



# Security Council

Sixty-eighth year

*Provisional*

**6917<sup>th</sup>** meeting

Tuesday, 12 February 2013, 3 p.m.

New York

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*President:* Mr. Kim Sook/Mr. Shin Dong Ik ..... (Republic of Korea)

*Members:*

Argentina .....	Mrs. Perceval
Australia .....	Ms. King
Azerbaijan .....	Mr. Musayev
China .....	Mr. Wang Cong
France .....	Mr. Cabouat
Guatemala .....	Ms. Bolaños Pérez
Luxembourg .....	Mr. Maes
Morocco .....	Mr. Bouchaara
Pakistan .....	Mr. Tarar
Russian Federation .....	Mr. Ustinov
Rwanda .....	Mr. Kayinamura
Togo .....	Mr. Menan
United Kingdom of Great Britain and Northern Ireland ....	Ms. Jobbins
United States of America .....	Mr. Lord

## Agenda

### Protection of civilians in armed conflict

Letter dated 4 February 2013 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the Secretary-General (S/2013/75)

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*The meeting resumed at 3.10 p.m.*

**The President:** Under rule 37 of the Council's provisional rules of procedure, I invite the representatives of Bolivia, Côte d'Ivoire, Nicaragua and Sierra Leone to participate in this meeting.

I wish to remind all speakers to limit their statements strictly to no more than four minutes in order to enable the Council to carry out its work expeditiously today.

I now give the floor to Mr. Ekmeleddin İhsanoğlu, Secretary-General of the Organization of Islamic Cooperation.

**Mr. İhsanoğlu:** On behalf of the members of the Organization of Islamic Cooperation (OIC) and the OIC General Secretariat, I would like to take this opportunity to congratulate you, Mr. President, your team and your country on assuming the presidency of the Security Council and on your successful steering of the work of the Council this month, including the holding of this important open debate.

It is quite unfortunate, and in fact unacceptable, that throughout the world civilians endure the heaviest cost of armed conflicts, no matter the scale, nature or location of those conflicts. Civilians, be they men, women, children or elderly, suffer from unspeakable hardships and violations of human rights on account of acts of violence carried out by States and non-State armed groups alike. As expressed earlier by the Council, it is deeply regrettable that civilians account for most of the casualties in armed conflicts, including as a result of deliberate targeting, indiscriminate or disproportionate attacks and sexual and gender-based violence, as well as other acts that violate international humanitarian and human rights law.

Ever since the Council took up the issue of the protection of civilians in armed conflict in 1999 with its adoption of resolution 1265 (1999) and various others thereafter, an international normative framework has emerged. However, ongoing armed conflicts, perpetuated by one State's illegal occupation of another's territory, and their impact on civilians show that there is still much more to do in order to tackle the core challenges outlined in the Secretary-General's report (S/2012/376).

The Council is expected more than ever to assume its responsibility for spearheading the international community's efforts to enhance the compliance of

parties to conflict, States and non-State armed groups alike, with international law, and to enhance the United Nations peacekeeping missions' protection capabilities while respecting States' sovereignty, as enshrined in the Charter of the United Nations. Improving humanitarian access to victims of armed conflict and ensuring accountability for violations of international law, as well as international humanitarian and human rights law, are also among the challenges that the Council has to tackle on behalf of the international community.

Aside from legal, structural and operational challenges, the real and grave challenge that needs the urgent action of the Council is the ongoing violence in Syria, which has cost the lives of more than 60,000 Syrians and displaced more than 700,000 others. As a matter of fact, the conflict in Syria puts the ability of the Council and the international community to protect civilians in armed conflict to a clear test. It is regrettable that neither the Council nor the international community has passed that test yet, although so many civilians have died and many others have been maimed or displaced. I am particularly disappointed that the Syrian leadership has perpetuated violence against its own people.

The Organization of Islamic Cooperation has been actively involved from the very beginning in every effort to provide humanitarian assistance to the Syrians victimized by the ongoing conflict. In that regard, we are closely cooperating with the Office for the Coordination of Humanitarian Affairs. The OIC Department for Humanitarian Affairs is working to provide assistance to Syrian refugees in neighbouring countries. On 30 January, the United Nations held a very successful fund-raising conference in Kuwait, to which the OIC contributed and by which the United Nations managed to raise around \$1.5 billion, mainly from OIC countries.

Here once again, I reiterate our call on the Security Council to assume its responsibility to do its utmost to protect the Syrian people and bring a peaceful solution to the Syrian conflict through political dialogue.

Ensuring accountability for violations of international humanitarian and human rights law is a sine qua non for the protection of civilians in armed conflict. As encouraged by the Secretary-General in his 2012 report, the Council is expected to ensure such accountability for each and every Member State without exception. Yet Israel continues to enjoy

impunity despite its flagrant violations of international law, as well as international humanitarian and human rights law.

The Palestinian people, be it in the West Bank or Gaza, continues to suffer under the illegal measures imposed by the Israeli occupation. The Palestinian people's aspirations to realize its legitimate right to freedom, sovereignty and self-determination in its own independent State and in its own homeland, with East Jerusalem as its capital, should no longer be denied. The ongoing confiscation of Palestinian properties and construction of illegal Israeli settlements in the occupied territories should be seen as the biggest challenge to the credibility of the Security Council.

The General Assembly's recognition of Palestine as a non-member observer State constitutes a timely and fundamental opportunity that should be utilized in full in order to give renewed momentum to the currently deadlocked peace process. Both the Palestinian and Israeli people deserve permanent peace. It is long overdue for the Israeli and Palestinian people to live side by side and in peace and security.

The protection of civilians in armed conflict represents only one aspect of the challenge of protecting civilians. Civilians are also increasingly becoming targets of terrorism and extremism, as well as, maybe ironically, of counter-terrorism measures. Certainly, nobody can deny the right of States to undertake counter-terrorism efforts through law enforcement agencies to combat terrorism. However, the utmost should be done not to harm civilians and reduce them to collateral damage. Civilians also suffer during eruptions of violence due to simmering and unaddressed situations of intercommunal hatred and resentment, as was recently witnessed by the Muslim Rohingya minority in Rakhine state, Myanmar.

Speaking of unaddressed problems, I should stress the importance of responding to the needs of refugees displaced by armed conflict. In this regard, the OIC is particularly concerned about the continuing plight of Azeri refugees forced to leave their homes in the Nagorno Karabakh region and seven adjacent regions of Azerbaijan.

We are also concerned about the deliberate targeting of certain groups of people by non-State armed groups or terrorists. The targeting and kidnapping of United Nations or other international staff, humanitarian assistance workers and volunteers, or health workers

and teachers are unacceptable. In this regard, I strongly condemn the killing of health workers engaged in national polio vaccination campaigns. I also condemn the killing of worshippers in places of worship as abhorrent, inhuman acts. I also condemn and reject the arguments of those who distort the teachings of Islam by killing, kidnapping or harming innocent civilians or by undermining their security.

Finally, I would like to express the commitment of the OIC General Secretariat to work with the United Nations for the protection of civilians. In this regard, we highly appreciate in particular the dedicated efforts of the Office of the High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, UNICEF, OCHA and the International Committee of the Red Cross in this field. I would also like to pay tribute to all United Nations peacekeeping personnel and to unarmed civilian peacekeepers who are protecting civilians in a variety of trouble spots around the world.

**The President:** I give the floor to the representative of Italy.

**Mr. Ragaglini (Italy):** I would like to join previous speakers in thanking Minister Kim Sung-hwan for his timely initiative to discuss the crucial issue of the protection of civilians in armed conflict. This is a question of vital importance that the Security Council should address on a fixed timetable in order to keep international attention focused. Violence committed against civilians, often including women and children, by Government forces or various types of armed groups is a tragic reminder of the absolute importance of protecting them.

I also wish to express great appreciation to the Secretary-General for his intervention, and thank the High Commissioner for Human Rights and the Director for International Law and Cooperation of the International Committee of the Red Cross for their very important contributions.

Italy fully endorses the statements that will be made by on behalf of the European Union and the Group of Friends of Protection of Civilians in Armed Conflicts. In a national capacity, we wish to focus on a few aspects of ensuring the effective protection of civilians by peacekeeping missions, and briefly touch on the issues of humanitarian access, safety of humanitarian staff and accountability.

United Nations peacekeeping operations have a significant impact on enhancing protection of the civilian population. The effective implementation of a protection of civilians mandate requires not only resources and capabilities, but also training, prevention, interaction with local communities, political will and communication.

It is crucial for all uniformed personnel deployed on missions with a protection mandate to receive predeployment training with specific protection of civilians modules. The United Nations has distributed excellent specialized materials, which we encourage all training organizations to adopt as the bases for their courses. This is particularly important for police officers and formed police units. These United Nations guidelines have already been adopted by training institutes, such as the Centre of Excellence for Stability Police Units, located in Vicenza, Italy.

I take this opportunity to highlight that, without underestimating the importance of in-mission training, Italy has always stressed the need for effective predeployment training, considering that, from day one, peacekeepers are exposed to critical protection challenges and must be ready to face them immediately. This is particularly compelling when it comes to child protection, which is why we support a specific child protection project with the Department of Peacekeeping Operations and other relevant United Nations agencies.

Prevention is one of the most important aspects of protecting civilians, and situational awareness is essential to preventive action. Missions must therefore use all possible assets to enhance situational awareness, including the unarmed surveillance capability provided by unmanned aerial systems, which are also vital to deterrence. Early detection is important to timely and effective preventive intervention. Italy thus welcomes the Council's recent decision to authorize the deployment of unmanned aerial systems in the Democratic Republic of the Congo.

Developing and sustaining a dialogue with the local population is fundamental to understanding the full range of threats that civilians face and their particular vulnerability. It is also indispensable to managing the expectations of the civilian population, which are sometimes unrealistic because they exceed the capabilities or mandate of the mission.

Political will is also of the utmost importance. Protection mandates and specific rules of engagement

are not enough. The protection of civilians is a whole-mission effort in which every component — from leadership to the military, police and civilians — must share the will to implement protection mandates. Civilian populations expect protection from Blue Helmets, regardless of the tasks officially assigned to the individual components of a mission. The credibility of the entire United Nations system is at stake.

There are two sides of communication that need to be highlighted. The first is how to tell the peacekeeping story better; the second is acknowledging the media's role in reporting violence against civilians.

Why should we tell the peacekeeping story better? Too often, the media simply denounces the failures of United Nations peacekeeping and rarely, if ever, highlights its successes. However, peacekeeping does work and it is a success story that we must learn to tell more effectively if we truly want world public opinion to believe more firmly in the United Nations ability to maintain peace and stability, protect civilians and move national Governments to make the necessary human and financial resources available to the United Nations.

When the media reports the violence committed against civilians around the world, it keeps the international community's attention focused on the issue and brings us face to face with our responsibilities and our moral conscience. It is journalists who, on the front lines, strive to ensure that the world does not turn a blind eye to these tragedies, and who pay an extremely high price for their commitment. Social media have also been a powerful means of communication, bringing violence against civilians to global awareness. Our sincerest gratitude goes to these men and women who also expose themselves to the risk of violence.

I conclude by offering a few words on humanitarian access, the safety of humanitarian staff and accountability. Italy shares the concern over the severity and prevalence of constraints on humanitarian access, as well as the frequency and gravity of attacks on humanitarian staff, and in particular on medical personnel. We must promote a culture of protection, ensuring that even the most reticent understand that free access must always be guaranteed to humanitarian assistance, and that the very same people who are on the ground to assist other human beings should never themselves become the targets of attacks. Let us not forget, lastly, that in all cases of violence against civilians, the Security Council has the crucial task of ensuring appropriate monitoring for the assessment

of responsibilities and, when warranted, referring situations to the International Criminal Court.

**The President:** I now give the floor to the representative of Liechtenstein.

**Mr. Wenaweser** (Liechtenstein): We commend your delegation, Mr. President, for convening this open debate and for placing the issue of accountability at the core of your concept paper (S/2013/75, annex). Indeed, the Council is increasingly called to task in that area. Much emphasis in this discussion has been placed on the Council's competence to refer situations to the International Criminal Court (ICC). We appreciate the recent discussions about how to improve the Council's referral practice, including in the area of financing and exemption clauses. The Council is taking an important step in the right direction today by committing to follow-up action in the case of referrals.

As illustrated in the Secretary-General's report (S/2012/376), however, the Council's role in promoting accountability and eliminating impunity for the most serious crimes under international law goes far beyond ICC referrals, which will always remain the exception. Promoting accountability implies in particular that the Council must neither mandate nor endorse amnesties or one-sided exemptions from criminal jurisdiction, which may seem expeditious in the short term but are ultimately often detrimental to both peace and justice, as the developments in Yemen have shown.

The Council should also put greater emphasis on accountability at the national level, including through capacity-building, in accordance with the principle of primary domestic competence in that respect. While accountability at the domestic level must be the goal, international components can play a key role, and there is much room for new ideas, including mixed and hybrid models that give assistance to States. The International Commission against Impunity in Guatemala is an example of that. It illustrates that the Council, while certainly a crucial actor in that respect, is not the only one. We support an ongoing dialogue to further develop the relationship between the Council and the ICC and hope that the Council will soon be able to accept the invitation from the Dutch Government to visit the legal institutions in The Hague.

The situation in Syria poses a very serious challenge to the protection of civilians agenda and the credibility of the Security Council. Serious violations of human rights, amounting to crimes against humanity

and large-scale war crimes, continue to be committed, as documented by the independent international commission of inquiry on the Syrian Arab Republic. Liechtenstein has therefore joined 57 other States of all regions to call on the Council to refer the situation in Syria to the International Criminal Court. We repeat that call today, which was supported earlier by both the Secretary-General and the High Commissioner for Human Rights. In addition, we believe that it is crucial to discuss accountability issues with the Syrian national coalition, primarily in order to demand that those who have taken up arms to fight the current regime fully respect their obligations under international humanitarian law, but also to encourage any future Government to submit the situation in Syria to the jurisdiction of the ICC, in accordance with article 12, paragraph 3, of the Rome Statute. That would demonstrate the opposition's commitment to accountability and to the protection of civilians and, over time, would end impunity for those crimes in Syria.

In any armed conflict, the warring parties must assess the impact of their combat operations on the civilian population. Keeping track of all civilian harm in a centralized database and analysing it to improve tactical directives, the establishment of rules of engagement and the training of troops can help to minimize civilian harm and ensure compliance with international law. We welcome the establishment of a tracking system initiated by the International Security Assistance Force in Afghanistan, which, when combined with tactical directives focused on civilian protection, has reduced civilian casualty rates. Using such data, warring parties can acknowledge civilian harm and offer amends to those who have suffered losses in the appropriate form.

The use of explosive weapons in populated areas and the existence of remnants of explosive ordnance pose a deadly threat to civilians. To minimize civilian harm, parties to a conflict and States supplying arms should track weapons and stockpiles and secure them after conflicts have ended in order to limit their transfer to other conflicts. We call on the international community to assist States in post-conflict situations, such as Libya, to effectively secure stockpiles, clear ordnance, institute risk education and establish victims' assistance programmes.

**The President:** I now give the floor to the representative of Israel.

**Mr. Prosor** (Israel): At the outset, allow me to express my appreciation to you, Mr. President, for convening this open debate as testimony to the importance that the Republic of Korea places on the protection of civilians in armed conflict, a subject of great significance to the international community.

Eight months have passed since our most recent debate in this Chamber on the protection of civilians in armed conflict (see S/PV.6790). Since then, the death toll in Syria has quadrupled, from 14,000 in June to over 60,000 now. The civilians caught as targets of the Al-Assad regime continue to cry out for protection. Every one of those cries that goes unanswered highlights our failures.

Today, my thoughts are with the students of Aleppo University, who were indiscriminately slaughtered by the Syrian military last month because of the school's reputation as the university of the revolution. They are with Sayyad Ali, who fled Syria in December and now lives with his family in a tent in an abandoned part of northern Lebanon. He is just one of over 800,000 Syrians who have fled the Al-Assad regime since 2011. Across the Middle East, they are being forced to bear the harsh storms of winter with the most meagre of shelter and provisions. For those refugees, the only thing more painful than the cold weather they experience is the cold shoulder they receive from the international community.

The clock is ticking. Every day that passes before the Council takes firm and decisive action in Syria is another day during which countless civilians lose their lives and countless more lose hope. Those of us sitting here today must begin speaking loudly, clearly and unequivocally against the horrors of the Al-Assad Government. The ophthalmologist from Damascus cannot continue to blind us to his crimes.

Al-Assad is not alone. On his advisory board sits Hizbullah chief Hassan Nasrallah, who gives him guidance on how to slaughter civilians more effectively. With the blessings of Iran, its patron, Hizbullah has provided arms, training and logistical support for tens of thousands of Al-Assad's men. It has assisted the Syrian military in cracking down on dissidents so that Al-Assad can cling to power.

Iran's arm extends from Syria into Lebanon, where it has helped Hizbullah amass 50,000 missiles — more than many NATO members possess — and transform the Lebanese State into an outpost for terror. Hizbullah

intentionally places its arms in civilian areas, using the entire population of Lebanon as a human shield. Its idea of investing in the next generation is to stockpile its weaponry in the immediate vicinity of schools and playgrounds.

Hizbullah's reign of terror extends far beyond the Middle East. Its fingerprints have been identified on attacks on all five continents, from Kenya to Argentina to Thailand. Last week, Bulgarian authorities also identified Hizbullah as the culprit behind the July bus bombing in Burgas, Bulgaria, that killed five Israelis and one Bulgarian citizen. That was the deadliest attack on European soil since 2005.

Despite such activities, however, Hizbullah remains conspicuously absent from the European Union (EU) list of recognized terrorist organizations. In fact, many States, including some represented in this Chamber, continue to classify Hizbullah as a charity. Not since Napoleon invaded Russia has the European continent seen such an astonishing lack of foresight. Let us make no mistake — Hizbullah's sole purpose, its *raison d'être*, is to commit terrorist acts, both inside and outside the Middle East. Calling Hizbullah a charity is like calling Al-Qaida an urban planning organization because of its desire to level tall buildings.

Some European lawmakers continue to bend over backwards attempting to differentiate between Hizbullah's military and political wings. That is an exercise in futility. The only difference between those two wings is that the political wing negotiates the sum of drug cartel money that the military wing later uses to purchase weaponry. It does not take a Nobel Peace Prize laureate to realize that we are not exactly dealing with a selfless humanitarian organization here.

One does not need the fortitude of William Wallace, of *Braveheart* fame, to understand that one should do the right thing here. The EU must find the moral and political courage to place Hizbullah on its list of terrorist organizations. It must send a clear message that Hizbullah can no longer target its civilians with impunity. The voices of the victims of Hizbullah terror call on us to take collective action and work together to bankrupt the world's most dangerous charity.

We have held many debates in these halls on the protection of civilians. It is now our responsibility to transform those words into direct and concrete action. The numbers of civilian casualties across the globe grow on a daily basis. We cannot allow our indifference to

those numbers to grow and grow alongside them. Today, I urge the Council to heed the simple yet immortal words of Edmund Burke: “The only thing necessary for evil to triumph is for good men to do nothing.”

**The President:** I now give the floor to the representative of Colombia.

**Mr. Osorio** (Colombia) (*spoke in Spanish*): At the outset, allow me to congratulate you, Sir, and the Republic of Korea on assuming the presidency of the Security Council this month. We thank the Secretary-General, the United Nations High Commissioner for Human Rights and the Director for International Law and Cooperation of the International Committee of the Red Cross for their statements.

Once again, the Security Council is addressing the issue of the protection of civilians in armed conflict from the perspective of the duty to observe the relevant regulations of international humanitarian law in order to reduce the impact of armed conflict on civilians. This is an issue of particular relevance to the Colombian State, which has been defending its democratic institutions from the attack of illegal armed groups whose strategies of war openly violate those rules.

My country shares the concern of the Secretary-General and other delegations over the situation of civilians in armed conflicts in some parts of the world, and over the recurrent failure of parties to conflict to fulfil their duty to respect and protect civilians in accordance with international law. We also agree that respect for international law should be promoted by all parties to a conflict; that the protection of civilians by United Nations peacekeeping missions and other relevant missions should be strengthened; that access to humanitarian assistance should be improved in coordination with States on the Council’s agenda; and that accountability should be promoted when the law is violated.

The report of the Secretary-General (S/2012/376) refers to the importance of enhancing compliance by non-State armed groups, implying that such compliance depends on existing direct contact between the United Nations and non-State armed actors. The practice of identifying a formula that can work or that has worked in certain specific situations and elevating it to a generalized category can cause difficulties. From our point of view, it is hard to identify a unique formula applicable to all cases. Each situation is different and

must be addressed by taking into account its own special circumstances.

In the particular case of policies towards non-State armed actors, and in order to ensure that such policies are compatible with those adopted by the Colombian Government in the context of peace negotiations, in the current circumstances we consider it essential to preserve ownership by the State and its Government in driving the process, without external interference. We believe that the concern to ensure that non-State armed actors comply with international humanitarian law and other relevant law is valid, but we also believe that this concern is fully covered by the cardinal principles of distinction, proportionality and precaution during an attack.

For that reason, it is necessary to consider very carefully the recommendation that State Members should refrain from adopting policies or other measures with the effect of preventing humanitarian actors from working with non-State armed groups for humanitarian purposes, and in particular from carrying out activities to promote respect for international humanitarian law. That recommendation must be based on principles of cooperation and coordination with a concerned State on the basis of its national sovereignty.

Based on its recent historical and painful experience, and in relation to the particular circumstances of the Colombian conflict, the Government of President Santos Calderón has adopted a policy to ensure that no dialogue with an illegal armed group that has been designated internationally as a terrorist organization will take place without its prior explicit consent — that is, when the national Government of Colombia considers such dialogue appropriate. Furthermore, while the Government is determined to ensure that those groups and their leaders take specific actions to comply with the rules and principles of international humanitarian law, it also firmly believes that such compliance should not include independent contact by those groups with United Nations representatives. Colombians have already been down that road, with meagre profit.

We thank the States Members of the United Nations and the Organization itself for understanding and respecting that policy and for their offers of cooperation, which will remain in effect until the illegal armed groups operating in the country decide to change their behavior and fully respect the international norms described. The existence or absence of United Nations

contacts with these groups does not affect the viability of the law applicable to armed conflicts, because what counts is the will of the parties. When that is lacking, States should have solid institutions for prosecution and due punishment.

Focus on the possible approaches of certain actors towards illegal armed groups diverts our attention from the fundamental issue, which is the lack of political will. The validity of the rights of civilians in hostilities requires no contact with non-State armed groups, but only the decision of the latter either to abandon violence and pursue their goals through democratic debate, or, if they decide to pursue armed conflict, to give full effect to international humanitarian law, without exception.

Our Government has always welcomed and been grateful for the work of the International Committee of the Red Cross in facilitating the release of those kidnapped by illegal armed groups. In recent years, the Colombian Government has succeeded, with the active collaboration of the International Committee of the Red Cross and in some cases with the support of friendly Governments and civil society organizations, in helping many people to recover their freedom.

Another issue that we wish to highlight is the recommendation to establish commissions of inquiry and fact-finding missions, as contained in the Secretary-General's report, the concept paper before us (S/2012/75, annex) and the presidential statement (S/PRST/2013/2). We understand that, by definition, these mechanisms may be applicable only to countries on the agenda of the Security Council, and otherwise only by prior arrangement with the State concerned.

My Government agrees that the alternatives raised in the report to reach populations in need of humanitarian assistance — such as temporary cessation of hostilities, humanitarian pauses, humanitarian corridors and days of tranquillity — must be adapted to the circumstances of each conflict. Any serious analysis will indicate that international humanitarian law obligates military forces to adjust themselves to humanitarian imperatives, without implying that such efforts may not occasionally control, for obvious security reasons in the middle of a conflict, the movement of people and properties.

Colombia supports the idea expressed by the Security Council in the presidential statement on the protection of civilians in November 2010 (S/PRST/2010/25), that the promotion of peace processes, the achievement of peace and sustainable development, and respect for

human rights and the rule of law are of the utmost importance to protect the civilians in the medium and long terms.

Colombia, with 200 years of democratic institutions and a modern regulatory framework, has spared no effort to enhance and complement its efforts in that field, as can be seen in the adoption of ambitious initiatives to seek peace and reconciliation. Examples of this include the transitional justice system incorporated into the Justice and Peace Law of 2005, which has allowed for the demobilization and reintegration into society of over 54,200 members of illegal armed groups; the establishment of an innovative mechanism of indemnities and restitution of land established under the Victims and Restitution of Land Law of 2011; and the constitutional reform that has established a legal framework for peace.

Consequently, we strongly believe that the peace talks currently under way are founded on a solid domestic legal basis and a strong political will on the part of the Government, which are compatible with the international obligations that we have undertaken and consistent with the aim of protecting the civilian population.

**The President:** I now give the floor to the representative of Japan.

**Mr. Hisajima (Japan):** At the outset, let me express my sincere congratulations to the Republic of Korea for its assumption of the presidency of the Security Council, and thank the Foreign Minister of the Republic of Korea, Mr. Kim Sung-hwan, for holding this debate. I also thank Secretary-General Ban Ki-moon; Ms. Navi Pillay, United Nations High Commissioner for Human Rights; and Mr. Philip Spoerri, Director for International Law and Cooperation of the International Committee of the Red Cross, for their respective briefings.

Japan associates itself with the statement to be delivered by the representative of Switzerland on behalf of the Group of Friends on the Protection of Civilians in Armed Conflict.

The need for the protection of civilians in armed conflict continues to increase. The five core challenges identified in the report of the Secretary-General (S/2012/376) remain relevant today, and we need to address what concrete measures can be applied to tackle those challenges. Against that background, I would like to focus on two issues in this debate.

Although the protection of civilians and the building of capacities towards that end have been part of the mandates of a number of peacekeeping operations and other missions, ensuring the efficacy of those mandates remains a challenge. In that regard, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, which counts the protection of civilians as one of its core goals, is expected to deploy unmanned aerial vehicles in order to improve surveillance capacity. Japan welcomes effective measures of that sort aimed at protecting civilians.

In Mali, the efforts of troops from France, African States and Mali to re-establish stability are achieving tangible results, and Japan commends their engagement. Nevertheless, a number of challenges still exist, such as providing assistance to the many internally displaced persons (IDPs) and refugees, stabilizing recovered areas and promoting political transition in Mali. Strengthening the capacities of the Malian authorities is crucial in tackling those challenges and therefore in achieving the protection of civilians.

Japan is considering allocating \$120 million in order to assist refugees and IDPs in Mali and its neighbouring countries and to strengthen governance and security in the region, including by supporting peacekeeping operations training centres. We strongly hope that such assistance will contribute to the protection of civilians in Mali and its neighbouring areas and improve regional stability as a whole.

Furthermore, we believe that pre-deployment training for peacekeeping operations and other mission personnel is extremely useful, and it is therefore important to provide comprehensive training on such issues as the protection of civilians and the prevention of sexual violence.

Ensuring accountability and compliance with international humanitarian law on the part of parties to conflict is obviously important, but, as the concept paper issued by the Republic of Korea (S/2013/75, annex) points out, it is also important for the members of the Security Council to fully recognize the importance of those issues. The Security Council should take more proactive actions to accelerate concrete movement in that regard by, for instance, launching fact-finding missions and submitting referrals to the International Criminal Court (ICC). In that light, 57 countries, including Japan, have requested that the Security Council refer the situation in the Syrian Arab Republic

to the ICC. We all need to bear in mind that inaction on the part of the Security Council sends the wrong message to perpetrators and compromises the credibility of the United Nations.

In conclusion, it is important that this open debate should not only promote discussion at the normative level but also contribute to the advancement of concrete actions towards the protection of civilians on the ground. In that regard, Japan hopes that the reports of the Secretary-General on the protection of civilians in armed conflict will continue to be issued regularly, with concrete recommendations, and that open debates will provide a forum for active discussion on the matter.

**The President:** I now give the floor to the representative of the Islamic Republic of Iran.

**Mr. Khazaei** (Islamic Republic of Iran): I have the pleasure to speak today in the Security Council on behalf of the Non-Aligned Movement (NAM).

Let me start by expressing the Movement's appreciation to the Council presidency of the Republic of Korea for organizing this debate and to Minister Kim Sung-hwan for his presence and for presiding over this meeting earlier. I would also like to thank the Secretary-General, the High Commissioner for Human Rights and the Director for International Law and Cooperation of the International Committee of the Red Cross for their briefings to the Council today.

Current world events indicate that civilians are still suffering in massive numbers around the globe. Despite all the efforts at the international level for the protection of civilians and the measures taken by the Security Council and relevant humanitarian institutions, it is regrettable that civilians still account for the vast majority of casualties in armed conflict, and, as the report of the Secretary-General points out, the situation vis-à-vis the protection of civilians remains dreadful. The situation endured by civilians in many of today's conflicts therefore requires our particular attention and action. It seems that the measures adopted so far fall short of addressing the wider implications of attacks against civilians and their effects on international peace and security, as well as their humanitarian impacts.

The reports of the Secretary-General on the protection of civilians, in particular the latest report contained in document S/2012/376, issued in May 2012, highlight the ongoing and emerging concerns regarding the situation. They include the proliferation and fragmentation of non-State armed groups, the

displacement of civilians within and across borders, the continued violence and hardships that women and children face during armed conflict, and the continued existence of a culture of impunity. The reports have contributed to the advancement of the relevant debates through the identification of five core challenges: enhancing compliance by parties to conflict with international law; enhancing compliance by non-State armed groups; enhancing protection by United Nations peacekeeping and other relevant missions; improving humanitarian access; and enhancing accountability for violations. The reports of the Secretary-General take stock of both the encouraging developments and the ongoing concerns and challenges affecting civilians in contemporary armed conflicts.

In that regard, the Non-Aligned Movement believes that due priority should continue to be given to the promotion of knowledge of, respect for and observance by States of their obligations assumed under the Charter of the United Nations, international law, including international human rights law and international humanitarian law, in particular their obligations under the four Geneva Conventions of 1949 and their 1977 Protocols.

We call upon all parties to armed conflicts to redouble their efforts to comply with their legal obligations by, *inter alia*, prohibiting the targeting of civilian populations and civilian property and redoubling their efforts to comply with their responsibilities to ensure general protection against dangers arising from military operations to civilian installations, hospitals and relief materials and the means to transport and distribute such relief materials.

