

OCHA on the Protection of Civilians in Armed Conflict

Under-Secretary General Jan Egeland, UN Office for the Coordination of Humanitarian Affairs (OCHA), UN Open Meeting of the Security Council, 9 December 2003

Mr. President, distinguished Members of the Council,

On behalf of my colleagues in the humanitarian community, I thank you for giving me this opportunity to address the Council in open session. This is my first opportunity to brief you, and it is most fitting that the topic is the critical issue of how better to protect civilians in armed conflict.

Mr. President, we have a common agenda. The Security Council is the United Nation's 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.

It was one of my predecessors, Sergio Vieira de Mello, who - with his usual foresight - first introduced this topic to the Security Council. Sergio had a keen awareness of the important nexus between peace and security, humanitarian affairs and human rights. Indeed his career spanned all these aspects of the Organization's work.

Mr. President, the tragic and untimely death of Sergio and those serving with him has underscored a number of unwelcome truths relating to this critical nexus. Most obviously, the landscape in which the United Nations is operating is changing. We have in recent months witnessed what I can only describe as assassinations of humanitarians from across the spectrum: the United Nations, the Red Cross and Red Crescent movement and Non-Governmental Organizations. These deliberate attacks against humanitarian personnel dramatically reduce access to civilians in armed conflict and the humanitarian space required to render support. And without these two pre-requisites, we fail in our responsibility to protect.

We seem to be moving into a time where the protection challenges are more complex. If we fail to keep abreast of this changing environment, we will end up with even greater challenges to international peace and security. The threats are constantly evolving – new weapons, new ways of conducting war, new ways of inflicting violence, new ways of deterring those who would keep the peace and those who would bring assistance. Seen against this evolving context, the protection of civilians cannot be viewed as a static problem, but rather as a shifting series of challenges that we must all address with innovative and direct policies and tools.

Mr. President, together we can and must confront these challenges. We have made some headway over the past six months. In my briefing today I will outline developments since the last update was presented to the Council by my predecessor, Kenzo Oshima, in June. I will review a number of current country situations through the lens of protection of civilians. I will also present two important documents developed by my Office over the last year – the Roadmap and the Aide Memoire on the protection of civilians – and conclude with a 10 point platform for future collective action.

In the current complex environment for humanitarian action I have described, what should be done?

First: We should address access and protection. It is not acceptable that we are denied access to affected populations in the majority of crises where we are deployed. There are over twenty countries where access to civilian populations in need is in some way restricted. Together we must work with governments and – where necessary – with armed groups to systematically address restrictions on access. Vulnerable communities have the right to receive humanitarian assistance, as we have the right and the obligation to provide it.

For example, on my recent mission to Uganda, I saw a stark picture of what the absence of humanitarian access means. Outside the main northern and eastern towns, access has been dramatically reduced by the increased activity of the Lord's Resistance Army (LRA). Some 1.3 million people have been displaced by the war. Many of these people are living in "resettlement camps" in inaccessible areas, with severely limited access to their lands, their livelihoods and to humanitarian assistance. In these circumstances, food aid provided through the World Food Programme is saving more than 80% of the population from starvation, but even this food aid is vulnerable to looting during LRA attacks. Humanitarian access is entirely dependant on too limited and too unreliable military escorts.

Issues of humanitarian access in the occupied Palestinian territory also continue to be of serious concern. Recent developments, including the construction of the Israeli security Barrier, will only serve 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 unflinching commitment, systematically applied by us all.

By contrast, Mr. President, we are seeing today in the Democratic Republic of the Congo what the return of a measure of security can mean for restoring humanitarian access. The turning point came with a strengthened peacekeeping force and the political commitment of the Government and the regional actors, supported by the international community, to a peace process which has begun to take hold. As a result, humanitarian access has begun to improve after years of deterioration. In eastern DRC, increased access has inevitably revealed greater need. If we are to consolidate peace and security, the humanitarian community must be able to meet these expectations. Despite the inherent risks in these fragile situations, the international community must recognize its responsibility to ensure adequate and timely resources, or risk losing the momentum towards peace. The history of the region has demonstrated too cautious donor behaviour. The international community must now demonstrate the same level of commitment that it has to higher profile crises in the Middle East and elsewhere.

