



SC: Protection of Civilians in Armed Conflict

07/07/2010 // Counsellor Mr. Svein Atle Michelsen presented Norway's statement on Protection of Civilians in Armed Conflict at the Security Council on 7 July 2010.

Madam President,

We appreciate this opportunity to take the floor on the protection of civilians in armed conflicts, an issue of high political priority to Norway. We thank USG Mr John Holmes for his informative briefing and valuable reflections. And we commend Mr Holmes for his unstinting efforts during his tenure.

We would also like to thank High Commissioner Navi Pillay for her presence and her valuable contribution to today's debate.

Madam President,

Over the past ten years the United Nations, including the Security Council, has succeeded in raising awareness on the need for enhanced protection of civilians. Through these efforts new humanitarian normative standards have been developed and the protection of civilians is now quite rightly seen as an integral part of our common security agenda.

The continuing increase in violations of international humanitarian law is of grave concern. In too many conflicts, we are witnessing actual erosion of the protection that civilians are entitled to under IHL. We are witnessing a widening of the definition of "legitimate targets" and a too liberal interpretation of the rule of proportionality. We are also witnessing deliberate attacks against civilians, including the use of sexual violence. Armed non-state actors using methods of warfare that run counter to international humanitarian law is also of great concern.

Resolution 1894 of 11 November 2009 reaffirms the Council's commitment to the protection of civilians. In the following four points I will focus on some of the core issues of the resolution;

First, Madam President, on the application of international humanitarian law

Recent conflicts, such as those in Gaza and in Sri Lanka, are characterised by unacceptably high numbers of civilian victims and the widespread destruction of civilian infrastructure. There is now an urgent need to work towards a greater respect for international humanitarian law, including through the Security Council. In particular, there is a need for an open and frank discussion on how the law should be implemented in order to provide adequate protection of civilians affected by armed conflict. Norway, together with France and the ICRC, have initiated a process to facilitate such a discussion, aiming to strengthen the implementation of IHL in today's armed conflicts. To ensure that the process responds to the actual challenges faced "on the ground", the discussions will be based on experiences drawn from the field in recent conflicts.

Second; Madam President, on the protection of children in armed conflict

Norway welcomes the Security Council's development of an increasingly strong protection framework for Children in Armed Conflict, most recently through its resolution 1882. Such a framework is key to the protection of civilians and the promotion and strengthening of the rule of law in conflict situations. Still, the lack of decisive action against persistent perpetrators, as well as accountability measures to fight impunity, continue to limit the effectiveness of the work of the United Nations.

Norway is encouraged by the Security Council's expressed readiness, as set out in its most recent presidential statement on the issue, to impose targeted measures against persistent violators of international law who are recruiting, sexually abusing, or maiming and killing children in war. We support the Secretary General's proposals to include the recruitment and use of child soldiers in the mandate of all sanctions committees, to improve the flow of information between the working group on children and armed conflict and the sanctions committees, including through regular briefings by the SRSG on Children and Armed Conflict.

Third, Madam President, on the protection of women and armed conflict

It is of particular concern that women continue to be targets of sexual violence in conflict, and in particular in the Democratic Republic of the Congo. Our top priority must be to end the vicious cycle of impunity. We must provide justice for survivors, punishment for perpetrators and effective deterrence for the future. For war-affected women, justice delayed is more than justice denied – it is terror continued.

In discussing security during and after conflicts, we must ask the crucial questions: Security for whom? Justice for whom? Abuses against women tend to continue unchecked when they are not properly dealt with during peace negotiations and in post-conflict situations. We must continue to enhance women's active participation in conflict resolution, peace processes and in peace building.

Norway builds civilian peacekeeping capacity in Africa, together with our African partners. In our experience, a field-based approach, innovative use of existing resources, as well as local support and ownership are necessary elements in strategies to protect civilians in mission areas. And we would like to learn from others. We therefore welcome the practical inventory launched by UN Action and DPKO on 30 June: "Addressing Conflict-Related Sexual Violence – An Analytical Inventory of Peacekeeping Practice. This document captures best practices and represents the first-ever review of efforts by uniformed peacekeepers to prevent, deter and respond to widespread and systematic sexual violence. We see this as an important step on the road to improving capacities to protect civilians. Norway will continue and strengthen our practical and normative support to DPKO, DFS and UN missions in this regard.

In devising UN protection roles in conflict areas, expectation management is important but sometimes overlooked. And we need a proper balance between ambition and realism. Therefore, in drafting a protection mandate for a UN operation, the Security Council should consult closely with police and troop contributing countries to ensure that mandates can be matched by resources. Secondly, the UN could probably benefit from communicating more clearly what protection it can actually offer to civilians in conflict areas – and what the limitations are. And finally, we should of course always stress that a UN protection mandate does not diminish the responsibility of the host nation to protect its own civilians.

Finally, Mr. President, on punitive measures,

Norway stands ready to support efforts to increase accountability. Warfare conducted in violation of international humanitarian law should carry a strong political stigma and perpetrators must be brought to justice.

We support work currently undertaken by DPKO to develop guidelines for investigating sexual and gender-based violence in UN mission areas. Effective investigation and ultimately prosecution and punishment – are key elements in broader efforts to end impunity for such crimes.

We support the development of a mechanism through which the Security Council can monitor how parties to armed conflicts comply with obligations under international humanitarian law, including addressing rape and other forms of sexual violence.

We look forward to the Secretary General's next report on the protection of civilians in November. We sincerely hope that this report will show progress on the implementation of resolution 1894.

Thank you, Madam President

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