

# The Protection of Civilians in Armed Conflict UN Security Council Debate 12 February 2014

## INTRODUCTION

The Protection of Civilians in Armed Conflict Debate took place in the United Nations (UN) Security Council on 12 February 2014. The following are quotes made by UN officials and Member States which reference the Responsibility to Protect (R2P) or mass atrocity-related themes.

During the debate, nineteen states made references to R2P. The UN Under-Secretary General for Peacekeeping Operations, Hervé Ladsous, and the European Union, also referred to R2P in their statements.

### **NINETEEN MEMBER STATES REFERENCED R2P**

Armenia, Australia, Botswana, Brazil, Chad, Chile, Croatia, Germany, Italy, Kuwait, Lithuania, Morocco, Netherlands, Pakistan, Rwanda, Sudan, Switzerland, Thailand and Turkey.

Six states also called for a voluntary restraint on the use of the veto by the permanent members of the UN Security Council in mass atrocity situations.

Following the debate the UN Security Council issued a Presidential Statement (S/PRST/2014/3): “The Security Council recalls that States bear the primary responsibility to respect and ensure the human rights of their citizens, as well as all individuals within their territory as provided for by relevant international law and reaffirms the responsibility of each individual State to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.”

## REFERENCES TO THE RESPONSIBILITY TO PROTECT

*UN Under-Secretary-General for  
Peacekeeping Operations Hervé Ladsous*

“The protection of civilians by United Nations peacekeepers should therefore never be confused with non-consensual intervention under the third pillar of the responsibility-to-protect framework.”

*Australia*

“Ultimately, the international community has a responsibility to protect populations if States will not, or cannot, fulfil their obligations to prevent mass atrocity crimes. That is a responsibility that the Council needs to uphold.”

*Chile*

“The primary responsibility to protect civilian populations falls to each State. However, when that does not occur, whether deliberately or because of the incapacity of the State itself to act, the international community must seek to do so in accordance with the principles agreed upon in paragraphs 138 and 139 of the 2005 World Summit Outcome Document (General Assembly resolution 60/1).”

*Rwanda*

“The best way to protect civilians is to prevent imminent conflicts from breaking out in the first place. The prevention of conflicts requires political will by the international community, particularly the Security Council, which should renew its commitment to the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as recalled by resolution 1894 (2009).”

## *Chad*

“In resolution 1894 (2009), on the protection of civilians, the Council also reiterated its determination, obligation and responsibility to protect civilians, as well as the need to bring those responsible for the most serious crimes to justice, including by referring such cases to international justice mechanisms.”

## *Lithuania*

“In some cases, as in the Central African Republic or South Sudan, State institutions do not have the capacity to carry out their responsibility to protect. In others, such as Syria, the State itself is a perpetrator. Wherever they operate, peacekeepers can assist the host State, but they cannot substitute for it. The primary responsibility to protect civilians rests with national Governments.”

## *Croatia*

“One cannot thoroughly address today’s topic without mentioning the responsibility to protect — a vital part of the efforts needed to prevent suffering and protect civilians from it.”

## *Switzerland*

“First, Switzerland shares the Secretary-General’s concerns regarding humanitarian access, particularly in Syria and the Sudan, where millions of people are in great need of assistance. As other delegations have already stated, States have the primary responsibility to protect their civilian populations and must therefore allow and facilitate the rapid and unimpeded passage of humanitarian actors to civilians in need.”

## *European Union*

“In addition to bringing perpetrators to justice, we strongly believe in early and decisive action to try to prevent such crimes from being committed and in the need to forcefully remind the authorities responsible of their primary responsibility to protect civilians, or be held to account. There is much room for improvement, including in the way in which the United Nations system responds to early warnings and evolving situations. The EU welcomes the Secretary-General’s ‘Rights up front’ initiative as an important element of the Organization’s efforts to strengthen early warning and prevent atrocities against civilians.”

## *Pakistan*

“A clear distinction must also be made, as Under-Secretary-General Ladsous advised us today, between the protection of civilians and the responsibility to protect. The conflation of the two concepts creates legal confusion. International consensus and legal opinion support the view that for the protection-of-civilians agenda, international humanitarian law covers only situations of armed conflict. That consensus must be respected.”

