

Protection of Civilians in Armed Conflict

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Statement by Ms. Valerie Amos, The Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, United Nations Office for the Coordination of Humanitarian Affairs (OCHA)

Ms. Amos: I will focus my remarks today on the pressing need to ensure more effective protection for civilians in the conduct of hostilities.

The deliberate targeting of civilians or other flagrant disregard for their well-being in violation of international humanitarian law during hostilities results in hundreds being killed, injured, maimed and traumatized every week. Recent events in Libya and Côte d'Ivoire are the latest examples of this, but other situations also demand our attention. This initial failure to respect the law is almost always the precursor to further violence, suffering and trauma inflicted upon civilians, including massive displacement within and across borders.

In the six months since my last briefing (see S/PV.6427), we have witnessed an unprecedented series of crises in parts of the Middle East and North and sub-Saharan Africa. I am concerned at the violence levelled against civilians in Bahrain, Yemen and, more recently, Syria, and at the loss of life and other human rights violations. In Syria, reports of the deployment of tanks and of the shelling of residential areas are alarming.

Of particular concern, however, was the deterioration of the situations in Libya and Côte d'Ivoire into armed conflict. There have been serious allegations of violations of the rules regulating the conduct of hostilities in both these countries. As I reported to the Council yesterday in my briefing on Libya (see S/PV.6530), civilians continue to be killed and injured by fighting between Government and opposition forces, especially in Misrata and the Western Nafusa mountains. Indiscriminate rocket and mortar attacks on densely populated areas of Misrata, as well as sniper attacks, continue to cause civilian casualties. There are also concerns over civilian casualties resulting from coalition air strikes.

The fighting in Misrata has limited the population's access to food, water and other basic commodities. Medical facilities are short of supplies and trained personnel. This is particularly troubling given the continuous heavy fighting in the city, as are reports of attacks on ambulances transporting the wounded to these facilities. The shelling and mining of Misrata port is also hampering efforts to supply urgently needed aid and to evacuate those, including the sick and wounded, who want to leave. I will continue to call upon all parties to agree to a temporary cessation of hostilities in Misrata on humanitarian grounds, to allow those who wish to flee to do so, and to enable humanitarian personnel to comprehensively assess the situation and bring more aid.

In Côte d'Ivoire, November's post-election crisis degenerated into a conflict marked by increased violence that seriously affected the civilian population. Direct attacks against civilians, indiscriminate shelling, sexual violence, and attacks against humanitarian workers and peacekeepers have all been reported and must be investigated without delay. There are still an estimated 150,000 internally displaced people in western Côte d'Ivoire and a further 177,500 Ivoirians registered as refugees in several West African nations, including nearly 160,000 in Liberia, though these numbers change as people move back and forth across the border.

At the height of the violence, humanitarian workers experienced immense difficulty in accessing people in need due to the fighting and to the checkpoints and blockades established in Abidjan by the parties to the conflict. These checkpoints and blockades were often the scene of the harassment and obstruction of humanitarian workers. The situation was further compounded by attacks on United Nations peacekeepers and the theft of humanitarian vehicles, equipment and supplies. Humanitarian organizations were forced either to limit their movements or to suspend activities altogether. While the violence has subsided, the humanitarian situation remains precarious and our access to those in need in Abidjan and elsewhere continues to be hampered by pockets of instability due to violence by militias.

In Libya, the reported use of cluster munitions and Grad rockets by Government forces in Misrata marks the latest development in a broader pattern of the use of explosive weapons in densely populated areas by

Government, as well as opposition and coalition forces. In one incident alone on 14 April, an attack involving Grad rockets reportedly killed a dozen civilians and wounded many more as they queued to buy bread. In Côte d'Ivoire, at least 25 civilians were killed and more wounded in a single incident on 17 March in which a market was shelled in the Abobo district of Abidjan.

Explosive weapons have an immediate and indiscriminate impact, killing and injuring those caught in the blast radius, including civilians, while the damage to buildings and infrastructure hampers longer-term reconstruction and development. I reiterate my call on parties to conflict to refrain from the use of these weapons in densely populated areas.

While Libya and Côte d'Ivoire have recently occupied the headlines, civilians in other conflicts continue to be killed and injured as the parties fail to comply with their obligations in the conduct of hostilities. In Somalia, civilians continue to bear the brunt of fighting between militants and forces of the Transitional Federal Government and the African Union. During 2010, over 7,000 civilians reported weapons-related injuries in Mogadishu — the highest number of civilian casualties in a decade. Children accounted for 20 per cent of those injured.

In eastern Democratic Republic of Congo, conflict persists, with direct attacks against civilians by foreign and Congolese armed groups. Some elements of the national security forces continue to be implicated in these violations. Sexual violence, including rape, remains a defining characteristic of the conflict. At the end of 2010, some 1.7 million people remained internally displaced, 1.3 million of them in the Kivus. In the north-east of the country, the Lord's Resistance Army (LRA) continues to pose a grave threat to civilian populations, as well as in neighbouring Central African Republic and southern Sudan. During the first quarter of this year, 107 LRA attacks — which routinely include the killing, rape, beating and abduction of civilians — were reported across the three countries.

