

Open Debate on the Protection of Civilians During Armed Conflict
Monday, 22nd November 2010, Security Council Chamber (GA-TSC-01)

Statement by H.E. Mr. Martin Briens, Deputy Permanent Representative of France to the United Nations

First of all, I would like to thank the Under-Secretary-General for Humanitarian Affairs for presenting the report of the Secretary-General (S/2010/579), as well as the High Commissioner for Human Rights, the Under-Secretary-General for Peacekeeping Operations and the Director General of the International Committee of the Red Cross for their briefings. We welcome their ongoing commitment to protecting civilians and the tireless efforts of their teams alongside the victims of armed conflict on the ground. France supports the statement to be made by the observer of the European Union.

Recent months have brought important developments on two points: peacekeeping operations and the fight against impunity. First, with regard to peacekeeping operations, since the adoption of resolution 1894 (2009) a year ago, the Security Council, the Secretariat and all actors concerned have mobilized to improve the process of defining, following up and monitoring the implementation of mandates involving the protection of civilians in peacekeeping operations. All the recent mandates of the Security Council contain a protection of civilians segment, which is a priority in all cases. The protection of civilians justifies measures that are adapted to the situation on the ground when necessary. We continue to develop this approach. The updated aide-memoire we adopted this morning (see S/PRST/2010/25) is a valuable instrument in that regard, and we thank the Office for the Coordination of Humanitarian Affairs for its update.

The challenges we face remain numerous. There have been serious breaches, notably in the Democratic Republic of the Congo this summer, when massive sexual violence was perpetrated while our forces were present in the zone. But the Council and the Organization assumed responsibility for the failure and immediately took measures to strengthen its early warning and prevention capacities. One of the main perpetrators was arrested by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo with the help of the Forces armées de la République démocratique du Congo.

Situations also persist where the forces mandated by the Council do not have the cooperation they need from local authorities, which undermines their action. The African Union-United Nations Hybrid Operation in Darfur (UNAMID), whose freedom of movement is too often hindered in Darfur, still does not have sufficient access to the population. It often arrives too late, when it does arrive, at the scenes of the crime, such as Jebel Marra.

I draw three lessons from these difficulties. First, the Secretariat must develop a strategic framework for every peacekeeping operation on the protection of civilians, as well as specific training modules, and identify the resources and capacities necessary to each.

Secondly, peacekeeping operations must develop closer communication with the local population in order to strengthen their ability to prevent and respond to threats posed by armed groups, which involves a linguistic component, as well as adequate logistics and communications.

Thirdly, the Council must receive regular reports on the protection of civilians and be informed as soon as possible of situations where there are human rights violations against civilians. Such reports will require the establishment of a systematic monitoring mechanism to follow progress or gaps in the protection of civilians on the ground, provide detailed information on incidents and make it possible to identify those who violate international humanitarian law and human rights, assess the effectiveness of measures taken to protect civilians, and evaluate threats. In that regard, UNAMID has set up a data collection system on sexual violence, and the United Nations Assistance Mission in Afghanistan produces thorough reports on these matters.

We must have access to such information in all of our areas of action. We welcome the intention of the Secretary-General to set up monitoring indicators to follow up the protection of civilians in countries at risk.

We have to continue developing synergies between peacekeeping operations, the teams of the High Commissioner for Human Rights and the humanitarian community. Parties to conflict must guarantee access

and full, unhindered security for the humanitarian personnel of international organizations and non-governmental organizations and for their provisions and equipment. Obstacles to the delivery of humanitarian assistance are serious violations. Groups of experts on the protection of civilians must be regularly updated in that regard.

As for the fight against impunity, France welcomes the publication of the mapping report of the Secretary-General on crimes committed in the Democratic Republic of the Congo from 1993 to 2003. We commend the resolve of the authorities of the Democratic Republic of the Congo to prosecute the perpetrators of the abuses committed at that time and of those committed today.

France welcomes the content of our presidential statement, which indicates the progress made by international justice and application of the Rome Statute, as confirmed at the Kampala Conference.

We welcome the intervention of the International Criminal Court (ICC) in Guinea, where it is contributing to efforts to prevent crime at this historic time for Guineans. The judicial activity of the Court against those who recruit child soldiers, those responsible for sexual violence and genocide campaigns could contribute decisively to protecting civilians if we are all committed to respecting the decisions of the judges in all circumstances. No one has any interest in encouraging impunity.

The Court also has a role to play in preventing attacks against peacekeeping personnel. I note in that respect the upcoming opening in The Hague of a procedure against those responsible for the deadly attack against African Union soldiers in Haskanita in 2007 as they were assuming their mandate to protect the population.

In supporting the Rome Statute of the ICC, in cooperating with Court, in carrying out its arrest warrants and in respecting its independence, we are protecting civilians today and tomorrow.