## *Germany*

“Although the responsibility for those atrocities lies with the parties to conflict, the international community needs to do its utmost to improve the protection of civilians in all situations of conflict. The genocide in Rwanda 20 years ago is a constant reminder of that obligation.”

## *Thailand*

“First, the following principles are now well established. It is the State that has the primary responsibility to protect its citizens. All parties to armed conflict must honour and strictly comply with their obligations under international law, international humanitarian law and human rights law.”

## *Italy*

“The responsibility to protect belongs primarily to States. That is a consolidated principle of international law from which we cannot waver. But there are, unfortunately, far too many situations in the real world where that principle simply does not work because States are too weak or somehow unable to deliver. That is where the United Nations needs to grab hold of the reins, which it can do only if its Members allow it to. Take, for example, the fact that some 75,000 civilians, mostly women and children, are being sheltered in the United Nations Mission in South Sudan camp in Juba. I wonder whether that information is taken into account by the people who so easily criticize this Organization and dismiss its work to mitigate the troubles of the world.”

## *The Netherlands*

“In our view, a close relationship exists between the two concepts of the responsibility to protect and the protection of civilians in conflict situations.

Conceptually, the responsibility to protect and the protection of civilians are distinct. The responsibility to protect is focused on four specific crimes: genocide, war crimes, ethnic cleansing and crimes against humanity, in conflict and non-conflict situations. The protection of civilians is different in scope, as it aims to protect the general safety, dignity and integrity of all human beings in conflict situations...At the same time, the two concepts are also closely related, as they share a similar normative foundation: the protection of individuals is a primary responsibility of the State, and prevention and early warning are key to both concepts. The international community plays a supportive role in both principles.”

#### *Brazil*

“Where coercive measures may be contemplated, the use of force needs to be as moderate as possible, in order to avoid harming civilians, who must be protected. That is why Brazil is of the view that the international community should not only abide by its responsibility to protect civilians, but also demonstrate responsibility while protecting civilians.”

#### *Botswana*

“To that end, we reiterate our long-held belief, which is shared by many, that States have the primary responsibility to protect their own populations from genocide, ethnic cleansing, war crimes and crimes against humanity.”

#### *Turkey*

“States have the primary responsibility for protecting their civilians. Parties to conflict must uphold humanitarian and human rights principles and comply with their international humanitarian and human rights obligations, ensure accountability and provide the necessary support and services to those who are suffering or have suffered in situations of conflict. The United Nations and the international community must assist them in this burdensome task, supporting them in terms of capacity-building and the provision of available resources in times of need, upon request, and taking the necessary measures when the actors primarily responsible fail to do so.”

#### *Kuwait*

“There is no doubt that responsibility for the protection of civilians rests above all with the States concerned.

When there are mass violations of international humanitarian law, which we have been noting in many regions, the State should be responsible for ending those violations. If it is powerless or does not wish to do so, the international community must play a role in putting an end to such violations.”

#### *Morocco*

“While the protection of civilians is one of the major concerns of peacekeeping operations that have a mandate to that end, the success of that humanitarian task is dependent on coordination with the host country, which has, as has been stated many times in this debate, the primary responsibility to protect its own civilians.”

#### *Armenia*

“As a country that has suffered aggression and imposed war, we fully recognize that protecting people from mass atrocities and violence is an overarching responsibility that must bring together all of the critical functions of the United Nations and other international organizations.”

#### *Sudan*

“The principle of the protection of civilians in armed conflict is a very noble goal to which we all aspire. What troubles us are attempts to instrumentalize that objective with a view to very specific political ends. For example, with respect to the principle of the responsibility to protect, which we wish to endorse from this podium, even if it appears in the Millennium Declaration, it nevertheless remains open to very different interpretations. It is in contradiction with a principle enshrined in the Charter, namely, respect for national sovereignty and States’ primary responsibility for the protection of their civilians. We need to reiterate in that regard that the right to protection for civilians in armed conflict is an integral part of a comprehensive interdependent regime of rights and duties affirmed by the Millennium Declaration, such as combating poverty and preventing conflict by dealing with root causes.”