The second major challenge is the security of humanitarian workers. There can be no access when humanitarian workers are denied security. Our emblems have always provided us with a certain protection, based on an understanding and acceptance of our

humanitarian mission. This has now been tragically challenged in Iraq and Afghanistan. The past six months have also seen our humanitarian colleagues threatened and targeted in Somalia, the DRC, Burundi, the occupied Palestinian territory, Chechnya and various other areas. I wish to emphasize that national staff in several countries have, at great personal risk, continued to deliver humanitarian assistance in the absence of an international presence. Our international responsibility is to provide solidarity, through our presence, and to establish effective measures for our common security as humanitarian organizations. I therefore encourage the Security Council to continue to stress to all parties to armed conflicts their obligation to ensure the safety and security of humanitarian personnel and to ensure that those responsible for attacks are brought to justice without delay.

The third challenge I would like to highlight is the special protection needs of children affected by conflict. Mr. President, children are in no way spared from the violence and suffering of war. Tragically, in today's conflicts we find children increasingly targeted and subjected to some of the most unconscionable atrocities the world has ever witnessed. In northern Uganda I was confronted by a war against children, fought primarily by children. More than 10,000 children have been abducted by the LRA over the past twelve months alone, and forced, through brutal means, to become child soldiers, labourers and sex slaves. Fear of abduction by the armed groups has created tens of thousands of "night commuters" throughout the north and east of Uganda - children who walk up to 3 hours to the major towns every evening before dark, simply to avoid abduction. We are all aware that the recruitment and use of child soldiers is a problem mirrored in many other conflicts around the world today, notably in West Africa. It is incumbent upon all of us to do more to respond to the tragedy of children being recruited and used as child soldiers, suffering extremely violent sexual attacks, or bearing the burden of responsibility for their younger brothers and sisters because they have lost their parents to the ravages of HIV/AIDS or the violence of war. This is but one example of the suffering of children in conflict zones. The rape of both boys and girls in Liberia and the DRC are further justifications for making the protection of children a particular priority in our daily efforts.

The fourth of our challenges: Demobilization, Disarmament, Reintegration and Rehabilitation. One of the features of the conflict in the Mano River Basin and Cote D'Ivoire has been the pervasive involvement of youth. The extensive engagement of largely young unemployed men in the militias fighting in Sierra Leone, Liberia and Cote D'Ivoire threatens to undermine the security of the region as a whole if this culture of youth violence is allowed to become entrenched. The spread of a violent youth culture can only be stemmed by comprehensive regional protection solutions – in particular, control of arms flows and sustained, well-designed and resourced DDRR programmes which address the particular needs of young people brutalized by war and with no means of survival but the gun.

DDRR must be addressed on a regional basis and neighbouring states should recognize their responsibility to assist. I welcome the current initiatives that are taking place in Cote d'Ivoire to establish a process of demobilization and also hope that these will complement the DDRR measures in Liberia. A stronger peacekeeping presence in Cote

D'Ivoire is now needed to provide a more secure basis for taking this critical process forward.

Fifthly, the challenge of sexual violence in armed conflict. Mr. President, the fact that women and children continue to constitute the majority of civilian victims in armed conflict demands our urgent and vigorous attention. Rape and other forms of sexual violence continue to be used as brutally devastating weapons of war - in the DRC, Burundi, northern Uganda, West Africa and far too many other conflicts around the world. The attention of the Council to these issues is critical, and I ask you to maintain a strong focus on sexual violence in your future missions to areas of conflict. I wish to draw particular attention to eastern DRC, where extreme crimes of sexual violence – described by some as “sexual torture” – have taken place on a chilling scale. The transitional process, increased MONUC presence and improved security situation in parts of eastern DRC have improved humanitarian conditions where MONUC is deployed, but more physical protection is needed. Given the cultural sensitivities, the most effective response is to work with and support local initiatives to assist the victims. We also need to address the special needs created by the increase in female-headed households.

