

Statement by H.E. Ambassador Christian Wenaweser
Security Council Open Debate
Protection of Civilians in Armed Conflict
20 November 2007

Mr. President

The **protection of civilians** is among the most complex topics before the Council. The report before the membership today illustrates the diverse and wide-ranging challenges the Council faces in addressing it. They cover a full spectrum of UN activities, with issues ranging from humanitarian assistance to disarmament. Concerns for the well-being and protection of civilians thus need to be **mainstreamed** into the activities of this organization, but in particular into the decision-making of the Security Council whose activities have the most direct impact on the situation of civilians in armed conflicts. We thus support the recommendation in the Secretary-General's report to establish a **working group on protection of civilians**, provided that its mandate develop mechanisms to ensure that the issue of protection of civilians is mainstreamed into the decision-making processes of the Security Council. It must not, however, lead to the protection of civilians being treated as a niche topic, which would in fact be counterproductive.

While the topics of direct relevance for the protection of civilians have everything one commonality: The central role of **international law** and its implementation. Many parts of the Secretary-General's report reveal a glaring gap between existing standards of international law and the realities on the ground. It is quite clear that the situation of civilians in armed conflict would be far less dramatic if the existing norms of international law were applied and observed. This state of affairs is cause for great concern. We are not observing a continuous movement towards better observance of these standards, but in some instances quite the opposite, an ongoing erosion of the political will to implement international legal standards – among them those of international humanitarian law. In this context, we wish to emphasize the need for **Private Military Companies** (PMCs) to abide by applicable rules of international humanitarian law and that the primary responsibility for enforcing the implementation of international humanitarian law by these actors rests with the States that commission these private companies.

The phenomenon of **sexual violence** is a clear illustration of the gap: The recent past were marked by significant developments in the field of international justice in this respect: The inclusion of gender crimes in the Rome Statute of the International Criminal Court and landmark decisions of Ad-hoc Tribunals such as in the Akayesu case before the International Criminal Tribunal for Rwanda. Meanwhile, sexual violence seems to continue unabated – including in its most worrisome form of a

policy to intimidate a civilian population. It is worth noting, in this respect, that two of the situations described in the report, the one in the Democratic Republic of Congo and in Darfur, fall under the jurisdiction of the International Criminal Court. In the area of sexual violence, impunity certainly plays an even more central role than in connection with other crimes and is exacerbated by the well-known dramatic underreporting of such crimes. We therefore welcome the emphasis the Secretary-General's report places on the need for a more robust response to sexual violence. In addition to the specific measures mentioned in the report, the Council might want to consider stronger action in specific cases it has under consideration.

In the fight against impunity in general, the role of the **International Criminal Court** is clearly central. The Court is not only seized with a number of situations, its activities and mere existence are also having a preventative effect. But the Court is an institution that was created by States and is owned by States, its independence notwithstanding. We therefore welcome the clear call of the Secretary-General for full cooperation with the Court. It is such cooperation that is indispensable to achieve success in the fight against impunity.

The Council has been seized with the protection of civilians for a number of years now. One of the highlights of the 2005 World Summit was the acceptance of the principle of the **responsibility to protect**. This decision was of historic magnitude, but it has not yet led to a watershed in the protection of civilians worldwide. We must operationalize this concept, and therefore support the Secretary-General's efforts in this respect. We appreciate the fact that he is making this issue one of the priority topics of his tenure, but we also believe that more systematic work needs to be done by us, the Member States, in particular. The protection of civilian populations is first and foremost the task of the States on whose territories they reside. Given that the role of the Council is only complementary and only applicable after massive human suffering has occurred, the UN efforts on the responsibility to protect can usefully focus on **strengthening national capacities**. Furthermore, the issue of safety and security of civilians engaged as humanitarian or United Nations personnel needs more attention. Currently, Liechtenstein is one of only two countries financing the initiative "**Saving Lives Together**", which aims to provide better security for the UN, international organizations and NGO's in the field. We urge other Member States that are in a position to do so to support this initiative as well.

I thank you.