

The Responsibility to Protect and The Protection of Civilians in Armed Conflict UNSC Debate 25th June 2012

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The below quotes made by government Permanent Representatives to the United Nations are from the 25 June 2012 Security Council Debate on the Protection of Civilians in Armed Conflict and are relevant to the responsibility to protect (R2P).

R2P References

Guatemala: “...support norm of R2P, which in fact does overlap and has some aspects in common with POC. But we believe that the continuing debate surrounding the so-called third pillar of R2P should not contaminate the broader concept of POC.”

Russia: Alarmed about “tendency to equate those [POC] norms to the highly ambiguous concept of R2P. Practice has shown that invoking this concept with what was initially seen as noble goals often leads to interference in the internal affairs of sovereign states and to violent regime change.”

Argentina: “Need to draw distinction between POC in armed conflict and R2P, however it should be borne in mind that in order to avoid the possible occurrence of violations of humanitarian law in armed conflict as well as the four crimes under R2P, prevention is key.”

European Union: “As the Secretary-General rightly points out in his report, there are fundamental differences between the concepts of protection of civilians in armed conflicts and the Responsibility to Protect. They are both important and relevant, and it is necessary to enhance our collective understanding of both areas, and how they are related in their implementation.”

Sri Lanka: “We welcome the clarification of the principles and the misconceptions and misinterpretations relating to the protection of civilians and the responsibility to protect. ‘The protection of civilians is a legal concept based on international humanitarian, human rights and refugee law, while the responsibility to protect is a political concept, set out in the 2005 World Summit outcome...’ ‘There are important differences in their scope. The protection of civilians refers to violations of international humanitarian and human rights law in situations of armed conflict. The responsibility to protect is limited to violations that constitute war crimes or crimes against humanity or that could be considered genocide or ethnic cleansing.’”

Venezuela: “Notion of R2P restores and renews old forms of political theories, today it is a lethal weapon of neoliberalism and savage capitalism seeking to violate the sovereignty of states. Once Western powers claimed superiority of civilization in order to invade or subjugate peoples. They disguised or masked their intentions with the fallacy that they were acting out of altruism. And from that shameful history was born an international regime of protectorates established by the League of Nations. Under R2P, acts of neo-colonial aggression have been perpetrated which violate international law, international humanitarian law, and international human rights law. While the notion of R2P repeals the POC in times not only of war but also of peace, these harmful precedents must be borne in mind when considering POC in armed conflict.”

Chile: “...welcomes criteria for the use of force on the part of the Security Council either through the implementation of the principle of POC or R2P...Underscores need to ensure the criteria contained under R2P, as submitted by Brazil...to the council.”

Armenia: “...fundamental differences between concepts of POC in armed conflict and R2P. Although both are important and relevant in the context of protection, the two concepts however are connected in that they share the same legal concepts rejecting use of force...being diametrically opposed to rule by force or use of force.”

Syria: “There should be no confusion between question of POC on the one hand and targeting international peace and security on the other hand. No loose interpretations of the question of POC and inserting such controversial terms as R2P and humanitarian intervention...this would lead to compromising the credibility and neutrality of the UN organization...would undermine noble efforts of the POC.”

Germany: “...the appalling violence in Syria may be the most blatant failure these days of a Government’s Responsibility to Protect its own people.”

UK: “The Syrian regime has shamefully failed in its Responsibility to Protect its civilian population. Far worse, it has deliberately targeted its civilian population through the indiscriminate and disproportionate use of force. The regime has now killed around 15,000 Syrian civilians.”

[References to Brazil’s Responsibility while Protecting](#)

India: “Third, in the implementation of the Council’s mandate for protecting civilians, there is the need to ensure the responsibility while protecting. The recent actions of some organizations and member-states have brought to the fore a considerable sense of unease about the manner in which the humanitarian imperative of protecting civilians has been interpreted for actual action on the ground. Monitoring of the manner in which the Council’s mandates are implemented has, therefore, assumed great significance and importance.”

South Africa: "...importance to engage robustly with the Brazilian introduced concept of Responsibility while Protecting. Those entrusted with the protection of civilians have a stake in ensuring that their actions do not undermine the very objectives they seek to advance..."

Brazil: "It is the emphasis on diplomacy and cooperation that reduces the risks of armed conflict and the human costs associated with it. That is why Brazil, through the concept of Responsibility while Protecting, has called on the international community to demonstrate renewed commitment and strengthened confidence in its capacity to make use of the tools established by the UN Charter for the prevention of conflicts and the peaceful settlement of disputes."

