Statement by Ambassador Riyad Mansour at the United Nations Security Council, Open Debate on “Protection of Civilians in Armed Conflict”

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Mission of Palestinian Authority to the United Nations

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Mr. President,

We congratulate Uruguay on its membership to the Security Council and presidency this month and for convening this important debate on the protection of civilians in armed conflict.

Mr. President,

We meet at a critical moment witnessing the immense suffering of millions of civilians in conflicts around the world, particularly in the Middle East, where civilians are bearing the highest toll of armed conflict in all forms, including foreign occupation. As noted in various reports, deliberate targeting and indiscriminate attacks on civilians characterize many of today’s conflicts, resulting in vast civilian casualties, displacement and suffering, and direct attacks on humanitarian personnel and facilities and access restrictions impair the ability to help and protect those in most need.  This toll has compelled the largest movement of refugees since World War II with grave humanitarian, social, economic, psychological and security consequences for the children, women and men whose fate it is to become a refugee, as well as consequences for the countries in conflict, receiving countries and the international community as a whole.

The Palestinian people know too well the pain and tragedy of such turmoil and dislocation as they continue to suffer the injustices of the 1948 Nakba, including 5.5 million Palestine refugees constituting the most protracted refugee crisis in the world, and to endure the brutality of Israel’s illegal, belligerent occupation for nearly a half century. Their suffering persists due to the failure to achieve a just solution to the conflict, despite countless UN resolutions, but also due to the international community’s failure to uphold international humanitarian law (IHL) in the face of grave breaches and to ensure the protection of civilians until such a solution has been realized.

IHL, particularly the Geneva Convention relative to the Protection of Civilian Persons in Time of War specifically provides for protection of civilians. The intent of the drafters of the Conventions and Additional Protocols was clear: to ensure protection to civilians in situations of armed conflict and minimize their vulnerability and suffering.  Yet, the tragedy of civilians in armed conflict persists due to the lack of respect for IHL in too many circumstances and the failure to hold accountable the perpetrators of violations and grave breaches, including Israel, the occupying Power, which continues to cause harm and suffering to the Palestinian people with absolute impunity.  Such disrespect for the law and impunity for violations have been highlighted by many, including the Secretary-General and ICRC, as among the biggest challenges for protecting civilians today.

Mr. President,

We have repeatedly appealed for protection for the Palestinian people, not just in the recent period but over the decades as our people have endured immeasurable oppression and cruelty under Israel’s occupation, including killing and injury of civilians in military raids, airstrikes and bombardments and terror attacks across the Occupied Palestinian Territory, including East Jerusalem, detention, imprisonment, abuse and torture, forced displacement and transfer, an illegal blockade and other severe measures of collective punishment. This deplorable situation is corroborated by numerous UN reports, including the Secretary-General’s recent annual report on Children and Armed Conflict (A/69/926-S/2015/409), which documented the devastating impact of the Israeli occupation on Palestinian children and their extreme vulnerability. Yet over the decades and despite the Security Council’s own calls for protection, Palestinian civilians have been deprived of effective protection from such systematic violations and crimes.

As far back as 1987, the Security Council, in resolution 605 (1987), took into account *“the need to consider measures for the impartial protection of the Palestinian civilian population under Israeli occupation”* and requested the Secretary-General to examine the situation and report *“on ways and means for ensuring the safety and protection of the Palestinian civilians under Israeli occupation”*.  Regrettably, the report’s (S/19943) recommendations were never implemented due to Israel’s rejection of resolution 605 and lack of political will to hold it to account and insist on its respect of IHL to ensure protection of the civilians under its occupation.

Resolution 605 was followed by other relevant resolutions, calling for respect of IHL in the Occupied Palestinian Territory, in particular resolution 904 (1994), in which the Council, expressing grave concern at the Palestinian casualties and underlining *“the need to provide protection and security for the Palestinian people”*, called for *“measures to be taken to guarantee the safety and protection of the Palestinian civilians throughout the occupied territory, including, inter alia, a temporary international or foreign presence…”*

Reaffirmations of the obligations of the occupying Power in accordance with IHL, including to ensure the safety and well-being of the Palestinian civilian population, were repeatedly made thereafter by the Council, the General Assembly, Conferences of High Contracting Parties to the 4th Geneva Convention and successive High Commissioners for Human Rights, including Ms. Mary Robinson, who in 2001 stressed that “*The protection of the victim should be the overriding concern of the UN and its agencies and programmes… Protection needs to be accorded to the people of the occupied territories in strict compliance with the 4th Geneva Convention…”* All has been to no avail.

While in 1997 the Temporary International Presence in Hebron (TIPH), a small, unarmed international civilian contingent was deployed and continues to provide a limited protective presence in the city, the violations faced by Palestinian civilians never ceased and continue to the present, only with greater intensity, as witnessed in the series of Israeli wars against the Gaza Strip and the inhumanity of the blockade; in military raids targeting especially Palestinian youth and children, many killed in blatant extrajudicial executions; in rampant terror and violence by Israeli settlers; and forced displacement of thousands of civilians as the Israeli colonization campaign persists, all with impunity. The impact on civilians has been immense, with countless lives ruined and generations lost, underscoring the need for enhanced, effective protection of the Palestinian people.

The international community has clear responsibilities, particularly this Council and the High Contracting Parties to the 4th Geneva Convention, which must be upheld.  Protection should not be viewed as unreasonable or unimaginable by any party that respects the law and human rights and seeks peace.  Civilians – children, women and men – must not be used as cannon fodder and all efforts must be made to spare them the atrocities of war and protect their lives. The UN’s special responsibilities were underscored, *inter alia*, in the report of the High-Level Independent Panel on Peace Operations, which stressed that *“the protection of civilians in armed conflict is a core principle of international humanitarian law and a moral responsibility for the United Nations”*, and decried the systemic constraints, including lack of consensus among Security Council members, that have prevented UN action to address the protection needs of civilians in many conflicts.

In this connection, we also highlight the essential role that can be played by humanitarian organizations, as well as civil society, in providing a protective civilian presence.  In Palestine, we recognize the important contributions in this regard by UNRWA and other UN agencies providing assistance and protection to the most vulnerable, including children, and the work of civil society, including, for example, a program by the World Council of Churches that provides protective accompaniment to our civilians, and we urge enhancement of such efforts.  We call on the Secretary-General in particular to urgently explore and mobilize UN capabilities in this regard in line with IHL.

Moreover, the UN study reviewing protection regimes, which was conveyed in October by the Secretary-General to the Council (S/2015/809), provides important precedents that should be fully considered along with other relevant reports in order to strengthen the Council’s ability to address protection needs in conflicts around the world.  The Security Council can and must act to protect civilians in situations of armed conflict, including situations of foreign occupation, and should make this objective a priority simultaneous with its efforts to end conflicts and promote peaceful solutions, consistent with its Charter duties and the imperatives of IHL.

For the Palestinian people, this call is more urgent than ever in an unsustainable and dangerous situation still requiring sustained international attention and action.  We implore the international community, foremost the Security Council, to rise to the challenge and act to protect civilians and uphold human rights in Palestine and everywhere else in the world where innocent civilians are suffering in conflicts and to restore credibility to IHL and to the Council itself.

I thank you, Mr. President.