

Statement by Mr Jan Egeland

**Under - Secretary General for Humanitarian Affairs and Emergency
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on the Protection of Civilians in Armed Conflict

Monday 4th December 2006

Mr. President,
Excellencies,

Over the past three years, I have been encouraged to see that concern for the protection of civilians has steadily gained prominence in the Security Council's deliberations and has been reflected in United Nations humanitarian and peace operations. When fighting takes place predominantly **amidst** the civilian population, or is waged directly **against** them, when the main consequential losses are **sustained by** civilians, then it is imperative that the safety, security and well-being of civilians **must** be at the heart of our approach to international security and crisis management. The real measure of our United Nations success will be judged by the extent to which our actions have made a difference in securing the protection, the rights and the freedoms of the civilian population.

Responsibility to Protect

Last year as members of the United Nations you solemnly pledged to accept the responsibility to protect civilian populations. We are still far away from seeing this responsibility translate into predictable and adequate action to provide protection for all beleaguered and threatened communities irrespective of time, place and circumstance. Your responsibility to protect must be depoliticised, become a truly shared interest and translate into joint action by all members of this Council and our global Organisation. Thereby, you live up to the expectations of tens of millions of vulnerable men, women and children in a UNITED Nations. I have seen during my tenure as Emergency Relief Coordinator that we have succeeded in providing security when in the end there was united action taken by all members. We are seeing vast progress in Liberia, in Sierra Leone, in the DRC and in South Sudan thanks to

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that. We have not had the same unity of purpose nor action in Darfur or in Gaza. Our readiness to act, to sanction and to fund must be the same in Uganda, Chad or Cote d'Ivoire as it is in Afghanistan, Kosovo or Iraq. Our responsibility to protect must transcend singular interests and become a core principle of humanity across all civilisations -- and that is why this regular thematic debate on the protection of civilians still matters.

My successors will continue to brief you regularly on new thematic trends and offer analysis and adequate response options in country-specific briefings. Our hope is that there will, in the future, be more of a united front by all members to equally and vigorously pursue protection for all vulnerable communities. When the lives and safety of civilians is at stake, regardless of where, neither strategic, nor economic or other political interests should deter you from acting swiftly upon your United responsibility to protect.

Mr. President,

Since my first briefing to you in December 2003, we have witnessed a steady decline in the number of conflicts. Recent analysis indicates that the number of conflicts has indeed declined by 40% since 1989. Yet we have been far less successful in affecting the conduct of hostilities and in altering the impact of conflict.

Parties to conflict have increasingly demonstrated a willful disregard for the basic tenets of international humanitarian law. In fact, civilians have more frequently become the primary object of violence. Evidence indicates that violent attacks against non-combatants increased by 55% between 1989 and 2005, with the most significant increase occurring in the last five years. The reasons for this are many. The proliferation of non-state and informal armed groups and their supply of ever more sophisticated weaponry and equipment is one such reason. Another one is the intentional, reckless and often times disproportionate use of military weaponry and tactics with little or no regard for their impact on the civilian population.

For example, the Iraqi population wakes up every morning to a staggering number of civilians executed, maimed and tortured by sectarian militias cleansing entire neighbourhoods and areas from men, women and children belonging to the "wrong" religious or ethnic group. More than 100 civilians a day, an estimated 30,000 since May alone, have been killed. Nowhere in the world do more civilians die right now from violence directed against them.

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In Gaza, since September, Israel has launched some 15,000 artillery shells into densely populated areas, killing civilians and children and destroying essential infrastructure. Palestinian militants have launched some 1700 devices into Israel with no attempt to distinguish between combatants and Israeli civilians. Suicide bombings aimed at causing maximum casualties and terror among civilian populations have become a regular feature of violence in too many conflicts.

And then, there is the use of indiscriminate weapons. In August, I voiced my outrage at the unacceptably large number of cluster bomb strikes in Southern Lebanon. The use of cluster munitions, by anyone, anywhere in the world, in my view is immoral. Just like landmines, they continue to kill and maim once conflict has ended. The victims are children at play or adults trying to rebuild their communities out of the rubble. In southern Lebanon alone, we have more than a million unexploded bomblets that lie hidden in fields, olive groves, and gardens, causing one of the biggest impediments to a speedy return of the displaced and the rapid reconstruction of homes and livelihoods. Pending their eventual prohibition, I urge Council members to support a moratorium on the use of cluster munitions, a weapon which belongs in the garbage cans of history along with landmines.

