



# Security Council

Fifty-ninth year

**4990**<sup>th</sup> meeting

Monday, 14 June 2004, 10 a.m.

New York

*Provisional*

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<i>President:</i>	Mr. Baja . . . . .	(Philippines)
<i>Members:</i>	Algeria . . . . .	Mr. Baali
	Angola . . . . .	Mr. Gaspar Martins
	Benin . . . . .	Mr. Adechi
	Brazil . . . . .	Mr. Valle
	Chile . . . . .	Mr. Maquieira
	China . . . . .	Mr. Cheng Jingye
	France . . . . .	Mr. Duclos
	Germany . . . . .	Mr. Trautwein
	Pakistan . . . . .	Mr. Khalid
	Romania . . . . .	Mr. Motoc
	Russian Federation . . . . .	Mr. Karev
	Spain . . . . .	Mr. De Palacio España
	United Kingdom of Great Britain and Northern Ireland . . . . .	Mr. Thomson
	United States of America . . . . .	Mr. Cunningham

## Agenda

### Protection of civilians in armed conflict

Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/2004/431)

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*The meeting was called to order at 10.20 a.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

### **Protection of civilians in armed conflict**

#### **Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/2004/431)**

**The President:** I should like to inform the Council that I have received letters from the representatives of Argentina, Canada, Colombia, Côte d'Ivoire, Ecuador, Egypt, Fiji, Ireland, Japan, Liechtenstein, Malaysia, Mexico, Myanmar, Nepal, Norway, the Syrian Arab Republic, South Africa, Switzerland, Uganda and Ukraine, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

*At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.*

**The President:** In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

I invite Mr. Egeland to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2004/431, which contains the report of the

Secretary-General on the protection of civilians in armed conflict.

In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the texts in writing and to deliver a condensed version when speaking in the Chamber.

As another measure to optimize the use of our time, in order to allow as many delegations as possible to take the floor, I will not invite speakers individually to take their seats at the table and to resume their seats at the side of the Council Chamber. When a speaker is taking the floor, the conference officer will seat the next speaker on the list at the table.

At this meeting, we will hear a briefing by Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. I now give the floor to the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

**Mr. Egeland:** I thank you, Mr. President, for this opportunity to brief the Council on the protection of civilians in armed conflict.

The tenth anniversary of our collective failure to protect 800,000 defenceless men, women and children from the brutal deaths they suffered in Rwanda provides a chilling impetus for us to reflect on ways to better protect vulnerable civilian populations at the height of crises and in their immediate aftermath.

In the intervening years since the Rwanda genocide, civilians have continued to be defenceless victims of conflict, more often than not deliberately targeted by parties to conflicts and subjected to extreme violence and other grave human rights abuse. The impact of long-term conflicts has been particularly devastating. The situation in West Africa has been described as a crisis of protection, due to the widespread sexual violence and other human rights violations, child soldier recruitment, population displacement and restrictions on humanitarian access.

In the Middle East, innocent civilians have been killed and injured by suicide bombings, as well as by missile and other attacks on civilian neighbourhoods and camps. The construction of a barrier through the West Bank is having a profound humanitarian impact

on civilians by separating Palestinian communities from their land, jobs and social services. In the Democratic Republic of the Congo, the recent eruption of fighting in the east has shaken the country's delicate emergence from a brutal eight-year conflict and has compounded what was already a serious humanitarian situation.

These and other protection concerns are outlined in the fourth report of the Secretary-General to the Security Council on the protection of civilians in armed conflict, which I have the honour to present to the Council this morning. The report that we are presenting to the Council this morning is the product of extensive consultations with United Nations departments, agencies and programmes, chiefly through the Executive Committee on Humanitarian Affairs Implementation Group on the Protection of Civilians in Armed Conflict. It also reflects the outcomes of the two roundtables that were held earlier this year of Member States, United Nations departments, agencies and programmes, the International Committee of the Red Cross (ICRC) and key non-governmental organizations on the ten-point platform on the protection of civilians, which I presented at my last briefing in December. I wish to thank the Governments of Canada and Norway for hosting those round tables.

The ten-point platform embodies many of the key issues set out in the broader protection framework provided by the aide-memoire on the protection of civilians in armed conflict. I would like now to summarize some elements of the report and to update members on developments in recent weeks.

First, in ensuring sustained humanitarian access to civilians in need, Governments bear the primary responsibility to provide humanitarian assistance and to protect civilians. It is when Governments do not have the capacity or are unwilling to provide assistance and protection that the United Nations must execute its special role and responsibilities. But we cannot do so when we are denied access to populations in need and when the safety and the security of our personnel are threatened.

In 20 conflicts around the world humanitarian access is either denied or obstructed. I believe that there are at least 10 million people in the world in need of food, water, shelter, medical care and the basic means for survival, to whom we have no access.

In the Darfur region of the Sudan we are currently in a desperate race against the clock to save more than a million civilians displaced by indiscriminate violence, who are now threatened with starvation and disease. As an international community, we are late in responding to this crisis. We were largely prevented from entering Darfur with our relief workers until the past few weeks. We are making progress in terms of food and shelter, but we are desperately behind in other sectors. We may need the Council's help, especially in getting into Darfur water and sanitation equipment and other key non-food relief supplies. We are also deeply concerned that attacks on civilians in Darfur are continuing, despite the commitment made by the parties to the N'djamena humanitarian ceasefire agreement to refrain from any act of violence or other abuse against civilian populations, particularly women and children. The deployment of observers by the African Union and the United Nations High Commissioner for Human Rights (UNHCHR) will be critical to the monitoring of the situation.

My second concern, safeguarding the security of its humanitarian personnel, remains a key challenge to the United Nations and its humanitarian partners. The past 18 months have witnessed ongoing threats and horrific attacks against humanitarian personnel in many conflict situations, including Afghanistan, Chechnya, Côte d'Ivoire, Iraq, Liberia, the occupied Palestinian territories and the Sudan. Humanitarian workers have also been specifically targeted in Somalia, where five staff members of international non-governmental organizations have been killed in the past six months.

Religious and cultural leaders may have an important influential role in protecting humanitarian work, in taking a strong stand on the protection of civilians in armed conflict and in condemning the attacks against humanitarian workers. In the past two weeks alone, we have seen further examples of the disturbing trend of blatant disregard for humanitarian principles and deliberate targeting of humanitarian workers for political or tactical purposes. In Afghanistan, on 2 June, five humanitarians from the Dutch branch of Médecins sans Frontières were shot dead in an ambush in north-west Afghanistan. On 3 June, 16 humanitarian workers were detained by the Sudanese People's Liberation Movement for three days. In recent days, in the eastern Democratic Republic of the Congo, staff from United Nations

humanitarian agencies and their non-governmental organization partners were attacked and their offices and equipment destroyed or damaged.

By further restricting humanitarian access, these acts ultimately aggravate the suffering of the civilian population. A sustained humanitarian presence to provide protection and assistance wherever needs exist is fundamental to our humanitarian mandate. For humanitarian agencies to continue to work effectively, we will need to reinforce collective approaches to protection and security coordination. The perpetrators of attacks on humanitarians must be held accountable, as affirmed in Security Council resolution 1502 of August 2003.

My third concern is the need to better protect women and children in armed conflict. In Côte d'Ivoire, the Democratic Republic of the Congo, Haiti, Liberia, northern Uganda and other conflict situations, sexual violence and other particularly abhorrent human rights abuses against women and children have been committed on a horrifying scale. Rape continues to be used as a brutal weapon of war. A particularly terrifying consequence that many face is the spectre of HIV/AIDS. According to reports, in numerous villages and displacement camps in Darfur, women and children have been systematically raped. In the Democratic Republic of the Congo, brutal sexual violence has once again devastated the lives of women and children during the recent eruption of fighting. Beyond the devastating physical, psychological, emotional and social trauma suffered by the women and children who are brutally attacked, these egregious crimes undermine cultural values and community relationships and can destroy the very ties that bind society together. Extraordinary protection measures are needed.

In such violent and distressing circumstances, peacekeepers and United Nations staff must demonstrate exemplary personal conduct and behaviour. The deeply disturbing issue of sexual exploitation and abuse of women and children in armed conflict by United Nations affiliated personnel demands our urgent attention. These acts do irreparable damage, both to the image of the United Nations and — more importantly — to our ability to serve and protect war-torn societies. Following the promulgation of the Secretary-General's bulletin last October, prevention and protection measures at the field level are beginning to be implemented. In order to be truly effective, these efforts need to be reinforced by demonstrated action on

the part of personnel-contributing countries, including punitive measures against offending personnel. I encourage the Security Council to urge personnel-contributing countries to cooperate fully in this effort.

My fourth concern is the plight of refugees and internally displaced persons. The fact that a staggering 50 million people worldwide have been displaced from their homes by conflict is one of the most pressing protection concerns we currently face. In Colombia, in May, I saw the poverty of two million displaced people. Their safety has been further jeopardized by a dramatic increase in the use of landmines by rebel groups. The number of internally displaced persons in Ingushetia in the Russian Federation has decreased in recent years, from 250,000 to 50,000. As these civilians return to Chechnya, however, new protection needs arise. Civilians living in refugee and internally displaced camps are vulnerable to attack by armed groups. Only late last week, the Lord's Resistance Army (LRA) mounted another brutal attack on civilians living in an internally displaced persons camp in northern Uganda. This is the fourth attack on internally displaced persons camps in as many weeks, attacks that have left more than 120 people dead, mostly women and children. These deplorable attacks by the LRA must end. I also call on the Government of Uganda to redouble its efforts to protect internally displaced persons and other civilians and to do more to seek reconciliation and dialogue that can demobilize and reintegrate the child soldiers who now cause so much suffering.

In several countries, armed elements infiltrate refugee and internally displaced persons camps in order to recruit or abduct men, women and children for military and other purposes and to steal food and other goods, endangering not only the inhabitants of the camps but also the host communities. The infiltration of armed elements and combatants blurs the civilian character of camps and exposes civilian populations to the increased likelihood of attack by opposing forces. This problem must be addressed through the identification, separation, disarmament and internment of the combatants. I am pleased to report that the Office of the United Nations High Commissioner for Refugees (UNHCR) convened an expert meeting in Geneva from 9 to 11 June on maintaining the civilian and humanitarian character of asylum. This expert group is formulating standards, principles and, most importantly, tools for use at the field level to assist host

countries and other relevant actors to manage this important and sensitive security issue.

My fifth point concerns issues related to compliance and impunity. Violations of international humanitarian and human rights law characterize today's armed conflicts. In too many conflicts around the world, these crimes continue to be committed with total impunity. Perpetrators must be brought to justice, and potential perpetrators must be deterred.

It is encouraging that the Security Council has recognized the importance of strengthening the legal framework that underpins the protection of civilians. Later this year the United Nations will hold a treaties event — Focus 2004 — that will concentrate on multilateral treaties relevant to the protection of civilians. I wish to echo the Secretary-General's recent call to Member States to demonstrate their commitment to the central role of the rule of law in international relations and to the protection of civilians by using the occasion of Focus 2004 to sign, ratify or accede to these treaties.

My final concern is "forgotten" emergencies. Political interests, strategic priorities and the media spotlight create enormously disproportionate responses to humanitarian and protection crises. Experience shows that skewed flows of humanitarian funding for complex emergencies undermine protection and assistance to civilians in need.

Sadly, it is often in the forgotten emergencies that the risks to civilians are greatest. For example, Somalia has remained off the international community's radar screen for some time now, yet the protection concerns in that country are grave. The continuing factional fighting is causing daily civilian casualties. Access to populations in need is increasingly restricted and increased flows of illegal arms further exacerbate the suffering of civilians. The absence of governance for the last 13 years has created a vacuum in terms of protecting civilians in Somalia. International action is needed. In the Central African Republic, restrictions on access and lack of resources continue to deny life-saving assistance to some 2.2 million people. In Guinea, lack of funding has prevented effective humanitarian assistance from being provided to displaced people, returnees and host communities. I encourage the Security Council to consider the links between the maintenance of international peace and security and inadequate funding in certain crises.

When confronted with challenges of this magnitude, it is important to recognise that progress depends on incremental change. In the five years since the Security Council adopted its first resolution on the protection of civilians in armed conflict, some progress has been made. Peacekeeping mandates have been broadened and have a stronger protection focus. These mandates have been complemented by swifter deployments of peacekeeping troops when needed to avert an immediate crisis of protection and to restore order. We should be encouraged by the real efforts being made at the regional level to start to address the protection of displaced persons and other civilians, particularly in Africa, where the problems are grave. The African Union and the Economic Community of West African States are making concerted efforts to systematically incorporate these issues. Their work can only be further consolidated by the work undertaken by the New Partnership for Africa's Development. In addition, the humanitarian operational response to protection concerns on the ground has been extensive, the policy framework has been strengthened and there is now stronger inter-agency coordination and collaboration within the United Nations system.

