

Statement of South Africa: Ninth Open Debate on the Protection of Civilians in
Armed Conflict: 7 July 2010

Mr. Mashabane (South Africa):

We thank you, Madam President, for convening this open debate on the protection of civilians in armed conflict. I also take this opportunity to congratulate you and the delegation of Nigeria on your assumption of the presidency of the Security Council for the month of July. We further welcome the presence and participation of the Secretary-General earlier in today's debate, and we thank the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. John Holmes, as well as the High Commissioner for Human Rights, Ms. Pillay, for their briefings to the Council. Since the adoption of resolution 1265 (1999) 10 years ago and of the Geneva Conventions 60 years ago, the Security Council has on many occasions addressed the important issue before us today. In this context, we commend the Council for its commitment to the protection of civilians, especially its adoption of resolution 1894 (2009).

South Africa attaches high importance to the protection of civilians in armed conflict. As a country, we have acceded to the Geneva Conventions of 1949 and the two Additional Protocols of 1977. These instruments are critical to the issue before us today, as they seek to protect various victims of armed conflict, particularly civilians not involved in hostilities. My delegation recognizes that the protection of civilians is, by its very nature, the primary responsibility of individual Member States. However, the issue of the protection of civilians in armed conflict has become more complex as various conflicts of different natures have broken out.

The issue of the protection of civilians should therefore be approached in a holistic manner. In this context, measures to protect civilians in armed conflict can be viable only if the critical needs of civilians, including their socio-economic needs, are adequately addressed. Crucially, addressing the specific protection needs of women and children must remain a priority matter for the international community, in particular the United Nations system. My delegation therefore reiterates our support for the implementation of resolution 1325 (2000) on women and peace and security and resolution 1612 (2005) on children and armed conflict, as well as other relevant resolutions.

South Africa is of the view that the appointment of the Special Representative of the Secretary-General on Sexual Violence in Conflict, in February this year, was a positive development that reaffirmed the readiness of the United Nations to take action in addressing the plight of women and children when sexual violence has been a major problem or any grave violation has been committed.

In recent years, United Nations peacekeeping operations have played an important part in the protection of civilians. In addition, modern-day peacekeeping missions

are by and large deployed to address intra-State conflicts, and an increasing number of United Nations peacekeeping operations have a protection mandate. In that regard, in deploying peacekeepers, the United Nations must ensure that all parties to a conflict commit to and fulfil their obligations with regard to non-combatants, as provided in the Geneva Conventions. In my delegation's view, that requires the Security Council and peacekeeping missions to operate with great sensitivity to assure the host country that they are there to work with the parties and not to replace the State's authority. It therefore requires a coordinated response by and greater consultation among the Security Council, troop contributing countries and the Secretariat to ensure that peacekeeping mandates are well defined and peacekeeping missions well equipped and adequately resourced.

For us, the African Union Convention for the Protection and Assistance of Internally Displaced Persons represents a major milestone for the continent when it comes to the matter under consideration. The deliberate targeting of civilians and the indiscriminate and excessive use of force, including suicide attacks, have become widespread in certain places, creating an atmosphere of fear aimed at further destabilizing and displacing civilian populations. In other conflict situations, militarily superior parties, including multinational forces, often respond with methods and means of warfare that violate the principles of distinction and proportionality. In such cases it is again civilians who bear the brunt.

We therefore unequivocally condemn both deliberate attacks on civilians and the loss of life as a result of the indiscriminate or disproportionate use of force, which is a gross violation of international humanitarian law. As a signatory of the Geneva Conventions of 1949 and its two Additional Protocols of 1977, South Africa wishes to underline the importance of adhering to the principles contained therein and calls for the full implementation of the commitments made by States parties to those basic tenets of international law. We support the good work done by the International Committee of the Red Cross and other humanitarian agencies in relation to the promotion and implementation of international humanitarian law.

The Security Council should also continue to call on all parties to a conflict, including multinational forces authorized by the Council, to uphold their international humanitarian law and human rights obligations and to report on steps taken to ensure the protection of civilians during hostilities. The issue of humanitarian access will require further attention so as to find ways to ensure that those in need of life-saving assistance receive it and that those who provide it do so in a secure environment in which attacks on humanitarian workers are not tolerated.

In the case of the occupied Palestinian territories, my delegation strongly urges that the blockade be lifted in order to provide the necessary humanitarian assistance to the people of Gaza, in accordance with the principles of neutrality, impartiality and independence.

The protection of civilians in armed conflict must remain a priority of the United

Nations system. My delegation is therefore of the view that finding a common solution to the protection of civilians will require the cooperation of each and every Member State. We also believe that the protection of civilians would be better addressed in partnership with regional mechanisms and that strengthening dialogue and cooperation between the Security Council and regional organizations would contribute to tackling common security challenges and ensuring speedy action on the ground.

In conclusion, my delegation firmly believes that the protection of civilians would be better ensured by addressing the root causes of conflict and by preventing the outbreak of conflicts in the first instance.

Source: S/PV.6354