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UNITED NATIONS
INTEROFFICE MEMORANDUM




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MEMORANDUM INTERIEUR

TO: Mr. S. Iqbal Riza
A: Chef de Cabinet
Executive Office of the Secretary-General

DATE: 12 December 2002

REFERENCE:

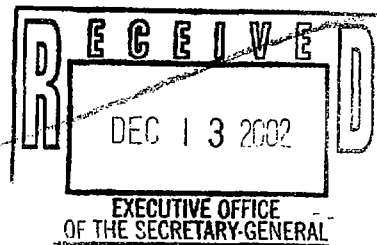
THROUGH:
S/C DE:


Joseph Stephanides, Director
Security Council Affairs Division, DPA

FROM:
DE:

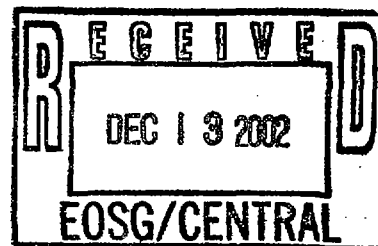
SUBJECT:
OBJET:

Security Council: Report on activities



Attached please find, for the information of the Secretary-General, a note on the proceedings of the Security Council on Tuesday, 10 December 2002.

cc: The Deputy Secretary-General
Mr. K. Prendergast



PROCEEDINGS OF THE SECURITY COUNCIL

Tuesday, 10 December 2002

FORMAL MEETING - EXECUTIVE SUMMARY

Protection of civilians in armed conflict

At its 4460th meeting (S/PV.4660), presided over by the Minister for Foreign Affairs of Colombia, Mrs. Carolina Barco Isakson, the Security Council held an open debate on the protection of civilians in armed conflict, having before it the Secretary-General's report of 26 November (S/2002/1300). Mr. Kenzo Oshima, USG for Humanitarian Affairs and Emergency Relief Coordinator, and the Director General of the International Committee of the Red Cross (ICRC), Mr. Angelo Gnaedinger, briefed the Council.

The Secretary-General noted, *inter alia*, that the protection of civilians in armed conflict was among the most urgent items on the agenda of the Council since millions of civilians were targeted, subjected to human rights abuses and denied assistance. Noting that the protection of civilians was critical to achieve a sustainable peace, he stated that what was needed was practical action and a clear path from policy to implementation. He felt that there was need for a more systematic approach as well as a structure of best practices that would translate into practical action.

USG Oshima, outlining progress achieved over the past three years, noted, *inter alia*, that the UN had raised awareness of the steps and measures needed to protect civilians more effectively. He highlighted the three significant new challenges identified in the Secretary-General's report, namely: 1) gender-based violence in humanitarian crises and conflict situations; 2) harmful consequences of the commercial exploitation of conflicts; and 3) the escalating threat of global terrorism.

USG Oshima welcomed the fact that the Aide Memoire adopted by the Council in March 2002 (S/PRST/2002/6) had led to practical applications, including: 1) the holding of various workshops to provide tools for more effective physical and legal protection in practice; and 2) the Council's recent review of the UN peacekeeping mandates in Sierra Leone and the DRC. He looked forward to additional and regular reviews of other peace operations in areas of serious concern for the protection of civilians. He also focused on the "roadmap" annexed to the Secretary-General's report (S/2002/1300), noting that the ultimate objective would be to produce a Plan of Action for implementation, with specific responsibilities assigned and timeframes, where appropriate.

USG Oshima was encouraged by the establishment of a support group of Member States, led by Norway, which would create "a broader support base for the protection of civilians in armed conflict" and, among other things, promote and encourage the use of the *aide memoire* by relevant actors and serve as a forum for information exchange. He also welcomed the decision of ECHA to create an implementation group for the protection of civilians. That group would spearhead the production of the plan of action and liaise with the protection of civilians support group, donors and the Council. Turning to the work of OCHA, USG Oshima noted that his office would continue to work with concerned UN departments and agencies to ensure that the UN system addressed the implementation of the protection of civilians agenda in a coordinated manner, and to that end, OCHA would conduct joint training for staff at Headquarters and in the field, within OCHA, DPKO and DPA and in peacekeeping operations. He expressed his intention to report back on progress achieved in six months, while the Secretary-General would report comprehensively to the Council every 18 months.

Mr. Gnaedinger (ICRC) stated, *inter alia*, that the ICRC had strived to protect civilians by intervening directly with all parties, whatever cause they claimed to defend. For the ICRC, the concept of protection related to violations of human rights of all individuals. It was necessary, therefore, to work with non-State actors. As to why international law, which already protected civilians, was not respected, he noted that that greatest challenge now was not the creation of new norms but the enforcement of existing rules. In that connection, he reported that the ICRC had embarked on an important discussion about the appropriateness of humanitarian law with regard to new types of conflict. It would share the outcome of that discussion with States at the International Conference of the Red Cross and Red Crescent Movement in December 2003.

In their statements, Council members and non-members, while stressing that the primary responsibility for the protection of civilians rested with their Governments, recalled that safeguarding civilians in armed conflict was at the heart of the UN Charter. A central theme highlighted by many speakers was the need for further concrete, systematic action to protect civilians in armed conflict, adding that effective protection was also critical for making peace processes succeed. Speakers highlighted that millions of civilians continued to be the main casualties of current conflicts, with women and children constituting the most vulnerable victims in Africa, the Balkans, Afghanistan, the Middle East and particularly the occupied Palestinians territories (Ireland, China, Syria, Egypt, the Permanent Observer of Palestine).

