

Security Council Open Debate on the Protection of Civilians in Conflict
November 9th 2011, Security Council Chamber

Statement by H.E Mr. Mr. Thomas Mayr-Harting, Representative of European Union

Mr. President,

I have the honour to speak on behalf of the EU and its Member States.

The Candidate Countries Croatia*, the former Yugoslav Republic of Macedonia*, Montenegro* and Iceland+, the Countries of the Stabilisation and Association Process and potential candidates Albania and Bosnia and Herzegovina, as well as the Republic of Moldova align themselves with this declaration.

Let me thank the Secretary-General, the High Commissioner for Human Rights, the Assistant-Secretary-General for Humanitarian Affairs and the Director of Law of the ICRC for their introductions.

Mr. President,

We align ourselves with the following quote from the recent Fourth Committee statement on peacekeeping made by Côte d'Ivoire - a country whose citizens were under siege earlier this year and where peacekeepers implemented their mandate to protect them with resolve and with results. I will cite the original French text: "En effet, aujourd'hui, il est indéniable que la protection des civils en situation de conflits armés se situe au cœur même des opérations de maintien de la paix, et nécessite l'adoption de dispositions concrètes et effectives pour l'accomplissement efficace de ce mandat. La situation de danger généralisée à laquelle étaient exposées les populations civiles lors de la crise post électorale en Côte d'Ivoire renforce la pertinence de ce nouveau mandat, et illustre de façon saisissante l'impérieuse nécessité pour la communauté internationale de s'unir pour adopter des mesures urgentes et effectives qui font prévaloir la légitimité et le droit international."

Mr. President,

It is estimated that in contemporary armed conflicts, 90 percent of the casualties are civilians and only 10 percent active combatants. In Côte d'Ivoire, as in Libya and other countries, this Council saved lives by mandating the protection of civilians. In doing so, it upheld what the International Court of Justice has described as one of the "intransgressible principles of customary international law". Another international court, the ICTY, concluded that the obligation to protect the civilian population was in force not just during an international conflict, but also during times of national strife. We call on all parties to conflict, including non-state actors, to fully comply with their international legal obligations to protect civilians and prevent violations of human rights and international humanitarian law. Compliance with international humanitarian law also contributes to securing and sustaining humanitarian space and access. International law first and foremost tasks sovereign states with the protection of civilians - it's their job to do it and to do it well. At the same time, international

law asks the international community to play a role in ensuring that PoC is respected - something that is, for various reasons, unfortunately not always the case. For example, in Syria today, we see a brazen regime brutally repressing its own people and violating their human rights. This violence must stop now and those who wield it in order to hang on to power must be held accountable. We urge the Council to shoulder its responsibilities and take robust action in situations of human rights violations.

Mr. President,

As the Secretary-General has said, and I quote, "in many conflicts, it is to a large degree the absence of accountability and, worse still, the lack in many instances of any expectation thereof that allows violations to thrive." End of quote. Aside from delivering justice for its own sake, accountability also acts as a deterrent from future injustice. Fighting impunity should therefore be an important priority both at the national and international level. When states cannot or will not bring perpetrators to justice, the international community should be able to act. In this regard, we continue to call on those who have yet to accede to the Rome statute of the ICC to do so and we continue to call on all Member States to extend their full cooperation to the court. Commissions of inquiry can be a helpful tool to pave the way towards national or international prosecution and that is why, as the Secretary-General recommended last year, the Security Council should not hesitate to mandate them. To be sure, accountability is not just about investigation, prosecution and meaningful reparations. It is also about assisting countries in promoting the rule of law, because in the long run that is the best way to help promote the protection of civilians. When the rule of law is strong enough, civilians don't have to depend on the benevolence of their rulers or on Security Council resolutions - it is the law that will protect them. As we have seen over the past decade, peacekeeping operations can play an important role in establishing and strengthening such a legal and political framework under which all individuals and institutions, including the state itself, are accountable. We also need to make this framework work for vulnerable groups, including women, children, IDPs and detainees, and make sure that they have access to justice.

Mr. President,

Aside from the rule of law tasks most missions have, several were also expressly mandated to protect civilians. Thanks to what was accomplished by the UN membership in the Special Committee on Peacekeeping Operations and in the Security Council, we are beyond the conceptual stage here. Now it's about further improving the way protection of civilians mandates are implemented, building on what certain missions have already been doing. Missions need clear and practical guidance. As the scenario-based training package is rolled out this fall and as relevant missions translate the Strategic Framework into operation-specific strategies, we look forward to seeing concrete results. Pursuant to landmark resolution 1894, all relevant UN operations should develop specific benchmarks against which to measure and review progress in the implementation of mandates to protect civilians - this is particularly acute in the context of mission drawdown. To further enhance the implementation of PoC mandates, we also encourage missions to sharpen and strengthen their early-warning instruments. All too often, the new generation of peacekeeping

operations still relies on old-generation tools. The systematic use of modern monitoring and surveillance technologies could greatly increase the UN's capacity to prevent atrocities.

Mr. President,

As the UN continues to work on said capacity, we will keep a close eye. Not just because we want UN peacekeeping to become more effective, but also because we want to draw lessons for our own EU missions and revised guidelines. This will help us become better at protecting civilians and at partnering on this with the UN and other regional organizations, especially the African Union.

Thank you, Mr. President.