

**Alpbach Retreat 2009**  
**The Security Council and the Protection of Civilians: Improving Effectiveness and  
Accountability**  
**29-31 August 2009**

**Open Panel of the European Forum Alpbach:**  
**The Role of the Security Council in the Protection of Civilians**

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The protection of civilians has come to occupy a prominent place on the Security Council's agenda, resulting in concrete actions intended to improve the situation of ordinary people affected by war. Nonetheless, efforts to strengthen further the protection of civilians on the ground remain crucial. Determined action is required – from the Council but also States and the United Nations – to meet five core challenges: enhancing compliance by warring parties with international law; enhancing compliance by non-State armed groups; enhancing protection by peacekeeping missions; enhancing our access to those in need; and enhancing accountability for violations of the law.

Thank you for inviting me to participate in this discussion on the role of the Security Council in protecting civilians in armed conflict.

The protection of civilians has, in the last ten years, rightly come to occupy a prominent place on the Council's agenda. Nevertheless, while civilians have long suffered as a result of armed conflict, it is difficult to avoid the feeling that the recent prevalence of internal conflicts has exacerbated this suffering. Today in many conflicts they are not only the main victims, they are overwhelmingly the victims. Such battles as there are kill few soldiers but the innocents in the way get it from both sides, whether accidentally or deliberately. Often civilians caught up in an internal conflict cannot flee as they might be able to do from a more conventional interstate war; and they are more liable to be seen by both sides as expendable pawns to be used to further their particular interest. Hence the increased and increasing importance of their protection.

And while we have made huge progress in developing norms and standards of behaviour, and concepts of what protection should mean, the grim reality on the ground is that little of this has yet made a difference there, or influenced the behaviour of those who hold in their hands the fates of so many innocent civilians, whether states or illegal armed groups. Some scourges such as sexual violence used deliberately as a weapon of war have without doubt become worse in some places. I have seen for myself, in my role as Emergency Relief Coordinator, in too many places, from DRC to Somalia to Sudan, and most recently in Sri Lanka and Pakistan, the desperation and horror endured by so many, particularly, but by no means exclusively, women and children.

The Council has adopted four important resolutions on the protection of civilians. These have addressed the protection of specific groups, such as women, children, the internally displaced and refugees; accountability for those who commit war crimes; and the role of peacekeeping

missions in protection. The Council's willingness to include protection among the tasks assigned to peacekeeping missions is perhaps the most significant of its actions towards enhancing protection where it matters most – on the ground.

In addition, the Council holds a dedicated discussion on the protection of civilians every six months, and the Secretary-General provides reports every 18 months with concrete recommendations on how the Council and Member States can more effectively strengthen the protection of civilians. The most recent report came out in May this year.

To help guide its work, the Council has recently revised the "Aide Memoire" which identifies key protection concerns in contemporary conflicts and specific actions which the Council can take to respond to those concerns. Earlier this year, the Council also established an informal Expert Group where members of the Council can be briefed in more detail on protection concerns in specific situations.

But let me repeat again that, while all these initiatives are encouraging, the news headlines remind us, day in day out, how much more must be done including, crucially, on the part of the Council, to strengthen the protection of countless civilians that are trapped in armed conflicts throughout the world. The Secretary-General's latest protection report, issued in May, sets out five core challenges.

The first, and no doubt most important in many ways, is to enhance compliance by warring parties with human rights and humanitarian law. The lack of such compliance results in thousands killed and injured every week and thousands more displaced from their homes.

For the Council, this should mean consistently condemning violations, without exception, and demanding compliance with the law. It should mean being ready to use targeted sanctions against those who violate the law; and it should mean requesting reports on violations and mandating commissions of inquiry in particularly grave situations. This needs to become a habit, not a political debate on each occasion in which countries defend their friends or attack their enemies or swap accusations of double standards with little regard to the reality on the ground in each case.

Critical to ensuring compliance with the law, and the second challenge, is engagement with non-State armed groups, such as guerrilla groups or rebel movements. Unpalatable though it may be for some States, we must as humanitarians from the UN be able to talk to all warring parties, including armed groups, in order to seek their compliance. Failure to do so is always likely to mean more, not fewer, civilians killed and wounded. It is essential also to gaining safe access for humanitarian workers to those that need assistance.

Initiatives to promote compliance by armed groups include training and the conclusion of special agreements or codes of conduct, through which groups commit to comply with their obligations. When such efforts prove futile, it may again be necessary to resort to tougher methods, such as targeted sanctions.

Including protection activities in the mandates of peacekeeping missions has been a significant feature of the Council's efforts to improve protection on the ground. Beginning with Sierra Leone in 1999, to present day Congo and Sudan, protection of civilians is increasingly one of the top priorities of several missions.

What we need now – and this is the third challenge – is to maximise the impact of these mandates. That involves providing clearer guidance to heads of missions and force commanders on what implementing a protection mandate actually means in practical terms. It involves ensuring that all peacekeeping missions have a regularly updated protection strategy. It involves prioritizing protection in decisions concerning the use of available capacity and, more crucially still, that the resources provided are indeed appropriate for protecting civilians. And last but not least, it involves detailed and honest reporting by the mission to the Council on the problems facing civilians and the challenges involved in responding to them.

Protection is not limited to protecting civilians who are in “imminent danger”.

Creating conditions that allow humanitarian agencies to provide assistance to those in need is, for example, a critical mission protection activity in places such as Chad, DRC and Sudan. And indeed, ensuring that humanitarian agencies have safe and unimpeded access to populations is the fourth major challenge.

The Council has repeatedly called on warring parties to cooperate with the United Nations in providing safe, timely and unimpeded access to civilians. Yet access is too often unsafe, not timely enough, and seriously impeded. The result is millions of vulnerable people deprived of adequate assistance. The Council must call systematically on warring parties to allow the provision of assistance; to allow safe passage for civilians seeking to flee the fighting; to facilitate the deployment of humanitarian workers and supplies; and to condemn acts of violence targeting humanitarian workers.

But the Council should go beyond this to ensure that deliberate constraints on access have consequences for those that impose them. That means agreeing and applying targeted sanctions against individuals obstructing access, or perpetrating attacks against staff.

Just as constraints on access must have consequences, so too must other violations of humanitarian law and human rights law. The absence of accountability and, worse still, the absence of any expectation or fear of accountability, allow violations to thrive. Addressing this general culture of impunity is the fifth challenge.

Ensuring accountability begins with training combatants on human rights and humanitarian law, issuing manuals, orders and instructions setting out their obligations and establishing disciplinary measures to ensure their observance. It includes adopting national legislation and setting up national judicial institutions for prosecuting genocide, crimes against humanity, war crimes and other serious violations of human rights law. And it extends to ratification of the ICC Statute and full cooperation with the Court and similar mechanisms.

For the Council, once again it means insisting on such cooperation and, if necessary, enforcing it through targeted sanctions. It means requesting reports on violations and mandating commissions of inquiry to examine situations of concern. And it means being ready to refer situations to the ICC when appropriate.

These various challenges, though daunting, are not insurmountable. But making progress from here is essentially a further overarching challenge - the need for the Council to do more to assess the impact of its *own* decisions and actions and to take the necessary follow-up action, in short, genuinely to hold to account those that ignore or otherwise fail to comply with its demands. This is and will be the true test of the Council's commitment to the protection of civilians.

Thank you for your attention.