

UN Security Council reaffirms support for the Responsibility to Protect in Presidential Statement during open debate on the Protection of Civilians in Armed Conflict On 12

February 2013, the United Nations Security Council held its fourteenth

[open debate](#)

on the

[Protection of Civilians in Armed Conflict](#)

(POC). A

thematic issue on the Security Council agenda since 1999, POC focuses on the protection obligations and capacities of governments and the role of the Council in addressing the needs of vulnerable populations including refugees, internally displaced persons, women and children in armed conflict. The regular open debates are opportunities for Member States, UN officials, and representatives from civil society and regional arrangements to reflect on challenges confronting protection strategies as well as relevant country cases.

More than seventy Member States participated in the debate alongside UN Secretary-General

[Ban Ki-moon](#)

, High Commissioner for Human Rights

[Navi Pillay](#)

and International Committee for the Red Cross Director for International Law and Cooperation Philip Spoerri.

Ahead of the debate, the

Permanent Representative of the Republic of Korea, the current President of the Council, distributed a

[concept paper](#)

to be considered by Member States. The paper outlined three themes: bolstering accountability for violations of international humanitarian and human rights law; enhancing the implementation of protection mandates by peacekeeping and other relevant missions; and ensuring compliance with international humanitarian and human rights law to protect civilians, including, in particular, health-care providers, women and children. During the debate, Member States reflected on these themes, particularly in the context on ongoing crisis situations, including those in Syria, Mali, Sudan, and Democratic Republic of the Congo.

Following the debate, the President of the Security Council released a

[Statement](#)

(S/PRST/2013/2) on the protection of civilians, which included a paragraph reaffirming the Council's support for the Responsibility to Protect (RtoP, R2P) norm. This is the first re-affirmation by the Security Council for RtoP since 2009, when it included the norm in

[Resolution 1894](#)

. The PRST states:

“The Security Council reaffirms the relevant provisions of the 2005 World Summit Outcome Document regarding the protection of civilians in armed conflict, including paragraphs 138 and 139 thereof regarding the responsibility to protect populations from genocide, war crimes, ethnic

cleansing and crimes against humanity.”

During the debate, fifteen interventions by Member States from around the world referenced the Responsibility to Protect. The inclusion of the norm in the Presidential Statement as well as the many positive statements from participating governments indicated strong consensus among governments on RtoP principles. In his remarks, the

[Secretary-General](#)

reminded that, “we all have a responsibility to protect. Failure to protect civilians in armed conflict can contribute directly to the commission of atrocity crimes.” This sentiment was echoed by numerous Member States, including the delegation from

[Guatemala](#)

, who stated, “the important message of the Responsibility to Protect is that it is expected of all members of the international community to observe a certain pattern of behavior with reference to their respective populations...Committing genocide, war crimes, ethnic cleansing or crimes against humanity, or acts which instigate actions which lead to those crimes, should be considered totally banned.” The

[Netherlands’](#)

delegation commented that the reference to the norm in the PRST represented, “the first reaffirmation of Responsibility to Protect since the intervention in Libya, and will hopefully provide an opportunity to have a positive impact on the further operationalization of the concept as well as the application of R2P in real life politics.”

As the Responsibility to Protect is grounded in the prevention of mass atrocities, the need to prevent disputes from escalating into conflict was a consistent theme among interventions that referenced the norm during the debate. The

[Rwandan](#)

delegation stated, “two features of [the Responsibility to Protect], as set out in Paragraph 138 of the 2005 World Summit Outcome Document, have not been emphasized often enough: prevention and the danger of incitement. I believe that the best way to enhance the protection of civilians in armed conflict is to move from a mindset of conflict management to one of prevention.” Remarks by delegations also advocated for the increased use of early warning mechanisms to monitor at-risk situations and highlighted preventive measures such as fact-finding missions, commissions of inquiry, mediation and diplomacy. Member States, including

[Azerbaijan](#)

and the

[United States](#)

, encouraged the Security Council to make greater use of these tools to prevent and halt violations of international law, and said that where national authorities fail to take preventive steps, the Council should be prepared to act. Meanwhile, in its intervention, the

[Brazilian](#)

delegation referred to its concept paper on “

[responsibility while protecting](#)

”, which it shared with the Council in November 2011. Their statement noted the exceptional

and cautious nature in which the use of force should be implemented and expressed that prevention is the “most effective way to protect civilians”. To that end, Brazil also expressed support for the increased role of regional organizations in employing preventive measures, such as mediation.

Among others, the

[Swedish](#)

delegation, on behalf of Denmark, Finland, Iceland and Norway, advocated for a greater focus on strengthening the capacity of governments to protect populations, and took the opportunity of the debate to highlight the role of the international community in capacity-building efforts. The Nordic countries’ intervention stated that, “where a state is not willing or is unable to protect its population, the responsibility to protect must still be regarded as a principle for the international community to uphold. In this regard preventive actions from the international community will increase the protection of civilians. Capacity building in host countries is an important preventive tool.” Sudan

Many interventions also drew attention to the link between prevention and accountability to international law. The

[Argentine](#)

delegation expressed that, “both to prevent the commission of violations of international humanitarian law in armed conflict and to prevent the commission of the four crimes of the Responsibility to Protect (...) the respect for international human rights and humanitarian law is key.” The

[European Union](#)

echoed this sentiment, and expressed that those responsible for RtoP crimes must be held accountable, if not nationally then by the International Criminal Court (ICC).

To this end, many interventions discussed the relationship between the Security Council and the ICC, with the

[Republic of Korea](#)

stating that the Council should use its authority to refer cases to the ICC when a State fails to hold perpetrators of international law violations accountable. In this context, many Member States touched on the ongoing crisis in Syria and reiterated their call for the Security Council to refer the case to the ICC for, what

[Estonia](#)

stated was the commission of “crimes against humanity and war crimes”.

ICRtoP will compile those interventions delivered during the POC debate which referenced the Responsibility to Protect on its website. This summary and relevant statements can be found

[here](#)

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Read more about the linkages between the Protection of Civilians agenda and the Responsibility to Protect on the ICRtoP

[website](#)

and in a recent publication from the United Nations University,

[*Enhancing Protection Capacity: Policy Guide to the Responsibility to Protect and the Protection of Civilians in Armed Conflicts*](#)

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Opening Remarks [UN Secretary-General](#)

Member States on RtoP:

[Rwanda](#)

– [Pakistan](#)

– [Australia](#) [Guatemala \(English\)](#)

– [Guatemala \(Spanish\)](#)

– [Argentina \(Spanish\)](#)

– [Argentina \(English\)](#)

– [Brazil \(English\)](#)

– [Brazil \(Portuguese\)](#)

[Syrian Arab Republic](#)

[Bosnia and Herzegovina](#)

– [Sweden delivered on behalf of Sweden, Denmark, Finland, Iceland and Norway](#)

– [The Netherlands](#)

– [Venezuela \(Spanish\)](#)

– [Venezuela \(English\)](#)

[Ecuador \(Spanish\)](#)

– [Benin](#)

[Nicaragua](#)

[Sudan](#)

Related Statements:

[Republic of Korea](#)

[Azerbaijan](#)

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– [France \(French\)](#)

– [Estonia](#)

– [European Union](#)

– [New Zealand](#)

[Turkey](#)

Please see the UN press release on the debate [here](#) .