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STATEMENT BY

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AMBASSADOR AND PERMANENT REPRESENTATIVE OF CANADA  
TO THE UNITED NATIONS

ON BEHALF OF CANADA AUSTRALIA AND NEW ZEALAND

TO THE UNITED NATIONS SECURITY COUNCIL  
OF THE 60<sup>TH</sup> SESSION OF UNITED NATIONS GENERAL ASSEMBLY

OPEN DEBATE ON THE PROTECTION OF CIVILIANS IN ARMED CONFLICT

NEW YORK, 9 DECEMBER 2005

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DÉCLARATION DE

**ALLAN ROCK**  
AMBASSADEUR ET REPRÉSENTANT PERMANENT DU CANADA  
AUPRÈS DES NATIONS UNIES

PRONONCÉE AU NOM DU CANADA, DE L'AUSTRALIE ET  
DE LA NOUVELLE ZÉLANDE

AU CONSEIL DE SÉCURITÉ  
DE LA 60E SESSION DE L'ASSEMBLÉE GÉNÉRALE DES NATIONS UNIES

DÉBAT LIBRE SUR LA PROTECTION DES CIVILS DANS LES CONFLITS ARMÉS

NEW YORK, LE 9 DÉCEMBRE 2005

**Mr. President,**

On behalf of Canada, Australia and New Zealand, I would like to thank the United Kingdom for hosting this open debate. I would also like to express our strong support for the statements made by Emergency Relief Coordinator Jan Egeland and ICRC President Jacob Kellenberger.

The Secretary-General's report does an effective job of outlining the main trends in civilian protection. The picture presented is a grim one. The deliberate death and displacement of civilians remains an active aim of combatants in a significant number of conflicts. Impunity for violations of human rights and humanitarian law, including acts of sexual and gender-based violence, are leaving a painful legacy for war-torn societies to manage, and in some instances, like northern Uganda, there is an urgent need for Council action. Once again, we call on the Council to place northern Uganda formally on its agenda.

Security Council Resolution 1296 (2000), combined with its sister text 1265 (1999), ushered in a new and important Council idiom. In each, emphasis was placed on addressing the legal and physical protection needs of civilians in international peace and security deliberations, and of the commitment of the Security Council to ensure that these issues are at the forefront of its decision-making and action.

And so, five years on, how should we assess the work of the Council? Our delegations would argue that the quality of the Council's performance has been uneven.

On the one hand, the Council has made significant strides to build and strengthen the repertoire of actions that it can draw upon in support of civilian protection. Peacekeeping missions have been given express mandates to use force when civilians are under attack; targeted sanctions have been applied which take into account humanitarian considerations; fact-finding missions have been undertaken; a referral has been made to the ICC; and greater emphasis has been placed on issues related to humanitarian access.

On the other hand, the Council remains selective on which countries it will engage, frustratingly so when it comes to preventive diplomacy. When it does engage, and where troops have been deployed, the Council, and the UN membership as a whole, have not ensured that missions are adequately equipped and resourced to fulfill the tasks assigned. We are concerned the Council has also been inconsistent in the messages it has sent in response to war crimes and crimes against humanity as well as in the monitoring and enforcement of its own resolutions. The continued impunity of militias in Darfur is a serious challenge to Council credibility.

**Mr. President,**

In resolution 1265, the Council committed to respond to situations where civilians were being targeted or where assistance to them was deliberately obstructed. Our delegations firmly believe that the Council must be timely in its engagement, vigilant in

its monitoring, and have the political will to draw upon the full range of measures at its disposal in support of civilian protection – including, ultimately and as a last resort, the use of force where diplomatic efforts have proven futile, and States are not able to exercise their responsibility to protect.

