

Statement by Ambassador Munir Akram in the Open Debate of the Security Council on “Protection of Civilians in Armed Conflict” 9 December 2005

Mr. President,

Let me begin by extending our warm felicitations to you for assuming the Presidency of the Council for this closing month of the year. I would also like to avail this opportunity to express our appreciation to Ambassador Denisov and the Russian delegation for their able stewardship of the Council last month.

2. Pakistan welcomes the convening of this open debate. Let me thank Under-Secretary-General Jan Egeland and Mr. Jacques Forster, Vice President of the ICRC for their informative briefings. We hope the views expressed here by members of the Council and non-members will contribute to evolving a more effective response of the international community to the complex challenges related to the protection of civilians in armed conflict.

3. The latest report of the Secretary General (S/2005/740) provides a useful insight on the entire range of issues related to protection of civilians in armed conflict. An overall decrease in the number of armed conflicts since the 90s is indeed encouraging. However, in today's armed conflicts, the violations of human rights and international humanitarian law have escalated with tragic consequences for civilians, especially women, children and minorities. As observed by the Secretary General “in the new warfare, the impact of armed conflict goes far beyond the notion of collateral damage. Targeted attacks, forced displacement, sexual violence, forced conscription, indiscriminate killings, mutilations, hunger, disease and loss of livelihoods collectively paint an extremely grim picture of the human costs of armed conflict”. This is a sad commentary on the poverty of implementation of the entire body of international humanitarian and human rights law, which codify protection of civilians.

4. A comprehensive response entails proper identification of **underlying problems** which are multidimensional - legal, moral, political, cultural, social and economic.

One reason for the escalation in violations is the changing nature of conflicts which are now more likely to be internal wars rather than inter-state conflicts. Ethnic conflicts, the most common civil wars, are by their nature directed against entire populations, including civilians.

Secondly, in many instances, it is the politics of poverty that leads to and exacerbates conflicts, involving competition between groups, including civilians, for scarce resources. Here again civilians are usually in the frontline.

5. The empirical evidence of recent and old history shows that systematic and consistent violations of the rights of civilians are most frequent and pervasive in situations of foreign occupation and suppression of the right of peoples to self-determination. The list of places where the gravest violations of international human rights and humanitarian law are taking place, mentioned in the Secretary General's report, amply illustrates this point. This list, however, is not exhaustive. It excludes,

for example, a situation of particular concern to my country, where the most blatant violations have been and are being perpetrated. An important question which should be posed is how to protect civilian populations when their very suppression is the object of the conflict? The rationale of suppressing terrorism should not provide an escape route for the suppression of civilians seeking respect for their fundamental rights, including the right to self-determination.

6. The challenge of addressing gross violations of international human rights and humanitarian law are exacerbated by the problem of inequity in the international response. In some situations, there is a quick and even robust response. In others, the perpetrators enjoy virtual impunity-both at the national and international level. Most often, there is sufficient public concern, but insufficient political will to act. The record of the Security Council itself in this context is not without blemish. In the circumstances, it is vital to reinforce the concept of protection of civilians in all such situations of complex crises.

7. Indeed, the desire proclaimed by the 2005 Summit for the protection of populations from genocide, crimes against humanity, war crimes and ethnic cleansing, can only be fulfilled if there are established standards to ensure a uniform and timely response to all situations where such crimes occur or are likely to occur. And if powerful bodies, such as the Security Council, are unable to act, the international community should consider utilizing the Charter authority of the General Assembly to do so. It can also utilize international judicial mechanisms for this purpose.

8. Apart from the decisions taken in the past, the Pakistan delegation would suggest that some concrete and practical actions be contemplated to ensure the protection of civilians in armed conflict:

First, all States should undertake a binding legal obligation to observe international humanitarian law and refrain from and oppose genocide and war crimes. This obligation could be created preferably through an international treaty or protocol.

Secondly, much greater emphasis is required to **prevent** the outbreak of conflicts. The UN Secretary General and other UN mediatory mechanisms can and must play a more active role in conflict resolution under Chapter VI and other provisions of the Charter. The UN SG and this Council have a clear right to insist on a mediatory role in inter state conflicts. But even in internal situations, an early and active role could be pursued with discretion, by the UN, together with other influential partners.

Thirdly, **international monitoring** can play an effective part in preventing violations against civilian populations. Where the danger of conflict is perceived, States should be asked to accept a UN or impartial international presence. Where a conflict has broken out, the UN should apply a standard operating procedure of dispatching a Fact Finding Mission including for the purpose of observing and reporting on the treatment of civilians. This would facilitate a political and humanitarian response.

9. In this context, particular attention should be paid to the abrogation of draconian laws and similar legal or administrative measures which allow arbitrary detention, torture and extra-judicial executions.

10. Where UN peacekeeping or observer missions are already deployed, their mandates should include observation and reporting on the treatment of civilian populations and, where possible, measures to offer them protection. Adequate resources should be provided to peacekeeping missions for this purpose.

11. Lastly, the humanitarian response to situations of violations should be adequate and timely. For this purpose, the UN's humanitarian capacity should be enhanced, predictable financing provided, and coordination reinforced. States should undertake to allow UN assistance to all affected civilian populations. There should be no "no go areas" where civilian populations are under serious threat.

Mr. President,

12. Collective action and multilateral solutions to today's conflicts offer the best hope for millions of civilians who are trapped between death and despair. We must not fail in responding to this challenge. We must act boldly in all situations where the survival of millions of civilians, caught in the vice of violence and war, is threatened.

I Thank you.