

Security Council Open Debate on Protection of civilians in armed conflict, February 12th 2013, Security Council Chamber

Statement by Ms. Lucas, Permanent Mission of Luxembourg to the United Nations.

Luxembourg thanks the Republic of Korea for having organized during its presidency this open debate on a topic that is very dear to all of us, the protection of civilians in armed conflict.

I would also like to thank the Secretary-General, the High Commissioner for Human Rights and the Director for International Law and Cooperation of the International Committee of the Red Cross (ICRC) for their very informative presentations. One conclusion is clear: despite all efforts by the international community, notably the Security Council, the situation remains alarming. We must and can do better.

I welcome therefore the draft presidential statement prepared for this debate under the leadership of the delegation of the United Kingdom. It confirms the Council's commitment to protect civilians in armed conflict and strengthens the normative framework.

Luxembourg fully endorses the statement that will be made on behalf of the European Union.

At the most recent open debate of the Council on the protection of civilians, in June 2012 (see S/PV.6790), I focused on the tragic situation in Syria. Since then, the conflict in that country has become even more serious, with the Syrian civilian population as its first victim. The High Commissioner has recalled the staggering number of victims. When civilian populations are slaughtered on such a scale, when international humanitarian law and international human rights law are violated on such a scale, the principle of accountability must be upheld.

It is for that reason that Luxembourg has supported the Human Rights Council's establishment of the independent international commission of inquiry on the human rights situation in Syria. It is also for that reason that we support, together with many other States, the initiative of Switzerland requesting the referral of the situation in Syria to the International Criminal Court (ICC).

In general terms, setting up international commissions of inquiry or fact-finding missions or referrals to the ICC have a preventative and dissuasive effect. The appropriate use of those measures by the Council can strengthen the protection of civilians. When a situation is referred to the ICC, the Council must, however, ensure effective follow-up, as well as give the Court the necessary resources for it to be able to do its work.

Today, 12 February, we observe the international day against the use of child soldiers. In 1996, in her landmark report (see A/51/306), Graça Machel made a powerful call to action, which I would like to echo here:

“It is unconscionable that we so clearly and consistently see children's rights attacked and that we fail to defend them. It is unforgivable that children are assaulted, violated, murdered and yet our conscience is not revolted nor our sense of dignity challenged. This represents a fundamental crisis of our civilization. The impact of armed conflict on children must be everyone's concern and is everyone's responsibility; Governments, international organizations and every element of civil society. Each one of us, each individual, each institution, each country, must initiate and support global action to protect children. Local and national strategies must strengthen and be strengthened through international mobilization” (*A/51/306, para. 317*).

Today our conscience is revolted, but children continue to be recruited to go to war and they are the

first victims of war, in Syria, but also in northern Mali, in Darfur, in the eastern part of the Democratic Republic of the Congo, in the Central African Republic and in other crisis situations. As Chair of the Council's Working Group on Children and Armed Conflict, Luxembourg commits, with the other members of the Council, to do everything it takes to fight this scourge.

Effectively protecting civilians in armed conflict is not possible without improving access to humanitarian assistance. It is necessary to ensure full, free and unimpeded humanitarian access to affected populations. We appreciate the efforts made to that end by the United Nations, first and foremost by the Office for the Coordination of Humanitarian Affairs and by other humanitarian actors, such as the ICRC.

However, all too often, unfortunately, parties to conflict restrict humanitarian access. We see it in Syria today, but also in the Sudanese states of Southern Kordofan and Blue Nile, where aerial bombardments coupled with the prohibition of cross-border humanitarian operations are trapping the civilian population.

The recommendations made by the Secretary-General in his 2012 report (S/2012/376) to improve the protection of civilians in armed conflict remain entirely relevant. Apart from the principle of accountability and from humanitarian access, which I have already referred to, it is necessary to address three core challenges, namely, enhancing compliance by parties to conflict with international law, enhancing compliance by non-State armed groups and strengthening the mandate for the protection of civilians of United Nations peacekeeping and other relevant missions.

As far as respect for laws and norms is concerned, we must respond to the challenge posed by the rising number of attacks and other acts of interference targeting specifically health-care personnel and infrastructure, a trend which has been well documented, notably by the ICRC. We are also deeply concerned by attacks against teachers and education infrastructure and the use of schools for military purposes and the recruitment of child soldiers.

Finally, we would like to take this opportunity to condemn the use of explosive weapons, including cluster munitions, in densely populated areas. According to data collected by non-governmental organizations in 2012, at least 25,000 civilians died or were injured by the use of explosive weapons in such areas, with 42 per cent of civilian victims of explosive weapons being children.

To conclude, I would like to pay tribute to the personnel serving in United Nations peacekeeping operations, who are working every day to protect civilians against all forms of violence, including sexual and gender-based violence. In order for United Nations operations to fulfil their mandates effectively, we have the responsibility to provide them with the resources that they need. For its part, Luxembourg emphasizes on the necessity to deploy in the field, in every situation where it is necessary and in sufficient numbers, women protection advisers and child protection advisers. Their contribution is indispensable for the work of the United Nations. Luxembourg fully supports them in their difficult task.