

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

Summary: 25 June 2012, New York - Statement on behalf of the European Union and its Member States by H.E. Mr. Thomas Mayr-Harting, Head of the Delegation of the European Union to the United Nations, at the Security Council Open Debate on the "Protection of civilians in armed conflict"

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\*, the countries of the Stabilisation and Association Process and potential candidates Albania and Bosnia and Herzegovina, as well as Georgia, align themselves with this statement.

I would like to thank the Secretary-General for his introduction to the debate today as well as USG Amos, ASG Simonovic and ICRC Director Spoerri.

We appreciate the Secretary-General's report and his recommendations. As he states, the reality on the ground continues to be characterized by the 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. We call on all parties to armed conflict to respectfully their obligations.

Recent striking examples of failure are numerous and have recently been reported for instance in the latest Secretary-General's report on children and armed conflict. The EU shares the Secretary-General's grave concern for other situations, 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. In particular, we share the Secretary-General's concern for the continuous attacks against and other interference with healthcare and the increase of threats to journalists in situations of armed conflict. 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 be avoided in densely populated areas. This issue should be addressed in a more systematic and proactive way.

Considering Syria, we condemn the Syrian government's violent activities as whole, starting from suppressing peaceful protests by force and ending up in several reported massacres of civilians, including increased use of targeted assassinations and arbitrary detentions as a means of repressing all opposition. The EU calls on all parties, including the armed opposition, to cease all violence and provocation to violence with immediate effect. The EU also reiterates the importance of full and unhindered access for independent humanitarian actors so that assistance may be provided to those in need in line with humanitarian principles.

During this reporting period the Security Council has taken decisive action in situations where civilians have faced continuous escalating violence. In Cote d'Ivoire, the Council authorized UNOCI to use all necessary means to carry out its protection of civilian mandate. In Libya, the Security Council acted upon its responsibility to protect civilians and the implementation of SCR 1973 was done to prevent civilian deaths and injury and was fully in line with resolution 1973 and international humanitarian law.

As the Secretary-General rightly points out in his report, there are fundamental differences between the concepts of protection of civilians in armed conflicts and the Responsibility to Protect. They are both important and relevant, and it is necessary to enhance our collective understanding of both areas, and how they are related in their implementation.

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.

We see merit in the increased use of Commissions of Inquiry and fact-finding missions, and referring such situations to the ICC. Where applicable and when appropriate, we encourage all parties to consider drawing on the services of the International Fact-Finding Commission established pursuant to Article 90 of the 1977 Additional Protocol I to the Geneva Conventions.

Regarding other encouraging developments, the upcoming UN conference on the Arms Trade Treaty will provide an opportunity to address the arms trade and availability of and misuse of weapons. Furthermore, we welcome the fact that the need for improved recording of casualties is gaining increasing attention; the commitment of AMISOM should be followed, as appropriate, by more systematic approaches to reinforce capacities in that regard, on the basis of recommendations by the Secretary-General.

Mr. President,

The mandates of many peacekeeping missions currently include protection of civilians activities. As the report lays out, challenges to the implementation of these protection mandates often relate to establishing effective early-warning mechanisms, ensuring the provision of adequate resources, human and logistical, to monitor, prevent and respond to incidents; and building the capacity of the host states to ensure that they are increasingly able to fulfil their primary responsibility to protect civilians.

We need to do more collectively to ensure that missions are put in a position to carry out their protection mandates. In this regard, the EU welcomes the establishment of protection of civilians training modules to better prepare peacekeepers for this task. In order to make progress, it is up to the Member States to ensure that their peacekeepers receive proper training before the deployment. We must ensure that, where possible and within the all too familiar constraints, e.g shortfalls in helicopters, missions are properly resourced, with due priority given to civilian protection activities; mandates need to be realistic and not raise unrealistic expectations. In return, we should expect missions to ensure they are maximising the effectiveness with which these resources are used in pursuit of the protection of civilians. The success of a peacekeeping mission is often judged by its ability to protect civilians. Protection of civilians by the UN peacekeeping missions mandated to do so is thus central to the legitimacy and credibility of the UN system. This also requires effective interaction and better coordination between protection-mandated missions and humanitarian organizations undertaking complementary protection activities.

However, missions cannot be expected to do everything. The host country continues to bear the primary responsibility for protecting its civilian population. Therefore, we have focused on contributing to enhancing the capabilities of the host nation to build and maintain their own capacities.

Activities in this regard should seek to support the establishment of an environment in which all persons, institutions and entities are held to account according to laws and procedures, which are consistent with international human rights law and standards and applicable international humanitarian law. We advocate active participation of all States in the ongoing endeavors by the International Committee of the Red Cross, as mandated by the 31<sup>st</sup> Red Cross Conference, to strengthening compliance with international humanitarian law.

Mr. President,

Thank you for this opportunity to speak.

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

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