

Security Council Open Debate on Rule of Law
Tuesday, 29th June 2010, Security Council Chamber (GA-TSC-01)

Statement by Ambassador Takasu, Permanent Representative of Japan to the United Nations

I would like to express our gratitude to the Secretary-General, Under-Secretary-General John Holmes and High Commissioner for Human Rights Pillay for their statements. I pay special tribute to John Holmes for his service to the cause of humanity at the helm of the Office for the Coordination of Humanitarian Affairs for the past three and a half years.

The protection of civilians in conflict is a critically important item on the Council's agenda. Last year, the Security Council adopted resolution 1894 (2009) after a comprehensive review of this issue. The Secretariat also took measures to improve protection on the ground in response to criticism against the performance of some peacekeeping missions.

Yet, as the three briefings today testify, we still face many challenges, and further concerted action is essential. First of all, in consolidating the protection of civilians, standard-setting and the universalization of norms are important, of course, but strict compliance with all international humanitarian, human rights and refugee law is equally important, and enforcement is at the heart of any such action. This means that the Government authorities of a country in which a conflict occurs should act in accordance with international norms and humanitarian law, and respect the provisions of resolutions adopted by the Security Council on this subject.

We simply cannot allow Government troops or police forces to disregard the protection of civilians or even to become a threat to civilians. To that end, the rule of law should be established through security sector reform, and judicial reform should bring an end to impunity. A policy of zero tolerance has very little value unless it is enforced throughout the security establishment without regard to rank or position.

Another serious challenge is how to address violence against civilians and hindrances to humanitarian work committed by non-State armed groups. Calling for non-State armed groups to comply with humanitarian law, as we customarily do in Security Council resolutions, is clearly inadequate.

Effective ways should be found to cope with the tactics of non-State armed groups, such as the Lord's Resistance Army. Peacekeeping missions may be able to provide logistical support, upon request, for Government forces fighting non-State armed groups, but such support should be provided only when clear and strict conditions are met so that it will not lead to violence against civilians.

The most effective step we can take is to promote the political process among the parties concerned through engaging non-State groups so as to achieve ceasefires and eventually peace agreements. If a political solution cannot be achieved, appropriate measures should be taken to keep the violence committed by non-State armed groups to a minimum.

One way is targeted sanctions against those violators of humanitarian law. That method should be considered more strategically. Sanction regimes could also be utilized to prevent weapons from flowing in from outside the country. Controls over small arms should be strengthened at the regional level.

But, obviously, military or coercive measures alone cannot resolve conflicts. We should address root causes such as protection of minorities and access to natural resources, food and water. Comprehensive but also country-specific strategies should be developed to promote civilian protection and should involve all actors, including regional organizations.

Half of the peacekeeping operations now in the field have protection of civilians as a main mandate from the Security Council. Despite some improvement in the last 18 months, there remains a noticeable gap between mandate and expectation, on the one hand, and implementation and action on the ground, on the other hand. I would like to stress three steps that should be taken so that peacekeeping missions can implement the mandate more effectively.

First, in country-specific protection strategies that are designed to translate the Council's mandate into concrete actions, the mandate to protect civilians should be reflected in more specific terms by identifying targets and means of protecting local populations, humanitarian workers, refugees and internally displaced persons. Also, the strategies and means of achieving the objective should be shared with the Council so that there is a common understanding as to how the mandate is to be implemented. There should therefore be no gap between expectation and implementation.

Secondly, it is essential to ensure that there are adequate resources and capacity for effective implementation. To that end, information on resource implications should be provided to the Council at the launch of a new mission or a revised mission. Two key issues in the protection of civilians are, first, the mobility and training of units and, secondly, intelligence capacity, since troops often have to operate in vast and geographically diverse areas.

In particular, I would like to stress the shortage of utility helicopters, which has been emphasized so many times by the Secretary-General and his senior colleagues in the Secretariat. But a solution that meets that challenge has not yet been found. I have personally tried to address the issue through the Working Group on Peacekeeping Operations, which is a subsidiary organ of the Security Council and thus supports the Council's work, in connection with its consideration of the capacity gap in mandate implementation. However, regrettably, there is no consensus on what to do with this issue in the Working Group.

I believe that addressing this issue is the single most specific and concrete step the Council can take to contribute to protection of civilians. I appeal therefore to members of the Council to demonstrate strong leadership by cooperating with the General Assembly on this issue. Indeed, because responsibility is overlapping, it is difficult to find a solution. In order to address and find a solution on this chronic and very critical issue as soon as possible, it would be helpful if the Secretary-General could submit a proposal to serve as a basis for the work of the Security Council and the General Assembly on this matter.

The third point is that strategies and guidance on the implementation of protection of civilians should be shared at different levels: the policy level, the operational level and the tactical level.

The operational guideline, which has been developed by the Department of Peacekeeping Operations, is useful as common guidance across missions. Any change in mandates decided by the Council should be kept updated on a mission-by-mission basis so that the concept of operations can be immediately adjusted by the troops on the ground.

I would like to emphasize the importance of close consultation in this connection among the Security Council, the troop-contributing countries, police-contributing countries and the Secretariat. It is also important to share best practices among the missions. For example, what happened at the United Nations Organization Mission in the Democratic Republic of the Congo with the establishment of the joint protection team and a temporary base and the strengthening of communication with local populations are all useful and could usefully be followed by the United Nations Mission in the Sudan.

I am pleased with the recent progress regarding women and children in conflict, the appointment of Ms. Wallström as the Special Representative of Secretary-General on Sexual Violence in Conflict, and the adoption of the presidential statement last month to strengthen measures against persistent perpetrators of violence against children (S/PRST/2010/10).

In closing, I would like to reiterate how relevant the human security approach can be as the basic rationale for efforts to protect and empower those civilians who are most vulnerable. This multisectoral and human-centred approach focuses on both protection and empowerment at the individual and community levels. It is for this reason that Japan has been providing support, including through the United Nations Trust Fund for Human Security. Japan is committed to extend every possible support to protection and empowerment of civilians.