

**Global Conference on ,Reclaiming the Protection of Civilians under
International Humanitarian Law‘,
Oslo 23/24 May 2013**

Initial Statement

by Amb. Helmut Tichy,

Legal Adviser, Austrian Federal Ministry for European and International
Affairs

Ladies and Gentlemen,

It is a pleasure for me to participate in this Global Conference, representing Austria as one of the co-chairs of the initiative “Reclaiming the Protection of Civilians under International Humanitarian Law”. Let me thank the Norwegian Foreign Ministry for its leadership on this important issue. I would like to outline some of the major conclusions of the regional meeting in Vienna, which took place in February 2013.

Concerning the first of the five thematic objectives of the Reclaiming Initiative, namely the “Impact of armed conflicts on civilians”, the issue of targeted and indiscriminate attacks against civilians was highlighted as one of the major challenges with regard to the protection of civilians in armed conflicts. The meeting emphasized that regardless of the classification of a given situation, there are always legal rules that apply to the protection of civilians and must be respected. Furthermore, the need for unhindered and rapid humanitarian access was stressed, as was the necessity for a strong role of the UN Security Council in ensuring compliance by parties to conflict to IHL and human rights law.

As far as the objective II “Protection of civilians against the effects of hostilities” is concerned, the Vienna meeting underlined that the rules and principles of IHL and human rights law remain relevant and fully applicable also to modern warfare, including in cyberspace, and to the use of weaponized drones. It was further stressed that the use of explosive weapons with a wide area impact in populated areas should be avoided.

Furthermore, the Vienna meeting insisted on the need of a comprehensive approach to the protection of civilians, taking due account of the longer-term harm to civilians.

With regard to objective III “Prevention of violations of IHL during warfare situations”, the meeting expressed the need to establish a sustained and constructive dialogue with armed groups operating in a conflict situation. It emphasized the obligation of states not only to respect, but also to ensure respect of IHL, by exercising their influence, individually or collectively, on all parties to armed conflicts. It paid particular attention to the protection of women and girls in conflict situations and their needs in post-conflict situations. Therefore, the implementation of the Security Council resolutions on Women, Peace and Security has to be encouraged and measures to combat sexual and gender-based violence should be taken.

Regarding objective IV “Recording and documenting the effects of hostilities”, the Vienna meeting emphasized the important role of complementary documentation mechanisms in order to prevent future violations of IHL and human rights law and to minimize incidental harm to civilians. It agreed on the urgent need to strengthen the protection of victims and witnesses, including journalists, media personnel and citizen journalists.

Together with other like-minded states, Austria initiated a UN Human Rights Council resolution on the safety of journalists last September, which focuses on preventing future crimes against journalists and on fighting impunity. This resolution complements Security Council resolution 1738 on the prevention of violence against journalists in armed conflict.

Concerning objective V “Enhancing compliance with IHL, including accountability for war crimes, crimes against humanity and genocide”, the Vienna meeting felt that there was a need to understand what incentives might be used to bring about improved compliance. It agreed that states should use their leverage to raise the political costs for non-compliance and should take appropriate measures such as targeted sanctions and referrals of situations to the ICC. Furthermore, the experience gained from situations where transitional justice has been implemented and the effective participation of victims and civil society were stressed as important elements.

Austria is actively participating in the efforts to improve the implementation of IHL and human rights law as well as the principles of accountability and impunity. We are strong supporters of an efficient

system of criminal justice at the national level, complemented by the International Criminal Court at the international plane.

Ladies and Gentlemen,

Many challenges lie still ahead of us in our efforts to diminish civilian harm in armed conflicts, all of which require the common engagement of states and civil society. At this Global Conference I am looking forward to an interesting discussion and to the elaboration of practice-oriented recommendations on what to do to improve the protection of civilians in armed conflicts.

Thank you.