Calling for further action, delegations commended the progress already achieved by the UN, including OCHA's recent initiative to hold six regional workshops. More specifically, they called for the proactive implementation of the Aide Memoire and for closer cooperation and coordination within the Secretariat and among the UN system. In that connection, Japan believed that the Council should address related issues, namely women, peace and security, and children and armed conflict. Speakers also called for the promotion of a "culture of protection", and various delegations, including Bulgaria, Mexico, Guinea, Cameroon, the Republic of Korea, stressed the need to enhance preventive measures. Several speakers welcomed Norway's initiative to establish a **contact support group for the protection of civilians**, to be based in New York shortly.

In addition, speakers, welcoming the Secretary-General's report and its roadmap, focused, *inter alia*, on the following:

- . Underlined the need to address the question of lack of **access to vulnerable populations by international aid workers** as an indispensable requirement in the protection of civilians. A number of speakers, notably Norway (Deputy Foreign Minister Vidar Helgesen), Ireland and Mauritius, endorsed the need for coordinated efforts by the UN to include conditions for humanitarian access in all framework agreements signed between States and non-State actors. Ireland agreed that the Security Council and others actors could play a critical role in securing access by putting significant pressure on warring parties. For Mauritius and Switzerland, it was also imperative that armed groups understood that they had to ensure the safety of civilians and provide unimpeded access to aid workers. Various speakers also drew attention to the imperative to ensure the **security and protection of aid workers**, and Denmark (on behalf of the EU) appealed to all States to become party to the 1994 Convention on the Safety of UN and Associated Personnel.

- . Underscored the need to promote the **rule of law and justice**, in particular by protecting human rights and implementing humanitarian law through, *inter alia*, the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and other international legal standards. To that end, speakers welcomed existing international tribunals and the ICC, as well as other initiatives to bring to justice perpetrators of grave violations of international humanitarian and human rights law.

- . Called for the **separation of civilians and armed elements**, referring in particular to conflicts in the Middle East, DRC, and in that connection, for the UN and other international bodies to strengthen protection of and assistance to refugees and IDPs.

. Recalled the usefulness of the **Aide Memoire** as a tool to promote the implementation of protection issues.

. Commended the **roadmap** as another tool to facilitate further implementation of protection measures among the different actors involved. Norway encouraged OCHA to further mainstream the roadmap towards enhancing cooperation and facilitating implementation.

. Supported the design of **further reviews of existing Council mandates and resolutions** based on the Aide Memoire, through further strengthening of joint cooperation between the OCHA, DPA, DPKO, OHCHR, UNDP and other relevant UN entities, in order to integrate the protection of civilians into planning frameworks for peace missions and peace processes.

. Welcomed existing cooperation between OCHA, DPA and DPKO. In this context, Norway supported continued efforts towards implementation of so-called '**Standard Operating Procedures**' with a view to advancing the protection agenda.

. Highlighted the gravity of **gender-based violence** in humanitarian and conflict situations (Ireland, Denmark, and Austria on behalf of the Human Security Network), and called for strengthened efforts to ensure gender mainstreaming in peacekeeping operations and post-conflict reconstruction. In that connection, speakers called for the full implementation of resolution 1325 (2000). Canada urged the Council to insert language in relevant texts requiring follow-up of allegations of sexual abuse and exploitation.

. Concurred with the need to address commercial **exploitation of natural resources** which fueled conflicts and had devastating consequences for civilians. Colombia specifically called for efforts to combat illicit drug trafficking, while France denounced child labor related to illegal exploitation. Mauritius and Austria elaborated on the need to address the question of proliferation and trafficking of small arms. Likewise, Mauritius, joined by the Denmark, called for **comprehensive DDR programmes** and called on the international community to provide further financial support to that end. Several delegations, including Canada and the Republic of Korea, recognized the usefulness of sanctions regimes to counter commercial exploitation as well mechanisms such as the Kimberly process on conflict diamonds.

. A number of speakers (Mexico, Ireland, France, Cameroon, Colombia, Singapore, the Russian Federation, Canada, the Republic of Korea and Austria) welcomed the introduction of new issues such as **terrorism** and **sexual exploitation**, noting in particular that the rise of terrorism had added a new set of challenges to the work of

protecting civilians. In that connection, they supported the Secretary-General's recommendation relating to the elaboration of an appropriate roadmap to address such issues. Colombia and the Republic of Korea called for prompt global compliance with the global anti-terrorism regime, in particular resolution 1373 (2001).

Responding to several comments and questions, USG Oshima, recalling the need for practical action, welcomed the Council's commitment to strengthening the protection of civilians in armed conflict and expressed OCHA's commitment to work closely with the Council and all relevant actors to that end. He noted that OCHA would therefore endeavour to prioritize compliance of humanitarian law; ensure that the roadmap was further developed, with the assistance of the support group led by Norway; update the Aide Memoire to reflect the growing importance of the subject; and introduce a completed form of the roadmap in his next presentation before the Council. In that regard, responding to France, he noted that the roadmap would be updated to reflect the issue of terrorism.

DB/MB/SCSB/SCAD/12 December 2002

Programme of work

Wednesday, 11 December 2002

No consultations of the whole or meetings scheduled.