However, we will be unable to stop the scourge of sexual violence in these countries without a functioning justice system. This brings me to my sixth challenge – justice and reconciliation. In too many conflicts around the world, sexual violence, torture, murder and other serious crimes under international law continue to be committed with total impunity. The need to end this culture of impunity is fundamental. I therefore would like to ask the Security Council to continue to denounce strongly these terrible acts and to take concrete measures to address the issue of impunity. The swift re-establishment of the rule of law, justice and reconciliation is vital during the transition from conflict to peace, and the actions of the leaders of the parties are crucial. In the DRC and elsewhere, it is critical that political and military leaders stand shoulder-to-shoulder with the victims and make clear that human rights violations will not be tolerated. Prompt, independent and effective investigations must be carried out. Perpetrators must be brought to justice. Potential perpetrators must be deterred. To this end, I welcome the statement of the Prosecutor of the International Criminal Court that his office is following the situation in Ituri, including the allegations of widespread sexual violence and other serious violations of international criminal law. I encourage the Prosecutor to pursue his efforts in this regard. I welcome the signaled cooperation by the Government of Transition with the Prosecutor and would like to encourage the Government to pursue all other relevant means in order to bring those responsible to justice.

The seventh challenge: the special protection and assistance needs of the displaced. With millions of internally displaced men, women and children around the world, the special needs of these particularly forgotten people remain a natural focus of our work. In Liberia, the entire population has suffered displacement at one time or another. Still, more than 500,000 remain displaced. The security and return of these people is a key component to the successful restoration of peace and stability. In Angola, there has been a rapid return of a large proportion of the displaced population. Despite the encouraging signs of large-scale return, however, re-establishing their economic future is critically

affected by unexploded ordnance. Likewise, the humanitarian situation in Colombia continues to be of great concern, with large numbers of internally displaced persons and many forced to leave their homes and lands every day. The conflict is also creating increasing numbers of refugees. We welcome the encouraging progress that has been made by the Government of Sudan and the Sudan People's Liberation Movement in preparing a national policy for internally displaced persons, but the recent displacement of more than 600, 000 people in the Darfur region remains a serious concern.

My eighth and final challenge, Mr President, relates to charges of sexual exploitation of civilians in conflict by our own United Nations personnel. Since the last briefing on protection of civilians, there has been progress on this important issue. The Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse was promulgated last month. At the Secretary-General's behest, all parts of the UN system with field presences are working very closely, together with our NGO partners and the Red Cross and Red Crescent Movement, to establish a coherent system for implementation of the Bulletin at the field level. The Department of Peacekeeping Operations and the Department of Political Affairs are an integral part of this joint effort, as the Bulletin applies equally to UN staff serving in peace operations.

We all agree that acts of sexual exploitation and abuse perpetrated by UN-affiliated personnel do irreparable damage both to the image of the United Nations and – more importantly – to our ability to serve and protect war-torn communities. We also agree that any such act by anyone affiliated with the UN – be they soldier, political officer, aid worker or police officer – affects all of us. While over the coming year we establish better systems of redress and managerial oversight, we must not lose sight of the need for vigilance and follow-through, in which I hope troop-contributing countries will also wish to play a part.

Mr. President, I would like now to turn to the practical work undertaken by my Office over the past six months to consolidate the UN's efforts to meet the protection needs of civilians in armed conflict. In the past you have asked us for greater integration of these issues between the different parts of the organization. I am pleased to report that the creation of a cross-cutting protection and human rights unit within the United Nations Mission in Liberia, integrating the range of expertise required to adequately protect civilians, represents a significant development for future cooperation in this respect. Our work has been based on three key areas: first, the continuation of our regional workshop programme as a means for disseminating information to Governments and other concerned parties on the key principles, responsibilities and priorities for the protection of civilians; second, the updating of the Aide Memoire and its further application in the field; and, third, the development of the "roadmap", which establishes a shared commitment to action on the protection of civilians.

Turning first to the regional workshops. Over the past fourteen months, six regional workshops have brought together representatives of Governments, UN country teams and civil society organizations in West and Southern Africa, Europe and the Balkans, East Asia-Pacific, the South Pacific and, since OCHA's last briefing to the Council, South

Asia, to identify and address the major regional concerns on the protection of civilians. In some regions these workshops have formed a part of a sustainable process. Concerns for the Protection of Civilians are becoming adopted institutionally by regional organizations such as SADC and ECOWAS in Africa, the European Union and the Pacific Islands forum.

In early 2004, we intend to convene a regional workshop in Latin America, and country-level workshops in Indonesia and the Solomon Islands, in cooperation with their respective governments. I wish to take this opportunity to sincerely thank Member States for their support for these vital workshop initiatives.

Mr. President, I am presenting to Members of the Council today, two documents for your consideration. The first is the updated version of the Aide Memoire on the protection of civilians in armed conflict. You will recall that the Security Council adopted the original Aide Memoire in March 2002 as a means to facilitate its consideration of protection of civilians' issues in its deliberations on mandates for peacekeeping operations. At that time, the Council undertook to regularly review and update the Aide Memoire to reflect the latest protection of civilians concerns, trends and measures to address them. Last December, the Council expressed its willingness to update the Aide Memoire annually.