But as long as civilians continue to constitute the majority of victims in situations of armed conflict, this progress is not nearly enough. The establishment of the culture of protection called for by the Secretary-General is still a distant goal. The Security Council is the United Nations principal mechanism for the promotion of peace and security around the globe. The humanitarian community administers to victims in the absence of peace and security. Our roles are intricately and fundamentally linked and it is for this reason that I appreciate the commitment that the Council has shown to the protection of civilians agenda by establishing regular dialogue on this increasingly important issue.

We must, at the same time, be honest about what we achieve and when we fail. In northern Uganda, the abduction and killing of children by children is worse today than when I last spoke on this subject before the Council in December. In Darfur, the crisis for hundreds of thousands of civilians is deepening by the day. We need to find better ways to provide humanitarian assistance quickly and efficiently, as soon as the security situation on the ground allows, whenever civilians are in desperate need.

We believe that the time is right for the Council to consider adopting another resolution on the

protection of civilians in armed conflict. It has been four years since the Security Council adopted its most recent resolution. We should now update resolution 1296 (2000) in order to reflect the important developments that have taken place over the past four years and to support further measures to improve the protection afforded to civilians in times of armed conflict. The Secretary-General's report sets out a number of recommendations to this end. Measures that we believe would enable us to assist the Council in its response include more systematic information on key protection issues and earlier reporting on situations of concern so that humanitarian and protection support can be provided as efficiently as possible.

The dire consequences of the failure of each of us to speak out and act were tragically illustrated by the genocide that took place in Rwanda 10 years ago. There is no substitute for the willingness to act if we want to transcend the cycles of armed conflict and to provide civilian men, women and children with a life free from violence, suffering and fear.

**Mr. Motoc** (Romania): I wish first to warmly congratulate you, Sir, and the Philippines presidency on convening this meeting on a highly topical matter. Our appreciation also goes to Under-Secretary-General Jan Egeland for his telling briefing.

I would like at this stage to mention that Romania associates itself with the statement to be made by Ambassador Ryan of Ireland on behalf of the European Union.

We welcome the Secretary-General's report. It provides us with an accurate representation of the situation on the ground. It bears confirmation of the performance and progress in the humanitarian work the United Nations and its partners have put together since the Secretary-General's last report. It is nonetheless evident that the facts we are dealing with remain disturbing. Although the protection of civilians in armed conflict is at the core of our work in the Security Council, the facts alone prove that we need to say and do more.

This Council has made an important number of commitments to the protection of civilians in armed conflict and identified certain priorities which are addressed in the report before us. Nevertheless, we are forced to adjust the ways we address the problem by the ever-changing picture of the conflicts we deal with today. Asymmetric warfare, which has tended to replace the conventional form of conflict, challenges

our approach to peacemaking and burdens the Security Council with the effort to come up with new solutions each and every time we deal with a new actor and weapon of war. For instance, the emergence of non-State actors presents us with a difficult choice: either the United Nations must open channels of dialogue in order to engage in negotiations on humanitarian issues, thus legitimising groups with sometimes dangerous agendas, or it must keep its distance, thus relinquishing the possibility to exercise positive leverage.

Maybe the most outrageous evidence of the changing nature of conflict is that civilians are no longer just incidental victims of armed conflicts, but have become targets and even tools in warfare. Acts such as terrorism and sexual violence against women and children shock our collective conscience and ultimately keep this Council, as the actor responsible for the maintenance of world peace and security, permanently engaged in the search for better ways to protect civilian populations. Furthermore, we are confronted with situations in which targeting United Nations and non-governmental humanitarian workers has become a tactical move frequently resorted to by factions engaged in conflict. Since a sustained humanitarian presence and unrestricted access to civilians in areas of conflict are sometimes fundamental for the very survival of those civilians, the Council must make sure that the security of humanitarian personnel is guaranteed by all parties engaged in armed conflict. We take this opportunity to reaffirm the importance we attach to the 1994 Convention on the Safety of United Nations and Associated Personnel. We shall support every effort to expand the application and scope of its provisions.

In observing transitions from conflict to peace and moving from one conflict to the next, we perceive new trends and become aware of new needs related to the protection of civilians. We have constantly defined new threats to civilian populations, including the most vulnerable — women and children — and have fostered attempts to come up with proper answers — often on a case-by-case basis — to protect them. Every conflict is a milestone in this effort and teaches us new lessons. The Council has the obligation to adjust its response accordingly.

First, we must strengthen norms and ensure their proper implementation. The Security Council must make sure that parties to a conflict are pressured to comply fully with the provisions of the Charter and the

rules and principles of international law, in particular international humanitarian, human rights and refugee law, and to implement fully the relevant resolutions of the Council. The Council must demonstrate its will to condemn and take action in every situation where breaches of law deprive civilians of their rightful protection and to ensure that those acts are properly addressed and do not go unpunished. The same applies to United Nations personnel. The Security Council must remain vigilant and take action to ensure that United Nations humanitarian personnel do not inflict further harm on civilians in areas of conflict. The Council's mandates for peacekeeping missions must incorporate the minimum standards of behaviour set out clearly in the Secretary-General's bulletin of October 2003 (ST/SGB/2003/13).

Secondly, although responsibility for protecting citizens rests with States, and the work of the United Nations is complementary to such efforts, it is up to the Security Council to intervene when Governments are unwilling or unable to take responsibility for protecting civilians in armed conflicts. We must assign the international community a role. Romania has always been a strong supporter of the United Nations entrusting regional organizations with the mandate of taking up this agenda and with bringing to fulfilment the tasks attached to it.

We are of the opinion that, in order to better calibrate the Council's answer to the evolving environment of conflicts and to build a viable system of protection with respect to the issues of disarmament, demobilization, reintegration and rehabilitation, as well as to the problems of refugees, internally displaced persons and small arms, the Council must think of the regional dimension and engage the United Nations in mutually beneficial cooperation with regional organizations. Romania would certainly like to see better coordination and partnership between the United Nations and regional organizations on the safe return and the reintegration of refugees and internally displaced persons in the post-conflict situation in Kosovo.

In arriving at the proper answer, we acknowledge that the input of the Secretariat is essential for the improvement of the Council's analysis and decision-making. We are appreciative of the Secretariat's work, and we welcome any further advice or recommendations on the matter.

**Mr. Maquieira (Chile)** (*spoke in Spanish*): At the outset, I would like to thank you, Mr. President, and the delegation of the Philippines for convening this important meeting on the protection of civilians in armed conflict.

I also thank Mr. Egeland, who has presented an excellent and comprehensive report of the Secretary-General (S/2004/431) on an issue of such importance to the Council's work.

The protection of civilians in armed conflict is one of the most important issues on the Council's agenda because of its close and binding link with the maintenance of international peace and security and because, directly and concretely, it provides effective peace and security to millions of people, including children, women, the elderly and all individuals who are the passive victims of the multiple forms of violence that arise in armed conflict.

As noted in the report of the Secretary-General presented to the Council this morning, over the five-year period since the Secretary-General initiated the discussion on this issue, there has been significant progress in understanding and forging a systematic approach to the problems and needs in this field. The recommendations, norms and tools that now exist, and which provide for due attention and solutions, are now taken into account by the Security Council in the mandates for peacekeeping operations contained in its resolutions.

Among the concrete advances made during the 18-month period covered in the fourth report of the Secretary-General, the mandates of peacekeeping operations have been broadened, enabling their forces to physically protect civilians under threat of violence. In addition, those forces can now be deployed more swiftly when their presence is needed to avert an immediate crisis of protection and to restore order. Such action improves the speed and quality of the response to crises, thanks to increased contributions for those operations.

The progress also includes a broader and deeper understanding of the painful and persistent nature of the situation civilians face in armed conflict. As noted in the report of the Secretary-General, the greater experience and understanding acquired warrants reflection on those areas where the measures taken still fall short of needs. That remains a great challenge for the Security Council's work in this field, as well as for the Secretariat and the Members of the Organization.

In that connection, there are some specific aspects of the report presented by Mr. Egeland that we want to underline in order to contribute to this important discussion, for which meetings such as the present one are very useful.

Without doubt, the United Nations focus on the protection of civilians in armed conflict has strengths and weaknesses. One of its strengths is the fight against impunity through the creation of special tribunals and, most fundamentally, the International Criminal Court. The timely use of those instruments and of other measures recommended by the Office for the Coordination of Humanitarian Affairs could be very useful for fighting impunity.

Another relevant question is how to promote responsibility among non-State armed groups. This is a question of extraordinary complexity and presents serious dilemmas. At the same time, we all know that when a conflict erupts, non-State actors disregard their responsibilities and obligations under international humanitarian law and cause grave and systematic violations of human rights and international humanitarian law and impede access to humanitarian assistance.

The Council has done a great deal. It has demonstrated its ability in preventive action and its effectiveness in tackling the humanitarian consequences of conflicts. However, a complex situation arises during the conflict. There is no doubt that the Council, by consistently including very specific demands in its resolutions directed to those groups, is moving the process forward. However, there is a clear need to do more.

At the same time, as the Office for the Coordination of Humanitarian Affairs has noted, interaction with those actors has yielded mixed results. We await with interest the outcome of the work of the inter-agency working group on best practices on that question, which continues to be the main challenge for the United Nations in terms of improving protection for civilians. There can be no doubt that other measures must be developed — timely visits on the part of the Coordinator or the High Commissioner for Human Rights, as well as other initiatives that do not convey recognition or legitimacy yet contribute to reducing or eliminating threats to the civilian population.

Another important topic we deem important is the shift made by civilians or victims of a conflict to

combatants or actors in that same conflict, which can happen in the absence of adequate safeguards. That is another area that requires greater and more detailed analysis and consideration by the Secretariat, which would provide a basis for making recommendations and enhancing the work of the Security Council in that area.

I will conclude by reiterating Mr. Egeland's call for the Council to adopt a resolution in this connection, following up on resolutions 1265 (1999) and 1296 (2000), which would address the new elements contained in the report, as mentioned by Mr. Egeland. It also seems important for the Security Council to take measures to implement its prior commitments in the area of the protection of civilians with respect to the resources needed and on the basis of the situation of civilians as described in the reports of the Secretary-General on countries in crisis.

The Council could also consider other measures. For example, interested countries or groups of friends interested in the protection of civilians in armed conflict might follow up on the decisions adopted by the Council in that connection.

**Mr. Cunningham** (United States of America): We welcome the Secretary-General's report, and I would like to thank Under-Secretary-General Egeland for his excellent briefing this morning. It paints a disturbing picture that we know all too well.

Safeguarding civilians from the devastating effects of armed conflict is fundamental to the precepts of the United Nations Charter. Our fondest wish would be that the international community could more effectively protect civilians from dangers arising from military operations. There is much that we can do to achieve that goal. The international community is improving its efforts, and we welcome again the Secretary-General's report in that regard.

The Secretary-General and the Office for the Coordination of Humanitarian Affairs have provided us with a useful status report of the current situation and good direction for the way ahead. Much depends, however, not on what we say or do here, but on what Governments do to protect their own people or to allow others to help.

As the Secretary-General's report notes, the ongoing crisis in Darfur is profoundly affecting civilians: 30,000 have already died; 125,000 have



become refugees; and another 1 million have been internally displaced. The situation in Darfur has rightly been called the greatest humanitarian disaster today. The situation there illustrates the importance of several of the areas the Secretary-General highlighted as needing continuing focus: humanitarian access, security of humanitarian personnel, refugees and internally displaced persons, women's and children's issues, and small arms and light weapons.

There have been serious problems with humanitarian aid and workers being allowed into Darfur, although the Government of Sudan's decision to waive visa and permit requirements has started to improve conditions. Unfortunately, the Government continues to deny release of vehicles needed by humanitarian relief agencies. It has also, in some cases, denied release of the radio equipment needed for workers to securely deploy to remote areas to deliver aid.

In addition, the Government has delayed food shipments from Port Sudan, potentially to the point of making the food useless. These bureaucratic obstructions, in conjunction with the beginning of the rainy season, make it imperative that the aid community stockpile food and supplies.

Darfur also highlights issues related to refugees and internally displaced persons and the special needs of women and children, which the Secretary-General raised in his report.

The opportunity for more peacekeeping operations can increase the likelihood of mitigating the impact of a conflict on civilians. However, there is a strain on capacity and on budgets. We need to ensure that, even with the strains on the system, United Nations personnel always live up to the highest standards.

