



SOVEREIGN MILITARY HOSPITALLER ORDER  
OF ST. JOHN OF JERUSALEM OF RHODES AND OF MALTA

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PERMANENT OBSERVER MISSION TO THE UNITED NATIONS

## STATEMENT

BY

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## **PROTECTION OF CIVILIANS IN ARMED CONFLICT**

UNITED NATIONS SECURITY COUNCIL

6216<sup>TH</sup> MEETING

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11 NOVEMBER 2009

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(CHECK AGAINST DELIVERY)

MR. PRESIDENT:

The Sovereign Military Order of Malta appreciates the opportunity to address the Security Council on the vital subject of protection of civilians in armed conflict. This is a subject of special concern to my Order, and I extend our thanks to the President for convening this important debate.

It cannot escape notice that this date has special significance in the history of the international community's struggle to avoid or at least to limit the consequences of armed conflict for civilians. It was on 11 November 1918 that the parties to what was chillingly called the "Great War" made their armistice effective. After four bloody years that saw millions of soldiers and civilians become casualties of war, the belligerents hoped that they had ended the "war to end all wars" and that the future would see neither the clash of national armies nor the slaughter of civilians caught between their ranks.

However, during the twentieth century civilians became disproportionately both the targets and the victims of warfare. Strategic bombing of enemy cities and population centers killed hundreds of thousands – or millions – of civilians who were not in any sense "combatants" under traditional principles of international law. In "asymmetric" struggles, between governments on one side and insurgent or terrorist groups on the other, the use of human shields to provide shelter for combatants exposes civilians to lethal danger. Systematic use of rape and mutilation of civilians has become a tactic of choice of militia groups in several regions. Refugee camps sheltering civilians seeking to escape from the zone of military operations too often have become targets of military raids rather than places of safety from the fray. In all of these situations, even humanitarian aid workers have become the deliberate targets or incidental victims of these tactics.

These tragic developments are of special concern to the Order of Malta, and we urge the Council to take vigorous and unambiguous action to condemn and prohibit such assaults on civilians in the course of all forms of armed conflict, whether between States, or between States and militia groups, or between competing militias.

MR. PRESIDENT:

Permit me to take a moment to explain the source of the special concern that the Order of Malta shares for the plight of civilians in armed conflict.

As the Council may know, the Order of Malta was founded more than 900 years ago as an order of knighthood. Our original mission – and part of our official name to this date<sup>1</sup> – was to serve as a “hospitaller” order, caring for and protecting pilgrims traveling to the Holy Land as well as the poor and sick members of the local population, including Christians, Jews, and Muslims. Over the centuries, the Order also developed a political and military character. For centuries, the Order was a major military and naval power in the Mediterranean.

For approximately 700 years, the Order has been recognized as an international sovereign. At various times the Order has been the sovereign controlling the territories of Cyprus, Rhodes, and Malta among others. Indeed, the Order was considered a sovereign entity even before the modern system of nation-states evolved.

Although the Order lost its control of its principal territory, the islands of Malta, during the Napoleonic Wars, it has retained its identity as an international sovereign. The surrounding State, Italy, regards our headquarters and our other territory within the city

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<sup>1</sup> The formal name of the Order is the Sovereign Military and Hospitaller Order of the Knights of St. John of Jerusalem, of Rhodes, and of Malta. The Order’s Permanent Observer Mission at the United Nations is known more commonly by the shortened Sovereign Military Order of Malta. The formal name of the Order is the Sovereign Military and Hospitaller Order of the Knights of St. John of Jerusalem, of Rhodes, and of Malta.

of Rome, which the Order has occupied for almost 200 years, as “extraterritorial” diplomatic facilities. In addition, the Italian State, with which the Order maintains full diplomatic relations, regards the head of the Order, the Prince and Grand Master, as a foreign head of State, as do the other States with which we maintain diplomatic relations.

Today, we have formal diplomatic relations with 103 Member States of the United Nations, more than half the members of this body, and we engage in exchange of ambassadors with these other States. The Order was granted Permanent Observer status here at the United Nations in 1994. We also have “official” relations short of full diplomatic recognition with a number of other States.<sup>2</sup>

For today’s purposes, however, I want to focus on the humanitarian work of the Order, which has become the focus of our activities since we ended our role as a military power following the Napoleonic Wars. Over generations, the Order has demonstrated that its commitment to the sick and the poor – dating back to the eleventh century – is absolutely neutral. Not only is the Order not aligned with any political bloc, our humanitarian programs are administered without regard to religion or race.

