

Draft Security Council Resolution

Protection of Civilians in Armed Conflict

- PP 1. *Reaffirming* its resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000 on the protection of civilians in armed conflict,
- PP 2. *Reaffirming also* its resolutions 1261 (1999) of 30 August 1999, 1314 (2000) of 11 August 2000, 1379 (2001) of 20 November 2001, 1460 (2003) of 30 January 2003, 1539 (2004) of 22 April 2004 and 1612 (2005) of 26 July 2005 on children and armed conflict, and its resolution 1325 (2000) 31 October 2000 on women, peace and security,
- PP 3. *Reaffirming* that it is the primary responsibility of States to take all feasible steps to ensure the protection of civilians in situations of armed conflict, and *stressing* the need for all States concerned to comply with their obligations under international law relating to the protection of civilians in armed conflict, as well as its determination to ensure respect for its resolutions in this area,
- PP 4. *Recalling* the 2005 World Summit Outcome Document, including its provisions regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and in this regard the responsibilities of individual Member States as well as the international community acting through the United Nations, including the Security Council,
- PP 5. *Underlining* the importance of ensuring the full, safe and unhindered access of humanitarian personnel and the provision of humanitarian assistance to all civilians affected by armed conflict in accordance with international law and deploring all attacks on such personnel,
- PP 6. *Recalling* the particular impact of armed conflict on women and children, the particular vulnerability of refugees and internally displaced persons and the particular protection needs of these groups,
- OP 1. *Welcomes* the Report of the Secretary-General of xx November 2005;
- OP 2. *Reaffirms* in the strongest terms its condemnation of abuses committed in violation of international law against civilians in situations of armed conflict, including (i) sexual and gender-based violence, (ii) violence against children, (iii) the recruitment and use of child soldiers, (iv) human trafficking, (v) forced displacement and (vi) the denial of humanitarian assistance, and *demands* that all parties put an end to such practices;

OP 3. *Emphasises the need for* all parties concerned, including non-State actors, to comply strictly with the relevant provisions of international law concerning the protection of civilians in armed conflict, in particular those contained in the Hague Conventions of 1899 and 1907 and in the Geneva Conventions of 1949 and their Additional Protocols of 1977, as well as with the relevant decisions of the Security Council;

OP 4. *Emphasises* that ending impunity is essential if a society in conflict or recovering from conflict is to come to terms with past abuses and prevent future abuses, *further emphasises* the necessity to bring to justice those responsible of the most serious crimes, and *draws attention* to the full range of justice mechanisms that should be considered, including national, international and ‘mixed’ criminal tribunals and truth and reconciliation commissions;

OP 5. *Calls on* States that have not already done so to (i) consider ratifying the major instruments of international humanitarian, human rights and refugee law, (ii) where appropriate, to take legislative, judicial and administrative measures to implement these instruments domestically, (iii) implement fully all relevant resolutions of the Security Council, and (iv) to co-operate fully with United Nations peacekeeping missions and country teams in the follow-up and implementation of these resolutions;

OP 6. *Recalls* the 2005 World Summit Outcome Document, and *underlines* the importance of its provisions regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, including in this regard the responsibilities of individual Member States as well as the international community acting through the United Nations, including the Security Council;

OP 7. *Calls on* States to take action at national and international level, to provide for the investigation and prosecution of those responsible for genocide, war crimes and crimes against humanity, *recognising that* building national capacities and independent institutions to do this is essential, and that local control over and leadership in that process should be encouraged and respected, *while also recognising* that international structures can play a complementary and supportive role in this regard;

OP 8. *Calls upon* all parties concerned to ensure that all peace processes, peace agreements and post-conflict recovery and reconstruction planning include specific measures for the protection of civilians, including where appropriate (i) the cessation of all attacks on civilians, (ii) the facilitation of the provision of humanitarian assistance, (iii) the creation of conditions conducive to the safe and sustainable return of displaced persons, (iv) the ending of impunity for serious international crimes committed against civilians and (v) the particular needs of women and children;

