<u>**Security Council Open Debate on the Protection of Civilians in Armed Conflict**</u>
25 June 2012, Security Council Chamber

Statement by Mr. Mashabane, Representative of South Africa

My delegation wishes to express our appreciation to the delegation of China for facilitating a discussion on the crucial topic of the protection of civilians.

It is important for the Council to periodically evaluate its response to the protection of civilians, because the protection of civilians from the scourge of conflict is at the core of maintaining international peace and security. If the Council is not seen to be protecting civilians and if innocent children, women and men continue to suffer on our watch, then we have failed the mandate entrusted to us. South Africa is thus fully committed to the protection of civilians in armed conflict and continues to support a strengthened normative and legal framework for enhancing such protection. In that regard, the report of the Secretary-General (S/2012/376) is welcome. That report, along with previous reports from the Secretary-General, provides us with practical steps that the Council and Member States should adopt in order to address contemporary challenges in protecting civilians. Addressing the five core protection challenges identified in his reports remains urgent.

The Security Council has made commendable progress in including protection of civilian mandates in its decisions. The two new peacekeeping operations deployed in 2011, the United Nations Mission in South Sudan and the United Nations Interim Security Force for Abyei, both have such components. Additionally, several other United Nations peacekeeping operations, including the African Union-United Nations Hybrid Operation in Darfur and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, have developed comprehensive protection-of-civilian strategies. Those actions have operationalized the commitments made by the Council in its resolution 1894 (2009).

My delegation wishes to underscore the very encouraging and noteworthy strides made by the African Union Mission in Somalia to mitigate the killing or injury of civilians in its active military campaign in Somalia. Those commendable efforts, highlighted by the Secretary-General in his report, relate to the improved recording of casualties and its policy of "indirect fire" to mitigate harm against civilians. That also includes a component of voluntarily making amends for harm suffered as a result of lawful efforts.

While we have made important advances in protecting civilians, we must at the same time ensure that such efforts are not abused for furthering objectives that fall outside of the scope of that noble and moral endeavour and sensitive responsibility. Equally, we must ensure that the protection of civilians is not selectively pursued, as that would erode the credibility of the international community in pursuing that goal. It is therefore regrettable that the plight of civilians in Palestine, Afghanistan and Western Sahara is being ignored without any accountability.

A further challenge relates to the abuse of protection of civilians mandates, which erodes not only the credibility of the Council when it acts but also its ability to act. Abusing the authorization granted by this Council to advance political and regime-change agendas has created mistrust within the Security Council and has led to paralysis and inaction on the part of the Security Council when faced with similar challenges and has prevented the Council from acting resolutely in advancing the protection-of-civilians agenda. The responsibility for such failure must be borne by those who abuse the trust of the Council through idiosyncratic interpretations of protection mandates.

Another challenge relates to the use of unmanned aerial assets against targets, which inevitably leads to the killing of innocent civilians. That concern is highlighted in the report of the Secretary-General, and the United Nations High Commissioner for Human Rights, Navi Pillay, is on record as stating that drone attacks raise serious questions about compliance with international law. Those challenges to the protection of civilians underscore the importance for this Council and the international community in general to engage robustly with the concept introduced by Brazil of responsibility while protecting. Those entrusted with the protection of civilians have a stake in ensuring that our actions do not undermine the very same objectives that we seek to advance, and there has to be scrupulous compliance with international humanitarian and human rights law in carrying out those mandates.

Additionally, United Nations peacekeepers should always remain impartial in carrying out their mandates. Their mandates for protecting civilians under imminent threat could be compromised if the United Nations were perceived as

being biased and found to be unable to perform on its protection mandate owing to a lack of the requisite resources and capabilities, in particular air assets. Ensuring the long-term protection of civilians requires a mission-wide response and strategy. While peacekeepers can assist States in providing immediate protection for civilians in the short term, it is only by building national institutions in the areas of the rule of law, justice and security sector reform that we can ensure the long term protection of civilians.

The Secretary-General in his report correctly places emphasis on the need to protect medical facilities, medical personnel and hospitals. Health-care personnel must be able to provide aid unhindered and in safety. This is a real and present challenge. South Africa wishes to express its condolences on the occasion of the killing of a volunteer for the Syrian Arab Red Crescent yesterday in eastern Syria. It is deplorable that that is the fourth time since last September that a member of the International Committee of the Red Cross has been killed while on duty. South Africa appreciates the excellent and outstanding work that the International Committee of the Red Cross continues to do under very challenging circumstances.

My delegation also shares the concerns of the Secretary-General with regard to the plight of migrant labourers, particularly those from sub-Saharan Africa recently caught in the conflict in Libya. Our delegation has consistently raised that concern in the context of the Libyan conflict. In that regard, we have consistently condemned all acts of killing, sexual violence, discrimination and arbitrary arrest perpetrated against migrant workers and their families.

In conclusion, we wish to underline that it remains the primary responsibility of States to protect civilians within their borders. Armed opposition groups also bear responsibility for ensuring that unarmed civilians are protected, and the failure by both State and non-State actors to uphold that principle should not go unpunished. Accountability must first and foremost be sought at the national level. Failing that, the international community has a collective responsibility to act, using mechanisms at its disposal, including independent fact-finding commissions, commissions of enquiry and the International Criminal Court. On 19 January, the Council adopted a presidential statement on justice and the rule of law (S/PRST/2012/1), which reiterated the Council's call on all parties to armed conflict to comply with the obligations applicable to them under international humanitarian law and to take the required steps to protect civilians. The Council also reaffirmed its strong opposition to impunity for serious violations of international humanitarian law and human rights law and stressed States' responsibility in that regard.

We hope that our debate today will not be a mere formality or an exercise in rhetoric but rather that the Council will, through its decisions and actions, lend its full authority to efforts to protect civilians everywhere. It is only when we carry out that responsibility consistently and without fear or favour that we can truly be the champions of "we the people" on whose behalf we act.