



Excerpts of R2P related comments from UN member states

Security Council Open Debate: Protection of civilians in armed conflict Tuesday, 27 May 2008

President:

United Kingdom of Great Britain and Northern Ireland

Members:

Belgium, Burkina Faso, China, Costa Rica, Croatia, France, Indonesia, Italy, Libyan Arab Jamahiriya, Panama, Russian Federation, South Africa, United States of America, Viet Nam

Other participants:

Afghanistan, Argentina, Australia, Austria, Canada, Colombia, Georgia, Israel, Japan, Liechtenstein, Mexico, Myanmar, Nigeria, Norway, Peru, Qatar, Slovenia, Switzerland, Syrian Arab Republic and United Arab Emirates

Mr. Liu Zhenmin (China)

I would like to highlight the following points on how to improve the protection of civilians in armed conflict.

Secondly, the role of national Governments in the protection of civilians should be respected and supported. The primary **responsibility for the protection** of civilians lies with national Governments. The international community and external forces can provide constructive help and support. It should not undermine the sovereignty and territorial integrity of the countries concerned and, still less, intervene forcibly.

Thirdly, when discussing the protection of civilians in armed conflict, the Security Council should approach the concept of the **responsibility to protect** — and especially its application — with great prudence. The Final Document of the 2005 World Summit devoted a lengthy section to a very careful description of the responsibility to protect civilians from massacres, war crimes, genocide and crimes against humanity. It also indicated that that concept should be further considered by the General Assembly. Many members are currently deeply concerned about the concept of the responsibility to protect, and the relevant discussions should therefore be pursued in the United Nations. The

Security Council is in no position to interpret or expand the concept of the responsibility to protect at will, much less to abuse it.

Mr. Churkin (Russian Federation)

We favour the interpretation of the concept of the **responsibility to protect** in accordance with the final document of the 2005 summit (General Assembly resolution 60/1), as a responsibility of each State to protect those individuals under its jurisdiction — protection from genocide, war crimes, ethnic cleansing and crimes against humanity. Moreover, it is the United Nations and the Security Council that bear the task of supporting those national efforts.

Mr. Ripert (France)

Should we do nothing and condemn the population of Burma? If the commitment to openness and cooperation undertaken by the Burmese authorities several days ago are not followed by actions, should our Council continue to hide behind a restrictive interpretation of its competencies? Some were surprised to hear Bernard Kouchner talk about the **responsibility to protect**. But, as we have had the opportunity to emphasize, there is always a risk of slipping from not helping people in danger to crimes against humanity. Must we really wait until we have crossed that threshold before the Council agrees to consider a situation? I will say this clearly: that is not the concept of the United Nations or of the Security Council that France champions.

On 8 December 1988, 20 years ago, the General Assembly adopted its resolution 43/131, which sets out, if not legal, then at least political obligations. By virtue of the principle of subsidiarity, it is the territorially competent State that bears the primary role in organizing, carrying out and distributing assistance. If, and only if, that State is not in a position to cope with the situation, because of a lack of means or political will, the international community takes over and replaces the State that is failing to assist the endangered population. Resolution 45/100, adopted by the General Assembly on 14 December 1990, confirmed the principle of free access to victims of natural catastrophes and other similar emergency situations.

Mr. Sawers (UK)

As well as protecting civilians in situations of armed conflict, the international community has committed itself to assist States that are under stress before crises and conflicts break out. In that regard, we reaffirm our support for the concept of the **responsibility to protect**, as agreed by Member States at the World Summit in 2005. It is an important commitment, which should result in earlier and more decisive action to prevent genocide, war crimes, ethnic cleansing and crimes against humanity.

Mr. Shinyo (Japan)

I would like to say a few words about the meaning of **human security** in the context of

the protection of civilians. For one thing, human security is a concept that complements State security and seeks the protection and empowerment of individuals, putting the livelihood and dignity of individuals at the centre of our focus. It is consistent with the letter and spirit of the Charter of the United Nations and promoted in full respect of national sovereignty. It does not in any way suggest military intervention, even as a last resort, and thus differs from the notion of the **responsibility to protect**.

Mr. Spatafora (Italy)

First of all, resolution 1674 (2006) reaffirms the principle of the **responsibility to protect**, a “cardinal achievement” (*S/2007/643, para. 11*) of our Organization and one that must be read and operationalized in a non-confrontational manner.

I feel that the briefing of the Under-Secretary-General requires us, for our part, to look at the issue with a ground-centred operational approach, as he has done. We must never lose sight of the fact that what matters most at the end of the day is if and how we are able to deliver and have an impact on the ground in bringing relief to those who suffer.

Mr. McNee (Canada)

We are fast approaching the 10-year anniversary of resolution 1265 (1999), a landmark in the protection of civilians. The endorsement of subsequent resolutions on a range of protection issues, including resolution 1674 (2006), as well as the inclusion of strong protection references in country-specific resolutions, is an important demonstration of the Council’s commitment to that issue. The Council now has at its disposal a sophisticated and flexible framework for action, including in instances of genocide, war crimes, ethnic cleansing and crimes against humanity.

