

United Nations Security Council

Open Debate

Protection of Civilians in Armed Conflict

Statement on behalf of the European Union

H.E. Mr. Gerhard Pfanzelter

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to the United Nations**

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(check against delivery)

Mr. President,

1. I have the honour to speak on behalf of the European Union. The Acceding Countries Bulgaria and Romania, the Candidate Countries Turkey, Croatia and the Former Yugoslav Republic of Macedonia*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Serbia, and the EFTA countries Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova align themselves with this declaration.
2. I wish to thank You for the opportunity to discuss this important issue and for the useful paper you distributed. I also wish to extend our appreciation to Undersecretary-General Jan Egeland for his informative briefing. The protection of civilians in armed conflict is an enormous and complex challenge. Civilians, including women and children, continue to bear the brunt of armed conflicts. The European Union therefore welcomes the sustained attention paid by the Security Council to this issue and the holding of semi-annual open debates.
3. At the World Summit 2005 our Heads of State and Government underlined that the protection of civilians in armed conflict is a concern of the international community. A number of important decisions and commitments have been taken. Most important was the historic agreement on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, which has been reaffirmed by SC Resolution 1674. But also the Summit Outcome's emphasis on the need to address all forms of violence against women and children, the resolve to increase the protection of internally displaced persons and to ensure unhindered access of humanitarian actors to those in need, are important commitments in our common goal to protect civilians.
4. The recent adoption of Security Council resolution 1674 on 28 April 2006 marks an important step in our efforts to strengthen the protection regime for civilians affected by armed conflict. The EU welcomes the resolution which addresses a number of key issues. The challenge we face is clear: to make sure that this translates into better protection on the ground. The EU remains fully committed to work forwards that end.

Mr. President

5. Prevention is critical and we need to improve this aspect. The Security Council plays an important role in this regard. By timely and accurate information the Council can and should act as early as possible in a conflict situation in order to most effectively protect civilians at risk. Timely briefings by the Secretary-General, his Special Advisor on the Prevention of Genocide, the High Commissioner for

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

Human Rights, the Emergency Relief coordinator and other relevant actors would be important. We welcome the joint initiative of different UN agencies to develop a systematic data collection mechanism. Establishing the capacity to collate all necessary information concerning the protection of civilians, along with the collation of protection incidents in countries of concern to the Council, will prove to be essential in ensuring a clear focus on protection that can be reflected throughout the work and deliberations of the Council.

6. The EU is concerned at the denial of full and unimpeded access to humanitarian personnel to civilians in need of assistance, in particular when used as a political tool and weapon of war. We are equally concerned at the increased risks the United Nations and associated civilian personnel are facing on the ground. In this regard we reiterate the great importance we attach to the Convention on the Safety of United Nations and Associated Personnel, and to the expansion of the scope of the legal protection under this Convention. The European Union urges all parties to allow full and unimpeded access to humanitarian assistance and to take all necessary measures to guarantee the safety, security and freedom of movement of humanitarian personnel and United Nations and its associated personnel and their assets. We call upon all States and parties to armed conflict to respect and ensure full compliance with international humanitarian law, as well as to respect the neutrality, independence and impartiality of humanitarian actors. We commend the ICRC for its efforts to promote full observance of the Geneva Conventions and its additional protocols.

As for the protection, it is imperative that the United Nations peacekeeping, political and peace building missions are given adequately strong mandates to this effect as well as the necessary means to implement the mandates. We welcome the provisions of SC resolution 1674 to ensure that such mandates include clear guidelines as to what mission can and should do to achieve the goals, in particular to give priority in decisions about the use of available capacity and resources for the protection. We are encouraged by the Council's expressed intention of ensuring that those protection mandates will be implemented.

