

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

*Statement by Georg Sparber, Second Secretary, Permanent Mission of Liechtenstein to the United Nations*

Since the Security Council first took up the issue of protection of civilians, the changing nature of armed conflict has continued to have a profound impact on the situation of civilians in armed conflict. The Council took an important step forward through the adoption of resolution 1894 (2009), with its focus on humanitarian access and protection mandates as well as monitoring and reporting. We also welcome the establishment of the Security Council informal Expert Group on the Protection of Civilians, as well as the growing emphasis on benchmarks and clearer protection language in country-specific decisions of the Council. It is clear that the Council has paid greater attention to this topic in the recent past.

To track progress in implementation, the development of indicators for systematic monitoring and reporting on the protection of civilians in armed conflict by the Emergency Relief Coordinator would be helpful. When included in protection benchmarks, such indicators could help us to assess the effectiveness of peacekeeping missions and identify remaining gaps and challenges. In spite of the Council's stronger engagement, the latest report of the Secretary-General (S/2010/579) reveals the continued gap between the normative advances and realities on the ground. To better protect civilians and ease their plight, we must urgently enhance compliance with international law by State and non-State actors, continue to empower United Nations peacekeeping operations to better implement their protection mandates, improve humanitarian access, and enhance accountability for violations of international humanitarian law.

Among the core principles of international humanitarian law are the distinction between combatants and non-combatants, proportionality of the use of force, and the imperative to take all feasible measures to minimize civilian casualties. Violations of these rules, such as the use of weapons of indiscriminate effect in densely populated areas and the denial of humanitarian access, warrant a clear response from the Security Council. The Council must call for compliance with international humanitarian law by all parties to a conflict and ensure accountability in cases where massive and systematic violations have occurred. Where violations of international humanitarian law routinely go unpunished, a climate of impunity will prevail and lead to further violations.

We agree with the Secretary-General that accountability mechanisms should first and foremost be established at the national level. This is in line with the principle of complementarity enshrined in the Rome Statute of the International Criminal Court, which reaffirms the primary responsibility of States to prosecute and punish the most serious crimes under international law. International accountability efforts are required only when national systems are unable or unwilling to fulfil their obligations. The Security Council could establish commissions of inquiry or similar accountability mechanisms, and of course also make use of its competence to refer situations to the International Criminal Court.

The effective delivery of humanitarian assistance is intrinsically linked to timely access to populations in need, as well as to the safety and security of those who provide assistance. The safety of humanitarian workers remains precarious. The Council has a particular obligation to provide for the security of United Nations staff and to ensure that there is no impunity for attacks on humanitarian and peacekeeping personnel, which may constitute war crimes under the Rome Statute. We welcome in this regard the entry into force of the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel, which expands the legal protection of the 1994 Convention. Significant concerns often exist in relation to the protection of civilians in situations that are not formally on the agenda of the Council. It is therefore essential for the Council to develop innovative ways to address protection concerns in such situations and to enhance its preventive and early warning capacities. The informal Expert Group on the Protection of Civilians could play a central role in that regard by receiving briefings and assessments on emerging violations of international humanitarian law by non-State and State actors.