

## **Security Council Open Debate on the Protection of Civilians in conflict**

November 9<sup>th</sup> 2011, Security Council Chamber

*Statement by H.E. Mr. Štiglic, Representative of Slovenia*

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

The protection of civilians in armed conflict is a priority of the Human Security Network. We highly welcome the Security Council's attention to this key issue. While the latest report of the Secretary-General on the protection of civilians in armed conflict (S/2010/579) highlights several challenges to the implementation of the concept — including the need to enhance humanitarian access and protection by United Nations peacekeeping and relevant missions — in all brevity, we would like to reflect on three main points with regard to the issue of accountability, which we understand to be the central sub-theme of today's discussion.

First, respect for international humanitarian and human rights law and accountability for its violations are not only indispensable to the protection of civilians, but are key ingredients in achieving sustainable peace and thus preventing relapse into violence. The protection of civilians in armed conflict cannot be achieved without promoting respect for and observance by States of their obligations under international humanitarian and human rights law, first and foremost with a view to ensuring accountability in the event of grave violations. Special attention should also be given to those in vulnerable situations, such as women and children, who face great and multiple risks during conflicts.

Secondly, the Security Council plays a crucial role in helping to ensure accountability, including individual criminal accountability. On the one hand, experience shows that the use of fact-finding missions helps to strengthen the credibility of United Nations actions in response to allegations of violations of the 15 rules of international law on the protection of civilians, and that they pave the way to establishing individual responsibility for perpetrators of violations. Fact finding missions ought to be used within the Security Council's respective mandates with greater regularity and frequency, while ensuring a consistent approach. On the other hand, while it is the States' primary responsibility to investigate and prosecute violations of international humanitarian and human rights law, the International Criminal Court today stands at the centre of the system of international criminal justice to ensure justice and accountability where national judicial systems have failed. The Security Council has a key role to play in preventing impunity by referring situations to the Prosecutor of the Court. In doing so, it must be consistent. It must be able to say which cases are referred to the Court and which are not. And once it has referred a case, it must provide its full support to the Court in fulfilling its mandate.

Thirdly, the Human Security Network would like to draw the Council's attention to the recent creation by the Human Rights Council of a mandate for a special rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. The new mandate was created by a consensus of all regional groups. We welcome that creation as a clear acknowledgement of the insight that accountability — along with truth-seeking processes,

reparations to victims and institutional reforms designed to guarantee that past abuses do not reoccur — must be an integral part of a more holistic and people-centred approach of United Nation strategies, including on the protection of civilians in armed conflict.

As reaffirmed in its declaration of 23 September, the Human Security Network encourages promotion by the United Nations of a comprehensive approach to fostering truth, justice, reparation and guarantees of non-recurrence after gross human rights violations and serious violations of international humanitarian law have occurred, especially in the strategic and operational planning of peace operations and in the domain of donor coordination.

We view the Security Council as uniquely placed to bring this to bear in the field. In that regard, we commend the World Development Report 2011 on conflict, security and development and the recently released report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies (S/2011/634).