

Gabon - Statement to the Security Council, Open Debate on the Protection of Civilians in Armed Conflict
9 November 2011

Mr. Messone (Gabon) (spoke in French): First of all, we welcome the fact that His Excellency Mr. Aníbal António Cavaco Silva, President of the Portuguese Republic, was able to preside over the earlier portion of this meeting. His presence at today's debate testifies to the importance that Portugal attaches to the issue of the protection of civilians in armed conflict, and we are grateful for that. I would also like to thank Secretary-General Ban Ki-moon for his leadership on this subject and for his important statement. I also thank High Commissioner Pillay, Assistant Secretary-General Bragg and Mr. Philip Spoerri for their statements.

As the Secretary-General has reiterated in his reports on the subject, the protection of civilians against human rights violations is one of the five fundamental pillars of the protection of civilians in armed conflict, whereby we strive to improve the situation on the ground and to enforce international law. The multidimensional task of protecting civilians encompasses all of the Security Council's areas of jurisdiction.

Gabon is party to the various treaties and conventions on human rights law and humanitarian law, and today I will reiterate my country's position on the issue. We believe that responsibility for the protection of civilians, both in peacetime and in armed conflict, falls primarily to States themselves. Every State must scrupulously train security personnel and members of its judiciary institutions with regard to that responsibility.

In times of armed conflict, all parties, including non-State armed groups, have the obligation to protect civilian populations. In our view, every indiscriminate attack against civilians in the course of a conflict constitutes a violation of human rights and international humanitarian law. When all parties to an armed conflict neglect to protect civilians, then it falls to the Security Council and the international community to fill the gap in a systematic way through relevant dialogue and consultations.

We can be proud of the important normative framework that the Council and the international community have developed over the past decade around the responsibility of States in protecting civilians, especially through resolutions 1674 (2006), 1888 (2009), 1894 (2009), 1906 (2009), 1970 (2011) and 1973 (2011). However it must be said that, despite those efforts on the part of the Security Council and the international community, civilian populations continue to suffer attacks in armed conflict. Given that reality, what is at stake for the Council is to use all means to make our normative framework more effective at preventing violence and to bring to justice those who violate human rights.

In that context, we must also give equal focus both to essential political action on the underlying causes of conflict and to promoting and enforcing the rule of law. We must just as diligently pursue efforts to put an end to impunity for those guilty of war crimes, crimes against humanity and the crime of genocide against civilian populations. Doing everything possible to ensure that the perpetrators of such crimes are arrested and tried has more than a deterrent function. It is also a matter of enacting justice for the victims.

The international community has at its disposal various mechanisms by which to conduct independent, reliable fact-finding investigations. The Council's experience in Darfur, Guinea and Côte d'Ivoire has been a rich learning experience and suggests new means to fight impunity. In that context, States stand to gain from taking greater advantage of the expertise of the International Humanitarian Fact-Finding Commission. We must also note the important work of international criminal tribunals, mixed tribunals and traditional justice mechanisms, the admirable work of the Human Rights Council and the Office of the High Commissioner for Human Rights in facilitating fact-finding in various crises, the significant contributions of peacekeeping missions in gathering information on grave violations, especially those against women and children. I also underline the referrals on the part of States to the International Criminal Court to investigate and prosecute the perpetrators of the most serious crimes and the Security Council's referral of cases to the Court, under article 16 of the Rome Statute.

Still, for our work to achieve lasting results, it is essential for States themselves take on the responsibility of addressing human rights violations. On that subject, I commend the solutions developed locally by some States to foment both accountability and reconciliation. Supporting such efforts to strengthen national systems must therefore become a fundamental element of the international cooperation essential in this matter.

That common effort will benefit from greater cooperation among the United Nations, regional organizations such as the African Union and humanitarian organizations such as the International Committee of the Red Cross. That will surely lead to greater effectiveness on the ground.