Mr. President,

In reviewing my altogether seven briefings on the protection of civilians to the Council, you will find that the key concerns are still the same as those listed in my original 10 point action plan. They have been the recurrent themes of all my country specific briefings to you over the past 3 1/2 years.

Access

The first pillar of my 2003 commitments was to work with you to improve humanitarian access to those most in need of protection and assistance. At that time, OCHA estimated that access was constrained or obstructed for more than 10 million people in some 20 conflict-affected countries. There have since been definite improvements, most notably in the DRC, Liberia, Northern Uganda and Southern Sudan. We have seen that a concerted effort by states, peacekeepers and humanitarian organisations can deliver positive change and sustained access.

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In the DRC for example, the country with the largest war-affected population, humanitarian organisations and peacekeepers have established a common access and protection strategy based on their distinct and complementary roles. Access and protection have improved as peacekeepers prioritize those locations where security has most constrained humanitarian operations. However, such actions have clear resource implications for peacekeeping operations and require the Security Council to consider force composition as well as resource requirements if peacekeeping missions are to fulfill this important element of their mandate.

Despite such improvements, however, serious obstacles to access persist in any number of countries. Arbitrary arrest and detention, verbal and physical abuse, and bureaucratic impediments continue to be used by authorities around the world to restrict our access to populations in need. The most brutal means of denying access is the deliberate targeting of humanitarian workers. The murder of 17 ACF workers in Sri Lanka on 5th August was a vicious reminder of this. The targeted abduction and murder of aid workers in Sudan, Afghanistan and Iraq in particular have effectively cut off many of the neediest civilians from assistance.

Individual incidents such as these are shocking, and the overall trends are even more alarming. In 1997, thirty-nine humanitarian workers were killed. By 2005 this had risen to an annual toll of 61. The number of violent incidents involving humanitarian workers more than doubled in the same period, with the most attacks occurring in Sudan and Somalia. And it is the national staff of humanitarian organizations that face the greatest risks. Members of the media, acting as the world's witnesses to atrocities and humanitarian needs, alerting all of us to our responsibilities, have also been increasingly subject to attack. In Iraq alone, 26 journalists have been killed this year.

Attacks on humanitarian personnel have a terrible impact on our ability to sustain humanitarian operations.

I urge the Security Council to more systematically address the deliberate targeting of humanitarian and associated staff. These acts must be unanimously condemned by the Council and the perpetrators held to account.

Displacement

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My second long-term concern, Mr. President, is protection and assistance for internally displaced persons. Large-scale internal displacement continues to be one of the principal characteristics of conflict. While the global refugee population has dropped by 20 percent over the past 3 years, the number of IDPs only declined by a modest six percent in 2005, despite resolution of long-standing conflicts and significant return movements. And we have seen the numbers increase again over the past several months, with waves of new displacement in many countries.

Since 2004, I have briefed you repeatedly on my missions to Darfur, where direct targeting of civilians has led to repeated cycles of displacement. People now have been displaced multiple times as the victims of shifting conflict and restrictions on humanitarian access. Just last October, fighting in Sri Lanka led to 1,000 families being displaced for the fourth time from Northern Vaharai province when humanitarian access was suspended.

States bear the direct responsibility for the protection of all civilians, including IDPs and must be held to their obligations. In at least 12 countries, 6 million internally displaced people receive no assistance or protection from their governments.

The humanitarian community has squarely taken on the long-standing challenge of internal displacement through the humanitarian reform agenda. We now have more predictable operational leadership for the protection and assistance of IDPs established through the "cluster" process or humanitarian partnerships of UN agencies and NGOs with Red Cross and Red Crescent partners. The establishment of CERF is also a significant advance and makes headway toward ensuring a predictable and effective response to acute protection crises. While these developments will go some way to improving protection and assistance on the ground, they cannot replace the responsibility of states.

Sexual violence

Mr. President, the third concern is sexual violence. Rape and sexual violence are not simply an 'unfortunate consequence' of conflict. They are increasingly a deliberate and devastating weapon against individuals as well as targeted communities. Despite recent ground-breaking ICC indictments for the use of rape as a war crime, sexual violence continues unchecked and unchallenged.

