

Security Council Open Debate on Protection of Civilians in Armed Conflict, 12th February, 2014, Security Council Chamber

Statement by Mr. Frankinet, Permanent Mission of Belgium to the United Nations

Belgium fully aligns itself with the statement made by the observer of the European Union, as well as the statement by the representative of Switzerland on behalf of the Group of Friends on the Protection of Civilians in Armed Conflict.

We thank the Lithuanian presidency of the Security Council for organizing today's debate. We also thank the Secretary-General for his very forward-looking tenth report on the protection of civilians in armed conflict (S/2013/689).

The protection of civilians in times of war — a concept at the heart of international humanitarian law — imposes on parties to an armed conflict the obligation to protect civilians by respecting fundamental principles, such as the distinction between civilians and combatants, proportionality and prudence in attacks and, naturally, the prohibition of indiscriminate attacks. Similarly, parties to a conflict have the obligation to give special protection to medical staff and equipment and humanitarian assistance. They must guarantee access to medical care and humanitarian assistance. Unfortunately, those principles are violated on a daily basis, particularly in Syria and South Sudan.

The Syrian Government is bombing certain locations with barrels containing explosives, thus killing many civilians, including children. However, the use of indiscriminate explosive weapons in populated areas violates the rules and principles of international humanitarian law, as the Secretary-General noted in his report on the protection of civilians in armed conflict.

Moreover, besides the agreement concluded for the evacuation of women and children from the city of Homs, the parties must allow humanitarian relief to reach the entire civilian population, guarantee the security of humanitarian convoys and remove administrative obstacles. The parties must guarantee humanitarian access to the civilian population.

In September 2013, at the initiative of the Belgian Minister for Foreign Affairs, 27 States from several continents and the European Commission signed a petition calling on all the parties to the Syrian conflict to immediately respect their obligations with regard to protecting civilians as well as medical personnel, infrastructure and transport vehicles, to authorize and facilitate immediate and unhindered access to humanitarian relief throughout the country and to guarantee without delay the security and safety of humanitarian personnel in carrying out their functions.

Belgium today wishes to reiterate that appeal, which the presidential statement of 2 October 2013 (S/PRST/2013/15) partially integrated and which the statement made by the observer of the European Union earlier today also addressed. Belgium also wishes to recall that 11 actions that could be implemented immediately were developed in Rome on 3 February by the high-level working group on the humanitarian challenges in Syria.

Belgium would also like to reiterate that there can be no lasting peace unless justice is done — unless the perpetrators of atrocious crimes are punished by a criminal jurisdiction. Granted, as the Secretary-General states in his report, some progress is being made in that regard in a number of countries. But further efforts are always required from States, which bear the primary responsibility for combating impunity. Belgium calls on all States that have still to do so to adopt national legislation providing for the prosecution of persons suspected of war crimes, crimes against humanity and crimes of genocide, to ratify the Rome Statute and to fully cooperate with the International Criminal Court.

Belgium encourages Member States to establish witness protection programmes, for which it is ready to share its own technical expertise. Finally, we stress the need to bolster inter-State judicial

cooperation in order to facilitate the prosecution of those crimes before national jurisdictions, in accordance with the principle of complementarity.

I also want to recall — as the Head of the European Union delegation just did — the letter that was addressed to the Security Council over a year ago by 57 countries, including Belgium, expressing their wish to see the situation in Syria referred to the International Criminal Court Prosecutor.

Allow me to emphasize that it is always preferable to prevent conflicts before getting to a point where peace missions are necessary. That is why we support the Secretary-General's "Rights up front" initiative, which stresses the promotion of early warning and timely action.

I would like to reiterate the initiative of France on voluntarily restricting the right of the veto when a situation of a mass crime is recorded — a voluntary approach that does not involve a revision of the Charter of the United Nations. Belgium encourages the other permanent members the Security Council to be open to this.

The primary responsibility for the protection of civilian populations lies with the parties to the conflicts. The Security Council nevertheless has a role to play in ensuring that peacekeeping operations have a clear mandate, enjoining them not only to facilitate the delivery of humanitarian aid but also to protect civilians, particularly those under imminent threat of physical violence, as provided for in sub-paragraph 8 (h) of resolution 2086 (2013). Everything must be done, both by the United Nations and the Member States, so that all persons engaged in those operations are aware of the obligation to protect civilians. Similarly, we must ensure that the meticulous preparation of peacekeeping operations, their organization and the requisite coordination with the local authorities and all international stakeholders guarantee the success of the protection-of-civilians aspect of the United Nations mandate.

In his report the Secretary-General refers to the challenges that new weapons technologies pose to the protection of civilians in times of war. First, concerning armed drones, their use must be in accordance with the rules of international law, including humanitarian law and the laws governing armed conflicts. Secondly, regarding autonomous weapons systems, or killer robots, before their use becomes widespread, it is essential to begin thinking and discussion, including in the United Nations, on the ethical questions and criminal responsibility arising from the use of such weapons.