## REFERENCES TO MASS ATROCITY SITUATIONS

### *Syria*

UN High Commissioner for Human Rights Navi Pillay, UN Under-Secretary-General for Peacekeeping Operations Hervé Ladsous, UN Under-Secretary-General and Emergency Relief Coordinator Valerie Amos, the European Union, and thirty-six countries raised the crisis in Syria: Australia, Belgium, Brazil, Canada, Croatia, Cuba, Egypt, Estonia, France, Germany, Guatemala, Ireland, Israel, Italy, Japan, Kuwait, Liechtenstein, Lithuania, Luxembourg, Mexico, Netherlands, New Zealand, Pakistan, Palestine, Republic of Korea, Russia, Rwanda, Slovakia, Slovenia, Spain, Sweden, Switzerland, Syria, Turkey and United Kingdom.

### *Central African Republic*

UN High Commissioner for Human Rights Navi Pillay, UN Under-Secretary-General for Peacekeeping Operations Hervé Ladsous, UN Under-Secretary-General and Emergency Relief Coordinator Valerie Amos, the European Union, and twenty-two countries referred to the crisis in Central African Republic: Brazil, Canada, Egypt, Estonia, France, Germany, Guatemala, Ireland, Israel, Italy, Japan, Kuwait, Lithuania, Luxembourg, Rwanda, Morocco, New Zealand, Pakistan, Slovakia, Slovenia, Turkey and United Kingdom.

### *South Sudan*

UN High Commissioner for Human Rights Navi Pillay, UN Under-Secretary-General for Peacekeeping Operations Hervé Ladsous, UN Under-Secretary-General and Emergency Relief Coordinator Valerie Amos, and twenty-eight countries referred to the international response to the crisis in South Sudan: Australia, Belgium, Canada, Egypt, Estonia, Germany, Guatemala, India, Ireland, Italy, Japan, Kuwait, Lithuania, Luxembourg, Mexico, Netherlands, New Zealand, Pakistan, Republic of Korea, Russia, Rwanda, Slovakia, Slovenia, Spain, Turkey, Ukraine, United Kingdom and United States.

### *Democratic Republic of the Congo*

UN High Commissioner for Human Rights Navi Pillay, UN Under-Secretary-General for Peacekeeping

Operations Hervé Ladsous, UN Under-Secretary-General and Emergency Relief Coordinator Valerie Amos, the European Union, and twenty-two countries referred to the crisis in Democratic Republic of the Congo: Australia, Argentina, Brazil, Egypt, Canada, Germany, Guatemala, India, Ireland, Italy, Japan, Kazakhstan, Lithuania, Luxembourg, Republic of Korea, Rwanda, Slovakia, Uganda, United Kingdom, United States and Uruguay.

### *Mali*

UN High Commissioner for Human Rights Navi Pillay, UN Under-Secretary-General for Peacekeeping Operations Hervé Ladsous, UN Under-Secretary-General and Emergency Relief Coordinator Valerie Amos, the European Union, and fifteen countries referred to the international response to the crisis in Mali: Australia, Canada, Estonia, France, Ireland, Israel, Japan, Liechtenstein, Lithuania, Luxembourg, Netherlands, New Zealand, Republic of Korea, Slovakia and Slovenia.

### *Sudan*

UN Under-Secretary-General and Emergency Relief Coordinator Valerie Amos and four countries referred to the crisis in Sudan: Japan, Slovakia, Sudan and Switzerland.

### *Libya*

Two countries referred to the international response to the crisis in Libya: Cuba and Ireland.

## REFERENCES TO THE USE OF VETO IN MASS ATROCITY SITUATIONS

### *Rwanda*

“In the same vein, as Rwanda commemorates this year the twentieth anniversary of the genocide against the Tutsi, we urge the five permanent members of the Council to agree on a moral pact of conduct aimed at refraining from using the veto in situations of genocide and other mass atrocities. We thank France for its important initiative in that respect.”

