

**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**

NEW YORK, 27 MAY 2008

CHECK AGAINST DELIVERY

Mr. President

The increasing victimization of civilians in armed conflict is a sad and well-documented fact. While civilian populations have always suffered disproportionately from the consequences of armed conflict, modern warfare and the changed nature of armed conflicts have exacerbated their situation. The Security Council's decisions and action have a strong and immediate impact on the situation of civilians. This special responsibility should be expressed through a more consistent and more permanent engagement. We therefore support the recommendation of the Secretary-General to establish an expert-level working group among Council members.

Mr. President

We have witnessed an erosion in the respect for international law relevant to the protection of civilians. The law of armed conflict, usually referred to as international humanitarian law, is one of the core achievements in the history of international law, and the Council has a particular responsibility to promote its observance. A central element in this respect is a clear commitment to fight impunity. The establishment of a number of ad hoc and hybrid tribunals was an expression of such a commitment. The key role in the fight against impunity, however, falls on the **International Criminal Court**. While the Court is seized with a number of specific cases, including situations on the agenda of the Council, its activities and mere existence also have a preventative effect in conflict situations beyond those under investigation. The Rome Statute attributes certain functions to the Security Council, including the possibility to refer situations to the Court. In March 2005, the Council has exercised this function in connection with the situation in Darfur. More than two years the Council must follow up with action to ensure cooperation in the arrest of the persons indicted by the Court. The Council's upcoming visit to Africa offers a unique opportunity for doing so. Beyond the execution of the implementation of arrest warrants, full cooperation is needed in other areas as well. In the interest of

effective protection of civilians, all organs of the United Nations as well as individual States should extend such cooperation – not just States Parties to the Rome Statute, while only States Parties of course have a legal obligation to cooperate. The jurisdiction of the ICC extends to a number of crimes which are still perpetrated on a large scale and sometimes systematically and as part of a policy to intimidate civilian populations. Sexual and gender-based violence and the recruitment of children as soldiers or for other purposes in connection with armed conflicts play a sadly prominent role in this respect.

Mr. President

Access to civilians in armed conflicts – as in other emergency situations – is vital for effective humanitarian assistance. Too often access is unsafe, provided too late and far from unhindered. In Somalia and Darfur, for instance, access to the populations in need is severely limited, and significant numbers of people cannot be assisted by humanitarian agencies at all. In other situations, access is used as a tool in a political bargain, at the expense of the civilian population. It is worth recalling that facilitating rapid and unimpeded passage to relief activities for civilians is an obligation under international humanitarian law. Both the Security Council and the General Assembly must therefore give more attention to the question of humanitarian access, including in specific situations. In this connection, we welcome the efforts of the Emergency Relief Coordinator to set up a mechanism for reporting and analysis on access constraints in conflict settings. We look forward to receiving this analysis as part of the next report of the Secretary-General.

Mr. President

The protection of civilians is particularly fragile when those who should provide protection are themselves at risk. Today more than ever, the **safety and security of United Nations and associated personnel** continue to be jeopardized. Humanitarian personnel in particular often face life-threatening risks when carrying

out their duties. Against this background, the number of States Parties to the Optional Protocol to the Convention on the Safety and Security of United Nations and Associated Personnel remains very low and must increase. The safety and security of humanitarian personnel has long been a priority for us, and Liechtenstein is currently one of only two countries financing the initiative “**Saving Lives Together**”, aims to provide better security for the UN, international organizations and NGO’s in the field. We will continue our financial support for this initiative this year and hope that other donors will join us.

Mr. President

One of the highlights of the 2005 World Summit was the acceptance of the concept of the **responsibility to protect** (R2P). This unusual decision was of historic magnitude, but it has not yet led to a paradigm shift in the protection of civilians. We believe that it is time to operationalize this concept, and that the relevant discussions must be carried out with the necessary conceptual clarity. The responsibility to protect, as defined in paragraphs 138 and 139 of the Outcome Document, is not as such linked to armed conflicts, but to genocide, war crimes, ethnic cleansing and crimes against humanity. Some of these crimes do not necessarily occur in a connection to armed conflict. The R2P concept is thus highly relevant to the discussion we are having today, but R2P-relevant situations also occur outside of armed conflicts.

I thank you.