



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS
NEW YORK**

NEW YORK, 10 MAY 2011

SECURITY COUNCIL – OPEN DEBATE

PROTECTION OF CIVILIANS IN ARMED CONFLICT

STATEMENT BY H.E. AMBASSADOR CHRISTIAN WENAWESER

PERMANENT REPRESENTATIVE OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UNITED NATIONS

Mr. President

This Council has adopted important decisions on the topic of protection of civilians in armed conflict, in particular resolutions 1265 (1999) and 1894 (2009). As in other thematic areas, however, it has struggled with the application of the provisions and principles of its thematic decisions when dealing with country situations. Recent events and decisions of the Council cast today's debate in a different light than usual. We hope that it will help the Council focus its future policies, including on the basis of the input of the wider membership. The following are some specific considerations:

- The protection of civilians in armed conflict is first and foremost the responsibility of parties to the conflict. Both State and non-State actors must at all times scrupulously observe the rules that govern armed conflict, in particular the Geneva Conventions. The Security Council, in turn, must use the broad range of means at its disposal to ensure respect for international humanitarian law – ranging from insisting on respect for IHL by

all parties to a conflict under all circumstances to the strengthening of protection mandates of peacekeeping missions to the use of accountability mechanisms.

- Recent events, especially in Libya, have led to discussions about how to determine the beginning of an internal armed conflict. This question is relevant to determine whether IHL would apply in such a situation, in addition to applicable human rights law. But it has no bearing on whether action is needed. The indiscriminate and disproportionate use of force against civilians is always unacceptable and always unlawful. Depending on the exact circumstances, such acts can amount to war crimes or to crimes against humanity, but they must never be met with silence by the intergovernmental bodies of the United Nations. There is a collective responsibility to ensure the protection of civilians, also outside of situations of armed conflicts, and the Council has acted accordingly in adopting resolution 1973.
- In addressing the need to protect civilians, in armed conflict or otherwise, the Council must strike a balance between its customary case-by-case approach and the principles that should govern its action, including those contained in its own resolutions. Effectiveness must be a guiding principle of all action the Council engages in, but effectiveness is, among other things, also a function of credibility. Such credibility is promoted if action is perceived to be consistent and undertaken for the main purpose of achieving the stated goal. Against this background, we welcome the action the Council has taken to protect the civilian populations of Libya and Côte d'Ivoire. But we do believe that other situations, in particular in Syria, Yemen and in Bahrain, also require the increased attention of the international community. Likewise, there is a renewed common responsibility in light of the report of the Secretary-General's panel of experts on accountability in Sri Lanka. The panel has concluded that "the conduct of the war represented a grave assault on the entire regime of international law designed to protect individual dignity during both war and peace". A failure to protect a civilian population must not be compounded by indifference to efforts to create accountability.

- For the second time in the history of the International Criminal Court, the Security Council in its resolution 1970 has decided to refer a situation to the Court, for investigation of the most serious crimes under international law. We welcome this referral both as an expression of the commitment of the Council to effectively contribute to the fight against impunity and to a strong working relationship between the UN system and the ICC. The referral is of particular value because it was decided by consensus. We hope that this consensus will also prevail when the Council is called upon to act in order to ensure the implementation of follow-up action to SCR 1970. In the absence of universal ratification of the Rome Statute, such referrals by the Security Council remain the only means of ensuring quick and decisive action to fight impunity in a given situation. Establishing ad hoc and separate accountability mechanisms such as tribunals would not only be very slow, but also lead to dramatic costs. When referring the situation in Libya to the ICC, the Council has underlined that it wishes to avoid any financial responsibility of this decision, while creating an additional burden for the States Parties of the Rome Statute. We note, however, that the Security Council does not have the competence to decide on budgetary matters, and that the General Assembly may at any time enter into an arrangement with the Court on the reimbursement of costs, as foreseen in the Relationship Agreement with the ICC.

Mr. President

Action of the Council – and lack thereof – on this topic has been among the defining features of the Council’s work. We hope that the Council will live up to the current challenges to agree on ways to ensure the protection of civilians.

I thank you.