Geneva Convention of 1949.

In this regard, we would like to recall Security Council Resolution 1674 (2006) in order to stress the principle contained in the 2005 World Summit Outcome Document, i.e. the principle of the **"responsibility to protect civilians"** from genocide, war crimes, ethnic cleansing and crimes against humanity. We would like also to emphasize that, theoretically, the principle of **"responsibility to protect civilians"** is a critical humanitarian principle, for it embodies a noble humanitarian value, namely defending innocent people, whose only fault is that they live in proximity of conflict-ridden areas, and who, in most cases are intentionally targeted for political and ideological objectives. From a practical perspective and as far as implementation is concerned, we should be cautious though in dealing with this principle so as it would not to be exploited and abused. If we are to apply this principle while respecting that ideal concept, we should ensure that our objectives would not be politicized, and would be above individual interests and reflect purely humanitarian motives.

(...)What we lack today is the effective implementation of actions and measures contained in the relevant Security Council resolutions,

aiming at improving the conditions of civilians in areas of armed conflict. We would like to stress in this regard that the parties to the armed conflicts, be they governments or non-government actors, bear the responsibility of full compliance with the commitments to which they are bound under the international law and relevant Security Council resolutions because the **responsibility to protect** civilians rests first and foremost with the States concerned. (...)

Congo

Mr. Pascal Gayama:

(...)The principle of **responsibility and the duty to protect** were highlighted during the 2005 Summit, when the international community took on the obligation to protect people from the crimes of genocide, war crimes, ethnic cleansing and crimes against humanity. (...)

China

Mr. Li Junhua:

(...)Secondly, the role of the government should be given its place in the protection of civilians and should be respected. The Charter of the United Nations, the international humanitarian law, the resolutions of the Security Council and those of the General Assembly all require that governments bear the responsibility for the protection of civilians. The international community and external players have a role to play in resolving crises by providing help and support. But external assistance should be carried out with the prerequisite that the will of the government concerned be respected, its sovereignty and territorial integrity be preserved and that no arbitrary intervention be imposed on the government concerned over its objection.

Thirdly, the concept of the “**responsibility to protect**” should be understood and applied correctly. The outcome document of the World Summit of 2005 devoted a large section to a comprehensive elaboration on “the **responsibility**

to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity,” and requested the GA to continue its exploration and enrichment of the concept. At present, there are still various understandings and interpretations about this concept by many member states. Therefore the Security Council should refrain from invoking the concept of “the **responsibility to protect**.” Still less should the concept be abused. The Security Council should respect and support the GA to continue to discuss about the concept, in order to reach broad consensus. (...)

Slovakia

Mr. Peter Burian:

(...)It is clear that despite the existing legal framework for the protection of civilians in armed conflict, which was further strengthened last year by the adoption of resolution 1674 (2006), serious gaps remain in the practical implementation of agreed norms and principles, including the **responsibility to protect**. We welcome and support the intention of the Secretary-General to initiate a discussion among United Nations Members on how to translate that core principle of humanity and human solidarity, which our leaders endorsed at the 2005 World Summit, into concrete action on a global, regional and national level. (...)

United Kingdom

Ms. Karen Pierce:

(...)While national Governments have the primary **responsibility to protect** their citizens, the international community also has responsibilities. We should live up to them. (...)

Ghana

Mr. Robert Tachie-Menson:

(...)It is clear that the primary **responsibility for the protection of civilians** lies with States and Governments. That fact was recognized in General Assembly resolution 46/182 of 1991. The 2005 World Summit Outcome Document also affirmed

that principle in its paragraphs 138 and 139, which emphasize the responsibility of the United Nations to use appropriate diplomatic and other peaceful means to protect populations at risk, and, failing that, to take collective action under Chapters VI and VII of the Charter to protect civilian populations from genocide, war crimes, ethnic cleansing and crimes against humanity. That was also stressed by resolution 1674 (2006).

It is therefore undeniable that the international community has the legal and institutional tools to deal with this issue. The challenge for us now is how to translate the mechanisms at our disposal into effective practical systems for the protection of civilians.

(...)When States and combatants prove unwilling or unable to act, the international community has a moral and legal duty to intervene to avert a humanitarian catastrophe. (...)

Russian Federation
Mr. Vitaly I. Churkin:

(...)While **responsibility for the protection** of civilians falls first and foremost on the Governments of States where conflict is occurring, we believe that such responsibility should also be kept in mind by other parties that might be drawn into various conflict situations.

(...)The issue of IDPs is often linked to the concept of the **responsibility to protect**, which, we believe, must be interpreted in strict compliance with the 2005 Summit Outcome. We would recall that heads of State throughout the world agreed to help to protect people from genocide, war crimes, ethnic cleansing and crimes against humanity, with the understanding that this concept and its implications would be considered by the General Assembly on the basis of the principles of the Charter and international law.

Humanitarian work is a component of a crisis settlement strategy and post-conflict reconstruction

and requires systemic measures at the international, regional and national levels. The Security Council is fully justified in paying greater attention to the protection of civilians as part of its responsibility to maintain international peace and security. (...)

