



Security Council

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Letter dated 5 July 2019 from the Permanent Representative of Indonesia to the United Nations addressed to the President of the Security Council

I have the honour to share the informal summary of the Security Council open debate on the theme “Protection of civilians in armed conflict” (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Dian Triansyah **Djani**
Ambassador



Annex to the letter dated 5 July 2019 from the Permanent Representative of Indonesia to the United Nations addressed to the President of the Security Council

Informal summary of the Security Council open debate on the theme “Protection of civilians in armed conflict”, held on 23 May 2019

Introduction

The Security Council open debate on the theme “Protection of civilians in armed conflict” was held on 23 May 2019 during the presidency of Indonesia. The open debate was chaired by the Minister for Foreign Affairs of Indonesia, Retno L. P. Marsudi. It was convened to discuss the report of the Secretary-General on the protection of civilians in armed conflict (S/2019/373), as 2019 marks the seventieth anniversary of the 1949 Geneva Conventions and the twentieth anniversary of the date on which the matter was first taken up by the Council.

Overall, 82 representatives of Member States, including ministers, and 5 international and regional organizations delivered statements at the open debate, representing an unprecedented number of interventions for a Security Council open debate on the theme “Protection of civilians in armed conflict”. Briefings were made by the Secretary-General, the President of the International Committee of the Red Cross (ICRC), Peter Maurer, and the Executive Director of the Center for Civilians in Conflict, Federico Borello.

The present summary reflects the main priorities and recommendations that were raised in the open debate, as captured by the presidency. The main priorities were: engagement with local and affected communities, accountability for violations of international humanitarian law, the mandate to protect civilians of United Nations peacekeeping operations, the protection of people in vulnerable situations, including displaced persons and persons with disabilities, and the development and implementation of national policy frameworks on the protection of civilians.

While the summary does not represent an endorsement of the ideas discussed, it does provide a basis for further action on the promotion of practical measures to advance the protection of civilians and prevent the escalation of armed conflict affecting civilians in many current such conflicts around the world. A full record of the open debate (S/PV.8534) is available on the website of the Council.

Summary of discussion

As the first briefer, the Secretary-General presented his report on the protection of civilians in armed conflict and noted the concrete progress that had been made over the past 20 years, including a strengthened normative framework and the mainstreaming of a culture of protection across the United Nations system. He underlined, however, that the current state of protection of civilians was tragically similar to that of 20 years ago. Among the main causes, he mentioned the use of explosive weapons in populated areas, violence against humanitarian workers and other constraints on humanitarian access, as well as the use of starvation as a method of warfare.

He highlighted the key challenge of ensuring respect for and compliance with international humanitarian law and reiterated three recommendations mentioned in his previous report (S/2018/462) and the importance of making progress in that regard. The three recommendations were: (a) developing national policies to establish clear authorities and responsibilities for the protection of civilians in armed conflict;

(b) promoting compliance by non-State armed groups through a principled and sustained engagement by humanitarian and other relevant actors; and (c) using all means possible to ensure respect for the law by parties to conflict in order to ensure broader accountability and a more concerted advocacy to protect civilians. Member States were also encouraged to remain engaged in sustained dialogue involving the United Nations and civil society on ways to implement the recommendations and advance the protection of civilians agenda in the coming years.

The President of ICRC underlined that humanitarian action was adapting to people's changing needs. Furthermore, moving beyond a victim mindset was necessary to understand people and communities as agents of their own protection and experts of their own situations. He further urged the Council and the international community to take appropriate measures to ensure that people were free to protect themselves, noting that often civilians were stopped from reaching safer places or constrained by bureaucratic obstacles. He stressed that modern warfare generated new challenges for the protection of civilians owing to its protracted and urban character and to the multiplicity of fragmented armed groups. People must be at the centre, and therefore protective layers must also be built across three interconnected spheres: individual, community and contextual. ICRC consistently ensured that community-based protection was integrated into its response mechanisms.

The Executive Director of the Center for Civilians in Conflict highlighted that there was no substitute for high-level and public political commitments to protect civilians. To that end, he encouraged all Member States to adopt and implement national policies on the protection of civilians, building upon progress in those efforts across multiple countries from different regions. He also emphasized that the Council, Member States and the United Nations could support United Nations peacekeeping operations in the implementation of their mandates to protect civilians by providing them with political support, adequate financial resources and the right capabilities. Furthermore, he stressed that engaging communities in a safe, effective and meaningful way was vital to national and multinational efforts to bring peace and stability in conflict situations.

Member States expressed their views on the main priorities and possible practical measures to advance the discussion on the protection of civilians in armed conflict. Member States highlighted the importance of improving compliance with and ensuring accountability for violations of international human rights and humanitarian and human rights laws. The Council was therefore urged to use all its tools and to ensure political support in order to effectively implement its resolutions.

Several Member States strongly condemned attacks against medical and humanitarian personnel and facilities, as well as obstructions to medical care and humanitarian access, including the criminalization of some forms of impartial assistance under counter-terrorism measures and other impediments to such measures. Member States noted that those acts were aggravating the suffering of civilians. Many delegations also specifically underlined the impact of the use of explosive weapons in densely populated areas.