In regard to the disturbing abuses committed by United Nations personnel, my country welcomes the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse, and looks at that bulletin as a step in the right direction towards addressing the problem.

The United States believes that solutions to the problem of the illicit trade in small arms and light weapons must be practical and effective. My country strongly supports arms export and import controls, including strict regulation of arms brokers, restraint in trade to regions of conflict, strict observance and enforcement of Security Council embargoes,

destruction of excess weapons, and measures to ensure the security of arms stockpiles.

Member States bear the primary responsibility to ensure that legal exports are not diverted into illicit arms flows or used to commit human rights abuses. They are responsible for meeting their obligations under international law.

In closing, the United States reiterates support for the efforts made by the United Nations to protect civilians from the dangers arising from armed conflict. We encourage the Secretary-General, Under-Secretary-General Egeland and other key actors in the United Nations system to continue the dialogue on how United Nations organs can better work together with States to promote protection and to present country-specific recommendations for the Council's consideration.

**Mr. Benmehidi** (Algeria) (*spoke in French*): May I first of all thank the Secretary-General for his fourth report on the protection of civilians in armed conflict and Mr. Egeland for his presentation.

Beyond the 18-month reference period covered by the report, this debate offers the Security Council a good opportunity to undertake a five-year evaluation of the progress achieved since 1999 in an area that is closely linked to the maintenance of international peace and security.

In spite of the gaps that still remain, important progress has been achieved in the area of protection, and we deem it appropriate to evaluate these achievements as part of the follow-up to the Millennium Declaration and of the major efforts under way to adapt the Organization's response to the challenges we face.

We are thinking in particular of the achievements resulting from the progressive implementation of the recommendations of the Brahimi report on peacekeeping operations; of the progress achieved towards curbing impunity; of better-structured conflict-prevention efforts, in particular the establishment of ongoing relationships with regional organizations, pursuant to Chapter VIII of the Charter; and overall progress made in the reform of the Organization.

Hence the first report of the Secretary-General on protection of civilians, drawn up in September 1999 at the request of the Security Council, and the interaction between the two bodies which followed has had a structuring effect in that field which we feel is

important to emphasize. At various stages, those exchanges have enabled the Organization to set up sophisticated inter-institutional mechanisms and multidisciplinary, better-planned peacekeeping operations in order to address this very complex issue.

Indeed, major concerns in the area of protection are more systematically highlighted in the resolutions of the Security Council, and they are given increased importance in the mandates of United Nations operations. They pertain to deliberate attacks against civilians, the phenomenon of sexual violence against vulnerable groups, humanitarian access, or even to the disarmament, demobilization, reintegration and rehabilitation process, which remains the key element of the transition to peace.

Furthermore, the more rapid deployment of United Nations peacekeeping forces or of United Nations-authorized forces have concretized the idea of preventive deployment, which is part and parcel of the progress achieved in terms of a regional approach to conflicts, with a view to fully understanding the regional dimension of the protection of civilians in many cases. This concern is conspicuously reflected in decisions taken with regard to disarmament, demobilization, reintegration and rehabilitation and cross-border movements of refugees, combatants and small arms and light weapons.

But this undoubted progress should not conceal the many remaining gaps: the physical and legal protection of civilian populations caught in the grip of war remains a long-term undertaking. The very persistence of conflicts illustrates our collective failure in meeting the objective of ensuring that a culture of prevention prevails over a culture of reaction. Indeed, far from decreasing over the past five years, the number of persons eligible for protection has risen from 30 million to 50 million. The high number of people to be protected, the complex nature of crises and exacerbating factors — inter alia, arms trafficking, illegal exploitation of natural resources and the use of mercenaries — combine to target non-combatants and have caused a considerable rise in the resources needed to address this issue.

On a number of occasions in recent years, the international community has shown its determination to react to emerging crisis situations quickly and with the appropriate resources by providing peacekeeping operations with robust mandates. In our view, it must

be equally determined to provide an appropriate level of resources when it can be predicted that needs will increase pending the positive results of preventive action, for which we all hope. We are particularly concerned that an appropriate level of resources will make it possible to maintain what has been achieved with regard to the regional approach to protection, the burden of which continues to weigh essentially on States neighbouring conflict areas and on subregional organizations whose primary purpose is not the maintenance of international peace and security.

Moreover, the increasingly compromised immunity of United Nations and humanitarian personnel is a disturbing development requiring that the mandates and capacities of peacekeeping operations be strengthened. And, above all, that development raises the issues of respect for international humanitarian law and of the impunity enjoyed by those who violate it.

In that connection, my delegation agrees with the Secretary-General about the crucial importance of propagating the norms of international law and of ensuring that belligerent parties respect them. We support his recommendation that non-State armed groups be made to comply with them. We also welcome the balanced approach of the report (S/2004/431), which recognizes that human rights violations can be the acts of non-State armed groups — contrary to the previous fixed view that these could only be the work of States.

The primary task of United Nations peacekeeping forces must be to reassure and protect civilians, and it is essential that their behaviour towards civilians — especially women and children — meet the highest standards of respect for the law. Here, the Secretary-General's bulletin must be applied quickly and effectively.

Finally, my delegation wants to note and deplore a major gap in the report of the Secretary-General that could hinder attainment of the objective of respect by all for international humanitarian law: the protection of civilians in territories under occupation, which the report addresses only incidentally, and, in the case of occupied Palestine, with blameworthy mildness considering the seriousness of the subject before us. There is no need to prove that, during the period covered by the report, massive, frequent and deliberate violations by Israel of the rights of Palestinian

populations under occupation have at times reached unprecedented levels — in the full sight of the international community.

In the view of my delegation, the first line of defence for international humanitarian law and for the 1949 Geneva Conventions that underpin it is to be found in occupied territories, particularly in the occupied Palestinian territories, whose tragic situation calls on the international community to take measures to warn the Government of a Member State, Israel, which has been clearly identified — and which, moreover, does not even try to deny its responsibility for the whole gamut of crimes and violations that the Office for the Coordination of Humanitarian Affairs consistently outlines in its reports, including the targeted and deliberate killing of humanitarian personnel. The situation in occupied Palestine is so serious that it could have a negative effect on the international community's credibility as it strives to ensure respect for humanitarian principles everywhere, to further the protection of civilians.

There is no doubt that, with respect to the sensitive question of impunity, its credibility and that of the humanitarian community are being sorely tried by the double standard employed to Israel's benefit. Today's debate is another opportunity for the Security Council to begin the necessary readjustments, without which the firm message it wishes to send to recalcitrant Governments and armed groups will be considerably softened.

**Mr. De Palacio España** (Spain) (*spoke in Spanish*): We thank the Philippine presidency for the opportunity to discuss the protection of civilians in armed conflict. We welcome the report of the Secretary-General (S/2004/431) and are particularly grateful to Under-Secretary-General Egeland for introducing it; we congratulate him on the work of his Office aimed at improving the protection of civilians in armed conflict.

Since the first report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/1999/957), five years ago, there has been progress in the institutional sphere and in the coordination of the Organization's protection efforts. In its resolutions the Security Council has taken great care to identify key issues related to the protection of civilians, with a view to finding solutions. The promotion of what has been called a culture of

protection has been reflected in many activities of the United Nations system aimed at enhancing the physical and legal protection of civilians. Spain, to be sure, has supported this process in the framework of international and national legislation and has supported the 10-point platform presented here by Mr. Egeland in December 2003, which continues to be our basic reference point.

Yet all those efforts have not yet met the real needs with respect to the protection of civilian populations in armed conflict. The growing number of conflicts poses a vast protection challenge. At the same time, as the report of the Secretary-General notes, the increased number of humanitarian actors is a new factor highlighting the need to bolster United Nations system activities to protect civilians.

We reaffirm the general principles that are basic to the protection of civilians: providing humanitarian access to vulnerable populations, the denial of which has devastating effects, as in the case of Darfur; separating civilians from combatants; restoring the rule of law; ensuring that justice prevails; and achieving reconciliation.

All the actions proposed in the report, if they are undertaken in an effective way, would be of great importance in improving the protection of civilians. But, in the light of the brief time at our disposal, my delegation wishes to highlight three elements that we think are of particular importance.

First, we must stress the need for cross-cutting integration of the protection of civilians in armed conflict into all United Nations activities. I am not speaking only of the need to improve the coordination process; improvement has begun to occur and, as noted, is yielding positive results. Such coordination also requires an effort to ensure that the protection of civilians is not viewed as an isolated issue that lies within the sole purview of the humanitarian sector. Protecting civilians means not only ensuring their survival, but also ensuring that they fully enjoy their human rights and fundamental freedoms. Attaining that objective requires an endeavour that cuts across the entire system.

In addition to actors in conflicts, United Nations civilian and military personnel have a special responsibility. I wish to emphasize the importance of the plan of action adopted by the Inter-Agency Standing Committee — which established six basic

principles as the minimal norms of conduct for United Nations civilian personnel — and the need for its fuller implementation. At the same time, ensuring the security of humanitarian personnel must continue to be a priority, because acts against them are simply an indirect and grave way of preventing assistance and of jeopardizing the protection of civilians in conflicts. In that connection, we unreservedly support the swift adoption of provisions to supplement the 1991 Convention on the Safety of United Nations and Associated Personnel.

Secondly, we must focus efforts on protecting the most vulnerable of the vulnerable — that is, women and children — particularly against sexual exploitation and abuse. Regrettably, the efforts made in recent years have not had all the desired effects. The participation and utilization of children in armed conflict are alarming. More than 300,000 children under the age of 18 are directly involved in conflicts, in addition to those recruited to transport weapons or to act in collaboration with adult soldiers. In that connection, it is more than necessary that we integrate experts into peacekeeping operations to ensure genuine protection of women and children.

But such a measure is not sufficient either. We must improve the specific tools to ensure that the protection of women and children is a priority, including in the process of disarmament, demobilization, reintegration and rehabilitation. Demobilization and reintegration are impossible without disarmament. Therefore, the Security Council must continue to seriously consider more dynamic disarmament measures aimed at limiting violence against civilians — particularly the most vulnerable — in post-conflict phases. Moreover, during transitions to post-conflict normalization, we must swiftly restore services for public order — such as police, courts and prisons — to help civilians return to a degree of normal life and to prevent abuses against the civilian population. That could prevent many such cases once the conflict has ended.

Thirdly and finally, it is imperative that we put an end to impunity. It is the responsibility of all States to implement the commitments they undertake with the ratification of international instruments. In that connection, my delegation fully supports the appeal made by the Secretary-General in his report (S/2004/431) to ratify or adhere to the Statute of the International Criminal Court and to treaties on

international humanitarian law and human rights, including refugee rights. We support the ongoing work of the various international criminal tribunals established by the Security Council. However — and perhaps more important for us — the primary and fundamental responsibility of pursuing and prosecuting criminals belongs to the States in whose territories crimes against civilians are committed. That is why we believe national criminal justice systems must be improved. A special effort must be made to guarantee respect for those norms by groups of non-State actors and to ensure humanitarian access, which is regarded as a fundamental right of civilians in conflict situations. Furthermore, we strongly support the Security Council's decision to appoint a Special Adviser on the Prevention of Genocide and other particularly grave crimes.

In short, cross-cutting consideration of the problem of the protection of civilians, special protection of the most vulnerable — women and children — and putting an end to impunity are essential elements of developing a culture of protection — elements to which the United Nations must continue to devote particular attention.

**Mr. Gaspar Martins** (Angola): Let me start by thanking you, Mr. President, for convening this important debate on protection of civilians in armed conflict. I would also like to thank Under-Secretary-General Egeland for his very good briefing on the fourth report submitted by the Secretary-General to the Council on the protection of civilians in armed conflict (S/2004/431). Moreover, judging from the number of delegations that have decided to join this debate, the convening of this meeting is good and timely.

The Security Council has made a number of important commitments to the protection of civilians in armed conflict, especially by adopting resolutions 1265 (1999) and 1296 (2000). In line with resolution 1296 (2000), mandates of peacekeeping operations have been broadened to allow missions to protect civilians under imminent threat of violence, as seen in the mandates of the United Nations Mission in Sierra Leone (UNAMSIL), the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), the United Nations Operation in Côte d'Ivoire (UNOCI) and the United Nations Operation in Burundi (ONUB).

However, despite the progress so far achieved on the protection of civilians, the implementation of the

recommendations contained in the road map set out in the report submitted in 2002, as requested by the Security Council, is not yet satisfactory. Armed conflicts still affect millions of civilians around the world, but especially in Africa, and too often, the principal victims of armed conflict are women and children, on whose shoulders lie the future.