The Movement reiterates its condemnation of the increasing attacks on the safety and security of humanitarian personnel. It urges the Governments of States Members of the United Nations to ensure respect for the protection of the personnel of humanitarian organizations, in conformity with the relevant provisions of international law. In the meantime, we reaffirm that humanitarian assistance personnel should respect international humanitarian law and the laws of the countries where they operate, the guiding principles of humanitarian assistance set out in the annex to General Assembly resolution 46/182, and non-interference in the cultural, religious and other values of the population in the countries where they are active.

Furthermore, the Non-Aligned Movement emphasizes that respect for the principles of the sovereign equality, political independence and territorial integrity of all States and of non-intervention must be upheld. The consent of the host country is imperative to granting access to its territory for humanitarian assistance operations and for the continued work of their personnel at all times.

United Nations peacekeeping missions constitute one of the most significant means available to the United Nations to protect civilians in situations of armed conflict. Since 1999, the Security Council has tasked United Nations peacekeeping missions with protection mandates. Such protection mandates include establishing effective early-warning mechanisms, ensuring the provision of adequate resources to monitor, prevent and respond to incidents, and supporting the efforts of the host country's authorities to implement their responsibility to protect civilians. In addition, United Nations missions assist in creating protective environments by supporting the establishment of effective rule of law and security institutions.

The Non-Aligned Movement acknowledges that the protection of civilians is currently mandated in a number of United Nations peacekeeping missions. In that context, it stresses that such peacekeeping operations, in particular those with protection of civilian mandates, should be guided by the principles of the Charter of the United Nations and should not be used as a means for regime change or military intervention. The Movement underlines the fact that the protection of civilians is the primary responsibility of the host country and, accordingly, emphasizes that relevant peacekeeping missions with such a mandate should conduct their tasks without prejudice to the primary responsibility of the host Government to protect civilians.

United Nations efforts take place in support of and not as a substitute for those of the national authorities. We stress that the successful implementation of tasks relating to the protection of civilians requires integrated efforts at all levels and a holistic approach that encompasses the provision of timely and adequate resources, logistical support and the necessary training, as well as clearly defined and achievable mandates. In that regard, we again acknowledge the importance of peacekeeping operations supporting and building synergies and of their coordination with host Governments, including at the local level, in protecting the civilian population.

The development of strategies for the protection of civilians in peacekeeping missions where it is mandated is significant. The Special Committee on Peacekeeping Operations should continue to discuss the best ways to overcome the challenges that remain. Those challenges include the operationalization of such strategies in action on the ground, addressing the gap in the resources needed to carry out that complex mandate task and the legal aspects of categorizing civilians in combat situations in accordance with international law.

Allow me to conclude by expressing the hope that this open debate will provide an opportunity to assess the ways and means to provide better protection to civilians in armed conflict. We need to identify not only the positive developments to date but the challenges ahead. Here, I would like to reiterate the Non-Aligned Movement's firm belief in the importance of the protection of civilians in conflict situations, in establishing accountability for violations of international humanitarian law and in putting an end to impunity.

**The President:** There are still 49 speakers on my list, so may I remind all speakers to limit their statements to no more than four minutes in order to enable the Council to carry out its work expeditiously. Delegations with longer statements can circulate the written text. I would very much appreciate it if speakers could turn directly to the conclusion of their statement. I request members' cooperation in delivering a condensed version.

I now give the floor to the representative of Switzerland.

**Mr. Guerber** (Switzerland): I am pleased to take the floor on behalf of the Group of Friends of the Protection of Civilians, which comprises Australia, Austria, Belgium, Brazil, Canada, France, Germany, Italy, Japan, Liechtenstein, Norway, Portugal, Switzerland, the United Kingdom and Uruguay. I would like to thank the Korean presidency of the Security Council for organizing this debate, which is long overdue.

Ensuring the protection of civilians in armed conflict is a challenging task that requires our constant attention. Unfortunately, the core challenges identified in the three most recent reports of the Secretary-General (S/2009/277, S/2010/579 and S/2012/376) remain and the way forward set out in resolution 1894 (2009) needs to be pursued as a matter of priority. International humanitarian law requires all parties

to conflict to spare the civilian population from the effects of hostilities. All too often, however, parties to conflict fail to comply with their obligations under international humanitarian law. Civilians, including children and women, are subjected to acts of violence with severe humanitarian consequences. Also, the targeting of schools and health-care facilities places civilians at risk.

We therefore regret that the Security Council does not debate the issue on a more regular basis. To ensure greater predictability in the treatment of the protection of civilian by the Council and in order to have a greater impact in the field, the Group strongly advocates for regular biannual debates and for a standing reporting requirement so that the Secretary-General is in a position to report every 18 months, as is the case for the issue of children and armed conflict with the adoption of resolution 2068 (2012).

The briefings provided by the Secretary-General during such debates are very important. Up-to-date information is a necessary condition for meaningful debates among Member States. We also note the practice of the Emergency Relief Coordinator briefing the Council, which we find essential and would like to see continue in the future, as the Emergency Relief Coordinator is, *inter alia*, an advocacy channel for the wider humanitarian community.

We would also like to reaffirm the obligation to protect all categories of persons protected under international humanitarian law, taking into account their specific vulnerabilities, in particular children and women. We share the Secretary-General's concerns that sexual violence, including rape, continues to be a prominent feature of conflict and remains widespread, affecting not only women and girls but also boys and men. As called for in resolution 1820 (2008), the Security Council should address the root causes of sexual violence and consider including it as a criterion in country-specific sanctions regimes where relevant. In addition, steps must be taken towards full compliance by all parties to a conflict and full accountability for violations. Resolution 1894 (2009) reaffirmed the importance of ending impunity for serious violations of international humanitarian law and human rights law. We are convinced that the Council should become a driving force in the area of accountability and promote an appropriate combination of justice, reparations and institutional reforms, with a view to satisfying the

essential rights of victims of such serious violations and to preventing their recurrence.

Also, timely recourse to fact-finding mechanisms, including, when appropriate, the International Humanitarian Fact-Finding Commission established by article 90 of Protocol I to the Geneva Conventions, is crucial to ensuring the credibility of the international community in that regard. It is particularly important, however, for the Council to act where credible information has been provided by such fact-finding mechanisms. The Security Council should also consider referrals to the International Criminal Court when and where national jurisdictions are unable or unwilling to investigate and prosecute those most responsible for serious violations of international humanitarian law and human rights law.

In addition, humanitarian access remains a critical challenge. In many cases, access continues to be difficult, and there has been a marked deterioration in the past 10 years. In today's armed conflicts, securing and maintaining such access in order to help and assist civilians is becoming increasingly more difficult. We urge all parties to conflict to allow and facilitate rapid, full and unimpeded access so as to allow humanitarian actors to reach civilians in need, consistent with the well-established guiding principles of humanitarian assistance.

Before concluding, the Group of Friends would like to recall that the primary responsibility for the protection of civilians lies with the State. Enhancing the capacity of national Governments to sustain longer-term efforts to protect civilians should always be the key objective of international action. To reach that objective, international assistance requires a spirit of cooperation based on mutual acknowledgement and national ownership that transcends the actions of individual actors involved in protection. The support of the international community should be based on the recognition that security and development are closely interlinked, mutually reinforcing and key to attaining sustainable peace and, therefore, to preventing situations where civilians might face the threat of violence.

Conflict prevention and the peaceful settlement of disputes are also key to the protection of civilians. The international community must vigorously and continuously seek to exhaust all diplomatic means available to ensure the protection of civilians under the threat of violence. United Nations peacekeeping operations have an important role to play in enhancing

the host Government's capacity to protect its civilians, including through the strengthening of national rule-of-law and security institutions. We should therefore strive to ensure that missions have the capabilities and resources they need to discharge their mandate related to the protection of civilians as effectively as possible.

*(spoke in French)*

I should now like to speak briefly in my national capacity. The full text of my statement has been circulated in the Chamber.

I should like to begin with the issue of accountability in the case of Syria. In view of the escalating violence and the absence of any prospects of credible criminal prosecution, Switzerland, supported by 57 other States, recently called on the Security Council to refer the situation in Syria to the International Criminal Court. No lasting peace is possible in Syria if determined action is not taken to ensure accountability and prevent impunity. We hope that other countries will join this initiative by signing the list of supportive States and that the Council will act by taking the necessary measures.

We would also like to share our deep concern about the ever-worsening situation with regard to humanitarian access in Syria. It is unclear how the delivery of assistance is coordinated and implemented in disputed areas or so-called areas under the control of opposition groups. We must therefore find ways to minimize the number of persons who are beyond the reach of humanitarian aid.

Securing continued access to the population is also pivotal in the context of Mali. Despite the speedy progress of military operations there, we should not forget the significant needs of vulnerable populations. We are witnessing once again how difficult it is to prevent atrocities, protect civilians and ensure accountability for violations. We welcome the fact that Mali has referred the situation to the International Criminal Court.

In general terms, enhancing compliance with international humanitarian law remains the greatest challenge. Switzerland is therefore pleased to report that its joint initiative with the International Committee of the Red Cross to strengthen compliance with international humanitarian law has gained momentum, with an increasing number of States engaging in substantive discussions on this issue. A second meeting of States will take place in June in Geneva to strengthen the dialogue on this important issue.

Non-State armed groups constitute a particular challenge with regard to compliance with the rule of law in most modern conflicts. We must find a way to ensure that those groups comply with their obligations and allow humanitarian access. The latest report of the Secretary-General is insightful. Whenever the issue of engagement with non-State armed groups is raised, the consequences for civilians should be the most important criterion.

**The President:** I now give the floor to the representative of Portugal.

**Mr. Vaz Patto** (Portugal): I would like to begin by thanking the Secretary-General, the High Commissioner for Human Rights and Mr. Spoerri for their respective briefings. I also wish to thank you, Mr. President, for having convened this important open debate on the protection of civilians in armed conflict, an issue to which Portugal attaches great importance. We welcome the presidential statement (S/PRST/2013/2) that was adopted earlier today and in particular the establishment of systematic reporting on this issue every 18 months.

Portugal, naturally, shares the views that will be expressed by the European Union later on, but let me underline some aspects of particular significance to my country.

As emphasized today by our briefers, civilians have in recent months continued to represent the majority of the victims of conflicts. Too often, men, women and children are not spared the effects of hostilities and are still frequently deliberately targeted by various parties. Despite international efforts, sexual violence continues to be used as a tactic of war, and the recruitment and use of children in armed conflicts are still a reality in several countries. Such flagrant violations of human rights and international humanitarian law fuel further instability, violence and conflict. Attacks against civilians are unacceptable wherever they take place — in Syria, in Mali, in Somalia, in the Democratic Republic of the Congo or in the areas affected by the Lord's Resistance Army — and should be vigorously condemned, as they were condemned in the past, in Libya or in Côte d'Ivoire.

It is clear that in today's world, when civilians are under threat, the United Nations and the Security Council in particular must respond promptly. It is therefore even more frustrating that, in the case of Syria, the Council has not responded to the expectations of the

international community and to the hopes of civilians on the ground.

Learning from past situations such as those in Rwanda and Srebrenica, the Security Council has developed a normative framework and concrete instruments to conduct its action in this area in an effective and accountable manner. Resolution 1894 (2009) provides a solid normative framework for United Nations peacekeeping operations to protect civilians. Eight peacekeeping missions on three continents are endowed with strong protection mandates; we welcome the consistent baseline guidance and predeployment and in-mission training being developed by the Department of Peacekeeping Operations to enhance the understanding — and improve the implementation — of the concept of protection of civilians. Local strategies and improved engagement with communities have been devised, and all of those tools have had a significant impact on enhancing the protection of civilian populations. But more can and should be done regarding the prevention of conflicts. Peacekeeping missions are a remarkable tool but a limited one that cannot be multiplied *ad infinitum*.

Furthermore, the prevention of conflict is always the most effective way to protect civilians, and the Council can use very efficiently its existing tools, including presidential statements, resolutions, briefings and consultations, to convey robust political messages when the situation demands it or the protection of civilians is at stake. It can also be proactive, and develop new tools to increase its role in the protection of civilians by addressing more situations of concern.

The work of the Security Council in promoting accountability for violations of humanitarian and human rights law represents another important aspect of its efforts to protect civilians. The role of the Council in this area has been central to progress, since it has established significant precedents by requesting that fact-finding mechanisms be created to investigate alleged violation and that reparations be provided for victims, and by promoting individual criminal responsibility. At a workshop that Portugal organized with the Office for the Coordination of Humanitarian Affairs in November 2011, this practice of the Council aimed at ensuring accountability for violations of international humanitarian and human rights law was reviewed. Some interesting ideas on promoting consistency and avoiding the perception of selectivity

in the Council's actions were put forward and would, in our view, merit further discussion.

Countering impunity, whether through national institutions or the International Criminal Court (ICC), does indeed have a deterrent effect at the domestic, regional and international level, and is a fundamental tool for preventing further violations. In that regard, Portugal would once again like to stress the important role of the ICC in fighting impunity for the most serious crimes. We would also like to highlight the crucial role that the Human Rights Council is playing in the fight against impunity; the international commissions of inquiry on Côte d'Ivoire, Libya and Syria have investigated human rights violations, established the facts and circumstances of those violations and have made recommendations on accountability measures. The Council has certainly benefited from the work of the commissions, which will, it is to be hoped, not only contribute to enhancing accountability but also help to promote peaceful and durable solutions to existing crises.

There is no question that the international community, as a whole, and the Security Council, in particular, is dealing with a growing responsibility to protect civilians, especially women and children, in the context of armed conflicts. Here I would like to recall the concept of responsibility while protecting put forward by Brazil in November 2011 (see S/PV.6650), which merits thorough consideration in the context of the responsibility to protect, specifically of how to improve its implementation when the use of force is authorized by the Security Council.

When the Council has had at its disposal the tools necessary to protect civilians under attack and has received sufficient, credible and timely information regarding situations of concern, it has found the political will to take effective action in many dire situations. But not always. Either through preventive diplomacy aimed at influencing the parties to conflict to comply with international law, or by acting under Chapter VII of the Charter, it is fundamental for the Security Council's credibility that it act consistently and with resolve to protect all civilians — women, men and children — whether directly targeted or accidental victims of conflicts.

**The President:** I now give the floor to the representative of Spain.

**Mr. Arias (Spain) (*spoke in Spanish*):** I thank the Secretary-General, the United Nations High Commissioner for Human Rights, and the Director for International Law and Cooperation of the International Committee of the Red Cross for their statements. I would also like to thank the presidency for organizing this open debate. The fact that it is traditionally held twice a year enables the Council to address an issue that, as we unfortunately see in many conflicts, continues to demand its attention.

The fight against impunity is one of the fundamental pillars supporting the effective implementation of international humanitarian, human rights and refugee law. It is States that have the primary responsibility to comply with it, and protecting civilians is incumbent on all the parties to a conflict. However, I wish to underscore that in the event of a failure to exercise that responsibility, the Security Council can act, and must do so consistently. This involves careful follow-up on the conclusions of international commissions of inquiry and fact-finding missions, and, when appropriate, referral of the facts to the International Criminal Court.

Accountability and the assigning of responsibility undoubtedly have an impact on support for and compliance with international humanitarian and human rights law. However, this is not enough. I would therefore like to draw attention to the existence of other instruments that can contribute to protecting civilians more effectively. At times, resorting to inclusive mediation — in the sense described in the United Nations Guidance for Effective Mediation — can play a preventive role in the protection of civilians in armed conflict. Spain, which is a staunch supporter of the available instruments for conflict prevention, is an active member of the Group of Friends of Mediation, and is promoting a mediation initiative in the Mediterranean that is holding its first seminar on mediation in the region right now in Madrid. I hope that the Council will take the outcomes of such initiatives into consideration inasmuch as they may offer ways of effectively protecting civilians in conflict situations.

I would like to express particular concern about three facts that represent serious obstacles to the application of the modern concept of the protection of civilians. First is the use of bombs and explosives in urban areas to kill or maim civilians, destroy basic infrastructures such as hospitals, schools and water-storage facilities, and displace huge numbers of civilians. Spain deplores this grave violation of international humanitarian law,

especially when it is used deliberately as a way of waging psychological warfare on the civilian population, and believes that the Council must continue to focus on this practice and to explore and exploit all possible means to put an end to it.

Secondly, it is the elderly, women and children who suffer most in such conflicts. Sexual violence continues to be used as a weapon in conflict and even as a military strategy, leaving victims with scars that last into the post-conflict period. Spain believes that this is an issue to which the Council and the commissions of inquiry should pay special attention, since it can come up against victims' reluctance to report incidents for fear of stigma in their communities. Among the groups that are particularly vulnerable to the effects of conflict, I would like to stress the issue of people with disabilities. This year the General Assembly will host a high-level meeting on disability and development, which Spain, together with the Philippines, has the honour to co-facilitate. This is also a good opportunity to note that in the area of the effective protection of civilians, the special needs of this group should be taken into account.

Thirdly, attacks on medical staff and installations and on humanitarian personnel, and constraints imposed on their activities, are also an indirect attack on the civilian population. The Security Council has the means necessary to enable humanitarian actors to carry out their work, guaranteeing their safety and promoting an environment conducive to their rapid and unimpeded access to civilians in need. My Government calls on the Security Council to assess the possibility of recalling the content of the resolution on health care in danger adopted at the 31st International Conference of the Red Cross and Red Crescent in 2011.

Spain has always considered it a very positive fact that the protection of civilians in armed conflict is included in the mandates of peacekeeping operations. Spain's experience in this area, resulting from our extensive involvement in peacekeeping operations, has shown us that there can be no stable and lasting peace if human rights are not respected. The protection of civilians should therefore also be part of the international community's approach to post-conflict situations as it could become a tool of prevention with a view to avoiding a resurgence of the previous combat situation.

Spain associates itself with the statement to be delivered by the observer of the European Union.

**The President:** I now give the floor to the representative of Canada.

**Mr. Rivard (Canada):** It is deeply concerning that there remain so many civilians around the world who are victims of deliberate and targeted attacks. The ongoing conflicts in Syria and Mali serve as immediate reminders of the threats that far too many people continue to face. Other contexts, such as the Sudan and South Sudan, the Democratic Republic of the Congo and Afghanistan — where threats to people, basic human rights, to their physical security and to their lives continue unabated — should serve as stark reminders of the work that remains undone.

The conflict in Syria continues to take a terrible toll on the civilian population. Despite collective condemnation of the Al-Assad regime and calls to end the violence, the humanitarian crisis in Syria is worsening. There are now 4 million people who require humanitarian assistance, and half of those are children. Those numbers are staggering and should remind the Council of the urgent need to act. Health care and educational facilities continue to be targeted, and there are disturbing reports of cases of rape and other forms of sexual violence. The growing number of deaths and the unwillingness of the regime to allow full, safe and unhindered access to humanitarian organizations underscore the appalling impact of the Al-Assad regime's effort to repress the people of Syria.

The resulting outflow of Syrian refugees is causing considerable strain on the countries of the region, and we commend their generosity in hosting so many refugees on their soil. Humanitarian organizations, such as the International Committee of the Red Cross, the United Nations agencies and many local Syrian organizations, are making heroic efforts to meet the urgent life-saving needs of those affected by the violence. Their efforts are to be commended. However, those efforts continue to be obstructed by the regime. Canada, along with the international community, calls on those in a position of power in Syria to immediately ensure full, safe and unhindered access to all communities in Syria so that humanitarian actors can do their life-saving work. That includes expediting administrative, visa, travel and customs procedures in order to facilitate the rapid and unimpeded delivery of humanitarian aid.

Canada is also deeply concerned by the current crisis in Mali and its impact on the civilian population. Malians living in the north have, over the past year, been subjected to brutal treatment by terrorists and

armed groups. The humanitarian situation in Mali is deteriorating. Over 385,000 Malians remained displaced, both within Mali and in neighbouring countries, and 2 million people are at risk of food insecurity. Amid that crisis there are disturbing reports of human rights abuses and other crimes against the local population, including extrajudicial killings and amputations, accounts of rebel groups recruiting child soldiers and an alarming rate of sexual violence against women and girls. As a result of the insecurity, thousands of Malians have chosen to flee their country and seek refuge outside its border. We commend neighbouring Governments for their generosity in welcoming those seeking safety. We recognize the burden that this places on host countries and call on them to continue to provide refuge for those fleeing the crisis.

*(spoke in French)*

While Syria and Mali are perhaps the most blatant examples of the current obstacles to the protection of civilians, there remain a number of other cases that merit our attention and require sustained action on our part. We must act to defend the rights of vulnerable religious minorities persecuted for their convictions in armed conflict situations. In that respect, we call on United Nations specialized agencies to take better account of the persecution of religious minorities in order to prevent the displacement of populations. The terrible consequences of violence and conflict for women and children, including rape as a weapon of war, also require our urgent attention.

Canada remains steadfastly determined to improve the living conditions of girls and women. We have therefore contributed to peacekeeping units for African women, helped women to participate in peace processes, and assisted victims of sexual violence by improving their access to justice, particularly through courts and truth commissions. Similarly, Canada's diplomatic and development efforts are progressing, especially given the need to put an end to early and forced marriages, which have affected millions of girls throughout the world.

The protection of civilians is essential to the promotion of liberty, democracy, human rights and the primacy of law. We must do a better job of applying the many directives and best practices that have been developed in Security Council resolutions in order to improve specific measures aimed at protecting civilians. Moreover, reports of the Secretary-General on the

protection of civilians can be very useful in focusing attention on issues related to protection. At the same time, we must clearly and firmly identify countries and actors who commit violations against civilians, including suicide attacks, and hold them accountable for their actions. Canada will not be silenced in identifying and condemning those who commit deliberate, wanton acts of violence against civilian populations.

**The President:** I now give the floor to the representative of Estonia.

**Mr. Kolga** (Estonia): First of all, allow me to thank the Secretary-General and other speakers for their interventions today. Estonia welcomes this timely debate on the protection of civilians in armed conflict, and thanks the presidency of the Republic of Korea for its comprehensive concept paper (S/2013/75, annex). Estonia fully aligns itself with the statement to be delivered by the observer of the European Union.

I shall concentrate today mainly on the two important issues raised in the concept paper: compliance with international humanitarian law and human rights law to protect civilians, and accountability.

Despite a strong international normative framework and steps taken by the Security Council, as described in the concept paper, civilians, particularly women and children, still constitute the majority of the victims in conflicts. Estonia agrees that the achievements at the normative level must now be translated into deeds.

We acknowledge that the primary responsibility to protect its people lies with the State. By the same token, international humanitarian law and human rights law must be obeyed not only by national authorities, but by all parties involved. Unfortunately, too often parties to armed conflicts fail to comply with their obligations, resulting in devastating loss of human lives.

Estonia is particularly concerned about the implications of an armed conflict for the most vulnerable groups. There is a growing understanding that women and children are impacted uniquely and disproportionately by the effects of conflict and its aftermath. Due to the changing nature of conflict, children are often killed and injured in the course of military operations, including in crossfire, aerial bombardment and shelling. Another most worrisome trend is the rise in suicide attacks and the use of children to carry them out that lead to the death or serious injuries of children.

We are deeply concerned that, according to the most recent report of the Secretary-General on women and peace and security (S/2012/732), sexual violence and the threat of sexual violence continue to be employed as a tactic of conflict across a range of contexts. Although sexual and gender-based violence is a gross human rights violation, in many areas there is still a culture of silence and denial in that regard. Changing it takes time and much effort on the part of all parties: the United Nations, non-governmental organizations and, most importantly, local leaders and national authorities.

In light of the aforementioned concerns, I would like to commend the invaluable work of the Special Representative of the Secretary-General on Sexual Violence in Conflict, Ms. Zainab Hawa Bangura, and the Special Representative of the Secretary-General for Children and Armed Conflicts, Ms. Leila Zerrougui. Their work and commitment can in no way be underestimated.

In his most recent report on the protection of civilians in armed conflict (S/2012/376), the Secretary-General points out the devastating consequences that non-compliance with international humanitarian law and human rights law has on health care and education. Estonia strongly condemns the violence against health workers. Speaking more concretely about education, according to a recent UNICEF assessment in Syria, 21 per cent of schools were not serving as learning environments because they were either damaged, destroyed or used as shelters. Where schools remain open, parents have been reluctant to send younger children and girls due to insecurity. Estonia therefore commends the decision of the Council, taken in resolution 1998 (2011), to extend, in 2012, the scope of grave violations for which parties to conflict were listed in the Secretary-General's reports on children and armed conflict to include recurrent attacks on hospitals and schools and recurrent attacks or threats of attacks against protected persons in relation to hospitals and schools.

Estonia has focused its development coordination, humanitarian assistance and human rights activities on supporting the most vulnerable groups, including through continuity of education for children in conflict areas such as Afghanistan, South Sudan, Mali and Gaza. I am pleased to inform the Council that, just recently, at the Kuwait conference, Estonia pledged €300,000 to support Syrian refugees in neighbouring countries. Part

of that pledge will be donated to UNICEF to support continued education for children.

We believe that the international community can do more in enforcing compliance with international humanitarian law and human rights law at both the national and international levels. The Secretary-General's report contains very relevant recommendations in that regard. The increased use of accountability mechanisms is one of the most important tools to strengthen compliance with international law by all parties to conflict.

Despite the growing proportion of civilian casualties, individuals responsible for war crimes and other atrocities are rarely being held accountable. Peace is often presented as a precondition for justice, but there can be no lasting peace without justice and there is no justice without accountability. Estonia recognizes the critical role the Security Council can play in ensuring and promoting accountability and encourages the Council to consistently promote individual accountability for international crimes.

Two recent resolutions on the protection of civilians in armed conflict adopted by the Council underline the essential relationship between the protection of civilians and ending impunity for the most serious crimes. Estonia strongly commends the mandate given to the African-led International Support Mission in Mali to support national and international efforts, including the work of the International Criminal Court (ICC), to bring perpetrators of serious human rights abuses and violations of international humanitarian law to justice. That is a clear acknowledgement that justice must be an integral part of the solution to the crisis in Mali.

Serious violations of international human rights and humanitarian law and alleged crimes against humanity and war crimes have been committed in Syria. Those responsible for those crimes must be held accountable. Many actors have underlined the need for accountability, which requires strong commitment from the international community. The Security Council can take action to make that a reality. We commend the consistency of the United Nations High Commissioner for Human Rights, Ms. Navanethem Pillay, who was among the early proponents of a Council referral of the situation in Syria to the International Criminal Court. Ms. Pillay's call for a referral was joined by 58 countries when they co-signed the petition initiated by Switzerland that was sent to the Security Council

on 14 January 2013 requesting it to refer the situation in Syria to the ICC. Estonia would like to reiterate its support for the initiative and recall that expressions of support and association with it are highly welcome.

Independent fact-finding is an important tool in the fight against impunity. The invaluable work of the independent international commission of inquiry on the Syrian Arab Republic in collecting and preserving evidence and keeping track of violations is necessary to ensure that the alleged perpetrators of violations do not go unpunished. The results of its work shock our conscience and encourage action. At the upcoming Human Rights Council session, Estonia will support the extension of the mandate of the commission of inquiry in Syria.

Estonia acknowledges the important role of peacekeepers in protecting civilians. There are a growing number of missions that have the protection of civilians as an integral part of their mandate. Peacekeepers are also the first to observe and promote compliance with international law and human rights law by all parties. Mandating peacekeeping missions to protect civilians is among the most important actions by the Council to enhance the protection of civilians on the ground. Estonia would encourage the Council to take even stronger leadership in guiding the international response in cases where the civilian population is in danger.

In conclusion, I express my sincere hope that today's debate will contribute to enhanced compliance with international humanitarian law and human rights law, including by ending impunity for international crimes.

**The President:** I now give the floor to the representative of the Syrian Arab Republic.

**Mr. Ja'afari** (Syrian Arab Republic) (*spoke in Arabic*): Allow me, at the outset to welcome Mr. Kim Sung-hwan, Minister for Foreign Affairs of the Republic of Korea, and to thank him for presiding over this important meeting. I also welcome you, Sir, my colleague Ambassador Kim Sook, in presiding over the work of the Security Council this month. I further welcome the participation of the Foreign Ministers of Rwanda, Azerbaijan and Brazil at this important debate.

I have listened carefully to the statements made by delegations in this debate on the important topic of the protection of civilians in armed conflict. I am compelled to underline the following fundamental points.

First, I wish to thank all those of goodwill who have referred to the crisis in my country, Syria, and offered constructive points of view on how to protect Syrian civilians from the consequences of the crisis shaking the country. As for other colleagues who see the crisis in my country through the prism of mere criticism and superficial humane theorizing and reckless accusations, I should like to stress that their Governments are an integral part of the creation, escalation and expansion of the crisis in my country, be it through coercive, unilateral sanctions imposed on the Syrian people or by allowing their own fundamentalist and terrorist Takfiri citizens to come to my country through open borders under the noses of every intelligence agency in the world. They have also allowed those terrorists to cross Syria's borders with neighbouring countries or armed, funded, abetted and advocated on their behalf in the media.

The ideal way to protect civilians in armed conflict and to spare them the scourge of war lies fundamentally in preventing armed conflicts and adopting peaceful means to settle existing ones. Those Governments that have initiated and continue to initiate and incite such conflicts must be held accountable. Moreover, the civilians in armed conflict will never be protected without strict respect for the principles of international law and the provisions of the Charter of the United Nations, in particular the principles of respect for the sovereignty of States, sovereign equality among States, and non-interference in the internal affairs of States.

It is utterly unacceptable for such an important issue to be addressed in a discretionary or, indeed, selective manner, or in a way that voids it of its meaning and content and makes it nebulous enough to accommodate numerous forms of abuse and misapplication. The experience of protecting civilians in Libya is still fresh in our minds.

One of the most important principles of sovereignty is that the State has the exclusive and primary responsibility to protect its own citizens. That is a fundamental rule of international law that was agreed upon by the founding fathers of the Organization. Practical experience has proved that the issue of the protection of civilians in armed conflict or unrest has been used as a pretext to serve intrusive and suspect agendas and the interests of certain States that seek to aggravate and manipulate tensions. Indeed, the practices adopted by the Governments of some of those countries have drifted from some of the most

fundamental principles of international law, human rights and international humanitarian law.