The vital role of the United Nations peacekeeping operations in protecting civilians was recognized by many Member States. It was deemed important to ensure that the mandates of the operations were matched with adequate resources. Therefore, training and capacity-building for the predeployment phase of the operations, including the mastery of soft skills to enhance the performance of all personnel, were a few prerequisites mentioned to enable a better implementation of the mandates to protect civilians.

The importance of community engagement and empowerment was also raised by Member States. The involvement of all relevant stakeholders, including local

leaders and community members, was fundamental to ensuring the effectiveness of the tailor-made measures to protect civilians in the situation of armed conflict. Their involvement must become part of the design and implementation of such measures.

Other issues mentioned by Member States included the implementation of and compliance with relevant international legal frameworks, the use of sexual violence and starvation in conflict as a tactic of war and the protection of women and children, missing persons and their families, young people and persons with disabilities.

Despite major developments over the past 20 years on the protection of civilians in armed conflict, including nine landmark resolutions and some established mechanisms of the Council, most representatives clearly highlighted that challenges remained daunting, with evolving threats that placed a greater risk on civilians.

Forward-looking recommendations

A large number of priorities and proposals were put forward during the open debate. A compilation of recommendations is presented below in an effort to stimulate future deliberations on ways to advance the protection of civilians agenda at the international, regional and national levels:

International level

1. Efforts should be redoubled to ensure the full and effective implementation of Council resolutions on the protection of civilians and compliance with international humanitarian and human rights laws in situations of armed conflict. Council members are encouraged to use the tools and capacities at their disposal, such as credible mechanisms, sanctions committees and fact-finding missions.
2. Efforts should be focused on ending and preventing the use of sexual violence in conflict, grave violations against children, and starvation as a method of warfare in conflict settings, and on ensuring that Council resolutions on those issues are fully implemented.
3. Protection should be enhanced for specific groups in situations of armed conflict, in particular women, children, displaced persons, refugees and persons with disabilities. Efforts in that regard should also include promoting the protection of humanitarian workers and medical personnel, as well as recognizing their pivotal role in safeguarding the delivery of humanitarian assistance.
4. Efforts should be made to ensure that peacekeeping operations are implementing the mandates authorized by the Council, in particular mandates to protect civilians. Council members should ensure that peacekeeping mandates are well-defined, realistic and achievable, and that the mandates are matched with the appropriate resources, capabilities and political support. Member States should redouble efforts to implement the Declaration of Shared Commitments on United Nations Peacekeeping Operations.
5. The protection of civilians by United Nations peacekeeping operations should be promoted through innovative and practical means, including by strengthening the capacity of peacekeepers to tackle emerging threats and challenges on the ground. Those efforts should involve strengthening the ability of the civilian, military and police components of the operations to engage local communities in the implementation of the mandates to protect civilians, recognizing the importance of the “do no harm” approach.
6. United Nations peacekeeping operations and regional peace operations are called upon to establish capabilities for tracking civilian casualties to minimize harm

to civilians, and to support evidence-based advocacy and identify factors that contribute to civilian casualties in the settings in which the operations are deployed.

7. United Nations peacekeeping operations and other humanitarian actors are encouraged to establish principled and sustained engagement with non-State armed groups to negotiate safe and timely humanitarian access.

8. Constructive cooperation and interaction with regional organizations, subregional organizations and national authorities should be enhanced in order to promote the protection of civilians in armed conflict.

Regional level

1. Regional institutions should be strengthened to provide support and assistance to victims and relevant programmes that support disarmament, demobilization and the reintegration of former combatants in order to facilitate reconciliation.

2. Regional training sessions for military and police personnel should be conducted to enable collaboration and coordination among countries and to ensure compliance with international humanitarian and human rights law. The protection of civilians should be prioritized in regional peace operations, including through the development of policies, guidance and training.

3. Efforts should be made to create an enabling environment for the protection of civilians through close partnerships between the United Nations and regional organizations. Those efforts should include creating the necessary environment for the return of refugees and internally displaced persons, in accordance with the principle of non-refoulement.

National level

1. National policy frameworks that set out clear institutional responsibilities for strengthening the protection of civilians should be developed and implemented. Member States are encouraged to establish specific capabilities to track, analyse and respond to civilian harm as part of those frameworks.

2. Promoting the protection of civilians and compliance with international humanitarian and human rights laws should be prioritized in the provision of security assistance and in the context of partnerships with international or regional entities.

3. The use of explosive weapons in populated areas, which can increase the number of civilian casualties, should be avoided, and operational policies and guidelines on ways to avoid such use should be developed.

4. Action should be taken to ensure accountability for violations against civilians. Member States are encouraged to ensure that the perpetrators of violations do not go unpunished.

5. A community-based approach should be used in all areas of conflict prevention, civilian protection and conflict resolution. Engagement with local communities should be tailor-made on the basis of the needs of affected communities and should be conducted in a safe, meaningful and effective manner.

6. Member States, especially troop- and police-contributing countries, are encouraged to prioritize predeployment and in-theatre training on the protection of civilians with the support of United Nations and regional entities, given the many challenges experienced by peacekeepers soon after their deployment to peacekeeping contexts. Efforts should also be undertaken to strengthen the soft skills of peacekeepers, in particular in-depth knowledge of host societies and languages in order to build local community trust, in advance of their deployment.