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I am outraged at our almost complete inability to address this scourge. And I am deeply disturbed that we have not taken more decisive action to prevent as well as respond through our political and humanitarian means.

In Darfur, the IRC reported an explosive increase in sexual assaults this summer. Over a 5-week period more than 200 women were attacked around Kalma camp. Senior government officials in Sudan, continue to deny that such acts occur, and have yet to take any serious action. While this persists, those who rape will continue to enjoy more freedom of movement than those living in camps.

In DRC, 25,000 cases of rape were *reported* last year, with thousands more occurring this year and countless others unknown. Targeted violence of this scale requires much more effective and concerted action from this Council. Resolution 1325 has given us clear standards for the specific protection of women in conflict, but we must now require stronger reporting, full compliance, and legal recourse. In Goma there have been ten prosecutions for sexual violence and it is already having some effect. Women, no longer branded as deviants, are now seen as survivors of an atrocious crime and, with the stigma broken, more women are seeking assistance. Meeting Presidential Candidate Kabila earlier this year, I asked that military, political and administrative leaders should be tried and held accountable for rape committed at their watch. Mr. Kabila then agreed to do so if elected. We now need him and other leaders of conflict ridden countries to live up to their responsibilities.

I ask the Council to consider the pervasive nature of sexual violence when reviewing peacekeeping mandates as well, to ensure that force composition includes dedicated female policing units and that adequate support is provided for response and prosecution where required.

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Children associated with fighting forces

Over the past three years, we have at last seen modest progress being made on the issue of children associated with fighting forces. The numbers have declined some 20 percent to an estimated 250,000 children being exploited as soldiers, cooks, spies, and for sexual purposes. Progress has been largely due to the large-scale demobilization of children in West Africa, the DRC and Uganda, even though we continue to see active recruitment in many countries. Long-term support for reintegration is critical to protecting children from recruitment or re-recruitment.

After my last mission to Uganda, I remain very concerned about the conditions of children held with the LRA. I welcome the recent Presidential Statement calling upon the LRA to immediately release all children, women, and non-combatants. The situation in Sri Lanka is also particularly disturbing with repeated reports of continuing recruitment. I hope that the LTTE will honor their commitments to release all children from their ranks by 1 January.

The Geography of protection

I would now like to turn to some of these trends and reflect on how we can improve the protection of civilians under three distinct categories; those countries emerging from conflict, those where conflict is deeply entrenched and those where the effect of conflict and violence against civilians must be addressed before it takes root.

In countries emerging from conflict such as Angola, Burundi, Sierra Leone, Liberia, and Southern Sudan protection concerns remain even though emergency relief may no longer be our most pressing priority. In such situations the Council must recognize that protection needs relate more specifically to issues of reconciliation, transitional justice, and land or property rights. The inequalities and the perceived injustices that stem from violations of human rights, if left to fester, will challenge sustainable peace and security.

Missions need to be properly resourced in their final phases and protection of civilians indicators used to better refine these resources. Otherwise where mandates are short-sighted and the foundations of stable recovery are deeply flawed, we will find ourselves repeatedly returning to unfinished work, as we have now done for the fifth time in Haiti.

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My second category includes those many countries that face widespread and chronic protection crises resulting from repeated cycles of violence.

We must now recognize that the conflict related to the Middle East crisis has become so deeply entrenched that it has created one of the world's most serious protection crises. UNHCR estimates that there are at least 1.2 million refugees from Iraq living in neighboring countries, with unconfirmed figures indicating that forty to sixty thousand people a month are crossing into Syria seeking refuge with totally inadequate support. The worst aspects of the protection crisis in the Occupied Palestinian Territories are reflected in the deaths of over 110 children under the age of 17 this year, more than twice the number of deaths in 2005.

The complex nature of these conflicts and the use of terror seriously challenge our capability to ensure the protection of civilians but this should not deter you from challenging the disproportionate use of force, attacks on protected civilian installations and the restrictions on humanitarian access and operations whenever they occur.

During my tenure as ERC, I have repeatedly come before you to highlight the neglected protection concerns in Somalia. More than 400,000 Somalis live in deplorable conditions after being displaced multiple times, years of drought, and now massive flooding. The rising tension between the Islamic Courts and neighbouring forces may lead to even more catastrophic conflict. With improvements in security in some parts of the country, I am concerned that the UN's policy of non-engagement with the Islamic Courts will bind the hands and feet of the UN humanitarian agencies, preventing us from meeting our humanitarian mandate to provide assistance to those most in need.