The foundation of the responsibility for protecting civilians should be based on specific responsibilities: the responsibility to prevent, which implies the need to address both the root causes and the direct causes of armed conflict and other man-made crises putting civilians at risk; and the responsibility to rebuild, which means full assistance with recovery, reconstruction and long-term reconciliation. We note with satisfaction the views contained in the Secretary-General's report, submitted pursuant to the request of the Security Council presidential statement adopted on 20 December 2002 (S/PRST/2002/41).

Indeed, the protection of civilians demands a more coherent and comprehensive response from the Security Council, from the parties involved in armed conflicts and from the rest of the international community. In 2003, according to United Nations sources, humanitarian appeals made with regard to 13 African crises required \$2.2 billion, and less than half of that amount was received. In my delegation's view, that contrasts with the responses to other crises rightly or wrongly perceived to be more strategically important. In that connection, I echo Under-Secretary-General Egeland's appeal to encourage the Security Council to consider the link between the maintenance of international peace and security and inadequate funding of responses to certain crises.

Existing armed conflicts are no longer national or local in dimension. A current and good example — which should concern the international community — involves the conflict in Darfur and its spillover effects on Chad.

As we have seen in Côte d'Ivoire, Sierra Leone and Liberia, serious cross-border issues, the infiltration of armed elements into refugee-populated areas and the militarization of refugee camps represent indeed a great threat to peace and stability. The separation of armed elements from civilians clearly has great potential as a protection tool. It also constitutes an important measure in terms of preventing conflict escalation.

My delegation wishes to reiterate the view that closer cooperation between regional and subregional organizations and the Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs and the United Nations Office of the High Commissioner for Refugees should be encouraged in order to ensure that protection-related considerations are integrated at the earliest possible stage into the planning and the implementation of peacekeeping operations.

Furthermore, recommendations by the Special Representative of the Secretary-General on Children and Armed Conflict, the rule of law, impunity, compliance and long-term national reconciliation, the widespread use of small arms, mine action and disarmament, demobilization and reintegration (DDR) programmes, as well as the impact of the illicit exploitation of natural resources in fuelling armed conflicts, should also be fully considered in that context.

The responsibility to respond to the need to protect civilians implies also making effective use of sanctions and international prosecution. In that context, the 1267 Sanctions Committee and the European Commission, in partnership with four European credit sector federations, have just established an electronic database containing all relevant data concerning persons, groups and entities subject to European Union financial sanctions. We welcome that initiative since it constitutes an important tool in the fight against international terrorism and its financing in line with the relevant Security Council resolutions. We believe that this and other similar initiatives, such as the Kimberley Process, are essential for curbing illicit trade in and the impact of small arms and light weapons that fuel armed conflicts in Africa. These initiatives are important for supporting and promoting the protection of civilians in armed conflicts, as they are an indispensable foundation for peace, security and stability.

As far as Angola is concerned, we believe that the New Partnership for Africa's Development provides an important platform for securing greater commitment to an improved framework for conflict prevention and the protection of civilians in armed conflicts, which are indispensable for peace, security and stability.

Finally, my delegation concurs with the Secretariat recommendation that our Council consider adopting a new resolution to reflect the developments

that have taken place in different regions over the past four years, and particularly to strengthen the measures needed for more effective protection of civilians in times of armed conflict. This debate is therefore a good contribution for such a measure.

**Mr. Khalid** (Pakistan): I wish to express my delegation's appreciation to you, Mr. President, for convening this important debate on the protection of civilians in armed conflict. We would also like to thank Under-Secretary-General Jan Egeland for his comprehensive briefing.

Coinciding as it does with the passing of 10 years since the genocide in Rwanda, our debate provides a grim reminder of the failure of the international community, including this Organization, to act effectively and in time to protect hundreds of thousands of innocent victims caught in the vortex of the conflict.

The Council's deliberations today are an expression of its continued commitment to keep the protection of civilians in armed conflict a priority item and an integrated element of global peace and security. At the same time, it is a sad acknowledgement that despite the panoply of international humanitarian and human rights laws, civilians have become the most affected and least protected in armed conflicts. Article 48 of Protocol I of the Geneva Conventions, 1977, states that "In order to ensure respect for and protection of the civilian population ... the Parties to the conflict shall at all times distinguish between the civilian population and combatants ...".

Regrettably, disproportionate rules of engagement and indiscrete deployment of high-yield weapons have rendered these injunctions meaningless. As a result, despite growing awareness and increased focus on their protection, civilians continue to be the prime victim of conflict situations. Almost all conflict situations, both inter-State and intra-State, occur in least developed or poor countries. Often conflicts erupt in areas rich in a single commodity, like diamonds or oil, which, besides being the bone of contention, soon becomes the fuel for a full-time war economy.

All these conflicts have security, political, diplomatic, economic, social and humanitarian dimensions. Human rights violations constitute an unfortunate, but unavoidable, consequence of conflict situations. Mass displacement of people results in discrepant provisioning of food and medicine.

Hindered humanitarian access is often the result of such situations, accentuating hunger and disease.

Evolving a comprehensive, integrated and coherent response to these complex conflict situations remains the daunting challenge for this Organization and the international community it represents. Emerging conflicts and new dimensions of old conflicts pose unprecedented challenges demanding innovative approaches and bettered standards of international conduct and action.

We are thankful to the Secretary-General for his latest report (S/2004/431). It examines the progress made during the 18 months since his last report and reviews the issues outlined in the ten-point platform on the protection of civilians, presented to the Security Council in December last year. The Secretary-General's report touches upon new dimensions in protection, posing new challenges and making some innovative recommendations. I would like to make a few points of a general and specific nature.

First, conflict prevention remains the single most important dimension of protection. There are several means at the disposal of the Council, ranging from the Secretary-General's good offices, the initiative that can be taken by the General Assembly and the mechanism prescribed in Article 34 of the Charter. All these can be usefully employed to address situations the continuance of which could endanger the security of civilians.

Secondly, there has to be a clear recognition that conflict prevention is possible only by effectively addressing the underlying causes of conflict. The root causes of conflicts are many and diverse: political, social, economic, historical and cultural. However, on the long list of root causes, poverty and underdevelopment seem to be omnipresent. The interlinkage between peace and development is well recognized.

Thirdly, most of the contemporary conflicts are complex in nature, requiring a comprehensive, coherent and multidimensional response. In the United Nations, we have an institution best suited to generate such an integrated approach, with the Secretary-General, the Security Council, the Economic and Social Council and its relevant functional commissions and the General Assembly, as well as the United Nations system as a whole, working in synergy within their respective roles and mandates.

Fourthly, we fully endorse the Secretary-General's views on impunity and compliance. Systematic and gross violations of human rights of civilians, especially crimes against women and children, and genocide committed during conflicts, should not be allowed to go unchallenged and unpunished. This is essential both as a deterrent against future violations and to create the basis of political reconciliation and sustainable peace. Since it may be difficult to establish tribunals for each conflict, the appointment of a special advisor on the prevention of genocide, as mentioned in the Secretary-General's report (S/2004/431), is a welcome proposition.

Fifthly, the Secretary-General's report refers to a stronger focus on protection in peacekeeping mandates. Pakistan, as a leading troop-contributing country, has been making its due contribution in protecting civilians in extremely challenging situations in Bosnia, Sierra Leone, the Democratic Republic of the Congo, Liberia and elsewhere. We fully agree that the swift deployment of peacekeeping troops is often critical in efforts to avert an immediate crisis of protection and to restore order. Cooperation with regional and subregional organizations to ensure early intervention is of equal importance.

Sixthly, the protection of civilians becomes more complex in situations in which the regular army confronts non-State actors. When organized forces are called upon to respect the norms of the Geneva Conventions and Protocols, non-State parties cannot be allowed to remain in non-adherence. In irregular warfare, especially in the war on terrorism, it is often difficult to distinguish between civilians and combatants, yet there are minimum standards that must continue to be observed in the treatment of suspected combatants.

Seventh, a regional approach to protection is obviously essential. However, such an approach will have to rely essentially on regional parties. This is emerging in West Africa. The Economic Community of West African States (ECOWAS), which has played a key role in addressing regional conflicts, both through its engagement at the political level and also by a timely deployment of peacekeepers under difficult circumstances, deserves our appreciation. This concept needs to be further concretized and used in other regions as well.

Finally, justice and the rule of law play a truly crucial role in post-conflict peace-building and the

return to normalcy. In this context, financing the reconstruction process becomes a critical contribution by the international community. Generous international assistance and expertise remain the most vital elements for the sustainability of a peace process. Failure to provide such financial and technical support can unravel efforts for the restoration of peace and security and even cause a relapse into conflict.

I would like to conclude by fully endorsing the observation made by the Secretary-General in his report:

“Compliance by all parties to conflict with international humanitarian, human rights, refugee and criminal law is critical in all of these situations, whether they are situations of armed conflict, occupation or transition” (S/2004/431, para. 3).

**Mr. Adechi** (Benin) (*spoke in French*): The protection of human dignity is the cardinal principle of the United Nations Charter. All States have committed themselves to respecting it. In actuality, we see that this principle is often flouted. The United Nations and humanitarian organizations are coping with growing difficulties in the area of humanitarian activity. The resulting grave violations of human rights and international humanitarian law are not made known to, or taken into account by, the international community until long after the crisis threshold has been crossed.

Blackmail of humanitarian assistance activities has become a common practice: one need only consider the deliberate hindrances to humanitarian organizations' access to millions of civilians affected by the 20 or so conflicts currently under way. In order to improve the physical and legal protection of civilians in armed conflict, the Secretary-General has proposed a set of steps to be taken in all stages of a conflict, ranging from political and diplomatic initiatives aimed at the behaviour of the parties, to coercive measures to promote a generalized respect for rules.

Our discussion today is of particular importance since it enables us to see how far we have come. We would like to thank you, Mr. President, for having taken the initiative in providing us with this opportunity for discussion. We greatly appreciate the briefing just given us by the Under-Secretary-General for Humanitarian Affairs on the Secretary-General's fourth report on the protection of civilians in armed

conflict (S/2004/431). We agree with the Secretary-General that the Security Council must strengthen pressure on States that are responsible for protecting civilians and on the major players who violate human rights and international humanitarian law, who must be held responsible for their acts. In this regard, we recall the spirit of resolution 1468 (2003) on the Democratic Republic of the Congo, which aimed at preventing heads of armed groups from holding key political positions by taking into account their respect for human rights and international humanitarian law in choosing those responsible for political transition.

We also think that we should improve the access to and quality of assistance given in humanitarian emergencies. It is in this regard that we welcome the deployment of Operation Artemis in Ituri, Democratic Republic of the Congo; the multinational force in Haiti; the initiative by the Economic Community of West African States (ECOWAS) in Western Africa; and of the African Union in Burundi and Darfur. We must, of course, find a balance between the principle of sovereignty and the relevant provisions of the United Nations Charter and international conventions with regard to human rights and international humanitarian law. However, in any case, the moral responsibility for alleviating human suffering must prevail.

The international community must also reconcile international humanitarian law with the nature and development of conflicts that defy the very basis on which the international instruments for the protection of civilians were built. Specifically, the responsibility of States must serve as a basis in situations where there is no longer a State or where the problem arises as to the legitimacy of armed groups in respect of their responsibility for political dialogue. This is especially pertinent since such armed groups sometimes have real power. They may be called upon to protect the civilian population or may make a target of these very populations. We see this in Africa; we also see it in Latin America.

Moreover, in these new conflicts, it is not always simply combatants who face each other, but, sometimes, neighbours who kill one another, as in the cases of Rwanda and Kosovo. We should also take a look at the compatibility of peacekeeping operations' mandates with the protection of civilians in armed conflict in order to avoid giving the impression that the protection of United Nations soldiers takes precedence

over ensuring that the lives of innocent civilians are safeguarded.

On a different level, the essential requirement for the effectiveness of the protection of civilians in armed conflicts can be found in the safety of humanitarian assistance staff. That is why we will continue to condemn violence against humanitarian aid staff. This is an outrageous challenge facing the international community. These violations must be punished just as violations of the rights of civilian populations are punished, since such attacks deprive civilians of their last hope for support. Stricter control over the presence of and trade in small arms and light weapons, as well as anti-personnel mines, through both preventive and normative measures, must also urgently be established.

