

**France -- Statement at the Seventh Debate on the Protection of Civilians in Armed Conflict**

**Statement by Jean-Maurice Ripert, Permanent Representative of France to the United Nations**

**Security Council**

**26 June 2009**

I wish at the outset, Mr. President, to thank you for this opportunity to address once again the question of the protection of civilians in armed conflict. We welcome the Secretariat's ongoing commitment to this matter, and in that regard I thank Mr. John Holmes for introducing the report of the Secretary-General (S/2009/277) and, in particular, for the tireless work of the Office for the Coordination of Humanitarian Affairs (OCHA), in particular its work on the ground to help the victims of disasters and catastrophes.

France endorses the statement to be made by the representative of the Czech Republic on behalf of the European Union.

We have just marked the 150th anniversary of the Red Cross and will soon be commemorating the sixtieth anniversary of the Geneva Conventions. Yet despite the commitment of the international community and the mobilization of the Security Council, violations of international humanitarian law are increasing in number and in gravity.

For France, respect for international humanitarian law is not negotiable. As President Sarkozy recalled on 4 May, on the ninetieth anniversary of the International Federation of Red Cross and Red Crescent Societies, all parties to armed conflict, States and armed groups alike, must respect such law. That obligation is not subordinate to the imperatives of combating terrorism; nor is it conditional on respect for such law by other parties. We reaffirmed that principle at the time of the offensive of the Sri Lankan army against the Liberation Tigers of Tamil Eelam, as we do with respect to the fight against terrorist and extremist movements in Afghanistan, Pakistan and the Philippines. The Council could and should intervene more strongly to translate that principle into reality.

By calling for the 29 January debate on respect for international humanitarian law, France wished to initiate a process. We are pleased today that the Secretary-General has decided to consult with members of the Security Council with a view to making recommendations for action at our next open debate on the subject.

Protection mandates for peacekeeping operations clearly are among the means for action at the Council's disposal. In the most recent review of the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), protection of civilians was given top priority for the Mission. Since then, the Mission has made efforts to carry out that task more effectively, by seeking greater mobility and scope for reaction by its troops, deploying joint military-civilian protection units and establishing pilot rapid response projects. It has set up a high-level human rights protection team. If such measures prove satisfactory, they could be extended to other United Nations missions.

In Southern Sudan, we call on the United Nations Mission in the Sudan (UNMIS) to continue and expand its efforts to prevent ethnic confrontation and, when it arises, to minimize its consequences. I join our Japanese colleague in recalling that the responsibility to protect civilians lies first and foremost with Government authorities. A peacekeeping operation can act when it those authorities fail to do so or it can support their action, but that by no means diminishes the primary responsibility of the States that host such operations.

We welcome progress in the joint study commissioned by OCHA and the Department of Peacekeeping Operations on the protection of civilians in peacekeeping operations. We participated in financing it. We hope that the outcome will be presented to the Security Council and that it will be followed up in the more general context of our deliberations on peacekeeping missions.

Protection of civilians is a crucial element of the initiative we have launched jointly with the United Kingdom. Preliminary work is under way in the Working Group on Peacekeeping Operations under the chairmanship of Ambassador Takasu of Japan, to help us better understand the difficulties in implementing complex mandates. An initial progress report on the French-United Kingdom initiative should be issued in August.

Never have so many humanitarian personnel been deployed on the ground, yet never have there been so many constraints on their activities. States have the responsibility to ensure safe and unimpeded access for humanitarian personnel, international organizations and non-governmental organizations and for their supplies and equipment. We welcome the inclusion in the report of the Secretary-General of an annex on constraints on humanitarian access. We hope that in future reports that general annex will be supplemented with information on country-specific situations. We reiterate our request that such reports deal specifically and in a detailed manner with the question of protection of civilians.

We welcome the meeting of the Expert Group on the Protection of Civilians in Côte d'Ivoire, Afghanistan and the Sudan. There will soon be a discussion on the adequacy of the mandate of the African Union-United Nations Hybrid Operation in Darfur for the protection needs in Darfur. In order to make effective use of the aide-memoire (S/PRST/2009/1, annex) on the protection of civilians that we adopted in January, the Expert Group must monitor the growing needs of civilians on the ground on a more regular basis during the mandate. Its discussions must also be held sufficiently in advance of the negotiations drawing up the mandates, so that the conclusions can be integrated into them.

Lastly, women and children deserve special attention. The Security Council Expert Group on the Protection of Civilians could broach the issue of follow-up of Security Council resolutions 1325 (2000) and 1820 (2008) in order to ensure better implementation on the ground.

Effective protection of civilians clearly entails a resolute fight against the culture of impunity. The allegations of violations of the international humanitarian law must be the subject of an impartial and independent inquiry. Those investigations should involve all parties. The Gaza conflict showed that. In that region of the world, as elsewhere, all civilians, whether Palestinian, Israeli or other, must be protected.

States must try and punish those who violate international humanitarian law and human rights law. In the Republic of the Congo, for example, that means in-depth reform of the security, legal and prison systems. Failing that, international criminal law must be able to try the most serious crimes, and the Democratic Republic of the Congo's cooperation in that regard is exemplary.

France calls on all States to adhere to the Rome Statute and to cooperate with the International Criminal Court. Arms and submunitions do unacceptable damage to civilian populations. A draft law is being considered by the French Parliament to authorize the ratification of the convention adopted in Oslo. France is also at the forefront of the movement to attain a robust and binding arms trade treaty that will take full account of the requirements of international humanitarian law.

To conclude, I would like to underscore that, while the General Assembly prepares to debate the responsibility to protect, it is urgent to make that concept operational. It is an ambitious concept, and it is not solely a matter of the Security Council intervening in mid-crisis to stop the most atrocious crimes, which we are all, of course, determined to do. Above all, we must act in advance to avert those crimes and to strengthen the early-warning and monitoring systems in

the risk areas. France will not spare its efforts to achieve a consensus on that point in the next few months.

Source: <http://www.franceonu.org/spip.php?article4033>