

Security Council Open Debate on Protection of Civilians in Armed Conflict, August 19th, 2013, Security Council Chamber

Statement by Mr. Petersen Permanent Mission of Denmark to the United Nations.

I have the honour to speak on behalf of the Nordic countries, namely, Finland, Iceland, Norway, Sweden and my own country, Denmark.

On this World Humanitarian Day, we welcome Argentina's initiative to hold an open debate on the protection of civilians in armed conflict, ahead of the upcoming report of the Secretary-General.

Let me, at the outset, reconfirm our unwavering commitment to respecting and promoting international law. The laws and obligations that apply during armed conflict must be respected everywhere, regardless of who is fighting and where the fighting goes on. We call on parties to armed conflicts around the world — States as well as non-State actors — to fully respect international humanitarian law, human rights and international refugee law. In particular, the need to protect vulnerable groups in conflict, such as women, children, elderly people and persons with disabilities, must be respected at all times.

Civilians affected by armed conflict need immediate humanitarian relief. Under international humanitarian law, the parties to an armed conflict have a legal obligation to allow and facilitate the rapid and unimpeded passage of humanitarian assistance, and to ensure safety from attacks for humanitarian aid workers and accountability for attacks against such workers. We call on all parties to armed conflicts around the world to respect that humanitarian obligation without exception or precondition. In particular, we recall the obligation to respect the wounded and sick, health-care personnel and facilities and medical vehicles and to take all reasonable measures to ensure safe, prompt and unhindered access for the wounded and sick to health care.

When addressing the global legal framework for the protection of civilians, it is important to mention the Arms Trade Treaty (ATT). We view the ATT as a means to reduce illicit trafficking and alleviate human suffering in armed conflicts, and we call for rapid ratification and implementation of the ATT by all States Members of the United Nations.

During armed conflicts, the risks faced by civilians will always differ depending on the context and on whether they affect boys or girls, men or women. Sexual assaults during warfare have horrendous implications for victims and entire communities and must simply stop. We re-emphasize the commitment by all Member States to end sexual violence in armed conflicts, and we welcome recent steps taken at the international level to that end. The inclusion of gender-based violence in the Arms Trade Treaty serves as an example. Women and girls who become pregnant after being raped as part of warfare in an armed conflict must have access to adequate sexual and reproductive health services, including access to emergency contraception and safe abortion. We need to eliminate the widespread impunity of the perpetrators of sexual violence in conflict, and we strongly support the work of Special Representative of the Secretary-General Bangura and other international initiatives to that effect.

We must insist that those who commit war crimes, crimes against humanity and other violations of international law must be held accountable before the law. Impunity must not be an option. We recall that in every situation the State has the primary responsibility to maintain the rule of law and ensure accountability. If the State is unwilling or unable to investigate and prosecute these international crimes, the international community should offer its support. The International

Criminal Court (ICC) and other international tribunals play a crucial role. In that context, we especially want to remind those in Syria who are responsible for atrocities and human rights violations and abuses that they will be held accountable.

The Security Council must do its part to ensure accountability when violations of international humanitarian law and human rights law have occurred, as they have in Syria. On that note, we welcome the first open debate in the Security Council, held on 17 October 2012, on peace and justice and the role of the ICC (see S/PV.6849). We look forward to seeing regular follow-up on this topic, in particular on how the Council can lend stronger support to the Court in cases of non-cooperation with the ICC.

Accountability requires facts and investigations. We welcome the international commissions of inquiry and fact-finding missions carried out under the auspices of the Human Rights Council and those initiated by the Secretary-General. They are important mechanisms to verify and investigate allegations of serious violations of international human rights law and international humanitarian law. Attention should also be drawn to the International Humanitarian Fact-Finding Commission, which regrettably has remained virtually unused by parties to armed conflict. In that connection, we welcome the initiative by Switzerland and the International Committee of the Red Cross concerning the possibility of establishing a mechanism to improve compliance with international humanitarian and human rights law.

In order to protect civilians and promote accountability in post-conflict situations, securing documentation during and after an armed conflict is essential. Parties to a conflict should ensure proper documentation of the conduct of military operations, for example by mapping areas that may be contaminated by unexploded ordnance and by conducting systematic casualty recording. States and other parties to an armed conflict must also ensure, as our Chilean colleague just stated, that journalists' right to protection as civilians be respected at all times. They should find ways to improve the protection of journalists and other media actors reporting from conflict areas and respect their right to carry out their important work.

The requisite preventive measures and full respect of international law are essential for ensuring that civilians are protected in armed conflict. The responsibility to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing has emerged as an important global principle since the adoption of the 2005 World Summit Outcome. The principle makes clear that sovereignty can never be used as a shelter for committing mass atrocities, that all Governments have an obligation to protect their own population, and that the international community has an obligation to assist Governments in doing so and to react if a State is manifestly failing to protect its population.

In that regard, preventive actions and support to Governments in need from the international community will increase the protection of civilians. Capacity development in host countries is an important preventive tool. Comprehensive rule of law strategies for peacekeeping and peacebuilding missions should include assistance in the areas of access to legal institutions and legislative reform, alongside with support in the areas of policing and the justice chain. To make this effective, the peacekeeping operation in question must also receive the relevant resources and adequate training.

In conclusion, the Nordic countries look forward to the upcoming report by the Secretary-General on this topic, and we would like repeat our previous call for the Secretary-General to regularly report on the state of play, improvements and implementation of the recommendations made in relation to the protection of civilians in armed conflict.