The Order is active in over 120 countries. Many of these programs are administered in the regions where civilians are suffering most gravely as the victims of armed conflict. Often, our diplomatic status as a recognized international sovereign facilitates our ability to provide this humanitarian assistance.

For example, the Order has programs both in South Sudan and in Darfur working with 1.2 million sick and or displaced, fleeing from years of warfare and government and militia violence arising from the struggles between North and South and between

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<sup>2</sup> For the Council’s information, I attach as an Annex the current list of the Order’s diplomatic relationships with other States and international organizations.

different factions in and around Darfur. Regrettably, the security situation for civilians in North Darfur actually has worsened since the signing of the 2006 peace accords. The number of armed assaults toward members of civil society as well as humanitarian aid workers and observers keeps rising.

In Lebanon, the Order is assisting the thousands of civilians injured or displaced in the various military operations that have involved the Lebanese army, Hezbollah, and the Israeli Defense Forces, many of which took place within civilian areas. In order to help the victims of the conflict, even as it was occurring, the international network of the Order of Malta promptly supported its Lebanese Association with the financial means necessary to enable the delivery of urgently needed medical supplies and drugs to eight of its ten health care centers around the country.

Just to the south, there are further obstacles to the livelihoods of Israeli and Palestinian people alike, engulfed in the flames of a conflict which continues to “smolder and burn.”<sup>3</sup> In such cases of protracted conflict, it is hardly possible for the Palestinian Authority to establish or maintain meaningful healthcare facilities to serve its endangered population. The Order’s Holy Family Hospital in Palestine provides Bethlehem and its surrounding area with an indispensable service, offering the only possible place for women of the region to give birth under good medical conditions. Since 1990 more than 44,000 babies have been born in the hospital, despite having been besieged and damaged as a consequence of the violence in the area. Its primary objective is to offer high-quality maternity care to all women, regardless of race, religion, culture or social condition.

In Afghanistan, a country that has been wracked by combat for decades, involving foreign forces and factional civil war, numerous towns and villages have been damaged

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<sup>3</sup> S/2009/277, para. 4

or destroyed, leaving large numbers of civilians without adequate shelter or potable water. In addition, civilians continue to suffer death or injury when they are caught between the combatants, whether the combatants are using crude weapons such as roadside bombs or high-tech weapons such as unmanned remote-controlled drones. As noted in the Secretary-General's Report, Afghanistan—along with Somalia and the Sudan—account for more than 60% of the attacks on humanitarian workers.<sup>4</sup> These numbers are more than just statistics to the Order of Malta, which has lost several local staff members in Afghanistan, killed in ambushes and shootings, alongside their equally unfortunate UNICEF and UNAMA colleagues.

One of the most brutal struggles in recent memory has taken place in the Democratic Republic of Congo during – and after – years of civil war. In that war-torn country, sexual violence and rape as part of the military strategy of disruption and terror became epidemic. Militiamen and rebels perpetrated many of these outrages directed at vulnerable and defenseless civilians, often young women or even little girls and sometimes little boys. Since 2007, the Order is working with victims in Ituri, Haut Uélé and Bukavu/South Kivu to prevent or treat sexually transmitted diseases and to provide psychological counseling to cope with this additional level of trauma.

MR. PRESIDENT:

In working with the poor and the sick who have become innocent victims of armed conflict worldwide, the Order has observed that there are at least four types of violence perpetrated against civilians in the course of armed conflict, and the Council should address each these:

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<sup>4</sup> S/2009/277

1. Directly attacking civilians, including by use of sexual violence, suicide bombings, or assaults on facilities for refugees and displaced persons, for the purpose of destabilizing society or generating terror for military or political objectives

2. Taking civilians hostage to serve as “human shields” or misusing protected facilities such as hospitals or aid stations for the purpose of protecting combatants or combatant facilities or operations.

3. Inflicting “incidental” or “collateral” damage upon civilians, including aid workers and medical personnel, as part of military operations that create a high degree of risk that innocent civilians will be killed or injured in pursuing what would otherwise be legitimate military objectives.

4. Targeting humanitarian aid workers, such a medical personnel and volunteers, for the purpose of denying civilians refuge, food, shelter, or medical care.

There can be no question that these kinds of actions violate basic principles of international humanitarian law, including the Fourth Geneva Convention Relating to the Protection of Civilians in Armed Conflict.<sup>5</sup> Whether or not a particular conflict technically constitutes an “international” conflict, and whether or not the combatant groups or militias are formally parties to the Convention, international humanitarian law has evolved to the point that all combatants must recognize and obey these fundamental precepts of human decency and civilization. In short, these principles and values must be regarded as part of customary international law and, as such, they are universally binding.

