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Statement by Ambassador Kenzo Oshima
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On Protection of Civilians in Armed Conflict
Security Council
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We thank USG Egeland for his briefing on the progress made, and the challenges that remain, in the effort to protect civilians in armed conflict. We commend OCHA for actively playing a lead role in moving the agenda of the protection of civilians forward; for example, it successfully conducted a useful workshop on the subject in Cote d'Ivoire in October, following the roundtable co-hosted with Japan in May this year in New York. I pay high tribute to all the humanitarian agencies and international organizations, as well as NGOs and civil society representatives, who actively contribute to enhancing cooperation in this area. Thanks to their commitment and dedication, there have been a number of significant developments.

We note and welcome some tangible progress made in the past year in establishing the normative standards and instruments for the protection of civilians in armed conflict, such as the adoption of the "Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel" and of Security Council resolution 1674. They represent significant achievements in the arsenals of basic tools that help the international community to more effectively deal with the protection of civilians. We must now pay greater attention to their implementation and to translating them into action and behavior, so we can better assist people and can make a difference on the ground in the protection and the delivery of needed services.

We also welcome the establishment of CERF as an important addition in the humanitarian arsenals of tools this year. The strengthened CERF can increase the ability of the UN agencies to carry out their protection mandate, including assisting civilian populations in "forgotten crises" more effectively. The allocation and use of resources in the expanded CERF should be made so as to maximize the protection of civilians in specific situations.

In the Council's open debate in June, my delegation pointed out that a wide-range of actors who are involved in protection of civilians activity needed a clearer understanding of their respective roles and responsibilities, or a better defined division of labor among them, to be effective. In this regard, the Aide-Memoire, adopted by the Council in 2002, provided a useful tool to assist the Council in the process of formulating a peacekeeping mandate, as a check list to properly address protection needs. However, as USG Egeland noted in his statement before the Council in June, and my delegation agrees with his suggestion, this Aide-Memoire needs to be reviewed and updated and put to better use. Related to this, my delegation also suggested that some kind of a model matrix that better defines respective roles and responsibilities of each actor involved in the protection of civilians, be developed. Such a matrix could include a timeframe in which respective actors begin their activities and phase out as the situation allows. I urge Council members to reflect on this and take appropriate action, on the basis of recommendations that we should request the Secretariat to formulate.

That being said, I would like to touch upon three other points that we believe would merit the Council's and Member States' careful consideration.

First, how much should the Council concern itself with humanitarian related issues as an organ primarily responsible for international peace and security? There has been some debate on this issue, keeping in mind the mandate of the General Assembly and ECOSOC. As a general point, the manner and the extent that the Security Council has taken up humanitarian related issues for the past two years is, in the view of my delegation, appropriate, particularly as they relate to the protection of civilians agenda. We therefore much appreciated receiving briefings provided from time to time by OCHA and by the heads of humanitarian agencies, and in some cases by civil society representatives on matters of concern to the Council with respect to country-specific situations or thematic issues such as humanitarian impact of sanctions measures. On that basis, we welcome the open debate today and hope this practice, with its frequency, will be maintained in the future.

In this connection, Security Council resolution 1674 reaffirms "the responsibility to protect populations", and in the 2005 Summit Outcome Document our leaders expressed preparedness to "take collective action ... through the Security Council". Bearing in mind this development, the Security Council needs to further discuss the role it should play in protecting civilians in the armed conflict more energetically and more

in depth. I have already mentioned, as a practical measure, the need to update the Aide-Memore and the possibility of developing some kind of a model matrix.

These would be useful first steps but that is not enough; the Council will need to go further and discuss how best it can ensure conditions necessary for the protection of civilians in armed conflict in general and in specific situations. In Darfur, for example, there remains a serious gap between what the Government is able or willing to provide in terms of humanitarian access and safety of humanitarian personnel and the real needs on the ground. Because of this crying gap, a countless number of people daily perish or suffer, and the crisis intensifies despite the best intention and effort of the AU through the deployment of AMIS. Urgent additional support to AMIS is essential, as the least minimum, pending agreement on the transition to UN PKO. But in the end, as USG Egeland noted, “international protection, whether by peacekeepers or humanitarians, can only be an interim response, a band aid”. The efforts to improve the humanitarian situation cannot be separated from efforts on the political front, namely, securing a durable cessation of hostilities, developing fully the political process and engaging in effective peace-keeping activity. And here, the Council’s ability and credibility is truly tested.

Second, in terms of action that Member States will need to take, we consider that the issue of IDPs needs to be addressed as a matter of high priority. We fully support the recommendation made in the High Level Panel on System-wide Coherence report “Delivering as One” that the humanitarian agencies should clarify their mandates and enhance their cooperation on IDPs. We need to explore this further in various forums, including in OCHA and in the Executive Committees of UNHCR and other humanitarian agencies.

Another issue of high priority related to the protection of civilians is conventional weapons such as small arms and anti-personnel mines. The widespread availability of small arms causes a large number of civilian casualties and gives rise to other connected problems such as child soldiers and insecurity in communities. This year, too, Japan, South Africa and Colombia co-sponsored a draft resolution in the General Assembly on “the illicit trade in small arms and light weapons in all its aspects” in order to contribute to raising awareness on the subject. Japan, along with other Member States, will continue to work on this priority through the provision of assistance to affected countries such as Afghanistan. We urge all Member States to ratify the Ottawa

Convention. Likewise, we are concerned about the humanitarian toll that unexploded cluster bombs can cause. Given that there is no legally binding international instrument to ban and regulate their production and use, the international community needs to give urgent attention to this terrible problem.

Third, we stress the importance of strengthening dialogue with NGOs. During the recent Security Council mission to Afghanistan, the mission met with local and international NGO representatives for useful exchange of views and information sharing. We welcome the dialogue with NGOs and civil society members at the workshop in Cote d'Ivoire. We encourage OCHA to continue to strengthen interaction with NGOs on the protection of civilians through holding workshops in the field and other ways possible.

Lastly, since this is the last time that USG Egeland briefs the Council before he leaves office, we wish to pay high tribute to him for all his valuable work and many important achievements during his tenure as head of OCHA and ERC. For the past three and a half years, he presided over humanitarian coordination, which I know is not easy, with dedication and distinction, in a number of crisis situations, including the Indian Ocean Tsunami, the earthquake in Pakistan, Darfur, Uganda, and so on. We all agree that in his service of the UN he greatly succeeded in profiling humanitarian cause in the eyes of the international community, for which he should be congratulated. The Government of Japan thanks him for all his efforts, and wishes him well in whatever he will do after he leaves the UN.