OP 9. *Recalls* the prohibition under international humanitarian law of the forcible displacement of civilians in situations of armed conflict;

OP 10. *Stresses* the obligations of Member States under international law to ensure the protection of refugees and internally displaced persons, and *urges* in particular Member States, acting in accordance with international law, to take more effective measures to ensure the protection of civilians from attack, and to take concrete measures to plan for and support the voluntary, safe, dignified and sustainable return and reintegration of refugees and internally displaced persons;

OP 11. *Invites* the Secretary General to fully associate the United Nations Humanitarian Co-ordinator from the earliest stages of the planning of peacekeeping missions;

OP 12. *Reaffirms* its practice of ensuring that, having regard for their other tasks and capabilities, peacekeeping missions are given mandates suitable for (i) the protection of civilians, particularly those under imminent threat of physical danger within their zones of operation, (ii) the facilitation the provision of of humanitarian assistance, and (iii) the creation of conditions conducive to the voluntary, safe, sustainable and dignified return of refugees and internally displaced persons, and *expresses its intention* of ensuring that such mandates include clear guidelines as to what missions can and should do to achieve those goals and that peacekeeping missions have the necessary resources to apply such mandates;

OP 13. *Undertakes* to consider, where national authorities are unable or unwilling to provide necessary security in refugee and internally displaced person camps, (i) authorising the deployment of a peacekeeping presence at an early stage of any movement of refugees and internally displaced persons to ensure that their camps are free from the threat of infiltration or harassment by armed elements, and/or (ii) authorising the deployment of regional or international military forces to take the necessary measures to protect civilians if armed elements are found in such camps and national forces are unable or unwilling to intervene;

OP 14. *Condemns in the strongest terms* all sexual and other forms of violence against women and children in situations of armed conflict, and *undertakes* to ensure that all peace support operations are mandated to employ all feasible measures to prevent such violence and to address its impact where it takes place;

OP 15. *Deplores* all acts of sexual exploitation, abuse and trafficking of women and children by military, police and civilian personnel involved in UN operations, *welcomes* the efforts undertaken by United Nations agencies and peacekeeping operations to implement a zero-tolerance policy in this regard, and *requests* the Secretary-General and personnel-contributing countries to continue to take all appropriate action necessary to combat these abuses by such personnel, including through the full implementation without delay of the relevant recommendations of the report of the Special Committee on Peacekeeping (A/59/19/Rev.1);

OP 16. *Reaffirms* the vital importance of the provision of safe and unimpeded access of humanitarian personnel to civilians in armed conflicts, and *calls upon* all parties

concerned, including, where appropriate, neighbouring States, non-State entities and regional organisations, to co-operate fully with the United Nations Humanitarian Co-ordinator and humanitarian agencies in providing such access and taking all feasible measures to guarantee the safety, security and freedom of movement of humanitarian and United Nations and associated personnel;

OP 17. *Condemns* all attacks on United Nations and associated personnel involved in humanitarian missions, personnel of humanitarian organisations, and journalists, and *urges* Member States on whose territory such attacks occur to prosecute or extradite, as appropriate, those responsible, and welcomes in this regard the Optional Protocol to the Convention on the Safety of UN and Associated Personnel;

OP 18. *Invites* the Secretary-General to continue to refer to the Council appropriate information and analysis on the situation of civilians in armed conflict, and *reiterates its request* to the Secretary-General to ensure that the protection of civilians is included as a specific aspect in all country-specific reports, and expresses its intention to give its full attention to the information provided therein;

OP 19. Affirms its intention to take into consideration violations of applicable international law relating to the protection of civilians when considering the imposition of specific measures in the context of situations that are on the agenda of the Council;

OP 20. *Requests* the Secretary-General to submit by 28 June 2006 his next report on the protection of civilians in armed conflict, with a view to requesting additional such reports in the future.

OP 21. *Decides* to remain seized of the matter.