

Security Council Open Debate on the Protection of Civilians in Conflict
November 9th 2011, Security Council Chamber

Statement by H.E Mr. Gérard Araud, Representative of France

Mr. President,

I would like to thank the President of the Portuguese Republic and the Secretary-General for their participation in this debate and I would of course also like to thank all of the speakers for their presentations. I express my support for the speech that will be delivered on behalf of the EU.

Mr. President,

The protection of civilians is central to the mandates of the UN peacekeeping operations. It's within this framework that our organization must, on an almost daily basis, fulfill this mandate. It's our responsibility to provide it with the means - and help it - to deal with this challenge.

The responsibility to protect civilians lies, as we all know, primarily with the national governments. But when they fail to honor their obligations and when serious violations of international humanitarian law and human rights, war crimes, or crimes against humanity are planned or have been committed, then it's the duty of the Security Council to intervene in order to protect the civilian populations. Indeed, there is no alternative when these atrocities are committed by governments against their own population.

When civilians die, it's good to reflect on how to protect, but protecting them is much better.

Thus in Libya, the Council firstly adopted a range of sanctions. Then the Council authorized the coalition forces to protect the civilians being bombed on the order of their own Libyan leaders. By allowing the Qaddafi forces to be attacked at the entrance to Benghazi, the Security Council avoided a massacre. France is proud to have participated in this historic event; avoiding it would have meant shutting our eyes to the suffering of the Libyan people; avoiding it would have meant joining with the half-hearted supporters who deplore evil but do nothing to mitigate it.

Today it's in Syria that we must protect the civilians. No one here is talking about using force. In light of the tragic situation that the Syrian people have been experiencing since February 2011, which has already left 3,500 people dead and is marked by unacceptable brutality and cruelty, the international community has a duty to take action to end the atrocities and bring those responsible for these crimes to justice.

However, the Council has abdicated its responsibilities: some members vetoed even limited action by the Security Council. Others chose to abstain, i.e. they chose indifference. While the Syrian government continues to fire on its population, to besiege it, conduct arbitrary arrests by the thousands, carry out enforced disappearances, and torture, the Security

Council was therefore not able to fulfill its role with respect to protecting civilians. This is a serious failure on the part of the Council, whether in humanitarian or political terms.

The Syrian government must now implement the Arab League plan as well as cooperate with the commission of inquiry established by the Human Rights Council. We are waiting for the commission's report and we will have to draw all the consequences.

France will continue to work resolutely to ensure that the Council, which has now seen the cost of its inaction, will finally play its role.

Mr. President,

Yesterday, right here, we discussed the Democratic Republic of Congo. There's a host of other countries that should be mentioned where the security of the civilian populations should constitute a major concern for the Security Council. I would notably like to mention Sudan, where violence against civilians is continuing in Darfur and South Kordofan in Blue Nile state. Here too, the Security Council, which took bold measures in 2005, should take action.

I would also like to come back to the issue of combating the impunity of those responsible for the atrocities. In 2005, the Security Council referred the atrocities committed in Darfur to the International Criminal Court. This year, based on a unanimous decision, it referred the crimes committed in Libya to the International Criminal Court. Lastly, it's clear that without justice there can be no lasting peace, no rebuilding of the social fabric and no reconciliation between the communities. Pitting justice against peace means choosing the short term over the long term.

Consequently, the States must prosecute and punish those responsible for the violations of international humanitarian law and human rights; this requires impartial and independent inquiries. But in the cases where the national authorities are not able to conduct such inquiries by themselves or refuse to do so, the international community must support them or act on their behalf. Thus, in situations where serious violations of human rights or international humanitarian law are suspected, the establishment of international commissions of inquiry, as is the case in Syria today, makes it possible, through the gathering of evidence and testimonies, to pave the way for national or international legal procedures. The Security Council must not shrink from instructing such commissions to conduct investigations and it must embrace their conclusions.

Furthermore, France calls for full cooperation with the International Criminal Court, which helps to protect civilians by warning us, through its preliminary investigations, of the imminence of mass crimes, by ensuring that those responsible for serious violations of human rights and international humanitarian law are held accountable, and even by dissuading them from committing further atrocities.

In conclusion, I would like to reaffirm our support for the Special Representatives, Mrs. Wallström and Mrs. Coomaraswamy, for their commitment and the quality of their work. In this respect, the Security Council must be able to systematically consider the inclusion of sexual violence among the grounds for sanctions. Regarding children, experience shows us

that increasing pressure delivers results. I reaffirm that the Security Council must work on this issue over the next few months. We should no longer shrink from our responsibilities or from considering strong and targeted sanctions against those responsible for abuses committed against children.

Mr. President,

My country has suffered too much from war to readily agree to engage in military action. But there are exceptional moments in history when, in accordance with international law, the choice is clear between, on the one hand, comforting words and a clear conscience and, on the other hand, the difficult decision to assume one's responsibilities. That's what France did in Libya. It did so solemnly and with determination. The Libyan people's joy is now its reward and its justification.

Thank you.