

**Security Council Open Debate on the
Protection of Civilians in Armed Conflict**

**Statement by Mr. John Holmes
Under-Secretary-General for Humanitarian Affairs
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Mr. President,

Distinguished Members of the Council,

Thank you for this opportunity to brief the Security Council again on the protection of civilians in armed conflict.

Mr. President,

The mural on the wall behind you, by the Norwegian artist Per Krogh, serves as a compelling reminder of the past – of the world rising from the ashes of the Second World War into a period bearing the promise of peace, prosperity and equality.

But it serves also as a vivid reminder of the present that millions of ordinary people are still trapped in the horror of war and conflict, hoping desperately to rise from the chaos that surrounds them into more peaceful times. It is also a reminder to the Council, to the Member States, and to the United Nations, of our collective responsibility to prevent war; to secure peace; and, in its absence, to ensure the protection of civilians.

We see varying degrees of progress on all these fronts. In Kenya, mediation in the wake of post-election unrest reduced the prospects of intensified violence. The consolidation of peace and relative stability continues in Cote d'Ivoire, Nepal, Timor-Leste, and in a more fragile way Uganda, allowing for the return of internally displaced persons and refugees. At the same time, recent upsurges in violence in recovering areas like Burundi and southern Sudan are of great concern.

The full deployment of peacekeepers in Chad, the Central African Republic and Darfur has the potential to augment significantly efforts to protect and assist those caught in the turmoil of violence in the region. But the risks of deterioration are currently very great. It is essential that these missions be given the requisite support and resources to fulfil their mandates.

Last but not least, we see the potential for notable progress towards improved protection for civilians from the devastating impact of cluster munitions. Over 100 States are currently gathered in Dublin to negotiate a treaty banning them. I urge States to seize this historic opportunity and conclude a treaty that has the protection of civilians at its core

and that contributes to reducing the dangers they face from these weapons during and after conflict.

Mr. President,

Important though this progress is, the stark reality remains that in conflicts throughout the world, countless civilians continue to see their hopes shattered by violence and displacement; their lives blown apart by suicide bombers or ground down by physical and sexual violence, deprivation and neglect.

In just the first five months of this year, more than half a million people have been displaced by conflict, both within and across borders. In Burundi, the Central African Republic, Chad, Somalia, and Sudan, over 337,000 civilians have been forced to flee violence this year, some of them not for the first time. In the Democratic Republic of the Congo (DRC), the benefits of January's Conference on Peace, Security and Development are yet to be felt by those sheltering in camps and public buildings in the east, including the 175,000 people newly displaced this year.

In Iraq, sectarian violence, as well as armed confrontations around Basra and Sadr City, have forced more thousands from their homes. In Afghanistan, conflict-induced displacement continues to undermine the gains made in the return or resettlement of those previously displaced. In Colombia and Sri Lanka, the threat of further displacement is ever present in some areas as violence continues.

Of course, displacement is not the only indicator of conflict or of its impact on civilians. Each of the contexts that I have mentioned raises very different concerns for the protection of civilians. Allow me to elaborate today on three that remain particularly acute in many of today's conflicts: the conduct of hostilities, sexual violence and humanitarian access.

Conduct of Hostilities

Mr. President,

Civilians continue to account for the majority of casualties in armed conflict, often in flagrant violation of the rules of international humanitarian law governing conduct of hostilities.

In Darfur, for example, civilians remain the principal victims of attacks by Sudanese Armed Forces and the *Janjaweed* militia. In January and February, aerial bombardments and ground attacks on villages in West Darfur left 115 civilians dead, including elderly and disabled persons, women and children. Earlier this month, attacks on villages in North Darfur, including the bombing of a school, water installations and a market, resulted in further civilian deaths and injuries. Rebel attacks, often mounted from areas of significant civilian population, have also been heavy in civilian casualties.

Last month in Somalia, hundreds of civilians were killed or injured and thousands more were forced to flee their homes by fighting in Mogadishu between the Government, supported by Ethiopian forces, and non-State armed groups. The number of casualties was no doubt exacerbated through the use of heavy weapons in civilian areas.

Israeli civilians remain subject to physical and psychological suffering caused by indiscriminate rocket and mortar attacks launched from the occupied Palestinian territory (oPt). In Gaza, Israeli air attacks and ground incursions continue to result in unacceptable Palestinian civilian casualties.

