12th Security Council Open Debate on the Protection of Civilians in Armed Conflict

On 9 November 2011, the Security Council held its 12th Open Debate on the Protection of Civilians in Armed Conflict, focusing this session on how to enhance accountability for violations of international humanitarian law (IHL) and international human rights law. In advance of the debate, Security Council President Portugal held a [1 November meeting](#) *organized with OCHA on the role of the Council in enforcing accountability for massive violations of human rights.*

Accountability and protecting civilians

During the debate, over forty Member States remarked on key issues highlighted at the 1 November meeting. These topics included mechanisms for ensuring individual criminal responsibility, improved fact-finding and reparation for victims.
Opening the debate, Secretary-General
[Ban Ki-Moon](#)
reiterated that the promotion of accountability for violations of IHL was one of the five core challenges identified in his 2009 and 2010 reports on the protection of civilians.
[Navi Pillay](#)
, who highlighted several country situations, called for investigations of all sides of the conflict in Cote d'Ivoire, urgent prosecutions of perpetrators to end cycles of violence in Sudan and fair and effective transitional justice in Libya. While applauding the Council for strengthening its capacity to set up and support international and national processes on justice, truth and reconciliation, she pointed to the need for the Council to better follow-up on the recommendations of these mechanisms. Statements were also given by Assistant-Secretary-General for Humanitarian Affairs,
[Catherine Bragg](#)
, International Humanitarian Fact Finding Commission representative, Mateya Kelley and Director of International Law and Cooperation at the International Committee of the Red Cross, Philip Spoerri.

RtoP prominently featured in the debate

Many Member States took this opportunity to reiterate their support for the Responsibility to Protect, recalling the crucial role of the international community in taking appropriate measures to prevent and halt mass atrocity crimes. Several States highlighted the relevance of the norm to the debate, including
[Norway](#)
which reminded that civilian protection should not be seen "in isolation" from the Responsibility to Protect.
[Guatemala](#)
noted that the commitment to RtoP at the 2005 World Summit was "one of the most outstanding achievements obtained" at the meeting and recalled that the second pillar of RtoP meant that governments were responsible for seeking international assistance when unable to fulfill their responsibilities.

[*South Africa*](#)
reminded that while the primary responsibility to protect civilians remains with the State, should the State fail, the international community has a collective responsibility to act in accordance with the 2005 World Outcome Document and the Constitutive Act of the African Union. In contrast, Sudan expressed contempt for the "propaganda" of RtoP while Venezuela claimed that RtoP had been established by "ideologues of neoliberalism and savage capitalism."

Speakers discussed many measures within the RtoP framework to prevent and respond to threats to civilians. Member States highlighted the distinct responsibility of the Security Council in adopting sanctions, referring cases to the ICC and mandating fact-finding missions or Commissions of Inquiry.

[*Lebanon*](#)
reminded that the broad range of tool available to States and to the international community should be applied on a case-by-case basis.

Though many speakers stressed that national authorities bore the primary responsibility to protect, the role of international actors was prominently featured regarding the deteriorating situation in Syria. Many Member States expressed serious concern and called for further action from a number of actors to protect civilians. The

[*United Kingdom*](#)
called on Syria to end the violence and admit UN monitors while Nigeria asked that Syria comply with the Arab League agreement. Several States denounced the lack of action by the Security Council, including Japan,

[*Germany*](#)
, France, and the

[*United States*](#)
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Brazil's concept of "Responsibility while protecting"

Recognizing that the responsibility to protect had been a milestone in improving the protection of population from mass atrocities, Brazil took the debate as an opportunity to offer a new perspective on the question of the use of force under the RtoP framework.
Brazil mentioned that they would soon circulate a concept paper on the idea that the international community, while exercising its responsibility to protect, "must demonstrate a high level of responsibility while protecting". Ambassador
Maria Luiza Ribeiro Viotti emphasized that both concepts "should evolve together,
based on an agreed set of fundamental principles, parameters and procedures" of which she mentioned a few (see full speech

[*here*](#)
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   • *"Prevention is always the best policy. It is the emphasis on preventive diplomacy that*

reduces the risk of armed conflict and the human costs associated with it;

• The international community must be rigorous in its efforts to exhaust all peaceful means available in the protection of civilians under threat of violence, in line with the principles and purposes of the Charter of the United Nations and as embodied in the 2005 Outcome Document;

• The use of force must produce as little violence and instability as possible. Under no circumstances can it generate more harm than it was authorized to prevent;

• In the event the use of force is contemplated, action must be judicious, proportionate and limited to the objectives established by the Security Council;

• Enhanced Council procedures are needed to monitor and assess the manner in which resolutions are interpreted and implemented to ensure responsibility while protecting."

Brazil's emphasis on the need to "do no harm" was echoed by a few States, particularly in the aftermath of NATO's operations in Libya which generated much debate and controversy. Russia and [China](#) *supported the proposed concept paper, with China cautioning that, "there should be no political motives or purposes involved, including regime change." South Africa and India also reflected on lessons learned from Libya, emphasizing that civilians should not be harmed and alternative agendas should not be followed in the name of protecting civilians.* **Read a [summary of statements](#) from the Open Debate on the Protection of Civilians in Armed Conflict**