In order to refine their response to the challenge of protecting civilians in conflict in Western Africa, the Office for the Coordination of Humanitarian Affairs organized a conference in Accra, Ghana, in May 2003. Some of the recommendations that came out of that meeting could be useful for our debate. I will only refer to a few of them. First, the proliferation of humanitarian organizations in Western Africa requires better coordination in order to maximize the impact of the efforts made. Second, governmental forces and armed groups are often in the same food-deprived situation, which makes refugees even more vulnerable. Third, the protection of civilians should be integrated into regional good-governance programmes, with or without the presence of conflict. Fourth, the civilian nature of refugee camps should be maintained. Fifth, legitimate refugees from among members of armed groups should be acknowledged. Sixth, the problem of security requires subregional strategic assessment. Seventh, refugee camps should be established as far as possible from the borders of countries in conflict.

The aim of this meeting was to strengthen and disseminate a culture of protection of civilians in armed conflict in West Africa. The creation of the Special Court for Sierra Leone also contributed towards the achievement of that objective by combating impunity. In more general terms, the International Criminal Court can also help to achieve that goal.

Finally, it is important to prioritize the prevention of conflict, which is the best way to protect civilians. In that regard, we would stress the links between peace and economic and social development, as well as the



importance of addressing the causes of conflict by mobilizing resources for sustainable development.

**Mr. Duclos** (France) (*spoke in French*): I should like to thank Mr. Egeland for his briefing today and the Secretary-General for his report.

Our delegation feels that this biannual meeting to address the issue before us has become one of the most interesting and important activities of our Council, because the briefings always provide us with an opportunity to diagnose our world's crises from the perspective of the protection of civilians. That perspective is growing in importance from the political, moral and strategic standpoints. It has thereby become an extremely important backdrop to our management of daily affairs.

From Mr. Egeland's briefing today, I shall retain as a guiding principle the four crises he mentioned: the "crisis of protection" he described in West Africa; the crisis in humanitarian access, illustrated, naturally, by the situation in Darfur; the crisis in respect for humanitarian law, as evoked by Mr. Egeland for the Middle East, where, unfortunately, terrorist acts — inherently counter to human rights — are followed by illegal or disproportionate reprisals that, at least in the long term, weaken the cause they seek to defend; and the crisis in security of humanitarian staff. For the latter, the list of examples grows ever longer. From Afghanistan to Iraq, from Kosovo to Côte d'Ivoire, the roll of countries and situations in which United Nations or humanitarian workers are falling victim to attacks is continuously growing.

Mr. Egeland indicated that progress has been made and that no conceptual breakthrough is imminent, but that efforts must persist on all fronts. In that context, we agree with his suggestion that we again frame a Security Council resolution highlighting certain positive elements of the balance sheet and defining new prospects in other areas. I do not wish today to address all the points that might be raised. Other colleagues have done so already, but I would focus on four subjects that are matters of concern and that the Security Council might address further, perhaps in a new resolution.

First, with respect to instruments, it is usefully suggested in the documents before us that it might be possible to develop interaction between the Office for the Coordination of Humanitarian Affairs, the Office of the High Commissioner for Human Rights, perhaps the

Office of the United Nations High Commissioner for Refugees and the Security Council on the basis of the model proposed for the Darfur situation, which could be usefully systematized and developed. This is just one idea among several. We also welcome the Secretary-General's initiative of establishing the post of Special Adviser on the Prevention of Genocide.

Secondly, with respect to humanitarian access, my delegation does not entirely agree with all of the suggestions of the Under-Secretary-General for Humanitarian Affairs. For instance, the concept of financing the humanitarian aspects of peacekeeping operations must be considered with caution. We believe that such financing may occasionally be justified in a restrictive way, but that it would be wrong to attempt to extend too broadly throughout the budgets of peacekeeping operations aspects that are not directly connected to the maintenance of peace. This follows upon the very interesting discussion that took place under the Pakistani presidency on peacekeeping operations and their future.

One of my own personal conclusions from the discussion was that the idea of a comprehensive operation must certainly be retained, but that at the same time one must be sure not to exaggerate in this sphere, because too many peacekeeping operations would ultimately destroy all of them. Perhaps we must retain the concept of complex and comprehensive peacekeeping operations, but decentralize responsibilities and financing in order to avoid reaching financial limits that could well work to the detriment of such operations. I mention this because I am seeking to demonstrate that we must take all aspects into account in our thinking. In the proposals contained in the report before us today, certain points may be counterindicated by a more general approach to our responsibilities. However, we must do more on humanitarian access. We must further perfect our approach, even through a resolution. It is essential to place greater obligations on Governments and non-State actors. It is essential that in this domain, the international community use the incentives and, when necessary, the pressure at its disposal in order to do more.

I would say to Mr. Egeland that, with respect to Darfur, on which I know he has good critical judgement, it seems to me that, at least in terms of the Council's approach — and here I join in the point of view of Ambassador Cunningham of the United States — we

have still made some progress and that it would be useful to make a record of that progress in order to draw lessons for the future.

The third subject concerns impunity. It is in our view a crucial issue. It is an issue that enables us to get at the roots of the evil in several situations. We therefore hope that in the coming weeks and months, the Council will continue to refine its approach on this issue. On this point, we believe that the report of the Secretary-General makes some very useful proposals, including one for a graduated approach for carrying out the fight against impunity in cases of grave and widespread crimes against civilian populations.

Perhaps we could add a more specific point about a different situation: attacks that are less widespread and more isolated and selective but whose consequences can be tragic in a crisis situation. We have had recent examples in crises managed by the Security Council. In recent weeks, there have been cases in which it has proven essential to be able to monitor certain individuals' personal responsibility in violations of human rights and attacks on civilian populations. That was the case, for example, in Sierra Leone, where we are doing what we should be doing. We must find the formulas which may not necessarily be identical but which will be of a similar nature and be appropriate for the situations the Council now faces.

The fourth and final issue that I shall mention is that of sexual violence and the implementation of human rights. Of course, the personnel serving the United Nations must be irreproachable and impeccable in those domains. Like others, we welcome the Secretary-General's bulletin on sexual violence (ST/SGB/2003/13). We believe it is important that those standards be applied to both military and civilian personnel and that the appropriate arrangements be established with the troop-contributing countries.

I would add that, naturally, my delegation associates itself with the statement to be made by my Irish colleague on behalf of the European Union.

**Mr. Thomson** (United Kingdom): Like the previous speaker, I associate my delegation with the European Union statement to be delivered later today by Ireland.

I thank the Secretary-General for his report (S/2004/431). I particularly thank Mr. Egeland for his very compelling briefing. He and his team are doing

outstanding work in focusing the international community on protection issues. We are also very grateful to you, Mr. President, for convening this meeting. The Secretary-General initiated this discussion five years ago. The Security Council adopted resolution 1296 (2000) four years ago. Today's discussion provides us with a necessary opportunity to take stock of our collective achievements and failures and to agree a common agenda for future action. Like Under-Secretary-General Egeland and the Chilean and French delegations, we believe that this future action should be reflected in a further Security Council resolution.

The Secretary-General calls for a culture of protection. We agree. How can we promote that culture? Mr. Egeland's proposal for a ten-point platform provides the Council, we think, with an excellent start, and in his report, the Secretary-General identifies many ways in which we can build on that proposal. Within this helpful framework, I would like to outline five of the areas where the United Kingdom sees scope for taking work forward.

First, on access, which everyone has dwelled on, the United Kingdom believes it is important for the Council further to develop a toolbox of options in order to provide a flexible approach to the wide range of situations where access is denied. We are learning to use some new tools, perhaps, in the context of Darfur.

Regional organizations have a particularly important role to play in time-critical settings, as demonstrated by the deployment of the Economic Community Of West African States (ECOWAS) Mission in Liberia (ECOMIL) in August 2003. We should continue our work on supporting regional organizations. The Council has discussed that in previous debates, and we look forward to taking forward our thinking again under Romania's presidency next month.

On the issue of rapid response — such as repairing critical infrastructure to facilitate access — we believe there is scope for greater cooperation with regional organizations, such as the Organization for Security and Cooperation in Europe and its Rapid Expert Assistance and Cooperation (REACT) teams. We should also look at how Security Council missions, such as that to West Africa next month, can add value to the protection agenda.

Secondly, the protection needs of women and children must be reflected in the planning and

implementation of peace support operations, and the training of peace support personnel prior to deployment is essential. Progress has been made. But we also believe that the compliance of peacekeepers with the United Nations code of conduct on the prevention of sexual abuse and exploitation must be insisted upon and appropriate enforcement mechanisms considered.

Thirdly, on the security of humanitarian personnel, the scope of the 1994 Convention on the Safety of United Nations and Associated Personnel must be expanded. Equally important, of course, is to encourage those that have not already done so to ratify the Convention as a matter of urgency. We also believe that the Security Council should be more readily disposed to issuing a declaration of exceptional risk under the relevant provisions of the 1994 Convention.

On the issue of impunity and compliance — my fourth point — the United Kingdom shares the importance stressed by many delegations this morning of maintaining international humanitarian law. We are greatly encouraged by the decision to appoint a Special Adviser on the Prevention of Genocide. We strongly support the work of the International Criminal Court (ICC), and we agree that there is potential for the Security Council to consider referrals to the Prosecutor of the ICC for investigation under article 13 (b) of the Rome Statute. We regard re-establishing judicial mechanisms and the rule of law in war-torn societies as crucial and have devoted some considerable attention to that. We eagerly await the Secretary-General's report on that issue and look forward to working with partners on the recommendations.

Fifthly, on small arms and light weapons, we welcome the fact that the report of the Secretary-General focuses on the risk of diversion. In that context, the United Kingdom is supporting the transfer controls initiative, which aims to raise awareness of the need to strengthen controls on small arms and light weapons transfers. We also support the call for arms embargoes to include military services. My Government is a keen supporter of the marking and tracing initiative, and we look forward to participating in the first session of the Open-ended Working Group on this question, which starts today.

I have responded to some of the proposals in the Secretary-General's report; I should also like to comment on the way in which we address the protection of civilians in the work of the Council.

We need to continue to mainstream protection concerns into the Council's country-specific work. We are making progress here, as Chile has reminded us, especially in the context of peacekeeping missions and mandates. But we need to be making better use of the aide-memoire launched under the Norwegian presidency in March 2002 as a protection checklist and reference tool.

Getting protection concerns reflected in Council resolutions is simply the beginning of a much wider process. We then need to know whether our actions are, in fact, making a difference at the country level. Effective feedback to us is therefore absolutely crucial if we are to learn what works well, what does not and what we need to do next to address protection gaps. As a result, the United Kingdom looks forward to receiving an outline for monitoring and reporting in December 2004, as mentioned in the Secretary-General's report. We look forward to Mr. Egeland's work on this.

Angola has reminded us of the responsibility to prevent. We need to consider how we address protection concerns in countries that are not formally on the Council's agenda. In that context, we have greatly valued the recent briefings to the Council by Mr. Egeland on the situations in northern Uganda and in Darfur. The United Kingdom is certainly open to more briefings of that kind. Let us not forget that Security Council resolution 1366 (2001) on the prevention of armed conflict encourages the Council to invite the Office of the Emergency Relief Coordinator to brief us on emergency situations which it deems to represent a threat to international peace and security. We believe we need to make better use of such mechanisms in the Council's work.

Finally, and in conclusion, we need to recognize the fact that, if we do not set clear priorities in this area, which represents an extremely broad and challenging agenda, there is a risk that our actions will be too widely dispersed and have only a limited impact. Under-Secretary-General Egeland's proposal for a 10-point platform helps take us in a more strategic direction. We believe it is important for us to look at the protection agenda in that way. We hope that we will be able to work together to develop an even more strategic approach through the adoption of a consensus resolution on this important subject later this year.

**Mr. Valle** (Brazil): Mr. President, my delegation wishes to thank you for having convened this open debate on the subject of the protection of civilians in armed conflict. We are grateful to the Secretary-General for his comprehensive report on this important topic and for the concrete recommendations he has put forward. I also express my appreciation to Under-Secretary-General Jan Egeland for his presentation today and to his whole team in the Office for the Coordination of Humanitarian Affairs for their dedicated work.

The Council has been discussing this thematic item on a regular basis over the last five years. With civilians accounting for the vast majority of victims in armed conflicts in many regions of the world, we need to persevere in our efforts to push forward this vital agenda.

My comments today will focus on a few issues arising from the Secretary-General's report, starting with a certain level of progress that has been achieved.

Indeed, we have made efforts to ensure that prominent provisions regarding the protection of civilians are part of our regular discussions and deliberations. As a result, peacekeeping mandates have been broadened to include humanitarian access, the safety of United Nations and associated personnel and protection of refugees and returnees, among other relevant protection themes. Taking into account the fact that these important measures have heightened the profile of United Nations peace operations, we are advancing, in practical terms, towards the strengthening of the protection of civilians on the ground. On a case-by-case basis, we are managing to integrate what has been agreed at the thematic level.