Non-State armed groups in Colombia continue to perpetrate killings, mass displacement, hostage-taking, sexual violence and forced recruitment of civilians. In Sri Lanka, hundreds of civilians have been killed or injured this year, including in attacks on civilian buses, railway stations and other public places. Only last month, over 40 civilians, including the Government's Highways Minister, were killed in separate suicide attacks. Yesterday, nine people died and 73 were injured when a bomb exploded on a busy commuter train in Dehiwela, a suburb of Colombo. Last Friday a roadside bomb in Kilinochchi killed 17 civilians, on a main road used to reach families displaced by the conflict.

In Afghanistan, 300 civilians were killed in the first four months of this year in attacks by so-called "anti-Government elements", the majority in suicide attacks. Though often aimed at military targets, the manner in which these suicide attacks are carried out almost inevitably leads to civilian casualties. Similarly, in Iraq, suicide attacks continue to be used with chilling effect, while members of professional and religious groups, the media, and government officials are targeted for assassination and abduction.

In both these contexts, I remain concerned also by civilian casualties resulting from air strikes and search operations conducted by national and multi-national forces, as well as the number of so-called "force protection incidents" in which civilians are shot at after being considered a threat to military convoys or for not obeying instructions at checkpoints.

Mr. President,

I do not for one second underestimate the challenge in Afghanistan, Iraq and other contexts, of engaging an enemy whose members are difficult, if not impossible, to identify, and who see the surrounding civilian population as a shield from an attack. This is an enemy for whom the principles of distinction and proportionality appear to have no practical meaning or application. Nevertheless, any military response must itself comply with international humanitarian law and demonstrate respect for the dignity of those already exposed to insurgent attacks.

Against this background, I welcome the inclusion in relevant Council resolutions of provisions calling for all parties to conflict to comply with international humanitarian

law, including in resolutions authorising multi-national forces in Afghanistan and Iraq. I would encourage the continued and systematic inclusion of provisions to this effect in all relevant Council resolutions.

I also welcome efforts made by the International Security Assistance Force (ISAF) and other international forces in Afghanistan to minimize the risk of civilian casualties. Nonetheless, I would reiterate the Secretary-General's recommendation from October's protection of civilians report that ISAF and the Multi-National Force in Iraq provide information in their quarterly reports to the Council on steps taken to ensure the protection of civilians in the conduct of hostilities.

Sexual Violence

Mr. President,

We need further robust action to prevent and respond to sexual violence in armed conflict. Anything less risks condemning current and future generations of women and girls, and boys and men, to indescribable humiliation and cruelty followed by, for those who survive or who are born from such violence, a life defined by pain, stigma and rejection.

Following October's Presidential Statement on women, peace and security, Under-Secretaries-General Arbour, Guehenno and I asked peacekeeping missions to provide improved reporting on sexual violence. This will help build a better picture of the problem in different contexts and allow for more targeted prevention and response activities by the missions and other actors. A conference begins today in the United Kingdom, bringing together military commanders, United Nations actors and some Member States to discuss practical actions that could be taken by peacekeepers in this area. We still have problems ourselves in the UN in this area and we also recognise that we have much more to do.

The DRC has long been at the centre of our discussions on sexual violence, given the pervasiveness of the problem there and the sheer brutality with which these crimes are often perpetrated. We have long urged the Government and other actors on the ground to seek to address the issue. In March, the Ministry of Gender, Family and Child, in partnership with United Nations and civil society actors, launched a national campaign to raise awareness of sexual violence and the need for accountability. This is a welcome step, as was President Kabila's reaffirmation of his zero-tolerance policy on sexual violence during the Conference on Peace and Security in January.

But we need to intensify our efforts to make this zero-tolerance a reality. This includes reversing, in places like the DRC, the continued failure of the police and judiciary to take sexual violence seriously. Ineffective investigations, minimal prosecutions, interference by military and other officials in the administration of justice: these are all practices which have to stop. They are an affront to the rights of victims and serve only to reinforce the culture of impunity on which sexual violence has thrived for so long.

They also reaffirm the importance of the Secretary-General's recommendation in the protection of civilians report that consideration be given to establishing *ad hoc* judicial arrangements to support the national authorities in addressing sexual violence in the DRC. For example, consideration could be given to creating a special, possibly internationalized, chamber within the Congolese criminal courts to prosecute sexual violence cases.

