

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

STATEMENT

BY

**H.E. AMBASSADOR CHRISTIAN WENAWESER,
PERMANENT REPRESENTATIVE
OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS**

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Mr. President,

I thank you for organizing this open debate and the concept paper your delegation has produced in order to prepare for an informed and focused debate. This year, we are commemorating the 10th anniversary of the first thematic resolution by the Security Council on this topic. On the one hand, we have reason to celebrate. We have achieved significant conceptual and institutional progress in the recent years with the establishment of an expert group on the topic, the update of the aide-mémoire, and the inclusion of an annex on humanitarian access in the report of the Secretary-General. Furthermore, we have agreed on our common responsibility to protect civilians, both in times of armed conflict and otherwise. On the other hand, the glaring gap between the normative framework and the realities on the ground remains – compliance with the existing standards is still far from satisfactory. In this context, we fully subscribe to the statement made by the Secretary-General and the emphasis he has placed on implementation.

Protection of civilians is a complex area covering a very wide range of topics, as reflected in the resolution adopted this morning, as well as in past resolutions and reports of the Secretary-General. The protection of civilians poses a central challenge to the Council. The manner in which the Council responds to that challenge is an essential yardstick by which the Council's overall performance is measured. The events of Rwanda and Srebrenica count among those that have had the strongest impact on the public perception of the Council. Thinking of new ways to enhance the Council's role in the protection of civilians is thus the most appropriate contribution to a meaningful commemoration.

Mr. President

This year, we are also celebrating the 60th anniversary of the adoption of the Geneva Conventions – the centerpiece of the protection of civilians in armed conflict. Instead of steady progress towards full compliance with the existing

standards of international humanitarian law over the decades, however, we are witnessing the continued erosion of respect for international humanitarian law. The report of the Secretary-General has rightly identified the need for stronger engagement with non-state actors as an essential element for better compliance. An additional element is the consistency with which the Council treats this agenda. The Council must make it very clear that the relevant standards are applicable in any armed conflict, under any circumstances and irrespective of the background of military action. Furthermore, compliance with international humanitarian law will be enhanced if the parties to the conflict know that violations will entail consequences. The Council should consider such consequences in particular in cases where civilian populations are directly targeted, or where humanitarian access is deliberately denied. It is our understanding that the reference to appropriate measures at the disposal of the Council in the resolution adopted earlier today includes targeted sanctions.

Mr. President

Where violations of international humanitarian law go routinely unpunished, a climate of impunity will prevail and lead to further violations. Accountability is therefore the other key element for ensuring compliance. We have made great strides in the area of international criminal justice through the establishment of international justice mechanisms and, most importantly, the International Criminal Court. We thus have the means to effectively ensure accountability on a permanent basis. These mechanisms should be put to good and consistent use. The Council has already recognized its role in ensuring accountability, in particular in this year's resolution. This role is much broader than to consider referring situations to the ICC. Much rather, the Council should demand accountability on a regular basis where there are credible allegations that most serious crimes under international law have been committed. And the Council should make it clear that it is first and foremost the responsibility of States to investigate and prosecute such crimes and urge parties to conflicts to do so, where needed. There are numerous ways in which UN bodies

can assist States where there is a need to build domestic capacities. But the Council must also ensure accountability where there is no willingness to do investigate and prosecute on the part of the States that have jurisdiction.

Mr. President

Today, there is largely clarity about the applicable standards for the protection of civilians, thanks also to the valuable work of the Secretariat. What we need, for the next ten years and likely beyond, are concepts and concrete measures to ensure implementation as well as a consistent approach to the protection agenda – also and especially in cases where that may seem difficult or inconvenient. We therefore welcome the joint study submitted by OCHA and DPKO as well as the parts of the resolution adopted today dealing with peace-keeping which we hope can lead to concrete improvements. One of the key findings of the study is that the chain of events to support the protection of civilians from the planning stages to the practical application in the field is broken – and we must urgently address this disconnect. Essential aspects for the future work of the Council include clear guidance provided in mandates, mission-wide protection strategies that involve the country team and the host State, as well as providing the necessary resources. In conclusion, we support the resolution as a promise for better and more effective mandates drafted by the Council, and call for more consistent consideration of protection issues as tangible evidence of the Council's resolve for the protection of civilians.

I thank you.