

Security Council Open Debate on the Protection of Civilians in Armed Conflict
25 June 2012, Security Council Chamber

Statement by Mr. M'Beou, Representative of Togo

First, Mr. President, I would like to welcome your initiative to convene a public debate on the issue of the protection of civilians in armed conflict. I also thank the Secretary-General for his detailed report (S/2012/376) on the matter and for the relevant recommendations contained therein. I also welcome the presence among us of Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator; Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights; and Mr. Philip Spoerri, Director for International Law and Cooperation of the International Committee for the Red Cross. I welcome their contributions to this debate.

The protection of civilians in armed conflict throughout the world is a major concern of our time. Deliberate or accidental violence inflicted against civilians is a major source of concern for the Security Council, which has devoted many meetings and adopted several resolutions and statements on the topic in the past five years. The Secretary-General's report notes at length the persistence of violence against civilians in armed conflict. The protection of civilians in those circumstances is not a choice but an obligation under international humanitarian law, human rights law and even traditional law.

Togo is pleased that the Secretary-General has defined five core challenges that need to be met in situations of armed conflict where civilians are caught up, against their will, in combat zones. Sadly, given what often continues to take place on the ground, it is still difficult for the principles in question to be easily and swiftly applied. The Secretary-General's report cites many countries throughout the world where civilians are the targeted victims of armed conflicts. The report has the merit of noting that all parties have committed violations of humanitarian law, although it is generally recognized that the majority of those crimes can be attributed to non-State armed groups.

In Africa, the situations in the eastern part of the Democratic Republic of the Congo, Somalia, the Sudan, South Sudan in areas where the Lord's Resistance Army holds sway, and in Côte d'Ivoire during the post-election crisis of 2011, have highlighted the degree of violence and the atrocities that combatants have inflicted on civilian populations, even as they are urged to ensure the protection of non-combatants.

The violence is particularly cruelly reflected in premeditated murders, attacks against schools and hospitals, obstacles to distribution of humanitarian aid, sexual violence, forced disappearances, torture and other cruel, inhumane or degrading treatment, including the recruitment and use of children in armed conflicts or for other criminal purposes, as well as attacks against journalists and human rights defenders. Those are all reprehensible acts at variance with international standards and should, as a result, be sanctioned and punished, pursuant to the relevant international legal texts. All sides and all combatants are caught up in one or another of those aforementioned kinds of violence. Nothing — or not enough — is being done by any of the sides to ensure respect for human rights and prevent violations of such rights. One result of this is an inability to hold people accountable for their acts and a lack of political will to bring them to justice.

Violence against civilians brings about, of course, migrations towards stable areas and an exodus towards neighbouring countries. The figures of 27 million internally displaced persons and 15 million refugees are a testament to this.

The situation needs to change. Mentalities need to evolve. The law has to be enforced. The fact that the principle of proportionality is not respected and that heavy weaponry and explosive devices are being used in populated areas explains the very high number of civilians killed in armed conflict. Very often, it is vulnerable people, such as women, children, the elderly and the disabled, who bear the brunt of that violence.

What is happening currently in Syria, where civilians are caught in the crossfire between heavy artillery and aerial bombardment, is neither acceptable nor justifiable. Such acts must simply be condemned by everyone.

The protection of civilians in armed conflict should not be merely a concern felt by the international community but also a commitment at both the political and the legal levels.

The Security Council, on the basis of its previous resolutions, should continue to pressure Governments and the heads

of non-State armed groups to respect people's physical integrity as well as private and public property in situations of conflict. In deciding to apply targeted sanctions against the perpetrators of violent acts, the Council should reaffirm its determination to use the necessary effective means to ensure the protection of civilians. The arrest of persons accused of violent acts and the prosecution of others are part of that determination to put an end to impunity. To be successful, such an undertaking requires the cooperation of all countries, above all those in regions where such acts are taking place.

For his part, the Secretary-General has undertaken commendable initiatives, particularly in terms of peacekeeping operations. In that respect, we are pleased that his recommendations in his report (S/2007/643) have been implemented when it comes to systematic respect for international humanitarian law on the part of peacekeeping operations and other missions authorized to use force.

As a troop-contributing country committed to upholding the rights of vulnerable groups and gravely concerned by violations of international humanitarian law by combatants, Togo has established, at its training centre in Lomé, a capacity-building programme for the protection of civilians designed for soldiers and police officers prior to their deployment in peacekeeping operations.

Besides all of those measures aimed at protecting civilians, it is vital that countries apply the provisions of the relevant international legal instruments. Under no circumstances should the perpetrators of crimes against civilians find sanctuary or protection in any Member State. Members of the Lord's Resistance Army and the warlords from eastern Democratic Republic of the Congo who are still at large must be arrested and delivered to the competent tribunals.

We believe that it is important to reiterate that respect for the law and the rules by all combatants, the protection of civilians by peacekeeping missions and other United Nations missions, humanitarian access and the protection of humanitarian workers, and accountability are the main measures that the United Nations, and in particular the Security Council, should highlight in the context of efforts to protect civilians in armed conflict. Reinforcing those measures through training and information sessions for the benefit of military officials is necessary. But for those measures to succeed, justice needs to be rendered and the perpetrators of criminal acts need to be arrested, tried and convicted.