Côte d'Ivoire and Haiti are two recent examples of the Council's willingness to allow United Nations troops to protect civilians under imminent threat of physical violence, without prejudice to the responsibility of the host Governments.

In that respect, the aide-memoire on the protection of civilians has been an important tool for the design of peacekeeping mandates. Although its application requires a more systematic approach, one could argue perfectly well that the aide-memoire has been adequately employed according to the specific challenges in each concrete situation. We are glad to see the Council moving in the right direction also with

regard to other provisions of resolutions 1265 (1999) and 1296 (2000).

In spite of the progress made, the Secretary-General rightly asserts that further action is required in a number of areas. It is essential that the most vulnerable groups, such as women and children, as well as others, including refugees and internally displaced persons, be effectively protected. The recruitment and use of children as soldiers is appalling, let alone the extensiveness of sexual and gender-based violence. While discussing peacekeeping mandates, the Council needs to be steadfast in promoting the rights and specific protection needs of the most vulnerable. The inclusion of child-protection and gender advisers in peace operations has been an important step in that regard.

The use of the Guiding Principles on Internal Displacement by an increasing number of Member States is also a positive step and should continue to be encouraged. The Secretary-General points out the fact that humanitarian access is, in a number of cases, either denied or obstructed, thereby affecting over 10 million people in need, which is a matter of serious concern. States have the primary responsibility for the delivery of assistance to their own populations in need. But if they are unable to do so, they must comply with their international obligations and ensure the safe and unhindered access of humanitarian personnel in order to allow them to undertake efficiently their task of assisting the affected civilian population. We find it particularly worrisome that most of the people in need of assistance and protection in the Darfur region of the Sudan have been remained beyond the reach of humanitarian relief organizations.

It is also imperative to protect the protectors. Indeed, the issue of safety and security of humanitarian personnel must continue to be a matter of high priority in the United Nations system. It is most regrettable that humanitarian workers have been broadly targeted while trying to provide some hope for the underprivileged. They have increasingly become victims of deliberate violence. Attacks against humanitarian personnel thwart international measures to bring assistance and have a clear impact on, and connection to, the issue of ensuring access.

The report also addresses the lack of support for the so-called forgotten emergencies. It is distressing that humanitarian assistance is not always provided on

the basis of need. While funds are poured into relief assistance in cases of highly visible emergencies that mobilize public opinion, resources dwindle when it comes to laying the foundations for future recovery and development. We would like to underline the worrisome trend that disarmament, demobilization, reintegration and rehabilitation (DDRR) programmes remain continuously under-resourced, especially in the rehabilitation and reintegration phases, compromising disarmament and demobilization efforts.

Referring to situations of transition, Under-Secretary-General Egeland noted during a recent debate in the Council that “progress on security and political developments needs to be accompanied by corresponding progress on the humanitarian, social and economic fronts if the peace is to take hold” (S/PV.4980, p. 3). Hence, if we do not address this funding gap between relief and development we risk treating only the symptoms of the disease while its root causes remain untouched. An illustrative case is the challenge posed by the promotion of Haiti’s social and economic development.

In many cases, nations ravaged by conflict have also been severely hit by HIV/AIDS, a condition that has been appropriately described as a double humanitarian challenge. Given the devastating human, social and economic impact of HIV/AIDS, we need to ensure that the longer-term development implications of the pandemic are properly addressed.

Needless to say, all parties to armed conflict must fully comply with the provisions of international law, especially humanitarian, human rights and refugee law. The role that the International Criminal Court can play in bringing to justice those who have committed war crimes, crimes against humanity, genocide and other serious violations is of fundamental importance. The Court is therefore an important element in addressing problems of impunity.

Here, we need to reaffirm the importance of the widest possible dissemination of international humanitarian, human rights and refugee law and principles during armed conflict. The regional workshops organized by the Office for the Coordination of Humanitarian Affairs, including the recent one held in Mexico for the Latin American and Caribbean region, have contributed to disseminating information related to this issue. The involvement of regional players is an important factor in improving

opportunities to address at the regional level issues related to the protection of civilians, especially when conflicts cannot be handled within the confines of the States and when regional organizations are in a more favourable position to deal with the matter. In that respect, we welcome the progress that has been made in West Africa to address challenges related to cross-border flows of refugees.

Furthermore, in order to look for more complementarity, the Security Council can work in close coordination with the General Assembly and the Economic and Social Council in the field of the protection of civilians. The Council should not be exclusive in its activities. For instance, the critical issue of funding for humanitarian missions is beyond the Council’s purview. At the same time, it is precisely because the efforts of the international community to address that problem still fall short of what is needed to end the suffering of civilians in armed conflict that the Council must continue to be fully engaged. We should then try to find the best approach to share responsibilities. In that regard, we recall that General Assembly resolution 46/182 continues to provide the framework to ensure strengthened humanitarian coordination, including with regard to principles of neutrality, impartiality and humanity for the provision of humanitarian assistance.

Brazil has long understood that the protection of civilians in armed conflict must be afforded priority consideration on the United Nations agenda. The suffering inflicted upon civilians by distinct patterns of conflict is truly a matter of fundamental concern. The Council will be able to provide political guidance to the system if it adopts a victim-centred approach. Once the victims are placed at centre stage, not only as recipients of aid but also as bearers of rights, our debates can produce concrete measures to improve the situation on the ground.

**Mr. Karev** (Russian Federation) (*spoke in Russian*): Over the past five years, issues relating to the protection of civilians in armed conflict have been a constant focus for the United Nations and for the Security Council. Despite the existence of a whole arsenal of international human rights instruments and international humanitarian law, completely innocent civilians continue to suffer, including women, children, the elderly and members of what have come to be called vulnerable groups, as well as the humanitarian personnel who are there to help them.

The protection of civilians requires coordinated international, regional and national efforts. Here, we must remember that the protection of civilians has human rights and humanitarian dimensions. Obviously, the humanitarian component is at present in the greatest demand, especially as part of a comprehensive crisis-prevention strategy in the phase of post-conflict settlement. Humanitarian activities should definitely be based on the norms of the United Nations Charter and basic humanitarian principles; to a great degree, their effectiveness will depend on the way in which the international community includes them in efforts to find political settlements.

We thank the Secretary-General for his comprehensive report on this item (S/2004/431), which contains a thorough analysis of the situation in a number of specific countries and of the reasons for violations of international humanitarian law during armed conflict. It also offers recommendations on how to enhance the protection of civilian populations.

We note with satisfaction the progress made towards enhancing the effectiveness and efficiency of measures in this sphere, with an eye to the changing trends and the resulting new conditions with respect to the protection of civilians in armed conflict. One recent example of that approach — including in the context of eliminating impunity — was the establishment of the International Criminal Court, whose activities are intended to supplement national legislation.

With good reason, the report notes that the Security Council is making increasing use of a regional approach to the protection of civilians in armed conflict. Here, we have questions relating to statistical and methodological aspects of certain parts of the report, notably those pertaining to the safety and security of humanitarian personnel. In our view, it is wrong to group together situations in countries or regions when the conflicts in each case are entirely different in nature. And we see no basis for listing countries where the situations cannot be defined as armed conflicts in terms of the Geneva Conventions and their Additional Protocols. This only creates confusion and gives rise to a fallacious impression of the true situation.

Machinery for early warning, for eliminating war and for preventing conflict is the key element in ensuring the protection of civilians. It is important that efforts in that sphere be properly coordinated so that in

the protection of civilians — as in other areas — there be a strict division of labour consistent with the United Nations Charter and other international legal instruments. States Members of the United Nations should be more efficient in reporting to the Council relevant information on situations that could pose a threat to international peace and security, including instances of deliberate refusal to humanitarian personnel of safe, unimpeded access to civilians, refusal to provide civilians with humanitarian assistance and other flagrant violations of the rights of civilians.

We believe that a useful exchange of views on improving the civilian-protection activities of the Security Council and other United Nations bodies will lend further momentum to progress in this area.

**Mr. Cheng Jingye** (China) (*spoke in Chinese*): I wish first of all to thank the Secretary-General for his report (S/2004/431) and Under-Secretary-General Egeland for his briefing.

Since the publication five years ago of the first report of the Secretary-General on this topic (S/1999/957), the international community has been devoting great attention to the protection of civilians in armed conflict. The Security Council and the General Assembly alike have adopted numerous resolutions on the protection of civilians in general and of women and children in particular, and on the prevention of armed conflict. United Nations peacekeeping operations too have marked the protection of civilians as an important task. In times of armed conflict, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and other relevant international organizations have promptly provided emergency assistance to refugees, thus playing a positive role in easing the humanitarian situation in conflict areas.

Admittedly, owing to continued conflict and violence in some regions — for example, Africa, the Middle East and Iraq — the task of protecting civilians remains arduous and still requires much work. We believe that, to protect civilians from the suffering brought about by war and turmoil and to mitigate as much as possible the difficult humanitarian situations in which those civilians find themselves, the international community should adopt a comprehensive strategy that addresses both root causes and symptoms.

First, it must be made clear that the countries concerned and the parties to conflict bear the primary responsibility for protecting civilians. On the one hand, they should abide strictly by international humanitarian law, complying fully with their obligation to protect civilians. In particular, they should adopt effective measures to protect vulnerable groups, such as women and children, to alleviate their suffering. Those who have committed serious crimes against civilians must be brought to justice, and their punishment must be commensurate with the seriousness of their crimes. On the other hand, we need to ensure that international humanitarian organizations are facilitated in their efforts to provide assistance.

Secondly, the most fundamental and lasting way to protect civilians is to put an end to conflict and to achieve peace. Therefore, as it provides timely humanitarian assistance to civilians in conflict areas, the international community — particularly the United Nations, including the Security Council — must actively promote ways in which the parties concerned can reach political solutions to the conflict and must provide appropriate assistance to that end, including through peacekeeping and post-war reconstruction. Only thus can we fundamentally resolve the question of protecting civilians.

Finally, I should like to stress that the protection of personnel of international humanitarian organizations and the protection of international personnel participating in post-war reconstruction are also very important. It is a cause for concern that violent terrorist acts against those personnel have been increasing rather than decreasing in recent years. Such acts should meet with condemnation on the part of the international community in one voice. Those responsible must be brought to justice. We urge all sides to effectively implement Security Council resolution 1502 (2003), on strengthening the protection of United Nations personnel, and we call upon all countries to positively consider joining the Convention on the Safety of United Nations and Associated Personnel.

**Mr. Trautwein** (Germany): Permit me at the outset to thank Mr. Egeland for his comprehensive and instructive briefing this morning on the fourth report of the Secretary-General on the protection of civilians in armed conflict (S/2004/431). Once again, he was obliged to paint a sober picture in many respects. I also want to associate myself with the statement to be made later by the representative of Ireland on behalf of the European Union.

Over the past few months, the Council has looked at the various facets of conflict resolution, peacemaking, peacekeeping and peace-building. The Council has discussed the issues of conflict prevention and the role of the private sector in conflict and post-conflict situations. The Council has also considered the role of women — both as potential victims of conflict and as indispensable actors in peace-building — and it has taken action to address the plight of children associated with armed conflict. Today, on the basis of a new report of the Secretary-General, we are looking at the victims of armed conflicts, the vast and ever-increasing majority of whom are not soldiers, but civilians. Civilians bear the brunt of armed conflicts when it comes to casualties; they are usually totally unprotected and defenceless, and they are exposed to violence entirely beyond their control.

Preventing armed conflict is still the best way of protecting civilians. However, as we are dealing in the Council on an almost daily basis with conflicts and crises around the world, prevention is, sadly, only one of the elements on which we can focus.

The title of the Secretary-General's report, on "the protection of civilians in armed conflict", contains an umbrella concept of humanitarian policies that brings together elements of protection from a number of fields, including international humanitarian and human rights law, the military and security sectors and humanitarian assistance. Protecting civilians in armed conflict is a priority identified in the United Nations Millennium Declaration, which notes the need to expand and strengthen the protection of civilians in complex emergencies, in conformity with international humanitarian law.

The Council has attached greater attention to the need to secure the sustainability of its peacemaking efforts by assisting in the establishment of post-conflict political orders that are democratically legitimized, that guarantee human rights and that are based on the rule of law. The report of the Secretary-General reflects this necessary interlinkage by stating that, if we want to help countries to find a way out of conflict and to prevent a slide back into conflict, the peace process must properly address the adequate protection of civilians. If the concerns of civilians are not properly addressed, peace will be difficult to achieve and sustain.