## *Mexico*

“Finally, we would like to take this opportunity to reiterate our support for the French proposal to draft a code of conduct among the five permanent members of the Security Council whereby, when considering allegations of war crimes, crimes against humanity or genocide, the permanent five will renounce their right to exercise the veto.”

## *Liechtenstein*

“It is now high time for the Council to step up the pressure and adopt a resolution urging all parties to [the Syrian] conflict to make sure that civilians in need can be reached and that humanitarian and medical personnel are adequately protected. Given the lack of implementation of the presidential statement, the resolution should at the very least make it clear that the Council will, in cases of non-compliance, follow up with measures under Chapter VII of the Charter of the United Nations. We call upon Council members to adopt such a resolution without further delay, thereby fulfilling their responsibility under the Charter. It would be inexcusable to use or threaten the use of the veto against such a draft resolution, aimed at preventing or ending violations of international humanitarian law, many of which may amount to war crimes.”

## *Slovakia*

“In conclusion, as a small step for the United Nations but a leap for the Security Council, we commend France for its initiative designed to limit the use of the right of the veto in cases of genocide, war crimes, ethnic cleansing or crimes against humanity. We suggest that other members of the Council give serious consideration to that initiative.”

## *The Netherlands*

“Thirdly, the Security Council should act decisively when civilians are at risk. In South Sudan, the Council was united and swift. It is crucial that the Security Council adopt the draft resolution on humanitarian access in Syria. We are gravely concerned about the situation in Homs and call for access on the part of humanitarian organizations to all besieged areas in Syria. Furthermore, my Government supports initiatives aimed at voluntary restraint in the use of the veto by the permanent members of the Council in situations of mass atrocities.”

## *Belgium*

“I would like to reiterate the initiative of France on voluntarily restricting the right of the veto when a situation of a mass crime is recorded — a voluntary approach that does not involve a revision of the Charter of the United Nations. Belgium encourages the other permanent members the Security Council to be open to this.”

## **REFERENCES TO OTHER RESPONSIBILITY TO PROTECT-RELATED MEASURES AND ISSUES**

### *“Rights Up Front” Initiative*

The European Union and twelve member-states highlighted the UN’s “Rights Up Front” initiative: Belgium, Chile, Estonia, Germany, Liechtenstein, Luxembourg, Mexico, Slovenia, Sweden, Switzerland, Turkey and United Kingdom.

### *Accountability*

High Commissioner for Human Rights Navi Pillay, Under-Secretary-General and Emergency Relief Coordinator Valerie Amos, UN Under-Secretary-General for Peacekeeping Operations Hervé Ladsous, the European Union, Yves Daccord of the ICRC, and twenty-six states discussed accountability: Argentina, Australia, Austria, Azerbaijan, Botswana, Canada, China, Colombia, Egypt, Estonia Ethiopia Italy, Jordan, Kuwait, Liechtenstein, Lithuania, Netherlands, New Zealand, Pakistan, Republic of Korea, Slovenia, Spain, Sweden, Syria, Turkey and Uruguay.

### *ICC referral*

The European Union and three member states addressed ICC referrals: Croatia, Estonia, Italy, Liechtenstein, Republic of Korea, Slovenia and Sweden.

### *Commissions of Inquiry/Fact Finding Missions*

High Commissioner for Human Rights Navi Pillay, the European Union, and twelve states discussed commissions of inquiry and fact finding missions: Argentina, Azerbaijan, Brazil, Croatia, Egypt, Estonia, Lithuania, Luxembourg, Republic of Korea, Slovenia, Turkey and Uruguay.

### *Early Warning Mechanisms*

UN Under-Secretary-General for Peacekeeping Operations Hervé Ladsous, the European Union, and fifteen states referred to early warning mechanisms: Australia, Belgium, Chile, Egypt, Georgia, Ireland, Kazakhstan, Lithuania, Luxemburg, Morocco, Netherlands, New Zealand, Uganda, United Kingdom and United States.

### *Human Rights Monitoring in Peacekeeping Missions*

UN High Commissioner for Human Rights Navi Pillay and three states discussed human rights monitoring: Estonia, Lithuania and Sweden.