The Secretary-General also recommended using targeted sanctions in response to sexual violence. I welcome provisions in Council resolution 1807 on the DRC which foresee the possibility of imposing such measures against the perpetrators of sexual violence. It is essential that the "Group of Experts" and the "Committee of the Council" have the necessary capacity to ensure implementation of these provisions and that Member States apply the required measures.

Mr. President,

This problem must be approached with the same degree of concerted action wherever it occurs. I welcome provisions in Council resolution 1794 regarding the need to ensure accountability for the perpetrators of sexual violence and requesting the United Nations Mission in the DRC to pursue a mission-wide strategy on sexual violence and to report regularly to the Council on actions taken. But I would like to have seen similar requirements in subsequent Council resolutions 1795 and 1812 on Cote d'Ivoire and Sudan respectively.

The DRC may stand apart in terms of the intensity of sexual violence. But it is no less essential that we take action to prevent the same horrific crimes against the displaced returning home to southern Sudan; or that we seek accountability for those who raped their way across Cote d'Ivoire and ensure support to their victims. It is precisely this need for consistency in approach that stands behind the proposed expert group of the Council to which I shall return.

Humanitarian Access

Mr. President,

The third issue on which I would like to focus is humanitarian access.

Safe, timely and unhindered access is fundamental to our efforts to protect civilians and assist those in need. Yet, throughout the world, including in countries on the Council's agenda, the harsh reality is that millions of people in need of protection and assistance remain beyond our reach due to a variety of constraints.

Overall, improving access in concrete and practical terms remains a key priority for me. OCHA is continuing to develop a mechanism to enhance its capacity for reporting and analysis on access constraints in conflict settings. This analysis will be annexed to future

reports of the Secretary-General on the protection of civilians and included in my briefings to the Council.

The intention is not to establish a league table of situations, ranked according to the severity of access constraints. Rather, it is intended to provide a disaggregated and qualitative picture of access constraints and their humanitarian impact.

It should provide a clearer understanding of how constraints impact different humanitarian actors, such as how insecurity impacts differently on United Nations agencies, international and national NGOs. It will help to identify programmes which are seen by parties to a given conflict as more acceptable, and which may constitute possible entry points from which operations can be expanded. In Afghanistan, for example, insurgent groups tend to be more disposed towards health programmes and those that provide employment opportunities for local populations.

The analysis will also help to identify emerging trends and patterns, such as the increased presence of commercial enterprises that are prepared to “pay for access”. Such practices will, inevitably, have unwelcome implications for free and unhindered access by humanitarian actors working in the same area. Ultimately, the analysis should provide the basis for more nuanced, targeted and practical measures to mitigate access constraints.

One key known factor in all this is the degree of acceptance of humanitarian actors by local populations and parties to the conflict. This is critical for reducing security risks and enhancing access. This means good local knowledge and contacts and constantly reasserting to all concerned the need for full respect for humanitarian principles. It also requires sustained and consistent dialogue about the principles and needs with all actors that can facilitate our access to people in need. And that may in some situations include those seen by many as terrorists.

Not all constraints on access constitute violations of international humanitarian law. For example, some result from the absence, or poor state, of roads or other infrastructure, such as in the DRC. Climatic conditions make areas inaccessible during rainy seasons when rivers cannot be crossed, or in winter, in periods of heavy snowfall, a particular problem in parts of Afghanistan. Sometimes our access is temporarily constrained by active fighting.

But other constraints clearly are violations of international humanitarian law. One of the most alarming and direct threats to humanitarian operations today stems from deliberate attacks against humanitarian workers and other security-related incidents. Often it is difficult to determine the motivation of the perpetrators and their affiliation. Are they connected with a party to the conflict? Are they targeting humanitarian staff whom they do not perceive as neutral? Are they armed or criminal elements taking advantage of the climate of insecurity and preying on a soft target? Or is there some personal or revenge motive?

Less than four weeks ago, Save the Children's country director in Chad was killed when his convoy was attacked by unidentified gunmen, underlining the increasingly dangerous operating environment for humanitarian workers in that country. Across the border in Darfur, seven humanitarian workers were killed and 109 abducted in the first four months of this year. 131 agency vehicles were hijacked and humanitarian premises broken into by armed actors on 52 occasions. Humanitarian workers have been forced to relocate from areas of operation on eight occasions, disrupting the provision of vital assistance to populations in several locations.

