

Statement of Azerbaijan: Ninth Open Debate On the Protection Of Civilians In
Armed Conflict: 7 July 2010

Mr. Mehdiyev (Azerbaijan):

At the outset, I would like to thank you, Madam President, for organizing this timely and important debate on the protection of civilians in armed conflict, and Under-Secretary-General for Humanitarian Affairs John Holmes for his presentation on the matter.

Azerbaijan aligns itself with the statement delivered today on behalf of the European Union. I would like to make a few additional remarks in our national capacity.

The engagement of the Security Council, including its adoption of resolution 1894 (2009), as well as resolutions on women and children in armed conflict, has increased attention to protection issues. Azerbaijan recognizes and welcomes the important implementation steps taken since the adoption of resolution 1894 (2009).

At the same time, civilians continue to suffer from inadequate protection in situations of armed conflict. A defining feature of most, if not all, conflicts is still the failure of parties to respect and ensure respect for their legal obligations to protect civilians. The heightened vulnerability of civilian populations in wartime — in particular forcibly displaced persons, refugees, women and children — brings an element of urgency to our efforts. In that regard, insistent measures aimed at ensuring strict compliance by parties to armed conflict with their obligations under international humanitarian, human rights and refugee law remain crucial and must constitute an absolute priority.

Particular consideration must be given to the implications for the protection of civilians in armed conflicts aggravated by population displacement and foreign occupation. The impact of conflict on housing, land and property, as well as forced demographic changes in such situations, require a more consistent approach to putting an end to illegal policies and practices and ensuring the safe and dignified return of displaced populations to their homes.

It is important that the recognition of the right to return, along with increased attention to its practical implementation and concrete measures aimed at overcoming obstacles preventing return, be applied by the international community with more systematic regularity. Ensuring the right to return constitutes a categorical rejection of the gains of ethnic cleansing and offers important measures of justice to those displaced from their homes and land, thereby removing a source of possible future tension and conflict.

The lack of agreement on political issues should not be used as a pretext for not addressing problems caused by continued and deliberate disrespect for international humanitarian law and international human rights law in situations of armed conflict and military occupation.

Therefore, we proceed from the importance of reaffirming, in regard to such situations, the continuing applicability of all relevant norms of international humanitarian law and international human rights law, achieving the invalidation of activities aimed at the consolidation of military occupations, initiating urgent measures to mitigating the adverse effects of such activities, and discouraging any further practice of the same or similar nature.

As far as the international responsibility for violations of international humanitarian law and human rights law is concerned, it is important to note that, in certain well-known instances, occupying Powers are responsible not only for the actions of their own armed forces and other organs and agents of their Governments, but also for the actions of subordinate separatist regimes illegally created by them in occupied territories.

Integral to the existing challenges is the need to ensure accountability for violations of international humanitarian law and human rights law, both for individual perpetrators and for parties to conflict. In recent years, important steps have been taken for the protection and vindication of rights and the prevention and punishment of wrongs. The punishment of crimes with an international dimension and scope has demonstrated how effective international justice can be when there is political will to support it.

It is important to emphasize in this regard that ending impunity is essential not only for the purposes of identifying individual criminal responsibility for serious crimes, but also for ensuring sustainable peace, truth, reconciliation, the rights and interests of victims and the well-being of society at large. To hold otherwise would be tantamount to accepting the consequences of breaches of the rule of law and human rights and thus to legitimizing the results of wrongdoings.

Source: S/PV.6354