It is safe to say that it has become common wisdom that there is an interdependence among peace,

democracy, justice and development. Yet it is appalling to observe that the determination to transform that wisdom into practical action is greatly lacking. All too often, efforts to strengthen the international rule of law are on the defensive and international law is ignored, or even declared obsolete, at the national level. In that context, Germany recalls the well-established obligations under international law — in particular, the Fourth Geneva Convention and Additional Protocol I to all four Conventions, which contain the basic rules for the protection of civilians in armed conflict.

Let me take this opportunity to express our hope that the forthcoming report of the Secretary-General on justice and the rule of law will reiterate that achieving the purposes of the United Nations — notably, peace, security and development — requires an increase in the level of guarantees and protection afforded to civilians. That is also the vision of the European Security Strategy, adopted by European Union member States as recently as 12 December 2003: to develop a rules-based international order.

In that context, the International Criminal Court deserves particular mention as an institution that has the potential to address one of the worst root causes of violating the integrity of civilians: impunity. Combatants violating the principles of humanitarian law — be it by acts directed against civilians or by acts against humanitarian personnel — need to know that they are acting against fundamental principles of humanity and that their acts will eventually come under the judicial scrutiny of the International Criminal Court or of a regional tribunal. What is needed is to move even further towards universal acceptance of its jurisdiction, not to create new pockets of impunity, like those proposed by Security Council resolutions 1422 (2002) and 1487 (2003).

Ever since the World Conference on Human Rights, held in Vienna in 1993, our common understanding of the interrelationship between human rights and development has made great progress. The right to development — which is now widely recognized — synthesizes that understanding by describing how the simultaneous enjoyment of civil and political, as well as of economic, social and cultural rights, is instrumental to the advancement of development. The Human Development Reports of the United Nations Development Programme underpin that understanding from a practical perspective. The Reports point both at the benefits of human rights and

good governance in the development context and at the considerable costs of a lack of those benefits.

On the basis of the new report of the Secretary-General that we are considering today, I would like to share with the Council a catalogue of three areas for measures to move our protection agenda forward.

The first area is the protection of women and children. Women and children are among the most vulnerable groups in times of conflict, whether they be civilians or child soldiers. Women are more and more frequently subjected to cruel, degrading and often lethal treatment in times of conflict. In particular, children suffer. They are defenceless in situations of conflict if separated from or deprived of their parents, and their ability to cope with a quickly changing environment is very restricted. Many children without protection are being kidnapped and made child soldiers. Forcing children to carry arms rather than letting them develop peacefully is one of the cruellest acts. Women and children are also, to an unprecedented extent, victims of severe and atrocious sexual violence.

The second area is humanitarian access and the security of humanitarian personnel. Various crises and emergency situations in recent years have shown that humanitarian access and the security of humanitarian personnel are linked. A lack of security for humanitarian personnel results in the prevention of access to vulnerable populations in need. The consequences of the horrendous attack on the United Nations office in Baghdad in August 2003 showed that quite plainly. The Security Council reacted without delay through the adoption of resolution 1502 (2003).

Germany supports efforts aimed at enlarging the scope of protection of the Convention on the Safety of United Nations and Associated Personnel. Measures taken to ensure adequate security for humanitarian personnel will lead to better humanitarian access and thus to the better protection of civilians. In addition, the role that neighbouring States and regional organizations have in helping to establish humanitarian access may be further explored.

Thirdly, regarding refugees and internally displaced persons, in general, their situation must be improved — and not least, mechanisms for their protection. More has to be done to avoid forced military recruitment, and we have to ensure better support for the return of displaced persons. In that regard, we should examine how to better promote the



Guiding Principles on Internal Displacement, which the Office for the Coordination of Humanitarian Affairs established in 1998. Better publicity and public awareness would give them more effect and respect. We should also advocate the implementation of those guidelines into the national legislation of States.

Germany thus proposes the following measures. The first is a new resolution on the protection of civilians; the most recent resolution that the Security Council adopted on the protection of civilians in armed conflict (resolution 1296 (2000)) dates from 2000. That resolution, as well as the preceding relevant resolution (resolution 1265 (1999)), were regarded as a starting point. After four years we feel the need for an update of the most recent resolution, to take into account recent developments and the changing character of conflicts. Germany would support efforts aimed at adopting a new resolution.

A second measure would be more frequent reporting by the Emergency Relief Coordinator. The Security Council has established a schedule of briefings by the Emergency Relief Coordinator on the protection of civilians in armed conflict every six months. In addition, we receive humanitarian briefings from the Emergency Relief Coordinator whenever a crisis or humanitarian catastrophe occurs. We would propose that the Council broaden the mandate of the Emergency Relief Coordinator by giving him the possibility of reporting on an ad hoc basis if a significant threat to civilians in armed conflict exists. That would give a more concrete and up-to-date picture and would allow us to take quicker and more appropriate measures.

A third measure would be the promotion of the responsibility of new actors. There are new actors in the area of the protection of civilians in armed conflict whom we have to deal with. More than ever before, we need constructive engagement with non-State armed groups. They not only have the potential to deny humanitarian actors humanitarian access; they actually do it. They are also a potential source of harm to the civilian populations where they operate. Without legitimizing them and their actions, we must explore innovative ways to engage them in a constructive dialogue and, where necessary, to pressure them to make them abide by international humanitarian law and human rights norms.

Negotiating with armed non-State actors is a tricky issue. It requires flexibility and realism, but it

should not come at the expense of impunity. Perpetrators of serious crimes against civilians must be brought to justice, irrespective of whether those groups operate against or in complicity with their respective Governments. This is a very contentious issue because questions of national sovereignty are at stake. But national sovereignty cannot and should not be an excuse when thousands of innocent, vulnerable civilians are threatened. The imposition of targeted sanctions and travel restrictions are possible measures against non-State armed groups and those who back them.

We also have to seek to protect civilians from exploitation by peacekeepers. As members of United Nations peacekeeping missions do not fall under United Nations jurisdiction, we must find a way to ensure that every country that provides peacekeepers establishes and applies its own laws, and that peacekeepers who commit crimes against the local population are to be brought to justice and convicted. It is not acceptable for pockets of impunity to remain for United Nations peacekeepers.

**The President:** I shall now make a statement in my capacity as the representative of the Philippines.

When the world was less complex and less complicated, and when local and border wars were fewer and less disastrous in humanitarian terms, the protection of civilians, particularly women and children, was followed as a matter of policy. It was followed as a matter of course. Sadly, that is not the case today. My delegation therefore appreciates the Secretary-General's report (S/2004/431) on the issue of the protection of civilians in armed conflict and its presentation by Under-Secretary-General Jan Egeland.

The Security Council, in its past resolutions and presidential statements, has consistently dwelt on the core issue since the Council's adoption in 1999 of its first resolution on this theme, resolution 1265 (1999). We fully agree that the focus on this core issue should not be lost; rather, it should be developed in a manner responsive to present and emerging challenges, consistent with the principles embodied in the Charter and international law.

My delegation welcomes the progress achieved in protecting civilians, as outlined in part II (A) of the report. We note, however, that there are a few other important points highlighted in resolutions 1265 (1999) and 1296 (2000) that have not been given as much

emphasis. First, it is still unclear how much the Council has contributed to implementing appropriate preventive measures to resolve conflicts. Secondly, along with the constant reaffirmation of the primary responsibility of the State, it would also be worthwhile to know how much has been done in terms of providing needed support to States, particularly in improving their capacity to protect civilians.

In 2002 the Council and the Secretariat jointly developed the aide-memoire on the protection of civilians, a practical guide for the consideration of protection issues in peacekeeping operations and a tool for ensuring an orientation towards civilian protection in the mandates of peace operations. How useful has this been to peacekeeping missions in improving their orientation in protecting civilians? Answers to that could guide the Council in determining what type of action it should take to improve the protection regime.

The Council's resolutions and presidential statements, the aide-memoire and the road map for the protection of civilians have provided the political impetus to create a culture of upholding the safety of civilians. The real value of these commitments, however, is in the implementation of practical and concrete endeavours, as specific situations may demand, to make a difference in improving the protection of the people. The Council should give priority to the forgotten thrusts that I mentioned earlier: the need for the Council to act as a catalyst for developing preventive measures; and assisting States that need support in building their capacity to protect civilians.

The Secretary-General's report mentioned that some counter-terrorism measures can have an adverse effect on the welfare of civilians. My delegation would be ready to support appropriate measures to ensure the protection of the people in campaigns to curb terrorist activities.

Relating to the aide-memoire and the road map, we would like to draw attention to the actual experience of peacekeeping operations in implementing protection mandates. The Council has constantly endorsed the view that peacekeeping mandates should incorporate a "protection orientation". To what extent and scale has that protection orientation been integrated into mandates issued by the Council, and how successful has their implementation been? The answers would surely assist the Council in

evaluating peacekeeping mandates and in giving necessary guidance.

My delegation is also concerned by the violations of international humanitarian and human rights law in many conflict areas, including by non-State armed groups. Many of these non-State parties have also been tagged as terrorist groups and are thus subject to the laws of concerned States. My delegation is cautious about the suggestion of engagement by the international humanitarian community with non-State armed groups, as that would present a complex situation that could compromise previous and current national efforts towards an effective and appropriate strategy to protect civilians. The neutrality and impartiality of United Nations humanitarian operations may neither give adequate safeguards against manipulation by non-State armed groups nor guarantee that the legal status of these groups, as determined by the State, will remain unaffected.

The possible use of coercive measures to compel States and other parties to comply with humanitarian standards has been mentioned. In specific situations, this may be an option, but as a general principle, it should be used as a last resort and only in extreme cases, such as large-scale and systematic violations of human rights and humanitarian law. The Council has other means at its disposal to enhance the security of civilians. The growing humanitarian aspect of peacekeeping, however, needs to be carefully considered, as humanitarian personnel could get caught in the crossfire.

It should be clear that different conflict situations require different approaches to effectively protect civilians. The representative of the Russian Federation also mentioned this. We therefore believe that there should not be a one-size-fits-all approach, lest the United Nations be unable to deliver the appropriate response. In fact, resolutions 1265 (1999) and 1296 (2000) both emphasize the principle of proceeding on a case-by-case basis while taking into account the particular circumstances of a situation, whenever ways of providing protection for civilians are being considered.

The nature of protecting civilians requires the broadest involvement of United Nations bodies and agencies in a comprehensive, integrated, coordinated and sustainable manner. Under a system-wide approach, the theme of protecting the vulnerable,

encompassing the concept of a culture of protection, was identified as a priority in the Millennium Declaration. In this connection, we all have to recommit to the road map that identifies the responsibilities of the various entities within the United Nations system, including the Security Council, the General Assembly and the Economic and Social Council, regional organizations and the relevant United Nations bodies and agencies. My delegation thus calls for the wide dissemination of this road map throughout the United Nations system to maximize contributions to realizing our common objective of effectively protecting civilians in all areas and at all levels.

In conclusion, the stark reality of the unabated victimization of innocent civilians should prod all of us to embark seriously on this system-wide approach to solve the problem. The response can be no less than the full engagement and cooperation of United Nations entities. That is the only way to make a significant difference on the ground. This open debate in the Council should be one of many discussions that we would like to see take place throughout the United Nations system. We need to join hands, cooperate more effectively and synergize our expertise if we want to save more lives.

I now resume my functions as President of the Council.

I now give the floor to the representative of the Syrian Arab Republic.

**Mr. Mekdad** (Syrian Arab Republic) (*spoke in Arabic*): Allow me at the outset to express the gratitude of the delegation of the Syrian Arab Republic for the convening of this important meeting on the protection of civilians in armed conflict. My delegation wishes to thank the Secretary-General for the report before the Council (S/2004/431). We wish also to express our appreciation to Under-Secretary-General Jan Egeland for his briefing this morning. We further wish to express our gratitude to the Office for the Coordination of Humanitarian Affairs for its efforts in various regions of the world.

Civilians constitute the majority of the victims of armed conflicts, which not only cause death and destruction, but generate large numbers of refugees and internally displaced men, women and children who are compelled to live in difficult conditions, facing deprivation for long years, far from home. The number of refugees and persons displaced as a result of armed

conflicts worldwide has reached an unprecedented level, estimated at 50 million, and it continues to grow. There are millions of Palestinian and Syrian refugees and displaced persons who are still far from home, in many cases after more than 56 years. This is the result of the Israeli occupation of Arab territories and Israel's lack of respect for international law and numerous relevant United Nations resolutions.

The report of the Secretary-General emphasizes that all parties to a conflict must abide by international law. Regrettably, there are still those who, under flimsy pretexts — such as, in Israel's case, the pretext of self-defence — pursue practices that run counter to international humanitarian law. If this law had been respected, large numbers of deaths and injuries could have been prevented. We also wish to emphasize something that the report states: that combating terrorism does not justify a failure to respect international humanitarian law, the United Nations Charter or the principle of State sovereignty and security, and that we have to deal comprehensively with the root causes of conflicts and not ignore those causes.