In Somalia, 12 humanitarian staff were killed in the first five months of this year. The threat of violence is exacerbated by public threats and accusations of partisan behaviour levied against the humanitarian community by the Government and armed groups. In Afghanistan, a significant proportion of attacks against NGO staff by anti-Government elements are said to be motivated by their perceived support for the Government.

Another major constraint on our operations stems from restrictions on the movement of staff and goods due to checkpoints and spontaneous roadblocks. In Somalia, the proliferation of such obstacles has led to severe delays, diversion and looting of relief items, and additional costs incurred through charges levied at checkpoints which can run into hundreds of dollars. Between October 2007 and March 2008, the number of checkpoints on routes used by the World Food Programme increased from 224 to 311.

In a different and less dangerous but no less frustrating context, in the West Bank, there are still over 600 checkpoints and roadblocks, though I hope recent promised reductions will improve this situation. Between November 2007 and April 2008, United Nations vehicles experienced delays or were turned back at checkpoints on 516 occasions. Over 4,000 staff hours were lost due to delays or denials of access at checkpoints in March 2008.

Interference in humanitarian activities or the overt diversion of aid is another significant constraint on our operations in some contexts. In Somalia, for example, we face an acute phenomenon of so-called "gatekeepers" who try to control access to communities in need, often in return for a portion of the aid being provided.

Another major constraint stems from bureaucratic requirements for the entry and movement of staff and goods. For example, requirements governing the entry into Sri Lanka of humanitarian personnel and relief items continue to impede our operations. The entry of international staff designated for work in conflict areas requires the authorization of three ministries and many staff hours to process the necessary documents.

Operations in Sri Lanka are further constrained by restrictions on the amount, type and mode of transportation of relief goods and other items. For example, restrictions on the movement of construction materials and fuel from Government to LTTE-controlled areas is affecting shelter and sanitation activities.

Ad hoc demands and requirements by officials at the local level also reduce, or paralyze, the passage of assistance. In North Darfur, for example, the Wali issued a decree earlier this month directing the cessation of flights to and from El Fasher by the United Nations and other organizations and the suspension of road travel outside El Fasher for the United Nations and NGOs. While United Nations flights resumed the following day, the ban on road travel has effectively curtailed access throughout the state except for in, and around, the major humanitarian hubs.

Mr. President,

While clearly outside the scope of this report and this debate, I note in passing that access can of course be an issue not only in situations of conflict but also in the aftermath of natural disasters, as we have seen most recently following Cyclone Nargis. I hope this issue is now resolved but implementation will be key. This example demonstrates that we must find a satisfactory way of dealing with access issues for natural disasters as well.

As I hope you will see from this, the issue of constraints on access is complex. But this issue is crucial. We are continuing our analysis so that the first fruits will be available to the Council in the autumn.

Expert Group on the Protection of Civilians

Mr. President,

Vital progress has been made in the nine years since the Council first considered the protection of civilians in armed conflict. There is increased awareness among Member States of the issues involved and their relevance to the Council's work. Four thematic resolutions on the protection of civilians, in particular resolution 1674, have established a comprehensive – and ambitious – framework for action. The challenge now is to realise that ambition and ensure the systematic consideration of protection of civilians issues in the Council's work.

To this end, I would emphasise the importance that we and, I believe, a number of Council members, attach to the Secretary-General's recommendation for the creation of a Security Council expert group on the protection of civilians.

For those that harbour reservations, let me be clear that we are not proposing the establishment of a subsidiary body of the Council with the bureaucratic and resource issues which that implies.

Rather, we envisage an informal forum that would bring together *all* of the Council Member States at the expert level for transparent, systematic and timely consultation on protection of civilians concerns, particularly but not only in the context of the establishment or renewal of peacekeeping mandates.

Mr. President,

The Security Council has come far in addressing the protection of civilians in armed conflict. But I believe the Council could still go further. A more consistent approach to integrating the protection of civilians into all relevant aspects of the Council's work could make a very real difference to the lives of millions trapped in the chaos and horror of war. An expert group of the kind I have described would, I believe, be a useful vehicle to help take you there.

Thank you very much.