Equally important, those persons who violate these precepts must be accountable for their actions. This accountability must include those who personally violate the basic

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<sup>5</sup> Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949

rules of international humanitarian law as well as those who are responsible for those violations in accordance with settled principles of the international law of “command responsibility.”

The Council should clearly and unambiguously

- endorse these principles,
- insist that all combatants observe them,
- condemn violations of these principles,
- urge all Member States to take appropriate action to investigate and punish violations, and
- consider referring to the International Criminal Court any gross violations that Member States are unable to pursue through the ordinary course of their domestic law and procedure.

MR. PRESIDENT:

There are more steps that the international community must take to ameliorate the dangers to civilians stemming from armed conflict. One is to limit or outlaw the production, distribution, and use of weapons that are inherently indiscriminate and that history has shown pose a massive danger to civilians, especially children. I refer specifically to land mines and cluster munitions.

In addition, while the Order of Malta expresses its support for international efforts to prevent the spread of nuclear weapons and other weapons of mass destruction, the reality on the ground today is that the vast majority of civilians killed and injured in the

course of armed conflict are the victims of “low-level” conflicts. The proliferation of small arms, including automatic weapons, is a major source of these deaths and injuries in these conflicts. The Order urges the Council and the international community to take responsible and effective steps to stem the trade in small arms.

MR. PRESIDENT:

The Order of Malta appreciates this opportunity to express its views on this important topic and pledges to work with other members of the international community to re-establish a firm and effective line between combatants and civilians in armed conflict, with the goal of assuring to the extent possible that civilians will not become the innocent victims of these struggles.

Thank you, Mr. President.

*Annex*  
**DIPLOMATIC REPRESENTATION OF**  
**THE SOVEREIGN MILITARY ORDER OF MALTA**  
**REGIONAL LISTING**

**Africa**

Angola	Egypt	Mauritania
Benin	Equatorial Guinea	Mauritius
Burkina Faso	Eritrea	Morocco
Cameroon	Ethiopia	Mozambique
Cape Verde	Gabon	Niger
Central African Republic	Guinea	Sao Tome and Principe
Chad	Guinea-Bissau	Sierra Leone
Comoros	Côte d'Ivoire	Senegal
Congo (Democratic Republic of -)	Kenya	Seychelles
Congo (Republic of -)	Liberia	Somalia
	Madagascar	Sudan
	Mali	Togo

**The Americas**

Argentina	Dominican Republic	Paraguay
The Bahamas	Ecuador	Peru
Belize	El Salvador	Saint Lucia
Bolivia	Guatemala	Saint Vincent and the Grenadines
Brazil	Guyana	Suriname
Chile	Haiti	Uruguay
Colombia	Honduras	Venezuela
Costa Rica	Nicaragua	
Cuba	Panama	

**Asia**

Afghanistan	Georgia	Philippines
Armenia	Jordan	Tajikistan
Cambodia	Kazakhstan	Thailand
East Timor	Lebanon	Turkmenistan

**Europe**

Albania	Lithuania	Slovakia
Austria	Macedonia	Slovenia
Belarus	Malta	Spain
Bosnia-Herzegovina	Moldova	Ukraine
Bulgaria	Monaco, Principality of	
Croatia	Montenegro	
Czech Republic	Poland	
Holy See	Portugal	
Hungary	Romania	
Italy	Russian Federation*	
Latvia	San Marino	
Liechtenstein	Serbia	

## **Oceania**

Micronesia

Marshall Islands

Kiribati

### **OFFICIAL RELATIONS**

Belgium

Canada

France

Germany

Luxembourg

Switzerland

### **PERMANENT MISSIONS TO THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES**

United Nations (New York, Geneva, Vienna)

UNESCO

FAO

WFP

WHO

UNHCR

OHCHR

UNIDO

IAEA

UN Habitat

### **DELEGATIONS/REPRESENTATIONS TO INTERNATIONAL ORGANIZATIONS**

European Commission

Council of Europe

International Organization for Migration

International Institute for the Unification of Private Law

International Committee of Military Medicine

International Committee of Red Cross

International Federation of Red Cross and Red Crescent Societies

International Institute of Humanitarian Law

Inter-American Development Bank

Union Latina

Organization of American States

*\* Relations with the Russian Federation are maintained through a diplomatic special mission.*