

## **Protection of Civilians in Armed Conflict**

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### ***Statement by Ms. Ojiambo, Permanent Representative of Kenya to the United Nations***

I wish to express my sincere appreciation to you, Mr. President, for organizing this important debate. I thank Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs; Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations; and Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights, for their statements earlier today.

When conflict erupts, its major victims are civilians, mainly women and children. My delegation therefore welcomes the Secretary-General's latest report (S/2010/579) on the protection of civilians in armed conflict, which provides contemporary guiding principles on the matter.

Eleven years ago, the Council addressed the protection of civilians in armed conflict as a thematic issue for the first time. Since then, the adoption of resolution 1265 (1999) and other related resolutions, such as 1296 (2000), 1674 (2006), 1738 (2006) and 1894 (2009), as well as the endorsement of the aide-memoire (see S/PRST/2010/25, annex) and the establishment of the Expert Group on the Protection of Civilians bear testimony to the Council's continued commitment to enhancing the protection of civilians in armed conflict.

However, continual cases, such as those involving the mass rape of women and children by rebel groups in the Democratic Republic of the Congo, are stark reminders that action to stop such violations needs to be taken now. Therefore, today's debate provides us with yet another opportunity to reflect on the progress made, the challenges we face and the steps we need to take to address this recurring problem while renewing our political will and resolve to rally support for the protection of those helpless civilians who so often find themselves trapped in conflict situations.

The question of protection deserves deeper reflection owing to its complex and multifaceted nature. It involves enhanced compliance with international humanitarian law by all parties to a conflict, making more effective use of United Nations peacekeeping missions, improving humanitarian access and strengthening accountability for violations. It is therefore imperative that this critical issue be addressed while taking into account all of those underlying considerations.

The task of protecting civilians is currently enshrined in the mandates of a number of United Nations peacekeeping missions. The first such mandate was authorized to provide protection to civilians more than a decade ago in Sierra Leone, where amputations were the order of the day. At present, the majority of United Nations peacekeeping missions operate with such mandates. However, there are real challenges in their implementation and the Council needs to provide peacekeeping missions with clear, realistic guidelines and achievable mandates. It is prudent that aspects of the protection of civilians be included in predeployment training.

Additionally, at the operational level, presence equals protection. The abuse of civilians in armed conflict most often takes place in areas that are inaccessible to peacekeeping contingents. Therefore, there is a need to ensure that adequate capacity and resources are made available to peacekeepers so as to enable them to cover areas where civilians are under imminent threat of physical violence, while ensuring that they conduct their tasks without prejudice to the primary responsibility of the host nation to protect civilians. That can be achieved only through the deployment of more armed personnel than is the case in many missions today.

Sexual violence is no longer a simple by-product of armed conflict. It is being used as a weapon of war, aimed at dehumanizing and instilling fear in civilians in situations of armed conflict. Whether carried out by non-State armed groups or Government security forces in conflict and post-conflict situations, it is to some extent designed to achieve political and military objectives. The adoptions of Security Council resolution 1325 (2000) addressing the impact of war on women, resolution 1820 (2008) calling for the cessation of all acts of sexual violence against civilians, and resolution 1888 (2009) establishing the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict are efforts that are expected to give new impetus to the protection of civilians in conflict. As the United Nations considers a new configuration in the Sudan, the issue

of protection of civilians should remain pivotal.

Parties to a conflict have obligations under international humanitarian law to protect civilians. It is regrettable that many non-State armed groups do not understand that such law exists and, hence, have no regard for it. The Council needs to enhance compliance by consistently calling on all parties to adhere to their obligations under international humanitarian law, especially in exercise of the principles of distinction and proportionality. Additionally, the Council needs to apply targeted measures against parties who routinely violate their legal obligations to respect civilians.

The Council must further ensure that investigations into alleged violations of civilians in armed conflict are conducted in a timely manner, with commensurate consequences for violators. That will not only promote accountability among the various actors, but also demonstrate the Council's intolerance for impunity as part of a comprehensive approach to ensuring that perpetrators are brought to justice through national or international legislation and that victims are granted redress.

Providing unhindered humanitarian access during conflicts is a fundamental prerequisite for ensuring lifesaving assistance. It is therefore important for peacekeeping missions to provide a secure environment to facilitate humanitarian access to civilians, including displaced persons. While current efforts to enhance the capacity of peacekeeping missions to provide protection to humanitarian service providers are commendable, significant challenges remain. The Council should therefore address that aspect during the authorization of mandates, consistently condemn all acts of violence against humanitarian workers, and call on parties to a conflict to comply with their obligation to protect such personnel and their consignments.

I wish to conclude by reaffirming Kenya's commitment to the protection of civilians in armed conflict and to guaranteeing their rights in conformity with international humanitarian law. As the Council may be aware, Kenya clearly understands the effect of failures to provide that protection, as we are currently providing shelter to close to 1 million refugees from Somalia, which is a war-torn country. Considering the fact that civilians continue to be subjected to indiscriminate attacks and other violations by parties to conflict, and taking into account that they comprise the vast majority of casualties, we all need to work consistently towards enhancing their protection.