We have begun to see fevered attempts to market political propositions that do not enjoy international consensus, such as the so-called responsibility to protect and humanitarian intervention, which are now being touted to shape public opinion that will pave the way for NATO military intervention in the domestic affairs of developing countries and to overthrow ruling national Governments.

The issue of protecting civilians in armed conflict must be addressed in a holistic manner that encourages the peaceful settlement of conflicts and condemns and holds accountable the Governments of States that support armed violence and terrorism and use the media to incite sectarian provocation. It also means putting an end to actions by countries that infringe upon the sovereignty and territorial integrity of other States, as well as military interventions or invasions that kill hundreds of thousands of people and displace millions of others, under the pretext of protecting them.

The protection of civilians also requires not subjecting them to suffering a slow death by depriving them of the necessities of daily life, including food, medicine and fuel, among others, through the imposition of unfair unilateral coercive measures by some countries that have been confirmed as illegitimate by the United Nations.

On this occasion, my delegation would like to see renewed emphasis on the need to provide protection for civilians languishing under Israeli occupation in the occupied Arab territories, including the occupied Syrian Golan, as well as on putting an end to the aggressive practices of the occupying authorities against those civilians.

Despite our opposition to the exploitation by some delegations of the subject of our discussion today, and comparing that to the regrettable events currently being witnessed in Syria, let me point out that caring for Syrian civilians, if it is serious, cannot be compared to the policies being pursued by well-known Arab, regional and Western countries that boast publicly about providing arms, funding, training and safe havens to armed terrorist groups that are crossing borders in order to target all aspects and sectors of the Syrian State, utilizing civilian populated areas as bases for terrorist operations and using civilians as human shields.

We believe that concern for Syrian civilians cannot be expressed by sponsoring terrorism or extremism or by derailing settlement efforts or through exerting pressure in order to undermine any possibility for an inclusive national dialogue that alone would be able to restore security and stability in Syria and allow Syrians to determine their own future through a Syrian-led political process among Syrians, as backed up by resolutions 2042 (2012) and 2043 (2012) and the Geneva communiqué (S/2012/523, annex).

There is a difference between the protection of innocent civilians — a noble task and duty of all Member States — and the protection of insurgents, terrorists and fundamentalists who recruit children, attack civilian aircraft and diplomatic missions and primarily target the very safety of civilians and destroy the State infrastructure that has been built to fundamentally serve them.

The Syrian Government continues to carry out its constitutional duties in protecting its own citizens from acts of terrorism and sabotage. The Government is working to restore security and stability. It is doing its best despite unilateral, unjust measures and enormous pressure to meet the needs of its citizens, to provide shelter for those forced by the distressing events and terrorist actions to leave their homes and to facilitate their voluntary return.

The Syrian Government has also provided all the necessary facilities for the relevant United Nations specialized agencies, including the Office for the Coordination of Humanitarian Affairs and the International Committee of the Red Cross, in order to help in that regard. Furthermore, the national committee that is investigating the current events is continuing its task to ensure that those proven to be involved in acts of violence are prosecuted and held accountable, without exception.

Finally, the unethical political trading in the situation of Syrian refugees and the organizing of media press conferences only to announce pledges that in most cases go unfulfilled are inconsistent with the effort to protect civilians. The fact is that many of the countries that have announced pledges of donations are themselves the basic reason for the displacement and suffering of the refugees.

In conclusion, let me say that the arrogance of the Israeli representative has made him fall victim to the illusion that he is Salah Al-Din, Hammurabi

or Nebuchadnezzar, or indeed Abraham Lincoln, Gandhi or Simón Bolívar; and that his country's acts of aggression and occupation and its repression of the Palestinian people are examples to be followed by all Member States. He misses the fact that the resources spent by the Organization to discuss the very means of ending Israeli occupation and aggression have taken from the Organization and the Security Council millions of work hours and produced hundreds of resolutions.

However, the Israeli representative, with his ignorance and his arrogance, now believes that his country's policies are above the Charter of the United Nations and above the Universal Declaration of Human Rights. He also believes that the so-called international community must thank Israel for its occupation and aggression and that it must lionize Israeli State terrorism against Arabs in the occupied territories.

Israel provides aid, arms and sponsors Takfiri extremist fundamentalist groups that work fundamentally from the separation line in the Golan. Israel is an integral part of those acting to use and abuse the crisis in Syria to perpetuate the occupation of Palestinian land and to prevent forever the creation of a Palestinian State with East Jerusalem as its capital.

**The President:** I now give the floor to Mr. Ioannis Vrailas, Deputy Head of the Delegation of the European Union.

**Mr. Vrailas:** I have the honour to speak on behalf of the European Union (EU) and its member States. The acceding country Croatia; the candidate countries of the former Yugoslav Republic of Macedonia, Montenegro and Iceland; the countries of the Stabilization and Association Process and potential candidates Albania and Bosnia and Herzegovina; as well as Ukraine, the Republic of Moldova and Georgia, align themselves with this statement.

I would like to thank the Republic of Korea for having taken the initiative to discuss this very important topic in the Security Council. I would also like to thank the Secretary-General, the High Commissioner for Human Rights and the Director for International Law and Cooperation of the International Committee of the Red Cross for their briefings.

It is very timely to address the issue of the protection of civilians because, while there have been some positive developments, many concerns remain. Despite the progress, we need to continue our efforts to translate

normative progress into concrete improvements in the protection of civilians on the ground.

Let me start by expressing that the EU is appalled by the increasingly deteriorating situation in Syria, which is primarily due to the unprecedented use of force by the regime. The EU also condemns all attacks, including terrorist acts that indiscriminately target civilians.

The EU remains deeply concerned about the widespread and systematic violations of human rights and international humanitarian law that, according to the independent international commission of inquiry, may amount to crimes against humanity and war crimes under the Rome Statute of the International Criminal Court. The EU recalls that all those responsible for such crimes must be held accountable and that there should be no impunity for such violations and abuses. The EU has repeatedly stated that if concerns about war crimes and crimes against humanity are not adequately addressed on a national level, the International Criminal Court should deal with the situation. The Security Council can refer the situation in Syria to the International Criminal Court, as requested in the letter from the Permanent Mission of Switzerland of 14 January 2013 (S/2013/19, annex), at any time. The EU calls on the Security Council to urgently address the situation in Syria in all aspects, including that issue.

Strengthening accountability is an important element in enhancing compliance by the parties to armed conflict with their international obligations. National authorities have the primary responsibility to provide accountability for violations of international humanitarian and human rights law. Where national authorities fail to take the necessary steps to ensure accountability, the Security Council can, as appropriate, play a more proactive role.

In more general terms, the frequent failure of parties to armed conflicts to comply with their obligations under applicable international humanitarian law, international human rights law and refugee law to respect and protect civilians is a concerning trend. We call on all parties to armed conflict to respect fully their obligations, including by securing humanitarian space and ensuring access to humanitarian assistance for those in need. The situation is serious in many countries, including in Afghanistan, South Sudan, the Sudan, the Democratic Republic of the Congo, Somalia and elsewhere, where civilian populations, in particular women and children, continue to be subject to various forms of extreme

violence, causing a grave humanitarian crisis with huge displacements of populations.

With regard to the situation in Mali, the EU is alarmed by allegations of human rights violations and calls on the Malian authorities to make investigations into the matter. The EU stands ready to provide appropriate support to combat such abuse. It stresses the importance of complying with international law and, in particular, reminds the Malian authorities of their primary responsibility to protect civilian populations. All perpetrators of human rights violations must be held responsible for their actions. The EU welcomes the decision by the International Criminal Court to open an inquiry into violations and encourages the Malian authorities to cooperate.

Stressing accountability is key. But the need for accountability and justice, sadly, applies to situations in which there has been a failure to protect civilians and crimes have been committed. In addition to bringing perpetrators to justice, we strongly believe in early and decisive action to try to prevent such crimes from being committed and in the need to forcefully remind the authorities responsible of their primary responsibility to protect civilians or be held to account. There is also much room for improvement in the way that the United Nations system responds to early warnings and evolving situations, as underlined in the recent report of the Secretary-General's internal review panel on United Nations action in Sri Lanka, which described a systemic failure in adequately responding to human rights violations and ensuring the protection of civilians. The fact that the United Nations, to its credit, has commissioned and made public a report of that kind opens the way to reviewing and improving the response of the United Nations system to such situations in the future.

The EU wishes to express its grave concern for the continuous attacks against, and other interference with, medical personnel and facilities and the increased threats to journalists in situations of armed conflict. Experiences from recent conflicts raises the question of how the principle of distinction is implemented in practice, in particular when conducting warfare within densely populated areas. We furthermore continue to be very preoccupied by the humanitarian impact of the use of weapons in densely populated areas. We take note of the view expressed by the International Committee of the Red Cross that the use of explosive weapons with a wide impact area must be avoided in densely

populated areas. That issue should be addressed in a more systematic and proactive way.

An important factor in regard to the protection of civilians in armed conflicts is the ongoing negotiation on the arms trade treaty. We are deeply convinced that the arms trade treaty has the potential of contributing to the improvement of living and security conditions of hundreds of thousands of people around the world — mainly civilians, women and children in particular — by ensuring that arms are traded in the most responsible way. At the final United Nations Conference, in March, we hope to achieve a treaty that sets the highest common standards for the regulation of the international trade in arms, while also combating illicit trafficking, thus reducing human suffering and improving international peace, security and stability.

The mandates of many peacekeeping and other missions have included protection-of-civilian activities for a number of years. Many challenges remain in terms of the effective implementation of such protection mandates that we need to continue to address. Mission-specific comprehensive strategies are a very useful tool to facilitate such tasks. Reporting on the protection of civilians by missions is key not least to keeping the Council and troop-contributing countries informed about the situation on the ground. In that regard, the EU looks forward to the completion of the guidance on reporting on the protection of civilians, as requested in resolution 1894 (2009).

In many ways, training is the cornerstone of improving the protection of civilians by missions. In that regard, the EU welcomes the establishment of protection-of-civilian training modules to better prepare peacekeepers for that task. It is important that those training modules also cover humanitarian principles and the basic norms of international humanitarian law. In order to make progress, it is up to Member States to ensure that their peacekeepers receive proper training before deployment. We also welcome the fact that mission-specific and tactical-level predeployment and in-mission training modules are under development. For its part, the EU has also integrated that dimension in its training programmes. In addition, the EU training mission in Mali will, for instance, include training on human rights, the law of armed conflict, gender, child soldiers and the protection of civilians.

Implementing protection-of-civilian mandates also requires better planning support to missions,

harnessing lessons learned effectively and improving the understanding of how to support host States in protecting civilians. Also decisive are effective dialogue and better coordination between protection-mandated missions and the humanitarian organizations undertaking protection activities. We note with satisfaction a recent comparative study by the Department of Peacekeeping Operations and the Department of Field Support on the coordination mechanisms in United Nations peacekeeping missions related to the protection of civilians. The relevance of the whole-of-mission approach is clearly demonstrated by such findings. At the same time, the neutrality and independence of humanitarian activities must be maintained to ensure adequate access.

The Security Council should continue to request the Secretary-General to explicitly report on the implementation of protection-of-civilian mandates by peacekeeping operations. The protection of civilians should also be a standard benchmark against which we measure the success of a peacekeeping operation.

Let me end by saying that we need to focus our efforts on making sure that we translate normative progress into concrete improvements in the protection of civilians on the ground.

**The President:** I now give the floor to the representative of South Africa.

**Mr. Mbalati** (South Africa): Let me join previous speakers in thanking the delegation of the Republic of Korea for convening this important debate. I would also like to thank the Secretary-General; the High Commissioner for Human Rights, Ms. Navi Pillay; and the Director for International Law and Cooperation of the International Committee of the Red Cross, Mr. Spoerri, for their statements. We are grateful to His Excellency Mr. Kim Sung-hwan, Minister for Foreign Affairs of the Republic of Korea, and the Ministers for Foreign Affairs of Azerbaijan, Rwanda and Brazil for their presence and their presentations.

At the outset, my delegation wishes to acknowledge that the United Nations in general and the Security Council in particular have made significant strides in an effort to ensure that civilians are protected in times of armed conflict. While significant progress has been registered, particularly since the adoption of resolution 1265 (1999), challenges persist.

South Africa agrees that it is extremely important for the Council to periodically evaluate our response

to the protection of civilians for the purposes of improving, adjusting or eliminating adverse practices. Protecting civilians from the scourge of conflict is at the core of the mandate of the Security Council, namely, the maintenance of international peace and security. Surely, if the Council, the United Nations and its partners do not play their roles in protecting all civilians, we will have failed communities.

The Council has made notable contributions through the inclusion of protection-of-civilian mandates in its decisions. Peacekeeping operations such as the United Nations Mission in the Republic of South Sudan and the United Nations Interim Security Force for Abyei both include that component. In addition, several other United Nations peacekeeping operations, including the African Union-United Nations Hybrid Operation in Darfur, the African Union Mission in Somalia and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, have developed comprehensive protection-of-civilian strategies. That has put into operation the commitment made by the Council in resolution 1894 (2009).

While making such important advances in protecting civilians, we must at the same time ensure that those efforts are not lost in furthering the objectives of the scope of that noble and moral endeavour. On the contrary, we must ensure that the protection of civilians is not selectively pursued, as that would erode the credibility of the Security Council.

A further challenge relates to the abuse of protection-of-civilian mandates, which erodes not only the credibility of the Council when it acts but also its ability to act. Abusing the authorization granted by the Council to advance a political or regime-change agenda is unfortunate. That often creates mistrust within the Security Council and has led to paralysis and inaction on its part, particularly when faced with similar challenges. Moreover, the experience has prevented the Council not only from acting resolutely but also from advancing the protection of civilian agenda. The responsibility for such a failure must therefore be borne by those that abuse the trust of the Council with seemingly creative interpretations of protection mandates.

Another challenge relates to the use of unmanned aerial vehicles against human targets, which inevitably leads to the killing of innocent civilians if not properly managed. That concern is highlighted in the report of the Secretary-General (see S/2012/376) and the United

Nations High Commissioner for Human Rights Navi Pillay is on the record stating that drone attacks raise serious questions about compliance with international law.

Those entrusted with the protection of civilians have a stake in ensuring that our actions do not undermine the very objectives that we seek to advance. There must therefore be scrupulous compliance with international humanitarian and human rights law in carrying out such mandates.

United Nations peacekeeping operations are increasingly tasked with mandates to protect civilians under imminent threat. Peacekeeping operations mandated with protecting civilians must be implemented in accordance with the purposes and principles of the Charter of the United Nations, as well as the guiding principles of such operations. Peacekeeping missions with such mandates must carry out their task without prejudice to the sovereignty of the host Government and its primary responsibility in that regard. The implementation of such mandates should be supported by a comprehensive peace process that involves all stakeholders and is underpinned by national ownership.

As my delegation consistently urges, United Nations peacekeepers should always remain impartial in carrying out their mandated tasks. Mandates to protect civilians under imminent threat could be compromised if the United Nations were perceived as biased and found to be unable to perform its protection mandate due to the lack of requisite resources and capabilities, in particular air assets.

Ensuring the long-term protection of civilians requires a mission-wide response and strategy. While peacekeepers must assist States in providing immediate protection for civilians in the short term, the African Union and its subregional organizations have identified security sector reform and the building of national institutions in the areas of the rule of law and justice as critical to ensuring the long-term protection of civilians.

In conclusion, we wish to underline that it remains the primary responsibility of States to protect the civilians within their borders. Armed opposition groups also bear responsibility for ensuring that unarmed civilians are protected. The failure by both State and non-State actors to uphold that responsibility should not go unpunished.

Accountability must first and foremost be sought at the national level. Failing that, the international community has the collective responsibility to act using the mechanisms at its disposal, including independent fact-finding missions and commissions of inquiry, as well as the International Criminal Court.

We would also like to pay tribute to those peacekeepers and humanitarian workers who lost their lives while protecting civilians, as well as those who continue to assist civilians affected by conflict.

**The President:** I should like once again to remind all speakers to please limit their statements to no more than four minutes, as we still have more than 40 speakers on my list.

I now give the floor to the representative of Bosnia and Herzegovina.

**Ms. Čolaković** (Bosnia and Herzegovina): At the outset, I would like to thank His Excellency Mr. Kim Sung-hwan and the Permanent Mission of the Republic of Korea for having convened this debate, especially given the alarming events of recent days. I thank Secretary-General Ban Ki-moon, United Nations High Commissioner for Human Rights Ms. Navi Pillay and Mr. Philip Spoerri of the International Committee of the Red Cross for their remarks and overall assessments.

Serious and continuing violations of international humanitarian law and human rights law, including systematic violence against civilian populations, are occurring daily. It is an unfortunate and unacceptable reality of our times that civilians continue to be the main target of armed attacks and account for a high number of casualties in conflicts. We strongly condemn such violence and find it both appalling and intolerable. That is why the issue of the protection of civilians in armed conflict remains one of the main priorities of Bosnia and Herzegovina.

Therefore, we urge all parties to armed conflicts to fully comply with their obligations under international humanitarian law concerning the protection of civilians in armed conflict. The Organization, and in particular the Security Council, should take every opportunity to send the message that crimes committed against civilians are unacceptable and that all perpetrators of grave violations of human rights and international humanitarian law will be brought to justice.

Additional efforts are necessary to make Governments aware of their responsibility to protect

civilians. Supporting the relevant national institutions and strengthening their role and capacity to deal with those issues is of vital importance. The struggle against impunity is an integral element in the protection of civilians, which cannot be addressed seriously without prosecuting those responsible for serious crimes. Gradual and targeted measures play an important role in overall efforts as well as in initiatives to improve compliance with the law by non-State armed groups.

At the same time, Council-mandated action to protect civilians should ensure that the international response is proportional to the threat, while the use of force should be a last resort.

We are deeply concerned at continuing reports of attacks on schools and hospitals, which are part of the daily life of children and civilians in conflict settings. Therefore, we urge all parties to conflict to keep schools and hospitals as protected areas and zones of peace. Specific provisions for the protection of children need to be included in all relevant mandates of United Nations peacekeeping operations as well as political and peacebuilding missions, while the existing child-protection capacity should be strengthened.

We are further alarmed by the reports of the deteriorating humanitarian situation in countries affected by conflict and the constant increase in the number of refugees and internally displaced persons. In that regard, we support the efforts of the international community to increase its efforts and provide much-needed humanitarian assistance.

A more consistent and comprehensive approach to addressing humanitarian access and ensuring accountability for denial of access is crucial and should be urgently dealt with.

Existing mechanisms for the protection of civilians are important elements of the protection of civilian agenda in peacekeeping. Host Governments need to be consulted, involved and properly informed about their functioning. The data collected during their work needs to be available to national judicial systems.

Strengthening security institutions and their capacity by providing the necessary training for police and military forces is critical for the protection of civilians and the rule of law in a country. Ensuring the effective protection of the civilian population is essential for the promotion of inclusive dialogue, national reconciliation and the restoration of peace and stability in a country. National judicial systems are the

cornerstone of the process for addressing accountability and impunity. However, the relevant United Nations bodies need to develop comprehensive and innovative approaches to support their work.

Finally, the challenges facing the Council with regard to the protection of civilians call for greater international cooperation and better coordination among the Council and other United Nations bodies and agencies as well as regional and subregional organizations. To that end, additional efforts should be made to prevent conflicts and their recurrence and promote early-warning systems and adequate responses to situations that specifically threaten civilian populations.

**The President:** I now give the floor to the representative of Egypt.

**Mr. Khalil (Egypt):** I would like to congratulate the Republic of Korea and you personally, Sir, for assuming the presidency of the Security Council. I would like also to express our appreciation to the Minister for Foreign Affairs and Trade of the Republic of Korea for presiding over this open debate this morning. I would also like to commend the Secretary-General, the High Commissioner for Human Rights and the representative of the International Committee of the Red Cross for their participation and important statements.

Increasing numbers of civilians continue to suffer in armed conflicts around the globe. That is particularly true for Africa and the Arab world, the regions to which Egypt belongs. It reflects the fact that United Nations bodies, especially the Security Council, should adopt more effective measures in this regard.

Since our last open meeting in June on the protection of civilians during armed conflict (see S/PV. 6790), a number of alarming developments have taken place.

First, the human toll in Syria has grown exponentially. In January, the High Commissioner for Human Rights reported that the number of civilian deaths had reached 60,000. Today, less than a month later, she informed us that it is approaching 70,000.

Secondly, armed groups in the Democratic Republic of the Congo captured a major city, Goma. The security situation there was dramatically affected — there were reports of looting and abuse — before their withdrawal pending the negotiation of a comprehensive agreement mediated by neighbouring countries, the African Union and the Secretary-General.

Thirdly, in Mali, armed groups seized the strategic city of Gao before being driven out by the French intervention, coordinated with the Malian Government, pending the complete deployment of the African-led force approved by the Security Council. Again, human rights abuses have been reported. We welcome the arrival of human rights monitors in Mali in order to investigate those claims. Their mere presence could constitute a good deterrent for such acts.

Fourthly, in November, Israel launched another brutal attack on Gaza, causing extensive loss of civilian life and property. The ceasefire mediated by Egypt helped to stabilize the situation and protect civilians on both sides. So far, it is still holding. But its provisions must be implemented in order to ensure a sustainable improvement in the livelihoods of the Palestinian population in Gaza and in the situation as a whole.

The United Nations Conference on an Arms Trade Treaty in July failed to reach agreement on a final text. We share the hope, expressed by the Secretary-General in his report of last May (S/2012/376), for a future Treaty that includes a provision that weapons should not be transferred when there is a clear risk that they will be used to commit serious violations of international humanitarian and human rights law. That would require clear-cut criteria based on United Nations resolutions and the extent of the country in question's cooperation with the United Nations human rights machinery.

The international community in general, and the Security Council in particular, must ensure rapid and effective accountability for any violations against civilians. Impunity aggravates violations and increases bitterness and hostility between the parties to a conflict. It complicates the achievement of national reconciliation after a conflict is over. Commissions of inquiry should get speedy, tangible and effective results, including identifying and bringing to justice those responsible for targeting civilians. The damage incurred should be assessed and effective mechanisms for redress and compensation put in place, especially if the perpetrators of the violations are Member States. The principle of protection should be extended to the economic and social situation of civilians not involved in combat. Accountability should be applied to States that do not cooperate with the Human Rights Council or that deliberately undermine its Universal Periodic Review mechanism.

Egypt calls on the Security Council and the United Nations bodies concerned, in particular the

Human Rights Council, to take decisive action to hold accountable those responsible for the indiscriminate attacks on civilians in the occupied Palestinian territories. We also affirm the necessity for ending Israel's illegal settlement activities, which constitute a clear violation of international humanitarian law. We welcome the completion of the report commissioned by the Human Rights Council on the illegal settlements in the occupied territories (A/HRC/22/63) and look forward to effective action being adopted after its consideration in the Human Rights Council next month.

Egypt stresses the importance of the contribution that peacekeeping missions make to the protection of civilians. We support providing such missions with the mandates, personnel and equipment necessary to enable them to become effective early-warning mechanisms when violations occur. We also stress how important it is that United Nations peacekeeping missions uphold the principles of respect for host countries' sovereignty, national ownership and culture.

We reaffirm the importance of compliance with the provisions of international law and international humanitarian law by all parties involved in conflicts, whatever the nature of such parties. Every party in a State must comply with the principles of distinction and proportionality in armed conflicts. Every party must refrain from targeting medical facilities and must grant access for humanitarian assistance. The violation of those rules by a party or a non-State actor should never justify similar violations by other parties.

We share the concern expressed in the Secretary-General's report about the increasing use of drones and its implications for the nature of conflicts, the impact on civilians and accountability. We welcome the start of a process to prepare a report on the issue by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

Finally, we look forward to more attention being paid in future to the new and emerging challenges attached to the protection of civilians during armed conflicts, in addition to the current core challenges identified in the Secretary-General's report. We urge pre-emptive approaches be adopted, including a focus on the just and comprehensive resolution of protracted conflicts that threaten to erupt in regular rounds of violence that mostly affect innocent civilians.

**The President:** I now give the floor to the representative of Senegal.

**Mr. Diallo (Senegal)** (*spoke in French*): I would like to wish you success, Mr. President, in the important responsibility you have assumed in presiding over the Security Council in February. We have no doubt that your natural leadership will be appreciated by your colleagues on the Council and in the entire Organization. I would also like to take this opportunity to thank your predecessor, Ambassador Masood Khan, whose presidency also represented a time of strength in thought and action in the service of world peace.

We associate ourselves with the statement to be delivered shortly by the representative of Côte d'Ivoire on behalf of the Economic Community of West African States.

I would like to welcome this open debate that the Council has been kind enough to hold on the protection of civilians in armed conflict, at a time when civilian populations in areas of tension are fighting for their survival in an increasingly troubled world. My delegation is also grateful for the quality of the briefings by Ms. Navanethem Pillay, High Commissioner for Human Rights, and Mr. Philip Spoerri, who have done an excellent job of informing us about the challenges we face.

The protection of civilians in armed conflict — a major objective of the Fourth Geneva Convention — continues to suffer from serious and unacceptable shortcomings, to the detriment of non-combatant populations. The various reports of the Secretary-General on the protection of civilians in armed conflict, as well as those of the United Nations High Commissioner for Refugees, attest to the continuing challenges that this haunting issue presents. In fact, deliberate murders of civilians, attacks on schools and health centres, obstacles to the distribution of humanitarian aid, and sexual and gender-based violence, as well as the forced disappearances and other ways of drafting children, are continuing along with the increasing spectre of violence in theatres of operations. We see the constantly increasing growth in the number of those internally displaced by conflicts, which in 2011 reached 26.4 million people, according to the latest report of the Secretary-General on the subject (S/2012/376).

The world continues to confront a heavy humanitarian burden, eloquently illustrated by the

situations in Afghanistan, Mali, Somalia, the Sudan, South Sudan, the Gaza Strip and Syria. That brings me to reflect on the remark of Secretary-General Ban Ki-moon that the fate of civilians in many of today's conflicts continues to deserve attention and justify intervention. That reminds us forcefully of the pertinence of his recommendations on the five core challenges in his 2009 report (S/2009/277), reiterated in his report for 2010 (S/2010/579). My country, like many Member States, believes that this is essential in order to improve the current situation and to ensure respect for international law on the part of all, including non-State armed groups. It is also necessary to strengthen the protection of civilians by improving the effectiveness of United Nations peacekeeping missions and to facilitate access for humanitarian aid, while focusing on accountability when violations occur.

In order to considerably reduce the grave risks that armed conflict poses for civilian populations, we must establish a holistic strategy for prevention. That could be based, among other things, on a number of concrete actions that we should all strive to consider. In my delegation's view, we should first track, control and limit the trafficking in arms, particularly with regard to non-State armed groups. Clearly, the fewer uncontrolled weapons there are in circulation, the easier it will be to protect civilian populations. In that regard, Senegal believes that during the final United Nations Conference on an arms trade treaty, to be held from 18 to 28 March, Member States should display the will and flexibility needed to overcome the obstacles that emerged from earlier negotiations in order to conclude a treaty.

We should also effectively implement the principle of due diligence formulated by the Secretary-General, which, in addition to the importance of protecting human rights, would also recognize the imperative need to ensure security, which is essential to any viable enterprise.

Bearing in mind the impact of mines on the tragic situation of civilians in areas of conflict, it would be judicious for the States parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects to maintain positive and appropriate follow-up to their decision to re-examine the issue of mines of all types, and not only anti-personnel mines but also munitions and other unexploded ordinance.

The fundamental reason, need I recall, is that all the devices that I have just mentioned present an ongoing threat to the lives of civilians, impede the adequate distribution of humanitarian assistance and undermine any reconstruction. The actions I have mentioned should therefore be underpinned by inclusive national dialogues that represent the various sensitivities of the countries directly affected, with the unanimous and multifaceted support of the international community, particularly neighbouring countries.

Finally, I would like to underscore the vital need to undertake those various actions to reduce the causes of violence, in the conviction that the many efforts made to try to stamp out a crisis at its climax may suffice to put an end to lingering tension. Therefore, the time has come to strengthen preventive diplomacy by refining the concept of a conflict-prevention mission — a concept that has shown itself, on many occasions, to be of real interest to many Member States.

**The President:** I now give the floor to the representative of Côte d'Ivoire.

**Mr. Bamba** (Côte d'Ivoire) (*spoke in French*): I have the honour to speak on behalf of the 15 States members of the Economic Community of West African States (ECOWAS) and to congratulate you, Mr. President, on the initiative taken by your country, the Republic of Korea, to organize this debate on the issue of the protection of civilians in armed conflict, whose importance is clear to all. I would like to welcome Mr. Kim Sung-hwan, Minister for Foreign Affairs and Trade of the Republic of Korea, who has come to New York to preside over this important meeting.

I would also like to welcome the concept note prepared by the Mission of the Republic of Korea (S/2013/75, annex), as well as the excellent report of the Secretary-General on the protection of civilians in armed conflict (S/2012/376). I take this opportunity to thank Secretary-General Ban Ki-moon for his courageous statement at the beginning of this debate, which more than ever before confronts the international community with its responsibilities with regard to the violence and unacceptable threats to human life and dignity in areas of conflict around the world.

The Secretary-General's report indicates that civilians account for 90 per cent of the victims of armed conflict, of whom women and children constitute 80 per cent. That regrettable reality is, unfortunately, true of our subregion in West Africa as well, which has

seen several armed conflicts since 1990, including in Liberia, Sierra Leone, Guinea Bissau, Côte d'Ivoire and recently in Mali. Given those situations, in which civilians have been massacred, the States members of ECOWAS responded in 1991 by adopting the Declaration of Political Principles in Abuja, which addresses the basic human rights of the citizens of ECOWAS. That was followed in 1999 by the adoption of the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security in the subregion, which institutionalized the ECOWAS intervention framework by creating the ECOWAS standby force. The Mechanism was complemented in 2001 by the supplementary Protocol on Democracy and Good Governance and in 2008 by the ECOWAS Strategic Framework for Conflict Prevention.

