

SC: Statement by Ambassador Herman Schaper on Protection of Civilians in Armed Conflict

STATEMENT BY H.E. HERMAN SCHAPER

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for UNSC Open Debate

Agenda item: Protection of Civilians in Armed Conflict

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Mr. President,

First, I would like to align my intervention with the statement made by the EU.

Protection of civilians in armed conflict is an issue this Council has given increasing attention to. Much normative progress has been made, in particular with the adoption of resolution 1894, and with the tasking of UN peacekeeping missions with protection mandates. But, as the EU Ambassador underlined, this normative progress must be translated into concrete improvements on the ground. The huge death toll of people - mostly civilians - in Syria, sadly exemplifies that we must do better, than we are doing now.

I would like to focus my comments today on two issues:

First, the accountability of those who violate international humanitarian law and human rights law, and second, the prevention of conflicts through the strengthening of human rights instruments and the rule of law.

These two subjects are of course interrelated. Accountability based on the rule of law provides a solid basis for justice being done. The High Level Meeting on the Rule of Law emphasized the importance of the rule of law as one of the key elements of conflict prevention, peacekeeping, conflict resolution and peacebuilding. States should respect and promote rule of law and justice and ensure equal access to justice for all, including members of vulnerable groups. Raising awareness about legal rights is an important element of this.

This also means that we have an obligation to engage with and assist all parties, to remind them of their responsibility to ensure compliance with IHL and human rights law. Too often the absence of accountability creates an atmosphere where people think they can get away with raping women, torturing children, threatening doctors and nurses and using disproportionate force.

We cannot let these atrocities go unpunished. The threat that these crimes pose to peace, security and the well-being of citizens must be addressed, by prosecuting the perpetrators and those who order or condone these crimes.

Mr. President,

Preferably, the investigation and prosecution of international crimes is executed on a national level, but if a state is unable or unwilling to do so, this duty falls on the international community. On the basis of the principle of complementarity, the International Criminal Court functions as a court of last resort. We firmly support the ICC, and we call upon states to ratify the Rome Statute and the Kampala amendments, and ensure their full implementation.

Meanwhile, the international community must call upon and assist the government of the country where the crimes were committed to strengthen the security sector as a whole, to establish the prerequisites for the protection of its civilians in the future. To facilitate domestic prosecution, The Netherlands, together with Belgium and Slovenia, have started an initiative to strengthen the international legal framework covering interstate cooperation in investigation and prosecution of crimes of genocide, crimes against humanity and war crimes.

One way to document violations is through casualty counting. The practice of UN bodies, states and other actors to record civilian casualties can be further improved, through joint monitoring and data analysis. We also support the use of international commissions of inquiry and fact-finding missions as mechanisms to verify and investigate allegations of serious violations of international human rights and humanitarian law.

Sadly, the counting of casualties in Syria continues. I would like to take this opportunity to call upon the Security Council, to overcome its disagreement on the situation in Syria and take decisive action by referring the situation in Syria to the ICC, while respecting the integrity of the Rome Statute in its referral.

Mr. President,

Let me add that we are pleased that the Security Council reaffirms the relevant provisions of the 2005 World Summit Outcome Document, regarding the protection of civilians in armed conflict, including paragraphs 138 and 139 thereof regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This is the first reaffirmation of Responsibility to Protect since the intervention in Libya, and will hopefully provide an opportunity to have a positive impact on the further operationalization of the concept as well as the application of R2P in real life politics.

Finally, Mr. President,

The Minister for Foreign Trade and Development Cooperation of The Netherlands, Lilianne Ploumen, visited the DRC last week. She met with Dr. Dennis Mukwege, a human rights activist and doctor, who was repeatedly attacked and threatened. Why? Because he spoke out for women who were raped and violated. Later on during her visit, Minister Ploumen spoke to the Minister of Defense about the sexual violence committed by members of the armed forces, and urged him to hold suspected perpetrators accountable. Protection of civilians is an important normative element in international relations, but it is its implementation where we make a difference. People like Dr. Mukwege and his clients should be able to count on protection and security to live a life free of violence and fear.

Thank you.