

Security Council Open Debate on Rule of Law
Tuesday, 29th June 2010, Security Council Chamber (GA-TSC-01)

Statement by Ambassador Araud, Permanent Representative of France to the United Nations

I wish to thank the Secretary-General and the High Commissioner for Human Rights for their briefings. I associate myself with the statement to be made by the representative of the European Union.

Of course I want to pay tribute to Sir John Holmes, whose last statement to the Council in his capacity as Under-Secretary General for Humanitarian Affairs we have heard today. Thanks to his work, the Council today better understands the situation on the ground. I will devote my statement to two points — peacekeeping operations and the respect for international humanitarian law.

First, with regard to peacekeeping operations, it behooves us to continue our efforts to strengthen the strategic control of these operations. We would like the informal group of experts, with the Security Council Working Group on Peacekeeping Operations, to provide a follow-up on the protection of civilians. The success of the United Nations will be measured by the significant contribution that our actions bring to the protection of civilians. Our credibility is at stake here.

That having been said, the responsibility for the protection of civilians primarily falls to national authorities. A peacekeeping operation can make up for a State's weaknesses or temporarily support its actions, but that does not in any way diminish the responsibility of host States, first of all with regard to the protection of individuals and their rights.

The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and United Nations Mission in the Central African Republic and Chad (MINURCAT) illustrate the challenges confronting us. In the Democratic Republic of the Congo, the protection of civilians remains the priority of the Blue Helmets' mandate. The situation remains volatile, especially in the eastern part of the country. It is out of the question to consider having MONUSCO leave as long as the Congolese security forces are not in a position to take over in good conditions. The training of the army and police should lead to redeployment of the forces of order in liberated areas without any security vacuum, and to the lasting restoration of the authority of the Congolese State, including in the judicial field, throughout the territory.

In Chad, we are wedded to the preserving the continuity of the protection of civilians. That is why we have ensured that the transfer of the protection mission of MINURCAT to the Chadian authorities will be as gradual and coordinated as possible.

Beyond MINURCAT and MONUSCO, civilians remain a concern of the Council. In Darfur, attacks against civilians do not come about by chance; they are organized and have been deemed crimes against humanity by the International Criminal Court. In the climate of impunity that prevails in Darfur, the African Union-United Nations Hybrid Operation in Darfur faces repeated attacks, which prevent it from protecting civilians in a satisfactory way. The Security Council will have to look at ways to respond to the situation. Peacekeeping operations are critical, but so also, as I have said, is respect for international humanitarian law.

All the parties to a conflict, States as well as armed non-State groups, must respect international humanitarian law. They must spare civilians in the conduct of hostilities and grant special attention to **women** and children. Our primary responsibility is to ensure that they do not shirk that obligation.

Indiscriminate attacks against civilians and attacks against humanitarian actors have become increasingly commonplace. Humanitarian space is no longer a sanctuary. The obstacles to access to humanitarian aid in Sudan, for example, are of a criminal nature. The blockade of the Gaza Strip must be lifted. The recent decision of the Israeli Government constitutes a first step, but nothing more than a first step, on the path which must lead to the lifting of the embargo.

We would like to see the Security Council better and more regularly informed on the scale of restrictions to humanitarian access, on a country-by-country basis. The informal group of experts on the protection of civilians must address those issues as well as the other threats facing civilians in situations we are tracking. For our part we are determined to act against those who deliberately seek to deprive civilians of humanitarian assistance, including by adopting sanctions, as the relevant sanctions committee has already done in the case of Somalia.

Violations of international humanitarian law must not remain unpunished, which means that impartial and independent investigations are required. In principle, they should be conducted by national authorities and lead to trials of those responsible. In cases where the authorities are incapable of conducting such investigations alone, or do not wish to, the United Nations must act, as a support or in their place.

In that regard, we welcome the cooperation of the Guinean authorities with the International Commission of Inquiry set up by the Secretary-General following the massacre of 28 September 2009, as well as with the International Criminal Court in the context of its preliminary inquiry. We welcome the appointment of the members of the panel of experts established on 22 June to advise the Secretary-General regarding responsibilities relative to allegations of violations of human rights and international humanitarian law during the final stages of the conflict in Sri Lanka. We urge the Government of Sri Lanka to cooperate with them and thus to fulfil the commitment it has undertaken to fight against impunity. There will be no lasting peace without justice. France has also called for the establishment of a board of inquiry on the events in Kyrgyzstan.

Beyond the crises which may draw the attention of international public opinion, States must resolutely commit themselves to the fight against impunity. We call upon all States, especially the Sudan, to ratify the Statue of Rome and to cooperate with the International Criminal Court in conformity with Council resolution 1593 (2005).