The legal framework and mechanisms for specific action set up by ECOWAS, which make up our collective subregional security system, have endowed us with the instruments necessary to prevent conflict and the appropriate means to establish peace. Those ECOWAS structures have evolved within the larger context of close cooperation with the United Nations, pursuant to the relevant provisions of its Charter, and remain essential tools for strengthening the protection of civilians in our subregion.

Experience compels us to admit that armed conflict in our subregion is, undoubtedly, linked to a series of causes: first, the proliferation of small arms and light weapons; secondly, a lack of democracy; and thirdly, poverty. Violence and other human rights violations of which civilians are the victims are the consequences of those factors, and that is why I would like to not only express the full support of ECOWAS for the principles and efforts made by the United Nations in general and the Security Council in particular, but also to underscore the need to effectively strengthen cooperation between the Security Council and regional and subregional organizations in the protection of civilians in armed conflict.

In that regard, ECOWAS, of course, fully supports the five main requirements identified in the report of the Secretary-General to assure more effective protection of civilians: first, respect for international humanitarian law and international human rights law; secondly, respect for the international rules on the protection of civilians by non-State armed groups; thirdly, the protection of civilians by United Nations

peacekeeping missions; fourthly, humanitarian access; and, fifthly, the obligation to ensure accountability.

With respect to our subregion, we note that it was on the basis of those five major principles that the Security Council, in the context of the post-election crisis in Côte d'Ivoire, adopted resolution 1975 (2011). The Economic Community of West African States rightly welcomes the exemplary action taken by the United Nations in Côte d'Ivoire under that resolution, which made it possible to spare an incalculable number of human lives by bringing a swift end to the post-election crisis in Côte d'Ivoire.

With respect to the recommendation in paragraph 76 of the Secretary-General's report, ECOWAS believes that the terms used should be qualified somewhat, taking into account the responsibilities of the States Members of the United Nations within the framework of cooperation in the fight against terrorism. Indeed, the current crisis situation in Mali, of which the Security Council is seized, is of great concern to ECOWAS, as it raises the issue of the respect for the rules of international law by non-State armed groups that have clear links with terrorist organizations. The Economic Community of West African States cannot deny the pressing need for access to populations by humanitarian actors, but it is also important that the physical integrity and security of those actors be protected.

With respect to the obligation to ensure accountability, ECOWAS supports that principle to the extent that we believe it in many ways to be the cornerstone of the fight against impunity. In that regard, the protection of civilians in armed conflict would be more effective if we strengthened cooperation between the Security Council and the International Criminal Court. Indeed, we agree that it is not possible to improve respect for international humanitarian law and international human rights law without strengthening the means to ensure the accountability of those who are responsible for such violations, including parties to a conflict and people who have acted individually.

In conclusion, allow me to return to the causes of armed conflict and to underscore that ECOWAS remains convinced, with respect to our subregion, that the fight against the proliferation of small arms and light weapons must be the basis of any strategy to sustainably protect civilians in situations of conflict. It is that concern which led ECOWAS in 2006 to transform the moratorium on small arms and light weapons into a convention, which should be seen as a

legally binding instrument to regulate the transfer and manufacture of small arms and light weapons in our subregion. Moreover, ECOWAS expresses the wish that the future arms trade treaty, whose final negotiating session will resume in a few weeks, might incorporate elements of the ECOWAS convention, which seeks to strengthen the protection of civilians in armed conflict. The Economic Community of West African States is ready to contribute to such an objective.

**The President:** I now give the floor to the representative of Belgium.

**Mr. Grauls (Belgium)** (*spoke in French*): Belgium is grateful to you, Mr. President, for your initiative to convene this debate on a question that has to do with the very *raison d'être* of the United Nations. Being a civilian, whether a journalist, doctor, nurse, woman, girl or child, can today be truly nightmarish in conflict situations. The international community must therefore deal with that issue.

We associate ourselves fully with the statement to be made by the observer of the European Union. I would like to make a statement in my national capacity on three specific issues, namely, humanitarian access, accountability and the future arms trade treaty.

First of all, as the situation in the Syrian Arab Republic reaches unprecedented levels of horror, Belgium would like to recall the clear terms of resolution 1894 (2009), whereby the Security Council expressed

“its willingness to respond to situations of armed conflict where civilians are being targeted or humanitarian assistance to civilians is being deliberately obstructed, including through the consideration of appropriate measures at the Security Council's disposal in accordance with the Charter of the United Nations” (*resolution 1894 (2009), para. 4*).

Belgium calls on the Council to undertake its responsibilities in order to find a solution to the Syrian crisis and thus effectively support the efforts of the Joint Special Representative, Mr. Brahimi. Furthermore, we regret the fact that the Council was unable, at the beginning of February, to issue a press statement in support of the pressing calls by the Office for the Coordination of Humanitarian Affairs for greater access by the United Nations to all of Syria.

Over the past few months, Belgium has been shocked, as has been the rest of the international

community, by the unimaginable violations of international humanitarian law in Syria and has taken action to encourage all parties to the conflict to respect and fully protect access to medical care and medical centres. With other partners who share that concern, Belgium is currently working in Geneva to draw up a joint statement for the Syrian Humanitarian Forum, which will meet on 19 February. The statement, which we hope will be supported by as many States as possible, will recall, on the one hand, that the principles of international humanitarian law must be respected by all parties, with particular focus on access to medical care for all persons in need, and, on the other hand, that all of us, as States, must ensure respect for those principles by using our influence with the parties involved.

My second point has to do with a major component of the protection of civilians, namely, the principle of accountability for perpetrators of grave violations of international humanitarian law and human rights. Here again, I must, unfortunately, mention the Syrian Arab Republic. We are counting on the Security Council to ensure that, one day, justice is done in Syria. That is why Belgium is among those calling for the situation to be referred to the International Criminal Court. In Syria as elsewhere, the Security Council is also called upon to encourage and assist the authorities in establishing national mechanisms for justice.

Moreover, Belgium calls on all parties involved in other conflicts — I am thinking in particular of Mali and the Democratic Republic of the Congo — to respect the fundamental principles of international humanitarian law and human rights. It is our view that national prosecutions of those who have violated international law require effective and more sustained international legal cooperation. That is why our country, together with the Netherlands and Slovenia, is pursuing an initiative to conclude a multilateral instrument strengthening legal international cooperation to prosecute such crimes.

I would also like to emphasize the importance of recording civilian casualties, which is an essential aspect of accountability. Belgium shares the view that that tool should be further developed and implemented on the ground. On the basis of my personal experience, I would like to add that the Peacebuilding Commission can also make a useful contribution to efforts to promote accountability, and should be further encouraged in that respect.

Finally, with respect to the protection of civilians, I would also like to mention the arms trade treaty, in

as much as the relevant final negotiations will take place next month. The overwhelming majority Member States have expressed their determination to conclude such a treaty. The campaign is not about making the arms trade illegal. The right to legitimate individual and collective self-defence is a fundamental principle, and it requires that States have the means to implement it. However, we also have a responsibility to ensure that the arms trade is carried out with the greatest possible degree of transparency and will not serve to oppress populations, unleash wars of aggression or perpetuate violence directed against defenceless populations. With respect to the elements covered by such a treaty, Belgium attaches particular importance to the question of child soldiers, as their recruitment is, in fact, a war crime.

To conclude my statement in this debate on the protection of civilians, I would like to pay special tribute to Dr. Denis Mukwege, director of the Panzi hospital in Goma. His work to assist victims of sexual violence in the eastern part of the Democratic Republic of the Congo makes him a great protector of civilians. Dr. Mukwege is a tireless advocate for the protection of civilians in the Democratic Republic of the Congo, who calls on political leaders to ensure better protection for women and children in the region.

**The President:** I now give the floor to the representative of Uruguay.

**Mr. Cancela** (Uruguay) (*spoke in Spanish*): Allow me to congratulate you, Mr. President, on having convened this open debate, presided over by the Minister for Foreign Affairs of the Republic of Korea, and for promoting the adoption of the presidential statement on the protection of civilians (S/PRST/2013/2). I also take this opportunity to acknowledge the presence of the Secretary-General this morning and his statement, as well as the participation of the United Nations High Commissioner for Human Rights and the representative of the International Committee of the Red Cross.

Uruguay aligns itself with the statement made by the representative of Switzerland on behalf of the Group of Friends on the Protection of Civilians in Armed Conflict.

The protection of civilians is a matter that affects all of us, and no one can be indifferent to it, since it is part of the very essence of the notion of humanity and international humanitarian law, which is universally accepted. Between the primary responsibility of the

State to exercise such protection and the primary responsibility of the Security Council for the maintenance of international peace and security, there is an endless array of standards, mechanisms and actors who, on a daily basis, both individually and collectively, are making good faith efforts to prevent or minimize the harm done to civilians as a result of conflict.

It is regrettable that, despite the important advances seen in recent years — for example in peacebuilding and peacekeeping, to which we, as a troop-contributing country, can bear witness — the civilian population remains the main victim of armed conflict and counts the majority of victims. Sadly, the situation in Syria reminds of that every day.

Prevention is the best remedy for this scourge. Preventing massive human rights violations is an extremely complicated and, in many cases, an impossible mission. However, the question that comes to mind is whether we could do more in that respect. The timely identification of signals from the ground and sending appropriate early reminders to participants of their obligation to respect peoples' physical and moral integrity are crucial.

Peaceful solutions, inclusive political dialogue, strengthening State institutions and thereby the rule of law, and promoting sustainable socioeconomic development and reconciliation are inseparable elements of prevention and fundamental in establishing a strong protective environment. However, it is clear that too often prevention is lacking or falls short. In such cases, facilitating access for humanitarian personnel must be prioritized along with respect for international humanitarian law on the part of all participants and in all situations in order to ensure appropriate security conditions as they carry out their tasks.

Another basic element in preventing the most serious human rights violations is accountability. In that respect, competent bodies must consistently use the tools established by the international community, including the International Criminal Court and fact-finding mechanisms. The registration of victims is among the areas of growing interest and possible benefit in terms of the protection of civilians. My country appreciates the importance of such activity in line with the principles of humanitarian law. In view of its relation to some of the most basic values of human dignity and its potential practical effects, such a registry could clarify the causes of harm inflicted on

civilians and the measures necessary to end such harm and to prevent its recurrence.

Lastly, and bearing in mind the Council's agenda in the coming weeks, Uruguay reiterates the importance — in the upcoming and final United Nations conference on the arms trade treaty — of bearing in mind the human cost of the lack of regulation in the arms trade and the broad availability and wrongful use of such weapons. The humanitarian dimension must be rightly prioritized in the treaty, for example through criteria banning arms transfers in the case of a clear risk of the use of such weapons to commit serious violations of international humanitarian law and human rights norms.

The protection of civilians is not a political concept, yet it is regrettably becoming increasingly politicized. It is therefore crucial that, on the one hand, we receive in the most transparent and precise manner possible information from conflict zones through competent humanitarian and human rights authorities. On the other hand, we must step up our efforts to strengthen consensus and trust in the concept of the protection of civilians, based on respect for universally recognized norms of international law, international humanitarian law, and human rights and refugee law.

**The President:** I now give the floor to the representative of India.

**Mr. Hardeep Singh Puri (India):** At the outset, I would like to thank you, Sir, for organizing today's open debate on the protection of civilians in armed conflict. I would also like to thank the Secretary-General for his incisive briefing earlier in the day, and the High Commissioner for Human Rights, Ms. Navanethem Pillay, and the Director for International Law and Cooperation of the International Committee of the Red Cross, Mr. Philip Spoerri, for their briefings.

The right to life is one of the fundamental rights enshrined in the constitutions of a vast number of United Nations Member States, including my own. It is, in fact, the foundation of any social order. Unfortunately, situations of armed conflict continue to wreak havoc and put the lives of innocent civilians at risk.

At the same time, the instances where civilians are at greatest risk today do not involve States, but non-State actors and belligerents who are not necessarily combatants under international humanitarian law. That makes the task of the international community, and the

Council in particular, so much more difficult as it needs to act within established principles of international law.

Civilians have always suffered the most in conflicts. Notwithstanding the development of international humanitarian law and Security Council mandates, civilians continue to suffer even today. Even more unfortunate is the fact that civilians, or non-belligerents, suffer a disproportionate share of the casualties, as compared to belligerents. It is they who bear the brunt of violence in conflict and post-conflict situations.

Protecting civilians encompasses tasks that are both preventive and remedial. The conduct of warring factions towards civilians, challenges of impunity, weak or absent State authority, the political will of the international community and a lack of the means necessary to reverse the spiral of violence together make the task that much more difficult.

India, a partner of United Nations peacekeeping from its very inception, has contributed through ideas and resources to global efforts towards protecting civilians. Our soldiers have been at the forefront in translating Security Council mandates into action in challenging circumstances. Our troops and police personnel have always upheld these mandates and protected civilians. Our peacekeeping experience brings to the table a quantum of experience in actually protecting civilians in peacekeeping missions that is unique in its relevance, variety and depth.

United Nations peacekeepers have been playing a key role in protecting civilians from the scourge of war, but we must not lose sight of the fact that the protection of civilians is first and foremost a national responsibility and requires institutions and conditions in which the institutions can function. Peacekeepers, in spite of their best efforts, cannot possibly protect everyone from everything. To do that, it is necessary to strengthen the capacities of States and their national institutions to enable them to fulfil their responsibility to protect their populations.

Since 1999, the Security Council has provided for the protection of civilians in the mandates of peacekeeping missions. However, merely adding words and sentences to the mandates will not enable peacekeepers to fulfil protection mandates. Protecting populations is a resource-intensive enterprise. It requires sufficient personnel, proper equipment and suitable capacities. The political will of the international community and

its ability to provide adequate resources are critical to the success of missions in fulfilling their protection mandates.

Civilians are protected best in an ecosystem of peace where all its elements work and contribute in tandem. The Security Council's efforts should therefore address the multiple dimensions of conflicts in a comprehensive and proportionate manner.

In the protection of civilians, we need to respect the fundamentals of the Charter of the United Nations and the sovereignty and territorial integrity of Member States. We must also be clear that the United Nations has a mandate to intervene only in situations where there is a threat to international peace and security.

We also firmly believe in the accountability of those who elaborate mandates; their responsibility does not end with the generation of mandates. They should be held accountable if unachievable mandates have been generated for political expediency or if adequate resources are not made available. It is equally important that the principles of protecting civilians be applied in a uniform manner by all parties to the conflict.

In conclusion, I would like to stress that the Council's responsibility to protect civilians does not end with a military or police response. Civilians require the humanitarian wherewithal for survival. In that process, multiple stakeholders should be involved, not just the military. In dealing with a conflict situation, the engagement of all warring factions in a nationally-owned and inclusive political process is of paramount importance. Such an inclusive approach to national reconciliation, anchored in State sovereignty, is the only way to move forward to ensure the protection of civilians in an effective, pragmatic and enduring manner.

**The President:** I now give the floor to the representative of Indonesia.

**Mr. Percaya (Indonesia):** I would like to begin by congratulating the Republic of Korea on assuming the presidency of the Security Council. Also allow me to thank the Secretary-General, the High Commissioner for Human Rights and the Director for International Law and Cooperation of the International Committee of the Red Cross for their valuable briefings.

Indonesia would like to associate itself with the statement delivered by the representative of Iran on behalf of the Non-Aligned Movement and with that to be

delivered by the representative of Norway on behalf of countries supporting the initiative entitled “Reclaiming the protection of civilians under international humanitarian law”, resulting from the seminar held in November 2011 in Buenos Aires, which was sponsored by the Governments of Argentina and Norway.

Today’s debate once more underlines the critical role of the Security Council in setting out effective norms on civilian protection through its resolutions, statements and mandates for United Nations peacekeeping operations, as well as strengthening the support and equipment required for those operations.

I am hopeful that today’s deliberations will contribute to clearer guidance for and improvement of practical measures on the protection of civilians.

Since the adoption of the landmark resolution 1265 (1999), there has been considerable progress on the subject of the protection of civilians. However, that progress has not consistently been translated into more effective, better coordinated and properly supported protection efforts on the ground. The core challenges, as identified in the Secretary-General’s report (S/2012/376), have yet to be fully addressed at the global, regional and national levels. The figures given in the report illustrate the urgency of doing better.

On the three issues highlighted in the Council President’s concept note (S/2013/75, annex) — namely, 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 in armed conflict — I would like to offer some of my delegation’s observations.

First, on the very important challenge of ensuring accountability for violations of international humanitarian and human rights law, we note that the Secretary-General’s report urges the Council to encourage and assist States in ensuring accountability with regard to violations of international humanitarian and human rights law at the national level.

Achieving that goal will be a daunting task. Apart from the insufficient capacity to ensure accountability usually present in conflict-affected countries, tension usually exists between the justice and political authorities. Leaders are often pressured politically into maintaining so-called stability rather than pursuing

accountability, which can easily deepen confrontations. The traditional method of conflict settlement through a trade-off between justice and politics has been seen as an attractive political option.

The best kind of assistance and encouragement that the Council can provide may be tangible support and capacity-building to improve the preventive functions of justice and strengthen the rule of law and education, which mitigate the culture of violence in the first place.

Nevertheless, accountability must be an indispensable component of peace and lasting reconciliation. International and national prosecutions are not the only methods for ensuring accountability, however. Our continued dialogue in this and other United Nations forums can explore all possible options on viable accountability measures, ranging from the mechanisms of prosecution to truth and reconciliation commissions and victim rehabilitation.

Secondly, the mandates on the protection of civilians under imminent threat of physical violence assigned within the United Nations peacekeeping operations framework are vital. Indonesia supports the call of the Special Committee on Peacekeeping Operations in its 2012 report (A/66/19) that the protection of civilian mandates should be implemented without prejudice to the primary responsibility of host Governments to protect civilians.

We reiterate the responsibility of the Security Council and the United Nations peacekeeping secretariat to furnish the needed equipment, training and resources to peacekeepers, along with clear guidelines. We also stress the imperative of close cooperation with national authorities in the implementation of all mandated peacekeeping tasks.

There need to be greater efforts in the promotion of knowledge of, respect for and observance by all countries and relevant actors of their obligations under the Charter of the United Nations, international human rights law, refugee law and international humanitarian law. Indonesia fully supports those efforts and continues to actively participate in the global efforts of protecting civilians in armed conflict through United Nations peacekeeping missions.

Thirdly, Indonesia concurs that there must be compliance on the part of the parties to a conflict with their obligations under international law, particularly in their conduct of hostilities.

It is a tragic fact that, owing to the lack, if not the absence, of effective preventive measures and the exercise of the rule of law, women and children remain the most vulnerable persons in conflict situations. In the Council eight months ago, the Secretary-General made a strong appeal to all of us to do more to protect women and children. To expect conflict parties to voluntarily comply with international norms without cross-sector interventions and monitoring is unrealistic. We hope that our continued exchanges on that particular issue will yield concrete proposals and frameworks to better protect women and children in times of crisis.

Finally, I would like to conclude by expressing Indonesia's high appreciation and admiration to all humanitarian actors, operating within and outside the United Nations system, for their steadfast devotion and work to ensuring that conflict-affected people are protected and that their basic needs of living with dignity are provided.

**The President:** I now give the floor to the representative of Sweden.

**Mr. Grunditz** (Sweden): I have the honour to speak on behalf of the Nordic countries: Denmark, Finland, Iceland, Norway and my own country, Sweden.

We would first of all like to congratulate the Republic of Korea on its assumption of the presidency of the Security Council and to express our appreciation to the Minister for Foreign Affairs and Trade of the Republic of Korea for presiding over the open debate this morning. We would also like to express our appreciation to the Secretary-General, the High Commissioner for Human Rights and the representative of the International Committee of the Red Cross for their participation and important statements.

The character of armed conflict is changing. Today, the majority of conflicts are in fact civil wars. They are often fought not on a clearly defined battle-ground but in populated areas, using guerrilla tactics. Too often in such situations the principles of international humanitarian law, such as distinction, proportionality and precautions in attack, are not respected and civilians suffer. We call for full respect of international humanitarian law and human rights law by all parties to armed conflict. The obligations to protect the civilian population during armed conflicts and the need to take particular measures to protect especially vulnerable groups, such as women, children, the elderly and people with disabilities, must be respected.

The parties to an armed conflict must allow and facilitate the rapid and unimpeded passage of impartial humanitarian assistance. In particular, we recall the obligation to respect the wounded and the sick, as well as healthcare personnel and facilities and medical vehicles, and to take all reasonable measures to ensure safe, prompt and unhindered access to health care for the wounded and sick. Syria is of course a case in point.

The risks faced by civilians will differ depending on whether they are boys or girls, men or women. The implications of sexual assault during warfare are horrendous, both for the victims and for entire communities, and must simply stop. The implementation of international humanitarian law with a gender perspective will enhance the protection of civilians. Women and girls who become pregnant after being raped as part of warfare in an armed conflict must have access to adequate sexual and reproductive health-care services. Above all, we need to eliminate the widespread impunity of perpetrators of sexual violence in conflict. The Nordic countries strongly support the work of Special Representative of the Secretary-General Bangura.

We share the concerns of the Secretary-General with regard to the use of explosive weapons with wide area effects in densely populated areas. We recognize the need to gather data on the use and impact of explosive weapons in populated areas, including recording civilian casualties. We request the Secretary-General to include in his next report to the Council recommendations and analysis on the impact of the use of explosive weapons in populated areas, as well as the practice of United Nations bodies, States and other actors on civilian casualty recording.

Negotiations on the arms trade treaty will resume in March. We expect the adoption of a strong and robust treaty that incorporates very strong provisions on human rights and international humanitarian law. Such a treaty is likely to reduce illicit trafficking and human suffering in conflicts.

We should insist that those that commit war crimes, crimes against humanity and other violations of international law must be held accountable. Impunity must not be an option. We recall that the State has the primary responsibility to ensure accountability in every situation. If the State is unwilling or unable to investigate and prosecute such international crimes, the international community should offer its support.

The International Criminal Court (ICC) and other international tribunals play a crucial role. The Security Council must do its part to ensure accountability when violations of international humanitarian law and human rights law have occurred.

The Nordic countries are horrified by the continuous atrocities in Syria and urge the Council to take decisive steps to ensure accountability for those responsible. We welcome the decision by the Prosecutor of the ICC to open an investigation into the war crimes in Mali and encourage the Malian authorities to cooperate with the Court.

Accountability requires facts and investigations. We welcome the international commissions of inquiry and fact-finding missions carried out under the auspices of the Human Rights Council, as well as those initiated by the Secretary-General. They are important mechanisms to verify and investigate allegations of serious violations of international human rights law and international humanitarian law. We would also like to draw attention to the International Humanitarian Fact-Finding Commission. That mechanism under the Geneva Conventions has unique and extremely useful features as it is composed of experts in international humanitarian law, medical treatment and criminal investigation and is an option open to the parties to the conflict.

In the end, however, only preventive measures and full respect for international law will ensure that civilians are protected in armed conflict. Where a State is not willing or able to protect its population, the responsibility to protect must still be regarded as a principle for the international community to uphold. In that regard, preventive actions by the international community will increase the protection of civilians. Capacity-building in host countries is an important preventive tool.

The comprehensive rule of law strategies of peacekeeping and peacebuilding missions should include assistance in the areas of access to legal institutions and legislative reform, alongside support to policing and the justice chain. To make that effective, the peacekeeping operation in question must also receive the relevant resources and training.

We look forward to the next report of the Secretary-General on this topic. We believe that it would be very useful for the Secretary-General to report regularly on the state of play and the implementation of the

recommendations made in relation to the protection of civilians in armed conflict.

**The President:** I now give the floor to the representative of Costa Rica.

**Mr. Weisleder** (Costa Rica) (*spoke in Spanish*): Costa Rica would like to thank the Secretary-General for his presentation. The established practice of receiving information from the High Commissioner for Human Rights in the Council also greatly pleases us. We also appreciate and believe the information provided by the International Committee of the Red Cross to be of great importance. In addition, we thank the Mission of the Republic of Korea, as President of the Security Council for this month, for having convened this open debate.

My delegation aligns itself with the statement to be circulated by the representative of Jordan as President of the Human Security Network. In our national capacity, we would like to underscore the following additional elements.

We acknowledge the multidimensional nature of conflict and the increasing need to respond with more complex mandates for peacekeeping missions that include clear protection aspects. As the concept note before us (S/2013/75, annex) points out, some of the most significant elements are establishing early warning mechanisms, supporting the efforts of host country national authorities to implement their responsibilities in protecting civilians, and assisting the host country in the effective functioning of its rule of law and security institutions.

The international community must put further emphasis on the necessary national capacity-building in order to ensure accountability for violations of international humanitarian and human rights law, in particular the most serious breaches. It must also work not only on security sector reform but also on reforming the judicial sector and on establishing specific capacity for the prosecution and trial of the most serious crimes against humanity.

As we have indicated on previous occasions, justice is necessary for peace to be sustainable. To fully exercise its mandate of maintaining international peace and security, the Security Council has the duty to promote the full exercise of the rule of law and justice, at both the national and international levels.

Concerning the international response, the Security Council should play a more proactive role, establishing

or strengthening international commissions of inquiry and fact-finding missions and following up on their findings. These all are tools that the Council can use with greater regularity and frequency.

Greater consistency is also needed in referring cases to the International Criminal Court (ICC) and in terms of follow-up and support, including financial support and the establishment of cooperation obligations with the Court. The relationship between the Court and the Security Council should be governed by unbiased principles of general application. That is why we support the idea of establishing a verification protocol or checklist for the consideration of referrals. We once again urge the Council to establish a subsidiary body in order to provide follow-up on such cases.

My Government remains concerned at the serious situation in Syria and by the lack of accountability with regard to breaches of international humanitarian law and international human rights law. We reiterate our request that the Council refer the Syrian situation to the ICC, and we hope that the Council will respond to the call made by a significant number of countries in this area. The number of civilians affected by the conflict and by the actions of both parties has now reached shocking numbers, as highlighted this morning by the High Commissioner for Human Rights.

As it has been necessary to broaden traditional military objectives for peacekeeping missions and provide for a greater civilian presence in that context, we also believe that it is key, as indicated in the President's concept note, to broaden the range of actors involved in the task of protecting civilians and strengthening the ties and cooperation of the United Nations in that area with Governments and regional and civil society organizations.

As indicated in paragraph 52 of the report of the Secretary-General (S/2012/376), peacekeeping missions are not the only protection actor on the ground. Other United Nations entities and humanitarian organizations, including the International Committee of the Red Cross and a number of non-governmental organizations, have for some time played a recognized role that is of vital importance.

In some places where civilians face serious threats, it is not actually viable to establish a peacekeeping mission. In such circumstances, the protection of civilians might be very much enhanced by the presence of disarmed civilians working towards that end. Those

kinds of actors often have the advantage of being involved from a very early stage. That is particularly true of civil society organizations, which can work more closely with their counterparts on the ground.

The experience of those organizations in developing methods for the protection of civilians without resorting to the use of armed force is also very valuable in order to prevent the risk of the "bunkerization" of humanitarian operations. As indicated by the Secretary-General in paragraph 20 of the annex to his report, we must enhance our capacity to build acceptance among communities and the parties to conflict in the context of sustained processes and to explore that type of approach more broadly.

My delegation cannot but mention in this context, as did the Secretary-General in his statement, the invaluable opportunity presented by the upcoming United Nations Final Conference on the Arms Trade Treaty, to be held next March. That Conference will represent a significant opportunity in the context of the protection of civilians. As noted in paragraph 25 of the report, the poorly regulated arms trade and the widespread availability and misuse of weapons have a human cost. We must demonstrate our commitment to the protection of civilians by reaching a robust agreement at the Conference.

Finally, Costa Rica welcomes the presidential statement (S/PRST/2013/2) adopted earlier. We would like specifically to highlight the elements thereof that we deem important: the reference to armed forces and groups that persist in committing violations and abuses against children; the call concerning the importance of cooperation between States and the International Criminal Court; the commitment to ensuring effective follow-up of the Council's decisions in that respect; the reaffirmation of the Council's readiness to adopt appropriate measures aimed at those who violate international humanitarian law and human rights law; and the reaffirmation of the provisions on the responsibility to protect contained in the 2005 World Summit Outcome document (General Assembly resolution 60/1).

**The President:** As we all are aware, it is now 6.38 p.m., and 20 more speakers remain. I wish once again to request all speakers to limit their statements to no more than four minutes in order to enable the Council to carry out its work expeditiously at this late hour of the evening.

I now give the floor to the representative of Norway.

**Mrs. Mørch Smith** (Norway): Norway aligns itself with the statements previously made by Sweden, on behalf of the Nordic countries, and Switzerland, on behalf of the Group of Friends.

I have the honour to make this statement on behalf of Argentina, Austria, Indonesia and my own country, Norway.

The tremendous human suffering inflicted on civilians in armed conflicts across the globe is unacceptable. Much more can, and must, be done to protect the civilian population. It is broadly agreed that the provisions of international humanitarian law afford civilians significant protection from the effects of military operations, provided that they are faithfully implemented. That said, the complexities of today's armed conflicts raise a number of new challenges.

For that reason, we believe that it is necessary to engage all relevant actors, including the military, humanitarian organizations and civil society, in a discussion on how the implementation of international humanitarian law can and should be strengthened in practice.

That is why our countries have taken an initiative called "Reclaiming the protection of civilians under international humanitarian law". The aim is not to negotiate new legislation, but to agree on practical measures that will effectively improve the protection of civilians in armed conflicts. We believe that full compliance with international humanitarian law is essential and possible.

In order to identify practical measures and recommendations so as to effectively address the humanitarian challenges at hand, we believe that it is necessary to build our discussions on experience from the field in the different regions. To that end, seminars have been held in Jakarta, Buenos Aires and Kampala. Vienna will be the venue for the fourth regional seminar on 21 and 22 February. An essential aspect of the seminars has been contributions from individuals and organizations with first-hand experience in dealing with the protection of civilians in armed conflict. Participants from the military, as well as the United Nations, the International Committee of the Red Cross (ICRC) and other humanitarian organizations working in the field, have provided highly useful input.

The discussions in the regional seminars conducted so far have identified a number of possible recommendations. First, in order to fully implement international humanitarian law, including its rules of distinction and proportionality, it is important that we focus, in practical terms, on how military operations can be conducted with less risk for the civilian populations concerned. Furthermore, it is essential that practical and scenario-based training in international humanitarian law be promoted at all levels within the military.