In Darfur, I deeply regret that, despite one of the largest humanitarian operations in the world and massive, sustained advocacy, civilians continue to be subject to rape, murder, and repeated forced displacement. The number of displaced has doubled and an unprecedented two thirds of the population are now in need of emergency assistance.

We must draw lessons from our experience with regional peacekeeping in Darfur. Regional organisations such as the African Union have complementary skills and capacities that we must jointly draw on for the benefit of the civilian population. They can be better placed politically to ensure that minimum standards for the protection of civilians are observed. The fact is that in Darfur, we have not so far managed to draw on the African

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Union as effectively as we should. We must find better ways of not only addressing the resource constraints facing regional peacekeepers, but also engaging more systematically and over the longer term, to develop the capacity within the African Union to better meet the protection needs of civilian populations.

In Uganda, systematic advocacy and the concerted attention of the Council have begun to bear their fruit as the current fragile dialogue with the Government of Uganda and the LRA have led to the first prolonged cessation of hostilities in this decade.

Finally, countries that must concern us are those where we see the reemergence of concern for the protection of civilians. I have already expressed my concerns over the serious threats to civilian protection in Sri Lanka. Myanmar now has a displaced population of over half a million people to whom humanitarian access is severely restricted, and the situation remains of serious concern. I would like to stress the importance of the continued dialogue with the authorities of Myanmar **under the SG's good offices mandate**. I hope that these discussions will yield tangible results in the near future.

IV CONCLUSION

To conclude, the opportunities to strengthen protection of civilians lie in your hands. I urge you to firmly exploit these opportunities and use the tools at your disposal and I leave you with five issues as future priorities.

First, I urge the Council to remain committed to regular thematic briefings and debriefings following the missions of my successors to the field, briefings from my colleagues and consultations with NGOs through the Aria process. This will equip you with the best information available to facilitate your decisions. My office remains committed to establishing effective monitoring systems to assist you. We will be able to provide you with a systematic analysis of protection trends and are establishing a comprehensive information management system for the protection of civilians.

Secondly, the Security Council must make more effective use of the mechanisms at its disposal to prevent violations of international human rights and international humanitarian law. Targeted sanctions can be used more

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effectively to support the creation of more secure environment of the civilian population by sending a clear message that such violations are unacceptable.

Thirdly, conflict mediation and the timely and effective use of good offices is a critical tool at our disposal which we must engage at the earliest of opportunities. International protection, whether by peacekeepers or humanitarians can only be an interim response. Civilians will continue to suffer until protection is complemented by conflict prevention, conflict resolution and political solutions. It is important to ensure that Humanitarian negotiation and mediation skills continue to be actively deployed even in the most seemingly intransigent environments. I welcome the efforts that have been taken to strengthen the capacity of the Department of Political Affairs and the introduction of the Peace Maker Initiative. Our close cooperation with this initiative will be key to ensuring that protection concerns are adequately reflected in peace processes and mediation initiatives.

Fourthly, the need for comprehensive, predictable funding. The establishment of the CERF is a significant advance and makes headway toward ensuring a predictable humanitarian response to acute protection crises. However, the impact of more predictable humanitarian funding will be limited if there is insufficient funding for peace mediation, for peace building or for peace keeping operations to address their mandated protection responsibilities. I urge the Council to ensure that appropriate and adequate resources are available to peacekeeping missions that enable missions to discharge their responsibilities for the protection of civilians in all phases of the mission's mandate.

My final concern is to ensure that sufficient guidance and support is provided to peace-keeping operations. My office is working with the Department of Peace Keeping Operations to develop preliminary guidance, and efforts are also underway to work with Regional Organisations to better define their role in the protection of civilians. It is important to expand our notions of the protection role that peace keeping operations can play, not only through the provision of physical protection, but through supporting civil order and the restoration of judicial systems and strengthening of the rule of law. We must also ensure, along with our colleagues in peacekeeping and political affairs, that we are able to develop and draw on the skills of regional organisations.

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I would like to take this opportunity to thank you for your attention to these issues of grave and mutual concern today and throughout the duration of my tenure as the Under Secretary General for Humanitarian Affairs. In times of difficulty for overall humanitarian access, my access to you has always been impeccable. Together we can make a continued positive difference - we cannot afford to fail.

Thank you.