



**STATEMENT AT THE SECURITY COUNCIL OPEN DEBATE ON THE  
PROTECTION OF CIVILIANS IN ARMED CONFLICT  
ASSISTANT SECRETARY-GENERAL AND DEPUTY EMERGENCY RELIEF  
COORDINATOR MS. CATHERINE BRAGG  
9 November 2011**

Excellency,

These debates are an important opportunity for focused discussion on the protection of civilians in a number of situations – an opportunity to convey some sense of what we see in conflicts and that is marked by the consistent failure of the parties concerned to comply with their legal obligations to respect and protect civilians.

This failure manifests itself in many ways – in the killing and maiming of civilians; sexual violence; forced recruitment of children; displacement across and within borders; impeded provision of assistance; and a failure to hold accountable those who perpetrate or instigate violations and to provide support, justice and redress to the victims.

Excellency,

Eight months of conflict in Libya have led to the death and injury of thousands of civilians, the internal displacement of over 200,000 people and the outflow of nearly one million migrant workers and third country nationals.

Intense fighting in urban centres routinely prevented the wounded, as well as life-saving supplies and international assistance, from reaching hospitals. In addition to posing a serious threat to civilians at the time, the use of explosive weapons in densely populated areas, in such places as Misrata and Sirte, has led to significant destruction of housing and essential infrastructure.

Displaced people are starting to return home and schools have reopened throughout most of the country. But normalcy is far from assured.

The widespread availability of small arms and light weapons is of grave concern as is the National Transitional Council's apparent lack of effective command and control over various militia forces. I am alarmed by the reports that some of these forces are involved in the ill-treatment, including killing and arbitrary detention, of segments of population perceived as loyal to the former regime and of sub-Saharan African migrants. It is a reminder that the protection of civilians remains acutely relevant in the post-Qadhafi period.

Throughout Libya, the risk posed to civilians, especially children, by abandoned weapons and ammunition, and by explosive remnants of war, is very high. In parts of Misrata, the presence of unexploded cluster sub-munitions underlines the importance of the comprehensive ban on these weapons, embodied in the Convention on Cluster Munitions. That is why the ongoing effort of some States Parties to the Convention on Certain Conventional Weapons to adopt new international legal standards that would undermine that ban and facilitate the use of cluster munitions is very troubling.

I remain extremely concerned by events in Syria. Currently, the situation falls short of armed conflict. However, military operations are exacting a heavy toll. Over 3,500 Syrians have been reported killed since March. There are reports of serious human rights violations, including excessive use of force and restrictions on freedom of movement. I am concerned also by the interruption of water and electricity supplies during military operations; and interference with medical services.

In Yemen, conflict, poverty, drought, soaring food prices and collapsing state services have created a daily struggle for survival for millions of people – including 100,000 displaced by recent fighting in the south, and thousands of refugees from the Horn of Africa, and 300,000 persons displaced by previous conflict in the north. The response to peaceful demands for greater freedoms, an end to corruption and respect for the rule of law has been marked by the excessive and disproportionate use of force by the State. Hundreds have been killed and thousands injured.

Turning to Gaza and southern Israel, in August, a series of attacks launched from Egypt into southern Israel by unknown militants resulted in the deaths of six Israeli civilians. In response Israel conducted air raids on Gaza, resulting in 30 Palestinian fatalities and 103 injured, the majority of whom were reported to be civilians. One Israeli civilian was also killed and seven injured by rockets fired from Gaza during this period. A more limited escalation of violence at the end of last month resulted in the death of an Israeli civilian and the injury of another three Israeli and two Palestinian civilians.

In Colombia, in June 2011, the Government took the historic and welcome step of enacting legislation that will provide restitution for up to four million victims of the conflict, including through land restitution for those forcibly displaced. However, ongoing hostilities involving the guerilla groups and armed groups that emerged following the demobilization of paramilitary forces in 2006, continue to be marked by violations of international humanitarian law, displacement as well as the confinement of civilian populations in particular areas. In addition, during the first eight months of this year, 104 civilians were wounded and 16 killed by mines and improvised explosive devices – or IEDs – planted by the different groups. Mines and IEDs have also hampered the ability of humanitarian organizations to reach vulnerable populations in a timely manner.

In Afghanistan, some 500,000 Afghans have been internally displaced by the conflict, 130,000 of whom during the first six months of this year. The United Nations Assistance Mission documented over 1,400 civilians deaths in the first six months of this year, a 15

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percent rise over the same period last year. More civilians were killed in May than in any other month since 2007 when the mission began to document civilian casualties. These deaths were attributed to an increased use of improvised explosive devices as well as suicide attacks, targeted killings, increased ground fighting and air strikes involving helicopters.

