

Security Council Open Debate on Protection of Civilians in Armed Conflict, August 19th, 2013, Security Council Chamber

Statement by Mr. Vrailas The Delegation of the European Union.

I have the honour to speak on behalf of the European Union and its member States. The candidate countries the former Yugoslav Republic of Macedonia, Montenegro and Serbia, the countries of the Stabilization and Association Process and potential candidates Albania and Bosnia and Herzegovina, as well as Ukraine, the Republic of Moldova and Georgia, align themselves with this declaration.

Before beginning, I would like to add my voice to all those who have today paid tribute to the memory of the victims of the bombing of the Canal Hotel in Baghdad in 2003, which killed 22 United Nations staff members, including the Special Representative of the Secretary-General in Iraq, Sergio Vieira de Mello. My thoughts are also with all our other United Nations colleagues who have perished while carrying out their mission. I would like to thank the Secretary-General and his team for the very moving ceremony that they held this morning.

I wish also to thank the Secretary-General, the Under-Secretary-General, Ms. Amos, the United Nations High Commissioner for Human Rights, Ms. Pillay, and the representative of the International Committee of the Red Cross, Mr. Spoerri, for their statements. We note that Argentina has chosen this important topic for an open debate in view of the upcoming report by the Secretary-General.

The European Union (EU) is firmly committed to promoting the implementation of international humanitarian law, human rights law and refugee law worldwide. Respect for those laws is crucial to ensuring the protection of civilians in armed conflicts and to providing help to victims in the most efficient manner. The frequent failure of parties to armed conflicts to comply with their obligations is of profound concern to the EU.

The EU has adopted guidelines on promoting respect for international humanitarian law, setting out the EU view on the scope of international humanitarian law and listing the tasks the EU must undertake to improve its implementation. The EU monitors situations where international humanitarian law is applicable and recommends actions to promote compliance. The EU makes full use of all the tools at its disposal, including political dialogue and processes and public statements to that effect.

At the 31st International Conference of the Red Cross and Red Crescent, held in 2011, member States undertook substantial commitments concerning international humanitarian law. We would note that one such commitment was a promise by all member States to consider ratifying all the core international humanitarian law instruments to which they were not yet party by the next conference, in 2015. Work to implement those commitments is under way.

Significant steps have been taken to implement the new guidelines, in terms of all member States ratifying core international humanitarian law instruments and their accession to the Rome Statute of the International Criminal Court (ICC). The EU encourages those member States that have not yet ratified Additional Protocols I, II and III to the Geneva Conventions to do so. We also call on all States to accept and recognize the competence of the International Humanitarian Fact-Finding Commission.

Arms control and the fight against the indiscriminate and disproportionate use of weapons constitute an important pillar of international humanitarian law. The Arms Trade Treaty (resolution 67/234 B), which was adopted by the General Assembly, will be a significant contribution to the protection of civilians in armed conflicts. All EU member States have already signed the Treaty, and ratifications

are under way. We believe that, by ensuring that conventional arms are traded in a responsible way, the Arms Trade Treaty can reduce gender-based violence and improve the lives of hundreds of thousands of men, women and children around the world. The EU encourages all States Members of the United Nations to sign the Treaty and will actively support its early entry into force and proper implementation.

The European Union is also satisfied with the significant progress made in the fight against the suffering and casualties caused by anti-personnel mines and cluster munitions. Considering the tremendous humanitarian and development challenges still posed by such weapons, it is clear that much more remains to be done.

We continue to be very preoccupied by the humanitarian impact of the use of such weapons in densely populated areas. We take note of the view expressed by the International Committee of the Red Cross recalling that the use of explosive weapons with a wide-impact area must be avoided in densely populated areas.

Unfortunately, it is often women and children who suffer the most in armed conflict. In particular, the use of rape and sexual violence as a method of warfare is one of the most serious violations of international humanitarian law. While some positive steps have been taken at both the national and international levels in holding perpetrators to account, more efforts to address this issue must be pursued.

Despite all these initiatives, it is clear that international humanitarian law is violated all too frequently. For this reason, the EU is closely following the initiative by Switzerland and the ICRC on the possibility of establishing a mechanism to improve compliance with international humanitarian law and welcomes the initiative to study the feasibility of such a mechanism.

Strengthening accountability when violations occur is a crucial element in encouraging the parties to armed conflict to comply with their international obligations. National Governments have the primary responsibility to provide accountability for violations of international humanitarian and human rights law. Where they fail to take the necessary steps in that regard, the ICC is a court of last resort. The Security Council has an important role to play, given that it has a global mandate to make referrals to the Court. The EU is a firm supporter of the ICC and believes it plays an essential role in promoting respect for international humanitarian law and human rights.

We must remember that, when mass atrocities occur, both the State in question and the international community are responsible for ensuring that all peoples are protected against such actions. The principle of the responsibility to protect makes clear that Governments have an obligation to protect their own populations, while the international community has an obligation to assist Governments in doing so and to react when Governments fail in their obligation to protect their civilians.

Humanitarian activities face a number of challenges today that are contributing to the shrinking of the humanitarian space and jeopardizing the core principles of humanity, neutrality, independence and impartiality that underpin humanitarian work. Swift, safe and unimpeded humanitarian access is a precondition for undertaking proper assessments of humanitarian needs, for the implementation and monitoring of relief operations and for ensuring appropriate follow-up.

However, humanitarian access remains the most significant challenge for humanitarian organizations, often owing to political considerations, administrative and physical impediments and restrictions or security-related concerns. In that context, the EU urges all parties to conflicts to grant humanitarian organizations rapid, safe and unimpeded access to the affected population and notes that any arbitrary denial of access constitutes a violation of international humanitarian law.

Better implementation of existing laws is needed to respond to the challenges, in particular the Geneva Conventions and their Additional Protocols.

Furthermore, more information and training on international humanitarian law needs to be provided. Finally, innovative ways to induce all parties to armed conflicts to comply with international humanitarian laws are needed.

In that regard, the EU has been funding and supporting the following activities: international humanitarian law training programmes that reach out to a broad audience, in particular non-State armed groups, which usually have little information on any laws; the ICRC's international humanitarian law training and dissemination for military and security forces and armed non-State actors in key conflict-affected countries, as well as activities aimed at increasing the capacities of humanitarian workers in advocating for international humanitarian law. It is noteworthy that international humanitarian law, human rights, gender equality and child protection are at the core of training programmes that the EU's crisis management missions provide, for example, to security forces in Mali and Somalia.

Let me conclude by referring to the very worrying situations in many countries with regard to the protection of civilians and to the special attention needed by vulnerable groups, such as children and persons with disabilities. The EU is alarmed by the rapid deterioration in the humanitarian situation in Syria and demands that all parties, in particular the Syrian authorities, ensure immediate, regular, safe and unfettered access for aid organizations to those in need on all sides of the conflict. All those responsible for atrocities and human rights violations and abuses must be held accountable.

In Mali, the EU welcomes the deployment of human rights monitors and urges the Government to firmly commit to the fight against impunity and to hold all those who violate human rights and international humanitarian law accountable for their actions.

With regard to Somalia, the EU expresses concern at the ongoing humanitarian crisis and its impact on the people of the country, and underlines the importance of providing life-saving assistance to vulnerable populations.

In the eastern part of the Democratic Republic of the Congo, the recent fighting underscores the need for urgent action aimed at providing safe and unhindered humanitarian access to affected populations and making all parties responsible for human rights violations accountable.

Such conflicts demonstrate how much more work is needed to improve compliance with international humanitarian law, to ensure that affected populations have access to humanitarian assistance and to strengthen accountability for serious violations.