### *Peacekeeping Mandate/Resourcing*

UN High Commissioner for Human Rights Navi Pillay, Under-Secretary-General and Emergency Relief Coordinator Valerie Amos, UN Under-Secretary-General for Peacekeeping Operations Hervé Ladsous, Director-General of the International Committee of the Red Cross Yves Daccord, the European Union, and forty-seven countries referred to mandates and resources: Argentina, Australia, Austria, Azerbaijan, Belgium, Brazil, Chile, China, Colombia, Cuba, Egypt, Estonia, France, Georgia, Guatemala, India, Indonesia, Ireland, Italy, Jordan, Kazakhstan, Kuwait, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Pakistan, Republic of Korea, Russia, Rwanda, Slovakia, Slovenia, Spain, Sweden, Switzerland, Syria, Thailand, Turkey, Ukraine, United Kingdom, United States and Uruguay.

### *Peacekeeper Training*

UN High Commissioner for Human Rights Navi Pillay, Director-General of the International Committee of the Red Cross Yves Daccord, the European Union, and twenty-nine countries referred to training peacekeepers: Afghanistan, Argentina, Australia, Austria, Botswana, Brazil, Chile, Colombia, Croatia, Egypt, Estonia, Greece, Guatemala, Indonesia, Ireland, Jordan, Lithuania, Malaysia, Netherlands, New Zealand, Nigeria, Spain, Sweden, Switzerland, Syria, Thailand, Turkey, Ukraine and United Kingdom.

### *Human Rights Due Diligence Policy*

UN High Commissioner for Human Rights Navi Pillay, UN Under-Secretary-General for Peacekeeping

Operations Hervé Ladsous, and Sweden (on behalf of the Nordic Countries) referred to human rights and due diligence policy.

### *Responsibility While Protecting*

Brazil was the only country to reference the R2P-related concept of “Responsibility while Protecting.”

### *Sexual/Gender-based Violence*

UN Under-Secretary-General and Emergency Relief Coordinator Valerie Amos and sixteen states referred to sexual or gender-based violence: Argentina, Canada, Chad, Croatia, Estonia, France, Germany, Guatemala, Lithuania, Netherlands, Slovenia, Spain, Sweden, Turkey and Ukraine.

### *Humanitarian Access*

UN Under-Secretary-General and Emergency Relief Coordinator Valerie Amos, Director-General of the International Committee of the Red Cross Yves Daccord, the European Union, and twenty-one countries referred to humanitarian access during armed conflicts: Argentina, Australia, Belgium, Botswana, Colombia, Ethiopia, Georgia, Germany, Greece, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Mexico, Netherlands, Pakistan, Palestine, Sweden, Switzerland and Turkey.

### *Arms Trade Treaty*

Five member-states referred to the Arms Trade Treaty: Germany, Ireland, Mexico, Slovenia and Sweden.

## **LIST OF SPEAKERS**

1. Ms. Navanethem Pillay, UN High Commissioner for Human Rights
2. Ms. Valerie Amos, The Under-Secretary-General and Emergency Relief Coordinator
3. Mr. Hervé Ladsous, UN Under-Secretary-General for Peacekeeping Operations
4. Mr. Yves Daccord, Director-General of the International Committee of the Red Cross
5. H.E. Peter Wilson, Deputy Permanent Representative United Kingdom
6. H.E. Gary Francis Quinlan, Permanent Representative Australia