The first such update, which is before you today, reflects important new language that the Council has used since March 2002 and provides a clearer structure of the key protection issues. It is the product of wide consultation throughout the UN system, particularly through the Executive Committee on Humanitarian Assistance Implementation Group on the protection of civilians in armed conflict. I hope that you will endorse this updated Aide Memoire as a tool that reflects evolving protection priorities, and will assist you in your efforts to ensure that the protection needs and rights of civilians are reflected in relevant Security Council resolutions and mandates. I cannot stress strongly enough that the language you include in your resolutions does make a difference to our work on the ground.

An important evolution that I should like briefly to highlight is the Aide Memoire's use in the field as a tool that provides a systematic basis for analysis and reporting during humanitarian crises. We have used it effectively as a protection matrix in Iraq and Burundi. We intend to take this approach forward in northern Uganda as a matter of priority, and to extend its practical application in other humanitarian crises.

I commend the updated Aide Memoire to Council Members, and look forward to its endorsement in a Presidential Statement at the end of this week.

The second tool for your consideration is the "roadmap", which Council members called for as a tool to clarify responsibilities, enhance cooperation, facilitate implementation and further strengthen coordination within the United Nations system. The version before you today focuses primarily on the role of the UN system and reflects the outcome of extensive consultations within the UN system over the past ten months. To truly reflect the needs of civilians in a constantly changing humanitarian environment, this instrument must be seen as a "living document". Like the Aide Memoire, it will need to be updated and developed in line with the new and evolving protection challenges that confront us.

Mr. President, we, as a United Nations system now have the tools, the early warning capacity, the technical expertise and the logistical capacity to provide more timely and targeted humanitarian assistance and protection than ever before. What we sorely lack is the ability to have our humanitarian principles become a reality for political, military and economic leaders around the world. It is here that we, the humanitarian and human rights workers, need your help. It is here that the Council can make a real contribution towards achieving real forward-movement on the protection of civilians in armed conflict.

Mr President, let me conclude by presenting ten action points that build on the areas in the roadmap that enjoy the consensus support of the Security Council:

1. Improve humanitarian access to civilians in need. We must better utilize negotiations on the ground and explore all possible avenues for political leverage by Member States;
2. Improve the safety and security of humanitarian personnel, irrespective of circumstances and environments;
3. Ensure that the special protection and assistance requirements of children in armed conflict are fully addressed, to better reflect the more complex protection requirements of children and the problem of youth violence;
4. Ensure that the special protection and assistance requirements of women in armed conflict are fully addressed, in light of the high levels of sexual violence and abuse;
5. Combat impunity for grave breaches of international humanitarian law, genocide, crimes against humanity and war crimes and thereby promote compliance with international humanitarian, human rights and refugee law;
6. Assist in ensuring the provision of the necessary resources to address the needs of vulnerable populations in so-called “forgotten emergencies”;
7. Examine how to better implement measures to respond to the security needs of refugees and internally displaced persons;
8. Address short-comings in our approach to Disarmament, Demobilization Reintegration and Rehabilitation, particularly with regard to child combatants and the need to address regional concerns;
9. Address the impact of small arms and light weapons on the protection of civilians, specifically with regard to confidence-building measures and the need to address regional flows;
10. Developing further measures to promote the responsibility of armed groups/non-State actors to protect civilians, provide access, ensure the safety, security and freedom of movement of humanitarian workers and, more generally, respect international humanitarian, human rights and refugee law.

In furthering these action points, we propose a process of consultation, led by the Security Council, to facilitate a structured dialogue which would identify protection gaps. My Office stands ready to provide all necessary support.

Mr. President, we must not let ourselves believe that the agenda for future action on the protection of civilians consists only of complex and difficult issues which require lengthy negotiations. Let me remind us all that there have been achievements: in the missions by the Security Council to areas of conflict, and in the Council resolutions and peacekeeping mandates which have more effectively considered the protection needs of civilians. I am grateful to you for this opportunity to outline the new challenges and some of the practical steps that we can take, if we are to create a culture of protection that reflects the real needs of innocent civilians trapped by conflict.

Thank you Mr. President.