Secondly, we need increased engagement and dialogue with non-State armed groups in order to increase respect for international humanitarian law among such actors. International humanitarian law is binding on every party to an armed conflict, whether it be a State actor or a non-State armed group. Ensuring respect for international humanitarian law on everyone's part remains a key measure for improving the protection of civilians.

Thirdly, in complex conflict situations, States should strive to apply all the applicable law, including international humanitarian law and human rights law, in a manner that affords civilians the best possible protection.

Fourthly, it is essential to ensure that the conduct of military operations is properly documented and to strive for increased transparency, both during and after an armed conflict. This is necessary in order to prevent further violations, protect civilians and promote accountability in post-conflict situations.

Our initiative will culminate in a global conference in Oslo on 23 and 24 May. All States, as well as the United Nations, the ICRC and civil society, will be invited. Our aim is to agree on strong and concrete recommendations on how international humanitarian law should be understood and implemented so as to address the pressing humanitarian concerns at hand. We hope the Council will join us in this urgent task, which requires our continued and concerted efforts.

**The President:** I now give the floor to the Permanent Representative of Malaysia.

**Mr. Haniff** (Malaysia): I would like to take this opportunity to convey my congratulations to the Republic of Korea on its assumption of the presidency of the Security Council for this month.

Malaysia wishes to align itself with the statement made by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

Malaysia is concerned over the increasing number of civilian casualties injured, maimed and displaced due to armed conflict, and in that regard we join other nations in underscoring the importance of protecting civilians from such dangers. Today, even with 15 United Nations peacekeeping operations being conducted around the world, and with a continuing emphasis placed on protecting civilians in conflict areas, the number of casualties among them remains high.

Malaysia agrees that the Security Council's provision of civilian protection mandates to peacekeeping operations is vital to curbing violence against civilians. On that note, my delegation is of the view that mission leaders should ensure that their operations, in particular those with a civilian-protection mandate, are conducted without undermining that responsibility. We would also urge a greater emphasis and focus in the implementation of those mandates on reporting on and monitoring the protection of civilians against established benchmarks and key performance indicators, which could be relayed to this Council on a regular basis.

While the implementation of such protection measures is carried out via the various peacekeeping operations, efforts must continue to educate all stakeholders on the importance of protecting civilians, especially women and children, in armed conflict. My delegation particularly deplores the deliberate use of sexual violence against women and violations and abuse of children.

More must also be done to enhance compliance with international law on the part of all parties involved in armed conflicts. My delegation also shares the view that those who violate international law, including international humanitarian and human rights law, or who deliberately target civilian population centres and humanitarian personnel, must be held responsible and accountable. An absence of accountability allows violations to thrive with impunity. Malaysia also believes that secure and unhindered access for United Nations humanitarian personnel is imperative for the provision of humanitarian assistance. My delegation is of the view that the Council should also explore the possibility of strengthening provisions to ensure the

safety of humanitarian personnel within the framework of the protection of civilians.

The world cannot turn a blind eye to the issue of protecting civilians in conflict-affected areas. For example, we continue to witness some of the worst attacks on innocent civilians being made today carried out by the occupying Power in the occupied Palestinian territory. Israel is proven to have violated article 4 of the Fourth Geneva Convention, an international law that also encompasses international humanitarian and human rights law. Recently, during the universally condemned Operation Pillar of Defense, hundreds of Palestinians, including women and children, were murdered in the Gaza Strip, while thousands more were displaced by this inhumane, illegal and criminal military operation. That was just one of the many occasions when Israel has unleashed disproportionate military power against the helpless Palestinian population in the occupied territory. It has been reported that, as a rule, 84 per cent of casualties resulting from the use of explosive weapons in populated areas are civilians. As we deplore the killing of civilians, the Council should ask if we have done enough to protect them. The world will judge us on both counts — that is, what we have done and what we have not done to protect innocent civilians.

Malaysia continues to be concerned about the loss of civilian lives in the conflict in Syria. The staggering number of civilian lives lost is appalling, and we condemn the indiscriminate attacks by the parties concerned on population centres in the knowledge that they would result in civilian casualties. My delegation holds that there is still a chance of protecting other Syrian civilians from the scourge of war. I urge the parties involved to adhere to the spirit of the Action Group for Syria's Geneva communiqué of 30 June 2012 (S/2012/522, annex). The communiqué remains an important document for all sides to implement. My delegation underscores that finding a Syrian-led political solution must be the primary goal of all parties involved.

Malaysia has been contributing to United Nations peacekeeping operations since 1960. Currently, the men and women of the Malaysian armed forces and the Royal Malaysian Police are deployed in seven such operations worldwide. In every operation, Malaysian observers and peacekeepers have always given priority to the protection of civilians, and that important pillar of peacekeeping is a very visible part of our peacekeepers' training. On that note, I wish to assure

the Council that Malaysian personnel in current and future peacekeeping missions will continue to uphold those missions' sacred duty. Winning the hearts and minds of the local population by protecting them during armed conflict will go a long way to ensuring that the United Nations will continue to be well received.

In conclusion, Malaysia will continue to insist that the protection of civilians in armed conflict is as important as making and keeping peace. We underscore the significance and importance of Security Council resolutions 1738 (2006), 1910 (2010) and 1894 (2009) for ensuring that civilians are protected during armed conflict. We look forward to contributing further to developing concepts for the protection of civilians, initiatives and mandates in peacekeeping operations and to supporting countries in transition, in order to ensure sustainable and long-lasting peace in the many theatres of conflict worldwide.

**The President:** I now give the floor to the Permanent Representative of Bangladesh.

**Mr. Momen (Bangladesh):** Let me begin by joining other delegations in congratulating the Republic of Korea on its assumption of the presidency of the Security Council, and by thanking your delegation, Mr. President, for scheduling this important open debate. Allow me also to express our sincere thanks to the Secretary-General, as well as to the High Commissioner for Human Rights and the Director for International Law and Cooperation of the International Committee of the Red Cross, for their briefings this morning.

Bangladesh aligns itself with the statement delivered on behalf of the Non-Aligned Movement.

The concept of the protection of civilians is founded on the universally accepted rules of international humanitarian, human rights and refugee law, set out in a range of international legal instruments, in particular the 1949 Geneva Conventions and their 1977 Additional Protocols, which contain specific rules for the protection of civilians. In situations that are not covered by these treaties, in particular internal disturbances, civilians are protected by the fundamental principles of humanitarian law, by most religious values and ethics, and by human rights law. Ironically, a large number of civilians nevertheless continue to be exposed to the atrocities of conflict.

My delegation condemns all violations of international humanitarian and human rights law. In many situations, women and children in particular continue to be subject to various forms of violence. We are deeply concerned by the availability and use of arms and explosive weapons in populated areas as a violation of international law, by increasing threats against the security of health care facilities and the delivery of health care services, and by the failure to comply with international humanitarian law. Efforts should be made to reduce the illegal arms trade, which causes casualties. We stress the need to combat impunity, safeguard access for humanitarian assistance, and protect the safety of humanitarian aid workers. For example, the total disregard and rejection of humanitarian and international laws and values, especially as practiced by occupation forces in the occupied territories of Palestine for years, are a disgrace to humanity and to the people of Israel.

It is encouraging that the Council's informal Expert Group on the Protection of Civilians has continued to meet regularly. In the period since the 2012 open debate (see S/PV.6790), it has considered the mandates of seven United Nations missions: the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, the United Nations Mission in the Republic of South Sudan, the United Nations Operation in Côte d'Ivoire, the African Union-United Nations Hybrid Operation in Darfur, the United Nations Assistance Mission for Iraq, the International Security Assistance Force in Afghanistan, and the African-led International Support Mission in Mali.

Bangladesh reaffirms its commitment to the protection of civilians. In order to ensure the protection of civilians in armed conflict, my delegation would like to highlight few issues.

First, protection relates to prevention and the building of a mindset focused on the culture of peace. The culture of peace is designed to inculcate a mindset of tolerance, diversity, friendship, love and respect for others, as all violence emanates from a mindset of hatred and intolerance. The preventive capacity of the United Nations must be enhanced and the Member States need to take steps to inculcate the values of peace, tolerance and harmony that contribute to long-term prevention.

Second, as one of the largest troop-contributing countries, Bangladesh believes that there needs to be a closer dialogue between the Council and troop-

contributing countries, which can provide valuable information about the situation on the ground. The presence of uniformed female personnel may also play a pivotal role in a State's ability to protect its citizens. I take this opportunity to refer to the efforts of the all-female Bangladeshi formed police units working in peacekeeping missions in Haiti and the Democratic Republic of the Congo.

Third, protection mandates and compliance by United Nations peacekeepers should be strengthened.

Fourth, international efforts, including the use of force, should be the last resort, while respecting the relevant provisions of the Charter of the United Nations. If peaceful means and mediation are exhausted, force could be used with the proper authorization by the Security Council or, in exceptional circumstances, by the General Assembly, in line with resolution 377 (V).

Fifth, considering that all civilians affected by armed conflict deserve help, enhanced humanitarian access on the part of the States and parties concerned, in compliance with international humanitarian and human rights law, should be ensured.

Sixth, accountability for violations of the law should be ensured.

Seventh, it may be recalled that, in assigning such mandates, adequate provision should be made for the security and safety of the peacekeepers.

In conclusion, my delegation urges all parties to conflict to comply with the letter and spirit of international humanitarian, human rights and refugee law so as to ensure protection of the lives and property of civilians and unimpeded access to humanitarian aid. We call on the parties to conflicts to strengthen the protection of civilians through heightened awareness at all levels, particularly through training for and orders and instructions issued to armed forces.

**The President:** I give the floor to the representative of the United Republic of Tanzania.

**Mr. Manongi** (United Republic of Tanzania): We join in welcoming the convening of this open debate on the important topic of the protection of civilians in armed conflict. We thank your presidency, Sir, for circulating a concept paper on the topic (S/2013/75, annex) and highlighting the pressing need to strengthen the regime of civilian protection.

Conflicts, and especially armed conflicts, are an increasing global phenomenon. The situations in Syria, Mali and eastern Democratic Republic of the Congo are chilling reminders of the plight of civilians in armed conflicts. These conflicts kill, maim and displace innocent civilians, especially women and children, who often become the deliberate targets of such hostilities. It is important therefore that we continue to devote sufficient attention to this issue in our search of better ways of reducing such harm. In this regard, we welcome the report of the Secretary-General on the protection of civilians in armed conflicts (S/2012/376) and its recommendations.

The protection of civilians in armed conflict is our collective responsibility. It is an undertaking that must be informed and guided by our respect for and observance of the well-established standards of international humanitarian and human rights law. Extrajudicial executions of civilians; attacks on health facilities, school and infrastructure commonly used by civilians; and sexual and gender-based violence such as rape, torture and forced disappearances must not be tolerated. Where appropriate, the Security Council should not hesitate to take the required actions, in accordance with the Charter of the United Nations, to authorize robust mandates for peacekeeping missions and to ensure timely intervention to bring such violations to a halt.

It is said that peacekeepers cannot protect everyone from everything. That would be an unrealistic expectation if it were so. But when no one can protect anyone, peacekeepers who are deployed in a region must have the robust mandate to act. It is for that reason that the tragedy in Rwanda still haunts all of us today, because we all failed.

While proceeding with efforts to protect civilians in on-going armed conflicts, we must also continue to invest in the following.

First, we should continue to promote democratic good-governance and the rule of law at all levels. Most conflicts arise because citizens are denied their basic rights and freedoms, including the right to participate in decision-making processes and the freedoms of expression and assembly, as well as because of a lack of transparency and accountability in managing national resources.

Secondly, we should invest in pacific settlement of disputes, and not merely talk about it. The General

Assembly has, in two consecutive sessions, devoted attention to this theme. The Council should support these efforts by holding joint consultations with the Assembly to discuss the challenges and chart the way forward. When parties to a dispute resolve their differences peacefully, as was the case recently between the Sudan and South Sudan, many civilians are spared from harm.

Thirdly, we should revive the disarmament and arms control agenda. The protection of civilians in armed conflict should go hand in hand with the debate towards the total elimination of weapons of mass destruction. While a total ban on these weapons awaits, we should ensure that they do not fall into the hands of non-State actors, including terrorists. In addition, next month we should muster the necessary courage to adopt a robust arms trade treaty to regulate the transfer of arms.

Finally, we should hold the perpetrators of heinous crimes to account in a non-selective way. The world and particularly the victims of those crimes deserve to see that justice is done. The Council has a special role to play in that endeavour by referring those culprits to the International Criminal Court. I should like to say a final word in that regard. The effectiveness of the International Criminal Court in fighting impunity will be enhanced when the Court achieves universal membership. We reiterate our call on members of the Council that have not done so to join the Rome Statute.

**The President:** I now give the floor to the representative of Lithuania.

**Ms. Murmokaitė** (Lithuania): I wish to thank you, Mr. President, for holding this important debate. Lithuania aligns itself with the statement delivered by the observer of the European Union.

Considerable progress has been achieved in protecting civilians in recent years. However, to the countless civilian victims of ongoing conflicts that fact is of little, if any, comfort. There remains a significant gap between the relevant international legal framework and its implementation. It is therefore imperative that the Security Council continue to address the issue on the basis of a regular reporting cycle, with due analysis of the problems encountered and lessons learned, doing its utmost to garner political will for closing that gap.

The Council should systematically request information on the protection of civilians from all

relevant United Nations entities and develop a more robust collaboration on the matter with the United Nations human rights machinery. Creating mechanisms to track civilian casualties could be considered.

Accountability is fundamental to improving the protection of civilians. Consistency and determination in tackling impunity are a way of sending a strong signal of deterrence to would-be perpetrators. When respective Governments are unable or unwilling to hold the perpetrators to account, the Council has a responsibility to act, using the various tools at its disposal, including fact-finding missions and commissions of inquiry, targeted sanctions, referral to the International Criminal Court and others.

Lithuania was one of the 57 States to sign a letter in January, calling upon the Security Council to refer the situation in Syria to the International Criminal Court (ICC). My country continues to support the role of the ICC as an effective instrument for pursuing international criminal justice, and encourages the Security Council to develop consistent and coherent practices when it considers referrals to the ICC.

Journalists play a crucial role by informing the world of the plight of civilian victims in conflict zones, and often end up themselves the objects of armed attacks, abductions and even killings. Lithuania supports the call of the Secretary-General on the Council to address attacks against journalists on a more regular basis and to develop a more proactive approach to that issue.

My delegation is profoundly concerned by the obstruction of humanitarian access and the deliberate targeting of health-care facilities and medical personnel. We call on the Security Council to systematically condemn in the strongest terms the attacks on medical facilities and vehicles and the killing of humanitarian and medical workers.

Furthermore, my delegation is deeply troubled by the continued exposure of women and children to extreme hardship and violence, including the widespread use of sexual violence and rape as a means of warfare. Protecting children in conflicts is a moral imperative and a legal responsibility. We stress the importance of the Paris Commitments and the Paris Principles as a key standard in combatting the unlawful recruitment or use of children by armed forces or armed groups, as well as in securing the release of children concerned and ensuring them the necessary protection. Lithuania also calls on all States to further enhance their efforts aimed

at implementing resolution 1325 (2000) with respect to ending impunity and guaranteeing accountability for serious crimes against women and girls in armed conflict and post-conflict situations.

With regard to United Nations peacekeeping missions, we encourage the United Nations to further develop the necessary doctrine, guidance and training to ensure that peace operation mandates relating to the protection of civilians can be implemented consistently, coherently and effectively.

At the national level, Lithuania carries out mandatory training in international humanitarian law and rules governing armed conflicts, both in general military education and in specific predeployment training for troops leaving for international missions. In Afghanistan, for example, such training enabled our troops to take a proactive stance towards protecting civilians by providing medical care, conducting demining and supporting the rule of law.

The poorly regulated trade in arms and widespread availability and misuse of weapons play into the hands of the perpetrators of crimes against civilian populations. Lithuania calls for the adoption of a strong and legally binding arms trade treaty that would enhance the protection of civilians in conflict and post-conflict situations by strengthening controls on the availability of arms. We also call for stronger action in response to the growing use of explosive weapons in high-density population areas, in defiance of the international humanitarian law principles of distinction and proportionality.

Finally, let me note that while seeking to reduce the suffering and damage inflicted on civilians in armed conflicts, we should also endeavour to develop more proactive forward-looking approaches aimed at the prevention of such crimes from taking place.

**The President:** I now give the floor to the representative of the Netherlands.

**Mr. Schaper** (Netherlands): While aligning myself with the statement made by the observer of the European Union, I would like to thank the Minister for Foreign Affairs of the Republic of Korea, Mr. Kim Sung-hwan, for having taken the initiative of convening this debate.

I would like to focus my comments today on two issues: first, the accountability of those who violate international humanitarian law and human rights law; and, secondly, the prevention of conflicts through the

strengthening of human rights instruments and the rule of law. Those two subjects are, of course, interrelated. Accountability based on the rule of law provides a solid basis for justice being done. The High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels (see A/67/PV.3), held in September 2012, emphasized the importance of the rule of law as one of the key elements of conflict prevention, peacekeeping and peacebuilding. States should respect and promote the rule of law and justice and ensure equal access to justice for all, including members of vulnerable groups. Raising awareness about legal rights is an important element of that.

That also means that we have an obligation, in our view, to engage with and give assistance to all parties to armed conflicts in order to remind them of their responsibility to ensure compliance with international humanitarian law and human rights law. Too often, the absence of accountability creates an atmosphere in which people think they can get away with raping women, torturing children, threatening doctors and nurses, and using disproportionate force. We therefore cannot let these atrocities go unpunished. The threat that those crimes pose to peace, security and the well-being of citizens must be addressed by prosecuting the perpetrators and those who order or condone those crimes.

Preferably, the investigation and prosecution of international crimes are executed on a national level, but if a State is unable or unwilling to do so that duty falls on the international community. On the basis of the principle of complementarity, the International Criminal Court (ICC) functions as a court of last resort. We firmly support the ICC, and we call upon States to ratify the Rome Statute and the Kampala amendments and ensure their full implementation.

Meanwhile, the international community must call upon the Government of the country where the crimes were committed to strengthen the security sector as a whole and assist that country in doing so in order to establish the prerequisites for the protection of its civilians in the future. To facilitate domestic prosecution, the Netherlands, together with Belgium and Slovenia, has started an initiative to strengthen the international legal framework covering inter-State cooperation in the investigation and prosecution of crimes of genocide, crimes against humanity and war crimes.

One way to document violations is through casualty counting. The practice of United Nations bodies, States and other actors of recording civilian casualties can be further improved through joint monitoring and data analysis. We also support the use of international commissions of inquiry and fact-finding missions as mechanisms to verify and investigate allegations of serious violations of international human rights and humanitarian law.

Sadly, in Syria the counting of casualties continues at a horrendous pace. I would like to take this opportunity to call upon the Security Council to overcome its disagreement on the situation in Syria and take concrete action by referring the situation in Syria to the ICC while respecting the integrity of the Rome Statute in its referral.

Let me add that we are pleased that the Security Council reaffirms the provisions of the 2005 World Summit Outcome (General Assembly resolution 60/1) regarding the protection of civilians in armed conflict, including its paragraphs 138 and 139 regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This is, as far as I am aware, the first reaffirmation of the responsibility to protect since the intervention in Libya and will, we hope, provide an opportunity to have a positive impact on the further operationalization of the concept and the application of the responsibility to protect in real-life politics.

The Minister for Foreign Trade and Development Cooperation of the Netherlands, Lilianne Ploumen, visited the Democratic Republic of the Congo last week. She met with Dr. Denis Mukwege, a human rights activist and doctor who has been repeatedly attacked and threatened because he spoke out for women who were raped and violated. Later on during her visit, Minister Ploumen spoke to the Minister of Defence of the Democratic Republic of the Congo about the sexual violence committed by members of the armed forces and urged him to hold suspected perpetrators accountable. The protection of civilians is an important normative element in international relations, but in the end, it is in the implementation on the ground that we make a difference. People like Dr. Mukwege and his clients should be able to count on protection and security to live a life free of violence and fear.

**The President:** I now give the floor to the representative of Mexico.

**Mr. De Alba (Mexico)** (*spoke in Spanish*): Allow me to begin by congratulating the Republic of Korea on its assumption of the presidency of the Council for this month and in particular for its initiative to hold an open debate on the protection of civilians in armed conflict. The number of participants today — this morning, this afternoon and, certainly, tonight — is a very clear indication of the importance and interest that the international community attaches to this topic and above all to the need for the Security Council to take it into account in its daily work.

I also welcome the participation of the United Nations High Commissioner for Human Rights. We believe that her frequent participation in the Council's work contributes in no small part to enabling the Council to comply with its protection responsibilities, in particular for civilians, and to prevent violations of human rights and international humanitarian law. Finally, we welcome the participation of the Director of the International Committee of the Red Cross and his contribution to this important debate.

Speaking on behalf of Mexico, I would like to limit my comments, first, to recognizing the fact that significant progress has been made in terms of the normative framework for the protection of civilians in armed conflict. The adoption of comprehensive mandates and strategies in peacekeeping missions and the use of selective sanctions against individuals and entities responsible for violations of human rights and international humanitarian law are examples of such efforts. Moreover, it is important to recognize the commitment of troop- and police-contributing countries to enhancing training for their own troops, along with the Secretary-General's initiatives to coordinate deployment more appropriately and to strengthen tools such as human rights guides, mission strategies and operational guides, which have helped improve the situation in several regions.

Nevertheless, our participation in today's debate is also aimed at highlighting the fact that we must continue to deal with the challenges identified by the Secretary-General in his most recent report on the topic (S/2012/376), and I would like to highlight the following challenges.

We believe that we must strengthen compliance with international humanitarian law by parties to a conflict, whether State or non-State actors, in order to protect the civilian population. It is also necessary to guarantee that missions on the ground have the

necessary human, material and financial resources to fulfil their mandates and that they address the issue of exit strategies, as mission drawdowns frequently leave civilians unprotected. Missions should also have strong leadership and promote cooperation and coordination with other actors on the ground, both those from within the United Nations system and other international actors.

Access to humanitarian assistance by the civilian population should be timely and guaranteed by means of humanitarian corridors, agreements on the cessation of hostilities and exchanges of information. It is important to continue to focus particular attention on the impact of armed conflict on women and children, recognizing them as the most vulnerable members of society and thus those most affected by conflict. It is vital to strengthen accountability for violations of international humanitarian law in the context of armed conflict. Mexico would therefore like to highlight the relevance and usefulness of the International Criminal Court being seized of such crimes when a State cannot or is not prepared to do so.

Finally, I would like to stress the urgency of concluding negotiations on an arms trade treaty at the final conference, which is to be held within a few weeks' time. As highlighted by a number of representatives today, the adoption of an effective and robust arms trade treaty that effectively prohibits the transfer of arms when there is a risk of their being diverted to the illicit market or being used or possibly being used to commit violations of human rights or international humanitarian law cannot, in our view, be postponed.

The Security Council, as I said at the beginning of my statement, has an indispensable role to play in promoting and implementing measures to optimize the protection of civilians. A significant part of that work has been done, and the presidential statement adopted today (S/PRST/2013/2) is part of that effort. The presidential statement underscores the importance of condemning all violations of international law against civilians, including sexual and gender-based violence, which is used for political reasons and as a tactic of war.

I myself hope that, in the future, these efforts of the Security Council will be better coordinated with the rest of the membership, which could participate in these debates and exchanges before the Council adopts measures so that States not members of the Council feel as if they are truly participating.

In conclusion, given the wide array of tools available to the Organization to ensure international peace and security, we would also support the Council's recognition of the importance of strengthening coordination with regional and subregional organizations and among peacekeeping operations and special political missions. Mexico would like to see the Council continue to use all of the resources and instruments available to it in order to achieve that goal. We believe that this work is the key to ensuring the legitimacy and credibility of the missions themselves and the United Nations system as a whole, and to achieving real and lasting peace, which is the final objective of deploying such missions on the ground.

**The President:** I now give the floor to the representative of Armenia.

**Mr. Nazarian (Armenia):** I thank you, Mr. President, for organizing this debate. We also thank the Secretary-General, the United Nations High Commissioner for Human Rights and the Director for International Law and Cooperation of the International Committee of the Red Cross for their active involvement in addressing this important subject. This open debate offers an opportunity to reflect on our experience in dealing with the issue of the protection of civilians and to highlight priority aspects for united and practical actions. Armenia strongly condemns deliberate attacks on and killing of civilians through the disproportionate use of war, which is a gross violation of international humanitarian law in any conflict in any part of the world.

We remain alarmed by the worsening humanitarian situation in Syria. We condemn all attacks and terrorist acts that indiscriminately target civilians, including minority groups and are deeply concerned over the fate of Armenians living there. Today they are struggling for their lives, together with many Syrian citizens. We continue to receive refugees from Syria who are gravely worried about the escalation of violence in that country. We are convinced that, in order to address that situation, we must abandon the selective approach to violations of international humanitarian law. There must also be strict adherence to human rights standards.

The peaceful resolution of any conflict is not an easy enterprise and requires strong political will and painful compromise on both sides. We believe that the time has come to replace the unchanged propaganda rhetoric and hollow allegations with constructive steps

aimed at an environment more conducive to peaceful settlement.

The statement made by the Azerbaijani Foreign Minister this morning, replete with a long-established distortion of facts, came as no surprise to us. References were made to a 1992 military event where, according to the then-Azerbaijani President Mutalibov, responsibility for the slaughter of the civilians of the city of Khojalu, near Stepanakert, the capital of Nagorno Karabakh, falls fully on the Azeri opposition group. It is completely the responsibility of Azerbaijan to thoroughly prosecute the persons responsible for the killings of Azerbaijanis in Khojalu, as well as for the atrocities and violence against Armenians in Azerbaijani cities and towns.

Exactly 25 years ago, in response to the peaceful and constitutional demand of the people of Nagorno Karabakh to exercise their right to self-determination, the Azerbaijani authorities organized an armed mob that launched pogroms against defenseless Armenians living in the city of Sumgait. A savage attack was launched upon the minority Armenian community living quietly at home, attacked for no reason other than their ethnic origin. Massacres in Gianja, Baku, Kirovabad and other cities between 1988 and 1991 were far more barbaric and massive and led to the deportation and ethnic cleansing of over half a million Armenians.

Those atrocities were followed by an unprecedented Azerbaijani military offensive and operations against the civilian population, which were designed to implement a military solution to the question of Nagorno Karabakh. Once again, it was Azerbaijan that started an armed aggression against Nagorno Karabakh. As a result of that aggression, in the early 1990s Armenia's entire border was transformed into a battlefield. Innocent civilians were subject to barrages of heavy artillery, missile shelling and bombing. Today, 20 years later, Azerbaijani snipers continue indiscriminate attacks and weapons-fire against homes, schools, kindergartens, hospitals and even ambulances in the inhabited areas of Armenia and Nagorno Karabakh.

In his recent report (S/2012/376), the Secretary-General refers to attacks against civilian objects and facilities, which, according to a study of the International Committee of the Red Cross, is one of the most complex and least recognized humanitarian issues. We join the Secretary-General in calling on the Council to assume a more proactive approach in preventing and responding to such incidents. We also call upon Azerbaijan to immediately cease its subversive activities and attacks

against civilians, health-care facilities, vehicles and other types of providers, as well as threats against civilian aircraft.

In that context, let me remind the Council that on various occasions, the co-chairs of the Organization for Security and Cooperation in Europe's Minsk Group called for the parties to the Nagorno Karabakh conflict to undertake confidence-building measures, particularly those that would remove threats to the civilian population. To that end, the co-chairs' proposal to refrain from provocative actions, remove snipers from the line of contact and establish a mechanism for investigating ceasefire violations could save the lives of many civilians and military personnel on both sides.

In concluding, let me mention that Armenia remains committed to the peaceful resolution process and strongly believes that the fundamental solution of the problem will be achieved only by peaceful means based on the principles of international law.

**The President:** I now give the floor to the representative of the Bolivarian Republic of Venezuela.

**Mr. Valero Briceño** (Bolivarian Republic of Venezuela) (*spoke in Spanish*): We welcome the Permanent Representative of the Republic of Korea as President of the Security Council, and are confident that he will achieve every success in his work.

We associate ourselves with the statement made by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

With respect to the protection of civilians in armed conflict, the State is solely responsible for guaranteeing the protection of its civilians based on the obligations enshrined in its national constitution and the purposes and principles of the Charter of the United Nations, identified as non-interference in the internal affairs of States, respect for national sovereignty, refraining from the threat or use of force, and the peaceful settlement of disputes.

We disagree with those who claim to ignore or conceal the role of the sovereign State in the protection of civilians in armed conflict. Parties to conflict, whether Governments or armed groups, are responsible for preventing any harm to the civilian population during a violent conflict.

In recent decades, we have witnessed with concern how technical military categories are manipulated to dilute responsibility for the disproportionate use

of force through indiscriminate bombing that kills innocent civilians. The so-called collateral damage punishes defenceless civilians and is used as a war tactic. Venezuela condemns the use of indiscriminate and disproportionate force in armed conflict situations affecting civilians populations, especially vulnerable groups such as women, children and the elderly. Such actions, practiced in various part of the world with impunity, violate international law, international humanitarian law and in particular the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.

Venezuela stresses the need to promote the peaceful settlement of armed conflicts, with a focus on dialogue and negotiation among the parties that leads to a political settlement ending these disputes and addressing the root causes of the violence. Recent history shows that military intervention and external support for armed groups are not conducive to protecting civilians or preventing armed conflict. Civilians cannot be protected when weapons are provided to parties attempting to overthrow a legitimate Government from within.

Venezuela recognizes that peacekeeping operations can serve as helpful tools in promoting a solution to an armed conflict. Their guiding principles of impartiality, the consent of the parties, and the non-use of force except in legitimate self-defence purposes must be strictly followed. Peacekeeping operations should be deployed in full compliance with international law. In that regard, respect for the principles of sovereign equality, political independence, the territorial integrity of all States, and non-interference in the internal affairs of States is fundamental.

So-called counter-terrorism and counter-insurgency plans often lead to the death of innocent civilians and massive violations of human rights. Mr. Ben Emmerson, United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, reported on an investigation into the impact of unmanned aerial vehicles, known as drones, on civilians and their human rights. He denounced the drones, due to the lack of transparency in their use.