Chile: "...welcomes criteria for the use of force on the part of the Security Council either through the implementation of the principle of POC or R2P...Underscores need to ensure the criteria contained under R2P, as submitted by Brazil...to the council."

Country-Specific References

Syria

United Kingdom: "The Syrian regime has shamefully failed in its responsibility to protect its civilian population. Far worse, it has deliberately targeted its civilian population through the indiscriminate and disproportionate use of force. The regime has now killed around 15,000 Syrian civilians. That is why the Joint Special Envoy's six-point plan and two resolutions of this Council have demanded the withdrawal of Syrian troops and heavy weapons in order to facilitate a sustained reduction in violence. Without this first step, the violence on all sides will continue, the UN Supervision Mission will not be able to resume its operations and the Annan Plan will fail. We have now embarked on a final effort to breathe life back into Mr Annan's plan. But this will only succeed if this Council takes robust action to apply pressure on the regime to meet its basic commitments under the Annan Plan and resolutions 2042 and 2043."

Togo: "What's happening currently in Syria where civilians are caught up in the cross-fire of heavy shelling and airstrikes is unacceptable and unjustifiable. These acts must simply be condemned by everyone."

Germany: "The appalling violence in Syria may be the most blatant failure these days of a Government's responsibility to protect its own people. Not only does Damascus fail to protect the Syrian people - as the Commission of Inquiry established by the Human Rights Council has reported, the Syrian authorities have for months now committed systematic and gross human rights violations. We are particularly appalled and disgusted by recent reports that have indicated the use by the Syrian army of children as human shields. Opposition forces also commit abuses, which we condemn. They also must protect human rights, including those of children."

France: "In this country, the international community has so far failed to protect the civilian population. After fifteen months of repression that left nearly 15,000 dead, mostly civilians, the regime of Bashar al-Assad continues to violate its commitments and threaten international peace and security. The massacres of Hula and Al Koudeir, after those of Homs and Idlib, have shown that this regime knew no bounds. The deployment of an observer mission of the UN did nothing to change his murderous behavior. It is now more than ever necessary that the Council send a strong message to the Syrian authorities on the need to respect their commitments and the consequences they would face if they continued to violate them. Those responsible for these atrocities, and primarily Bashar Al Assad, one day answer for their acts before justice."

United States: “The situation in Syria represents a colossal failure by the Security Council to protect civilians. For over a year, this Council has not been willing to protect the Syrian people from the brutal actions of their government. During our last debate on this topic in November, the High Commissioner for Human Rights estimated the death toll from months of violence at 3,500. It has at least tripled since. The regime’s relentless campaign of violence against its own people has grown ever more reprehensible and ever more dangerous to international peace and security. The recent suspension of operations by the UN Supervision Mission in Syria is a testament to the gravity of the situation. It is a shame that this Council continues to stand by rather than to stand up. We must take meaningful steps, including by imposing binding sanctions under Chapter VII, to pressure the Syrian regime to comply with the Joint Special Envoy’s six-point plan; and work towards a political transition that meets the legitimate aspirations of the Syrian people.”

Liechtenstein: “The crisis in Syria is a crisis of accountability. There is increasing evidence that atrocious acts amounting to crimes against humanity are being committed in the country possibly by different parties to the conflict. Under these circumstances it is the responsibility of the Council to have a serious discussion of the accountability of the protection of civilians in Syria.”

Switzerland: “Switzerland is concerned by the escalation in violence in Syria and condemns the violence against civilians. It recalls that all acts of violence must be investigated in order for those who are responsible to be prosecuted. Whoever the prosecutors for the crimes in Syria are they must know they must answer for their acts in a court of law. Therefore Switzerland acts for the Security Council to refer the situation to the international criminal court which is the appropriate institution for prosecuting and for judging the alleged authors crimes against humanity and war crimes.”

Egypt: “On the occasion of Egypt’s presidency of the Arab Group for the current month, I invite all United Nations organs, including the Security Council, to contribute to the implementation of the Arab League’s decision on June 2012 to protect civilians in Syria. The Council should provide the International Observers Mission with the necessary tools to achieve this goal, and take the necessary actions and resolutions to end the systematic attacks on civilians in Syria, in accordance with the relevant articles and chapters of the Charter.”

