

Protection of Civilians in Armed Conflict

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Statement by Mr. Sangqu, Permanent Representative of South Africa to the United Nations

My delegation wishes to express its appreciation to you and your delegation for organizing this open debate, Mr. President. We also wish to thank Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations, and Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights, for their briefings.

South Africa is fully committed to the protection of civilians in armed conflict and continues to support a strengthened normative and legal framework for enhancing such protection measures. We welcome the concerted efforts of the international community to protect civilians in armed conflict. Despite such positive efforts and the progressive steps that are being taken, scores of civilians in many regions of the world are still harmed or maimed during armed conflicts, from Afghanistan to Somalia to Libya to Côte d'Ivoire. In this regard, we regret deeply that civilians, in particular women and children, continue to account for the vast majority of casualties in armed conflicts.

The latest report of the Secretary-General on the protection of civilians (S/2010/579) made three important additions to the five core protection challenges identified in his 2009 report (S/2009/277). Advances in all of those core areas will contribute to the international community's fight against impunity, improve humanitarian access and ensure consistency in mandates for the protection of civilians. The Council has made commitments concerning the protection of civilians, particularly in the areas of peacekeeping, humanitarian access, monitoring, information-sharing and reporting.

In spite of a number of well-meaning Security Council resolutions, presidential statements and thematic mechanisms, the grim reality is that parties engaged in conflict still have a long way to go in fulfilling their responsibilities concerning civilian protection. It is clear that the lack of political will and complete disregard for the lives of civilians remains a major obstacle to protecting civilians during armed conflict. The Secretary-General observed in his report presented to the Council in November 2010 that any progress in the protection of civilians has been the result of increased focus by international agencies on the issue, not because armed groups are observing international law.

We therefore call upon all relevant parties to conflicts to put an end to such practices and recognize that States bear the primary responsibility of protecting civilians within their borders. That does not exonerate non-State armed groups to conflicts. Non-State actors have responsibility under international humanitarian law to protect civilians and they must be held accountable for violations. Accordingly, it is always important to note that, while United Nations peacekeeping operations should always adopt a robust posture in implementing the mandates of the Council, including the protection of civilian elements, they must do so in an impartial manner. United Nations peacekeeping operations should never be seen to be siding with one party to a conflict, as that would undermine the integrity of United Nations efforts.

The plight of women and children, in particular, remains perilous and requires urgent attention. South Africa appreciates the efforts of many Governments, including those of the Democratic Republic of the Congo and Chad, to combat sexual violence, as demonstrated by the arrest of senior military officers involved in crimes of conflict-related sexual violence. The increased momentum in the implementation of resolutions 1325 (2000), 1612 (2005) and 1960 (2010), including on monitoring, information-sharing and reporting, needs to be further accelerated.

In February, at the initiative of the Brazilian presidency, the Council held informal consultations to discuss protection-related items on its agenda, namely, protection of civilians, children and armed conflict, and women and peace and security. South Africa supports this holistic approach, whereby these issues are dealt with in a coherent manner. In that regard, actions undertaken by the Secretariat should be mutually reinforcing.

Over the past three months, we have witnessed some important advances as the Security Council adopted resolutions giving practical expression to our collective desire to ensure civilian protection. These resolutions

have at their core the protection of civilians, and South Africa supported these additional measures for Libya and Côte d'Ivoire, respectively. These resolutions have noble intentions focused on our common desire to protect civilian lives.

However, we are concerned that the implementation of these resolutions appears to go beyond their letter and spirit. It is important that, as international actors and external organizations provide constructive assistance, they should nonetheless comply with the provisions of the United Nations Charter, fully respect the will, sovereignty and territorial integrity of the country concerned, and refrain from advancing political agendas that go beyond the protection of civilian mandates, including regime change.

In our view, such actions will undermine the gains made in this discourse and provide ammunition to those who have always been sceptical of the concept. In the final analysis, the implementation of these resolutions will determine whether our actions have yielded the intended result of protecting civilians.

Our efforts in protecting civilians will also be undermined if our approach to conflict resolution is limited only to addressing symptoms while ignoring root causes. Such an approach will not help to find a fundamental solution to the protection of civilians, which, in the final analysis, can be guaranteed only by capable States with strong democratic institutions. In this regard, more focus should be directed to rule of law reforms; democratization reforms; disarmament, demobilization and reintegration; security sector reforms; and post-conflict reconstruction and development underpinned by early peacebuilding programmes, *inter alia*. We must stress the need for the international community to prevent armed conflict and to support actions aimed at addressing the underlying causes in an effective and sustainable manner, thereby making the renewal of hostilities less likely.

In conclusion, progress in advancing the protection of civilians will also depend on the consistency with which the Council pursues this goal. Selectivity gravely limits the credibility of the Council in advancing protection of civilian mandates. This Council cannot be seen to place the value of some civilians above that of others. Proactive actions that we have witnessed in Libya and Côte d'Ivoire have also to be applied in cases such as Somalia.