Venezuela applauds that initiative. The investigation, according to the Special Rapporteur, will focus on 25 attacks in which drones were used against civilian populations in Pakistan, Yemen, Somalia, Afghanistan and the occupied Palestinian territory. In

Emerson's view, some of those attacks are particularly cruel and could be considered war crimes.

The Government of the Bolivarian Republic of Venezuela is concerned about the fanciful idea of incorporating, as a norm of the Charter of the United Nations, the notion of the responsibility to protect. Venezuela reiterates its firm opposition to that concept, which has served to undermine the sovereignty and independence of States and has been used to overthrow legitimate Governments by imposing interests that are expansionist, imperialist and colonialist.

The Bolivarian Government of Hugo Chávez Frias reaffirms that the use of force should be avoided at all possible costs and should only be resorted to under extraordinary circumstances that are carefully considered prior to its use. Venezuela believes that dialogue and negotiation are the most appropriate means of finding a solution to the current conflicts in the Middle East, in order to end the tragic humanitarian situation that is being experienced in a number of countries.

If we look at the origin of the armed conflicts affecting some countries, we will discover that in most cases they stem from an underestimation of the social dimension of development and the plundering role played by international corporations that sack the riches of countries of the South.

Venezuela believes that it is important to take into account social as well as political aspects in a holistic manner when addressing armed conflicts. Promoting sustainable development, eradicating poverty and overcoming inequality are, among other things, policies that would contribute to international peace and security by generating climate of stability in societies.

**The President:** I now give the floor to the representative of Ireland.

**Mr. Kelly (Ireland):** I thank the Republic of Korea for scheduling this debate and for the concept note (S/2013/75, annex). I will make a number of comments pertaining to the Secretary-General's report of last year (S/2012/376).

Ireland associates itself with the statement made on behalf of the European Union, and I will abbreviate my remarks to respect the time limit. A full version of our statement will be circulated in the Chamber.

It is States that bear the primary responsibility for the protection of civilians in armed conflict. Where

States are willing but unable to discharge their primary responsibility to protect civilians, peacekeeping missions can play an important role in building up State capacity and institutions. There are also situations where a State is able but may be less than willing to discharge its responsibilities or to cooperate fully with the peace operation on the latter's protection mandate.

In that regard, Ireland is concerned by reports that the African Union–United Nations Hybrid Operation in Darfur has repeatedly been prevented from accessing areas in northern Darfur. We call on the Government of the Sudan to allow the mission unhindered freedom of movement throughout Darfur in accordance with the status of forces agreement.

For various reasons, many States do not take sufficiently resolute action to deal with the crime of sexual violence in conflict situations. We are deeply distressed by the finding of the International Rescue Committee that many Syrians identified rape as a primary reason that their families fled the country. Yet we are encouraged by the work in other places of the Special Representative of the Secretary-General on Sexual Violence in Conflict, Ms. Zainab Hawa Bangura, to foster the necessary cultural change and encourage the political ownership and leadership at the national level that are crucial to tackling conflict-related sexual violence.

States also bear the primary responsibility for ensuring accountability at the national level for violations of international humanitarian and human rights law. The Secretary-General's 2012 report urges the Council to identify ways to encourage and assist States to ensure accountability at the national level. But where that is not forthcoming, the Council must be prepared to act.

Last month, Ireland joined 56 other countries in calling upon the Security Council to refer the situation in Syria to the International Criminal Court. We repeat that call today. We believe that a referral to the Court, signalling clearly that atrocities will not go unpunished, would be a dynamic element that could potentially save lives in acting to deter future atrocities.

An imperative in any armed conflict is respect by the parties for international humanitarian law and for humanitarian workers. Ireland is deeply concerned by the plight of Syrians living in areas worst affected by the fighting, who have been unable to receive sufficient humanitarian assistance. Ireland's commitment to

the Syrian people is steadfast and underscored by our humanitarian support, which amounts to almost \$9.5 million over the past 12 months.

From Syria, too, there are reports of the deliberate targeting of medical personnel, vehicles and facilities; of doctors prevented from accessing hospitals; and of attacks on patients and those seeking medical treatment. Access to medical care and facilities is a matter of life and death for civilians. We call on all parties to the conflict to honour their legal obligations.

Even at a time of severe resource constraints, there are smart approaches that relatively small peacekeeping missions can use to better cover their sometimes vast areas of responsibility and to enhance their protection of civilians. Examples include the increased use of unmanned aerial systems to enhance situational awareness to the benefit of improved protection of civilians, the mission deployment of more women peacekeepers to increase reach into local communities and a greater focus on preventing crimes being carried out against civilians through early warning and decisive early positioning.

Finally, the reports published over the past two years by the Secretary-General's Panel of Experts on Accountability in Sri Lanka and by the Internal Review Panel on United Nations Action in Sri Lanka have cast the tragic events in Sri Lanka into sharp relief. But while we seek to learn from that particular failure, we also know that the failure to protect civilians has cost countless lives across many conflicts.

Protecting civilians in the extreme environment of armed conflict is both a daunting challenge and a grave responsibility. It falls to all of us, the wider United Nations membership led by the Council and the United Nations family itself, to work together to better discharge that responsibility. We owe it to all civilians who have died in conflict for want of protection to learn the harsh lessons and to ensure that we do much more to protect vulnerable civilians in Syria, Mali, the eastern part of the Democratic Republic of the Congo and all areas afflicted by conflict.

**The President:** I now give the floor to the representative of Austria.

**Mr. Riecken** (Austria): Austria aligns itself with the statements made earlier on behalf of the European Union, the Group of Friends on Protection of Civilians in Armed Conflict and Norway. Austria would like

to thank the Republic of Korea for organizing today's important debate.

In view of the many situations of armed conflict that urgently require our attention, we regret that the Security Council, in contrast to its established biannual practice, held only one debate on the protection of civilians in 2012. In addition to country-specific discussions, we deem it extremely important for the Council to regularly take up the protection of civilians in a broader and more inclusive manner that allows for an exchange of views on new trends and obstacles, including in addressing the five core challenges identified by the Secretary-General. We therefore welcome the standing reporting requirement provided for in the presidential statement adopted today (S/PRST/2013/2), which we hope will contribute to more predictable discussions in the Council.

We thank the Secretary-General, High Commissioner Pillay and the Director for International Law and Cooperation of the International Committee of the Red Cross for their instructive briefings. However, we believe that the humanitarian aspect is equally important for our discussions. We therefore encourage the Secretary-General and the Council to continue the practice of inviting the United Nations Emergency Relief Coordinator to brief the Council.

Since the adoption of resolution 1894 (2009), more than three years ago, significant progress has been made in implementing the provisions of the resolution, which relates to peacekeeping operations with protection mandates, and equipping such missions with the tools necessary to effectively implement their mandates. The elaboration of protection-of-civilians training modules is one such important step.

In other areas, however, the assessment is less positive. In resolution 1894 (2009), the Council not only affirms its strong opposition to impunity but also underlines its own role in ending it. As for the situation in Syria, the Security Council has not lived up to that commitment. Therefore, in the Swiss letter of 14 January (S/2013/19, annex), Austria, together with more than 50 countries, asks the Council to act upon its responsibility and to urgently refer the situation in Syria to the International Criminal Court.

Austria shares the recommendation of the Secretary-General that explosive weapons with a wide area impact should be avoided in densely populated areas due to the appalling civilian suffering that they

cause. We believe that there must be more systematic data collection in that respect. On the issue of civilian casualty recording by parties to armed conflict, Austria would like to reiterate the suggestion made in the statement by the Group of Friends on the Protection of Civilians last year that the next report of the Secretary-General provide an overview of existing practices (see S/PV.6790).

As announced last year, Austria has developed an interdisciplinary training course on the protection of civilians, which is open to national and international participants. The training course was piloted in December last year in Stadtschlaining, Austria, with the participation of senior decision-makers of the armed forces, police, civilian administration and other civilian stakeholders and experts. In the light of the successful accomplishment of the pilot course, Austria has decided to run the course on an annual basis, with the next one to be held late this year. Austria will also continue to cooperate closely with the Secretariat to support the ongoing shaping of the protection of civilians training landscape for all operational levels.

In conclusion, Austria wishes to thank Norway for the initiative "Reclaiming the protection of civilians under international humanitarian law", which is aimed at the identification of practical measures and recommendations to improve the protection of civilians in armed conflicts. We look forward to the fourth regional workshop of the initiative, organized jointly by Austria and Norway, which to take place next week in Vienna.

**The President:** I now give the floor to the representative of Croatia.

**Mr. Vilović (Croatia):** Allow me to thank the presidency of the Republic of Korea for taking the initiative on the vitally important issue of the protection of civilians in armed conflict. In our view, the topic is often at the core of the Council's primary mandate with regard to threats to international peace and security. I would also like to thank the Secretary-General, the High Commissioner for Human Rights and the Director for International Law and Cooperation of the International Committee of the Red Cross for their interventions.

Croatia aligns itself with the statement delivered earlier this afternoon by the observer of the European Union. I would like to make additional remarks in my national capacity.

While international humanitarian law establishes a comprehensive legal framework to protect civilians from the effects of military operations, that stands in stark contrast to the situation that civilians in conflict-affected areas face on the ground. Nowadays, in the conduct of armed conflict, it is civilians who more often than not become the targets of armed attack and atrocities, such as murder, deportation, ethnic cleansing, rape and sexual violence, not only as a consequence of war but as a method and means of conducting war. Such atrocities were once the exception in the conduct of armed conflict, while today they have frequently become the rule.

Individual States have the responsibility to protect their populations from the atrocities I have mentioned. At the same time, the international community also has the responsibility to help protect populations and to take collective action through the Security Council if and when national authorities manifestly fail to protect their population. Therefore, Croatia firmly believes that those violating human rights in armed conflicts today, including in Syria, should know that they will face justice tomorrow. From that perspective, we joined the appeal to the Security Council to refer the situation in Syria to the International Criminal Court, as requested in the Swiss letter of 14 January (S/2013/19, annex).

Unfortunately, our own experience during the early 1990s has taught us that the impact and experience of such conflict are not the same for all civilians but can vary enormously among members of the different groups, depending on whether they are men or women, young or old, or living in an urban or a rural area. Not least, it will depend on the conduct of the combatants and the extent to which they endeavour to target or to protect civilians during hostilities. In that regard, Croatia is particularly committed to the protection of those most vulnerable, namely, women and children.

Regrettably, the reality of children being affected by armed conflict is inevitable. The unlawful recruitment and use of children as soldiers continue to be a widespread problem. A further and growing concern related to the protection of children is the attacks against schools and other educational facilities. In that respect, as an emerging donor, Croatia, in collaboration with local partners, has focused its assistance in Afghanistan on the education of girls.

Equally alarming is the increase of attacks on humanitarian workers, as well as the widespread lack of respect for medical missions during armed

conflict. Also, the increase in deliberate attacks against journalists working in conflict zones is a serious concern that must be addressed.

Croatia would also like to stress the need for further emphasis on the use of mines and explosive remnants of war. Croatia has much experience in the issue of mine clearance at the technical level and the rehabilitation of mine victims. One needs to keep in mind that such silent killers kill and maim long after the end of a conflict and that their victims often tend to be civilians.

On the basis of our experience, we are convinced that United Nations peacekeeping activities should contribute to the enhanced protection and security of civilians, as well as the reduction of atrocities directed at the civilian population. In our view, that is clearly one of the important aspects and goals of peacekeeping.

We strongly believe that, in the future, there should be even more emphasis on civil and military cooperation and civilian engagement in United Nations peace missions and operations, with the aim not only of ensuring the effective preservation of peace and sustainable post-conflict reconstruction and development but also to provide adequate focus on the protection of civilians and to create a favourable environment for the enjoyment of their human rights and fundamental freedoms. In that regard, a comprehensive and integrated approach should be ensured that allows for the active involvement of the police, judicial officials, diplomats and other members of civil society in peace, reconstruction and development efforts and in protection-of-civilian activities.

**The President:** I now give the floor to the representative of Nigeria.

**Mr. Sarki (Nigeria):** Allow me to join other delegations in thanking you, Mr. President, for your initiative in organizing this important debate on the protection of civilians in armed conflict.

I should like to join the representative of Côte d'Ivoire in supporting the initiative adopted by the members of the Economic Community of West African States as a group with regard to the protection of civilians in armed conflict.

This debate is very timely given that, in contemporary armed conflicts, which have been exacerbated in recent times, innocent civilians, especially women and children, often constitute an overwhelming majority of the victims.

My delegation also thanks the High Commissioner for Human Rights, Ms. Navi Pillay, and the Director for International Law and Cooperation of International Committee of the Red Cross, Philip Spoerri. In their informative briefings, they brought to the fore the heavy price that civilians pay as they face daily threats of violence and death when they find themselves inadvertently caught up in the middle of a conflict.

Nigeria welcomes the Secretary-General's progress report (S/2012/376) and commends its analytical depth and recommendations. Judging from its wide-ranging perspectives, the protection of civilians in armed conflict is an important yet daunting global challenge. Despite being protected under international humanitarian and human rights law, civilians continue to be victims of violence. Therefore the efforts to build consensus on the subject and the progressive development of normative frameworks to address civilian protection challenges, including resolutions 1738 (2006), 1888 (2009) and 1894 (2009), are encouraging developments.

We recognize the importance of the collective efforts of the various entities of the United Nations to ensure apposite protection of civilians from the terrors of war. The Security Council has set important precedents for the protection of civilians through its resolutions and the mandates of United Nations peace operations. Resolution 1265 (1999) and 1674 (2006) were resolute and comprehensive in their provisions for the protection of civilians in armed conflict. Other United Nations organs and entities, in particular the General Assembly Special Committee on Peacekeeping Operations, in which Nigeria plays an important role, the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, have included civilian protection in their agendas and enhanced their efforts to protect endangered civilian populations.

Despite those notable developments, the grim reality of today is that civilians are still casualties of conflict and the direct targets of abduction, sexual violence and the denial of humanitarian access. Recent developments have underscored the failure to comply with the law. We continue to encounter obstacles as we endeavour to address the five core challenges articulated in the Secretary-General's report.

The assault on civilians, especially women and children, and the denial of humanitarian assistance in conflict zones illustrate the magnitude of the task

of civilian protection. Therefore, difficult protection challenges remain in the Congo, Syria, Afghanistan, Somalia and many other areas of conflict. Indeed, in our own subregion, the situation in Mali may present serious protection challenges for which the international community must be prepared. As stakeholders in international peace and security, our efforts should be directed at addressing the constraints that militate against the effective protection of civilians.

Nigeria has made great strides in the area of protecting civilians through its contributions to various peacekeeping operations around the world. At the subregional level, the Economic Community of West African States has also, through its steady intervention in conflicts, continued to remind States and other parties to conflict of their obligations to respect and protect civilians, as well as support them in meeting those obligations. Therefore, in order to rededicate ourselves to the moral undertaking to protect defenceless civilians in conflict situations, it is imperative that the international community, especially the United Nations, deepen its commitment to bolstering accountability for violations of international humanitarian and human rights law. It is time to translate our words into action and adopt standardized measures to bring persistent perpetrators of violations against children to justice. In that connection, the Council should take the lead by adopting targeted measures against such perpetrators.

Going a step further, we are cognizant of the fact that State and non-State actors alike can and do instigate and prosecute wars and armed conflict of which civilians bear the brunt. It therefore behoves the Council to move beyond discussing the impact of conflict and begin to adopt resolutions that criminalize war. Such action would serve as a means not only of potentially settling disputes but also as a measure of protective, preventive diplomacy.

I must stress that our growing understanding of the needs and vulnerabilities of civilians in armed conflict must be marked by the ability and capacity to protect those same civilians. There is a legal obligation to ensure compliance with international humanitarian and human rights law, where the protection of civilians, including, in particular, health-care providers, women and children, is the main focus. Parallel, and equally important, is the moral obligation we also have to prevent attacks against health-care facilities and providers; violence against women and children, especially sexual violence, from which women and girls suffer; and the

other various forms of debasement to which innocent civilians are subjected in times of conflict.

It is important that we consolidate and ensure the implementation of the existing normative framework on the protection of civilians, bearing in mind the challenges. The international community should remain vigilant and bear its fair share of our collective responsibility to protect civilians. If we act purposefully and in concert, we can better shield civilians from the ravages of armed conflict.

**The President:** The next speaker on my list is the representative of Jordan. However, he is unable to deliver his statement, owing to the lateness of the hour. At his request, the text of his written statement will be circulated.

I now give the floor to the representative of Montenegro.

**Mr. Šćepanović** (Montenegro): Allow me to begin by congratulating you, Sir, on assuming the presidency of the Security Council for the month of February. I would like to thank you for having organized today's important and timely debate. I also thank the Secretary-General, the High Commissioner for Human Rights and the International Committee of the Red Cross Director for International Law and Cooperation for their interventions.

Montenegro fully associates itself with the statement made by the European Union. Let me, however, make some additional comments in my national capacity.

It is a sad reality that civilians continue to account for the vast majority of casualties in armed conflicts. Deliberate targeting, indiscriminate or disproportionate attacks and sexual and gender-based violence are just a few examples of the worrisome trend of the frequent failure of parties to conflict to comply with their obligations under international humanitarian law, international human rights law and refugee law to respect and protect civilians.

Despite some positive developments and the important progress achieved since the adoption of resolution 1265 (1999), reflected mainly in advancements at the normative level, the abysmal state of the protection of civilians has changed little, as the Secretary-General pointed out in his 2012 report (S/2012/376).

The suffering of civilians, especially women and children, and the harsh conditions they endure in

many of today's conflicts requires our continued close attention and decisive action. Of particular concern is the deteriorating situation in Syria. Montenegro is alarmed and condemns the widespread and systematic violations of human rights and international law in Syria, which, according to the independent international commission of inquiry, may amount to crimes against humanity and war crimes under the Rome Statute of International Criminal Court.

We would like to emphasize that all perpetrators of such crimes, without exception, must be held to account and that there should be no impunity for such violations and abuses. Bolstering accountability serves as an integral component in strengthening compliance by parties to armed conflict, including individual perpetrators, with their international obligations. Moreover, without accountability there can be no sustainable peace. When national authorities fail to take the steps necessary to ensure accountability, the international community, and the Security Council and the International Criminal Court above all, has a role to play in ensuring an appropriate international response. Since accountability through national processes was not guaranteed in Syria, Montenegro has decided to support the Swiss initiative calling on the Security Council to refer the situation in that country to the International Criminal Court. In addition, Montenegro is of the view that utilizing independent commissions of inquiry and fact-finding missions, especially early in a crisis, along with taking the necessary follow-up action, can indeed help to end further violations and provide accountability.

Ensuring safe and unhindered access for humanitarian assistance is fundamental to the protection of civilians and an effective humanitarian response. We emphasize how important it is for States and other parties to conflict to prevent attacks on or interference with medical and humanitarian personnel and journalists, and to prosecute those responsible for such acts. We also call on the parties to conflicts to honour their obligations in refraining from the use of explosive weapons in densely populated areas.

The final United Nations Conference on an Arms Trade Treaty, to be held in March, presents a vital opportunity for enhancing the protection of civilians as we seek to address the human cost and dire consequences resulting from a poorly regulated international arms trade. We hope that the Conference will produce a strong treaty with the highest possible

common standards for regulating the global trade in arms, so that it can make a real difference to the lives and security of millions of people around the world.

We recognize the valuable progress that has been made in the area of enhancing the implementation of protection mandates by United Nations peacekeeping and other missions. We need to achieve more effective interaction and better coordination among protection-mandated missions, host States, political missions and humanitarian organizations undertaking protection efforts, in a spirit of joint endeavour, in order to continue to improve the protection of civilians from physical violence. One step to that end would be the increased use of training modules on the protection of civilians by Member States sending personnel to protection-mandated missions.

As the Secretary-General stated in his 2012 report (S/2012/376), international humanitarian law requires parties to a conflict to protect the civilian population from the effects of hostilities. A failure to do so can result in deaths and injuries to civilians who are directly targeted or otherwise caught in the fighting.

We recognize the importance of translating normative progress into concrete improvements in the protection of civilians on the ground through strong leadership on the part of the Security Council and a focus on the five core challenges and recommendations outlined in the Secretary-General's report. I would like to conclude by expressing Montenegro's commitment and readiness to contribute constructively to ensuring greater effectiveness in the protection of civilians, which is a core responsibility and priority in the mandate of the Security Council and the United Nations system.

**The President:** I now give the floor to the representative of Germany.

**Mr. Berger (Germany):** It is a pleasure to see you preside over this open debate, Sir, and let me say that the large number of delegations taking the floor, even at this late hour, shows how pertinent it was for the Korean presidency to organize it.

Germany aligns itself with the statement delivered by the observer of the European Union and by that made by the representative of Switzerland on behalf of the Group of Friends of the Protection of Civilians. We also welcome the presidential statement adopted today (S/PRST/2013/2) and the establishment of a standing reporting procedure.

Many of us recall a photograph that went around the world very recently. It is of a small boy walking down a street, staring straight at the bodies of dozens of slaughtered men, found in a river near Aleppo. It is just one example of the horrors that children continue to face each and every day in Syria and of the psychological trauma that that war will have on a whole future generation. The civil war in Syria is intensifying and, as we heard from the High Commissioner for Human Rights today, the pain and suffering it inflicts on the civilian population continue to increase in scale and scope. The war has moved into the major cities. Indiscriminate attacks on civilians, especially women and children, often caused by the use of explosive weapons with broad impact in densely populated areas, remain the most appalling aspect of the Syrian conflict.

According to the Secretary-General's Special Representative for Children and Armed Conflict, Ms. Leila Zerrougui, the disproportionate and indiscriminate killing of children in the course of military operations may amount to war crimes. In Syria, boys and girls are being bombarded in their neighbourhoods. We recall that the Syrian uprising itself was triggered by children in Dara'a being subjected to torture, some of them for weeks. Schools and hospitals must be zones of peace where children are granted protection even in times of conflict, as is stipulated in resolution 1998 (2011). Yet in Syria the United Nations has documented Government attacks on schools and the denial of access to hospitals for civilians. In some cases, anti-Government armed groups have targeted school buildings. During her recent visit to Syria in December, the Special Representative for Children and Armed Conflict learned from the Syrian Government that at least 1,300 school facilities had been damaged since violence broke out.

In Syria we are also witnessing the devastating consequences that deliberate attacks on hospitals, health workers and ambulances have for the sick and wounded. All parties responsible for targeting medical personnel, punishing medical personnel for performing their duties or attacking or misusing the Geneva Conventions' emblems should know that such acts constitute war crimes. We remain convinced that accountability for such grave violations must be ensured.

In that context, we wish to recall that States from all over the world have requested that the Council refer the situation in Syria to the International Criminal Court.

**The President:** The time is now nine minutes past eight and we have about 15 more speakers. I would therefore like once again to request that all speakers limit their statements to no more than four minutes. Delegations with longer statements are kindly requested to circulate their texts in writing and to deliver a condensed version when speaking in the Chamber.

I now give the floor to the Permanent Representative of Benin.

**Mr. Zinsou** (Benin) (*spoke in French*): I would first like to congratulate you, Mr. President, on your country's assumption of the presidency of the Security Council for this month. On behalf of Benin, I would like to thank the Republic of Korea for organizing this open debate on the protection of civilians in armed conflict.

Benin agrees with the Secretary-General's analysis of the issues in his latest report of May 2012 (S/2012/376) and in his statement this morning on the protection of civilians. It is essential that we follow up on his recommendations, including those concerning the responsibility to protect. I have some remarks to make on the topic.

Faced with conflict situations, the Security Council should have the determination to assure civilians as reliably as possible that they are protected. The effectiveness of its action depends on the authority that international humanitarian law, particularly the 1949 Geneva Conventions and its Additional Protocols, carries in the eyes of the parties to a conflict. To reinforce it, the Council should make violators of that law pay a heavier price. Those responsible for serious crimes should be excluded from conflict settlements and tried, including by the International Criminal Court, depending on the seriousness of the crimes committed.

Benin would like to express its gratitude to France for the priceless contribution it has made to the liberation of the Malian people suffering under the yoke of international terrorism and for the efforts it continues to make, together with the Malian and African forces taking part in the African-led International Support Mission in Mali, to restore security in the cities that have been retaken and help to build peace in the country.

Peacekeeping operations should be given a clear-cut mandate and appropriate resources for its execution so that they can ensure the protection of civilians when they are under imminent threat of violence. In that connection, Member States must achieve consensus on issues pertaining to the rules of engagement of

peacekeeping operations, so that the United Nations will not be forced to standby helplessly while the cardinal principles of the Organization are being flouted, as is the case currently in Syria. It is important for peacekeeping operations to ensure the safety and inviolability of humanitarian assistance personnel in order to discourage the acts of violence that are often committed against them. The action undertaken on their behalf should be carried out with wisdom in order to preserve the neutrality of humanitarian assistance and of those individuals who are trying to provide it.

In low-intensity conflict situations that do not require the deployment of peacekeeping operations, the United Nations could rely on civil society organizations to ensure the protection of civilians through daily mediation among the communities on the ground. In that connection, the concept of unarmed peacekeeping performed by civil society organizations is making headway. We have to find the necessary guidelines in order to take advantage of the opportunities available for helping the peace process at a lower cost to the international community.

The Council should address the question of the use of explosive devices by warring parties in densely populated areas, which have a disproportionate effect on the civilian population. We should also pursue the efforts under way to criminalize the use of such weapons. We need to take appropriate steps in due course to carry out demining and the retrieval of non-explosive devices, which expose civilians to considerable danger in both conflict and post-conflict situations. Benin has a regional demining centre, which is prepared to cooperate with the United Nations in that sphere.

The protection of civilians requires us to fight effectively against the use of children in armed conflicts and the sexual exploitation of women and young girls and against acts endangering the vulnerable living conditions of the elderly. The Council must continue its efforts to ensure the effectiveness of steps undertaken in implementation of resolutions 1612 (2005) and 1820 (2008) designed to shield children and women from certain particularly harmful forms of human rights violations.

In conclusion, I can only say that the best protection of civilians is that which is ensured above all by the prevention of conflicts, in accordance with the provisions of resolution 1625 (2005), the promotion of a culture of peace and sustainable development,

as a guarantee for human security and the stability necessary for their full development.

The question of good governance is of crucial importance, as are the strengthening of resilience to external shocks and efforts to combat the proliferation of small arms. In that regard, we urge States to work towards a consensus for the adoption of a robust and balanced arms trade treaty during the forthcoming final conference planned for March. The entire United Nations system should endeavour to strengthen the effectiveness of the efforts of the international community in that sphere.

**The President:** I now give the floor to the representative of Nicaragua.

**Mrs. Rubiales de Chamorro** (Nicaragua) (*spoke in Spanish*): We congratulate you, Sir, on your presidency of the Security Council during the month of February and wish you and your country much success. I would also like to express my gratitude for the presence of the Permanent Representative of the Republic of Argentina, who is with us in the Chamber at this late hour listening to her colleagues discussing this issue.

We align ourselves with the statement made by Ambassador Mohammad Khazaei, Permanent Representative of the Islamic Republic of Iran, on behalf of the Non-Aligned Movement.

Nicaragua is a firm and respectful supporter of the sovereignty of States, non-interference in the internal affairs of States, international law, human rights, international humanitarian law and the Charter of the United Nations. Any measure or action that is adopted in order to address evolving situations or crises with a view to protecting civilians in armed conflicts or for whatever other reason must be undertaken in strict accordance with those postulates and principles.

We firmly believe in the resolution of conflicts through peaceful means and in the importance of dialogue and negotiation as the basis of coexistence among States. We are also firm believers that Governments have the main duty and responsibility to protect their citizens without the intervention of third parties or entities. If assistance is required, the explicit consent of the State in question for such assistance is imperative.

In principle, the concept of the protection of civilians in armed conflict should be a laudable concept. However, as we have all witnessed in recent years, its

implementation has been completely manipulated. The action taken has contradicted the stated purpose and proposed objectives and has exacerbated the problem, with outcomes that are the opposite of protection. That is the great challenge at hand in this area.

We should recall what happened in Libya, where, under the pretext of protecting civilians and by using the mislabelled “responsibility to protect”, a war was waged against a sovereign country. Its airspace, which was called an “exclusion zone”, was used to assassinate men, women and children — the very civilians who were supposed to be protected. Its head of State was assassinated, the existing regime was changed and a country with one of the highest levels of human development in its region was destroyed. And, as if that were not enough, the region was flooded with arms, and terrorist groups, which were listed as such by the Security Council, were promoted to the status of liberation armies, the consequences of which we are seeing on a daily basis today. That has all led to suffering on the part of the peoples of that the region.

Let us briefly now turn to the case of Syria, where some members of the Security Council and their allies are carrying out interventionist actions — intervening, boycotting the negotiations process, supporting terrorist groups with sophisticated weapons and escalating the humanitarian problem in order to then shield themselves with pretexts and bald arguments for the need to protect civilians and implement the responsibility to protect. It is the same script that was used in Libya.

Let us now consider Palestine. The Palestinian people have struggled for self-determination and the establishment of their State, with Jerusalem as its capital, for more than six decades and with immeasurable loss of innocent lives. Regarding that case, the Security Council has taken no significant action to resolve the situation and protect Palestinian civilians from the genocide of which they are the victims.

We have many questions on the issue being debated. Many of the issues are of concern to us. Can the protection of civilians perhaps be applied selectively? Is the responsibility to protect applicable in some cases and not others? We should ask ourselves why this organ does not invoke the concept of the protection of civilians in cases where innocent civilians, mainly children, are being assassinated by the infamous unmanned aerial vehicles. Why do we not discuss the actions of those who bring about the vast majority of conflicts with their sophisticated arms, their financing of terrorist

groups and their intelligence advisors and agencies at work inside sovereign countries for the purpose of overthrowing Governments that have independent political visions?

Allow me to say that we believe that the work of the Security Council on the issue under consideration and the impact of the implementation of the so-called responsibility to protect has only given rise to greater divisions and suspicion within the international community. That should lead us to reconsider our analysis of it, its intended purpose and the functioning of this organ in implementing these concepts. That will require political will, legal certainty and impartiality when it comes to implementation — and not the development of new concepts and measures that undermine the stability and sovereignty of peoples.

