

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

Statement by Mr. Oosterom, Permanent Mission of the Netherlands to the United Nations

I would like to express our appreciation and respect for the historic Lithuanian presidency of the Security Council.

The Netherlands aligns itself with the statement made by the observer of the European Union.

This debate is timely and important. The legal basis for the protection of civilians in armed conflict is of course strong, but a lack of clarity surrounds the concept and its operationalization in practice, as Lithuania mentioned in its excellent note for this debate (S/2014/74, annex).

In our view, a close relationship exists between the two concepts of the responsibility to protect and the protection of civilians in conflict situations. Conceptually, the responsibility to protect and the protection of civilians are distinct. The responsibility to protect is focused on four specific crimes: genocide, war crimes, ethnic cleansing and crimes against humanity, in conflict and non-conflict situations. The protection of civilians is different in scope, as it aims to protect the general safety, dignity and integrity of all human beings in conflict situations.

At the same time, the two concepts are also closely related, as they share a similar normative foundation: the protection of individuals is a primary responsibility of the State, and prevention and early warning are key to both concepts. The international community plays a supportive role in both principles.

I would like to focus my comments today on the protection of civilians on three issues, namely, prevention, protection and accountability.

On prevention, it is obvious that the best way to protect civilians in any situation is to prevent a conflict from happening. The means of the pacific settlement of conflict, as defined in Article 33 of the Charter of the United Nations, are crucial.

Therefore, the Netherlands supports the United Nations as a global actor in the field of mediation. When it comes to the judicial settlement of conflicts, the International Court of Justice and the Permanent Court of Arbitration, which are both housed in the Peace Palace in The Hague, are global icons of the pursuit of peace by means of the law and of conflict prevention.

Another crucial element is early warning. My Government fully supports the initiative of the United Nations under the action plan entitled “Rights up front”, which of course is also closely linked to the responsibility to protect. We believe that interaction between the countries in the Security Council and other United Nations States Members should be improved so as to strengthen early warning and early response.

When it comes to protection, international humanitarian law should be respected by all parties to a conflict. That is why, in January in Kenya, the Netherlands organized a training course for military and civilian representatives from 11 African countries on gender awareness and the prevention of sexual violence in peacekeeping.

Secondly, peacekeeping mandates, as has been stated by other speakers, must be clear on the protection of civilians, and implementation must be a priority. New concepts, such as civilian-harm tracking, the appointment of civilian-harm mitigation advisers and ways to make amends, are being tested, and we believe that the results warrant further assessment and use.

Peacekeeping missions must be better prepared and outfitted for that part of their mandate, and we must all chip in. The Netherlands is sending a peacekeeping unit to Mali, and we deploy experts in the protection of civilians and sexual and gender-based violence in various United Nations missions.

Thirdly, the Security Council should act decisively when civilians are at risk. In South Sudan, the Council was united and swift. It is crucial that the Security Council adopt the draft resolution on humanitarian access in Syria. We are gravely concerned about the situation in Homs and call for access on the part of humanitarian organizations to all besieged areas in Syria. Furthermore, my Government supports initiatives aimed at voluntary restraint in the use of the veto by the permanent members of the Council in situations of mass atrocities.

I now come to my last point: accountability. The perpetrators of crimes must of course not go unpunished, and accountability is also crucial in view of the preventative effect it has. In our view, the Council should refer Syria and the crimes perpetrated there to the International Criminal Court (ICC). In anticipation of that, the Netherlands supports the Syria Justice and Accountability Centre in The Hague. We do so with the conviction that, even though the world at this moment is unable to stop the tragedy, the foundation must be laid for bringing the perpetrators of the atrocities in Syria to justice when sufficient stability returns to Syria. The Council could more consistently use its ability to impose sanctions, or refer a situation to the ICC. That would send a strong signal to perpetrators.

Together we can bring the concept of the protection of civilians into practice. In our view, the Council's Expert Group on the Protection of Civilians should intensify its work and its interaction with rest of the membership. Protecting civilians in armed conflict is a fundamental objective that we must all work tirelessly to achieve together, and the Kingdom of the Netherlands stands ready to be a part of that effort.