

**11 November 2009 - Security Council: Protection of civilians in armed conflict -
Statement by Gérard Araud, Permanent Representative of France to the United
Nations
(statement made in French)**

I would like to thank Austria for the opportunity it has given us to address once more in this open debate format the matter of the protection of civilians in armed conflict. France supports the statement to be made by the representative of Sweden, who will speak on behalf of the European Union.

As we are celebrating the sixtieth anniversary of the Geneva Conventions and the tenth anniversary of the first resolution on the protection of civilians (resolution 1265 (1999)), I wish to reaffirm France's commitment in this field. The respect for international humanitarian law is non-negotiable. All parties to an armed conflict — States and non-State groups alike — must respect this law. Human rights must be ensured, whether we are talking about the Sudan, Gaza, Sri Lanka or even, more recently, in Guinea. The growing likelihood of conflicts occurring in densely populated areas and against adversaries who are not wearing uniforms raises additional issues with regard to the implementation of the Geneva Conventions. That is a matter that merits the attention of the international community.

I should like to confine my statement to two issues, namely, first, peacekeeping operations and, secondly, combating impunity. Ensuring the protection of civilians, which is part of peacekeeping operations, is not limited to carrying out military tasks to protect against immediate threats of physical violence. It also encompasses greater and more complex responsibilities and tasks. It entails the development of integrated operational directives as part of comprehensive strategic planning.

We must also define peacekeeping operations in concrete terms. France has contributed financially to a Secretariat study on that issue. The recommendations to emerge from that study should make it possible for the chain of actors involved in the protection of civilians — from the Security Council, at the time when mandates are set out, to stakeholders on the ground, at the time that instructions are conveyed to contingents — to have a common and unambiguous understanding of their obligations. In addition, the Security Council must ask for what is possible; but it must subsequently be certain of what has been done.

With regard to that last point, allow me to dwell a little on the Democratic Republic of the Congo — a major tragedy of our time that has cost the lives of hundreds of thousands, and perhaps even millions, of civilians. The United Nations operation in the Democratic Republic of the Congo is an illustration of all the challenges that we must face. Of course, we have made an attempt to respond by further defining the mission's mandate through resolution 1856 (2008). It is also true that we have enacted innovative initiatives on the ground, including joint protection teams and the establishment of an early warning system. However, as non-governmental organizations are repeatedly telling us today, we should ask ourselves about the reality on the ground.

Massacres and attacks against civilians are continuing at an alarming rate. Therefore, when it falls on us to renew the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo at the end of this year, the Security Council should demonstrate its determination to implement the resolution that we have just adopted on the protection of civilians (resolution 1894 (2009)). France will be especially vigilant in that regard.

That is what I wanted to say about peacekeeping operations. Let me now turn to combating impunity. In that connection, States must prosecute and punish those responsible for violations of human rights and international humanitarian law. That requires carrying out impartial and independent investigations. Should there be a failure to do so, international criminal justice systems must try the most serious crimes. France calls upon all States to accede to the Rome Statute and to cooperate with the International Criminal Court. Without real punishment there can be no prevention or discouragement of such crimes. It is for that reason that the Security Council must study the possibility of including sanctions for violations of international humanitarian law when it establishes or renews the mandates of sanctions committees, including the prevention of access to humanitarian assistance.

Lastly, I should like to take the opportunity provided by this meeting of the Security Council to commend the General Assembly's recent reaffirmation of the concept of the responsibility to protect. The Security Council has a special responsibility under that concept. It is not just a matter of intervening in serious crises to put an end to the most heinous crimes; it is also a matter of acting beforehand to prevent such crimes and of strengthening warning systems for situations where there is the potential for such crimes. In its action in the Council, France is always mindful of that responsibility. We will spare no effort to operationalize that concept.