

Statement by Ambassador Tine Mørch Smith of Norway to the United Nations at a Security Council Meeting on the Protection of Civilians in Armed Conflict

9 November 2011

President,

A major obstacle to strengthening the protection of civilians in armed conflicts is a general lack of respect for International Humanitarian Law, and the way in which the rules are interpreted and implemented. Another challenge is to continue efforts to further strengthen IHL.

There can be no doubt that protection of civilians must include both conflict and post conflicts situations. Increased accountability is key to ensure better compliance with fundamental international norms to protect civilians. Let me mention three points which relates in particular to situations where populations are still vulnerable against armed hostilities:

First, an indispensable building block for accountability is data on the civilian harm being experienced in conflict situations. Since the 2010 report on the Protection of Civilians we have seen further evidence of the pattern of harm caused by explosive weapons used in populated areas in a number of country contexts like for instance Cote D'Ivoire, Libya and Syria. Stronger data gathering on the impact of explosive violence on civilians would allow us to better understand this pattern of harm, and to strengthen accountability. Norway would welcome discussions with partners on this issue ahead of the next debate on protection of civilians. In addition, we need to enhance the effectiveness of accountability mechanisms. We welcome the commitment of the Security Council to establish a stronger protection framework against sexual violence in conflict and for children in armed conflict, most recently through the resolutions 1960 and 1998. We further encourage the Security Council to strengthen its monitoring and oversight in the area of protection of civilians.

Second, Protection of civilians cannot be seen in isolation from the principle of the responsibility to protect. While it is the responsibility of States to protect civilians by promoting and protecting their human rights, the international community has a responsibility to assist in order to assure that civilians are protected from mass atrocities. The UN must continue to expand the range of tools for preventive capacities to avert mass atrocities, including a focus on crisis response through diplomatic, humanitarian and other peaceful means.

Third, perpetrators of violations of IHL must be brought to justice. It is the States that bear the primary responsibility to investigate and prosecute breaches of international humanitarian and human rights law. In cases where the national judicial systems fail, the International Criminal Court is an indispensable vehicle in ensuring justice and accountability. In February this year, the Security Council for the second time used the powers granted in the Rome Statute and unanimously referred the Libyan situation to the Court. This is yet another acknowledgement of the fact that the ICC is a necessary tool in ensuring that perpetrators of international crimes are brought to justice.

It follows that Security Sector Reform must be given a higher priority and with a particular emphasis on the Justice sector.

President,

While respect for existing rules is of key importance, the rules of IHL also need to be continually reviewed and strengthened in order to keep up with new developments in warfare and new emerging humanitarian concerns.

Over the last 15 years fundamental norms, such as the Mine Ban Convention and the Convention on Cluster Munitions, have been set with respect to outlawing conventional weapons causing unacceptable harm. We remain concerned with regard to the ongoing efforts within the Convention on Certain Conventional Weapons (CCW) to negotiate a new Protocol on cluster munitions. The current draft would in fact perpetuate, rather than prevent, the civilian suffering caused by cluster munitions. These concerns are widely shared by other states, the ICRC, UN field organisations and other humanitarian organisations. To ignore their advice and the facts they have provided on the humanitarian realities on the ground would be a very negative signal.

President,

We urge all states to work to strengthen international humanitarian law and to keep our focus on the humanitarian realities in the field.

Thank you.