7. H.E. Jeffrey DeLaurentis, Alternate Representative United States of America
8. Mr. Evgeny Zagaynov, Deputy Permanent Representative Russian Federation
9. H.E. Sylvie Lucas, Permanent Representative Luxembourg
10. H.E. Liu Jieyi, Permanent Representative China
11. H.E. Octavio Errázuriz, Permanent Representative Chile
12. H.E. Mario Oyarzabal, Permanent Representative Argentina
13. H.E. Joon Oh, Permanent Representative of the Republic of Korea
14. Mr. Olivier Nduhungirehe, Deputy Permanent Representative Rwanda
15. Mr. Adoum Koulbou Mahamat, Counsellor to the Permanent Representative Chad
16. H.E. Gérard Araud, Permanent Representative France
17. Mr. Mahmoud Daifallah Mahmoud Hmoud, Senior Deputy Permanent Representative Jordan
18. H.E. U. Joy Ogwu, Permanent Representative Nigeria
19. H.E. Raimonda Murmokaitė, Permanent Representative Lithuania
20. H.E. Urmas Paet, Minister for Foreign Affairs of Estonia
21. H.E. Gert Rosenthal, Permanent Representative Guatemala
22. H.E. Mårten Grunditz, Permanent Representative Sweden (*on behalf of the Nordic States*)
23. H.E. Vladimir Drobnjak, Permanent Representative Croatia
24. H.E. Asoke Kumar Mukerji, Permanent Representative India
25. H.E. Jorge Montaña, Permanent Representative Mexico
26. H.E. Ron Prosor, Permanent Representative Israel
27. H.E. Paul Seger, Permanent Representative Switzerland (*on behalf of the group of Friends*)
28. H.E. Christian Wenaweser, Permanent Representative Liechtenstein
29. H.E. Hussein Haniff, Permanent Representative Malaysia
30. H.E. Mootaz Ahmadein Khalil, Permanent Representative Egypt
31. H.E. Michel Spinellis, Permanent Representative Greece
32. H.E. Martin Sajdik, Permanent Representative Austria
33. H.E. Ioannis Vrailas, Deputy Head of Delegation European Union
34. H.E. Masood Khan, Permanent Representative Pakistan
35. Mr. Mazen Adi, Counsellor to the Permanent Representative Syria
36. H.E. Hans Peter Wittig, Permanent Representative Germany
37. H.E. Norachit Sinhaseni, Permanent Representative Thailand
38. H.E. František Ružička, Permanent Representative Slovakia
39. H.E. Inigo Lambertini, Deputy Permanent Representative Italy
40. H.E. Jim McLay, Permanent Representative New Zealand
41. H.E. Gonzalo Koncke Pizzorno, Permanent Representative Uruguay
42. H.E. Kaha Imnadze, Permanent Representative Georgia
43. H.E. Desra Percaya, Permanent Representative Indonesia
44. H.E. Karel Jan Gustaaf van Oosterom, Permanent Representative the Netherlands
45. H.E. Kairat Abdrakhmanov, Permanent Representative Kazakhstan
46. H.E. Rodolfo Reyes Rodríguez, Permanent Representative Cuba
47. H.E. Antonio de Aguiar Patriota, Permanent Representative Brazil
48. Mr. Nkoloi Nkoloi, Deputy Permanent Representative Botswana
49. Mr. Levent Eler, Deputy Permanent Representative Turkey
50. H.E. David Donoghue, Permanent Representative Ireland
51. H.E. Tekeda Alemu, Permanent Representative Ethiopia
52. H.E. Bénédicte Frankinet, Permanent Representative Belgium
53. H.E. Mansour Ayyad SH A AlOtaibi, Permanent Representative Kuwait
54. H.E. Guillermo Rishchynski, Permanent Representative Canada
55. H.E. Mohammed Loulichki, Permanent Representative Morocco
56. H.E. Andrej Logar, Permanent Representative Slovenia
57. H.E. Miguel Camilo Ruiz, Deputy Permanent Representative Colombia
58. H.E. Zahir Tanin, Permanent Representative Afghanistan

59. H.E. Garen Nazarian, Permanent Representative Armenia
60. H.E. Kazuyoshi Umemoto, Deputy Permanent Representative Japan
61. H.E. Richard Nduhuura, Permanent Representative Uganda
62. H.E. Hassan Hamid Hassan, Deputy Permanent Representative Sudan
63. Mr. Dmytro Kushneruk, Counsellor to the Permanent Representative Ukraine
64. H.E. Feda Abdelhady-Nasser, Deputy Permanent Observer for the State of Palestine
65. H.E. Román Oyarzun Marchesi, Permanent Representative Spain
66. Mr. Tofiq Musayev, Deputy Permanent Representative Azerbaijan