

EU Statement - United Nations Security Council: Protection of Civilians in Armed Conflict

Summary: 12 February 2013, New York - Statement on behalf of the European Union and its Member States by H.E. Mr. Ioannis Vrailas, Deputy Head of the Delegation of the European Union to the United Nations, at the Security Council Open Debate on "Protection of civilians in armed conflict"

- CHECK AGAINST DELIVERY -

Mr. President,

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

The Acceding country Croatia*, the candidate countries the former Yugoslav Republic of Macedonia*, Montenegro*, Iceland+, the countries of the Stabilisation and Association Process and potential candidates Albania and Bosnia and Herzegovina, as well as Ukraine, the Republic of Moldova and Georgia, align themselves with this statement.

I would like to thank the Secretary-General, High Commissioner for Human Rights as well as ICRC Director for International Law and Cooperation for their interventions.

It is very timely to address the issue of protection of civilians, as while there are some positive developments, many concerns remain. Despite progress, we need to continue our efforts to translate normative progress into concrete improvements in the protection of civilians on the ground.

Let me start by expressing that the EU is appalled by the increasingly deteriorating situation in Syria, primarily due to the unprecedented use of force by the regime. It also condemns all attacks, including terrorist acts that indiscriminately target civilians.

The EU remains deeply concerned about the widespread and systematic violations of human rights and international humanitarian law which, according to the Independent International Commission of Inquiry, may amount to crimes against humanity and war crimes under the Rome Statute of International Criminal Court. The EU recalls that all those responsible for such crimes must be held accountable and that there should be no impunity for such violations and abuses. The EU has repeatedly stated that, if concerns about war crimes and crimes against humanity are not adequately addressed on a national level, the International Criminal Court should deal with the situation. The United Nations Security Council can refer the situation in Syria to the International Criminal Court, as requested in the Swiss letter to the Security Council of 14 January 2013, at any time. The EU calls on the United Nations Security Council to urgently address the situation in Syria in all aspects, including this issue.

Strengthening accountability is an important element in enhancing compliance by the parties to armed conflict with their international obligations. The national authorities

have the primary responsibility to provide accountability for violations of international humanitarian and human rights law. Where national authorities fail to take the necessary steps to ensure accountability, the Security Council can, as appropriate, play a more proactive role.

In more general terms, frequent failure of parties to armed conflicts to comply with their obligations under applicable international humanitarian law, international human rights law and refugee law to respect and protect civilians is a concerning trend. We call on all parties to armed conflict to respect fully their obligations, including securing humanitarian space and ensuring access to humanitarian assistance for those in need. The situation is serious in many countries, including in Afghanistan, South Sudan, Sudan, DRC, Somalia, and elsewhere, where civilian populations, and in particular women and children, continue to be subject to various forms of extreme violence, causing grave humanitarian crisis with huge displacements of population.

Regarding the situation in Mali, the EU is alarmed by allegations of human rights violations and calls on the Malian authorities to make investigations into the matter. The EU stands ready to provide appropriate support to combat such abuse. It stresses the importance of complying with international law and in particular reminds the Malian authorities of their primary responsibility to protect civilian populations. All perpetrators of human rights violations must be held responsible for their actions. The EU welcomes the decision by the International Criminal Court to open an inquiry into violations and encourages the Malian authorities to cooperate.

Stressing accountability is key. But the need for accountability and justice sadly applies to situations in which protection of civilians has already failed, and crimes have been committed. In addition to bringing the perpetrators to justice, we strongly believe in early and decisive action to try and prevent such crimes from being committed, and in the need to forcefully remind the responsible authorities of their primary responsibility to protect civilians, or be held to account. There is much room for improvement also in the way the UN system responds to early warnings and evolving situations, as underlined in the recent report of the Secretary-General's internal review panel on UN action in Sri Lanka which spoke of "systemic failure" in adequately responding to human rights violations and ensuring protecting civilians. The fact that the UN, to their credit, have commissioned and made public a report of this kind, opens the way to review and improve the response of the UN system to such situations in the future.

The EU wishes to express grave concern for the continuous attacks against and other interference with medical personnel and facilities and the increase of threats to journalists in situations of armed conflict. Experiences from recent conflicts beg the question of how the principle of distinction is implemented in practice, in particular when conducting warfare within densely populated areas. We furthermore continue to be very preoccupied by the humanitarian impact of the use of weapons in densely populated areas. We take note of the view expressed by the ICRC that the use of explosive weapons with a wide impact area must be avoided in densely populated areas. This issue should be addressed in a more systematic and proactive way.

An important factor in regard the protection of civilians in armed conflicts is the ongoing negotiation on the Arms Trade Treaty. We are deeply convinced that the ATT has the potential of contributing to the improvement of living and security conditions

of hundreds of thousands of people around the world, mainly civilians, women and children in particular, by ensuring that arms are traded in the most responsible way. In the Final UN Conference in March we hope to achieve a treaty that sets the highest common standards for the regulation of the international trade in arms, while also combating illicit trafficking, thus reducing human suffering and improving international peace, security, and stability.

Mr. President,

For a number of years already, the mandates of many peacekeeping and other missions include protection of civilians' activities. There are many challenges remaining in terms of effective implementation of these protection mandates and we need to continue to address them. Mission specific comprehensive strategies are a very useful tool to facilitate carrying out these tasks. Reporting on the Protection of Civilians by missions is key not least to keep this Council and TCCs informed about the situation on the ground; in this regard, the EU looks forward to the completion of the guidance on reporting on Protection of Civilians as requested in Resolution 1894.

In many ways, training is the cornerstone of improving carrying out the protection of civilians by the missions. In this regard, the EU welcomes the establishment of protection of civilians training modules to better prepare peacekeepers for this task. It is important that these training modules include also humanitarian principles and basics of international humanitarian law. In order to make progress, it is up to the Member States to ensure that their peacekeepers receive proper training before the deployment. We also welcome that the mission-specific, tactical level pre-deployment and in-mission training modules are under development. For its part, the EU has also integrated this dimension in its training programs. Also, EUTM Mali mission will for instance include training on Human Rights, Law of Armed Conflict, Gender, Child Soldiers and Protection of Civilians.

Carrying out protection of civilian mandates also requires better planning support to missions, capturing lessons learned effectively and improving the understanding of how to support host states in protecting civilians.

What is also decisive is effective dialogue and better coordination between protection-mandated missions and humanitarian organizations undertaking protection activities. We note with satisfaction a recent comparative study by DPKO/DFS on the coordination mechanisms in UN Peacekeeping Missions, related to Protection of Civilians. The relevance of the whole-of-mission approach is properly demonstrated by these findings.

At the same time, the neutrality and independence of humanitarian activities must be maintained to ensure adequate access.

The Security Council should continue to request the Secretary-General to explicitly report on the implementation of PoC mandates by Peacekeeping Operations. PoC should also be a standard benchmark against which we measure the success of Peacekeeping Operations.

Mr. President,

Let me end by saying that we need to focus our efforts on making sure that we translate normative progress into concrete improvements in the protection of civilians on the ground.

* Croatia, the Former Yugoslav Republic of Macedonia and Montenegro continue to be part of the Stabilisation and Association Process.

+ Iceland continues to be a member of EFTA and the European Economic Area.