Belgium
Council President Johan C. Verbeke:

(...)Belgium would also like to emphasize that it is above all States themselves that must assume the **responsibility to protect** civilians in situations of armed conflict. If they do not have the capacity or the will to guarantee adequate protection, then the international community has the responsibility — and even the duty — to respond. (...)

Guatemala
Mr. José Alberto Briz Gutiérrez:

(...)We await the Secretary-General's next report, to be submitted in October. We are confident that it will provide up-to-date information and describe recent experiences in peacekeeping operations and in the innovative work in the area of peacebuilding. We are confident that its content will lead to an interesting debate on new approaches to the implementation of programmes on the ground, which will allow us to meet fully our **responsibility to protect**. (...)

Japan
Mr. Kenzo Oshima:

(...)World leaders formally acknowledged the “**responsibility to protect** populations” at the 2005 Summit, and it was reaffirmed by the Security Council in its resolution 1674. Yet these words have not adequately been translated into action. We need to discuss in this body what other concrete measures we can take. (...)

Argentina

Mr. Jorge Argüello:

(...)As the predecessor of Mr. Holmes pointed out, the **responsibility to protect** civilians in conflict is a central principle of humanity that must be depoliticized and transformed into joint action of Security Council members and international organizations.

The persistence of atrocities against civilians that is evident through regular evaluations of the Council makes it necessary to reflect on the possibility that in certain conflicts such measures be taken that are currently foreseen for situations where the states that are involved in a conflict do not have the political will or capability to adopt effective actions to protect civilians affected by this crisis.

There is no consideration of national security that could prevail over the obligation of states and other parties in conflict to comply with humanitarian law. (...)

Mexico

Mr. Claude Heller:

(...)One of the most important outcomes of the 2005 Summit was the recognition of the principle of the **responsibility by the international community to protect** populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Almost two years later, we have witnessed enormous difficulties in the application of this principle in concrete situations and in translating the spirit that led to its adoption into actions that have a positive impact on the lives of hundreds of thousands of people. The resolutions adopted on the situation in Darfour illustrate the difficulties encountered in this respect and the “diplomatic inertia” to which the Secretary General recently alluded in a press article.

We all know that the debate about the **responsibility to protect** is interlinked with the fundamental principles of international law. Despite the consensus reached in 2005, we cannot deny that mistrust prevails on this matter. While some States see in this new principle the mere continuance of interventionist practices aimed at destabilizing political regimes, others promote its application in a selective manner, limiting its scope to cases significant for their political interests. For this reason, it is essential that we commit ourselves to reach new agreements that give a true content to such an important principle in an objective and impartial manner. (...)

Germany, on behalf of the European Union and associated States

Michael Von Ungern-Sternberg:

(...)Also, international human rights law continues to be applicable to everyone within the jurisdiction of the state concerned in time of armed conflict. At the 2005 World Summit the Heads of States established the **responsibility to protect** populations from genocide, war crimes, ethnic cleansing and crimes against humanity. The EU welcomes the reaffirmation of the **responsibility to protect** by the Security Council in subsequent resolutions, including resolution 1674. (...)

Nigeria

Mr. Aminu B. Wali:

(...)We believe that the time has come for the international community to reexamine when it is its **responsibility to protect** civilians, without prejudice to the sovereignty of Member States. The genocide in Rwanda, the ethnic cleansing in Bosnia, and the crimes committed against unarmed civilians in areas of conflict, especially in Africa serves as a constant reminder that we have to search for a generally acceptable understanding when the international community exercises its **responsibility to protect**. (...)

Canada

Mr. John McNee:

(...)Finally, Mr. President, in its resolution 1674 on the protection of civilians, the Council stressed the importance of developing clear guidelines for civilian protection mandates. In the absence of such guidance, and a better evidence base through which we can gauge the effectiveness of protection mandates, it is not always obvious how well UN missions are doing in terms of interpreting and implementing their protection responsibilities and what supported is needed for troop contributing countries. CANZ partners urge OCHA and DPKO to make progress in this area and update member states on how resolution 1674 is being implemented in the next Secretary General's report. Resolution 1674 also refers to the Council's unique **responsibility to protect** civilians from the most acute threats to their personal security - namely genocide, war crimes and crimes against humanity - including through enforcement action under Chapter VII. Operationalizing the concept of the **Responsibility to Protect** must be the focus of further Council work. (...)

Liechtenstein

Mr. Patrick Ritter:

(...)The formal recognition, in the World Summit Outcome, of the **responsibility of the international community to protect** civilian populations when their governments fail to do so constitutes a major breakthrough in our common endeavor to prevent genocide, war crimes and crimes against humanity.

The main obligation for its implementation naturally falls on the Security Council. Diplomatic means such as targeted sanctions and embargoes, used in an effective way, should be employed at an early stage where violations against civilians prevail, to signal to concern of the international community and to serve as a first step to protect. Collective action to prevent and respond to

genocide, crimes against humanity and war crimes must not be made impossible by a non-concurring vote of one of the Permanent Members of the Council. This principle was first proposed by the High-Level Panel established in preparation of the World Summit of 2005 and has been taken up in the proposals on working methods of the Security Council, presented to the General Assembly last year, that were prepared by the "S-5"-group to which we belong.