Indeed, the UN Charter confers on the Council the primary responsibility for the maintenance of international peace and security. This is why our leaders made a strong commitment at the World Summit to respond, through the Security Council, in order to fulfill their responsibility to protect. As such, we urge Council members to take up the mandate conferred by the world leaders, especially as it looks to adopt a new resolution on civilian protection. Our delegations believe that a resolution should not only reinforce the Council's 1265 commitments, but also further clarify the Council's resolve to act, including through enforcement action under Chapter VII, in response to serious violations of international humanitarian law, including genocide, war crimes and crimes against humanity should peaceful means be inadequate and national authorities are manifestly failing to protect their populations. We also call on the Council to make greater use of its power to refer situations to the ICC, and not to turn such referrals into protracted political battles.

Accurate information is essential to assist the Council in this regard, and the Secretariat must move quickly to improve its reporting as promised by Mr. Egeland last December, and as noted in para 50-52 of the Secretary-General's report.

We would also like to see the implementation of existing protection of civilians mandates more systematically monitored by the UNSC and the Secretariat. The aim should be to consistently draw out lessons and good practice to improve our collective effectiveness. In a workshop hosted by Canada last week on MONUC with Council members, the Deputy Force Commander and Deputy SRSR, it was clear that greater attention must be given to ensuring that missions can focus on their protection of civilians' tasks, without being overburdened with multiple other responsibilities, and that training programs should be developed to help troops and police to better understand what it means to participate in a civilian protection mission. The workshop also reinforced the need for national governments, UN agencies, and troop contributing countries to develop strategies to prevent and respond to instances of sexual and gender based violence, while the Council considers how peacekeeping missions can enhance the physical security of women and children at risk.

**Mr. President,**

While the Council has increasingly been attentive to the needs of the displaced, this is often more in word than deed. In its previous resolutions, in particular 1208 (1998) and 1296 (2000), the Council noted the value of technical cooperation in support of host countries where refugees and internally displaced persons are threatened by combatants. Unfortunately, the Council has not yet, promoted such efforts in a specific context. Our delegations encourage the Council to draw upon this option, identifying ways to improve the protection of displaced persons in northern Uganda is a specific case

the Council must urgently explore, as more must be done politically to address the tragic cycle of displacement and violence.

The deteriorating situation in northern Uganda has also resulted in an upswing in attacks on aid workers, not unlike other crises currently on the Council's agenda, such as Darfur. Neither the Council nor the UNGA has ever declared that an "exceptional risk" exists in a given country. As such our delegations warmly welcome the agreement on an Optional Protocol to the 1994 Convention on the Safety of UN and Associated Personnel which will lead to greater legal protections for UN and Associated personnel. We call on all countries that have not done so, to ratify the Convention without delay and to sign and ratify the Optional Protocol and bring it into force. Pending its entry into force, we call on the Council to make the exceptional risk declarations in situations where this is needed.

**Mr. President,**

There are other issues which we would like to see addressed in a new UNSC resolution, and which we have spoken to on other occasions. These include support for greater collaboration between the Council and regional organizations on civilian protection; issues like DDR; more pro-active engagement on the issue of natural resources and conflict; and reinforcement of the fundamental importance of humanitarian access.

We would also like to see Council commitment to strengthening its enforcement and monitoring of arms embargoes and other targeted sanctions. In this regard, a new resolution should endorse the guidelines developed by OCHA on the humanitarian impact of sanctions.

In closing, we strongly urge the Council to adopt a strong resolution which goes beyond what we achieved five years ago, and which focuses not on narrow Council national agendas, but on the needs of conflict affected populations. We recognize that the demands we have made of the Council in this statement today, and of the wider international community, are far reaching. However, they are in our view absolutely essential. The success of the protection of civilians' agenda will continue to be measured most directly in the lives saved, the displacement averted, and in the mitigation and ending of conflicts. Progress made in the last five years in support of civilian protection must not only be sustained, but also taken to the next level. Our respective countries are committed to contributing to our collective success, and look forward to working with the wider United Nations towards this end.

Thank you Mr. President.