Israel: “The appalling images coming out every day from Homs, Hama, and Aleppo highlight our failures. The international community is failing the helpless mothers and children of Syria. It is failing to protect them from their own brutal ruler. And it is failing to uphold the most basic principles implied by a debate titled “the protection of civilians”. The people of Syria look at us with pleading eyes. They are desperate. We are their only hope. Today I urge all members of this Council to hear the voice of Hadeel Kouki, a 20-year-old student at the University of Aleppo. She was arrested last year by Assad’s secret police for distributing leaflets that called on Syrians to march peacefully. Last March, she spoke at the UN’s Human Rights Council—an organization that I hope will soon begin doing something remotely related to the protection of human rights. She said, (and I quote), “I spent 52 days in prison. I was brutally tortured. I was raped by the security forces. They tortured me more than usual only because I am a Christian. I want freedom. I have seen too much suffering of fellow Syrians who spent years in prison merely for expressing a thought.” Voices like hers should unite the voice of the world against the tyrannical Assad regime. It is time for us speak clearly, decisively, and truthfully about what is happening in Syria – and to speak unequivocally against this evil regime.”

Canada: “Yet for every success there are many examples where more can be done. In Syria, hundreds of men, women, and children have been massacred in Houla and Hama. The use of heavy weapons in population centres, excessive use of force including firing from helicopters, the lack of respect for medical services, and the denial of humanitarian access are of grave concern. While we hope that agreement to the Syria Response Plan will bring improvements in the ability of humanitarian actors to assist those in need, it

cannot resolve the crisis in Syria. The Security Council must act swiftly and decisively to ensure compliance with Joint Special Envoy Annan's six-point plan, or move to implement other diplomatic solutions to the crisis. We urge the adoption of tough and targeted sanctions against Assad and his regime."

Estonia: "Estonia supports the Secretary-General's recommendation of establishing commissions of inquiry into situations where international law, especially international humanitarian law, is being violated and when appropriate to refer such situations to the ICC. Recently, the independent international commission of inquiry on the Syrian Arab Republic, mandated by the Human Rights Council, stated in its report that there are clear indications that crimes against humanity are taking place in Syria. Estonia joins the United Nations High Commissioner for Human Rights, Navi Pillay, in calling on the Security Council to address this issue in a more systematic and forestalling way and to refer the situation in Syria to the ICC."

Luxembourg: "Over the course of 15 months, this crisis has claimed thousands of victims among the Syrian civilian population. What are the means at the disposal of the Council to contribute to protecting civilians in the context of this crisis? Some may argue that we do not face an armed conflict in the legal sense of the word in Syria, which would exclude the application of the Geneva Conventions. But let us not delude ourselves: the violence in some regions of Syria have reached such a level of intensity, the use of heavy weapons, artillery and tanks, in urban areas and the use of explosive devices of all types has reached a level so staggering that doubt is no longer reasonable. As international community, as the defenders of international humanitarian law, we cannot shy away from the responsibility of finding all ways and means to contribute to the protection of civilians in Syria whose lives and livelihoods are at stake. By adopting Resolution 2042 last April 14", the Security Council has endorsed the six-point proposal of Kofi Annan, the Joint Special Envoy for the United Nations and the League of Arab States. The second point of his six-point proposal calls upon all parties to, and I quote "commit to stop the fighting and achieve urgently an effective United Nations supervised cessation of armed violence in all its forms by all parties to protect civilians and stabilize the country". As confirmed by the reports of the United Nations Supervision Mission in Syria (UNSMIS), created by Resolution 2043 of last April 21 ", the Government has however not yet fulfilled one of the main conditions for the Annan plan to be implemented, which was to "cease all use of heavy weapons in [population] centres". Faced with the deterioration of the situation on the ground and the non-implementation of the Annan Plan, a modification of the Mission's mandate is being considered. Some are now calling for a reduction of the mission, or even its withdrawal. But let us remind ourselves what happened after the withdrawal of the observers of the League of Arab States in January this year. The crisis only intensified. The international community and the Security Council in particular, must not shy away from its responsibilities."

Turkey: "With regards to the situation in Syria, the Syrian government has primary responsibility for the protection of its people and to end the violence which has caused thousands of deaths and a humanitarian tragedy that has affected 1.5 million people so far according to OCHA statistics. The international community must display its resolve to put an end to the cycle of violence and deepening crisis in Syria and to take necessary additional measures to that effect. Turkey with the international community will continue to support the Six Point Plan of Special Joint Envoy Kofi Annan."

