

**Security Council Open Debate on Protection of civilians in armed conflict, February 12<sup>th</sup> 2013, Security Council Chamber**

*Statement by Mr. Ban Ki-moon, the Secretary General of the United Nations.*

Before I turn to the subject of this meeting, let me say a few words about the appalling underground nuclear test conducted by the Democratic People's Republic of Korea.

I strongly condemn Pyongyang's reckless act, which shows outright disregard for the repeated call of the international community that it refrain from further provocative measures. The test is a clear and grave violation of the relevant resolutions of the Security Council.

Together with the rest of the international community, I have repeatedly called on the new leadership in Pyongyang to give up its pursuit of nuclear weapons, to address international concerns through dialogue, and to start building confidence with neighbouring countries, particularly the Republic of Korea, and the international community. I have also appealed to Pyongyang to focus its energies on ensuring a better future for the country's people by addressing the dire humanitarian and human rights situation. Regrettably, my appeals have fallen on deaf ears.

I am profoundly concerned about the negative impact of this act on regional stability. It is deplorable that Pyongyang has chosen the path of defiance. This third nuclear test by Pyongyang is a serious challenge to global efforts to curb nuclear proliferation. The Democratic People's Republic of Korea is the only country that has carried out nuclear tests in the twenty-first century. The authorities in Pyongyang should not be under any illusion that nuclear weapons will enhance their security. To the contrary, as Pyongyang pursues nuclear weapons, it will suffer only greater insecurity and isolation.

I am encouraged by the swift and overwhelming international condemnation of this wanton act. This is a direct challenge to the Security Council. It is absolutely essential that the Council act and speak with one voice and engage with the Democratic People's Republic of Korea in a unified manner. I welcome the press statement just issued by the members of the Council in that regard. I will remain in close contact with all concerned parties, and I stand ready to support their efforts.

I thank the Republic of Korea for convening today's debate and His Excellency Mr. Kim Sung-hwan, Minister for Foreign Affairs of the Republic of Korea, for coming to participate in this very important meeting.

Since the Security Council last addressed this issue (see S/PV.6790), civilians have remained subject to unacceptable threats to life and dignity in conflict zones worldwide. Warring parties have continued to violate human rights and international humanitarian law with impunity. And the efforts of United Nations and other humanitarian actors to provide assistance and protection have been hampered by violence. Every day, civilians are killed or maimed in targeted or indiscriminate attacks. Women, girls, men and boys are raped in front of their families. Children and youths are abducted, held in sexual slavery or compelled to take up arms and inflict abuses on their own communities — scarring them for life. Families are forced from their homes into a state of desperation and dependency from which they may never escape.

In Syria, every day provides a searing reminder of the human cost of war. Four million people are in urgent need of humanitarian assistance. More than 2 million people have fled their homes. Many lack even the most basic services. Sexual violence is a constant threat. The volatility of the security situation, logistical challenges and bureaucratic constraints are hampering the response effort. The international community needs access to all areas so we can reach more people in need.

The situation in Syria is particularly acute and intractable, but in Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Mali, Myanmar, Somalia, South Sudan, the Sudan and elsewhere, civilians continue to suffer and die as parties to conflict ignore their obligations to protect.

But, let us remember that the obligation does not rest solely with warring parties. We all have a responsibility to protect. Failure to protect civilians in armed conflict can contribute directly to the commission of atrocity crimes. Violence against civilians is also unquestionably abetted by the free flow of weapons. This underlines the importance of next month's arms trade treaty negotiations. We urgently need a robust and comprehensive agreement that addresses the humanitarian impact of the poorly regulated trade in arms.

My internal review panel on United Nations action in Sri Lanka raised important issues concerning how the United Nations and Member States could strengthen the protection of civilians in armed conflict. The recommendations are undergoing internal review, and I will report on them later this year.

In previous reports to the Council, I have welcomed the informal experts group on the protection of civilians as an important forum for keeping the Council informed of protection developments on the ground. I encourage this practice to continue and the Council to explore ways to make greater use of the Group. My reports have also recommended steps for enhancing the protection of civilians that I would like to emphasize again.

First, all parties to conflict should avoid using explosive weapons with wide-area effect in populated areas. This includes roadside bombs, heavy weapons and artillery, and air strikes. I urge the Council to recognize and act on this fundamental humanitarian issue. My next report will provide concrete recommendations for consideration.

Secondly, the Council must emphasize that States bear the primary responsibility for the protection of civilians. Where there are peacekeeping missions, the United Nations will do its utmost to support States to fulfil their obligations, in line with our Human Rights Due Diligence Policy. I urge the Council to take a strong and visible lead in protecting civilians and pursuing accountability for violations of international human rights and humanitarian law. In this regard, I welcome the debate triggered by the call of some Member States for the Council to refer the situation in Syria to the International Criminal Court.

Thirdly, States should recognize the need for consistent engagement by humanitarian actors with all relevant State and non-State actors. This is essential to ensuring improved compliance with international humanitarian and human rights law, as well as safe access to populations in need.

Fourthly, all relevant authorities should expedite administrative, visa, travel and customs procedures to facilitate the rapid and unimpeded passage of relief consignments, equipment and personnel to people in need of protection and assistance. We need accountability for grave denials of access and for attacks against humanitarian workers.

Fifthly, I urge the Council to make greater use of commissions of inquiry and fact-finding missions mandated by the United Nations to investigate and verify alleged violations of human rights and international humanitarian law. It is important for accountability, justice and protection to support timely follow-up on their findings.

Finally, the Council must ensure that peacekeeping operations mandated with protecting civilians have adequate resources. It is particularly important that they be equipped to respond to conflict-

related sexual violence. States that contribute military and police personnel to missions should be supported to ensure that they are trained to be proactive in addressing the unique vulnerability of women and children. That includes partnering with human rights and other civilian components to prevent and respond to human rights and humanitarian law violations.

Next month, the Commission on the Status of Women will address conflict-related sexual violence as part of its theme of “Ending violence against women”. I count on Member States to use the meeting to make practical commitments to ending sexual and gender- based violence in all its forms.

Today’s debate is an important opportunity for the Council and Member States to reflect on the impact of armed conflict on civilians and on the actions that need to be taken to increase compliance with international law and fulfil the Council’s commitment to protection. The Council’s continued and consistent discussion of this issue is essential. I urge Council members to bring all their considerable powers to bear on reducing the unacceptable toll that conflict is taking on civilians every day.