Ms. Štiglic (Slovenia, on behalf of the EU)

The European Union commends the steps taken to strengthen the normative framework for the protection of civilians. In particular, we have welcomed the endorsement by heads of State and Government at the 2005 World Summit of the **responsibility of each State to protect** its population from genocide, ethnic cleansing, war crimes and crimes against humanity. That recognizes the primary responsibility of States for protecting their own populations, but also underscores the shared responsibility of the international community to help in that regard.

We also welcomed resolution 1674 (2006), which reaffirmed the **responsibility of the international community to protect** civilians from those appalling crimes when national authorities manifestly fail to protect them. That was truly a decision of historic magnitude, but it has not yet led to a sea change in the protection of civilians worldwide. The European Union emphasizes the need for further consideration by the Security Council of the responsibility to protect, as well as by the General Assembly, in order to find a practical approach to its implementation.

Mrs. Ogwu (Nigeria)

Nigeria believes that the **responsibility to protect** civilians in armed conflict situations is a shared one, although it lies primarily with national Governments. Protection requires early intervention and rapid deployment of humanitarian assistance by the international community. It also requires systematic coordination and the pulling together of the capacities of various humanitarian agencies involved in efforts to bring relief to internally displaced persons and refugees. More significantly, it requires humanitarian access to rebel-held territories, so that civilians can obtain the needed assistance.

Efforts should be intensified to strengthen the International Criminal Court and other legal frameworks and mechanisms for monitoring and reporting attacks against civilians by both State and non-State actors. Indeed, the international community should take vigorous and concerted action to combat genocide, ethnic cleansing and crimes committed against unarmed civilians.

Mr. Ettalhi (Libyan Arab Jamahiriya)

In the 2005 World Summit Outcome document (*General Assembly resolution 60/1*), all States accepted the principle of the **responsibility to protect**. The most recent report of the Secretary-General noted the advances in the implementation of this principle. We support the Secretary-General's recommendation of the importance of promoting it.

Mr. Windsor (Australia)

Some armed conflicts witness the perpetration of heinous mass atrocity crimes. In 2005, world leaders recognized the responsibility we all share to protect vulnerable communities from genocide, war crimes, ethnic cleansing and crimes against humanity. While it is the primary role of States to protect their own populations from those evils, the international community has a responsibility to assist States to exercise that responsibility and, in appropriate circumstances, to take collective action, consistent with the Charter, to prevent such mass atrocity crimes.

More must be done to develop a practical approach for implementation of the **responsibility to protect** principle. We welcome the Secretary-General's appointment of Mr. Edward Luck as his Special Adviser to focus on the conceptual development of the principle. Australia looks forward to working with Member States to continue our consideration of the principle and to give effect to it in appropriate circumstances.

Just as the international community has a **responsibility to protect** communities from such mass atrocity crimes, so too do we have a responsibility to bring those who abuse fundamental principles of international law to justice. We must renew our commitment to end impunity for those who commit mass atrocity crimes and to increase accountability for crimes against civilians.

Mr. Bui The Giang (Viet Nam)

While supporting international cooperation, I would like to reiterate Viet Nam's view that it is States that bear primary **responsibility to protect** their own civilians and to deal with violence against civilians as well as violations of international humanitarian law. In order to help States fulfil their responsibilities, the United Nations can help improve their national capacity, provide technical assistance and work with them to conduct other awareness-raising activities, for instance through training courses. Bearing that in mind, we hold that the creation and application of any international mechanism should be thoroughly studied with a view to ensuring its efficient, effective and sustainable performance without resulting in an unnecessary financial burden for States, and that such an act should respect national sovereignty, territorial integrity, ownership and self-determination and should be in accordance

Mr. Argüello (Argentina)

As it is known, the civilian population is most affected by armed conflicts, whether they be international or domestic. No national security considerations can prevail over the primary obligation of the States and parties to a conflict to protect the population from genocide, war crimes, ethnic cleaning and crimes against humanity.

We consider that the best incentive to dissuade potential perpetrators of war crimes, genocide and crimes against humanity from committing such atrocities is the fear that there exists a real possibility that they will have to appear before justice to answer for their crimes. On the other hand, from the perspective of peacekeeping and international security, we consider that it is increasingly obvious that the best way to consolidate peace and national reconciliation after a conflict is to avoid impunity.

In cases where we cannot prevent abuse of civilians, at least we should ensure that their perpetrators and those who bear political responsibility for violence against civilians are held accountable for their actions. We therefore believe that cooperation of States with the International Criminal Court and other international mechanisms that are fighting genocide, war crimes and crimes against humanity is essential, and it is also indispensable for the Council to take steps it considers appropriate to encourage and facilitate such cooperation when it is not otherwise forthcoming.

