

**Security Council Open Debate on Protection of civilians in armed conflict, February 12<sup>th</sup> 2013, Security Council Chamber**

*Statement by Mr. Menan, Permanent Mission of Togo to the United Nations.*

I shall begin by thanking your country, Sir, for including the issue of the protection of civilians in armed conflict on the Council's programme of work for this month. We welcome the presence of the Minister for Foreign Affairs of the Republic of Korea to guide our deliberations.

I also thank the Secretary-General for his briefing on the topic under consideration, as well as Ms. Pillay, High Commissioner for Human Rights, and Mr. Spoerri of the International Committee of the Red Cross for their statements.

One of the international community's principal concerns is ensuring the protection of civilians when a crisis or armed conflict arises to threaten them. Despite the existence of a body law on this subject, including the case law of the international criminal tribunals on the effective protection of civilians in armed conflict, civilians continue to suffer the most serious violations of their rights. Even the early warning systems set up within peacekeeping operations sometimes reveal their shortcomings in effectively protecting civilians. Indeed, civilians suffer violence of all types, including sexual and gender-based violence; cruel, inhuman and degrading treatment; enforced disappearances and obstacles to access to humanitarian assistance.

The conflicts raging in various regions of the world today have caused extensive loss of human life, injury and mass movements of refugees and internally displaced persons. It has also been established that the ratio of civilian to military victims has risen, as evidenced in the conflict in Syria, where over 60,000 people have died, as Ms. Pillay noted early. Moreover, armed conflicts in the Democratic Republic of the Congo, the Sudan, South Sudan and Mali, as well as the recent crisis between Gaza and Israel, have also claimed their share of civilian victims. Furthermore, armed conflicts are also rife with trafficking in humans and their organs. In all cases, unfortunately, it is children, women, the disabled, the elderly and humanitarian, health and media personnel who pay the heaviest toll of such violence. It is all the more shocking that the perpetrators of such acts may paradoxically be the peacekeeping personnel who are supposed to protect civilians.

There are a number of explanations not only for such ongoing serious violations of international humanitarian law and human rights in armed conflict, but also for the exponential rise in the number of civilian victims. First among these is the flouting by the parties to conflict of their obligations under relevant international legal instruments in human rights and international humanitarian law in armed conflict, in particular the 1949 Geneva Conventions and their 1977 Additional Protocols, together with the customs and laws of war.

Moreover, certain non-State actors do not feel bound by international legal instruments and customary law, or are totally ignorant of their existence. We also note the difficulties of media coverage, which — given the fact that the media are kept far from the theatres of conflict — prevent them from informing international public opinion of realities on the ground. As a result, the media is hard-put to raise awareness among civilians of the precautions they should take and to ensure that they do not engage in activities that might cause them to lose their status as civilians and thereby forego the protection to which they are entitled. Furthermore, the institution of the Protecting Powers under the Fourth Geneva Convention, one of whose roles is to ensure respect for humanitarian law and the protection of civilians, may prove ineffective.

We welcome the efforts of certain international organizations, such as the International Committee of the Red Cross, to fill that gap so to protect civilians despite their very limited resources. The

Security Council itself, given the differences among its members, particularly the permanent members, may have trouble reaching agreement when a crisis, such as that in Syria, erupts.

The deterrence of impunity through international criminal law is also being hindered from becoming operational for several reasons. On the one hand, international commissions of inquiry do not always have the means to establish the facts objectively. Moreover, cooperation between States and international tribunals in the execution of arrest warrants and other decisions tends to be ineffectual.

In the light of the gap between the measures taken and their effective protection of civilians in armed conflict, Togo should like to suggest certain changes.

First, the States concerned should be parties to the relevant international legal instruments, incorporate them into their national legislation, and ensure their observance. It is also necessary to maximize the role of transitional justice, which hinges on a broad range of judicial and parajudicial measures, including reparations for victims, in accordance with the principle of full satisfaction, in order to ensure the restoration of peace, security and reconciliation.

Secondly, we must design training modules that can be made available to missions and training centres in troop-contributing countries so as to ensure that troops are better informed with respect to the protection of civilians and to prevent potential violence against them. Resolution 2085 (2012) of 20 December 2012, regarding the deployment of the African-led International Support Mission in Mali, is a model in that it establishes the precedent of verification of prior training before any intervention and calls for the presence of observers on the ground to ensure the effective respect of international humanitarian and international human rights law with respect to the protection of civilians in armed conflict.

Furthermore, we must urgently provide all peacekeeping operations with early warning mechanisms and the resources and means to monitor and prevent incidents and intervene in real time when incidents occur.

Similarly, it is urgent that we establish sound vertical and horizontal cooperation among the various national, international and regional stakeholders. In that regard, we could consider including in the training for peacekeeping operations some of the African Union's guidelines on the protection of civilians.

Lastly, with regard to the Security Council in particular, the stakes continue to be two-sided. On the one hand, there is a need for this organ to adopt clear and precise mandates that include the protection of civilians. On the other hand, when it comes to combating impunity, the Council should implement the conclusions of the debate that took place on 17 October 2012 (see S/PV.6849), with regard to coherence as to the referrals sent to the International Criminal Court, the financing for those cases, and follow-up to the decisions handed down.

I would like to conclude my statement by underscoring the fact that Togo continues to believe that the surest way to ensure the protection of civilians is to prevent the outbreak of conflicts and crises. That requires promoting preventive diplomacy as much as possible, which has the advantage of sparing civilians from the effects of armed conflict.