Mr. President,

8. Sexual exploitation and abuse of women and children in armed conflict remains among the most abhorrent crimes during armed conflict. In spite of efforts to address this practice, reports indicate that it continues unabated in certain countries. The protection from physical and sexual violence remains one of the major challenges to civilian protection. We therefore encourage the Council to live up to its commitment "to undertake to ensure that all peace support operations employ all feasible measures to prevent such violence and to address its impact where it takes place". UN peacekeeping and peace support operations and associated personnel have a particular responsibility in their own conduct in this regard. Any cases of sexual exploitation and abuse by peacekeeping personnel must be avoided. The EU welcomes the zero-tolerance policy that has been introduced by the UN and has adopted the same in its own European Security and Defence Policy operations.

9. Impunity needs to be addressed more forcefully. The restoration of law and order to prevent further violence and tackle impunity should be a priority for the States concerned, the Security Council and possible peacekeeping and peace building missions. In the same vein, and as we have observed on a number of occasions in the past, the EU agrees strongly that while amnesties may provide an important measure for dealing with lesser crimes, they must never be granted for serious violations of international humanitarian and human rights law. Together with the Secretary-General, we urge Member States that have not yet done so to ratify or accede to the Rome Statute as well as to the treaties of international humanitarian, human rights and refugee law and to take all appropriate measures to implement fully these treaties within national systems including ensuring proper investigation and prosecution of any violations of the relevant rules. We are encouraged by the fact that the trial against Charles Taylor by the Special Court for Sierra Leone can commence. It will be an important step in our struggle in the fight against impunity. The same goes for Security Council's referral to the ICC in the case of Darfur.

Mr. President,

10. The special protection needs of refugees and internally displaced persons as well as women and children need to be adequately addressed. The call of the Security Council on all parties to conflict to provide for these special needs in peace processes and to create the conditions conducive to the voluntary, safe, dignified and sustainable return of the displaced is very important and need to be properly followed-up. Peacekeeping missions need to have the mandates and resources to guarantee for the special needs, by providing for example security for and around displaced persons camps. The EU would also wish to encourage the Security Council to support measures aimed at ensuring that women and children affected by armed conflict are involved in and benefit equitably from education programmes and skill trainings. The EU has recently reviewed its own guidelines on children affected by armed conflict and adopted an implementation strategy. A check list for the protection of children affected by armed conflict into ESDP missions has just been agreed. The EU is also working on a checklist to implement the provisions of SC Res. 1325 (2000) by promoting the active role of women in all phases of a peace process as well as to mainstream women's rights into EU-led peace operations.
11. The significance of the regional dimension of the protection of civilians is one that has been increasingly recognized by the Security Council. Regional organizations themselves have also recognized their own key role by taking concrete steps. Enhancing the capacity and readiness of regional organizations to respond to protection concerns will also contribute significantly to the effectiveness with which the protection needs of civilians are addressed.
12. The easy availability and destabilising accumulation of small arms and light weapons poses a particular challenge for the protection of civilians in armed conflict. SALW account for more deaths worldwide than any other type of weapon. Member States have acknowledged this threat by adopting in 2001 the UN

Program of Action (PoA) against the illicit trade in SALW. Since then, important progress has been made and some regions have shown strong resolve in fighting this scourge. Just now, in another hall in this building, representatives of governments from all over the world are gathering for the first Review Conference of the PoA to examine what needs to be done to fully implement its provisions and to further strengthen its implementation. The EU believes that issues such as transfer controls, marking and tracing of SALW, brokering, ammunition and the integration of SALW measures into development assistance need to be urgently tackled to enhance human security and the protection of civilians worldwide. Our common work in this field has just begun – this is why the EU insists on the necessity for a structured follow-up to the SALW Review Conference and for renewed, concerted efforts by all those who want to put an end to the scourge of illicit SALW – governments, NGO, civil society and international organisations alike.

Mr. President,

13. The protection of civilians in armed conflict has become an increasingly complex challenge. But this complexity cannot be allowed in any way to diminish our resolve or impair our collective efforts to effectively address this horrific state of affairs.

Thank you, Mr. President.