Iran: "In Syria we firmly believe that the current crisis should be resolved based on the initiative of Kofi Annan and active, constructive engagement of all parties concerned. The prolongation of this situation for whatever narrow minded political interest will have dire consequences on the peace and stability in the region as well as civilians in Syria."

Libya: "We have seen many atrocities committed in Libya in a systematic and premeditated manner. The same thing is happening in Syria and in an even worse manner. I think the situation will become clear when reporters and humanitarian workers will be deployed in areas that were blockaded by the regime and access was denied by the regime. Is it possible under the current circumstances to refrain from taking measures to

protect civilians and to put an end to crimes against humanity under the pretext of sovereignty? Are we talking about the sovereignty of a people or the sovereignty of a regime that is killing its people? Is it morally acceptable under the current situation to continue to extend weapons and political support to the regime in Syria? It is time for the Security Council to work as one team and one voice to end atrocities in Syria and allow the Syrian people to achieve their aspiration of freedom and democracy.”

Chile: “In recent months the international public has seen the use of heavy weapons and the bombing of densely populated cities in Syria by military forces of that country. Also, bombings allegedly carried out by members of the opposition have resulted in civilian casualties. The Secretary General is eloquent on this point. More than 9,000 civilians have been killed by the excessive use of force by Syrian security forces. It has been reported cases of summary executions and torture.”

European Union: “Considering Syria, we condemn the Syrian government's violent activities as whole, starting from suppressing peaceful protests by force and ending up in several reported massacres of civilians, including increased use of targeted assassinations and arbitrary detentions as a means of repressing all opposition. The EU calls on all parties, including the armed opposition, to cease all violence and provocation to violence with immediate effect. The EU also reiterates the importance of full and unhindered access for independent humanitarian actors so that assistance may be provided to those in need in line with humanitarian principles.”

Libya

United States: “Last year, this Council and the broader international community took a principled stand, saving untold lives in Libya. As the Secretary-General said in his report, the Council’s response to the situation in Libya was decisive. The Council first referred the situation to the International Criminal Court in Resolution 1970, and when Qadhafi’s regime remained defiant, we adopted without opposition Resolution 1973, which contained a strong civilian protection mandate well understood by all members of this Council to authorize the use of force to prevent brutal actions by the Qadhafi regime against the Libyan people. These actions have given Libyans a well-deserved chance to chart a future where their sovereignty, dignity and human rights are respected.”

Liechtenstein: “In practical terms, it may be useful to establish a forum to advance questions of cooperation with the ICC at the level of a sub-organ of the Security Council, such as a new Working Group on the relationship with the International Criminal Court. This would be a useful and necessary space for concerted action on all related matters, such as notifications from the Court on non-cooperation, but also the ongoing situation regarding the detention of ICC staff in Libya. In this context, we would like to call on the Government of Libya to release the detained ICC staff without delay.”

Russia: “We regret cases of unsatisfactory implementation of Council resolutions of the component of protection of civilians in particular there are a lot of question marks hanging over the participants in the NATO operation in Libya regarding how in practice the relevant Security Council resolutions were implemented. All cases of disproportionate indiscriminate use of force during conflict leading to civilian victims need to be investigated and the guilty need to be brought to justice.”

Canada: “More than a year ago, this Council made clear its concrete support for the protection of civilians in armed conflict by adopting resolution 1973, which authorized decisive action to protect civilians and civilian populated areas in Libya. Canada took critical political and military actions in support of this UNSC endorsed effort, to protect civilians against a cruel and oppressive regime. Through its firm response to the threat in Libya, this Council demonstrated its commitment to protecting civilians both in principle and in practice.”

Iran: “In Libya the Council authorized all necessary measures to protect civilians but the extent of the mission went beyond the protection of civilians and thus raised concerns over member states.”

Chile: “Chile welcomes the measures taken by the Security Council for the Protection of Civilians, either expressly incorporated into the mandates of Operations Peacekeeping or in particularly serious situations as in the case of Libya last year through its resolutions 1970 (2011) and 1973 (2011) condemning violence against civilians, the first and the second authorizes the adoption of measures for the protection of civilians.”

European Union: “In Libya, the Security Council acted upon its responsibility to protect civilians and the implementation of SCR 1973 was done to prevent civilian deaths and injury and was fully in line with resolution 1973 and international humanitarian law.”