The Middle East is a glaring example of the suffering of civilians — specifically Palestinian, Lebanese and Syrian civilians, who are suffering as a result of the continued Israeli occupation of Arab territories. This suffering is evidenced in the continued killing, the demolition of homes, the displacement of people and the restriction of movement of both workers and humanitarian personnel, who are indeed sometimes deliberately targeted by occupation forces. This has exacerbated the suffering of the Palestinian people, as has the building of the expansionist barrier. Under-Secretary-General Egeland, in his briefing to the Security Council on 9 December 2003, stated that:

“Issues of humanitarian access in the occupied Palestinian territories also continue to be of great concern. Recent developments — including the construction of the Israeli security barrier — will serve only to further limit the access that affected communities have to humanitarian assistance, to essential services and to their livelihoods. Our efforts to secure access where it is denied require unflagging commitment provided on a systematic basis by all of us” (S/PV.4877, p. 3).

We are indeed delighted that the Under-Secretary-General repeated this in his statement this morning. It

was our hope that the Secretary-General's report would have discussed these facts and not dealt with them in such a hurried manner. Civilians everywhere have to be protected. Not recognizing that recent events in Rafah and Gaza were crimes that shocked humanity is unacceptable, especially since the Security Council adopted a resolution condemning Israeli practices and calling on the Israeli Government to desist from the demolition of Palestinian homes and property and from carrying out extrajudicial killings.

We cannot forget the suffering of innocent civilians on the African continent. We welcome the progress achieved in Liberia, Côte d'Ivoire and Burundi after the deployment of joint forces in those regions.

The report presents a 10-point platform to strengthen the protection of civilians in armed conflict. We believe that they are important points that should be discussed meticulously. Their implementation should be followed closely so that the international community can overcome the challenges that we face in protecting civilians; we must emphasize the norms of international law and international humanitarian law as well as the long-accepted norms of the protection of human rights. In this regard, we would stress the need for the General Assembly and the Economic and Social Council, each within its sphere of competence, to discuss this report and its contents, and for coordination between the three principal organs of the United Nations that will allow the issue to be addressed systematically.

My delegation attaches great importance to the need for access to vulnerable groups in conflict zones, which we consider to be one of the most important aspects of the protection of civilians, a complex and multifaceted task. We hope that the United Nations will be able to draft legal and security norms to ensure the unimpeded access of humanitarian assistance.

We also draw attention to the suffering of women and children in armed conflict and to the need to challenge the illicit trade in small arms and light weapons, which only helps to prolong such conflicts.

Finally, I would emphasize that the only way ultimately to settle conflicts is to address their root causes, such as occupation in the case of the Arab-Israeli conflict, and to ensure the implementation of the resolutions of international legitimacy. We can also achieve comprehensive and just peace by eliminating

the political, economic and social causes of conflicts in many countries. We stress the need to comply with the principles of international law, including justice and respect for human dignity and integrity.

**The President:** I give the floor to the representative of Ireland.

**Mr. Ryan (Ireland):** I have the honour to speak on behalf of the European Union (EU). The candidate countries Bulgaria, Romania and Turkey; the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Serbia and Montenegro; and the European Free Trade Association country, Iceland, member of the European Economic Area, align themselves with this statement.

I thank you, Sir, for the opportunity to debate once again this profoundly important issue and I wish also to extend our appreciation to Under-Secretary-General Jan Egeland for his informative briefing this morning, in particular with respect to his comments on the necessity to ensure sustained humanitarian access to civilians in need.

The European Union remains fully committed to enhancing the protection of civilians in armed conflict. In particular, the European Union welcomes the attention paid by the Security Council to the situation of children affected by armed conflict, an issue on which the European Union has recently adopted specific policy guidelines.

Regular dialogue on the protection of civilians in such circumstances is only one element of this process. As the Secretary-General has reminded us in his recent report, there is strong evidence that civilians continue to bear the brunt of armed conflicts, as in the very different types of conflicts in the Sudan, Côte d'Ivoire, Iraq and Nepal. And this is clearly not an exhaustive list.

The European Union fully subscribes to the 10-point platform on the protection of civilians in armed conflict presented to the Security Council in December 2003 by the Under-Secretary-General for Humanitarian Affairs. It provides us all with a clear and vital blueprint for future action in this arena. It is imperative that the commitments contained therein be delivered on as a matter of urgency. We agree with the view articulated by the Secretary-General that fundamental

human rights are the basis of an international moral order which nations must respect, especially in times of war and fear. We also underscore our agreement with the Secretary-General's observation that the promotion and protection of human rights must be central to an effective strategy to counter terrorism.

In his report, the Secretary-General looks at the progress that has been made in the protection of civilians since his last report issued 18 months ago. This is followed by a careful identification of those areas where there are continuing shortfalls. In this regard, the EU remains strongly convinced that the Geneva Convention relative to the Protection of Civilian Persons in Times of War represents a fundamental legal framework within which these problems need to be addressed.

The EU welcomes the stronger protection focus in more recent peacekeeping mandates. This is a tangible display of the importance which the Security Council attaches to the issue. The swifter deployment of peacekeeping troops is, in addition, a highly welcome development. The EU would like to take this opportunity to commend the initiative taken by the Economic Community of West African States (ECOWAS) to deploy rapidly a mission in Liberia in August 2003. For its part, the Union was pleased to be able to deploy forces to Ituri in the Democratic Republic of the Congo in May 2003, which facilitated the stabilization of the position on the ground.

The significance of the regional dimension of the protection of civilians is one that has been increasingly recognized by the Security Council on such issues as disarmament, demobilization, reintegration and repatriation or resettlement, and the cross-border movement of refugees, combatants and small arms. Regional organizations themselves have also recognized their own key role by taking concrete steps. In this regard, the Union welcomes in particular the decision of the African Union to appoint a special representative for the protection of civilians in armed conflict. ECOWAS and the Organization for Security and Cooperation in Europe have also taken positive measures. In this connection, we have been pleased to be in a position to deploy a rapid-reaction force in Ituri and to participate in the United Nations Mission in Liberia.

The European Union calls upon all States and parties to armed conflict to respect and ensure full

compliance with international humanitarian law, as well as to respect the neutrality, independence and impartiality of humanitarian operations. The Union is concerned at the increased risks the United Nations and associated civilian personnel are facing on the ground. We reiterate the great importance we attach to the United Nations Convention on the Safety of United Nations and Associated Personnel and to the expansion of the scope of the legal protection under the Convention.

In his report, the Secretary-General states that efforts to deter war crimes, crimes against humanity and genocide, and to break the prevailing culture of impunity in situations of armed conflict have been boosted by the establishment of the International Criminal Court (ICC) and the jurisprudence of other international tribunals. We strongly concur with this assessment. In this regard, we also wish to signal our strong support for the recent decision by the Secretary-General to appoint a Special Adviser on the Prevention of Genocide. The European Union, in addition, strongly endorses the suggestion made by the Secretary-General that the Security Council could consider referrals to the Prosecutor of the ICC for investigation under article 13 (b) of the Rome Statute, where the national jurisdiction is unwilling or unable to act.

While excessive focus on punishment for past crimes may be counterproductive in a national reconciliation process, impunity, as the Secretary-General observes, can be an even more dangerous recipe for sliding back into conflict. In the same vein, and as we have observed on a number of occasions in the past, the EU agrees strongly that, while amnesties may provide an important measure for dealing with lesser crimes, they must never be granted for serious violations of international humanitarian and human rights law. Together with the Secretary-General, we urge member States that have not yet done so to ratify or accede to the Rome Statute as well as to the treaties of international humanitarian, human rights and refugee law, and to take all appropriate measures to implement fully these treaties within national systems, including ensuring proper investigation and prosecution of any violations of the relevant rules.

The EU has long had a particular concern regarding the sexual exploitation and abuse of women and children in armed conflict. In spite of efforts to address this abhorrent practice, reports indicate that it

continues unabated in certain countries. We condemn the continued recruitment of children and their use as soldiers in many conflicts around the world. We are concerned about the impact of armed conflict on all children affected by it, whether or not they are combatants. We agree with the assessment of the Secretary-General that the planning and implementation of all peace-support operations must factor in the need to respond to sexual and gender-based violence. The EU also welcomes the promulgation in October 2003 of the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse. On a related issue, the EU would also wish to encourage the Security Council to support measures aimed at ensuring that women and children affected by armed conflict are involved in and benefit equitably from all DDRR processes

The prolongation of conflict situations due to the unhindered proliferation of small arms and light weapons also remains a source of real preoccupation, in particular given the disproportionate impact that this proliferation has on innocent civilian lives. Here again, coordination of efforts on a regional level at least has the potential to make significant inroads into this continuing widespread syndrome. As the Secretary-General has noted, the issue of small arms proliferation has been taken up in West Africa by the United Nations Mission in Sierra Leone, the United Nations Mission in Liberia and the United Nations Operation in Côte d'Ivoire. But these are relatively modest steps, and the EU encourages all Member States to work with the interagency mechanism, the United Nations Coordinating Action on Small Arms, in addition to undertaking other necessary measures at the national level.

The protection of civilians in armed conflict has become an increasingly complex challenge. But that complexity cannot be allowed in any way to diminish our resolve or impair our collective efforts to effectively address this horrific state of affairs. The European Union will continue to play a strong and active part in this process.

**The President:** I give the floor to the representative of Norway.

**Mr. Strømme** (Norway): Like others, we are grateful to Under-Secretary-General Jan Egeland for his most useful introduction this morning.

Important progress has been made since the protection of civilians in armed conflict was first put on the agenda of the Security Council five years ago. However, there is still much to be done, and the challenges have become increasingly complex.

Norway welcomes the recent report of the Secretary-General (S/2004/431). We strongly endorse the candid review of implementation of the ten-point platform that was presented by the Under-Secretary-General for Humanitarian Affairs in December 2003. We agree with the proposed way ahead and are looking forward to the outline of an enhanced monitoring and reporting framework. We support these and other efforts to promote risk management.

I would like to mention some issues that are of great concern to us.

Norway is deeply concerned about the increased targeting of humanitarian personnel in situations of armed conflict. We are being forced to rethink our approach to the security of United Nations and other personnel in humanitarian crises. It may be necessary to rely more on armed guards and other protective measures in extreme cases, but that cannot be our only recourse. In fact, such measures may prove counterproductive as they create greater distance from the civilian population, at the cost of legitimacy and local support. We must avoid a situation where strengthened security measures prevent the United Nations from acting effectively on the ground in complex emergencies.

The prevalence of sexual violence and abhorrent human rights abuses against women and children in armed conflicts are extremely worrying. In addition to the immediate suffering caused by those appalling crimes, they have long-term impacts on society and on reconciliation processes. It is also very disturbing that the use of sexual and gender-based violence as a means of warfare has been increasing. We agree with the Secretary-General that sexual violence is one of the most complex issues confronting the international community and that the time has come to address it comprehensively.

Within the United Nations context, the need to achieve a clear division of labour between humanitarian actors on the one hand and political and military actors on the other is of particular relevance in the ongoing debate about integrated United Nations missions. Norway supports the goal of achieving

greater coherence and effectiveness in United Nations crisis response. However, while striving for greater coherence, we must not compromise humanitarian integrity. Liberia is a case in point where this issue deserves careful attention. We wish to commend the work done by the Office for the Coordination of Humanitarian Affairs (OCHA), in cooperation with other United Nations departments, to elaborate generic and conflict-specific guidelines for civil-military relationships in complex emergencies. We urge other parts of the United Nations system and Member States to take this work into account in the planning and implementation of international operations.

The objective must be to create complementarity and avoid confusion and duplication of effort in United Nations operations. Complementarity must be built in from the early stages of planning and be reflected in clear mandates. The Security Council has a particular responsibility to ensure such clarity of mandates.

In addition to short-term measures, we need a broader approach to sustaining and increasing the protection of civilians. Norway believes that more needs to be done to promote the awareness and ownership of humanitarian principles and to broaden support for humanitarian action worldwide. That is why we are supporting the ideas presented by OCHA for partnership arrangements between new donor countries, the United Nations and traditional donors to facilitate increased contributions of humanitarian personnel, financial support, logistical services, emergency food aid and other in-kind contributions.

**The President:** There are still a number of speakers remaining on my list for this morning. The presidency is also aware of its responsibility to protect Council members and others in the room from hunger. With members' permission, I intend to suspend the meeting until 3 p.m.

*The meeting was suspended at 1.20 p.m.*