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Security Council
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"Protection of Civilians in Armed Conflict"

Statement by
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Security Council Open Debate, Friday 9 December 2005
The Protection of Civilians in Armed Conflict

Mr. President.

Thank you for organizing this debate on an issue which is of great importance to this organization and has been addressed recently by the Heads of States and Governments at the World Summit.

I also wish to express my appreciation to the Under-Secretary-General for Humanitarian Affairs, Mr. Jan Egeland, for his presentation of recent problems and challenges concerning the protection of civilians in armed conflict.

Before making my national comments on this issue I would like to associate myself with the statement that you Mr President will make later on on behalf of the European Union.

Mr. President,

The fifth report of the Secretary General on the protection of civilians is of a high quality which reflects all the developments and achievements that have been made in the field of civilian protection since the adoption of the last S.C. resolution (1296/2000), five years ago. It also identifies gaps in the existing framework and makes concrete and realistic recommendations which, if implemented, could effectively meet current protection needs and concerns.

The facts contained in the report that during the past five years civilians not only continue to be caught up in violent conflicts, but targeted attacks, forced displacement, sexual violence, particularly against women and children, have become one of the most disturbing features of these conflicts are particularly alarming.

Another disturbing fact is the denial or obstruction of access to vulnerable population by UN humanitarian personnel. Such incidents continue to take place with serious implications on the protection and survival of thousands of people in need. Recent cases of deliberate attacks on humanitarian personnel have also hampered humanitarian aid from reaching its destination. All these indicate that the current level of protection of the civilian population needs to be enhanced through developing and improving existing means.

Mr. President,

The draft resolution that you took the initiative to pursue, which we fully support, is an important document. It addresses a complex range of current protection issues and identifies key areas of action by the Member States, the United Nations and the UN bodies that would ensure better protection and respect for civilian population.

We wish to comment on some of these issues which are also elaborated in the Secretary General's report:

We firmly believe that respect for international humanitarian law, human rights law, refugee law and international criminal law provides the best protection for civilians in situations of armed conflict. Governments and non-state actors have the obligation to strictly comply with these laws. It is however, disquieting that many States have not yet ratified all the treaties relating to the protection of civilians and, particularly the Geneva Conventions of 1949 and their Additional Protocols of 1977.

As the Secretary General points out in his fifth report the restoration of law and the tackling of impunity are vital in preventing further violence. Indeed the fight against impunity both at the national and international level can prevent the commission of serious crimes against civilians in the future and can help societies to come to terms with past abuses. Domestic justice mechanisms are critical in pursuit of accountability. If however, national authorities are unwilling or unable to prosecute violators the role of international community is vital. The referral by the S.C. of the situation in Darfur to the ICC is a bold step towards putting an end to impunity and consolidating peace, security and justice in this society.

We believe that the draft resolution should incorporate the above elements.

Mr. President,

The early prevention of atrocities against civilians is an obligation of the State concerned. If however, this State is unwilling or unable to protect its civilians from such crimes, we believe that the Security Council has the political and moral obligation to take effective action and alleviate the human suffering. In this respect we would like to underline the importance of the relevant paragraphs of the World Summit Outcome

Document concerning the responsibility of the international community to protect populations from genocide, crimes against humanity, war crimes and ethnic cleansing. The draft resolution should reflect these developments.

In this respect we want to emphasize the importance of early warning mechanisms in preventing the commission of such crimes. In this respect the Special Adviser of the Secretary General on the Prevention of Genocide, the High Commissioner for Human Rights or other UN offices, can play an important role by providing the Security Council with objective and reliable information in this respect.

Mr. President,

The draft resolution devotes special attention to the physical protection needs of civilians in armed conflict, and particularly, of women and children, and of displaced persons and refugees. It condemns in the strongest terms sexual violence, forcible recruitment of children and child abduction, and calls states to bring the perpetrators of such horrendous acts to justice. It also invites the United Nations to better address protection concerns in the peacekeeping mission mandates. We fully support this approach.

Likewise we support the Secretary General's suggestion that peace agreements should include commitments concerning -cessation of all attacks on civilians or forcible displacement, - disarmament, demobilization, reintegration of ex combatants, -facilitation of humanitarian access, -safe, and sustainable return of refugees and internally displaced persons and -safety of humanitarian personnel. The draft resolution should in our view contain the same approach.

The humanitarian access to those in need and the removal of obstacles that prevent humanitarian workers from delivering humanitarian assistance and protection to civilian population is another important aspect of civilian protection that is tackled in the text of the draft resolution. In recent Security Council resolutions peacekeeping missions have been mandated to secure unimpeded access by humanitarian organizations to the population in need, including displaced persons. We believe that future peacekeeping operations should have a clear mandate and the necessary resources to better facilitate the provision of humanitarian assistance to those in need.

Lastly, we believe that international regional organizations can play a critical role in the field of protection. This is particularly true for the African Union and its role in the Darfur crisis. However, we agree with the Secretary General that the recent escalation of violence in the Darfur region underscores the particular constraints faced by the African Union. We fully subscribe to the call for adequate support for this regional organization.

Mr. President,

The draft resolution that is still being negotiated offers a good opportunity to improve and strengthen the tools at the disposal of the UN for a more effective protection of the safety and well-being of civilian populations in armed conflict. We have to seize this opportunity and try to elaborate a text that would respond to the protection concerns and challenges of our times. We will cooperate and contribute to this effect.

Thank you Mr. President.