Achieving true international peace and security must start with a truly holistic view of the international situation. We must commitment ourselves to not provoke more conflicts, not to intervene in countries in order to illegally procure resources and not to seek regime change for Governments that displease us. Instead, we should prioritize providing assistance for the sustainable development for peoples and complying with all the legal commitments we undertook when we signed the Charter of the United Nations. If we did that, we could turn all of our efforts, energies and resources towards solving the serious economic and financial crises that affect both developed and developing countries.

**The President:** I now give the floor to the representative of Chile.

**Mr. Espinoza** (Chile) (*spoke in Spanish*): I congratulate the Republic of Korea on assuming the presidency of the Security Council for the month of February and for convening this important debate. We welcome the participation this morning by the Minister for Foreign Affairs of the Republic of Korea and the ministers from Azerbaijan, Brazil and Rwanda. Their presence highlights the importance of the protection of civilians in armed conflict. We would also like to express our gratitude for the statements made by the Secretary-General, the United Nations High Commissioner for Human Rights and the representative of the International Committee of the Red Cross.

My delegation aligns itself with the statement distributed by the Permanent Representative of Jordan

on behalf of the Human Security Network, of which Chile is a member.

The protection of civilians is a responsibility of the international community that is based on respect for human rights and international humanitarian law. My country believes that all States and all parties involved in a conflict should comply with it and fully respect it without questioning it, bearing in mind that the primary responsibility always falls to the State affected by the conflict situation, which must take all the necessary measures to ensure the protection of the civilian population.

My country acknowledges the progress that has been made in terms of the formal recognition of standards for the protection of civilians. However, we reiterate that we are seriously concerned by the facts that we must face on a daily basis and the tragic circumstances of thousands of people around the world. The principles of distinction and proportionality, which inspired the concept of the protection of civilians, seem to have been forgotten by many and subjected to the sole political will of the parties to a conflict. In that respect, we reiterate our call on parties to a conflict, regardless of where it may be occurring, to comply with international humanitarian law and human rights, in particular by allowing and facilitating access for humanitarian missions and organizations, providing for the protection of the most vulnerable groups, such as women and children, and refraining from attacks on medical facilities and their staff, which is one of the most complex humanitarian issues, as noted in the 2011 study by the International Committee of the Red Cross.

We also urge parties to a conflict to refrain from using explosive weapons in densely populated areas, given both the number of victims they cause and their indiscriminate nature and because we believe that that is a significant factor in the displacement of persons and the serious consequences that arise from that.

We support the decision of the Council to provide peacekeeping missions with a mandate to protect civilians. However, that important responsibility requires clarity and precision in terms of the tasks assigned, sufficient logistical and economic resources to meet the challenge and coordinated efforts with other entities on the ground. We would also like to stress the importance of mandates including early-warning systems and the capacity to assist an affected State in complying with its obligations and duties in

protecting civilians. We recognize such missions' potential to contribute to the establishment or gradual strengthening of an environment that protects civilians by supporting the rule of law and local institutions.

My country believes that any violation of the responsibility to protect civilians in armed conflict is something that should be prosecuted and tried, and that those responsible for such violations must be brought before justice, either at the national or international level. In that regard, we highlight the importance of, and support the establishment of, international investigative commissions and fact-finding missions. That tool has demonstrated its usefulness when it comes to encouraging national authorities to take the necessary measures to put an end to violations and promote accountability.

We support the call by the Secretary-General to provide assistance to States in establishing national mechanisms to ensure transparency and accountability for breaches of international humanitarian law or international human rights law.

With the same insistence, we recognize the fundamental role of the International Criminal Court in preventing impunity for such acts, above all as an important element in deterring such violations. We call upon the Security Council to use the tools available to it and to refer cases to the International Criminal Court when the protection of civilians is not being ensured by the parties to the conflict. We would also like to recall the letter sent to the Security Council dated 14 January 2013 (S/2013/19, annex), in which 57 countries, including Chile, requested that the situation in Syrian Arab Republic, where there have been over 60,000 deaths to date, most of them civilian, be referred to the Court.

In conclusion, I reiterate my country's commitment to full respect for the protection of civilians in armed conflict. We urge support for the recommendations of the Secretary-General in his report of May 2012 (S/2012/376) as logical and useful guidelines in this area.

**The President:** I now give the floor to the representative of New Zealand.

**Ms. Lee (New Zealand):** New Zealand is pleased that your country, Mr. President, is highlighting the protection of civilians during its presidency of the Security Council. We know that civilians in your country suffered terribly in the 1940s and 1950s. New

Zealand stood with you then. We know the strength of your people, and we welcome your determination to improve the situation of civilians in future conflicts.

We also welcome the presence with us today of the representative of the International Committee of the Red Cross (ICRC). The ICRC is the custodian of one of the most important developments in human history, namely, the body of law and practice designed to limit the terrible impact of war and, in particular, to protect civilians. That body of law is now almost universally accepted as binding, not only for participants in wars between States but also for participants in those of a non-international character.

Far too often, those rules are not applied. Let us be blunt — breaches of those rules through the targeting of civilians, the use of high explosive weapons without regard to likely civilian casualties and attacks on medical personnel or facilities are all war crimes. And war crimes are, in a sense, crimes not only against the victims, but against us all. Serious war crimes are subject to universal jurisdiction. We all therefore have moral and political responsibilities when they are being systematically committed in a conflict — wherever that conflict may be.

That is why today's debate is so important. The members of the Security Council have assumed special responsibilities with respect to international peace and security. The Charter has given members of the Council extraordinary powers to act decisively on our behalf. And we join others in calling on the members of the Council to exercise more actively their responsibilities when civilians are manifestly the targets of armed attacks.

The Council's thematic work on the protection of civilians is an important element in that campaign, but it is not enough. A more active focus on protection in the Council's work on country specific situations is what is really needed.

New Zealanders are practical and constructive people. We know that the Security Council, despite its wide powers, has real limitations. We know that the Council's efforts to protect civilians are also dependant on the actions of peacekeepers in the field. There is a pressing need for practical and constructive measures to ensure that United Nations peacekeepers are ready and able to respond quickly and effectively to emerging threats. It is not good enough for missions to hide behind the "within available resources" provisions in

mandates and do nothing while atrocities are being committed against civilians.

There many examples of United Nations peacekeepers responding with extraordinary courage and commitment to defend civilians in times of crisis, such as the efforts of Ghanaian and Canadian peacekeepers during the 1994 Rwandan genocide, whose resolute action saved thousands of civilians. We must ensure that current and future peacekeepers are best placed to emulate those brave efforts. The option of doing nothing can never be justified.

The Council is also reliant on the Secretariat's being more courageous. The 2000 Brahimi report (see S/2000/809) warned that the Secretariat must tell the Council what it needs to hear and not what it wants to hear. Sadly, the Secretariat's recent conclusions regarding its role during the conflict in Sri Lanka show that Mr. Brahimi's advice was not taken as much to heart as it should have been.

We recognize also that the Council is not a legal body and is not well suited to determining the legal character of events, especially in the midst of a conflict. But the Council can play an important role in building accountability, as it has done in the past. Referral to the International Criminal Court (ICC) is one option available to the Council in that regard. As we observed to the Council last October, such referrals are not always the best mechanism, and where they are made, their timing must be carefully judged, particularly in situations of on-going conflict. Nevertheless, there are practical steps that the Security Council can take to bolster accountability, including extending the mandate of its working group on tribunals to cover ICC matters.

We also recognize another limitation faced by the Council, namely, the tension it often faces between its role in executing its responsibilities to end conflict and establish peace, on the one hand, and its duties to ensure that such conflicts are conducted in a manner consistent with international norms, particularly those limiting the impact on civilians, on the other hand. Both dimensions are important, and neither should become an excuse for ignoring the other.

It is natural that in different situations Council members will focus more on one dimension than the other. But Council members have a high responsibility to the broader membership and to the people we represent; those differences must not be allowed to become a reason to give up. We have seen that far too

often — during the war in Sri Lanka and today in Syria. It is not good enough to say that the Council is blocked and to move on to other business, as we have seen it do far too often. If the Council is deadlocked over how to end a conflict, then all 15 members have all the more responsibility to find ways to address the protection needs of civilians.

Finally, it is important to note that not every conflict is conducted in a manner involving atrocities against civilians. That is important, because it gives us hope and shows that some combatants, even in civil wars, abide by the basic norms of international humanitarian law. Moreover, it gives us scope for a new practical focus for the ongoing thematic work of the Council.

The Council will be taking up the protection of civilians again later this year, and the Secretariat is producing a new report with recommendations for the Council's consideration. It would be helpful if the Secretariat could not only address cases of grievous breaches of humanitarian law, but also explore cases where such breaches have not occurred. Serious analysis of the factors determining why atrocities occur in some cases but not in others might be helpful to the Security Council in developing its tools for prevention and management of conflict, as well as for protection of civilians in specific cases.

**The President:** I now give the floor to the representative of Botswana.

**Mr. Ntwaagae (Botswana):** Since it is so late in the day, I wish to assure you, Sir, that I will be very brief. I wish to join delegations that have taken the floor before me in sincerely commending your country for organizing this open debate and for assuming the presidency of the Council. We particularly thank you for inviting stakeholders, such as the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Human Rights, because such stakeholders are heavily involved in issues relating to the protection of civilians.

Botswana attaches great importance to the protection of civilians in armed conflict. We accordingly welcome the informative report of the Secretary-General (S/2012/376) and its insightful recommendations. The convening of the open debate today could not have come at a better time, given the continuing gross violations of human rights and fundamental freedoms of innocent people resulting from ongoing conflicts around the world, including particularly in Syria. My

delegation believes that the issue should remain high on the agenda of the United Nations for as long as heinous crimes continue to be committed.

The international community must step up efforts aimed at offering protection to civilians in armed conflict and in particular the most vulnerable groups at risk, namely, women and children. The perpetrators of violence continue to undermine international humanitarian and human rights laws by violating the rights of those vulnerable groups, who often lose their lives. It is deeply regrettable that the perpetrators continue to use children as killing machines or as human shields. The use of rape or sexual violence as a weapon of war is equally unforgivable.

It has been observed that the absence of accountability is a leading factor in undermining the rights of civilians in armed conflict. It is for that reason that my delegation calls on the Security Council to aggressively promote accountability by thoroughly investigating and prosecuting persons responsible for war crimes, genocide, crimes against humanity and other serious violations of international law and international humanitarian law.

There should be greater collaboration between the Security Council and the International Criminal Court (ICC). As the Charter body with responsibility for the maintenance of international peace and security, the Security Council's role in referring situations that threaten international peace and security to the International Criminal Court is critical. Here I must add that Botswana is among the signatory countries of a letter (see S/2013/19) submitted to the Council requesting referral of the situation in Syria to the International Criminal Court.

The report of the Secretary-General on the protection of civilians not only highlights concerns and challenges affecting civilians in armed conflict but has also contributed to the advancement of debates through its identification of five core challenges, which are: first, enhancing compliance by parties to conflict with international law; secondly, enhancing compliance by non-State armed groups; thirdly, enhancing protection by United Nations peacekeeping and other relevant missions; fourthly, improving humanitarian access; and fifthly, enhancing accountability for violations.

My delegation notes with concern the challenges faced by the international community in that regard. Consequently, we of the view that while strong

normative frameworks have been put in place for the protection of civilians in armed conflict, a lot still remains to be done, as the situation endured by civilians calls for urgent and drastic measures. Almost all conflicts are now not between States but within national boundaries, and for that reason, my delegation wishes to reiterate the primary responsibility of States to respect and ensure protection of human rights for all individuals within their territory.

A recent UNICEF report highlights the fact that in Syria more than 60,000 people, mostly civilians, have been killed since the uprising against President Bashar Al-Assad began in early 2011. The escalating conflict has left more than four million people in need of humanitarian assistance; an estimated 50 per cent of those are children, according to the report. In that connection, my delegation wishes to reiterate the importance of accountability on the part of States in order to end impunity and of thoroughly investigating and holding accountable persons responsible for war crimes, genocide and crimes against humanity.

My delegation acknowledges that there are challenges to civilian protection owing to the complexity of the operation, and those challenges cannot be ignored. Perhaps the design of specific and comprehensive strategies to address the challenges can help, given that the success of a peacekeeping operation is measured by its ability to protect civilians. It is for that reason that peacekeeping missions should put protection of civilians at the core of their operations.

In conclusion, I wish to reaffirm Botswana's commitment and unwavering support to the Council's endeavours.

**The President:** I now give the floor to the representative of Ecuador.

**Mr. Lasso Mendoza (Ecuador)** (*spoke in Spanish*): Allow me to begin by recalling that article 2 of the Fourth Geneva Convention of 1949 sets forth a number of fundamental rules with regard to its application. First, its provisions are applicable to any armed conflict that arises between two or more contracting parties. Secondly, the provisions of the Convention are to be applied in all cases of the complete or partial occupation of a territory by one of the contracting parties. Thirdly, it unequivocally states that, if one of the parties to the conflict is not a party to the Convention, those parties that are party to the Convention must abide by the provisions in their mutual relations.

Those provisions clearly determine the international Convention's vast scope of application, which was designed to grant as much protection as possible to the civilian population in the event of an armed conflict. It is worth pointing out that no provision of the Geneva Convention allows for an exception with regard to the protection of a country's national security vis-à-vis its real or imagined enemies, much less granting the State the option of killing its own citizens or foreign citizens under the pretext of preventive measures or precautions.

For their part, the second and third paragraphs of the preamble to the Rome Statute of the International Criminal Court clearly state that throughout the last century millions of children, women and men were victims of atrocities that defy the imagination and that profoundly move humankind. Such atrocities have posed a threat to the peace, security and well-being of humanity. Therefore, such crimes should not go unpunished, regardless of who commits them.

On 21 February 2012, the Permanent Representative of Brazil organized an informal discussion to analyse the concept of the responsibility to protect, which is designed to address the failure to protect. The Brazilian proposition, to which my country attaches great importance, is based on the three key principles set forth in General Assembly resolution 60/1 of 2005. First, the State has the main responsibility to protect its people from genocide, war crimes, ethnic cleansing and crimes against humanity and to prevent the incitement of such crimes; secondly, the international community has the responsibility to encourage and help States in the exercise of their responsibility; and thirdly, the international community has the responsibility to use diplomatic, humanitarian and other appropriate means to help protect populations from those crimes.

In the Ecuadorian delegation's view, the contribution of the Brazilian Mission consists in maintaining those three singular principles intact; restricting the interference of the international community to those cases in which intervention is necessary, without illegitimate or illegal invasions of sovereign States; and ensuring that force will be used only as the last resort to protect the civilian population and that force will not be the first option exercised by those who believe that they have the right to change a Government or impose an ideology or any other form of political organization that no one, no one, has requested.

We believe that it is essential to highlight that important contribution from a country of my region to

an issue that impacts all of us. It is the international community's responsibility as a whole to uphold those principles. At this time, we believe that an important question arises we discuss the legal and moral value of the policies of selective assassination. Do those policies form part of the powers of any Government in such a way that we can kill each other without those acts having any legal or moral implications? To the contrary, such selective assassinations are not only acts of international terrorism, but they are also without any moral legitimacy or legal foundation.

Ecuador attaches the greatest importance to the protection of civilian populations throughout the world, without discrimination of any kind and without according any legitimacy to crimes committed in the name of absurd and unsustainable interpretations of the right to legitimate defence. The protection of the civilian population should not be applied with double standards, nor should political justifications be used in order to protect some, while massacring others. Likewise, the protection of the civilian population should be a firm and rational commitment held by the international community, based on international principles and without making any distinctions between victims or those who victimize. It should never be a simple pretext to kill people in other countries and deprive other countries of their independence and their natural resources.

To that end, we believe that it is particularly important to adhere to all of the Geneva Conventions and the amending Protocols to those Conventions. All of those instruments provide protection to victims from the scourge of war and recognize the victims as innocent. Moreover, Ecuador is persuaded that the International Criminal Court is the only body that can end the impunity with which criminal Governments kill their own people or other people and can restore the rights of victims after crimes have been committed against them. We therefore insist that the Rome Statute be ratified by all States Members of the United Nations.

I cannot conclude this statement without mentioning substantial aspects in the debate on the protection of civilians in armed conflict. National sovereignty, clearly stated in paragraph 1 of Article 2 of the Charter of the United Nations, is an element that must be taken into account in any case of the protection of civilians in armed conflict. That element is a characteristic inherent in the very existence of a State. The international community's adherence to and respect for that aspect

is not subject to qualification or the unilateral decision of any country.

Paragraph 7 of Article 2 of the Charter of the United Nations provides with absolute clarity that no provision of the Charter shall authorize the United Nations to intervene in matters within the domestic jurisdiction of any State. On that basis, the collective measures provided for in Chapter VII and referred to in Article 2 should be limited exclusively to what is stipulated in Article 39 of the Charter — namely, any threat to the peace, breach of the peace, or act of aggression — in such a way that the ideological orientation of any Government or its sovereign decisions over its natural resources or the legitimate use of technologies for peaceful purposes cannot be sufficient grounds for a State or a group of States to decide to use force to change that regime or to force it to subject itself to the interests of other Governments.

For those reasons, any action by the international community to protect civilians in conflict situations should strictly adhere to the purposes and principles of the Charter of the United Nations, including full respect for the sovereignty of States. If the international community decides to intervene to protect vulnerable populations, its decision must be substantiated by fair and legitimate grounds, not by broad and incorrect interpretations of Security Council resolutions.

**The President:** I now give the floor to the representative of the Democratic Republic of the Congo.

**Mr. Gata Mavita wa Lufuta** (Democratic Republic of the Congo) (*spoke in French*): Allow me first of all to thank the Republic of Korea for having convened this open debate on the protection of civilians in armed conflict. I would also like to take this opportunity to thank the Secretary-General, the High Commissioner for Human Rights and the Director for International Law and Cooperation of the International Committee of the Red Cross for their informative presentations.

The topic of today's debate is a primary concern of my delegation for reasons easy to imagine. That is why my delegation welcomes the interest repeatedly expressed by the Security Council in discussing the protection of civilians and in making it a central element of its peacekeeping missions.

In the Democratic Republic of the Congo, more than in other conflict zones across the world, thousands of people fall victim to war every day. With more than 8 million people killed in 15 years of successive wars

inflicted on my country, the massacre of civilians in eastern Democratic Republic of the Congo is one of the grimmest spectacles that humankind has seen since the Second World War. Furthermore, the war situation currently prevailing in the eastern part of my country, more specifically in North Kivu province and its surrounding areas, has given rise to recurring violence and new forms of criminal activity, whose primary victims are women and children. The most frequent violations, usually perpetrated with complete impunity by rebel groups and their external backers, are killings, systematic rape, kidnappings, sexual torture, unlawful arrests and detentions, forced displacement, the enlisting of children and extreme forms of torture and cruelty.

As the Governor of North Kivu province has underscored, there are approximately 3 million internally displaced persons and almost 500,000 Congolese have been forced to cross the borders. Frequently without assistance, those blameless men, women, children and elderly people die, some on the road, others in their camps, often with no effective support.

There is flagrant evidence of grave human rights violations committed against the children in North Kivu by the Mouvement du 23 mars (M23). The Council has well-documented proof that one of its members, in this case Rwanda, is providing direct military assistance to those M23 terrorists. It facilitates the recruitment of combatants to the movement, incites and assists the desertion of soldiers of the Congolese Armed Forces, provides the M23 with weapons, munitions and intelligence, and gives it political advice.

From the legal standpoint, we would note the progress made in the area of international law, in particular international humanitarian law, international criminal law and human rights legislation. Be they nationals or foreigners, the responsibility of the perpetrators of such actions must be clearly established in accordance with the basic norms of international humanitarian law.

To that end, the Geneva Conventions of 12 August 1949, which enshrine respect for the individual during conflicts and advocate that people not directly participating in hostilities be spared the suffering of war. They prohibit in particular inhuman treatment, hostage-taking, massacres, torture, summary executions, deportation, illegal detention, looting and the wanton destruction of private property. Attacks

against civilians and their property have been prohibited since the adoption in 1977 of the first two additional Protocols to the Geneva Conventions of 1949. Protocol I introduces the basic principle of the distinction between civilians and combatants and civilian property and military objectives.

Despite all that progress, civilians throughout the world have become the primary victims of armed conflict and are frequently subjected to all kinds of abuse. It is nevertheless encouraging to learn that for some time the Council has explicitly pursued a protection of civilian agenda that includes respect for international humanitarian law, operational issues pertaining to peacekeeping operations and access to humanitarian assistance. The Secretary-General's call for increased access for humanitarian assistance and the establishment of a working group entrusted with examining ways to translate the Council's commitment to protection into tangible results for populations in danger remains very relevant. It is also interesting to note that in December 2009, the Council recognized in resolution 1894 (2009) that it should set up comprehensive operational guidelines on the tasks and responsibilities of peacekeeping troops for the protection of civilians.

In conclusion, my delegation calls for the full implementation of the recommendations of the Secretary-General in that regard, in particular those urging the Security Council to systematically include provisions for the strict respect of international humanitarian and human rights law in all its resolutions authorizing peacekeeping missions and other United Nations missions. We also call for the implementation of the recommendation ordering the referral of grave cases of rape and other forms of sexual violence to the International Criminal Court or for targeted sanctions against States and non-State armed groups that commit or support such crimes to be considered. We urge that the aide-mémoire on the protection of civilians in armed conflict (S/PRST/2010/25, annex) be applied consistently during deliberations on the mandates of peacekeeping missions and other United Nations missions, in draft resolutions and presidential statements and in the Council's work.

**The President:** I now give the floor to the representative of Sri Lanka.

**Mr. Kohona (Sri Lanka):** Let me join the previous speakers in thanking the Republic of Korea for

convening this open debate under its presidency. I would also like to thank the Secretary-General, the High Commissioner for Human Rights, the Assistant Secretary-General for Humanitarian Affairs and the Director of the International Committee of the Red Cross for their helpful statements.

The Sri Lanka delegation associates itself with the statement delivered on behalf of the Non-Aligned Movement by the delegation of the Islamic Republic of Iran.

The concerns highlighted by the Secretary-General and the five core challenges identified for the protection of civilians in armed conflict continue to demand our serious attention. Similarly, gender-based violence, including sexual violence, deliberate and collateral attacks on children, schools, health-care facilities and the denial of humanitarian access to trapped populations, inter alia, are a disturbing backdrop to conflict situations, as has been the case for centuries. That is nothing new. The history of conflict, invasions and revolution contains a litany of violence against women, children and the vulnerable.

Today, the safety and security of humanitarian personnel has also become an increasing concern. Our discussion must take all these angles into account. If not, its value will diminish.

Just as the abuse of women and children in conflict situations has been widespread, in post-conflict environments also the challenges faced by women and children remain formidable. Civilization's superficial veneer is often shattered by the base violence that is unleashed on the most vulnerable in conflict situations. Conflict often dislocates families, shatters livelihoods and also leads to sole-breadwinner situations, with the resulting negative consequences. Mothers are often made single as the result of conflict, and, in some cases, this increases vulnerability to sexual harassment, exploitation and violence. We also should not forget the sad reality of child soldiers — children who have been brutally deprived of their childhood and who have been used to commit the most appalling acts of violence against family and community. To an increasing extent, the violence is unleashed by returned service personnel on those who are closest to them.

It would seem that the status of civilians in conflict situations in 2012 has not qualitatively changed, despite the concerted efforts made by the United Nations and the Security Council in particular. The slow pace of

change underlines the reality that the task of protection cannot be addressed only in theoretical terms or by relying solely on established standards. It requires an understanding of a multiplicity of different elements, ranging from political factors, socioeconomic realities, psychological shadows, the proliferation of small arms and the influence of the media. Studies should be multifaceted, and remedial action must be designed flexibly.

But one must remember that reports of civilian trauma may sometimes be the result of deliberately distorted propaganda. The resort to modern technology and propaganda methods by rebel groups, in particular terrorist groups and their networks of sympathizers and the agitated media, is a reality. That is another factor that needs to be kept in mind when addressing the question of violence against civilians.

The protection of civilians poses a difficult challenge in situations where civilians are used as human shields and bargaining chips by rebel groups. That has made the application of the standard principles a nightmare. Once again, there must be a serious consideration of practical realities based on the experiences of States, instead of the theoretical application of a one-size-fits-all humanitarian framework. The Security Council could make a seminal contribution to the development of the relevant principles by making a study of those issues.

Sri Lanka has consistently supported the principles highlighted in the Council's thematic resolutions since 1999. Sri Lanka's commitment is demonstrated in the way in which our approach to civilian protection evolved during the conflict with the terrorist Tigers of Tamil Eelam, especially at its end and in its aftermath. With adherence to a policy goal of zero civilian casualties despite the provocations offered, the conflict ended, but its legacy remains.

I wish also to point out the speedy and efficacious manner in which Sri Lanka addressed the post-conflict resettlement of internally displaced persons, the robust nature of its ongoing post-conflict reconstruction and development, and the pursuit of accountability and reconciliation through domestic mechanisms to address infractions of the law. All child combatants, who are treated as victims, not villains, have been sent back to their communities after a period of rehabilitation, in less than three years. UNICEF played a key facilitating role in this matter.

My delegation hopes that the Council's discussion on the protection of civilians will facilitate a wider appreciation of the inherent challenges and practical outcomes based on ground realities. We must also avoid the convenient and selective application of noble principles. Reality is to be found not in newspaper headlines but at the unexciting ground level. It is for that reason that my delegation has sought to share some key areas of our post-conflict experience, and we encourage all to invest greater efforts in understanding the causes of conflict and in preventing conflicts and their recurrence, and to respond practically and with sensitivity to situations affecting civilian populations. We also continue to emphasize the fact that the nature of contemporary conflicts poses new challenges to the established legal principles for the protection of civilians in conflict situations.

**The President:** I now give the floor to the representative of Hungary.

**Mr. Hetesy (Hungary):** I wish at the outset to congratulate you, Sir, on South Korea's assumption of the presidency of the Security Council, and I thank you for having convened this important debate.

Hungary aligns itself with the statement made by the observer of the European Union.

Given the lateness of the hour, I will concentrate on one important aspect of the protection of civilians, namely, the issue of accountability.

While the Security Council's primary responsibility is the settlement of disputes, which constitute a threat to international peace and security, in situations where civilians are being targeted the Council must also take all measures at its disposal to protect the civilian population until such settlement is reached. Such measures must include ensuring that the perpetrators of serious crimes are held accountable in cases where national authorities fail to prosecute them.

Political reconciliation and accountability are closely interlinked and mutually reinforcing. It is not an either/or question. All political solutions, in order to become lasting ones, must be based on accountability. There can be no peace without justice. Furthermore, accountability can serve as an effective deterrent and may contribute to the prevention of future attacks against the civilian population.

It is on the basis of the aforementioned principles that Hungary joined the initiative of Switzerland and signed

a letter, along with 56 other Member States — almost one third of the United Nations membership, from all corners of the world — requesting the Security Council to refer the situation in Syria to the International Criminal Court (ICC). We are heartened to note that the initiative is now supported by additional Member States, including members of the Council. It is now the collective responsibility of the Council to act on this request when addressing the situation in Syria.

In a similarly disturbing armed conflict situation, we note with appreciation that based on the request of Mali, the ICC is now investigating all crimes within its jurisdiction committed in that country since January 2012. Key regional and international organizations have acknowledged the need for justice as part of the resolution of the crisis in Mali.

It is our fervent hope that in future the Security Council will increasingly look at the ICC not only as an important ally that may assist the Council in its task related to the protection of civilians, but also acknowledge its indirect role in the prevention of conflicts.

**The President:** I now give the floor to the representative of Qatar.

**Mr. Laram (Qatar) (*spoke in Arabic*):** At the outset, Mr. President, I would like, on behalf of the Arab Group, to congratulate your friendly country on its assumption of the presidency of the Security Council for this month. We are grateful to the Republic of Korea, especially Foreign Minister Kim Sung-hwan, for organizing this debate, which provides an opportunity to reinforce the measures that the Security Council has adopted to protect civilians. We also wish to thank the Secretary-General, the High Commissioner for Human Rights and the Director for International Law and Cooperation of the International Committee of the Red Cross for their participation in this meeting.

The latest report of the Secretary-General (S/2012/376) notes that civilians form the bulk of the victims in cases of armed conflict as the result, inter alia, of deliberate targeting and collateral attacks that violate international humanitarian law and human rights law. The report also points out that there is much work to be done, if we are to deal with the fundamental and important challenges presented by the protection of civilians, particularly ensuring the compliance of all parties to a conflict with the principles of international humanitarian law. The fact that various parties to

conflicts refuse, relying on a culture of impunity, to comply with the provisions regarding the protection of civilians should not be ignored and should be dealt with severely and promptly, since otherwise the parties are encouraged to threaten civilians.

Despite the progress that has been made in strengthening the protection of civilians in cases of armed conflict, the issue continues to pose a challenge to international law and humanitarian law and requires us to do more to compel parties to conflict to refrain from using explosive weapons in densely populated areas. We cannot talk about the protection of civilians without taking into consideration the problem of security. Improving security is therefore not only a humanitarian task but one that requires various efforts, in particular the application of the relevant laws aimed at protecting civilians in armed conflict without distinction at both the national and the international levels.

It is indeed sad that while we are holding this debate, many civilians all over the world, and notably in our Arab region, have to cope with acts of violence that result in deaths and the displacement of refugees. Women and children are the most vulnerable to such risks and the most affected, particularly through sexual violence and physical and psychological abuse, and they form the bulk of displaced refugees. People's houses, schools and hospitals are being targeted to a degree that the international community can no longer ignore under any pretext. Considering the international response so far, bearing in mind humanitarian principles and the goal of protecting as many civilians as possible, and looking beyond the work of the various United Nations peacekeeping missions, the international community must, through its international institutions, build on its positive achievements and continue its efforts to protect civilians.

The Arab Group urges the Security Council to continue to strive to take the necessary measures to protect civilians and strengthen prompt accountability for any violations against civilians. We also wish to affirm the importance of mandating United Nations peacekeeping operations to protect civilians, one of the most significant measures that the Security Council can take to strengthen protection.