Turning to sub-Saharan Africa, the recent escalation in fighting and insecurity along the Somalia-Kenya border risks increasing the suffering of civilians already devastated by conflict, drought, famine and displacement. I am concerned by air strikes conducted by Kenyan armed forces against Al-Shabab earlier this month, which reportedly killed civilians in a camp for internally displaced Somalis. The Somali conflict has long been characterized by the failure of all parties to respect international humanitarian law, including the principles of distinction and proportionality. The need for scrupulous compliance with the law by all parties is of the utmost urgency.

In Sudan's Darfur region, fighting between the national armed forces and armed movements in areas such as eastern Jebel Marra displaced an estimated 70,000 people during the first eight months of this year, while 425 civilians were killed, including as a result of inter-tribal fighting. In South Kordofan, fighting between Sudanese forces and the Sudan People's Liberation Movement-North has severely affected the civilian population, including 20,000 people who have fled to South Sudan. In Blue Nile State, fighting that erupted in September initially displaced 130,000 people. A further 28,700 people fled to Ethiopia and over 6,000 to South Sudan. Meanwhile, the continued presence of Sudanese and South Sudanese armed forces in Abyei, following hostilities in May, is preventing up to 110,000 people from returning home.

South Sudan faces additional security challenges stemming from militia and inter-tribal violence. Since January, there have been nearly 430 conflict-related incidents resulting in 3,100 deaths and over 215,000 people displaced. There is the prospect of further violence as competition over natural resources increases with the return of South Sudanese from Sudan to areas in which basic services are already stretched.

In the Democratic Republic of Congo, attacks against civilians by armed groups have intensified in North and South Kivu this year. The number of persons internally displaced in North Kivu increased by 30 per cent during the first half of 2011, reaching over half a million people at the end of July. This year, the number of returns registered in North Kivu is only 20,000 compared to 235,000 in 2010. Throughout the Kivus and neighboring provinces, insecurity has made humanitarian access increasingly difficult, with 135 security incidents involving humanitarian workers have been reported this year. Five humanitarian workers were killed last month, and two abducted in September.

Along with those of the Democratic Republic of Congo and South Sudan, civilians in the Central African Republic continue to confront the brutality of the Lord's Resistance Army (LRA). Between January and August, 254 Lord's Resistance Army attacks were reported across the three countries, resulting in 126 deaths and 368 abductions. We estimate that approximately 440,000 persons are now internally displaced or living as

refugees due to LRA actions. 335,000 are displaced in the Democratic Republic of Congo alone, including 49,000 people displaced during the first six months of this year alone.

Excellency,

The situations I have described have many aspects in common, not least the perpetration of violations of international humanitarian law and human rights law. Equally common to most of these situations, is the failure to hold accountable those responsible for such violations and to provide any form of justice or redress for their victims.

The failure of accountability has to end. We cannot continue to ignore war crimes and serious violations of human rights law in conflict. Nor can we ignore the need to ensure that victims see justice and reparation for the wrongs they have suffered.

As mentioned by the Secretary-General and the High Commissioner for Human Rights, Portugal, together with the Office for the Coordination of Humanitarian Affairs, convened a one day workshop last week on enhancing the role of the Council in ensuring accountability for violations.

The workshop saw constructive exchanges on three key aspects of accountability: individual criminal responsibility, fact-finding and reparations. With regard to the former, suggestions were made for the possible development of a checklist of issues for the Council to consider when making referrals to the International Criminal Court; and for how the Council could support national authorities to conduct investigations and prosecutions, including the possible role of peacekeeping missions in this regard.

Participants recognized the richness of fact-finding practices that exist and the challenges involved, including selectivity as to the situations under review, and the need to improve follow-up to their findings and recommendations. The need for the Council to have greater resort to findings of fact-finding mechanisms established by other United Nations bodies was also highlighted.

Finally, participants highlighted the significant number of reparations mechanisms that exist at the international and national level and the breadth of the practice in terms of forms of reparation awarded. It was agreed that more detailed discussion was necessary to determine how such mechanisms could be supported in the future.

Excellency,

The Council has come far in its efforts to address the protection of civilians and has, particularly on accountability, set important precedents. However, we cannot afford to be complacent. We must do more to advance the protection of civilians and ensure progress where it most matters – in the midst of conflict.

Thank you.

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