

**OPEN DEBATE OF THE
SECURITY COUNCIL:
PROTECTION OF CIVILIANS IN ARMED CONFLICT**

STATEMENT

BY

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CHECK AGAINST DELIVERY

Mr. President,

We welcome this opportunity to discuss the protection of civilians in armed conflicts and the excellent report of the Secretary-General on the topic. In the ten years since the Council first took up this issue, the changing nature of armed conflict has continued to have a profound impact on the plight of civilians in armed conflicts. And indeed the report before us reveals a continued gap between the existing standards of international humanitarian law and the current realities on the ground.

We hope that this debate will prepare the ground for and open debate in November, on the occasion of the tenth anniversary, that reaffirms the commitment of the Council to this agenda and results in a set of effective measure to further advance it. Among the recent steps taken, we welcome in particular the adoption of the third version of the aide-mémoire and the establishment of the Security Council Expert Group on the Protection of Civilians. As illustrated in the Secretary-General's report and its annex, the challenges to the Council in the area of implementation continue to be very big.

Mr. President,

The development and universal acceptance of international humanitarian law is among the landmark achievements in the history of international law. Among its core principles are the distinction between combatants and non-combatants, proportionality of the use of force as well as the requirement to take all feasible measures to minimize civilian casualties. The applicable provisions of international humanitarian law must be respected in any armed conflict and by any party to it, under all circumstances and irrespective of the question of the legality of the use of armed force itself. The repeated violations of these rules, such as in the conflicts in Sri Lanka and Gaza warrant a clear response from the Security Council in order to promote the observance of international humanitarian law in practice. The Council must unequivocally demand compliance with international humanitarian law by all parties to a conflict and call for accountability in cases where massive and

systematic violations have occurred. Such accountability mechanisms should ideally be established at the national level, when necessary with assistance from regional or international organizations. When necessary, the Council should establish commissions of inquiry or similar bodies in order to enhance accountability for serious violations of international humanitarian and human rights law, and, in the most serious cases of inability or unwillingness of the State concerned, consider referring the matter to the International Criminal Court. One of the most important goals of the establishment of the International Criminal Court was to promote effective investigations and prosecutions at the national level. We therefore fully support the call of the Secretary-General on Member States to adopt legislation that hold perpetrators accountable for genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law.

Mr. President,

Access to civilians in need of assistance is a grave problem in the area of protection of civilians. It is often unsafe, granted too late or under conditions that hinder effective delivery. The annex of the report of the Secretary-General refers to bureaucratic constraints imposed by the authorities in charge, the intensity of hostilities as well as attacks on humanitarian personnel and assets as the most severe and prevalent access constraints. The restrictions by the Government of Sri Lanka on the delivery of supplies to the conflict areas, the unclear and inconsistent criteria and procedures on the entering of certain relief material to Gaza as well as the dramatic rise in kidnappings of humanitarian personnel are disturbing examples from the recent past. The Security Council must call, where necessary, on conflict parties to remove all unwarranted impediments to humanitarian access and allow safe passage for civilians seeking to flee conflict zones call for temporary cease-fires, long enough to enable effective relief action by humanitarian actors. The Council has a particular obligation to protect UN staff and to ensure that there is no impunity for attacks on humanitarian and peace-keeping personnel which are a war crime under the Rome Statute of the International Criminal Court.

Mr. President,

Protection of civilians must be an inherent task for all peacekeeping missions. Since protection of civilians is not a military task alone, all components of a peacekeeping mission must contribute to carrying out the mission's protection mandate. We therefore welcome the development of mission-specific inclusive strategies and plans of action. This applies in particular to acts of sexual violence. When committed on a large scale and in a systematic and targeted manner, sexual violence is not merely a by-product of armed conflict, but rather a method of warfare aimed at destroying the social fabric of communities in order to achieve political and military ends. We reiterate our support for Resolution 1820 and call on the Security Council to provide clear guidance on how to protect civilians from acts of sexual violence. Such guidance would be particularly useful for force commanders who currently provide protection from acts of sexual violence on an ad-hoc basis and under a flexible interpretation of their vague mandates.

I thank you.