We would like to touch on two specific cases, without prejudice to any others. Violence is a constantly recurring phenomenon in the occupied Palestinian territory, and since the last meeting of the Security Council on the protection of civilians in armed conflict

(S/PV.6790), the people of Gaza have been subjected to Israeli aggression. This time, as often before, the occupying forces showed no regard for the lives of civilians, as the Israeli air force bombed residential areas, resulting in the deaths of several hundred men, women and even children in Gaza. We ask: How long will Israel continue to believe that it can disregard the importance of human life and use excessive force without accountability? The occupied Palestinian territory has become one of the most egregious examples of a place where the Geneva Conventions are violated and international humanitarian law ignored.

In Syria, the threat that Syrians are facing as a result of the evolution of the current crisis has reached terrifying proportions. The Arab Summit held in Baghdad in 2012 called on the Syrian Government to end all acts of violence, protect Syrian civilians, allow international organizations immediate access, hold all those responsible for violations of human rights accountable and not tolerate impunity. On 12 November, the League of Arab States expressed its deep concern about the deterioration of the humanitarian situation in Syria and its serious attendant effects on civilians, calling on the Security Council to put an end to the cycle of violence in Syria and provide all necessary support for the people of Syria to defend themselves and strengthen and coordinate Arab and international efforts.

Speaking in my national capacity, I would like to say that Israel's repeated acts of aggression against the Palestinians have gone beyond all humanitarian principles and standards of international legitimacy. All kinds of weapons and excessive force have been used against civilians, notably in the Gaza Strip. The Israeli Government has refused to halt the crimes being committed by armed settlers against Palestinian civilians, who are already suffering from Israel's oppressive policies, which threaten their security and deprive them of the ability to exercise their fundamental rights. The Palestinian economy is under siege, and Palestinians' standard of living has fallen as a result of the obstacles put in the way of a normal life and the withholding of their tax revenues. The Gaza Strip has become an enormous prison in which all civilians suffer.

Conditions in the sister republic of Syria have, regrettably, led to one of the major situations where civilians are in danger. The oppressive policies of the regime have resulted in the deaths of almost 70,000

Syrian nationals, most of them civilians, including women, children and the elderly; not to mention the hundreds of thousands of wounded and the detainees; families that have lost their heads of household and their houses; the displaced persons and refugees and others who are suffering from shortages of food and needed medicines. The approach of the Syrian regime since the Syrian people's protests began has been characterized by a basic disregard for the population and for citizens' rights, dignity, security and freedom. It has not complied with international humanitarian principles, notably the Universal Declaration of Human Rights and the Fourth Geneva Convention, and has shown a total disregard for the principles of the Charter of the United Nations concerning the collective responsibility of the international community to observe and protect human rights for all, as affirmed in paragraph (c) of Article 55 of the Charter: "universal respect for, and observance of, human rights and fundamental freedoms for all".

Civilians in Syria are increasingly subject to dangers and threats as the Syrian regime has used its entire military arsenal, including indiscriminate weapons like cluster bombs, in residential areas. The regime pursues oppressive policies that affect only civilians, such as cutting off electricity, communications and food and medical supplies, in addition to targeting hospitals and other medical facilities, which increases the suffering of civilians who have nowhere to go. They cannot even seek refuge in hospitals or places of worship. The unjustified targeting of civilians is one of the most abhorrent violations of human rights and a flagrant breach of international law, including humanitarian and human rights law, and is a challenge to international legitimacy, including resolution 1894 (2009) regarding the protection of civilians.

Furthermore, and taking into consideration the State's fundamental responsibility to protect its citizens, Syria's deliberate and methodical policies are in disregard of its responsibility and represent a shabby attempt to control the country through the use of force, threats and terrorism. It is indeed regrettable that women and children in Syria are the most vulnerable to such oppressive policies. In many cases, rape has been used by malicious loyalists of the Syrian regime against women and children. The displacement of more than 700,000 Syrians to neighbouring States as refugees and of around 2 million more inside the country has affected the education of hundreds of thousands of children, and traumatized them and other victims. Not only has the Syrian regime made life hell for those Syrians who have

been forced to seek refuge in camps in neighbouring States, but it also planted mines along the routes they take to escape those oppressive policies and hindered the delivery of humanitarian assistance to them.

The State of Qatar calls once again on the international community, and in particular the Security Council, to assume their role, as established in the Charter of the United Nations, in maintaining international peace and security and to respond firmly, affirmatively and promptly to the dangers faced by the Syrian civilians. We are of the view that, should the Council fail to find a solution to the Syrian problem, the United Nations should take measures to protect Syrian civilians. In their suffering, the Syrian people are losing confidence in the international community.

**The President:** I now give the floor to the representative of Turkey.

**Mr. Eler (Turkey):** I would like to express our appreciation to you, Sir, for organizing and presiding over this debate. I would also like to thank the Secretary-General for his briefing.

The protection of civilians in armed conflict is a common concern for us all and constitutes one of the top priorities of the international community. Unfortunately, the vast majority of casualties in armed conflicts continues to be civilians. We condemn all attacks on civilians and are deeply concerned about their destructive effects, particularly on women and children. Turkey therefore welcomes the increased attention of the Council to the issue of the protection of civilians. We believe that the normative framework on the protection of civilians has been largely established. There now needs to be an increased focus on implementation, rather than on norm setting. It is now time to translate legal commitments into action.

There is no doubt that the primary obligation for protecting civilians lies with States. However, the international community also has a shared responsibility to help protect civilians in situations where States openly fail to do so. The Security Council has a particular and inevitable obligation in that regard, which has consequences on the ground.

Syria is a case in point. The humanitarian situation in Syria is growing grimmer every day as we approach the two-year mark for the crisis. The regime has failed to fulfil its responsibility to protect civilians, in a grave escalation of violence with use of its heavy weaponry, aerial bombings and missiles. The primary

responsibility to end the violence lies with the regime. Certainly, the international community should play its part in extending a helping hand to the Syrian people in need.

The current level of cooperation with humanitarian assistance institutions is further aggravating the dire circumstances. That validates the relevance of the calls for unhindered access to all areas, by the most convenient and effective routes, in order to implement the humanitarian response plan. Bilateral and collective initiatives should focus not only on the humanitarian consequences, but also on the political causes of the crisis, which seriously threaten regional peace and stability.

Regrettably, the Israeli-Palestinian conflict also continues to be a major threat to regional peace. Central to the crisis is the ongoing occupation of the land of the State of Palestine and the policies to maintain the occupation. The illegal blockade of Gaza is in its sixth year, in defiance of international law, including resolution 1860 (2009). The recent Operation Pillar of Defense resulted in the deaths of over 100 Palestinians and severe damage to their livelihoods. With discriminating regulations in force, as well as faits accomplis on the ground in the form of settlement activities, the fundamental rights of the Palestinian people are denied every day not only in Gaza and the West Bank, but also elsewhere in the region where they are living as refugees. The obstacles created by the occupation are incompatible with the dignity and value of human beings. They must be eliminated without further delay.

Unfortunately most of our attention and efforts come when it is time to extinguish crises that have escalated into violence. The best protection that can be offered to civilians is to prevent armed conflicts in the first place and to address their root causes. We need to place greater emphasis on preventing conflicts from erupting. That will save many lives and resources.

In that context, the promotion of human rights, the rule of law, democracy and good governance should continuously be on our agenda at the global and regional levels. Those concepts are not only essential to a functioning and healthy society, but they are also important to the prevention of conflict, as they are the building blocks of a society that is least likely to fall into conflict. Furthermore, in cases when conflicts cannot be prevented, the presence of those qualities assists the protection of civilians by decreasing the

intensity of the conflict, the level of violence and the chances of relapse.

We should also make sure that the perpetrators of crimes against civilians are held fully accountable for their actions. That pertains not only to the punitive, but even more so to the preventive face of justice. The international community has a duty to do more in that direction, including through capacity-building and technical assistance.

The importance of peacekeeping operations in relation to the protection of civilians has also increased throughout the years. That is clearly reflected in the growing number of protection of civilians mandates. In formulating and planning the implementation of such mandates, there is a need to listen more to regional countries and organizations, troop-contributing countries and other relevant countries that are active in such crisis areas. They have a better understanding of the difficulties on the ground and of the cultural differences and sensitivities of each country. Furthermore, when tasked with mandates for the protection of civilians, we must ensure that proper resources and training are provided to peacekeepers.

Before I conclude my remarks, allow me to reiterate the clear distinction between the counter-terrorism efforts of law enforcement agencies and armed conflict as regards the application of the concept of the protection of civilians. Turkey strongly condemns all acts of terrorism and acknowledges the legitimate right of Governments to combat terrorism. Furthermore, the utmost diligence should be observed in order not to extend any sense of legitimacy to terrorist organizations. On this note, we would like to once again underline our position that United Nations documents should not contain positive references to non-governmental organizations that are known to have become instruments for terrorist organizations.

**The President:** I now give the floor to the representative of the Sudan.

**Mr. Osman (Sudan)** (*spoke in Arabic*): At the outset, I would like to convey to you, Sir, my congratulations on your assumption of the presidency of the Security Council for this month. We thank you for having convened today's debate on the protection of civilians in armed conflict. I would also like to thank you for the concept paper (S/2013/75, annex) that you have kindly circulated in order to enrich the debate on this item, taking into account the fact that 13 years have passed

since the Secretary-General submitted his first report to the Council on the protection of civilians in armed conflict (S/1999/957).

The successive debates in the Security Council on this subject seek to promote a global approach to and an objective vision for the best way to protect civilians while avoiding any politicization of the concept of the protection of civilians and any recourse to double standards in addressing it, because civilians who die, who are killed by missiles, should be protected by the Security Council. Unfortunately, the Security Council has not even lifted a finger in several recent cases. Many civilian populations have been exposed to danger.

Attacking the underlying causes of conflict and achieving a comprehensive, lasting and peaceful settlement of conflict guarantees the protection of civilians. We fully agree with the concept paper that the civilian population is the primary victim of armed conflict. However, we must take into account the important truth that armed groups target civilian populations in order to cause civilian casualties, including women and children, thereby provoking the international community against Governments and compelling its involvement in conflict situations. The best example of this is the armed groups operating in populated areas in Darfur, which try to provoke the international community against the Government by attacking civilians. It is regrettable that none of those who have taken the floor during this meeting to talk about the situation of civilians in the two states of Blue Nile and Southern Kordofan has addressed the underlying causes of that situation, namely, the resurgence of attacks by armed groups in those two states. That illustrates what I said earlier concerning the politicization of the very concept of the protection of civilians.

In that regard, we note that rebels from the Sudan People's Liberation Movement-North (SPLM-North), who are attacking towns in densely populated Southern Kordofan, are also attacking the offices of humanitarian organizations such as UNICEF and the World Health Organization that are located in those towns. That is a clear example of attacks by such groups against civilian populations. Therefore, the Security Council must play its role with respect to the so-called SPLM-North, and call upon South Sudan to immediately disassociate itself from those rebel groups in order to enable the implementation of the agreements reached between our two countries.

In considering the question of the protection of civilians, priority must be given to ensuring successful peacebuilding and peaceful political settlements, as well as to requiring armed groups to participate in the political process and peaceful negotiations in order to achieve their objectives, rather than resorting to military action or attempts to manipulate public opinion by causing civilian casualties.

It goes without saying that the genuine experiences of a number of countries have clearly demonstrated that in the absence of peace on the ground, peacekeeping missions, however large they may be, will not achieve their objectives, because only peace can truly protect civilians. Peace on the ground is conducive to the implementation of recovery programmes, including reconstruction, disarmament, demobilization and reintegration, and the application and implementation of rapid-impact projects to facilitate the employment of internally displaced persons and returning refugees.

My delegation appeals to the Council and through you, Sir, to all members of the international community to support the ongoing peace efforts of the Government of the Sudan. We also call upon the Council to send a strong message to those who refuse to recognize the Doha Document for Peace in Darfur to put down their weapons and join the peace process.

In conclusion, the principle of the protection of civilians in armed conflict is a noble one to which we all aspire. However, we are concerned over attempts to use that objective to political ends, such as the campaign currently under way with respect to the so-called the responsibility to protect. I reiterate that while the concept of the responsibility to protect is included in the 2005 World Summit Outcome (General Assembly resolution 60/1), it is interpreted in many different ways by Member States, since it contradicts principles enshrined in the Charter of the United Nations regarding the sovereignty of States and their legitimate and total responsibility to protect their citizens.

It must also be recalled that the right to protect civilians in armed conflict is only one element of an integrated whole comprised of interlinked rights and obligations that are reasserted by that very Outcome Document. These include achieving sustainable development, combating poverty and preventing conflict by addressing its underlying causes.

**The President:** I now give the floor to the representative of Georgia.

**Mr. Makharoblishvili (Georgia):** I promise that I will be brief in my comments. Georgia welcomes this open debate on the protection of civilians in armed conflict. I take this opportunity to commend the efforts of the delegation of the Republic of Korea in convening this important meeting. Furthermore, we warmly welcome Mr. Kim Sung-hwan, Minister for Foreign Affairs and Trade of the Republic of Korea, and other ministers, as well as Ms. Navanethem Pillay and the representative of the International Committee of the Red Cross. Their attendance and statements have undoubtedly contributed to our constructive and comprehensive deliberations today.

Georgia fully associates itself with the statement made by the observer of the European Union. Nevertheless, I would like to add some comments in my national capacity.

More than 10 years have passed since the Security Council convened its initial open debate on the issue (see S/PV.3977), yet armed conflict still affects millions of people, depriving them of the necessities of subsistence and their basic human rights. Such developments urgently call for an increased effort from the United Nations community to protect affected populations at international, regional and national levels.

Unfortunately my country has not been spared the effects of armed conflict. Throughout the years, despite serious concerns raised by relevant United Nations agencies, hundreds of thousands of internally displaced persons and refugees remain deprived of the internationally recognized right to return to their homes — a right which has been reaffirmed numerous times by the community of nations. Despite the efforts of the Government of Georgia to ease the burden of the displaced where they currently reside, the failure of all actors to recognize the inherent right to return is an open challenge to the international rights framework. It requires our close attention and timely resolution.

The good efforts of the co-chairs of the international discussions in Geneva, including the representative of the Secretary-General, Ambassador Antti Turunen, and other facilitators from the United Nations family to remedy the situation have been repeatedly frustrated. They require the continued moral, political and practical support of this body.

Yet another vital issue is the international community's ability to assess the human rights

situation in areas where official authorities are unable to exercise their sovereign rights and that are under the effective military and or civilian control of other actors. In such situations, international human rights and humanitarian law are based on mutual complementarity and prescribe a minimum threshold level of protection of the civilian population. To comply with human rights and humanitarian law requirements, a concerned party shall provide such protection and guarantee the effective legal remedy in every individual case of infringement.

Safe and unhindered access for humanitarian actors to people in need of protection and assistance is another important element. It is imperative that populations residing in conflict-affected areas be provided with unhindered humanitarian aid and that relevant international actors be allowed to carry out their activities.

One of the purposes of today's debate is to further engage the international community in addressing all relevant challenges. Here, I would underline that Georgia fully supports and encourages the continued efforts of the international community in transforming the protection of civilians into a reality for all those who are caught up in conflict.

**The President:** I now give the floor to the representative of Sierra Leone.

**Mr. Kamara** (Sierra Leone): At the outset, allow me to congratulate the Republic of Korea on assuming the presidency of the Security Council for the month of February, and to wish you, Sir, full success during your tenure. Please accept also our appreciation for convening today's debate on the protection of civilians in armed conflict. We commend the Secretary-General, the High Commissioner for Human Rights, the Assistant Secretary-General for Humanitarian Affairs and the Director for International Law and Cooperation of the International Committee of the Red Cross for their constructive remarks.

Undoubtedly, we all share a fundamental responsibility to once again take stock of progress on key protection issues that affect civilians caught up in conflict situations. We recognize the significant steps taken by the Security Council to address the challenges confronting the protection of civilians, in particular the adoption of resolution 1894 (2009), which laid the foundation for ensuring compliance with international provisions aimed at safeguarding civilians caught up in perilous situations.

Furthermore, the central challenge identified in the Secretary-General's report, contained in document S/2012/376, remains a critical concern and underscores the need for a concerted approach to protecting the safety, dignity, integrity and sanctity of civilians affected in contemporary armed conflict through adherence to obligations under international humanitarian law, refugee law and human rights law. Those instruments set out the minimum protection standards applicable, especially where civilians are most vulnerable, and seek to prevent situations that might exacerbate vulnerabilities, such as displacement and the destruction of civilian property.

Despite the systematic engagement of the United Nations in seeking ways to streamline and improve peacekeeping protection standards, there are a number of inherent challenges due to the ambiguity on how the United Nations should intervene when Member States lack either the military force or the political will to halt all forms of carnage against innocent civilians. Ultimately, the end-state objective of a peacekeeping mission should include a protection mandate as part of the international response so as to create an enabling environment in which to take the appropriate steps to ensure accountability. In that regard, we owe special gratitude to the peacekeepers who take on the challenge of implementing protection functions in the field, and it is our responsibility to collectively ease the burden of peacekeepers by matching resources to tasks in fulfilment of the protection mandate. Peacekeeping missions should be sufficiently resourced with adequate mobility to provide the desired operational latitude in challenging environments.

The development of strategies for a well-structured protection approach shows an unswerving determination to assume a more robust protection posture and the adoption of the aide-memoire in 2010 (S/PRST/2010/25, annex), together with a comprehensive protection mandate, is a clear testament to the measures aimed at enhancing the implementation of the protection of civilians by peacekeeping and other relevant missions.

Addressing impunity should not be considered an afterthought; rather, the Security Council should proactively seek to ensure an appropriate international response, especially in cases where national authorities fail to take responsibility under the protection laws. On that score, Sierra Leone unreservedly calls on all parties to conflict situations, State and non-State actors alike, to respect the laws of armed conflict,

international humanitarian law and human rights law, as well as specific domestic criminal laws.

Sierra Leone unequivocally condemns the increasing attacks on humanitarian personnel, including health-care providers, women and children, and it urges Member States to ensure respect for protected persons, in compliance with international humanitarian and human rights law. We commend the support of the United Nations and international partners for the work of the Special Court for Sierra Leone. Through its work, the Special Court for Sierra Leone has made a number of critical contributions to the advancement of the rule of law at the national and international levels. In particular, we hail the Special Court for bringing to justice the perpetrators of crimes against humanity and violations of international humanitarian and human rights law committed in Sierra Leone during the course of conflict.

The United Nations is the only organization through which the forces of all major Powers, including rising regional Powers, can jointly participate in providing stability. The participation of major Powers in missions would not only enhance rapid deployment but also signal to potential spoilers that opposition to the mission carries real political costs. It would particularly hamper the activities of those who supply arms in situations where violations of international law can be regarded as a shared responsibility for the use of their weapons to target civilians. Success in reducing the human cost of unregulated arms proliferation will depend largely on creating a sense of responsibility and accountability among those who produce and distribute and those who use arms against innocent civilians.

Next month, the final United Nations Conference on the Arms Trade Treaty will be held here in New York in order to finalize the terms of the treaty in an open and transparent manner. It is hoped that the platform will comprehensively tie up all loose strings in order to better serve those for whom we have a responsibility to protect. If we continue to delay in that respect, we shall continue to face the risk of their use in committing grave violations of national and international law, which have the potential to destabilize peace and security. We therefore urge Member States to consider our moral obligation to humankind as our key guiding principle, and to sincerely commit themselves to contributing to the establishment of mechanisms to prevent the diversion of such weapons into the illicit market.

In conclusion, the timing of this debate could not be more appropriate, given that Africa is still home to a number of conflicts. In particular, the spate of extremist activities in northern Mali is regrettably leading to the extensive loss of lives and massive destruction of property, including coveted World Heritage sites. Sierra Leone strongly condemns such cowardly acts and will continue to work closely with all partners, particularly within the framework of the wider international community, in seeking a lasting solution to protect civilians. Let me further express the hope that our collective resolve in this open debate would continue to translate into concrete improvements in the implementation of international human rights and humanitarian law to address protection challenges.

**The President:** I now give the floor to the representative of Bolivia.

**Mr. Llorentty Soliz (Bolivia)** (*spoke in Spanish*): Allow me at the outset to congratulate the Republic of Korea on assuming the presidency of the Security Council for the month of February. At the same time, I would like to express our welcome to Mr. Antonio de Aguiar Patriota, Minister for External Relations of Brazil; Ms. Louise Mushikiwabo, Minister for Foreign Affairs and Regional Cooperation of Rwanda; and Mr. Elmar Maharram oglu Mammadyarov, Minister for Foreign Affairs of Azerbaijan, and to thank them for their contributions to this debate. I also welcome the presence of Ms. Navanethem Pillay, High Commissioner for Human Rights, and Mr. Philip Spoerri, Director for International Law and Cooperation of the International Committee of the Red Cross.

Bolivia aligns itself with the statement made by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

The Plurinational State of Bolivia respects all its obligations under the Charter of the United Nations, international human rights law, international humanitarian law and refugee law, in particular the four Geneva Conventions and their Additional Protocols. Our political Constitution proclaims that Bolivia is a peaceful country that promotes the culture of peace and the right to peace, as well as international cooperation. As one way to prevent harm to civilians, our Constitution prohibits the installation of foreign military bases on our territory.

The report of the Secretary-General on the protection of civilians in armed conflict (S/2012/376) underscores

ongoing and emerging concerns with regard to the issue. They include the proliferation and fragmentation of non-State armed groups, the displacement of the civilian population within and across borders, the continuing violence and the difficulties facing women and children during armed conflicts, as well as the prevailing culture of impunity.

Bolivia believes that, in analysing and considering the situation of civilians in armed conflict, it is essential to define the root causes of many such armed conflicts that the world has suffered and continues to experience. We live in a reality characterized by frequent attacks by an empire, ongoing interference in the internal affairs of developing States, the plundering of their wealth and the promotion of regional conflicts for economic and political gains.

Many wars, and consequently the civilian victims of those wars, occur because of expansionist goals and the desire to take over the energy resources of peoples. That reason causes the continuing destruction of the infrastructure of the various countries and the indiscriminate killing of blameless civilians, leading of course to violations of international law.

One of the topics to be considered at the United Nations in the near future is the arms trade treaty. Bolivia hopes that that international legal instrument does not become, as have some others, a tool of the arms industry and the multinationals that profit from weapons and from war.

Bolivia expresses its concern over the use of unmanned aerial vehicles, which have killed and wounded blameless civilians. Such equipment and their operations violate international law owing not only to their effects but also to the fact that those who command and control them remain unpunished.

We commend the decision to investigate several of the strikes by those unmanned aerial vehicles. We wonder whether those responsible will be referred to the International Criminal Court if the investigation finds that war crimes have been committed through the use of such unmanned aircraft. Or are there double standards in determining which civilian victims merit international protection and which do not or which of those responsible for such crimes should or should not be subject to the jurisdiction of the International Criminal Court?

The protection of civilians in armed conflict cannot be addressed selectively. In some situations, the

Security Council has acted by choosing which civilians merit such protection and which do not. That is why it has often been reported that the Security Council has taken decisions that have led to a lack of security on the planet. One colleague, the representative of another State, very clearly pointed out the outcome of events in Libya and Syria. Why is there such rapid action purportedly to protect some civilians in Libya and similar steps are not taken to protect the civilians in Palestine? Powerful nations that have unfortunately shown themselves willing to manipulate international institutions or to apply such double standards have frequently committed widespread abuse, while at the same time denying any responsibility for the killing.

The protection of civilians is sometimes a smokescreen. We believe that, among others, at least two tasks are essential if we are truly willing to act in accordance with our words. The first has to do with the fact that all countries, in particular those that seek to protect civilians and to defend democracy beyond their borders, have not only the moral but also the international obligation to ratify the Rome Statute of the International Criminal Court. There are major countries not party to such international instruments that are not subject to the same courts as other States and individuals.

The other issue that we believe is crucial — I am sure that members have often heard it discussed — is the vital and urgent need to reform the Security Council. Such reform would make this body not only more democratic but also more legitimate. The status quo may comply with the interests of a handful of States but not of the international community or the principles on which the Charter of the United Nations is founded and, in the case of our debate, the protection of civilians.

We believe that the use of force should be avoided and that the tragic humanitarian situation facing many countries should be brought to an end. We are convinced that the world would be much safer and would of course have fewer civilian victims if the problems and root causes of armed conflicts were resolved. It is matter of the need to respect all human rights, including the right to water, energy, food, communications and all basic services. We are convinced, and I confidently reiterate, that if development and the fight against poverty prevail, our objective of preventing civilians from being the victims of armed conflict will also succeed.

**The President:** We have come to the end of the list of speakers.

I now call on the representative of the Syrian Arab Republic to make a further statement.

**Mr. Aldahhak** (Syrian Arab Republic) (*spoke in Arabic*): My delegation rejects the statement made by the representative of Qatar in his national capacity, as well as the unfounded lies contained therein. My delegation affirms that Qatar is one of the countries to have caused the suffering of civilians in Syria through its Government's support for the armed terrorists through funds, weapons and communications. It has prevented the crisis from being settled through a dialogue that would have enabled Syrians to decide their own future. The practices of the Government of Qatar completely contradict its stated intentions and commitment to the Syrian people.

**The President:** I now give the floor to the representative of Azerbaijan, who wishes to make a further statement.

**Mr. Musayev** (Azerbaijan): It is curious, to say the least, that the representative of Armenia, the country that bears primary responsibility for unleashing the war against Azerbaijan, committing other serious crimes during the conflict and failing to comply with the relevant resolutions of the Security Council, takes the floor in the Council and tries to lecture others about such notions as peace and human rights.

My delegation will circulate a written response containing detailed information on what the representative of Armenia preferred to pass over in silence and what he deliberately distorted in his speech,

The position of my Government on the issue is well known. We are ready to provide interested delegations with all necessary documents and evidence, which will afford them an opportunity to make their own assessment and to draw conclusions about the hopeless attempts made by Armenia to mislead the international community.

Finally, I thought it would be pertinent, in the context of the topic of today's debate, to recall what the current President of Armenia, Serzh Sargsyan, said about his own role in the massacres committed against Azerbaijani civilians during the conflict. In his answer to British journalist Thomas de Waal's question as to whether he had any regrets about the deaths of thousands of people, the President of Armenia said: "I have absolutely no regrets, since such upheavals are necessary, even if thousands have to die". Those words, coming from the person who holds the highest political

and military post in Armenia, speak for themselves and make any statements on behalf of his Government in the United Nations and other international forums irrelevant and absurd.

**The President:** I now give the floor to the representative of Armenia, who wishes to make a further statement.

**Mrs. Khoudaverdian** (Armenia): I wish to thank you, Mr. President, for this opportunity to make a further statement to address the provocative statements made by the representative of Azerbaijan.

We regret that another attempt has been made by that delegation to mislead Member States by misrepresenting the causes and consequences of the Nagorno Karabakh conflict and the history of those years.

Again, to refresh the memory of the delegation of Azerbaijan, it might be curious, but according to the then Azerbaijani President Mutalibov, the responsibility for the slaughter of the civilian population of the mostly Azeri city of Khojalu, near the capital of Nagorno Karabakh, Stepanakert, fully falls on the Azeri opposition group, the Azerbaijani National Front. In the days following the event, President Mutalibov, in an interview with Czech journalist Dana Mazalova, said:

"The militia of the Azerbaijani National Front obstructed and actually prevented the exodus of the local population through the mountain passages which had been specifically left open by Karabakh Armenians to facilitate the flight of the civilian population".

While the Minister for Foreign Affairs of Azerbaijan and his delegation are busy falsifying information in order to make their propaganda machine even stronger, there is an abundance of statements and testimony that in fact point to the Khojalu incident being not an Armenian war crime but, rather, a twisted, self-inflicted Azeri atrocity. An Azeri human rights activist wrote: "The town and its citizens were deliberately sacrificed for a political goal"; that reference appears in Azerbaijani newspapers dated 1992.

Additional testimony comes from the chairs of the Supreme Council of the Republic of Azerbaijan, who stated that "the tragedy was committed by the Azerbaijani authorities, specifically by a top-level official". That reference appears in an article in the newspaper *Muhalifat* dated April 1992.

Even former President Heydar Aliyev admitted that the former leadership of Azerbaijan was guilty in connection with the Khojalu events. According to the Bilik Dunyasi news agency, in April 1992 President Aliyev followed up with a shocking statement: "The bloodshed will profit us. We should not interfere with the course of events".

Without further engagement in polemics, I would suggest that the representative of Azerbaijan seek the truth in his own country, with the participation of political parties and civil society, in order to shed light on the events of those days.

Last but not least, regarding the Security Council resolutions in which the parties concerned were urged to immediately resume negotiations with a view to the resolution of the conflict under the peace process of the Minsk Group and through direct contact, I would like to stress that Azerbaijan itself was in violation of the provisions. The Azerbaijani representatives systematically refused to acknowledge the fact that the measures taken by Armenia met exactly the request made in those Council resolutions, namely, to use its good offices with the authorities of Nagorno Karabakh in order to contribute to a peaceful resolution of the conflict.

**The President:** I now give the floor to the representative of Azerbaijan to make a further statement.

**Mr. Musayev** (Azerbaijan): I am sorry to ask for the floor so late in the day. It is unfortunate that the representative of Armenia has once again used

the opportunity of our debate to make groundless, propagandistic statements. In fact, the delegation of Armenia has once again abused its right to speak from the lofty rostrum of the United Nations.

The representative of Armenia did not even want to take the trouble to listen carefully to what I said and instead preferred to read out a written text containing the set of standard falsifications. As a result, we have heard irrelevant and out-of-context comments that obviously failed to respond to our arguments.

**The President:** I now give the floor to the representative of Armenia to make a further statement, on the condition that this be the last one.

**Mrs. Khoudaverdian** (Armenia): I regret to be taking the floor a second time. What I would suggest is that instead of making fitful attempts to mislead Member States and abuse the time allocated for this debate, we suggest that the delegation of Azerbaijan abandon its irresponsible means of propaganda and try to explain to its Foreign Ministry and its leadership that this Organization is much more suited to serious deliberations on issues related to multilateral cooperation.

**The President:** There are no more names inscribed on the list of speakers. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

I thank all delegations that participated in today's open debate on the protection of civilians.

*The meeting rose at 10.20 p.m.*