

Security Council Open Debate: The Protection of Civilians in Armed Conflict

On Wednesday July 7th, 2010 the Security Council held a debate on the protection of civilians in armed conflict. Secretary-General Ban Ki-Moon was present at the start of the morning session, and acknowledged that civilian protection “remains a huge common challenge” in his opening statement. He referred to his May 2009 report outlining specific core challenges and the vitality of Security Council support and engagement to peacekeeping. Such core challenges include non-state actors’ compliance with international law and the issue of accountability. With the impending withdrawal of UN peacekeeping forces from Chad, a hot topic of concern during the debate, the Secretary-General advocated for clear benchmarks to be set and achieved before peacekeepers leave any post-conflict zone.

John Holmes, Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, delivered his final address to the Security Council in advance of his departure from the post. He noted every conflict in the world today involves at least one non-state armed group - thus engaging with these actors is essential for civilian protection. The objective is not to legitimate the goals or conduct of these groups, but rather engagement to assist civilians. He expressed concern regarding criminal attacks on humanitarian workers and urged affected states to closely cooperate with humanitarian efforts rather than hinder their access. He acknowledged the planned withdrawal of peacekeeping forces from Chad and reinforced the Chadian government’s responsibility to protect its citizens, amidst concerns that the MINURCAT withdrawal will leave them extremely vulnerable. Holmes encouraged the draw-down of UN missions based on benchmarks established by the Security Council. He also emphasized the core challenge of accountability, noting prevention is always preferential to a cure. National justice systems remain the first line of defense, but when they fail responsibility lies with the international community. Mr. Holmes also cited specific areas of concern: the June outbreak of violence in Kyrgyzstan, 146,000 additional IDPs in Colombia in 2009, the need to engage de facto authorities in the Gaza Strip, concern regarding recent reports of killings in Somalia, and most pointedly the 3-fold increase of drone attacks in Afghanistan this past year. Drone attacks killed 1054 people in 2009, with an additional 359 civilians killed in other forms of aerial attacks. He worried the public is essentially immune to concern over such events at this point and his comments highlighted the crucial issue of arms with regards to civilian protection. This is especially pertinent in light of the Arms Trade Treaty Preparatory Committee negotiations taking place this week and next at UN headquarters in New York.

The “gulf between policy and practice is still vast” said Ms. Navi Pillay, UN High Commissioner for Human Rights and the final opening speaker. She called for clearer peacekeeping mandates with human rights components as well as accountability for violations of international humanitarian and human rights law. She welcomed the establishment of national commissions of inquiry to ensure accountability, although these entities must be credible, independent, impartial, and possess adequate resources. The conflict in Afghanistan has had an “intolerable impact on civilians” and Ms. Pillay expressed concern regarding Afghan legal framework, which in many cases institutionalizes violence against women. Other pertinent areas include the DRC, where few perpetrators have been brought to justice, widespread sexual violence and trafficking in Haiti post-earthquake, and the June outbreak of violence in Kyrgyzstan. Targeted, indiscriminate civilian attacks are a grave concern in Kyrgyzstan, as well as sexual violence. Ms. Pillay commended Israel’s decision to moderate the Gaza blockade and urged the Council to support recommendations made by the fact-finding mission on the Gaza conflict. She also suggested the Council appoint a fact-finding mission regarding the recent flotilla attack.

Statements made by member states covered a variety of themes and issues surrounding civilian protection. The concern for civilian vulnerability with the upcoming MINURCAT withdrawal was a prominent issue, as were humanitarian access, accountability, particular protection for vulnerable groups, and peacekeeping mandates. The

DRC was often mentioned as a critical area for civilian protection, amidst widespread violence including sexual and gender-based crimes. Member states acknowledged Resolution 1894 on the protection of civilians in armed conflict as an important turning point which laid out key principles and serves as a measure to improve on-the-ground protection.

Numerous member states echoed the United Kingdom's call for the Chadian government to fully honor its commitment to protect its civilians, as well as the need for the international community to continue monitoring the situation in Chad. The US delegate expressed concern about the draw-down of forces specifically regarding the 170,000 IDPs presently in the country. States called for the gradual, coordinated transfer of control from MINURCAT to the government and sought to avoid the reduction of the current humanitarian space and activities in Chad. As MINURCAT forces are completely withdrawn the international community will undoubtedly continue to monitor the situation with special regard for the protection of IDPs and other civilians.

Delegates from various states denounced the recent prevalence of attacks on humanitarian workers, particularly in the Gaza Strip and Darfur, although this is an issue in conflict zones worldwide. The UK also noted poor humanitarian access in northern Sri Lanka camps and was concerned regarding humanitarian deterioration in Somalia, as well as the potential reduction of work in Chad. Humanitarian access to populations is far too often impeded and this poses a serious threat to civilian protection efforts. Member states would also like to see the Security Council better informed on matters regarding humanitarian access in specific countries.

Accountability was perhaps the most prominent topic during Wednesday's debate. States expressed grievances with the climate of impunity that exists in many conflict zones and insisted that all parties to armed conflict, including non-state groups, must comply with international legal obligations. As stated by the German delegate, impunity has a "corrosive" effect on international law. There must be an end to impunity and legal consequences for violators. The International Criminal Court (ICC) is particularly useful here, as suggested by the USA – an important message from a superpower that has refused to sign the Rome Treaty. The USA essentially expressed its support for the ICC in the context of civilian protection. Other states reiterated the importance of the Geneva Convention and international humanitarian law, reinforcing the notion that violations constitute war crimes and must be subject to prosecution. Uganda suggested that combating impunity and protecting human rights are prerequisites for civilian protection. Japan, among other states, advocated the use of sanctions against violators and pushed for better small arms controls. France called on all states to ratify the Rome Treaty and conform to the ICC. Accountability is a central issue when discussing civilian protection, and a lack thereof undermines the credibility of the Council's commitment to protection.

In the discussion of civilian protection, several particularly vulnerable groups received attention and calls for special support. These included not only women and children but also the disabled, elderly, refugees, and IDPs. Uganda and Austria both called for greater recognition of the disabled as a vulnerable group while several states stressed continued focus on women and children. Bosnia and Herzegovina noted the important role female peacekeepers play, especially with regards to addressing sexual violence. Member states as well as the UN Secretariat and peacekeeping missions should always bear in mind the needs of the most vulnerable, particularly females, and strive to conform to Resolution 1325 – especially relevant given its upcoming 10 year anniversary this October.

Member states agreed on the need for more effective peacekeeping mandate implementation, with explicit terms and context-specific needs identified. Overall, states welcomed increases in scope for mandates as well as inclusion of human rights provisions, adaptations to local specificities, and increases in clarity. There also needs to be close monitoring of mandate implementation in the field and a realistic correlation between mandates and

allocated resources. States sought to ensure coordination between UN missions and humanitarian organizations in the field – effective coordination of protection efforts is crucial. Bosnia and Herzegovina suggested the development of a best practices guide, while Lebanon called for a standing fact-finding commission mechanism to help the Council assess situations on the ground and take action against violators. States agreed there is still much work to be done with regards to strategic framework; coordination and reliable, timely information to the Council is crucial if missions are to be successful and civilians kept safe amidst conflict.

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