



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
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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

Madam President,

We welcome the report by the Secretary-General on the protection of civilians, especially the emphasis placed on five core challenges. Let me use this opportunity today to focus on two of these, namely enhancing **humanitarian access** as well as **accountability**. Protection of civilians is an increasingly complex topic, which must be addressed by a wide range of stakeholders, including us present here today. While conflict parties bear the obligation to comply with international humanitarian law (IHL) and are thus primarily responsible for the protection of civilians, the Security Council also has an important role to play.

As the guardian of international peace and security, the Council must respond decisively when massive violations of IHL escalate a conflict, as we have been witnessing in Syria for such a prolonged period of time now. The arbitrary denial of humanitarian access should be among the Council's core concerns and triggers for action. As stated by the Secretary-General in his report, parties to conflict must comply with their obligation to allow and facilitate the rapid and unimpeded passage of humanitarian relief. The Presidential Statement from October last year, in which the Council reminded the parties of their obligations under international law, was a rare and welcome moment of unity in the Council, but it did not lead to any changes on the ground. It is now high time for the Council to step up the pressure and to adopt a resolution

urging all conflict parties to make sure that all civilians in need can be reached and that humanitarian and medical personnel are adequately protected. Given the lack of implementation of the PRST, the resolution should at the very least make it clear that the Council will in case of non-compliance follow-up with measures under Chapter VII of the Charter. We call upon Council members to adopt such a resolution without further delay, thereby fulfilling their responsibility under the UN Charter. It would be inexcusable to use or threaten the use of the veto against such a draft resolution, aimed at preventing or ending violations of IHL, many of which may amount to war crimes. We congratulate France on its commitment to develop a code of conduct for permanent members with a view to restricting the use of the veto. We continue to support this initiative together with other States and civil society actors. The veto is both a privilege and a responsibility. It must not be used to prolong and legitimize human suffering.

Madam President,

One important incentive for conflict parties to comply with their obligations under IHL is the prospect of accountability. Those responsible for war crimes must be brought to justice within our existing, well-developed system. The Rome Statute of the International Criminal Court sends a clear message in that regard and states specifically that 'wilfully impeding relief supplies' may constitute a war crime in international armed conflicts (article 8.2.b.xxv). The ratification of the Rome Statute remains the ultimate expression of commitment to respecting IHL and ensuring accountability. It does not mean that the ICC should or can deal with all crimes in any given situation, but it is a manifestation of the State's commitment to hold perpetrators to account or, should that not be possible, to transfer them to an international judicial institution.

But until such time as the Rome Statute system has reached universality, the Security Council has a crucial role to play in triggering the Court's jurisdiction, and thereby realizing its full deterrent effect. Over a year ago, 58 States requested the Security Council to refer the situation

in Syria to the ICC: a call that remains unanswered until today. The repeated expression of interest of the Syrian opposition to submit to the jurisdiction of the ICC, however, gives some hope that accountability will not fall off the table.

Madam President,

As we know from many years of experience by now, accountability needs to be pursued through a range of measures going far beyond the criminal proceedings against particular individuals. Efforts must be made to preserve the rights and dignity of endless numbers of victims, to fight impunity on a larger scale, to help establish a common historic narrative and to lay the building blocks for long-term reconciliation.

As stated by the Secretary-General, accountability encompasses “political, legal and moral responsibility of individuals and institutions for past violations”. Such responsibility can only be upheld where the activities of conflict parties are monitored, thereby propelling decision-makers to act. Conflict parties engaging in casualty tracking, as a means of informing military strategy to reduce harm to civilians, also help fostering accountability. The United Nations Rights up Front approach is also an important new development in this regard, as is the undertaking of civilian casualty recording.

Madam President,

We agree with the Secretary-General that peacekeeping remains an important tool in protecting civilians and that sustained efforts to provide missions with sufficient resources and capabilities are essential to achieve this goal. We must also ensure that all individual protection components of mission mandates are fully implemented. Through resolution 2100 (2013) on the situation in Mali, the Security Council requested MINUSMA to support efforts by national authorities and the ICC to bring to justice those responsible for war crimes and crimes against humanity. We encourage the creation of an Inter-Secretariat task force to deal with this and other matters relating to international criminal justice. I thank you.