

Open Debate on the Protection of Civilians During Armed Conflict
Monday, 22nd November 2010, Security Council Chamber (GA-TSC-01)

Statement by Tofiq Musayev, Counsellor, Deputy Permanent Representative of Azerbaijan to the United Nations

At the outset, I would like to thank you, Mr. President, for organizing this important debate on the protection of civilians in armed conflict. Let me also thank the Secretary-General for his eighth report on this topic (S/2010/579), and Under-Secretary-General Amos for her presentation. Azerbaijan aligns itself with the statement delivered today on behalf of the European Union. I would like to make a few additional remarks in my national capacity.

The attention of the Security Council to the situation of civilians in armed conflict remains vital and must be at the centre of the Council's deliberations and actions. As the Secretary-General pointed out in his report, that is particularly the case in the many protracted violent crises and conflicts with little prospect of a peaceful resolution in the near future. Indeed, civilians continue to suffer from inadequate protection in situations of armed conflict. A defining feature of most, if not all, conflicts remains the failure of parties to respect and ensure respect for their obligations to protect civilians. The heightened vulnerability of civilians in wartime — in particular that of forcibly displaced persons, refugees, women and children — brings an element of urgency to our protection efforts and to the imperative to restore the rule of law.

Particular consideration must be given to the protection of civilians in armed conflicts aggravated by population displacement and foreign military occupation. There is increased recognition of the need to address the impact of conflict on housing, land and property, in particular in relation to the return of internally displaced persons and refugees. More focused efforts are necessary to end illegal policies and practices in occupied territories, including forced demographic changes and the destruction and appropriation of historical and cultural heritage, as well as various forms of economic activity that directly affect the property rights of inhabitants who are considering returning to their places of origin. It is important that the recognition of the right to return, along with increased attention to its practical implementation, be applied by the international community with more systematic regularity, including concrete measures to overcome obstacles that prevent return. Ensuring the right to return is to categorically reject the gains of ethnic cleansing while at the same time offering an important measure of justice to those displaced from their homes and land and deprived of their property, thereby removing a source of possible future tension and conflict.

Azerbaijan is of the view that the lack of agreement on political issues should not be used as a pretext to ignore problems caused by continued and deliberate disrespect for international humanitarian and human rights law in situations of armed conflict and foreign military occupation. The fact that illegal situations continue because of political circumstances does not mean that they should be tolerated and allowed to continue forever. In that regard, my country considers it important to reaffirm the continued applicability of all relevant norms of international humanitarian and human rights law to such situations in order to invalidate activities aimed at consolidating military occupation, initiate urgent measures aimed at eliminating the adverse effects of such activities and discourage any further practice of the same or similar nature.

The need to enhance accountability for violations of international humanitarian law and human rights law is fundamental to enhancing compliance with international law by parties to conflict. In that regard it is important to emphasize that ending impunity is essential not only for the purpose of prosecuting those responsible for war crimes, crimes against humanity, genocide or other serious violations of international humanitarian law and human rights law, but also for ensuring sustainable peace, justice, truth, reconciliation, the rights and interests of victims and the well-being of society at large.

Any steps aimed at promoting a culture of impunity — including measures to promote a war of aggression — or to glorify perpetrators of the most serious international offences or promote the odious ideas of racial superiority can contribute to further violations of humanitarian and human rights law, in particular with respect to peoples uprooted from their homes through continued acts of foreign military intervention, aggression or occupation.