

Protection of Civilians in Armed Conflict

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Statement by Mr. Ntwaagae, Permanent Representative of Botswana to the United Nations

I wish to thank you, Mr. President, for giving me the floor to share the views of my delegation on this very important subject. I wish also to thank the French presidency for having convened this open debate.

Our main concern in dealing with this question should be how the international community can ensure that the people who, in most cases, contribute the least to a conflict are not harmed by it.

It is a foregone conclusion that civilians continue to account for the majority of casualties in conflict situations around the world. The numbers of those forced to flee their homes to escape violence, internally or across borders, is quite staggering.

History is replete with examples of innocent civilians who perished in the millions or were displaced permanently by the unforgiving horrors of war. The survivors of the initial onslaught often succumb to the second stage of atrocities, where lifesaving food, water, medicine and other forms of humanitarian relief are denied them.

It is reprehensible to resort to armed conflict whenever there is a small difference of opinion between contending parties, each claiming exclusive rights and control over the other. In this conflagration, it is, unfortunately, the women and children who suffer the most, as they are subjected to acts of violence that include murder and maiming; sexual violence; forced displacement from their homes; forced recruitment, in the case of children, as child soldiers; and kidnapping and human trafficking, as well as enslavement and other traumatic psychological experiences.

It is deeply regrettable that violent attacks against civilians continue to this day, even after the adoption by the international community of a robust international legal framework and conventions and protocols designed to serve and protect civilian populations to a much greater extent than had been intended by the Hague Conventions of 1899 and 1907, which centred on the danger of indiscriminate warfare.

Half a century later, the Geneva Conventions of 1949 and their Additional Protocols, which act as the central pillar of international humanitarian law, have not enjoyed strict observance by warlords and other aggressors.

While the international community remained united in the utilization of this body of international law to effectively curb the effects of conflict and protect those who do not take part in the hostilities, the instigators of violence undermined that objective by directing attacks at vulnerable segments of their own populations, killing their own people and depriving them the basic necessities of life, even to the extent of impeding the delivery of humanitarian relief supplies to them.

In their actions, belligerents deliberately choose to blur their vision in distinguishing between active combatants and non-combatants and often fail to abide by the intents and purposes of the provisions of landmark resolutions such as General Assembly resolution 2444 (XXIII) of 19 December 1968, which stipulates that a distinction should be observed between persons taking part in hostilities and members of the civilian population, so that the latter can be spared as much pain and suffering as possible.

We note that there have been significant steps in providing guidance for the effective protection of civilians, especially through the production by the Office for the Coordination of Humanitarian Affairs of the fourth edition of the aide-memoire (S/PRST/2010/25, annex), which serves not only as a practical tool for facilitating the Council's deliberations but also as a repository of useful information for the benefit of Member States.

We note with appreciation that, following the Council's adoption of resolution 1894 (2009), there has been forward movement in the five core pillars identified in the resolution as the main challenges to ensuring more effective protection of civilians, namely, enhancing compliance by parties to a conflict with international law; enhancing compliance by non-State armed groups; enhancing protection by United Nations peacekeeping and

other relevant missions; enhancing humanitarian access; and enhancing accountability for violations of international law.

The resolution places primary responsibility for the protection of civilians on the States themselves, as well as on the authorities on the ground. The critical question of countering impunity cannot be overemphasized. Even though arrests and prosecutions for crimes against humanity, war crimes and human rights violations remain disappointingly low at both the domestic and the international levels, there is a necessary deterrent value in the establishment of the international legal architecture represented by bodies such as the International Court of Justice and the International Criminal Court (ICC). Besides the deterrent value of ending impunity, promoting accountability on the part of leaders and thereby saving thousands of lives, international judicial bodies such as the ICC have provided victims with their only avenue to justice, especially in situations where local judicial systems are either unwilling or lack the capacity to prosecute crimes and acts of violence.

In order to give impetus to the effective protection of civilians in armed conflict, Botswana has ratified many of the main international law conventions, including the 1949 Geneva Conventions and their 1977 Protocols, as well as the main conventions on refugees. In addition, Botswana continues to host refugees and asylum seekers from a number of countries in the region. My delegation shares the view expressed by other delegations that the burden of providing and sustaining security and humanitarian assistance in refugee camps and settlements should be shared by the rest of the international community, including in the area of demobilization and repatriation.

Allow me to seize this opportunity to pay tribute to those countries that have been at the forefront of saving lives by sending their own men and women to the front lines to assist in the management of conflict and the protection of civilian populations around the world. Although Botswana does not presently have active military contingents in United Nations peacekeeping operations, due to its limited resources, the country has in the past contributed troops to the African Union Mission in Sudan before it was replaced by African Union-United Nations Hybrid Operation in Darfur, as well as in Somalia and in Mozambique. We are proud of our modest contribution to international peace and security in this regard.

Let me conclude by raising the thorny issue of the proliferation of small arms and light weapons. This is an issue that unfortunately does not receive sufficient attention in the recent report of the Secretary-General on the protection of civilians in armed conflict (S/2010/579). However the issue is featured prominently in the aide-memoire I referred to earlier in my remarks. The aide-memoire contains recommendations for consideration by the Council involving arms embargoes, sanctions and legal measures against corporate actors involved in the manufacture and supply of weapons used to sponsor and sustain conflict. Even though resolution 1894 (2009) highlights the point that the accumulation of such weapons has a destabilizing effect and poses “a considerable impediment to the provision of humanitarian assistance and [has] a potential to ... prolong conflicts, endanger civilians and undermine security and the confidence required for a return to peace and stability” (*resolution 1894 (2009), para. 29*), it does not go far enough.

My delegation is of the view that perhaps it is time for the Security Council to adopt more aggressive measures to deal with the problem of the proliferation of small arms and light weapons and their supply and use, as well as the undesirable effect of such weapons in the sustenance of conflict. The Security Council has enough capability to be more rigorous in addressing the challenge and destabilizing effect of small arms and light weapons with possibly the same vigour as that devoted to the effects of landmines and other explosive remnants of war.

In conclusion, my delegation is of the humble opinion that consideration should be given to extending to small arms and light weapons the call of the Secretary-General in his report for “more systematic data collection and analysis of the human costs” (*S/2010/579, para. 50*) of the use of explosive weapons in order to deepen similar understanding of the humanitarian impact of these weapons, to guide and strengthen the implementation of international and human rights law and, above all, to increase the chances of survival of innocent civilians in conflict situations.