

Protection of Civilians in Armed Conflict

10th May 2011, Security Council Chamber (GA-TSC-01)

Statement by Mr. Seger, Representative of the Human Security Network

As I am taking the floor on behalf of the Human Security Network, I will deliver my statement in English and thank you, Sir, for your understanding.

It is my honour to speak on behalf of the Human Security Network, namely, Austria, Chile, Costa Rica, Greece, Ireland, Jordan, Mali, Norway, Slovenia, Switzerland and Thailand, and South Africa as an observer.

We would like to thank the French presidency of the Security Council for having organized this important debate. We would also like to thank the Under-Secretary-General for Humanitarian Affairs, the Under-Secretary-General for Peacekeeping Operations and the Assistant Secretary-General for Human Rights and Head of the New York Office of the Office of the United Nations High Commissioner for Human Rights for their presentations today.

The protection of civilians in armed conflict is a priority of the Human Security Network. We highly value the continued attention that the Security Council is giving to that important issue. The holding of informal consultations of the Security Council on protection issues last February was a welcome step to address the three pillars of the protection architecture — namely, the protection of civilians, children and armed conflict, and women and peace and security — in a comprehensive and coherent manner.

Significant progress has been made in recent years in the normative and institutional framework with the adoption of important resolutions, most recently resolution 1960 (2010), which established a monitoring, analysis and reporting mechanism on conflict-related sexual violence. However, emphasis must now be placed on progress in enhancing protection on the ground. The worrying recent increase in the number of conflict situations, in particular in countries in North Africa and the Middle East, leaves no doubt that we need to strengthen our efforts so as to protect civilians from the impact of armed conflict and from becoming targets of attacks. We are deeply concerned by the use of force against civilians and by ongoing violations of international human rights, refugee and humanitarian law.

The Security Council should strongly, systematically, consistently and promptly respond to serious violations of international law concerning civilian populations in all situations and without distinction, as it has done with the adoption of resolution 1973 (2011) in response to events in the Libyan Arab Jamahiriya, and of resolution 1975 (2011), reinforcing the protection mandate of the United Nations Operation in Côte d'Ivoire.

The Human Security Network would like to reiterate the importance of appropriate and determined action by the Security Council to stop and prevent further violations of international law. The recently updated aide-memoire on the protection of civilians in armed conflict (see S/PRST/2010/25, annex) serves as a useful tool in that regard.

We also believe that such initiatives as the so-called horizon-scanning briefings of the Secretariat, if held at regular intervals, can be a useful means to enhance the Council's capacity to prevent violations and should be continued. The systematic monitoring of situations of armed conflict, as well as the inclusion of detailed information relating to the protection of civilians in country-specific reports of the Secretary-General, is also important. We welcome the fact that the Secretariat is currently developing guidance in that regard.

The Human Security Network advocates a people-centred, holistic approach to security. That includes a focus not only on the protection of civilians once a conflict situation occurs, but also on prevention in a broader sense. In our view, peace and security, development and human rights are indivisible and interdependent. Therefore, human security threats and vulnerabilities, such as the lack of development, poverty, inequality or human rights violations, have to be addressed in a comprehensive and integrated way. The active empowerment of the individual, especially of those that are most vulnerable, is an effective protection strategy.

All parties to an armed conflict must respect obligations under international humanitarian, human rights and refugee law. Recent events have once again highlighted how humanitarian assistance is crucial in times of conflict. The Human Security Network condemns all attacks on humanitarian workers. All parties to conflict bear the responsibility of allowing and facilitating access for the delivery of such assistance.

In addition to enhancing compliance with international law and strengthening national protection capacities, we recognize the major role of United Nations peacekeeping operations, the majority of which are mandated with protection-related tasks, in the protection of civilians, including in the area of prevention. Peacekeepers cannot stand by when civilians are attacked. The international community, in close coordination with troop-contributing countries, must ensure that peacekeeping operations are provided with the necessary resources and capabilities, as well as with operational guidance, to implement their protection tasks effectively. Force commanders have the responsibility to develop comprehensive and effective strategies for the protection of civilians, and to ensure that they are implemented vigorously.

The Human Security Network welcomes the progress made over the past months by the Department of Peacekeeping Operations in the development of a set of important tools enabling peacekeeping operations to carry out protection mandates in a coordinated, coherent and proactive manner. The strategic framework for protection of civilians strategies will provide guidance to missions in this area and will help to further clarify the roles and responsibilities of all relevant actors. The resource and capability matrix will assist both in planning missions with protection mandates and in drafting protection strategies. Finally, the envisaged protection of civilians training modules will ensure that peacekeepers are adequately prepared for implementing protection activities on the ground.

We also encourage the members of the Security Council to continue to make regular use of the informal Expert Group on the Protection of Civilians, which provides, inter alia, valuable input to the revision of the mandates of peacekeeping missions involving protection tasks.

Respect for and implementation of international humanitarian and human rights law are inextricably linked with ensuring accountability and the fight against impunity. The importance of ending impunity for criminal violations of applicable international humanitarian and human rights law should be seen as part of a comprehensive approach to seeking sustainable peace, justice, truth and national reconciliation. We welcome in this respect resolution 1894 (2009), which draws attention to the full range of justice and reconciliation mechanisms to be considered, including national, international and mixed criminal courts and tribunals, and truth and reconciliation commissions, as well as national reparation programmes for victims and institutional reforms. In this regard, we support the important and complementary role of the International Criminal Court (ICC) and welcome the Security Council's recent consensual decision to refer the situation in the Libyan Arab Jamahiriya to the Prosecutor of the ICC.

In situations where there are serious allegations of violations of international law and significant civilian casualties, Governments are obliged to conduct effective investigations and prosecutions. Where this is not done, independent international accountability mechanisms should be established. We welcome in this regard the proposals for enhancing accountability contained in the Secretary-General's most recent report on the protection of civilians (S/2010/579), such as the possibility of mandating commissions of inquiry to examine situations where concerns exist about serious violations of international humanitarian and human rights law.