In southern Sudan, following the relative stability of January's referendum, the security situation has deteriorated sharply. Intercommunal conflict and clashes between the Sudan People's Liberation Army (SPLA) and increasingly active militia groups have reportedly killed over 1,100 people, the majority civilians, and displaced over 116,000. Reports indicate that SPLA soldiers have targeted or fired indiscriminately at civilians and burned and looted homes. In Darfur, fighting between Government and rebel forces remains a major source of insecurity and displaced an estimated additional 70,000 people during the first three months of this year.

In Colombia, civilians continue to be affected by the armed conflict and the actions principally of guerrilla groups and new armed groups that have emerged following the demobilization process. These groups continue to use landmines and improvised explosive devices, with over 150 civilians killed or injured by such weapons in 2010. Civilians have been killed and injured in attacks against military units located in and around homes and schools. The Government estimates that over 111,000 people were forcibly displaced last year due to the conflict, bringing the total number of internally displaced persons to 3.6 million.

March and April of this year witnessed an escalation in violence in Gaza and southern Israel, with one Israeli child killed and three Israelis injured. Fifteen Palestinian civilians, including six children, were killed and 104 injured, 37 of them children.

In Afghanistan, over 7,000 civilians were killed or injured in 2010 — an increase of 19 per cent over 2009. Anti-Government elements were reportedly responsible for over 5,000 of those deaths and injuries. Military operations by pro-Government forces accounted for some 800 civilian casualties. Improvised explosive devices and suicide attacks in civilian areas continue to cause large numbers of civilian deaths and injuries. The Taliban's declaration on 1 May of the start of a spring offensive is of great concern.

The recent report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka found that some 40,000 civilians may have died in the final stages of the conflict and that credible allegations existed of human rights and humanitarian law violations by both parties to the conflict. Some of those violations may amount to war crimes and crimes against humanity. International law requires that these allegations be properly investigated.

When it comes to protecting civilians in the conduct of hostilities, the picture is stark. It will remain so in the absence of determined efforts by parties to conflict to comply with the law. Clear and binding rules regulating the conduct of hostilities exist. It is the willingness of parties to conflict to respect and ensure respect for those rules, including through the rigorous pursuit of accountability, that is absent.

Enhancing compliance with international law, particularly in the conduct of hostilities, is the first of the five core challenges identified in the last two Secretary-General's reports on the protection of civilians (S/2010/579 and S/2009/277). As those reports made clear, aside from the fundamental responsibility on all the parties to conflict themselves, the Security Council too has a responsibility to promote compliance: first, by using all available opportunities to condemn violations and to remind parties of, and demand compliance with, their obligations; secondly, by applying targeted sanctions against the leadership of parties that routinely violate their obligations to respect civilians; and, thirdly, by promoting accountability, including by mandating commissions of inquiry to examine situations where concerns exist regarding serious violations, with a view to identifying the perpetrators and ensuring their prosecution at the national level, or referring the situation to the International Criminal Court (ICC).

The Council's responses to the crises in Libya and Côte d'Ivoire have raised questions that need to be addressed. First, in terms of consistency of approach, resolution 1970 (2011) on Libya essentially followed the course laid out by the Secretary-General in the reports to which I have just referred. The Council condemned the violations, demanded compliance with the law, imposed the arms embargo and targeted sanctions and referred the situation to the ICC. The latter action in particular is believed to have prompted some in positions of power in Libya to reflect on their role in the violence and, subsequently, to defect from the Government. It is not clear whether the imposition of similar measures in regard to Côte d'Ivoire, and at an earlier stage of the crisis, might have prompted similar action by influential individuals and prevented the further deterioration of the situation.

The adoption of resolution 1973 (2011) on Libya and the authorization and subsequent use of force and other measures to protect civilians has prevented civilian deaths and injury. But it has also raised concerns in terms of the potential undermining of the protection of civilians agenda and its important role in providing a framework for action in future crises. In addition to complying scrupulously with international humanitarian law, the implementation of the Council's decision must be exclusively limited to promoting and ensuring the protection of civilians.

The events of the past few months have provided a compelling reminder of the fundamental and enduring importance of the Council's protection-of-civilians agenda. Moreover, they have underscored the need to ensure that the commitments therein, as expressed in the five thematic protection-of-civilians resolutions and the aide-memoire (see S/PRST/2010/25), translate into concerted Council action in response to violations of the law as we have seen in Côte d'Ivoire and Libya, Afghanistan, the Democratic Republic of the Congo and Somalia. Demanding compliance with the law and enforcing such demands through targeted sanctions are critically important actions that the Council can take to enhance compliance. The Council also has a key role in promoting genuine accountability for serious violations, the absence of which serves to encourage rather than deter violations. The Council must be comprehensive and consistent in its approach and consider all situations requiring attention and action.