The rest of the UN membership also has a role to play in making the **responsibility to protect** operational, in that they can bring situations to the attention of the Security Council, in open debates and through other means such as consideration in the General Assembly. Furthermore, Article 8 of the Convention on the Prevention of the Crime of Genocide allows any Contracting Party to call upon the competent organs of the United Nations to take appropriate action.

The decision of the 2005 Summit is complementary to earlier resolutions of the General Assembly, such as GA resolution 46/182 which stresses the primary, while not exclusive responsibility of national authorities to protect their own population. The principle of **responsibility to protect** reaffirms this primary responsibility and complements it with the role of the international community when this responsibility is not met. That resolution also calls upon all States, whose populations are in need of humanitarian assistance, to facilitate safe access of humanitarian actors to such people. All too often, this fundamental principle is neglected. Humanitarian access to the vulnerable is a vital stepping stone to the protection of civilians in armed conflict.

Where national authorities are unable or unwilling to ensure that such access is granted and respected, the Security Council must step in to create and maintain the operational space needed by humanitarian actors to provide assistance. (...)

Republic of Korea
Mr. Y.J. Choi:

(...)Since the introduction of the topic on the protection of civilians in armed conflict into the Security Council in 1999, progress has been made on this issue. In particular, the adoption of Security Council resolution 1674 last year was a significant step forward, reinforcing the legal framework established by previous resolutions on the subject.

(...)Despite the continued efforts of the United Nations, however, it remains a sad reality that civilians continue to bear the brunt of armed conflict and terrorism. The world is still witness to massive human rights violations, unconscionable violence, and brutal killings. In both international and civil conflicts, the international community today has become increasingly aware of its **responsibility to protect** civilian populations.

(...)Today's topic, the protection of civilians in armed conflict, is a current and compelling security concern that requires coordinated multilateral action from the international community. We are still distant from translating our **responsibility to protect** into adequate action.
(...)

Rwanda
Joseph Nsengimana:

(...)The most serious crimes in situations of conflict are committed against poor, defenceless and voiceless people, often living in remote locations far from the sight of the international community and the media.

It is for such people that the implementation of resolutions 1674 (2006) and 1738 (2006) is most urgent. Despite these resolutions, and despite the endorsement by all States at the 2005 World Summit of the principles of the "**responsibility to protect**", which my Government strongly supports, too many people continue to suffer

unspeakable horrors in situations of armed conflict. It is clear that much more needs to be done, particularly by this Security Council, which is the Charter-mandated body responsible for international peace and security.

We believe that our common humanity should unite us in the resolve to put an end to the suffering of millions of people who live in, and are threatened by, situations of conflict. This resolve entails national Governments taking full **responsibility to protect** civilians, and, where they are unable or unwilling to do so, the international community acting through the Security Council to take appropriate steps to provide such protection. It is essential that, in taking such actions, the Security Council be seen as consistent and just, acting in the best interests of the international community, and that it show special concern for those who are most defenceless and vulnerable and most in need of protection from the international community. It was, after all, to protect such defenceless people that, in the aftermath of the Holocaust, the United Nations and its Security Council were established. (...)

Colombia
Claudia Blum:

(...)International humanitarian law, including the Fourth Geneva Convention and its two Additional Protocols, establishes clear provisions with regard to the protection of civilians, the issue the Council is considering today. The Government of Colombia shares the concerns expressed with regard to violations of those norms and reiterates its firm commitment to them.

In that connection, we would like also to stress several aspects of the issue. In keeping with the Charter of the United Nations and the provisions of international humanitarian law, Governments bear primary **responsibility to protect** civilians, while United Nations agencies and other international community actors can provide support for the implementation of existing provisions. That should

be done in keeping with State sovereignty and in accordance with guidelines provided by the Government in question. In that respect, it is important to draw a clear distinction between the protection of civilians and the provision of humanitarian assistance. (...)

United Nations Undersecretary-General for Humanitarian Affairs and Emergency Relief Coordinator, John Holmes – Concluding Remarks:

(...)Several representatives mentioned the **responsibility to protect** and the agreement on that at the 2005 World Summit. Delegations mentioned it in different ways, which perhaps illustrates the complexity of this debate and the complexity of the discussion we face on how to implement the **responsibility to protect**. This is a debate which we clearly need to continue, and it will be continued this year, as already promised. I think my only comment would be that, in debating this issue, we should not focus too exclusively on the possible actions of last resort in the **responsibility to protect**. There are many stages before that in helping countries to exercise their **responsibility to protect** their own civilians.

Finally, let me just repeat that I think it is clear from the debate that this is an issue of great concern to many Member States, and justifiably so. I take away the message that we need to go on looking for new ways to take effective action to protect civilians in armed conflict. As several members pointed out, this is an important criterion for judgment of the efficacy of the Security Council itself. Of course, it was very useful to have a reminder from the representative of Rwanda of what it is we want to make sure to avoid in the future.

Let me conclude by saying that I recognize my own responsibility in this area and that I will do my best to fulfill it.