Democratic Republic of the Congo (DRC)

United Kingdom: “We remain extremely concerned about the situation in the Democratic Republic of Congo where civilians continue to suffer the effects of the ongoing conflict and insecurity. A security vacuum in Eastern DRC has also allowed armed groups to regain territory and commit abuses against the population, including rape. The responsibility for providing security to the population rests with the DRC Government and we encourage all neighbouring states to support these efforts. We are working to ensure that the UN peacekeeping and stabilisation mission to DRC (MONUSCO) supports the government’s efforts and responds to the changing situation on the ground, ensuring that protection of civilians remains its first priority while increasing its emphasis on stabilisation activity.”

France: “Democratic Republic of Congo then, the challenges for the protection of civilians remain immense. In the short term, innovative measures implemented by MONUSCO, such as recruiting assistants community liaison or the establishment of early warning systems are essential and should continue to be extended. In the medium and long term, ensure the protection of civilians requires a long-term commitment from the Congolese authorities. In this regard, efforts to reform security forces, including the adoption of necessary legislative frameworks in the right direction, must be pursued and implemented.”

Germany: “In Eastern DRC, we are equally worried and appalled by the high numbers of killed and displaced civilians resulting from the mutiny and increased attacks by armed groups using the security void left by the Congolese armed forces in Eastern DRC. In this context, the sharp increase in the recruitment of children by armed groups and mutineers is of particular concern to us. Given the persisting violence in the region, the protection of civilians needs to remain MONUSCO’s first priority.”

Sudan

Germany: “We remain very concerned with regard to the humanitarian situation in South Kordofan and Blue Nile states of Sudan. The situation continues to deteriorate and people starve to death every day. Hundreds of refugees arrive every day in neighbouring South Sudan. We urge the government in Khartoum and the SPLA-North to accept the tripartite proposal of the UN, the AU and the Arab league that provides for humanitarian access and the presence of humanitarian relief workers.”

United States: “In Sudan, the Government in Khartoum continues to fail to protect civilians by bombing civilian areas and impeding the delivery of urgently needed humanitarian assistance. The United States strongly condemns the violations of international law and human rights abuses in Darfur and the Two Areas. We and many others have repeatedly called on the Government of Sudan to end its indiscriminate

aerial bombardments and provide immediate and unrestricted humanitarian access in Southern Kordofan and Blue Nile states. Sudan must also guarantee unrestricted humanitarian access to all of Darfur.”

Yemen

United Kingdom: “In Yemen, we welcome progress made by President Hadi and his government to move forward with political transition. The government’s clear commitment to remove the threat posed by violent extremism, notably in the south, must come with equal determination to protect civilians.”

Mali

France: “In Mali, where civilians are taken hostage by the takeover of the North, by force, by rebel groups linked to al Qaeda in Islamic Maghreb. Tens of thousands of refugees and displaced persons were forced to flee the area to escape the violence. Given this situation, the international community cannot sit idly by. ECOWAS, the African Union and countries in the field working to develop a strategy both to restore constitutional order in the capital and to preserve the territorial integrity of Mali. It is for the Council to support these policy initiatives.”

List of Speakers

Officials

1. Ban Ki-moon, UN Secretary General
2. Valerie Amos, UN Under-Secretary-General and Emergency Relief Coordinator (OCHA)
3. Ivan Šimonović, UN Assistant Secretary-General for Human Rights (OHCHR)
4. Philip Spoerri, Director for International Law and Cooperation (ICRC)

Member States

5. Guatemala (Foreign Minister)
6. United Kingdom
7. Colombia
8. Togo
9. Portugal
10. Pakistan
11. France
12. Azerbaijan
13. Morocco
14. Russia
15. Germany
16. India
17. United States
18. South Africa
19. China
20. Liechtenstein
21. Switzerland
22. Egypt
23. Australia
24. Israel
25. Finland
26. Japan
27. Argentina
28. European Union
29. Brazil
30. Greece
31. Luxembourg
32. Jordan
33. Estonia
34. Mexico
35. Canada
36. Austria
37. Sri Lanka
38. Uruguay
39. Venezuela
40. Indonesia
41. Republic of Korea
42. Bangladesh
43. Turkey
44. Chile
45. Philippines
46. Iran
47. Libya
48. Armenia
49. Syria
50. Valerie Amos
51. Morocco (Rebuttal)
52. Israel (Rebuttal)
53. Syria (Rebuttal)

