

SC: Open debate on protection of civilians in armed conflict

2/13/2013 // Sweden held the Nordic statement in an open debate in the Security Council on protection of civilians in armed conflict on February 12th .

Mr. President,

I have the honor to speak on behalf of the Nordic countries, Denmark, Finland, Iceland, Norway and my own country, Sweden.

We very much welcome this Open Debate and the opportunity to discuss how to improve the protection of civilians. We are pleased that the High Commissioner for Human Rights Ms. Pillay and Mr. Spoerri from the ICRC are addressing the Council today. We would have hoped to hear also the views of the Emergency Relief Coordinator Ms. Amos, since civilians are particularly vulnerable where there are also broader emergency relief needs.

The character of armed conflict is changing. Today the majority of conflicts are in fact civil wars. They are often fought, not on a clearly defined battle ground, but in populated areas using guerilla tactics. Too often in these situations the principles of international humanitarian law – such as the principle of distinction, proportionality and precautions in attack – are not respected and the civilians suffer. We call for full respect of international humanitarian law and human rights law by all parties to armed conflict. The obligations to protect the civilian population during armed conflicts, and the need to take particular measures to protect especially vulnerable groups, such as women, children, elderly people, and people with disabilities, must be respected.

The parties to an armed conflict must allow and facilitate rapid and unimpeded passage of humanitarian assistance, which is impartial in character. In particular we recall the obligation to respect the wounded and sick as well as health-care personnel and facilities and medical vehicles and to take all reasonable measures to ensure safe, prompt and unhindered access for the wounded and sick to health care. Syria is of course a case in point.

Mr. President,

The risks faced by civilians will differ depending on whether they are boys or girls, men or women. The implications of sexual assault during warfare are horrendous both for the victims and for entire communities, and must simply stop. Implementation of IHL with a gender perspective will enhance protection of civilians. Women and girls who become pregnant after being raped as part of warfare in an armed conflict must have access to adequate sexual and reproductive health services. Above all, we need to eliminate the widespread impunity of the perpetrators of sexual violence in conflict. The Nordic countries strongly support the work of the SRSG Bangura.

We share the concerns of the Secretary-General in regard to the use of explosive weapons with wide area effects in densely populated areas. We recognize the need to gather data on the use and impact of explosive weapons in populated areas, including recording civilian casualties, and request the Secretary-General to include in his next report to the Council, recommendations and analysis on the impact of the use of explosive weapons in populated areas as well as the practice of UN bodies, states and other actors on civilian casualty recording.

Negotiations on an Arms Trade Treaty will resume in March and we expect the adoption of a strong and robust treaty incorporating very strong provisions on human rights and international humanitarian law. Such a treaty is likely to reduce illicit trafficking and human suffering in conflicts.

Mr. President,

We must insist that those who commit war crimes, crimes against humanity and other violations of international law must be held accountable. Impunity must not be an option. We recall that in every situation the state has the primary responsibility to ensure accountability. If the state is unwilling or unable to investigate and prosecute these international crimes, the international community should offer its support. The ICC and other international tribunals play a crucial role. The Security Council must do its part to ensure accountability when violations of international humanitarian law and human rights law have occurred.

The Nordic Countries are horrified by the continuous atrocities in Syria and urge the Council to take decisive steps to ensure accountability for those responsible.

We welcome the decision by the Prosecutor of the ICC to open an investigation into war crimes in Mali and encourage the Malian authorities to cooperate with the ICC.

Accountability requires facts and investigations. We welcome the international commissions of inquiry and fact finding missions carried out under the auspices of the Human Rights Council as well as those initiated by the Secretary-General. These are important mechanisms to verify and investigate allegations of serious violations of international human rights law and international humanitarian law. We would also like to draw the attention to the International Humanitarian Fact Finding Commission. This mechanism under the Geneva Conventions has unique and extremely useful features as it is composed by experts in international humanitarian law, medical treatment and criminal investigations, and is an option open to the parties of the conflict.

In the end, however, only preventive measures and full respect of international law will ensure that civilians are protected in armed conflict. Where a state is not willing or is unable to protect its population, the responsibility to protect must still be regarded as a principle for the international community to uphold. In this regard preventive actions from the international community will increase the protection of civilians. Capacity building in host countries is an important preventive tool. Comprehensive rule of law strategies of peacekeeping and peace-building missions should include assistance in the areas of access to legal institutions and legislative reform, alongside with support to policing and the justice chain. To make this effective, the peacekeeping operation in question must also receive relevant resources and training.

We look forward to the next report by the Secretary-General on this topic and believe it would be very useful to have the Secretary-General reporting regularly on the state of play, and the implementation of the recommendations made in relation to protection of civilians in armed conflict.

Thank you.