Mr. Arias (Panama)

Finally, my delegation has repeatedly stated that there is a close relationship among international humanitarian law, the protection of civilians and the concept of the **responsibility to protect**, as set out in the 2005 World Summit Outcome (General Assembly resolution 60/1). That principle makes the State and its institutions responsible for protecting its citizens from genocide, war crimes, ethnic cleansing and crimes against humanity, and it warns that, if the State does not wish to protect its population or is unable to do so, the international community is obliged to help with that task, or to assume it, through an effective and transparent response. In order to prevent this concept

from becoming a mere footnote to history, we must be clear about its definition so that it can provide a concrete mandate for those entrusted with the protection of civilians.

Mr. Kafando (Burkina Faso)

With regard to the persistence of violence experienced by civilians in conflict zones, in violation of resolution 1674 (2006), the appeal launched by the Secretary-General during the Council's most recent debate on the protection of civilians in armed conflict (*5781st meeting*) unfortunately has not generated a reaction. It should be recalled that the **responsibility to protect** civilians under their jurisdiction devolves first and foremost on States, due to their territorial and personal competences. When necessary, the United Nations and particularly the Security Council must see to it that they can bring the necessary assistance to distressed civilian populations, with the assistance and cooperation of Governments.

Mr. Al-Jarman (United Arab Emirates)

In spite of the important progress achieved by the international community since the mid-twentieth century in the development of enhanced international law mechanisms to protect civilians and determine criminal responsibility for the massacres of thousands of civilians in armed conflicts, we continue to witness new and tragic forms of genocide, war crimes, ethnic cleansing and crimes against humanity, including deliberate killing, rape, the confiscation and destruction of property, forcible displacement and other blatant violations of international humanitarian and human rights law. Belligerents resort to such means chiefly in order to exert the greatest possible political pressure and to achieve battlefield victories at the expense of innocent civilians, especially children, women, the elderly and the handicapped, as well as humanitarian and media workers, with full impunity in many existing conflicts.

We believe that the continuation of this problem is not due to a lack of a humanitarian and legal framework established by the United Nations for this purpose. That framework is almost comprehensive and includes international instruments such as the Fourth Geneva Convention of 1949 and its Additional Protocols of 1977 and many other resolutions and presidential statements adopted by the Security Council for protecting civilians. We think the problem lies in the non-compliance of the combatant parties with those instruments and their selective implementation in some conflict zones.

In our opinion, that non-compliance requires that the international community, particularly the Council, reconsider the standards for observing the measures for protection of civilians during armed conflicts according to resolution 1674 (2006). The resolution recognizes not only the **primary responsibility of States** for protecting their civilians, but also the **joint responsibility of the international community** to help States shoulder their responsibility in this respect.

Mr. Jurica (Croatia)

The international community should encourage and help States to exercise their

responsibility to protect their populations against genocide, war crimes, ethnic cleansing and crimes against humanity. The international community has already expressed its readiness to take collective action through the Security Council when national authorities manifestly fail to protect their populations from the above-mentioned violations of humanitarian law. We should not be seen wanting in the implementation of our commitments.

Even in the case of natural disasters, civilians deserve protection. My Government strongly supports the efforts of the wider international community in assisting and attempting to protect the victims of Cyclone Nargis in Myanmar/Burma.

Mr. Wenaweser (Liechtenstein)

The consensus decision at the 2005 World Summit to accept the concept of the **responsibility to protect** was of historic magnitude, but it has not yet led to a paradigm shift in the protection of civilians. We believe that it is time to operationalize this concept and that the relevant discussions must be carried out with the necessary conceptual clarity. The responsibility to protect, as defined in the Summit Outcome Document (General Assembly resolution 60/1), is not as such linked to armed conflicts, but to the crimes listed in the Outcome Document: genocide, war crimes, ethnic cleansing and crimes against humanity. Some of those crimes do not necessarily occur in situations of armed conflict and therefore do not require a connection to armed conflict. The responsibility to protect concept is thus highly relevant to the discussion we are having today, but protection-relevant situations also occur outside of armed conflicts.

Mr. Mansour (Palestine)

Additionally, in 2005, in the World Summit Outcome Document (General Assembly resolution 60/1), world leaders affirmed the **responsibility to protect** populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

Mr. Voto-Bernales (Peru)

It is important to seek the full implementation of resolution 1674 (2006), which contains crucial provisions for improving at the international system for the protection of civilians in armed conflicts, including the **responsibility to protect** populations from war crimes, genocide, ethnic cleansing and crimes against humanity.

Mr. Swe (Myanmar)

Before I conclude, let me say that I find it highly objectionable that some delegations have tried to use this debate to politicize a humanitarian issue caused by a natural disaster.

My delegation also greatly regrets that Under-Secretary-General Holmes saw fit to mention in passing the issue of access in the aftermath of natural disaster. As he himself said, that is clearly outside the scope of the report and today's debate.

Statement by the President of the Security Council on behalf of the Council
(S/PRST/2008/18)

“...The Security Council re-emphasizes the **responsibility of States to comply** with their relevant obligations to end impunity and to prosecute those responsible for war crimes, genocide, crimes against humanity and serious violations of international humanitarian law...”