

**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, 22 NOVEMBER 2010**

Mr. President

Since the Security Council first took up the issue of protection of civilians, the changing nature of armed conflict continues to have a profound impact on the situation of civilians in armed conflicts. The Council made an important step forward through the adoption of resolution 1894, with its focus on humanitarian access, the protection mandates as well as monitoring and reporting. We also welcome the establishment of a Security Council expert group on the protection of civilians as well as the growing emphasis on benchmarks and clearer protection language in country-specific decisions of the Council. It is clear that the Council has been giving more attention to this topic in the recent past. To track progress in implementation, the development of indicators for systematic monitoring and reporting on the protection of civilians in armed conflicts by the Emergency Relief Coordinator would be helpful. When included in protection benchmarks, such indicators could help assess the effectiveness of peacekeeping missions and identify remaining gaps and challenges.

Mr. President

In spite of a stronger engagement by the Council, the latest report of the Secretary-General reveals a continued gap between the normative advances and the realities on the ground. To better protect civilians and ease their plight, we must urgently enhance compliance with international law by state and non-state actors, continue to empower UN peacekeeping operations to better implement their protection mandates, improve humanitarian access and enhance accountability for violations of international humanitarian law.

Among the core principles of international humanitarian law are the distinction between combatants and non-combatants, proportionality of the use of force as well as the imperative to take all feasible measures to minimize civilian casualties. Violations of these rules, such as the use of weapons of indiscriminate effect in densely populated areas and the denial of humanitarian access, warrant a clear response from the Security Council. The Council must call for compliance with international humanitarian law by all parties to a conflict and ensure

accountability in cases where massive and systematic violations have occurred. Where violations of international humanitarian law go routinely unpunished, a climate of impunity will prevail and lead to further violations. We agree with the statement in the SG's report that accountability mechanisms should first and foremost be established at the national level. This is in line with the principle of complementarity enshrined in the Rome Statute of the International Criminal Court, which reaffirms the primary responsibility of states to prosecute and punish the most serious crimes under international law. Only where national systems are not able or willing to fulfill their obligations, international accountability efforts have to come in. The Security Council itself can establish commissions of inquiry or similar accountability mechanisms and of course also make use of its competence to refer situations to the International Criminal Court.

Mr. President

The effective delivery of humanitarian assistance is intrinsically linked to timely access to populations in need as well as the safety and security of those who deliver it. The safety of humanitarian workers remains precarious. The Council has a particular obligation to provide for the security of UN staff and to ensure that there is no impunity for attacks on humanitarian and peace-keeping personnel, which may constitute war crimes under the Rome Statute of the International Criminal Court. We welcome in this regard the entry into force of the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel, which expands the legal protection of the 1994 Convention.

Mr. President,

Significant concerns often exist in relation to the protection of civilians in situations that are not formally on the agenda of the Council. It is therefore essential for the Council to develop innovative ways to address protection concerns in such situations and to enhance its preventive and early-warning capacities. The informal expert group on the protection of civilians could play a central role in that regard by receiving briefings and assessments on emerging violations of international humanitarian law by non-state and state actors.

I thank you.